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<th>Meeting Time</th>
<th>Committee</th>
<th>Members</th>
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<tr>
<td>9:00 a.m.</td>
<td>Operations and Finance Committee</td>
<td>Commissioner Bechtel - Chairman</td>
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<td>Commissioner Lucas – Vice Chairman</td>
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<td>Committee of the Whole</td>
<td>All Commissioners</td>
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<td>Economic &amp; Community Development Committee</td>
<td>Commissioner Schlesinger - Chairman</td>
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<td>Commissioner Tillman – Vice Chairman</td>
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<td>Public Safety Committee</td>
<td>Commissioner Shepherd – Chairman</td>
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<td>Commissioner Watkins – Vice Chairman</td>
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<td>Commissioner Schlesinger</td>
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<td>Facilities and Engineering Committee</td>
<td>Commissioner Tillman – Chairman</td>
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<td>Commissioner Jones – Vice Chairman</td>
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<td>Commissioner Bechtel</td>
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<td>Commissioner Shepherd</td>
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Note: Depending on the amount of time required for each meeting, the times are tentative. Meetings may start sooner or later than time indicated above.
Tuesday, February 10, 2015
OPERATIONS AND FINANCE COMMITTEE

Commissioner Gary Bechtel - Chairman
Commissioner Elaine Lucas - Vice Chairman
Commissioner Virgil Watkins
Commissioner Scotty Shepherd
Commissioner Larry Schlesinger
Staff Contact: Charles Coney

1. APPROVAL OF MINUTES

Subject  A. Approval of Minutes From the January 27, 2015 Meeting
Meeting  Feb 10, 2015 - OPERATIONS AND FINANCE COMMITTEE
Category  1. APPROVAL OF MINUTES
Access    Public
Type      Minutes

File Attachments
1-27-2015 - 1.pdf (17 KB)

2. REVISION OF EMPLOYMENT APPLICATION

Subject  A. A Resolution To Support "Banning The Box" On Macon-Bibb County Employment Applications By Requiring The Removal Of Inquiries About Criminal History, Charges, And Convictions From The Initial Job Applications Submitted By County Applicants
Meeting  Feb 10, 2015 - OPERATIONS AND FINANCE COMMITTEE
Category  2. REVISION OF EMPLOYMENT APPLICATION
Access    Public
Type      Action

File Attachments
2-10-2015 - Res Application Removal of Criminal History (2).pdf (846 KB)

3. AGREEMENTS TO BE EXECUTED

Subject  A. A Resolution to Authorize The Mayor To Execute a Professional Services Agreement Between Macon-Bibb County and Triple Point Engineering, Inc For Twelve Thousand Dollars And No/100 For Engineering And Architectural Services At East Macon Recreational Park In Macon-Bibb County
<table>
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<th>Subject</th>
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<tbody>
<tr>
<td>B. A Resolution To Authorize The Mayor To Execute A Professional Services Agreement Between Macon-Bibb County And Sizemore Group, LLC For Eighteen Thousand Nine Hundred Dollars and No/100 for Engineering And Architectural Services At The Bloomfield Senior Center</td>
<td>Feb 10, 2015 - OPERATIONS AND FINANCE COMMITTEE</td>
<td>3. AGREEMENTS TO BE EXECUTED</td>
<td>Public</td>
<td>Action</td>
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<tr>
<td>C. A Resolution Of The Macon-Bibb County Commission To Authorize The Mayor To Execute A Professional Services Agreement Between Macon-Bibb County And BTBB, Inc For Eighty One Thousand Five Hundred Dollars And No/100 ($81,500.00) For Engineering And Architectural Services At The Donnan Road Fire Station In Macon-Bibb County To Be Paid From SPLOST Funds; And For Other Purposes.</td>
<td>Feb 10, 2015 - OPERATIONS AND FINANCE COMMITTEE</td>
<td>3. AGREEMENTS TO BE EXECUTED</td>
<td>Public</td>
<td>Action</td>
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<td><strong>4. HRA PLAN BENEFIT</strong></td>
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<tbody>
<tr>
<td>A. A Resolution Amending The $388 Health Reimbursement Arrangement (HRA) Plan Benefit To Provide That Former Employees Of Bibb County, Georgia Hired Prior To May 1, 2011 Who Become Eligible Retirees Of Macon-Bibb County After December 31, 2015 Shall Be Treated The Same As All Other Macon-Bibb County Employees And Receive No HRA Plan Benefits Upon Becoming Medicare Eligible Retirees</td>
<td>Feb 10, 2015 - OPERATIONS AND FINANCE COMMITTEE</td>
<td>4. HRA PLAN BENEFIT</td>
<td>Public</td>
<td>Action</td>
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</tbody>
</table>
5. REDUCTION OF TOTAL BUDGET REDUCTION REQUIREMENT

Subject: A. A Home Rule Ordinance to Amend Section 23 Of The Charter Of Macon-Bibb County To Reduce The Total Budget Reduction Required By Fiscal Year 2019 From A Total Of Twenty Percent (20%) To A Total of Ten Percent (10%) Of The Baseline Fiscal Year For Said Cuts From Fiscal Year 2015 to Fiscal Year 2014; To Set The Maximum Allowable Budget For Fiscal Year 2016, Fiscal Year 2017 and Fiscal Year 2018

Meeting: Feb 10, 2015 - OPERATIONS AND FINANCE COMMITTEE

Category: 5. REDUCTION OF TOTAL BUDGET REDUCTION REQUIREMENT

Access: Public

Type: Action

File Attachments
2-10-2015 - Home Rule Ord Reduce Total Budget.pdf (557 KB)

6. GRANT REQUESTS AND AWARDS

Subject: A. A Resolution Authorizing The Acceptance Of The Triple Triangle Master Plan Paving Of The Basketball Court In Daisy Park Grant In The Amount of $14,835.39 Awarded From The Community Foundation of Central Georgia To The Macon-Bibb County Parks and Recreation Department

Meeting: Feb 10, 2015 - OPERATIONS AND FINANCE COMMITTEE

Category: 6. GRANT REQUESTS AND AWARDS

Access: Public

Type: Action

File Attachments
2-10-2015 - Res Parks and Rec Basketball Court Paving.pdf (106 KB)

Subject: B. A Resolution Authorizing The Acceptance Of The Wal-Mart Grant In The Amount of $1,000 Awarded To The Sheriff’s Office

Meeting: Feb 10, 2015 - OPERATIONS AND FINANCE COMMITTEE

Category: 6. GRANT REQUESTS AND AWARDS

Access: Public

Type: Action

File Attachments
2-10-2015 - Wal-Mart Back to School Supplies.pdf (39 KB)

7. SUPPLEMENTAL BUDGET REQUESTS

8. TRANSFER OF FUNDS
### 9. COMMITTEE MEMBERS

<table>
<thead>
<tr>
<th>Subject</th>
<th>A. Election of Chairman and Vice Chairman of the Operations and Finance Committee</th>
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<tr>
<td>Meeting</td>
<td>Feb 10, 2015 - OPERATIONS AND FINANCE COMMITTEE</td>
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<tr>
<td>Category</td>
<td>9. COMMITTEE MEMBERS</td>
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OPERATIONS AND FINANCE COMMITTEE

MINUTES

January 27, 2015

The Operations and Finance Committee was called to order at 9:00 a.m. by Committee Chairman Gary Bechtel.

COMMITTEE MEMBERS PRESENT: Commissioner Gary Bechtel – Chairman
Commissioner Elaine Lucas – Vice Chairman
Commissioner Virgil Watkins
Commissioner Scotty Shepherd
Commissioner Larry Schlesinger

OTHERS PRESENT: Mayor Robert A. B. Reichert
Commissioner Mallory Jones
Mayor Pro Tem Bert Bivins
Commissioner Ed DeFore
Dale Walker, County Manager
Judd Drake, County Attorney

COMMISSIONERS ABSENT: Commissioner Al Tillman

VISITORS/GUESTS: Brittney Childs, Industrial Authority
Adah Roberts
David Lucas, Stern Agee
Ms. Rose Getty
Danny Angelo

Steve Layson, Assistant County Manager
Nyesha Daley, Director of Procurement
Janice Ross, Training and Events Coordinator
Jean Howard, Asst. Clerk of the Commission
Chris Floore, Assistant to the County Manager
Julie Moore, Assistant to the County Manager
Sherita Jones, Budget and Strategic Planning
Christie Iuliu, Director of Finance
David Cooke, District Attorney
Wade McCord, Tax Commissioners’ Office
Tom Cherry, Tax Commissioners’ Office
Andrea Crutchfield, Tax Assessor’s Office
Amanda Reagan, Budget and Strategic Planning Office
Karen McDuffie, Budget and Strategic Planning Office
Henderson Carswell, Sheriff’s Office
David Montford, Sheriff’s Office
Nigel Floyd, Traffic and Engineering
Nyesha Daley, Director of Procurement

1. Approval of minutes from the January 13, 2015 meeting

ACTION

On motion of Commissioner Schlesinger, seconded by Commissioner Shepherd and carried unanimously with Commissioners Lucas, Bechtel and Watkins voting in the affirmative, the minutes of January 13, 2014 were approved as written.

January 27, 2015
2. Financial Updates

A. Davenport & Company To Discuss the Proposed Plan of Finance- Refinancing / Restructuring

*No Action, Information Only*

B. Update On List of Fees

*No Action, Information Only*

C. Capital Improvement Program Update

*No Action, Information Only*

D. Department of Justice, Diagnostic Center

*No Action, Information Only*

3. Witness Advocate For District Attorney

David Cooke distributed a job description for the Witness Advocate for the Juvenile Justice Center. Commissioner Lucas stated that she would like the approval of this position to come once the mid-year review had been received. She inquired if the $13,500 could be taken from the recently created confiscated funds account. Mr. Cooke was in agreement for the funds to be taken from that account until July 1, 2015 when the new fiscal year started.

**ACTION**

*On motion of Commissioner Lucas, seconded by Commissioner Shepherd and carried unanimously with Commissioners Schlesinger Bechtel and Watkins voting in the affirmative, the position of Witness Advocate for the Juvenile Justice cases will be paid out of the recently created District Attorney’s Confiscated Funds Account until July 1, 2015 when the position will be placed in the budget.*

4. Request for Refund Of Interest and Penalties

A. A Resolution To Approve Or Deny A Request To Refund Penalties, Interest and Fees Assessed Against 5409 Columbus Road In The Amount of $317.22.

**ACTION**

*On motion of Commissioner Watkins, seconded by Commissioner Lucas and carried three to two with Commissioner Schlesinger voting in the affirmative and Commissioners Shepherd and Bechtel casting the dissenting votes, the resolution to approve or deny a request to refund penalties, interest and fees assessed against 5409 Columbus Road in the amount of $317.22 was approved for a refund.*
5. Agreements To Be Executed

A. A Resolution To Authorize The Mayor To Execute An Agreement With Sizemore Group For Twenty Thousand Nine Hundred Fifty Dollars ($20,950) for Architectural Services At Freedom Park.

**ACTION**

*On motion of Commissioner Shepherd, seconded by Commissioner Schlesinger and carried unanimously with Commissioners Bechtel, Watkins and Lucas voting in the affirmative, the resolution to authorize the Mayor to execute an agreement with Sizemore Group for Twenty Thousand Nine Hundred Fifty Dollars ($20,950) for Architectural Services At Freedom Park was approved.*

B. GDOT for Interstate Lighting System

**ACTION**

*On motion of Commissioner Watkins, seconded by Commissioner Shepherd and carried unanimously with Commissioners Bechtel Lucas and voting in the affirmative the resolution authorizing the Mayor to execute an agreement with GDOT for an interstate lighting system to be installed on Interstate 75 from SR247 / Pierce Avenue to CR 85 / Arkwright Road was approved.*

6. Grant Requests and Awards

A. Acceptance of Sponsorship of Fact-Finding Trip

**ACTION**

*On motion of Commissioner Shepherd, seconded by Commissioner Schlesinger and carried unanimously with Commissioners Bechtel, Watkins and Lucas voting in the affirmative, the resolution authorizing the acceptance of the sponsorship of fact-finding trip to Detroit Grant in the amount of $10,000 awarded to the Mayor’s Office was approved.*

B. EMA Training Grant

**ACTION**

*On motion of Commissioner Shepherd, seconded by Commissioner Lucas and carried unanimously with Commissioners Watkins, Bechtel and Schlesinger voting in the affirmative, the resolution authorizing the acceptance of the Emergency Management directed training grant in the amount of $500 awarded from the Federal EMA Agency to Macon-Bibb County EMA was approved.*
C. 2015 H.E.A.T. Grant

**ACTION**

*On motion of Commissioner Shepherd, seconded by Commissioner Lucas and carried unanimously with Commissioners Watkins, Bechtel and Schlesinger voting in the affirmative, the resolution authorizing the acceptance of the 2015 H.E.A.T. Grant in the amount of $53,900 awarded from the Governor’s Office of Highway Safety to Macon-Bibb County Sheriff’s Office.*

7. Supplemental Budget Request

A. John Drew Tennis Center

**ACTION**

*On motion of Commissioner Schlesinger, seconded by Commissioner Shepherd and carried unanimously with Commissioners Watkins, Bechtel and Lucas voting in the affirmative, the ordinance to appropriate $142,600 from SPLOST Fun Balance to the John Drew Tennis Center was approved.*

B. CIP Fund for Traffic Signal Cabinets

**ACTION**

*On motion of Commissioner Schlesinger, seconded by Commissioner Shepherd and carried unanimously with Commissioners Watkins, Bechtel and Lucas voting in the affirmative, the ordinance to appropriate $82,140 from Fund Balance to the Capital Improvement Fund to pay for Traffic Signal Cabinets was approved.*

C. Victim Witness Advocate

**ACTION**

*On motion of Commissioner Schlesinger, seconded by Commissioner Shepherd and carried unanimously with Commissioners Watkins, Bechtel and Lucas voting in the affirmative, the ordinance to appropriate $13,500 from DA Confiscated Fund Balance to the office of District Attorney to fund Victim Witness Advocate was approved.*

8. Transfer of Funds

**ACTION**

*On motion of Commissioner Schlesinger, seconded by Commissioner Shepherd and carried unanimously with Commissioners Watkins, Bechtel and Lucas voting in the affirmative, the ordinance to appropriate $118,000 from Sheriff Vehicle Set-up to Building Repair – Crime Lab to roof the building was approved.*
**ACTION**

On motion of Commissioner Schlesinger, seconded by Commissioner Shepherd and carried unanimously with Commissioners Watkins, Bechtel and Lucas voting in the affirmative, the ordinance to appropriate $14,000 from Animal Welfare Salaries to Overtime Salaries was approved.

There being no further business, the meeting was adjourned.

Prepared By:

Janice S. Ross

Reviewed and Approved By:

Jean S. Howard, CMC
Interim Clerk of the Commission
A RESOLUTION OF THE MACON-BIBB COUNTY COMMISSION TO SUPPORT "BANNING THE BOX" ON MACON-BIBB COUNTY EMPLOYMENT APPLICATIONS BY REQUIRING THE REMOVAL OF INQUIRIES ABOUT CRIMINAL HISTORY, CHARGES, AND CONVICTIONS FROM THE INITIAL JOB APPLICATIONS SUBMITTED BY COUNTY APPLICANTS; AND FOR OTHER PURPOSES.

WHEREAS, "Banning the Box" is a phrase that has been coined to reflect a movement by employers to remove the question about a person’s criminal history from the initial job application and postponing the question to a later point in the hiring process; and

WHEREAS, postponing the question of an applicant’s criminal history to a later point in the hiring process allows the applicant to explain their criminal record to an employer in person; and

WHEREAS, this allows the candidate to be candid about his/her past and explain how overcoming setbacks have fashioned him/her into a qualified candidate for the position, and also allows the employer to get a better grasp of the person’s character and strengths; and

WHEREAS, the stated benefits of “banning the box” includes helping improve the chance of a person with a criminal history successfully reintegrating into society, decreases the chance of further criminal activity by the person, and allows a person with a criminal history to contribute to the economy of their states/community; and

WHEREAS, currently, thirteen (13) states and approximately seventy (70) cities, including the City of Atlanta, have enacted legislation and local laws that “bans the box” from the initial application process; and

WHEREAS, the ordinance approved by the City of Atlanta has been attached hereto as Exhibit “A” for reference purposes; and

WHEREAS, the City of Atlanta ordinance makes it unlawful for the City to make any inquiry regarding or requiring any person to disclose or reveal any criminal convictions against such person before and during the second interview; and

WHEREAS, however, prior to an applicant being selected for a position with the City of Atlanta, the applicant is required to submit to a background check and drug test prior to employment; and
Federal law, including positions that involve work with children and positions in law enforcement; and

WHEREAS, in addition, a press release from the City of Atlanta has been attached hereto as Exhibit “B” that explains the practical aspects of the ordinance and the reasoning behind the passage of said ordinance; and

NOW, THEREFORE BE IT RESOLVED by the Macon-Bibb County Commission, and it is hereby so resolved by the authority of the same, that the Macon-Bibb County Commission supports the policy and ideology of the “ban the box” movement and instructs the County Attorney’s Office to draft a proposed ordinance change to implement this policy.

NOW, THEREFORE BE IT RESOLVED by the Macon-Bibb County Commission, and it is hereby so resolved by the authority of the same, that upon completion of the proposed ordinance by the County Attorney’s Office, said ordinance shall be reviewed by the Macon-Bibb County Commission for substance and approval.

SO RESOLVED this _____ day of ________________, 2015.

By:
ROBERT A.B. REICHERT, Mayor

Attest:
JEAN S. HOWARD, Interim Clerk of Commission
EXHIBIT A

City of Atlanta

“Ban the Box” Ordinances
REPORT OF STANDING COMMITTEES

FINANCE/EXECUTIVE COMMITTEE

Alex Wan, Chair

ORDINANCE(S) FOR SECOND READING

14-O-1399 (1) - AN ORDINANCE BY COUNCILMEMBER KWANZA HALL, ANDRE DICKENS, NATALYN ARCHIBONG, JOYCE SHERERD, MARY NORWOOD, KRISHA LANCE BOTTOMS, IVORY LEE YOUNG JR., FELICIA A. MOORE AND C.T. MARTIN AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE AND AMENDED BY FULL COUNCIL TO SUPPORT THE BAN THE BOX PROGRAM BY ACTIVATING SECTIONS 114-53 THROUGH SECTION 114-56, FOR THE PURPOSE OF CODIFYING LANGUAGE REGARDING THE EMPLOYMENT OF EX-OFFENDERS WITH THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Chairperson Wan sounded the caption to Ordinance 14-O-1399 and stated the recommendation from committee was Favorable on Substitute on Condition (an amendment by Councilmember Archibong). Following, Ms. Archibong offered her Amendment by adding language to the legislation from the Fulton County Code of Ordinances. It was Seconded by Councilmember Wan and the Motion CARRIED by a roll call vote of 11 yeas; 0 nays. After which, Councilmember Sheperd offered a Friendly Amendment to add her name as a co-sponsor of the legislation, the Motion CARRIED Without Objection. Thereafter, Chairperson Wan made a Motion to Adopt as Amended. It was, subsequently, CARRIED by a roll call vote of 11 yeas; 0 nays. Later during the meeting, Chairperson Wan made a Motion to Reconsider Ordinance 14-O-1399. It was properly Seconded and CARRIED by a roll call vote of 11 yeas; 0 nays. The item was then before Council. Following, Councilmember Bottoms was recognized to amend the legislation by adding her name as co-sponsor to the legislation as well as record her vote. A discussion ensued, in which, several other Councilmembers wanted their names added as co-sponsors, including Councilmembers Norwood, Young, Moore and Martin. Following, the Bottoms Amendment inclusive of all added co-sponsors CARRIED by a roll call vote of 11 yeas; 0 nays. Subsequently, Chairperson Wan made a Motion to Adopt on Substitute as Amended. It was Seconded by Councilmember Bottoms and CARRIED by a roll call vote of 11 yeas; 0 nays.

ADOPTED SUBSTITUTE AS AMENDED BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS
Sec. 114-53. - Definitions.

As used in this chapter the following terms have the following meanings:

(1) "Applicant" means any person considered or who requests to be considered for employment by the City of Atlanta.

(2) "City agency" means any office, department, agency, board or commission of the City of Atlanta.

(3) "Employee" means all persons engaged in the operation or conduct of any business, whether as owner, any member of owner's family, partner, associate, agent, manager, or representative, and any and all other persons engaged or employed in said business.

(4) "Employment" means any occupation, vocation, job, work for pay or employment, including temporary or seasonal work, contracted work, contingent work and work through the services of a temporary or other employment agency. "Employment" shall not, for the purposes of this chapter, include membership in any law enforcement agency.

(5) "Conviction" means any sentence arising from a verdict or plea of guilty or nolo contendere, including a sentence of incarceration, a suspended sentence, a sentence of probation or a sentence of unconditional discharge.

(6) "Inquiry" means any direct or indirect conduct intended to gather information, using any mode of communication.

(7) "Interview" means any direct contact by the employer with the applicant, whether in person or by telephone, to discuss the employment being sought or the applicant's qualifications.

(Ord. No. 2014-44(14-O-1388), § 3, 10-15-14)

Sec. 114-54. - Ban-the-box.

In connection with printed and/or on-line employment application forms of the city, it shall be an unlawful discriminatory practice for them to contain a "box" or inquiry regarding an applicant's prior criminal history.

(Ord. No. 2014-44(14-O-1399), § 3, 10-15-14)

Sec. 114-55. - Unlawful discriminatory practice—Ex-offenders.

To prohibit unfair discrimination against persons previously convicted of one or more criminal offenses:

(a) In connection with the licensing or employment of any person, it shall be an unlawful discriminatory practice for the city to make any inquiry regarding or to require any person to disclose or reveal any criminal conviction(s) during the application process. The application process shall begin when the applicant inquires about the employment being sought and shall end when an employer has accepted an employment application.

(b) It shall further be an unlawful discriminatory practice for the city to make any inquiry regarding, or to require any person to disclose or reveal any criminal convictions against such person before and during the second interview.
(c) Prior to an applicant being selected for hire with the city, a background check and drug test is required for consideration of employment.

(Ord. No. 2014-44(14-O-1399), § 3.10-15-14)

Sec. 114-56. - Adverse employment decision—Ex-offenders.

Once the applicant has been deemed qualified for the position for which he/she applied; the city may then inquire into the applicant's criminal history. If the city makes an adverse employment decision, including, but not limited to, the refusal, rescission, or revocation of a conditional offer of employment, or termination of employment, after the criminal history inquiry is conducted, the city shall within a reasonable period of time, not to exceed 30 days:

(a) Notify the applicant of the adverse employment decision; and
(b) Provide the applicant with a photocopy of the results of the criminal inquiry, indicating the particular conviction(s) that relate(s) to the position's responsibilities.

(Ord. No. 2014-44(14-O-1399), § 3.10-15-14)

Sec. 114-57. - Dissemination of criminal history.

Any information obtained by the city that pertains to an applicant's criminal history:

(a) Shall remain confidential;
(b) Shall only be shared with individuals that have a need to know the contents for the purpose of evaluating candidates or employees in a manner consistent with this section, except as dictated by law;
(c) Shall not be used, distributed, or disseminated by the city for any use other than those permitted under this policy; and
(d) Shall not be used, distributed, or disseminated by the city to any other entity or individual, except as dictated by state or federal law.

(Ord. No. 2014-44(14-O-1399), § 3.10-15-14)

Sec. 114-58. - Exemptions.

The city hiring for positions where certain convictions or violations are a bar to employment in that position under state or federal law, including but not limited to positions that involve work with children and positions in law enforcement, shall not be constrained from asking questions about those convictions or violations.

(Ord. No. 2014-44(14-O-1399), § 3.10-15-14)

Secs. 114-59—114-75. - Reserved.
EXHIBIT B

City of Atlanta

Press Release Regarding “Ban the Box”
Atlanta City Council approves "Ban the Box" legislation

ATLANTA — The Atlanta City Council approved an ordinance Monday expanding efforts to eliminate discrimination against potential applicants for jobs with the City of Atlanta who have prior criminal convictions.

The legislation was sponsored by Atlanta City Councilmember Kwanza Hall and co-sponsored by City Councilmembers Natalyn Archibong, Andre Dickens and Joyce Sheperd.

"I am grateful to my Council colleagues for their support of this initiative," said Hall. "Under Mayor Reed and the Department of Human Resources, the City of Atlanta has established a progressive track record on this issue. Today's passage of the ordinance codifies a practice that opens opportunities to consideration for government employment that many local governments across the country do not yet offer."

While the City of Atlanta's current application process no longer requires an applicant to reveal a prior conviction on an application, the legislation officially makes it city policy except when state and/or federal laws require criminal background investigations for certain positions, including positions that involve work with children, positions in law enforcement, and other sensitive positions.

"We applaud the City Council for taking this step toward ending employment discrimination against people with prior convictions," said Marilyn Winn of Women on the Rise, a grassroots organization of formerly incarcerated women. "I have personally experienced the 'box' resulting in my automatic disqualification many times. I may have all the skills and qualifications, but if I'm asked to check that box, I can't even get an interview. Everybody deserves the chance to work and put food on their table and a roof over their head. We're glad that the City of Atlanta recognizes that many of us with backgrounds have a lot to contribute and a fair hiring policy means we may actually have a chance to do just that."

By codifying this fair hiring policy, the City Council has shown its commitment to real policy solutions to the crisis of mass incarceration, said Xochitl Bervera of the Racial Justice Action Center. "Employment is both the number one barrier for people coming home from prison and jail and the most significant factor in whether a person stays in the community with their family or returns to prison," she said. "Blanket disqualification is not just unfair, it's bad policy — both increasing recidivism and removing skilled and hard working people from the hiring pool. We're glad the Council is taking this step and look forward to seeing
a similar policy governing all businesses who contract with city."

Studies have shown that individuals with criminal records suffer from pervasive discrimination in many areas of life, including employment. Employers have increased the use of background checks considerably, with the majority of large employers in the U.S. now screening their potential workers for prior convictions.

Each year the City of Atlanta and Fulton County have 2,400 people returning home from Georgia’s jails and prisons seeking employment.

Research shows that lack of employment is a significant factor in recidivism rates, with people who are employed proving significantly less likely to be re-arrested.

Hall’s legislation was developed as part of the Ban the Box Program, a national movement with the goal of increasing employment opportunities for individuals with prior criminal convictions by removing the question regarding prior criminal history from employment applications.

###
THE BENEFITS OF BAN THE BOX

A CASE STUDY OF DURHAM, NC

The Southern Coalition for Social Justice
1415 West Highway 54, Suite 101
Durham, NC 27707
www.scsj.org • 919-323-3380
INTRODUCTION

For many job applicants around the country, one question blocks them from gainful employment and economic opportunity. A single question, often posed as a checkbox on the front of most job applications, asks about an applicant’s criminal history. For many employers, it has become a way to weed out applicants before ever considering qualifications such as education and job history. This practice is widespread, and its effects on job applicants and their communities are staggering. A movement to “Ban the Box” (remove the checkbox from applications) was birthed as a response to the structural discrimination faced by people with criminal records. This report details:

1. the need for Ban the Box policies in communities directly impacted by mass incarceration;
2. the history and core strategy of the Ban the Box movement;
3. how Ban the Box policies increase the tax base, reduce recidivism, and expand the qualified applicant pool for employers;
4. the critical components of the campaign in Durham, North Carolina; and
5. the employment outcomes since adoption of Ban the Box policies in Durham.

COMMUNITY NEED FOR BAN THE BOX

Over ninety percent of human resource professionals conduct some sort of criminal background check during the hiring process. Applicants who indicate their criminal record on the initial job application are less likely to receive a callback interview. For example, noted sociologist Dr. Devah Pager found that among white applicants, 34% of applicants without a criminal record and 17% of those with criminal records were later contacted about a callback interview. Among African Americans applicants, 14% of applicants without a criminal record and only 4% of those with criminal records were later contacted about a callback interview. The fact that a higher percentage of white applicants with a criminal record were contacted about a callback interview than black applicants without criminal records illustrates the extreme structural disadvantages that black applicants with criminal records face in the employment market.

There are an estimated 65 million adults in the United States with a criminal history. It has been well-documented that African Americans and Latinos are disproportionately represented at every stage of the criminal justice system. Application questions about criminal records guarantee that these Americans will have difficulty finding employment, especially members of minority communities. The inability to find employment has a marked effect on these community members and their families. One study found that in the year after an incarcerated father is released, the total family income drops by approximately 15% from what it was before incarceration. Because of the stunted upward mobility of people with criminal records, they must often rely on family members and communities for support. Research has shown that 83% of the families of formerly incarcerated men had recently provided financial support to their family member, with half of those families reporting that this support was a financial challenge and 30% of these families reporting that this support was a “financial hardship.” In sum, these studies and statistics illustrate the structural barriers faced by people with criminal records – a need that birthed the Ban the Box Movement.

HISTORY AND CORE STRATEGY OF THE MOVEMENT

The Ban the Box Movement was started in 2004 by All of Us or None, a national civil and human rights coalition comprised of formerly incarcerated people. The primary objective of the Movement is to dismantle the structural discrimination faced by people with criminal records in society. Ban the Box was found to be a powerful issue that spurred community organizing for neighborhoods directly impacted by mass incarceration. According to Dorsey Nunn,
By removing questions about criminal history from the early stages of the employment process, employers are able to select the most qualified applicants without the distraction of the criminal record and its attendant stigma.

one of the founders of All of Us or None and the patriarch of the Ban the Box movement, “we decided to push Ban the Box to organize people with criminal records, not the other way around, meaning we did not organize people with records to only pass Ban the Box policies. That was not our primary objective. For us the larger objective was to get people with criminal records to become organized and active in the fight against mass incarceration and the 2nd class status that comes with a criminal record.”

The movement’s central strategy is to advocate for the removal of questions about criminal history from the early stages of the employment process. Initial questions about criminal history create a chilling effect on qualified applicants with criminal records. Many applicants report they are discouraged from applying for jobs because they doubt their job application will receive serious consideration once they check the box. In addition, early inquiry about criminal history encourages employers to disqualify otherwise qualified applicants without considering their qualifications. By removing questions about criminal history from the early stages of the employment process, employers are able to select the most qualified applicants without the distraction of the criminal record and its attendant stigma.

However, removing the question about criminal history from the early stages of the employment process is not the only strategy involved with a successful Ban the Box campaign, just one necessary component. The movement also seeks to ensure that criminal background checks are used in a fair manner. Ban the Box advocates recommend delaying a criminal background check until after an applicant has been screened for qualifications. Moreover, once the background check is done, advocates recommend instituting a series of procedural protections to ensure that the results of the criminal background check are used fairly. For example, common best practices include:

1. ensuring the applicant has a chance to check the accuracy of the record before the hiring authority makes an adverse hiring decision;
2. limiting the number of people who come in contact with the applicant’s record;
3. making sure the people who come in contact with the record are trained to read criminal records; and
4. giving the applicant the opportunity to present evidence of rehabilitation prior to the hiring decision.

In sum, delaying the criminal background check gives employers the ability to make individualized assessments about the relevance of a criminal record, rather than making blanket exclusions at the outset of the employment process, which may run afoul of Title VII of the Civil Rights Act.

Since the start of the Ban the Box movement, 13 states and over 70 cities and counties have implemented fair hiring policies. In August 2014, New Jersey, under the leadership of Republican governor Chris Christie, became the most recent state to codify a Ban the Box policy, and like many other states, it applies to both public and private employers. However, government is not alone in adopting fair hiring policies. Two major corporations—Target and Wal-Mart—have also removed questions about criminal record history from their initial job applications.

FAIR HIRING INCREASES THE TAX BASE, DECREASES CRIME, AND HELPS EMPLOYERS

Local and state governments can increase their tax coffers by removing barriers to employment for people with criminal records. For example, a study in Washington state showed that providing job training and employment to a formerly incarcerated person returned more than $2,600 to taxpayers. A similar study in Philadelphia found that hiring 100 formerly incarcerated people would increase income tax contributions by $1.9 million, boost sales tax revenue by $770,000, and save $2 million annually by reducing criminal justice costs associated with recidivism.

Hiring people with criminal records facilitates public safety by reducing recidivism rates. Studies show that gainful employment is the most successful intervention in decreasing recidivism. One study showed that two years after release, employed people were more than twice as likely to have not committed any additional crimes when compared to
formerly incarcerated people who were unable to secure employment. Another study, conducted over three years, found that formerly incarcerated people who were consistently employed throughout the year had a 16% recidivism rate compared to a 52.3% recidivism rate for all other Department of Correction releases. Employees benefit from fair hiring policies. A study of human resources statistics found that “employees with criminal backgrounds are 1 to 1.5 percent more productive on the job than people without criminal records.” Pamela Paulk, Vice President of Human Resources for the Johns Hopkins Health Resource Center, has known anecdotally about this fact for the last decade. After ten years, Johns Hopkins reviewed the employment files of nearly 500 of their justice-involved employees and found that these employees had significantly higher retention rates as compared to employees without a criminal record. In Cleveland, Richard Friedlander, CEO of Red Restaurant Group, described his employees with criminal records as “model employees,” “frequently the most dedicated,” and “conscientious.”

CRITICAL COMPONENTS OF THE DURHAM CAMPAIGN

The Durham Second Chance Alliance (DSCA) successfully advocated for the city of Durham (2011) and the Durham county (2012) to remove questions about criminal record history from the early stages of the employment process for public employment. The components of the Durham campaign highlight the key pieces of a Ban the Box campaign that is led by an organization grounded in a community lawyering model, where the major objective is building power in directly affected communities. The three major components of the Durham campaign were:

1. leadership by directly affected people;
2. policy development through the iterative process of community lawyering; and
3. organizing directly affected communities to flex their power for this policy issue and others in the future.

The campaign in Durham was driven by the idea that effective, lasting social change “can only result from an oppressed group itself identifying its grievances and developing demands and a strategy for achieving them.” As such, the movement was led by the DSCA, a coalition of people with criminal records, reentry service providers, community advocates, and faith-based organizations. Because the leadership of directly affected people was central to the campaign, the alliance provided spokesperson training for people with criminal records. The goal of the training was to help justice-involved people advocate for themselves. This intentional involvement of directly impacted individuals assured the power of the movement resided with those most impacted by its results. The spokesperson training stressed three main messages for the trainees:

1. do not re-litigate the past — take accountability for your actions;
2. talk about the rehabilitative measures you have taken since your conviction, such as skills training or substance abuse treatment; and
3. highlight the fact that you will make a stellar employee.

The policy work for the Durham campaign was informed by directly impacted communities. The Southern Coalition for Social Justice (SCSJ) worked with a focus group of people with criminal records and other Durham Second Chance Alliance members to create a model ordinance and administrative policy, with the goal of having the City and County governments use the model policies as a template for the final legislation. People with criminal records shaped the contours of the policy choices throughout the campaign, which allowed the coalition to adapt its strategy to meet the needs of the community while simultaneously responding to the government.

For example, DSCA initially advocated for a city ordinance to Ban the Box for public employment and independent contractors with the City of Durham. This choice was made because an ordinance was considered to be a more permanent policy solution than an administrative policy or executive order. For instance, municipal ordinances are

Employees with criminal backgrounds are 1 to 1.5 percent more productive on the job than people without criminal records.
passed through a public process. Each member of the city or county government votes on the record, which gives the community the ability to hold that elected representative accountable for their voting record. Conversely, an administrative policy or executive order promulgated by a city or county manager does not have the same level of public transparency. Elected representatives do not vote on the record for administrative policies because the sole decision is made by the executive branch; consequently these decisions are less susceptible to public scrutiny. Moreover, the terms of a municipal ordinance can easily be extended to vendors and independent contractors with the government, whereas the same is not true for administrative policies. Over the course of the campaign the coalition learned through negotiations with the government that a city ordinance was not likely to succeed. As a result, a shift in strategy was warranted, which prompted the directly affected leadership within the coalition to default to the next best option—an administrative policy.

Another example, demonstrating how the model policies developed by the DSCA were shaped by people with criminal records, dealt with where the government would get its criminal background information—official state criminal justice databases or private data providers. Official state criminal justice databases provide the most accurate and timely criminal justice data. For example, if someone goes to court and their case gets dismissed, the court record of that dismissal is immediately reflected in the dataset. However, under these same set of facts, the dataset for a private data provider may not reflect a change in criminal disposition for a few days—and in some cases, can take weeks, months, or never be updated at all. In an employment context, this matters greatly because an employer may be less likely to hire someone with a pending theft charge as opposed to someone whose theft charge was recently dismissed because they were wrongly identified. Thus, the official state criminal justice database, which provides the most accurate and timely criminal justice data, gives job applicants the best opportunity for employment because an employer has the most accurate information on which to base the hiring decision.

However, official criminal justice databases are not governed by the Fair Credit Reporting Act (FCRA).21 FCRA governs the dissemination of consumer reports and mandates that employers and consumer reporting agencies adhere to certain obligations.22 The legislation defines criminal records as consumer reports and third party data providers as consumer reporting agencies.23 However, official state criminal justice databases are not defined as consumer reporting agencies, thus they are not governed by FCRA.24 FCRA mandates that consumer reporting agencies report accurate criminal justice information and that they adopt reasonable procedures to ensure accurate dissemination.25 If a consumer reporting agency does not adhere to the law they can be sued for damages.26

This issue became relevant in the Durham campaign as model legislation was drafted, and details were being decided as to where the government should get its criminal justice information. To ensure that directly affected people led the campaign in every aspect, including public policy formation, a meeting was held with the focus group of individuals with criminal records within the DSCA. The following questions were posed:

1. Do you want the government to get its criminal record information from official state criminal justice databases, which are more accurate and will probably put you in the best position to get a job?; or

2. Do you want the government to get its criminal justice information from private data providers, which are less accurate but are covered by FCRA, thus potentially giving you a private right of action if they incorrectly report your information?

Clarence Stephenson, one of the coalition’s directly affected leaders, answered the question succinctly when he said, “I would rather have a job than a lawsuit. Ask that the government get the data from the official state criminal justice database.”

Throughout the campaign the movement stayed wedded to the community’s needs and the critical procedural protections that would increase the employment opportunities for people with criminal records. First, the campaign demanded that the question about criminal history be removed from the initial stages of the employment process. Next, the criminal
record check must occur after an applicant was identified as an otherwise qualified applicant and recommended for hire. Then, the county agency responsible for the job announcement would send the name of the person recommended for hire to the county human resources (HR) department to conduct a background check. A discrete number of HR staff members are trained to read criminal records, which limits the number of people who come in contact with the record, thereby protecting the privacy of the applicant. Prior to the background check the applicant's consent and authorization are obtained by HR staff. Once the background check is pulled, the applicant has the opportunity to check the record for accuracy. If the applicant has a criminal record, the County must send the applicant written correspondence alerting them of the potential for adverse employment action. The applicant then has seven working days to submit written evidence of rehabilitation. Finally, the employer assesses the relevance of the criminal record through a balancing test, which includes looking at the nature of the offense, how much time has passed since the commission of the offense, and whether there is a direct relationship between the underlying criminal conduct of the applicant and the prospective job. Ultimately, the DSCA was able to persuade the City and County of Durham to adopt Ban the Box policies through a combination of direct action community organizing, the persuasive testimony of trained spokespersons, and successful policy advocacy.

EMPLOYMENT OUTCOMES OF THE DURHAM CAMPAIGN

Since the Durham government removed barriers to employment for people with criminal records, the employment outcomes for justice involved people have improved tremendously. Since 2011, the percentage of people with records hired by the City of Durham has increased each year.

The results for Durham County are equally as impressive. Since 2012, the number of people with criminal records hired by the County nearly tripled. In addition, 96% of Durham County applicants with criminal records, who were recommended for hire prior to the criminal record check, were ultimately hired after the results of the record check revealed some criminal history. An explanation is required to highlight the significance of this statistic. Pursuant to the county policy, when a county department seeks to hire someone for a position, they post a job announcement. Applicants complete a job application, go through the interview process, and are recommended for hire, if they are the most
qualified candidate prior to the criminal history check. Then, the county department sends the name of the candidate to the HR department to check the criminal history. Ninety-six percent of the applicants with criminal records referred to HR by a county department were ultimately hired despite some criminal history. This data demonstrates that the skills and qualifications of qualified applicants with criminal records outweigh any potential concerns that may be triggered by the applicant’s conviction history. Further, none of the people with a criminal record who were hired have been terminated because of illegal conduct. Moreover, the Durham government has improved the employment outcomes of people with criminal records without compromising public safety, as there has not been any increase in workplace crime.

The positive employment outcomes of Durham’s Ban the Box campaigns are not isolated. The City of Minneapolis removed the question about criminal record history from the initial employment application in 2007. After the policy was implemented, Minneapolis officials reported that the transactional work associated with the hiring process decreased. Moreover, delaying the question about criminal history did not slow the hiring process down, and it resulted in the employment of more than half of the applicants with a criminal conviction.27

CONCLUSION

Statistical and anecdotal evidence illustrate that Ban the Box policies help dismantle the structural discrimination faced by people with records in the employment market. Moreover, fair hiring policies benefit our communities in the form of increased tax revenue and public safety. Most notably, Ban the Box policies benefit the bottom line of private businesses by increasing their productivity, as well as the retention of qualified, well-trained employees.

For more information about Ban the Box, please visit the Southern Coalition for Social Justice online at www.scsj.org, or call 919-323-3380.
AUTHORS

Daryl V. Atkinson, Southern Coalition for Social Justice Senior Staff Attorney, Criminal Justice
Kathleen Lockwood, Third-Year Law Student, UNC-Chapel Hill

REFERENCES

3. Id.
4. Id.
9. Interview by Dean Becker with Dorsey Nunn, Founder, All of Us or None (May 8, 2011).
22. Id.
23. Id. § 1681a.
24. Id.
25. Id. § 1681e.
26. Id. § 1681n.
A RESOLUTION OF THE MACON-BIBB COUNTY COMMISSION TO AUTHORIZE THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN MACON-BIBB COUNTY AND TRIPLE POINT ENGINEERING, INC FOR TWELVE THOUSAND DOLLARS AND NO/100 ($12,000.00) FOR ENGINEERING AND ARCHITECTURAL SERVICES AT EAST MACON RECREATIONAL PARK IN MACON-BIBB COUNTY; AND FOR OTHER PURPOSES.

WHEREAS, Macon-Bibb County issued a Request for Quotation for engineering architectural services and design services at the East Macon Recreational Park recreational facility; and

WHEREAS, Triple Point Engineering, Inc., formerly Hulsey, McCormick, & Wallace, based Macon, Georgia, had been previously selected as one of the qualified firms to submit price quotations for professional services at the various recreation facilities in Macon-Bibb County; and

WHEREAS, the quote submitted by Triple Point Engineering, Inc. for the proposed project was $12,000.00; and

WHEREAS, this resolution will benefit and promote the health, safety, morals and welfare of the citizens of the Macon-Bibb County.

NOW, THEREFORE, BE IT RESOLVED by the Macon-Bibb County Commission, and it is hereby so resolved by the authority of the same that the Mayor is authorized to execute an agreement with Triple Point Engineering, Inc. in the amount of twelve thousand dollars and No/100 ($12,000.00) for engineering and architectural services at East Macon Recreational Park to be paid from SPLOST funds, in substantially the same form attached as Exhibit "A."

SO RESOLVED this ___ day of __________________, 2015.

_____________________________
ROBERT A.B. REICHERT, MAYOR

ATTEST:
_____________________________
JEAN S. HOWARD, INTERIM CLERK OF COMMISSION

(SEAL)
CONFIRMATION OF ASSIGNMENT

Client: ________________________________

Project Name & Location ________________________________

Proposal Number & Date MBC 0122-15, January 22, 2015

Scope of Services (Services) East Macon Recreational Park – T-hall & Pedestrian Improvements

Attachment(s) Included Proposal MBC 0122-15

Fee Amount $12,000 Method of Payment: Net 30

FOR PAYMENT AND APPROVAL OF CHARGES:
Charge Invoice to the Account of:

Firm: ________________________________
Address: ________________________________ Zip Code: ________________________________
State: ________________________________ City: ________________________________
Attention: ________________________________ Phone Number: ________________________________

FOR DELIVERY OF SERVICES SEND MATERIALS TO:

Firm: Same as above
Address: ________________________________ Zip Code: ________________________________
State: ________________________________ City: ________________________________
Attention: ________________________________ Phone Number: ________________________________

CONDITIONS:
1. Triple Point Engineering, Inc. (TPE) will provide services in accordance with applicable codes and bylaws and will provide and exercise the standard of care, skill, and diligence required by customarily accepted professional practices and procedure normally provided in the performance of the services contemplated in this agreement at the time and the location in which the services were performed.
2. Fees for services will be performed at time basis rates unless noted otherwise.
3. Reimbursable expenses are in addition to fees for performance of services and include actual expenditures by TPE for all charges incurred during the performance of the services. An administrative charge will be added to all reimbursable expenses.
4. Invoices for fees and reimbursable expenses are due and payable by the client within thirty days of the date of the invoice without hold back. Interest on overdue accounts will be charged at the rate of 2% per month. TPE reserves the right to discontinue services in the event of non-payment by the client.
5. If the project is suspended for more than thirty calendar days in the aggregate, TPE shall be compensated for services performed and charges incurred prior to receipt of notice to suspend and, upon resumption, and equitable adjustment in fees to accommodate the de-mobilization and remobilization costs.
6. TPE's liability to the client, however caused, is limited to the total amount of fees received hereunder. As the client's sole and exclusive remedy under this agreement, any claim, demand, or suit shall be directed and/or asserted only against TPE and not against any of TPE's employees, officers, or directors.
7. Fees indicated do not include any value added or sales taxes such as Goods and Services Tax which will be added to all invoices.

PROPOSAL ACCEPTANCE:
As evidenced by the signatures below, the client authorizes TPE and TPE agrees to carry out the services in accordance with the Conditions shown above.

Authorized Client Representative ________________________________
Name (please print) ________________________________ Date ____________

Authorized TPE Representative ________________________________
Name (please print) ________________________________ Date ____________
A RESOLUTION OF THE MACON-BIBB COUNTY COMMISSION TO AUTHORIZE THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN MACON-BIBB COUNTY AND SIZEMORE GROUP, LLC FOR EIGHTEEN THOUSAND NINE HUNDRED DOLLARS AND NO/100 ($18,900.00) FOR ENGINEERING AND ARCHITECTURAL SERVICES AT THE BLOOMFIELD SENIOR CENTER IN MACON-BIBB COUNTY; AND FOR OTHER PURPOSES.

WHEREAS, Macon-Bibb County issued a Request for Quotation for engineering architectural services and design services at the Bloomfield Senior Center facility; and

WHEREAS, Sizemore Group, LLC based Atlanta, Georgia, had been previously selected as one of the qualified firms to submit price quotations for services to the various recreation facilities in Macon-Bibb County; and

WHEREAS, the quote submitted by Sizemore Group, LLC for the proposed project was $18,900.00; and

WHEREAS, this resolution will benefit and promote the health, safety, morals and welfare of the citizens of the Macon-Bibb County.

NOW, THEREFORE, BE IT RESOLVED by the Macon-Bibb County Commission, and it is hereby so resolved by the authority of the same that the Mayor is authorized to execute an agreement with Sizemore Group, LLC in the amount of eighteen thousand dollars and nine hundred No/100 ($18,900.00) for engineering and architectural services at the Bloomfield Senior Center to be paid from SPLOST funds, in substantially the same form attached as Exhibit “A.”

SO RESOLVED this ___ day of __________, 2015.

______________________________
ROBERT A.B. REICHERT, MAYOR

ATTEST:

______________________________
JEAN S. HOWARD, INTERIM CLERK OF COMMISSION

(SEAL)
January 29, 2015

Mr. Reginald Moore
MACON-BIBB COUNTY
Parks & Recreation Department
150 Willie Smokie Glover Drive
Macon, GA 31201

RE: Macob-Bibb County Parks & Recreation SPLOST Program
Bloomfield Senior Center
Conceptual Design Fee Proposal

Dear Reggie:

We appreciate the opportunity to continue to offer our services to Macon-Bibb County. We understand the scope of work to be the development of conceptual design options with order of magnitude pricing for the conversion of the existing Bloomfield Recreation Center into a new senior center. The scope of work is to include an addition with many of the program spaces and exterior features to include a gardening area, walking trail and additional parking. Our fee proposal includes the measurement of the existing conditions at the Recreation Center, and two design options. The proposed scope of services is attached for your review.

We propose to provide the architectural design options for the lump sum fee of $10,000, and a Master Site Plan for the lump sum fee of $8,000. Standard reimbursable expenses include printing and copying, courier and overnight delivery charges, and mileage at the current IRS rate of 57.5¢ per mile. Reimbursable expenses are not to exceed $900 without your prior consent.

Please contact me should you have any comments or questions regarding this proposal. We thank you again for the opportunity to serve Macon-Bibb County and look forward to working with you on this project.

Sincerely,

SIZEMORE GROUP

Bruce E. Morris, AIA
Senior Project Manager

cc: File
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A RESOLUTION OF THE MACON-BIBB COUNTY COMMISSION TO AUTHORIZE THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN MACON-BIBB COUNTY AND BTBB, INC. FOR EIGHTY ONE THOUSAND FIVE HUNDRED DOLLARS AND NO/100 ($81,500.00) FOR ENGINEERING AND ARCHITECTURAL SERVICES AT THE DONNAN ROAD FIRE STATION IN MACON-BIBB COUNTY TO BE PAID FROM SPLOST FUNDS; AND FOR OTHER PURPOSES.

WHEREAS, BTBB, Inc. has provided a price quotation for architectural and engineering services at the Donnan Road Fire Station in Macon-Bibb County; and

WHEREAS, Bibb County has contracted with BTBB, Inc. to provide architectural and engineering services for other fire stations previously constructed in Bibb County; and

WHEREAS, it is the desire of Macon-Bibb County to have congruous design of the fire safety facilities within the county; and

WHEREAS, Section 19.10 of the Inaugural Code of Ordinance for Macon-Bibb County provides that competitive solicitation professional services contracts is necessary when required by the Mayor or resolution of the Commission; and

WHEREAS, this resolution will benefit and promote the health, safety, morals and welfare of the citizens of the Macon-Bibb County.

NOW, THEREFORE, BE IT RESOLVED by the Macon-Bibb County Commission, and it is hereby so resolved by the authority of the same that the Mayor is authorized to execute an agreement with BTBB, Inc in the amount of eighty one thousand five hundred dollars No/100 ($81,500.00) for engineering and architectural services at the Donnan Road Fire Station to be paid from SPLOST funds, in substantially the same form attached as Exhibit “A.”

SO RESOLVED this ___ day of ________________, 2015.

______________________________
ROBERT A. B. REICHERT, MAYOR

ATTEST:

______________________________
JEAN S. HOWARD, INTERIM CLERK OF COMMISSION

(SEAL)
MACON BIBB COUNTY, GEORGIA
DONNAN ROAD FIRE STATION
BTBB #13-022
22 October 2013
(rev. 2 February 2015)

Estimated Construction Cost

Donnan Road Fire Station (6,690 SF) ................................................................. $ 1,450,000

Fees

A/B Fees ........................................................................................................... $ 58,000
Civil Engineering Fee ..................................................................................... $ 23,500

TOTAL LUMP SUM FEE .................................................................................. $ 81,500

Note - Fees are based on the following assumptions:

✓ All utilities are readily available, requiring no off-site utility extensions.
✓ Site grades will allow for leveling without construction of retaining walls, etc.
✓ Building design is a 2-bay prototype plan based on Fire Station #110, with limited interior modifications.
✓ Subsurface investigation identifies soils conditions that allow for spread footings and do not require foundation re-design, deep foundations, etc.
✓ Environmental assessment does not identify potentially hazardous or other environmental conditions that require abatement, etc.

Additional Services

• For Additional Services of the Architect, if required and approved by the Owner, hourly rates shall be as follows:
  Principal / Architect $168.00 per hour
  Staff Architect $120.00 per hour
  Draftsman $ 90.00 per hour
  Clerical $ 65.00 per hour

• Hourly rates for multi-year contracts shall increase at a rate of 5% annually, commencing on the first of each successive year, beginning January 1, 2016.

• For Additional Services of Consultants, including additional civil, structural, mechanical, and electrical engineering services, a multiple of 1.5 x actual amounts billed to the Architect for such services.

• Reimbursables: 1.5 x actual out-of-pocket expenses for long distance telephone calls, mileage, CD's, reproductions, professional renderings, mailing and shipping, professional cost estimates, and fees paid for securing approval of authorities having jurisdiction over the project.

Robert W. Brown  AIA/ASLA
609 Cherry Street  Macon, GA 31201-7398  T 478.742.1208  F 478.746.1721  www.btbblinc.com
• Architectural Services as outlined above will be billed on a monthly basis; payments are due and payable fifteen (15) days from the date of the Architect's invoice.

Robert W. Brown, President
BTBB inc.

Robert A. B. Reichert, Mayor
Macon-Bibb County, Georgia

2/2/2015
Date

Attest:
Jean S. Howard
Interim Clerk of Commission

Date
A RESOLUTION OF THE MACON-BIBB COUNTY COMMISSION AMENDING THE
$388 HEALTH REIMBURSEMENT ARRANGEMENT (HRA) PLAN BENEFIT TO
PROVIDE THAT FORMER EMPLOYEES OF BIBB COUNTY, GEORGIA, HIRED
PRIOR TO MAY 1, 2011, WHO BECOME ELIGIBLE RETIREES OF MACON-BIBB
COUNTY AFTER DECEMBER 31, 2015, SHALL BE TREATED THE SAME AS ALL
OTHER MACON-BIBB COUNTY EMPLOYEES AND RECEIVE NO HRA PLAN
BENEFITS UPON BECOMING MEDICARE ELIGIBLE RETIREES; AND FOR
OTHER PURPOSES

WHEREAS, employees of Macon-Bibb County who were hired by Bibb County,
Georgia, prior to May 1, 2011, ["Pre-May 2011 Bibb County Employee(s)"] , are currently eligible to
participate in a Health Reimbursement Arrangement (HRA) plan with a $388.00 per month subsidy
provided said employees become eligible retirees1 of Macon-Bibb County and enroll in a medical plan
through Extend Health, a Towers Watson Company; and

WHEREAS, as a method of reducing future Other Post Employment Benefits (OPEB) liabilities
and promoting equity among all Macon-Bibb County employees, changes are required in Macon-Bibb
County’s Health Reimbursement Arrangement (HRA) plan to provide that Pre-May 2011 Bibb
County Employees who become eligible retirees after December 31, 2015, shall be treated the
same as all other Macon-Bibb County employees and receive no HRA benefits upon becoming
Medicare eligible retirees.

NOW, THEREFORE, BE IT RESOLVED by the Macon-Bibb County Commission
and it is hereby so resolved by the authority of the same that the following amendment,
(amended language italicized), is hereby approved and adopted with respect to the HRA Plan
Benefits that a Pre-May 2011 Bibb County Employee is eligible to receive:

- A Pre-May 2011 Employee shall cease to be eligible to receive retiree health care benefits upon
becoming Medicare eligible, except as provided below:

  - A Pre-May 2011 Employee who becomes an eligible retiree of either Bibb County or
Macon-Bibb County on or before December 31, 2015, and enrolls in a medical plan
through Extend Health, a Towers Watson Company, shall be eligible to participate in a
Health Reimbursement Arrangement (HRA) with a $388.00 per month subsidy. A Pre-
May 2011 Employee who retires from Macon-Bibb County after December 31, 2015,
shall be treated the same as all other Macon-Bibb County employees and receive no HRA
benefits upon becoming a Medicare eligible retiree. Macon-Bibb County reserves the
right to change, modify, revise, amend, or terminate the $388.00 Health Reimbursement
Arrangement (HRA) plan benefit.

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1 For purposes of this Resolution, the term “Eligible retirees” shall have that meaning as described in Exhibit “A” of
the Macon-Bibb County OPEB Trust Agreement.
BE IT FURTHER RESOLVED that the Mayor is authorized to amend and/or adopt such HRA plan documents and a summary plan descriptions, and to execute any other documents, as necessary in order to effectuate the changes authorized herein, including but not limited to, the necessary amendments to Exhibit "A" of the Macon-Bibb County OPEB Trust Agreement and the Summary of Health and Life Insurance Retirements Benefits currently available to former Bibb County employees.

BE IT FURTHER RESOLVED that Macon-Bibb County reserves the right to modify, revise, amend, or discontinue HRA plan benefits for its employees and retirees at any time.

SO RESOLVED this ___ day of ________________, 2015.

______________________________
ROBERT A.B. REICHERT, MAYOR

ATTEST:
______________________________
JEAN THURMOND, INTERIM CLERK OF COMMISSION
EXHIBIT A

SUMMARY OF EACH OF THE PLANS' BENEFITS
FUNDED UNDER TRUST
(RESTATED EFFECTIVE JANUARY 1, 2014)

HEALTH

Former Bibb County Employees:

- An employee who was hired by Bibb County, Georgia on or after May 1, 2011, shall not be eligible for any retiree health care benefits upon his or her retirement from Macon-Bibb County.

- An employee who was hired by Bibb County, Georgia, prior to May 1, 2011, (a “Pre-May 2011 Employee”), and has coverage under the Group Health Benefit Plan of either Bibb County or Macon-Bibb County on the day he/she becomes an eligible retiree is qualified to continue individual group retiree health care coverage at the premium rate to be determined by the Macon-Bibb County Commission, subject to applicable health plan document restrictions and/or conditions as may be amended from time to time. For all purposes of this summary related to former Bibb County employees, “eligible retiree” shall mean termination of employment after an employee has fulfilled all the requirements to receive a normal, early, or disability retirement under the Macon-Bibb County Pension Plan. Family coverage for health benefits, and vision and dental coverage may also be available to such eligible retirees at the premium rate established by Macon-Bibb County, Georgia each year.

- In no event shall any Pre-May 2011 Employee be eligible for retiree health care coverage if he/she terminates employment before becoming an eligible retiree or before the tenth anniversary of employment with Bibb County (10 Years of Service). An employee who is terminated or who resigns from employment after 10 Years of Service, but prior to becoming an eligible retiree, is not eligible for retiree health benefits, but shall only receive his or her pension benefits.

- A Pre-May 2011 Employee shall cease to be eligible to receive retiree health care benefits upon becoming Medicare eligible, except as provided below:
  
  o A Pre-May 2011 Employee who becomes an eligible retiree of either Bibb County or Macon-Bibb County on or before December 31, 2015, and enrolls in a medical plan through Extend Health, a Towers Watson Company, shall be eligible to participate in a Health Reimbursement Arrangement (HRA) with a $388.00 per month subsidy. A Pre-May 2011 Employee who retires from Macon-Bibb County after December 31, 2015, shall be treated the same as all other Macon-Bibb County employees and receive no HRA benefits upon becoming Medicare eligible retirees. Macon-Bibb County reserves the right to change, modify, revise, amend, or terminate the $388.00 Health Reimbursement Arrangement (HRA) plan benefit.
• For purposes of eligibility for retiree health coverage, Years of Service with Macon-Bibb County, Georgia are counted as Years of Service with Bibb County, Georgia.

Former City of Macon Employees:

• An employee who was hired by the City of Macon, Georgia, prior to January 1, 2014, and is covered under the Group Health Benefit Plan of either the City of Macon or Macon-Bibb County on the date of he/she becomes an eligible retiree is qualified to continue individual group retiree health care coverage at the premium rate to be determined by the Macon-Bibb County Commission, subject to applicable health plan document restrictions and/or conditions as may be amended from time to time. For all purposes of this summary related to former City of Macon employees, “eligible retiree” shall mean termination of employment after an employee has fulfilled all the requirements to receive a normal, early, or disability retirement under either Division A of the Macon-Bibb County Pensions and Retirement System or the Macon-Bibb County Fire & Police Department Employees’ Retirement System. Family coverage for health benefits, and vision and dental coverage may also be available to such eligible retirees at the premium rate established by Macon-Bibb County, Georgia each year.

• In no event shall any employee be eligible for retiree health care coverage if he/she terminates employment before becoming an eligible retiree.

• An eligible retiree shall cease to be eligible to receive retiree health care benefits upon becoming Medicare eligible.

• For purposes of eligibility for retiree health coverage, Years of Service with Macon-Bibb County, Georgia are counted as Years of Service with the City of Macon, Georgia.

Macon-Bibb County Employees Hired on or after January 1, 2014:

• An employee who was hired by Macon-Bibb County, Georgia on or after January 1, 2014, shall not be eligible for any retiree health care benefits upon his or her retirement from Macon-Bibb County.

The Following Provisions Apply to All Former Bibb County and City of Macon Employees as well as Current Macon-Bibb County Employees:

• Macon-Bibb County, Georgia reserves the right to modify, revise, amend or discontinue any retiree health care benefits, (including but not limited to vision, dental, health, and HRA benefits), in its sole discretion at any time.

• The OPEB Trust funds may be used to pay any retiree health benefits including supplemental payments or benefits, including but not limited to vision, dental, health, and HRA benefits.
Life Insurance
Macon-Bibb County government will continue current retiree coverage at the same levels as pre-consolidation and the benefit amount depends on the employee's date of retirement, provided, however, that Macon-Bibb County reserves the right to modify, revise, amend or discontinue any retiree life insurance benefits in its sole discretion at any time.

- For former Bibb County Employees who retired prior to October 1, 1983, the life insurance benefit is $2,000 with no reduction.

- For former Bibb County Employees who retired on or after October 1, 1983, but prior to November 1, 1998, the life insurance benefit is an amount equal to 200% of pre-retirement earnings (rounded to the next higher $1,000) to a maximum benefit of $100,000. Insurance is reduced to a percentage of the original retiree benefit as follows:

  Age 65, reduces to 65%
  Age 70 reduces to 42.25%

- For former Bibb County Employees who retired on or after November 1, 1998, but prior to January 1, 2003, the life insurance benefit is an amount equal to 200% of pre-retirement earnings (rounded to the next higher $1,000) with a minimum benefit of $8,000 and a maximum benefit of $100,000. Insurance is reduced to a percentage of the original retiree benefit as follows:

  Age 65, reduces to 65%
  Age 70 reduces to 45%
  Age 75 reduces to 30%
  Age 80 reduces to 20%

- For former Bibb County Employees Hired Prior To May 1, 2011

For former Bibb County employees hired prior to May 1, 2011, who retired after January 1, 2003, the life insurance benefit is an amount equal to 100% of their pre-retirement earnings (rounded to the next higher $1,000.00) with a minimum benefit of $8,000.00 and a maximum benefit of $50,000.00. Insurance is reduced to a percentage of the original retiree benefit as follows:

  Age 65, reduces to 65%
  Age 70, reduces to 45%
  Age 75, reduces to 30%
  Age 80, reduces to 20%

For future Bibb County retirees hired prior to May 1, 2011, the benefit will be 100% of pre-retirement earnings (rounded to the next higher $1,000.00) with a minimum benefit of $8,000.00 and a maximum benefit of $50,000.00. Insurance is reduced to a percentage of the original retiree benefit as follows:

  Age 65, reduces to 65%
  Age 70, reduces to 45%
  Age 75, reduces to 30%
  Age 80, reduces to 20%
• For former City of Macon Employees Hired Prior to May 1, 2011

For former City of Macon employees hired prior to May 1, 2011, who retired prior to January 1, 2014, the life insurance benefit is $5,000.00. There is no reduction.

For former City of Macon employees hired prior to May 1, 2011, who retire on or after January 1, 2014, the life insurance benefit is an amount equal to 100% of pre-retirement earnings (rounded to the next higher $1,000.00) with a minimum benefit of $8,000.00 and a maximum benefit of $50,000.00. Insurance is reduced to a percentage of the original retiree benefits as follows:

Age 65, reduces to 65%
Age 70, reduces to 45%
Age 75, reduces to 30%
Age 80, reduces to 20%

• Former Bibb County and City of Macon Employees Hired On Or After May 1, 2011

For former Bibb County and former City of Macon employees hired on or after May 1, 2011, who retire on or after January 1, 2014, there are no retiree life insurance benefits.

• Macon-Bibb County Employees Hired On Or After January 1, 2014

Macon-Bibb County employees hired on or after January 1, 2014 have no retiree life insurance benefits.

• The OPEB Trust funds may be used to pay any retiree life insurance premiums.

This Summary of Each of the Plans' Benefits Funded Under Trust is only intended to offer an outline of benefits. All details and contract obligations of plans are stated in the plan documents, group or HRA contracts, and/or insurance documents. In the event of conflicts between this Summary and the plan documents, group or HRA contracts, and/or insurance documents, the plan documents, group or HRA contracts, and/or insurance documents shall control.
A HOME RULE ORDINANCE TO AMEND SECTION 23 OF THE CHARTER OF MACON-BIBB COUNTY TO REDUCE THE TOTAL BUDGET REDUCTION REQUIRED BY FISCAL YEAR 2019 FROM A TOTAL OF TWENTY PERCENT (20%) TO A TOTAL OF TEN PERCENT (10%) OF THE FISCAL YEAR 2014 OPERATING BUDGET; TO AMEND THE BASELINE FISCAL YEAR FOR SAID CUTS FROM FISCAL YEAR 2015 TO FISCAL YEAR 2014; TO SET THE MAXIMUM ALLOWABLE BUDGET FOR FISCAL YEAR 2016, FISCAL YEAR 2017, AND FISCAL YEAR 2018; AND FOR OTHER PURPOSES.

WHEREAS, Ga. L. 2012, P.5595, as amended by Ga. L. 2013, p.3942 (together, the "Act") restructured the governmental and corporate powers, duties and functions vested in the City of Macon and Bibb County under a new charter which became effective on January 1, 2014, establishing a single county-wide government with powers and jurisdiction throughout the territorial limits of Bibb County, superseding and replacing the governments of the City of Macon and the Bibb County under the name Macon-Bibb County, the governing body for which is the Macon-Bibb County Commission; and

WHEREAS, Section 23 of the Act requires that the general operating budget of Macon-Bibb County must be reduced by five percent (5%) per year for Fiscal Year 2016, Fiscal Year 2017, Fiscal Year 2018, and Fiscal Year 2019, resulting in a total reduction of twenty percent (20%) from the Fiscal Year 2015 operating budget by Fiscal Year 2019; and

WHEREAS, these mandated budget reductions, coupled with the decline in budgeted revenues and the decline in generated incomes, will significantly impact the ability of the Macon-Bibb County Commission to continue to provide adequate funding for all the services and governmental needs required for the citizens of Macon-Bibb County; and

WHEREAS, the Macon-Bibb County Commission is committed to being a strong advocate for the citizens of Macon-Bibb County, and feels that the budget cuts required under Section 23 of the Charter of Macon-Bibb County will adversely impact the growth and services provided to the citizens of Macon-Bibb County; and

WHEREAS, the Macon-Bibb County Commission is committed to having the most efficient government possible, to being good stewards of the tax dollars from our citizens, and to growing our community in a responsible way; and

WHEREAS, the Macon-Bibb County Commission believes that, in order to provide the services, amenities, and safety measures needed for the citizens of Macon-Bibb County, the overall
budget reduction required under Section 23 of the Act should be reduced from a total reduction of twenty percent (20%) by Fiscal Year 2019, to a total reduction of ten percent (10%) by Fiscal Year 2019; and

WHEREAS, in addition, Section 23 of the Macon-Bibb County Charter currently provides that fiscal year 2015 shall be the baseline for determining the budget cuts that must be completed, however, from meeting with the local legislative delegation, the intent of Section 23 was to set the baseline year for said cuts to the combined Fiscal Year 2014 operating budgets of the City of Macon and Bibb County; and

WHEREAS, furthermore, in lieu of set percentage of the budget that must be cut each fiscal year, in order to provide the Macon-Bibb County Commission additionally flexibility, no set percentage of the budget should be required to be cut on an annual basis, however, the twelve (12) month budget for Fiscal Year 2016, the twelve (12) month budget for Fiscal Year 2017, and the twelve (12) month budget for Fiscal Year 2018 shall separately not exceed the previous budget for Fiscal Year 2015, with the exceptions of the provisions provided for in Section 23 Subsection (c) of the Macon-Bibb County Charter; and

WHEREAS, in lieu of set annual percentage budget cuts, Section 23 of the Macon-Bibb County Charter will be amended to reflect that a total of ten percent (10%) of the Fiscal Year 2014 budget shall be cut from the Fiscal Year 2019 budget, with the Macon-Bibb County Commission reserving the right to make less cuts some years and additional cuts in other years, as necessary; and

WHEREAS, Section 23 of the Macon-Bibb County Charter will be amended to state that the twelve (12) month budget of the unified government for Fiscal Year 2019 shall not exceed an amount equal to ninety percent (90%) of the fiscal year 2014 general operating budget, plus increases due to inflation as specified in the Consumer Price Index, but not including capital road improvements and other special revenue funds; and

WHEREAS, this home rule ordinance change will require a ten percent (10%) decrease from the Fiscal Year 2014 budget be made for the Fiscal Year 2019 budget; and

NOW, THEREFORE, BE IT ORDAINED by the Macon-Bibb County Commission, and it is hereby ordained by authority of the same that:
Section 1

Section 23 of the Macon-Bibb County Charter is hereby amended by Home Rule pursuant to Article IX, Section II, Paragraph 1 of the Georgia Constitution to read as follows:

(a) Until July 1, 2014, the restructured government shall operate under the funds remaining from the fiscal year 2013-2014 of the combined budgets of the City of Macon and Bibb County. The City of Macon and Bibb County shall adopt budgets for the period from July 1, 2013, and the date the consolidated government becomes effective. The finance departments of such entities shall develop a proposed budget for the consolidated government from the date such government is effective and the end of fiscal year 2014.

(b) (1) The first full 12 month budget of the unified government for fiscal year 2014 shall not exceed an amount equal to the combined fiscal year general operating budgets of the City of Macon and Bibb County, plus any funds required by accounting standards to be dissolved and made part of the general fund and any increases due to inflation as specified in the Consumer Price Index, but not including capital road improvement and other special revenue funds including, without limitation, special purpose local option sales tax and transportation special purpose local option sales tax funds.

(2) The 12 month budget of the unified government for fiscal year 2016, the 12 fiscal year 2017, and fiscal year 2018 shall each separately not exceed an amount equal to 100 percent of the fiscal year 2015 general operating budget, plus increases due to inflation as specified in the Consumer Price Index, but not including capital road improvement and other special revenue funds.

(2) The 12 month budget of the unified government for fiscal year 2019 shall not exceed an amount equal to 90 percent of the fiscal year 2014 general operating budget, plus increases due to inflation as specified in the Consumer Price Index, but not including capital road improvement and other special revenue funds.

(c) The budget limits established by subsection (b) of this section may be exceeded by not more than 25 percent in any given year if extreme economic circumstances require or if additional expenditures for public safety purposes are needed but only by a vote of six of the nine commissioners at an open meeting after notice on the official website of Macon-Bibb County once a week for two consecutive weeks prior to the meeting and the hearing of public comments.

(d) The tax assessments made by the board of tax assessors of Bibb County and the City of Macon as of the effective date of this charter shall constitute the basis for the assessment and collection of taxes of the commission for the calendar year in which this charter becomes effective.
Section 2

It is hereby ordained that the provisions of this ordinance shall become a part of the Charter for Macon-Bibb County, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3

(a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Macon-Bibb County Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
Section 4.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 5.

This Ordinance shall become effective immediately upon its adoption, subject to the notification provisions required by law.

FIRST MEETING ADOPTION:

SO ORDAINED, this ___ day of ____________________, 2015.

BY: ____________________________________________

ROBERT A. B. REICHERT, Mayor

ATTEST: ____________________________________________

JEAN S. HOWARD, Interim Clerk of Commission

SECOND MEETING ADOPTION:

SO ORDAINED, this ___ day of ____________________, 2015.

BY: ____________________________________________

ROBERT A. B. REICHERT, Mayor

ATTEST: ____________________________________________

JEAN S. HOWARD, Interim Clerk of Commission

WHEREAS, the Triple Triangle Master Plan Paving of the Basketball Court in Daisy Park has been awarded to the Macon-Bibb County Parks and Recreation Department from the Community Foundation of Central Georgia, in the amount of $14,835.39; and

WHEREAS, these funds will be used to fund the paving of the basketball court in Daisy Park; and

NOW, THEREFORE, BE IT RESOLVED by the Macon-Bibb County Commission, and it is hereby so resolved by authority of the same that the acceptance of the Daisy Park basketball court paving grant in the amount of $14,835.39 is hereby authorized and that the Mayor shall be authorized to take any and all actions necessary to effectuate acceptance of said grant.

SO RESOLVED this ____ day of _____________, 2015.

ROBERT A.B. REICHERT, MAYOR

ATTEST:

JEAN HOWARD, INTERIM CLERK OF COMMISSION
December 1, 2014

Mr. Doc Dougherty  
Macon-Bibb County Parks and Recreation Department  
Post Office Box 247  
Macon, GA 31298  

Dear Doc,

On behalf of the Board of Directors of the Community Foundation of Central Georgia, I am pleased to award a Knight Neighborhood Challenge grant to Macon-Bibb County Parks and Recreation Department. This grant is in the amount of $14,835.39 (check #11403, dated 12/1/2014), and is for the project, "Triple Triangle Master Plan Paving of Basketball Court in Daisy Park".

Before you begin implementing your project, please note the following:

- Make sure that you secure the proper permitting for your project through the City of Macon, Historic Review Board, or any other governing bodies that may apply. Knight Neighborhood Challenge funds may not be used to pay penalty fees for lack of or improper permitting.

- Public recognition of the project should be credited to the Knight Neighborhood Challenge, a project of the John S. and James L. Knight Foundation and the Community Foundation of Central Georgia. Logos and additional communication guidelines can be found at www.cfega.org/knc/communications.

- You are required to submit an online final report and project budget summary once your project funds are expended or no later than one year from the deadline date of the cycle in which you applied for your grant. For example, if you applied for the December 31, 2009 cycle, the final report and project budget summary would be due no later than December 31, 2010. If you apply for another grant from the Community Foundation, a final report or progress report for all previously received grants must be on file. You can access the final report form at www.cfega.org/knc

- You are strongly encouraged to take before and after pictures of your project to be submitted with your final report.
A RESOLUTION OF THE MACON-BIBB COUNTY COMMISSION AUTHORIZING THE ACCEPTANCE OF THE WAL-MART GRANT IN THE AMOUNT OF $1,000 AWARDED TO THE SHERIFF'S OFFICE; AND FOR OTHER PURPOSES.

WHEREAS, the Sheriff's Office is charged with protecting and serving the citizens of Macon-Bibb County, Georgia; and

WHEREAS, the Sheriff's Outreach Division will use these funds to purchase Back to School Supplies for low income/economically disadvantaged youth; and

NOW, THEREFORE, BE IT RESOLVED by the Macon-Bibb County Commission, and it is hereby so resolved by authority of the same that the acceptance of the Wal-Mart Back to School Supplies Grant in the amount of $1,000 is hereby authorized and that the Sheriff shall be authorized to take any and all actions necessary to effectuate acceptance of the said grant.

SO RESOLVED this _____ day of ________________, 2015.

ROBERT A.B. REICHERT, MAYOR

ATTEST:
JEAN HOWRD, INTERIM CLERK OF COMMISSION
Tuesday, February 10, 2015
COMMITTEE OF THE WHOLE

Mayor Robert Reichert
Commissioner Bert Bivins
Commissioner Gary Bechtel
Commissioner Ed DeFore
Commissioner Mallory Jones
Commissioner Elaine Lucas
Commissioner Larry Schlesinger
Commissioner Scotty Shepherd
Commissioner Al Tillman
Commissioner Virgil Watkins

A. APPOINTMENT OF THE CLERK OF THE COMMISSION

<table>
<thead>
<tr>
<th>Subject</th>
<th>1. A Resolution Appointing Jean S. Howard As The Clerk Of Commission For Macon-Bibb County</th>
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<tbody>
<tr>
<td>Meeting</td>
<td>Feb 10, 2015 - COMMITTEE OF THE WHOLE</td>
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<tr>
<td>Category</td>
<td>A. APPOINTMENT OF THE CLERK OF THE COMMISSION</td>
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<td>Access</td>
<td>Public</td>
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<td>Type</td>
<td>Action</td>
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Tuesday, February 10, 2015
ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

COMMITTEE MEMBERS
Commissioner Schlesinger - Chairman
Commissioner Tillman - Vice Chairman
Commissioner Lucas
Commissioner Defore
Commissioner Watkins
Julie Moore - Staff Contact

1. APPROVAL OF MINUTES

Subject: A. Approval of Minutes From Meeting on January 27, 2015
Meeting: Feb 10, 2015 - ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE
Category: 1. APPROVAL OF MINUTES
Access: Public
Type: Minutes

File Attachments
1-27-2015-1.pdf (14 KB)

2. APPOINTMENT / REAPPOINTMENTS TO BOARDS, COMMISSIONS AND AUTHORITIES

Subject: A. A Resolution Reappointing Bert Bivins, III, Chuck O'Neal, Lonnie Miley and Matt Rogers To The Macon-Bibb County Council For The Middle Georgia Regional Commission
Meeting: Feb 10, 2015 - ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE
Category: 2. APPOINTMENT / REAPPOINTMENTS TO BOARDS, COMMISSIONS AND AUTHORITIES
Access: Public
Type: Action

File Attachments
2-10-2015 - Res Reappt Bivins O'Neal Miley Rogers MGRC.pdf (183 KB)

3. COMMITTEE MEMBERS

Subject: A. Election of Chairman and Vice Chairman of the Economic and Community Development Committee
<table>
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<tr>
<th>Meeting</th>
<th>Feb 10, 2015 - ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE</th>
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<td>Category</td>
<td>3. COMMITTEE MEMBERS</td>
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The Economic and Community Development Committee was called to order by Committee Chairman Schlesinger.

**COMMITTEE MEMBERS PRESENT:**
Commissioner Larry Schlesinger
Commissioner Elaine Lucas
Commissioner Virgil Watkins
Commissioner Ed DeFore

**OTHERS PRESENT:**
Mayor Robert A. B. Reichert
Commissioner Mallory Jones
Commissioner Scotty Shepherd
Commissioner Gary Bechtel
Mayor Pro Tem Bert Bivins
Judd Drake, County Attorney
Charles Coney, Asst. County Manager
Janice Ross, Training and Events Coordinator
Chris Floore, Asst. to County Manager
Jean Howard, Asst. Clerk of the Commission
Dale Walker, County Manager
Opie Bowen, Assistant County Attorney
Steve Layson, Assistant County Manager
Crystal Jones, Sr. Assistant County Attorney
Reginald McClendon, Assistant County Attorney
Julie Moore, Assistant to the County Manager
David Fortson, Director of Engineering
Andrea Crutchfield, Chief Appraiser
Nigel Floyd, Traffic Engineering
Steve Lawson, Director of Parks and Beautification
Shane Edwards, Asst. Fire Chief
David Montford, Sheriff’s Office

**COMMITTEE MEMBER ABSENT**
Commissioner Al Tillman

**NEWS MEDIA:**
Jim Gaines, The Telegraph
Ron Wildman, WPGA TV 58

**VISITORS/GUESTS:**
Adah Roberts
Brittany Childs, Industrial Authority
Elliott Dunwoody
Sherry Thomas
Jaime Weatherford, Rock Candy Tours

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1. Approval of Minutes from meeting on January 13, 2015

**ACTION:**

*On motion of Commissioner Watkins, seconded by Commissioner Lucas and carried unanimously with Commissioners Schlesinger and DeFore voting in the affirmative, the minutes of January 13, 2015 were approved.*

2. Motorized Cart Ordinances

Commissioner Schlesinger stated that this was being brought back as many citizens continue to be interested in using motorized carts in downtown Macon. The Sheriff’s Office voice their concerns.
Commissioner Lucas stated that she was also concerned that by passing the ordinance citizens who ride in the carts will be in jeopardy as well as the citizens who drive cars in the affected areas. Nigel Floyd stated that he had ridden the streets in one of Bibb County’s small ATVs and that he did not encounter any problems.

ACTION

On motion of Commissioner DeFore, seconded by Commissioner Watkins and carried with Commissioner Schlesinger voting in the affirmative and Commissioner Lucas casting the dissenting vote, the ordinance amending Chapter 28 of the Code of Ordinances to include a new article, with said article being entitled Article V “Motorized Carts” for the purpose of allowing motorized carts on designated public roads under certain terms and conditions was approved.

ACTION

On motion of Commissioner DeFore, seconded by Commissioner Watkins and carried with Commissioner Schlesinger voting in the affirmative with Commissioner Lucas casting the dissenting vote, the ordinance to allow for the use of motorized carts Section 28-142 (d) Registration was amended to read “registration is good for a period of three (3) years” was approved.

ACTION

On motion of Commissioner DeFore, seconded by Commissioner Watkins and carried with Commissioner Schlesinger voting in the affirmative with Commissioner Lucas casting the dissenting vote, the ordinance to allow for the use of motorized carts Section 5 was amended to read “The Ordinance will become effective on June 1, 2015” was approved.

ACTION

On motion of Commissioner DeFore, seconded by Commissioner Watkins and carried with Commissioner Schlesinger voting in the affirmative with Commissioner Lucas casting the dissenting vote, the ordinance to allow for the use of motorized carts Section 28 – 144 (a) was amended to read “Any passengers on a motorized cart on an approved street must be at least eight (8) years of age.” was approved.

ACTION

On motion of Commissioner DeFore, seconded by Commissioner Watkins and carried with Commissioner Schlesinger voting in the affirmative with Commissioner Lucas casting the dissenting vote, the ordinance to allow for the use of motorized carts Section 28-142 (E) was amended to read “…the golf cart shall be physically inspected by the Sheriff’s Office…” was approved.

ACTION

On motion of Commissioner DeFore, seconded by Commissioner Watkins and carried with Commissioner Schlesinger voting in the affirmative and Commissioner Lucas casting the dissenting vote, the amended list of streets for golf cart usage was approved.

Commissioner Virgil Watkins left the meeting at this point to travel to Detroit for a review of blight housing.
3. Appointment / Reappointments To Boards, Commissions and Authorities

**ACTION**

*On motion of Commissioner DeFore, seconded by Commissioner Lucas and carried unanimously with Commissioner Schlesinger voting in the affirmative, the re-appointment of William Vaughn to the Board of Tax Assessors was approved.*

4. Filming in Macon-Bibb County

Chris Floore gave the background of filming in Macon-Bibb County. He stated that we had been fortunate that so many different film companies were interested in Macon-Bibb County. He continued that with each film, the staff has gained more knowledge on how to interact with companies. Commissioner Lucas expressed her concerns regarding the recent incident on Cotton Avenue. She continued that she would like to see Commissioner Schlesinger name an ad hoc committee to work with film and television entities who are interested in using our community to film.

At this point, the meeting was recessed for lunch.

The meeting was reconvened at 1:15 p.m.

5. Opposition to Reduce Voting Precincts

Commissioner Lucas stated that she would like to ask the Board of Election to allow a little more time to investigate if reducing precincts was a good idea. She has received a letter from the League of Women voters opposing the idea of fewer precincts.

**ACTION**

*On motion of Commissioner DeFore, seconded by Commissioner Lucas and carried unanimously with Commissioner Schlesinger voting in the affirmative, the resolution voicing opposition to plans to reduce the number of voting precincts from forty (40) to twenty-six (26) by consolidating voting precincts; requesting the addition of a satellite voting location for the purpose of conducting early voting was tabled but Commissioner Schlesinger will compose a letter to the Board of Election voicing the Committees desire to delay voting on closing precincts.*

6. Medicaid Expansion in Georgia

Commissioner Lucas stated that she would like for the Committee to compose a letter to the local delegation asking them to review the rejection of funds for Medicaid Expansion.

**ACTION**

*On motion of Commissioner DeFore, seconded by Commissioner Lucas and carried unanimously with Commissioner Schlesinger voting in the affirmative, the resolution requesting that the local delegation review the rejection of funds which would allow Medicaid Expansion in Georgia; requesting that they conduct further inquiry regarding the positive benefits that will result to Middle Georgia and other Georgia hospitals was approved with Commissioner Schlesinger composing a letter to the delegation requesting that they review the rejection of funds for Medicaid Expansion.*
There being no further business and on motion duly made and seconded, the meeting was adjourned.

Prepared By:

Janice S. Ross

Reviewed and Approved By:

Jean S. Howard, CMC
Interim Clerk of the Commission
A RESOLUTION OF THE MACON-BIBB COUNTY COMMISSION REAPPOINTING BERT BIVINS, III, CHUCK O'NEAL, LONNIE MILEY, AND MATT ROGERS TO THE MACON-BIBB COUNTY COUNCIL FOR THE MIDDLE GEORGIA REGIONAL COMMISSION; AND FOR OTHER PURPOSES.

WHEREAS, the Middle Georgia Regional Commission is the regional planning and development agency serving the communities of Middle Georgia and provides services in the areas of planning, economic development, public administration, information technology, workforce development, and aging services; and

WHEREAS, the Middle Georgia Regional Commission aims to develop, promote, and assist in establishing coordinated and comprehensive planning for local governments in the Middle Georgia area; and

WHEREAS, council members of the Middle Georgia Regional Commission are appointed pursuant to O.C.G.A. § 50-8-34, and each participating County appoints members to represent the County’s interest; and

WHEREAS, pursuant to O.C.G.A. § 50-8-34 and the bylaws of the Middle Georgia Regional Commission, Bert Bivins, III meets all the qualifications and requirements to serve as the municipal member for the Macon-Bibb County Council for the Middle Georgia Regional Commission; and

WHEREAS, pursuant to O.C.G.A. § 50-8-34 and the bylaws of the Middle Georgia Regional Commission, Chuck O’Neal meets all the qualifications and requirements to serve as the non-public member for the Macon-Bibb County Council for the Middle Georgia Regional Commission; and

WHEREAS, pursuant to O.C.G.A. § 50-8-34 and the bylaws of the Middle Georgia Regional Commission, Lonnie Miley meets all the qualifications and requirements to serve as an associate member for the Macon-Bibb County Council for the Middle Georgia Regional Commission; and

WHEREAS, pursuant to O.C.G.A. § 50-8-34 and the bylaws of the Middle Georgia Regional Commission, Matt Rogers meets all the qualifications and requirements to serve as an associate member for the Macon-Bibb County Council for the Middle Georgia Regional Commission; and
WHEREAS, each aforementioned appointed Macon-Bibb County Council member for the Middle Georgia Regional Commission shall serve for a term of one (1) year, with said term to run from January 1, 2015 to December 31, 2015; and

NOW, THEREFORE, BE IT RESOLVED by the Macon-Bibb County Commission, and it is hereby so resolved by the authority of the same, that Bert Bivens, III, Chuck O’Neal, Lonnie Miley, and Matt Rogers are hereby reappointed to serve as members of the Macon-Bibb County Council for the Middle Georgia Regional Commission with each member’s said term to be for a one (1) year period from January 1, 2015 to December 31, 2015.

SO RESOLVED this ___ day of ____________, 2015.

By:

ROBERT A.B. REICHERT, Mayor

Attest:

JEAN S. HOWARD, Interim Clerk of Commission
Tuesday, February 10, 2015
PUBLIC SAFETY COMMITTEE

Commissioner Scotty Shepherd - Chairman
Commissioner Virgil Watkins - Vice Chairman
Commissioner Mallory Jones
Commissioner Elaine Lucas
Commissioner Larry Schlesinger
Dale Walker - Staff Contact

1. APPROVAL OF MINUTES

Subject: A. Approval of Minutes From Meeting on January 13, 2015
Meeting: Feb 10, 2015 - PUBLIC SAFETY COMMITTEE
Category: 1. APPROVAL OF MINUTES
Access: Public

File Attachments
1-13-2015.pdf (9 KB)

2. SENATE BILL 440 AND 441

Subject: A. A Resolution To Work With The Local Legislative Delegation to Address Public Concerns Regarding Senate Bill 440 (Also Known As "The Seven Deadly Sins Act") and Senate Bill 441 (Also Known As "The Two Strikes Act")
Meeting: Feb 10, 2015 - PUBLIC SAFETY COMMITTEE
Category: 2. SENATE BILL 440 AND 441
Access: Public
Type: Action

File Attachments
2-10-2015 - Res Bill 440 Bill 441 (2).pdf (192 KB)

3. SOCIAL HOST ORDINANCE

Subject: A. Social Host Ordinance
Meeting: Feb 10, 2015 - PUBLIC SAFETY COMMITTEE
Category: 3. SOCIAL HOST ORDINANCE
4. CHANGES TO THE CODE

Subject: A. An Ordinance To Revise Chapter 5, Section 5-26 Of The Code To Reflect The Probate Court Is The Proper Court On Appeal

Meeting: Feb 10, 2015 - PUBLIC SAFETY COMMITTEE

Category: 4. CHANGES TO THE CODE

Access: Public

Type: Action

File Attachments
- 2-10-2015 - Ordinance Revise Inaugural Code Probate Court.pdf (426 KB)

5. COMMITTEE MEMBERS

Subject: A. Election of Chairman and Vice Chairman of the Public Safety Committee

Meeting: Feb 10, 2015 - PUBLIC SAFETY COMMITTEE

Category: 5. COMMITTEE MEMBERS

Access: Public

Type: 
The Public Safety Committee was called to order by Committee Chairman Shepherd.

**COMMITTEE MEMBERS PRESENT:**
- Commissioner Mallory Jones
- Commissioner Larry Schlesinger
- Commissioner Scotty Shepherd
- Commissioner Virgil Watkins
- Commissioner Elaine Lucas

**OTHERS PRESENT:**
- Mayor Robert A. B. Reichert
- Commissioner Gary Bechtel
- Mayor Pro Tem Bert Bivins
- Commissioner Al Tillman
- Commissioner Ed DeFore
- Judd Drake, County Attorney
- Steve Layson, Asst. County Manager
- Charles Coney, Asst. County Manager
- Janice Ross, Training & Events Coordinator
- Jean Howard, Asst. Clerk of Commission
- Chris Floore, Asst. to the County Manager
- Dale Walker, County Manager
- Ople Bowen, Assistant County Attorney
- Crystal Jones, Sr. Assistant County Attorney

**NEWS MEDIA:**
- Jim Gaines, The Telegraph

**VISITORS/GUESTS:**
- Brittney Childs, Industrial Authority
- Tony and Jennifer Long

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1. **Approval of Minutes from Meeting on December 23, 2014**

**ACTION:**

On motion of Commissioner Schlesinger, seconded by Commissioner Jones, and carried unanimously with Commissioners Watkins, Shepherd and Lucas voting in the affirmative, the minutes of the December 23, 2014 meeting were approved as written.

2. **Donnan Road Fire Station**

**ACTION:**

On motion of Commissioner Lucas, seconded by Commissioner Watkins, and carried unanimously with Commissioners Schlesinger, Shepherd and Jones voting in the affirmative, the resolution to reaffirm its commitment and support regarding the construction of the fire station to be located at 3767 Donnan Road; to appropriate funding to equip said fire station in the TY 2016 budget was approved.
There being no further business, and on motion duly made and seconded, the meeting was adjourned.

Prepared by:

Janice S. Ross

Reviewed and Approved By:

Jean S. Howard
Interim Clerk of the Commission
A RESOLUTION OF THE MACON-BIBB COUNTY COMMISSION TO WORK WITH THE LOCAL LEGISLATIVE DELEGATION TO ADDRESS PUBLIC CONCERNS REGARDING SENATE BILL 440 (ALSO KNOWN AS “THE SEVEN DEADLY SINS ACT”) AND SENATE BILL 441 (ALSO KNOWN AS “THE TWO STRIKES ACT”); AND FOR OTHER PURPOSES.

WHEREAS, during the 1994 legislation session, the legislation for the State of Georgia passed Senate Bill 440 (also known as “The Seven Deadly Sins Act” and hereinafter “SB440”) and Senate Bill 441 (also known as “The Seven Deadly Sins Act” and hereinafter “SB441”); and

WHEREAS, SB440 gave the Superior Court exclusive jurisdiction over the trial of any juvenile between the ages of thirteen (13) and seventeen (17) who were alleged to have committed one (1) of seven (7) specific offenses, which included murder, rape, armed robbery with a firearm, aggravated child molestation, aggravated sodomy, aggravated sexual battery, and voluntary manslaughter; and

WHEREAS, SB440 also required that any juvenile between the ages of thirteen (13) and seventeen (17) convicted of one (1) of the specified offenses must serve their sentence in a Department of Corrections facility in lieu of a Department of Juvenile Justice facility; and

WHEREAS, in addition, SB441 required that any juvenile between the ages of thirteen (13) and seventeen (17) who were alleged to have committed one (1) of the seven (7) specific offenses to serve a minimum sentence of ten (10) years in prison; and

WHEREAS, SB 441 also stated that a second conviction for one (1) of the seven (7) specific offenses would result in a sentence of life without parole; and

WHEREAS, SB440 and SB441 fail to focus on the rehabilitation of a minor convicted of the aforementioned offenses, and places the juvenile in an adult facility where the juvenile is exposed to a more retribution style punishment system; and

WHEREAS, additional research by various public interest groups suggest that SB440 and SB441 may also have contributed to the overcrowding of the prison population and that the laws, as currently enforced, are not serving the best interest of the public; and

WHEREAS, during the 2012 legislative session, the legislation for the State of Georgia passed HB1176, which aimed to curb the growth of prison populations and improve public safety welfare by focusing on the implantation and expansion of pre-trial diversion programs for offenders who were found to have a lower risk of committing another crime; and
WHEREAS, programs such as those outlined in HB1176, as well as additional rehabilitation treatment for juveniles, could be utilized and help improve the rehabilitation of juveniles convicted of crimes in the State of Georgia; and

WHEREAS, the Macon-Bibb County Commission will work with the local legislation delegation to address the concerns brought by the public regarding SB440 and SB441;

NOW, THEREFORE, BE IT RESOLVED by the Macon-Bibb County Commission, and it is hereby so resolved by the authority of the same that the Macon-Bibb County Commission will work with the local legislation delegation to address the concerns of the citizens of Macon-Bibb County regarding SB440 and SB441.

SO RESOLVED this ___ day of _________________, 2015.

By:

ROBERT A.B. REICHERT, Mayor

Attest:

JEAN S. HOWARD, Interim Clerk of Commission

(SEAL)
AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION, TO REVOKE CHAPTER 5, SEC. 5-26 OF THE INAGURAL CODE OF ORDINANCES FOR MACON-BIBB COUNTY TO REFLECT THE PROBATE COURT IS THE PROPER COURT ON APPEAL; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, by virtue of Article IX, Section III, Paragraph II of the Constitution of Georgia, Ga. Law 2012, page 5595 and Ga. Laws 2013, pages 3501, 3942, and by virtue of the will of the people in a referendum held on July 31, 2012 there is to be a consolidated local government known as “Macon-Bibb County”; and

WHEREAS, the current Macon-Bibb County Animal Chapter indicates judicial review of the board of health’s final decision in a dangerous or vicious dog hearing may be had in the Superior Court of Bibb County; and

WHEREAS, O.C.G.A. §15-9-30.9, which was revised in 2014, indicates appeals are to be had in the Probate Court of Bibb County; and

WHEREAS, revision of Section 5-26 of the Macon-Bibb County Code of Ordinances is necessary to comply with state law; and

WHEREAS, the ordinance contained herein would benefit and promote the health, safety, morals and welfare of the citizens of Macon-Bibb County.

NOW, THEREFORE, BE IT ORDAINED by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that:

Section 1.

Chapter 5, Sec. 5-26 -- Investigation by dog control officer; notice to owner; hearing; determination; review; of the Inagural Code of Ordinances for Macon-Bibb County is hereby amended by revising Sec. 5-26 to read as follows:

Sec. 5-26. Investigation by dog control officer; notice to owner; hearing; determination; review.

Sec. 5-26.

(a) Upon receipt by the dog control officer of a report of a dog within Macon-Bibb county believed to be subject to classification as a dangerous dog or vicious dog, the dog control officer shall investigate to determine whether such dog is subject to classification as dangerous dog or a vicious dog.
(b) When the dog control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the dog control officer shall mail notice to the dog's owner of such classification within 72 hours.

(1) The notice to the owner shall be in writing and mailed by certified mail or statutory overnight delivery to the owner's last known address.
(2) The notice shall include a summary of the dog control officer's determination and shall state that the owner has a right to request a hearing on the dog control officer's determination, within 15 days after the date shown on the notice.
(3) The notice shall include a form to request a hearing before the Board of Health and shall provide specific instructions on mailing or delivering such request to the Board of Health.
(4) The notice shall state that the hearing, if requested, shall be before the Macon-Bibb County Board of Health ("Board of Health" or "Board").
(5) The notice shall state that if a hearing is not requested within the allotted time, the dog control officer's determination that the dog is a dangerous dog or a vicious dog will become effective for all purposes.

(c) When a dog owner requests a hearing, the hearing shall be scheduled within 30 days after the request is received. The Board shall notify the dog's owner in writing by certified mail or statutory overnight delivery of the date, time, and place of the hearing, and such notice shall be mailed to the dog's owner at least 10 days prior to the date of the hearing. At the hearing, the dog owner shall be given the opportunity to testify and present evidence and the Board shall receive such other evidence and hear such other testimony as the Board may find reasonably necessary to make a determination either to sustain, modify, or overrule the dog control officer's determination.

(d) The Board of Health shall make a written decision within 10 days of the date of the hearing. The Board shall notify the dog's owner in writing by certified mail or statutory overnight delivery of the Board's determination on the matter within seven (7) days of its decision, and shall send a copy of such decision also to the dog control officer.

(1) If such determination is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify the date upon which such determination is effective.
(2) If the determination is that the dog is to be euthanized, the notice shall specify the date by which the euthanasia shall occur.
(3) Judicial review of the Board's final decision may be had in the Probate Court of Bibb County in accordance with O.C.G.A. §15-9-30.9.
Section 2.

It is the intention of the Macon-Bibb County Commission that nothing herein shall be interpreted as amending, altering, abolishing, discharging, or in any manner affecting any advisory committees, fines, fees, charges, assessments, and/or hearing procedures previously established or adopted by Bibb County or the City of Macon regarding animals for any matter other than the investigation by dog control officer, notice to owner, hearing, determination and review related to dangerous and vicious dogs in Bibb County, the City of Macon, and/or Macon-Bibb County, and that any such advisory committees, taxes, fees, charges, assessments and/or hearing procedures shall continue in full force and effect in Macon-Bibb County consistent with the provisions of the Macon-Bibb County Charter, Ga. Law 2012, page 5595 and Ga. Laws 2013, pages 3501, 3942.

Section 3.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4.

This Ordinance, to the extent necessary, shall be codified in a manner consistent with the laws of the State of Georgia and Macon-Bibb County.

Section 5.

(a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Macon-Bibb County Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest
extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 6.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 7.

This Ordinance shall become effective immediately upon its approval by the Mayor.

SO ORDAINED this _____ day of ______________, 2015.

ROBERT A.B. REICHERT, MAYOR

ATTEST:

JEAN S. HOWARD, INTERIM CLERK OF COMMISSION
Tuesday, February 10, 2015
FACILITIES AND ENGINEERING COMMITTEE

Commissioner Al Tillman - Chairman
Commissioner Mallory Jones - Vice Chairman
Commissioner Gary Bechtel
Commissioner Ed DeFore
Commissioner Scotty Shepherd
Steve Layson - Staff Contact

1. APPROVAL OF MINUTES

<table>
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<tr>
<th>Subject</th>
<th>A. Approval of Minutes From Meeting on January 27, 2015</th>
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<td>Meeting</td>
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<td>1. APPROVAL OF MINUTES</td>
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<td>Access</td>
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File Attachments
1-27-2015-1.pdf (10 KB)

2. CLOSING A PORTION OF THIRD STREET LANE

<table>
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<tr>
<th>Subject</th>
<th>A. A Resolution Authorizing The Closure Of A Portion Of Third Street Lane To Vehicular Traffic Only Near The W. A. Bootle Federal Courthouse For Safety Purposes</th>
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<tr>
<td>Meeting</td>
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<td>2. CLOSING A PORTION OF THIRD STREET LANE</td>
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File Attachments

3. REVISION TO THE INAUGURAL CODE

<table>
<thead>
<tr>
<th>Subject</th>
<th>A. An Ordinance To Revise Chapter 24 Of The Inaugural Code Of Ordinances, Macon-Bibb County Regulating Streets and Sidewalks</th>
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<tbody>
<tr>
<td>Meeting</td>
<td>Feb 10, 2015 - FACILITIES AND ENGINEERING COMMITTEE</td>
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<tr>
<td>Category</td>
<td>3. REVISION TO THE INAUGURAL CODE</td>
</tr>
</tbody>
</table>
4. COMMITTEE MEMBERS

Subject: A. Election of Chairman and Vice Chairman of the Facilities and Engineering Committee

Meeting: Feb 10, 2015 - FACILITIES AND ENGINEERING COMMITTEE

Category: 4. COMMITTEE MEMBERS

Access: Public

Type: Action

File Attachments
2-10-2015 - Ord Revision of Code - Street and Sidewalks.pdf (1.797 KB)
FACILITIES AND ENGINEERING COMMITTEE

MINUTES

January 27, 2015

The Facilities and Engineering Committee was called to order by Committee Chairman Al Tillman.

COMMITTEE MEMBERS PRESENT:
Commissioner Mallory Jones
Commissioner Scotty Shepherd
Commissioner Gary Bechtel
Commissioner Ed DeFore

COMMITTEE MEMBER ABSENT:
Commissioner Al Tillman

NEWS MEDIA:
Jim Gaines, The Telegraph

OTHERS PRESENT:
Mayor Robert A. B. Reichert
Commissioner Virgil Watkins
Commissioner Elaine Lucas
Mayor Pro Tem Bert Bivins
Commissioner Larry Schlesinger
Judd Drake, County Attorney
Opie Bowen, Asst. County Attorney
Janice Ross, Training & Events Coordinator
Jean Howard, Asst. Clerk of Commission
Chris Floore, Asst. to the County Manager
Reggie McClendon, Assistant County Attorney
Steve Layson, Assistant County Manager
Charles Coney, Assistant County Manager
Dale Walker, County Manager
Crystal Jones, Sr. Assistant County Attorney
Kendall Countryman, Human Resources
Harold Gaines, Human Resources
Ben Hubbard, Human Resources

VISITORS/GUESTS:
Wimberly Treadwell
John O’Neal
Jimmy Hinson
Bud Fletcher
Erica Woodford
Deborah Martin

1. Approval of Minutes from the January 13, 2015 meeting

ACTION:

On motion of Commissioner Shepherd, seconded by Commissioner Jones and carried unanimously with Commissioners DeFore and Bechtel voting in the affirmative, the minutes of the January 13, 2015 meeting were approved.

2. Renovations for Daisy Park.

ACTION:

On motion of Commissioner Bechtel, seconded by Commissioner Shepherd and carried unanimously with Commissioners DeFore and Jones voting in the affirmative, the renovations of Daisy Park were approved.
3. Code Revision

**ACTION:**

*On motion of Commissioner Bechtel, seconded by Commissioner DeFore and carried unanimously with Commissioners Shepherd and Jones voting in the affirmative, the ordinance to revised Chapter 24 of the inaugural code regulating streets and sidewalks was tabled.*

4. Executive Session

**ACTION**

*On motion of Commissioner Bechtel, seconded by Commissioner DeFore and carried unanimously with Commissioners Schlesinger and Jones voting in the affirmative, the meeting went into Executive Session to discuss property acquisition.*

There being no further business and on motion duly made and seconded, the meeting was adjourned.

Prepared By:

__________________________
Janice S. Ross

Reviewed and Approved By:

__________________________
Jean S. Howard
Interim Clerk of the Commission
A RESOLUTION OF THE MACON-BIBB COUNTY COMMISSION AUTHORIZING THE CLOSURE OF A PORTION OF THIRD STREET LANE TO VEHICULAR TRAFFIC ONLY NEAR THE W. A. BOOTLE FEDERAL COURTHOUSE FOR SAFETY PURPOSES; AND FOR OTHER PURPOSES.

WHEREAS, O.C.G.A. § 32-7-3 authorizes Macon-Bibb County to close a public road or alley way pursuant to the procedure set forth in O.C.G.A. § 32-7-4 when Macon-Bibb County determines that it is no longer needed for public road purposes because of changed conditions, and that closing said road is in the public interest; and

WHEREAS, on or about November 18, 2014, a letter was received from William E. Tanner (Clerk of the United States District Court for the Middle District of Georgia) requesting that the portion of Third Street Lane that runs adjacent to the W. A. Bootle Federal Courthouse be closed to vehicular traffic, however, the area would remain open to pedestrian traffic; and

WHEREAS, specifically, Third Street Lane would be closed from Mulberry Street to Walnut Street Lane for vehicular traffic only; and

WHEREAS; for reference purposes, three (3) map images of the area have been attached hereto as Exhibit “A”; and

WHEREAS, the specific reason for requesting the closure of this portion of Third Street Lane was a concern that “a vehicle containing explosives could be parked right next to the building”; and

WHEREAS, a copy of the aforementioned letter has been attached hereto as Exhibit “B”; and

WHEREAS, signs were posted in the area for the required thirty (30) days to solicit public comments from citizens regarding the proposed closure; and

WHEREAS, no public comments were received regarding the proposed closure; and

WHEREAS, the area has been inspected by the Macon-Bibb County Engineering Department, which stated that the closure will not impact the operations of Macon-Bibb County; and

WHEREAS, the Macon-Bibb County Commission finds that the said portion of Third Street Lane is not needed for public road purposes and that closing said portion of Third Street Lane to vehicular traffic is in the public interest, as it enhances the safety of the employees of the Federal Courthouse; and
NOW, THEREFORE, BE IT RESOLVED by the Macon-Bibb County Commission, and it is hereby so resolved by the authority of the same that the portion of Third Street Lane from Mulberry Street to Walnut Street Lane is hereby closed as a public street to vehicular traffic, however said portion shall remain open to pedestrian traffic.

SO RESOLVED this _____ day of ________________, 2015.

By: ________________________________
ROBERT A.B. REICHERT, Mayor

Attest: ________________________________
JEAN S. HOWARD, Interim Clerk of Commission
EXHIBIT A

Images of Third Street Lane
EXHIBIT B
Third Street Lane Closure Request Letter
AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION, TO REVISE CHAPTER 24 OF THE INAUGURAL CODE OF ORDINANCES, MACON-BIBB COUNTY REGULATING STREETS AND SIDEWALKS; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, by virtue of Article IX, Section III, Paragraph II of the Constitution of Georgia, Ga. Law 2012, page 5595 and Ga. Laws 2013, pages 3501, 3942, and by virtue of the will of the people in a referendum held on July 31, 2012 there is to be a consolidated local government known as “Macon-Bibb County”; and

WHEREAS, Sec. 24 of the Inaugural Code of Ordinances codifies the regulations for streets and sidewalks within Macon-Bibb County; and

NOW, THEREFORE, BE IT ORDAINED by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that:

Section 1.
That Section 24 of the Code of Ordinances of Macon-Bibb County, Georgia is hereby amended to read as follows:

CHAPTER 24. STREETS AND SIDEWALKS

ARTICLE I. IN GENERAL
ARTICLE II. RESERVED
ARTICLE III. CURBS AND GUTTERS
ARTICLE IV. EXCAVATIONS
ARTICLE V. SIDEWALKS
ARTICLE VI. ENCROACHMENTS
ARTICLE VII. RESERVED
ARTICLE VIII. INSTALLATION OF SPEED TABLES

ARTICLE I. IN GENERAL
Sec. 24-1. Soliciting trade on sidewalks.
Sec. 24-2. Displaying merchandise on sidewalks and the like.
Secs. 24-3–24-20. Reserved.
Sec. 24-1. Soliciting trade on sidewalks.
It shall be unlawful for any person to stand or walk upon any sidewalk or street in front of, or near, a store or place of business of any kind, or so near the sidewalk as to obstruct its use, for the purpose of soliciting customers or trade thereof, by calling out or "spelling" for such business, or by taking hold of passersby and undertaking to persuade or force them into a store or place of business, or by any other acts similar to these mentioned.

Sec. 24-2. Displaying merchandise on sidewalks and the like.

(a) Sidewalk special temporary sales. A special temporary sale conducted on a public sidewalk by a retail or wholesale business is permitted under the following conditions:

(1) Except as otherwise provided for in paragraph (b) below, it shall be unlawful for any person to conduct a sidewalk sale without a permit. The application for a permit shall contain such identifying and descriptive information of the sale as the manager may prescribe.

(2) Only one sidewalk sale shall be permitted during any one trimester and the period of the special sale shall be limited to 2 consecutive days.

(3) The fee for a permit to conduct a sidewalk sale shall be $25.00.

(4) Any display of merchandise by a business in a sidewalk special temporary sale shall meet the following requirements:

A. The display shall be situated so as to abut the front wall of the building in which the business selling the displayed merchandise is located;

B. The display shall not exceed a size of 12 feet by four feet (12' \times 4'); however, such display shall not extend beyond either end of the front exterior wall of said business; and

C. The displayed merchandise shall be items regularly sold as a part of the business displaying the merchandise.

D. The provision of paragraph (4) above notwithstanding, an area of not less than five feet of unobstructed pedestrian passageway shall be maintained at all times between any display and the nearest curb, tree, pole or other public structure.

B. All displays and/or merchandise displayed in a sidewalk sale as provided for in this section shall be removed from the sidewalk during any time when the business conducting such sale is closed to customers.
F. All final sales transactions between business and customer shall be conducted within the business establishment, not on the sidewalk.

G. Any person or business conducting a sidewalk sale shall not cause any loud or offensive noise, either from his or her person or from any device, instrument or equipment for the purpose of attracting attention to any goods or services for sale or distribution.

H. No person or business conducting a sidewalk sale shall display goods or merchandise on the ground, or on any cloth, plastic or similar ground covering on any sidewalk or other public right-of-way. All displays shall be set up so that the displays are easily detectable by the visually impaired.

(5) No sale on a public sidewalk as described in this paragraph shall be permitted on the same sidewalk or portion of a sidewalk where any street party or other special event is occurring, unless the producer of the special event agrees in writing to such sidewalk sale. A copy of such an agreement shall be filed with the office of the manager or his/her designee.

(b) Sidewalk displays of merchandise in the Downtown area. A sidewalk display of merchandise may be conducted on a public sidewalk by a retail or wholesale business in the Downtown area embraced within what is known as the fire zone without a permit under the following conditions:

(1) The display shall be situated so as to abut the front wall of the building in which the business selling the displayed merchandise is located and shall not obstruct building entrances, fire exits, utility meters, cellar entrances, or standpipes or other safety equipment;

(2) The display shall not exceed a size of 12 inches in depth, 36 inches in width and 60 inches in height; alternatively, displays consisting solely of newspapers, periodicals or other publications shall not exceed a size of 27 inches in depth, 48 inches in width and 60 inches in height. In no event shall a display extend beyond either end of the front exterior wall of said business;

(3) The provision of paragraph (2) above notwithstanding, an area of not less than five feet of unobstructed pedestrian passageway shall be maintained at all times between any display and the nearest curb, tree, pole or other permanent object situate in the right-of-way;

(4) The display shall consist only of fungible merchandise regularly sold in the ordinary course of the business displaying the merchandise; and no signs, advertisements or other written or graphic material (except such merchandise sold
in the ordinary course of the business maintaining the display) may be posted or placed on a sidewalk display;

(5) The following items are prohibited in any display: tobacco products, alcoholic beverages, obscene material as defined by O.C.G.A. section 16-12-80, weapons, live animals or pawned items;

(6) All sidewalk displays as provided for in this section shall be removed from the sidewalk during any time when the business displaying such merchandise is closed to customers;

(7) All final sales transactions between business and customer shall be conducted within the business establishment, not on the sidewalk;

(8) Any person or business conducting sidewalk displays shall not cause any loud or offensive noise, either from his or her person or from any device, instrument or equipment for the purpose of attracting attention to such display or to the sale of any goods or merchandise; and

(9) No person or business shall display goods or merchandise directly on the ground, or on any cloth, plastic or similar ground covering on any sidewalk or other public right-of-way. All displays must be stabilized with no risk of overturning due to wind or incidental contact. All displays must either extend to the ground or have a two-inch wide rubberized strip at all bottom edges to be easily detectable by the visually impaired.

(10) Furniture and Clothing racks shall constitute displays unto themselves and may extend beyond the front of the building by more than 12 inches. Each establishment shall have the right to display furniture or clothing at such depth and width so long as at least 5 feet of usable sidewalk space is available or that the display of wares does not extend more than 10 feet from the front of the establishment.

(11) *Fire zone* means the downtown fire district which is defined as embraced within the following boundaries: Beginning at the intersection of Martin Luther King, Jr., Boulevard and Riverside Drive; extending along Riverside Drive to Spring Street; extending along Spring Street and an extension thereof to Hazel Street; extending along Hazel Street to Fifth Street; extending along Fifth Street and Martin Luther King, Jr., Boulevard to Riverside Drive, the beginning point, including both sides of segments of the above streets forming such boundaries.

(c) It shall be unlawful for any person to violate any provision of this section.
(d) Nothing contained herein shall be construed as giving to any person transacting any business in Macon-Bibb County any authority to obstruct public sidewalks, streets or other public places, or to commit or maintain a nuisance.

Secs. 24-3–24-20. Reserved.

ARTICLE II. RESERVED

Sec. 24-21–24-40. Reserved.

ARTICLE III. CURBS AND GUTTERS

Sec. 24-41. Material; dimension; approval.

Sec. 24-42. Uniformity of material and workmanship.

Sec. 24-43. Notice to owners.

Sec. 24-44. Proration of costs.

Sec. 24-45. Payment of assessments.

Sec. 24-46. Assignment of execution to contractor.

Sec. 24-47. Bridge for driveway across gutter prohibited.

Secs. 24-48–24-65. Reserved.

Sec. 24-41. Material; dimension; approval.

It shall be the duty of the engineering department to have curbed and guttered any street, or part of any street, within Macon-Bibb County whenever the street or part of the street, shall be ordered curbed and guttered by resolution of the Macon-Bibb County commission. All curbing and guttering material, before it is set up and used, shall be approved by the Macon-Bibb County engineer, and shall be organized and constructed under his supervision and direction.

Sec. 24-42. Uniformity of material and workmanship.

In order to ensure uniformity in material and workmanship, all material used in curbing and for the guttering, shall be approved or supplied by Macon-Bibb County, and all work done in setting up such curbing and guttering may be done by Macon-Bibb County with labor employed by Macon-Bibb County, or by a contractor, should the Macon-Bibb County engineer so determine, who shall do such curbing and guttering at a specified cost, keep an accurate account of every item of expense incurred in doing the work, including the cost of material, so that when the curbing and guttering of any street or part
of any street has been completed, the actual cost of doing the work may be assessed against the abutting property owners, as provided by this article.

Sec. 24-43. Notice to owners.

When any street, or a part of any street, shall be ordered curbed and guttered, as provided in this article, the Macon-Bibb County engineer shall notify the owner of the property abutting on the street or part of street to be curbed and guttered, of the intention of Macon-Bibb County to curb and gutter the street, and the notice shall further require any property holder having gas or water service pipes or sewer pipes connecting the mains with his premises, to lower the gas or water pipes or sewer pipes, or any other pipes or obstruction of any kind, for which the owner of the property may be responsible, within fifteen (15) days from the date of the service of the notice. Any person failing to comply with the notice shall be required to appear before the municipal court of Macon-Bibb County, and, upon conviction, shall be punished; provided, however, any owner of property affected may, within fifteen (15) days from the date of service of the notice, appeal to the Macon-Bibb County commission and show cause why he should not comply with the notice and the provisions of this section.

Sec. 24-44. Proration of costs.

Immediately upon the completion of the curbing and guttering of any street or part of any street, the Macon-Bibb County engineer shall certify to the mayor and commission, that the work of curbing and guttering the street or part of street has been completed, and thereupon, it shall be the duty of the Macon-Bibb County engineer to assess two-thirds of the entire cost for the work against the real estate abutting on that side of the street on which such curbing and guttering has been done. Each piece of real estate so abutting shall be assessed in proportion to the ratio its frontage bears to the frontage of the entire property abutting upon that part of the street or portions of the street so curbed, guttered or improved.

Sec. 24-45. Payment of assessments.

Immediately after the cost of curbing, guttering and improving any street has been prorated by the Macon-Bibb County engineer and assessed, the county engineer shall prepare a list of the property holders whose property abuts on the portions of the streets so curbed, guttered and improved under the provisions of this article, and shall mail to each of the property holders a written notice of the assessment in a properly stamped and addressed envelope. Thereupon, each property holder shall make payment for the curbing and guttering so assessed against each, respectively, in cash, within thirty (30) days from the day of mailing the notices. If any property holder shall fail to pay to the director of finance of Macon-Bibb County his share of the costs in accordance with the assessment,
within the aforesaid time from the date of mailing the notices, then the director of finance shall issue an execution against the delinquent property and property holder for the amount so due and unpaid, together with all costs thereon, and the execution shall bear interest at the rate of nine (9) percent per annum. Any delinquent sums due under this section may also be collected as are other debts due the county.

Sec. 24-46. Assignment of execution to contractor.

Whenever such work is done by a contractor, under the authority and direction of the mayor and commission, the execution for the work shall be transferred and turned over to the contractor in full payment for the work done, and the execution may be levied and collected by the finance officer, as is now provided in the case of executions for paving sidewalks.

Sec. 24-47. Bridge for driveway across gutter prohibited.

It shall be unlawful for any person to construct any bridge across the gutter of any paved street for the purpose of providing a driveway into abutting property, and all such bridges are hereby declared unlawful and the Macon-Bibb County engineer is ordered to remove such bridge.

Secs. 24-48–24-65. Reserved.

ARTICLE IV. EXCAVATIONS

Sec. 24-66. Duty to lower pipes.

Sec. 24-67. Pipe lowered by Macon-Bibb County at owner's expense.

Sec. 24-68. Unlawful to excavate without permit.

Sec. 24-69. Payment of indebtedness prior to issuance.

Sec. 24-70. Expiration of permits.

Sec. 24-71. Failure to return permit unlawful.

Sec. 24-72. Relaying pavement.

Sec. 24-73. Specifications for excavating.

Sec. 24-74. Liability for damage; removal of waste.

Sec. 24-75. Reports of excavations to fire and police chief.

Sec. 24-76. Duty to repair gas, water or other main.
Sec. 24-77. Duty to protect public.

Sec. 24-78. Contractor's bond required.

Secs. 24-79–24-95. Reserved.

Sec. 24-66. Duty to lower pipes.

Whenever excavations are to be made in any street or sidewalk for the purpose of curbing or laying sidewalks or improving or repairing such street or sidewalk, any property holder having gas or water pipes connecting the mains with his premises, or having sewer pipes or other pipes or obstructions of any kind for which the owner of the property may be responsible, shall lower the pipe or other obstructions. The Macon-Bibb County engineer shall serve the property owner with notice to lower the pipe or other obstruction within fifteen (15) days from the date of the notice. The notice shall state the depth of the excavation to be made. The notice may be served upon the owner, an agent or other person in charge of the property, abutting on, or in front of which the sidewalk is to be laid or the curb set. It shall be unlawful for any person to refuse to lower the pipe or other obstruction as set forth in this section.

Sec. 24-67. Pipe lowered by Macon-Bibb County at owner's expense.

If any property owner shall be notified as provided in this article, and shall fail within fifteen (15) days to comply therewith, the Macon-Bibb County engineer shall have the pipes lowered at the owner's expense. In all such cases the Macon-Bibb County engineer shall cause a bill for the cost of the work to be presented to the property owner or agent in charge thereof if a resident of Macon-Bibb County. If not a resident, the bill shall be presented by mailing a letter enclosing such bill, addressed to the owner at Macon, Georgia, at the street number of the property in front of which pipes are to be lowered, and if the bill is not paid within fifteen (15) days, the Macon-Bibb County engineer shall deliver such bill to the finance officer, who shall issue execution for the amount of the bill against the property and owner and provide for its collection as for other debts due Macon-Bibb County.

Sec. 24-68. Unlawful to excavate without permit.

It shall be unlawful for any person including franchisees to excavate or dig into or perform any character of construction on or under, or otherwise disturb the surface of any paved or unpaved street and paved or unpaved sidewalk of Macon-Bibb County without first having obtained from the Macon-Bibb County engineer a permit to do so. This permit, if granted, shall be in duplicate, specifying the name of the street, the house or lot number, the purpose of the excavation, the character of the pipe to be laid, or taken up,
the type and extent of construction to be performed, and the time allowed for full performance of the work.

Sec. 24-69. Payment of indebtedness prior to issuance.

No permit shall be issued by the Macon-Bibb County engineer to any person who is indebted to Macon-Bibb County for work already done in repairing excavated pavements, until the person shall have discharged in full all such indebtedness.

Sec. 24-70. Expiration of permits.

All permits issued pursuant to this article by the Macon-Bibb County engineer shall become void after the expiration of the allotted time designated in the permit, unless an extension is granted by the Macon-Bibb County engineer in writing.

Sec. 24-71. Failure to return permit unlawful.

It shall be unlawful for any person to whom a permit has been issued pursuant to this article for any purpose whatsoever by the Macon-Bibb County engineer to fail to return such permit within three (3) days after the expiration of the allotted time designated in the permit.

Sec. 24-72. Relaying pavement.

Unless authorized by the Macon-Bibb County engineer, no person after making an excavation or digging into such street, or sidewalk, as hereinbefore provided, shall relay the pavement, but the same shall be laid by Macon-Bibb County employees, officers and agents.

Sec. 24-73. Specifications for excavating.

The following specifications for digging into, excavating or disturbing the street or sidewalk shall be observed and followed. The applicant shall carefully remove the pavement between prescribed lines taking all necessary precautions to maintain the undisturbed pavement adjacent to the excavation. So much of the paving material displaced as can be relaid must be stacked up parallel to the excavation at a sufficient distance therefrom to prevent damage to the undisturbed pavement. Excavated earth and concrete shall be placed upon the opposite side of the excavation in such manner and at such distance as will prevent any damage to the surrounding pavement. In refilling the excavation, which is to be done by the applicant, tamping or puddling must be continued from bottom to top of the excavation, replacing all, or more earth, if required, to produce the sub-grade level of the street. Macon-Bibb County officers and employees shall then replace the displaced concrete foundation and paving material, charging the applicant for
the actual cost of such replacing and repairing. These charges shall be paid to the director of finance on demand and before another permit shall be issued.

Sec. 24-74. Liability for damage; removal of waste.

(a) During the time occupied in making the excavation, removing earth and pavement and relaying such pavement, and from the time the excavation is begun until the completion of the relaying of the pavement, the applicant shall be liable for all damage that may be done to Macon-Bibb County property or to life, limb or property of any person.

(b) When the work is completed, Macon-Bibb County or a person authorized by the Macon-Bibb County engineer, shall remove the waste material and clean up the street. Only such old paving material as shall be accepted by the Macon-Bibb County engineer shall be used in repairing and repaving the streets excavated.

Sec. 24-75. Reports of excavations to fire chief and sheriff.

It shall be unlawful for any plumber, contractor or other person digging into or making excavations in any of the streets, alleys or sidewalks of Macon-Bibb County, to fail to report to the fire chief and sheriff each afternoon during the progress of the digging or excavation, specifying the exact location of the excavation or digging. The report shall be made before the hour of 5:00 p.m.

Sec. 24-76. Duty to repair gas, water or other main.

Whenever any gas, water or other pipe was not laid in conformity with the grade required by the Macon-Bibb County engineer, and is broken in working the streets or damaged in any other manner, the person owning or operating the main from which the pipe is run to the property line, shall immediately at his own expense, repair such main, and shall maintain the pipes leading from the mains to the property line in good repair.

Sec. 24-77. Duty to protect public.

It shall be unlawful for any person making any excavation in any of the paved or unpaved streets, lanes, alleys, sidewalks or public parks of Macon-Bibb County to fail to protect the travelling public by placing thereabouts barricades, red lights and other danger signals, sufficient to put any reasonable person on notice of the excavations so made.

Sec. 24-78. Contractor's bond required.

Every contractor or other person making any change in curbing for the purpose of constructing or repairing driveways, every contractor or other person constructing or repairing driveways, and every contractor or other person constructing or repairing sidewalks, or doing any construction or repairing which necessitates the disturbing of the surface of a sidewalk or street, shall give bond to Macon-Bibb County in the sum of
twenty-five thousand dollars ($25,000.00), conditioned for the doing of the work in accordance with the ordinances, rules, and regulations of Macon-Bibb County, and to save Macon-Bibb County harmless in case of any damage to person or property, which arises from the doing of the work, the bond to be executed by the contractor or other person desiring to do the work as principal and by a surety or bonding company authorized and qualified to do business in the state and in Macon-Bibb County. Contractors and plumbers shall be relieved from posting the bond upon securing a liability policy containing property damage coverage in the sum of at least twenty-five thousand dollars ($25,000.00) and personal injury coverage in the sum of one hundred thousand dollars ($100,000.00) and filing a copy thereof with Macon-Bibb County clerk.

No policy shall be considered acceptable under this section unless it contains products hazard coverage including completed operations liability and the C.D.U. exclusions are omitted therefrom.

Secs. 24-79–24-95. Reserved.

ARTICLE V. SIDEWALKS

Secs. 24-96–24-105. Reserved.

Sec. 24-106. Sidewalks to be free of obstructions.

Sec. 24-107. Duty of contractors in erecting buildings.

Sec. 24-108. Cellar doors on sidewalks prohibited.

Sec. 24-109. Gates opening upon sidewalk.

Secs. 24-110–24-125. Reserved.

Sec. 24-106. Sidewalks to be free of obstructions.

It shall be unlawful for any person in Macon-Bibb County to allow the sidewalk in front of his residence or place of business to be occupied by any obstruction not allowed by law.

Sec. 24-107. Duty of contractors in erecting buildings.

It shall be unlawful for any contractor, or other person erecting a building in Macon-Bibb County, to occupy more than one-fourth of the street adjacent thereto for the purpose of temporarily storing thereon building material, or to render impassable the sidewalk on which the building abuts unless a safe temporary walkway is provided and approved by the Macon-Bibb County engineer.

Sec. 24-108. Cellar doors on sidewalks prohibited.
It shall be unlawful for any person to have or maintain upon any sidewalk or alley in Macon-Bibb County any cellar door and all such as now exist are hereby declared to be nuisances.

Sec. 24-109. Gates opening upon sidewalk.

It shall be unlawful for any person to have or permit to remain upon his premises any gate that opens out upon the sidewalk.

Secs. 24-110–24-125. Reserved.

ARTICLE VI. ENCROACHMENTS

Sec. 24-126. Nonconforming Encroachments; removal; application.

Sec. 24-127. Fees on application for encroachment; purchase of public land.

Sec. 24-128. Application and deed; engineer's report; plat.

Sec. 24-129. Encroachment deed.

Sec. 24-130. Temporary encroachments prohibited.

Sec. 24-131. Record of encroachments.

Secs. 24-132–24-150. Reserved.

Sec. 24-126. Nonconforming Encroachments; removal; application.

(a) It shall be unlawful for any person to advance their lots from the original boundary on any of the streets of Macon-Bibb County without making application to the Macon-Bibb County commission for an encroachment agreement and having such encroachment agreement granted as provided in this article.

(b) No building of any description shall ever be erected upon any lot in Macon-Bibb County outside of the lot line.

(c) No person shall be allowed to erect a fence, steps, portico, or other obstruction beyond the line of his lot so as to be an encroachment upon the street right-of-way without an approved encroachment agreement.

(d) In all cases of unauthorized, illegal, or nonconforming encroachments upon streets, lanes or alleys, the mayor shall cause the nonconforming encroachment to be removed upon reasonable notice to the party maintaining the nonconforming encroachment, or in the mayor's and commission's discretion, permit and sanction the nonconforming encroachment for such fair consideration as the parties at interest may agree upon, due
regard being first had to the interest of the other property holders likely to be affected thereby.

Sec. 24-127. Fees on application for encroachment; purchase of public land.

(a) Every person applying to Macon-Bibb County for any encroachment agreement, for the purchase of any public property, for the location of any property line, or for any other matter or thing, which requires in the judgment of Macon-Bibb County engineer, a survey, investigation or the making of a map by Macon-Bibb County, shall pay upon demand a fee of two hundred fifty dollars ($250.00) in cash to be paid into the treasury of Macon-Bibb County. The application shall not be acted upon, nor shall Macon-Bibb County engineer do any work in pursuance thereof, until the fee prescribed in this section shall have been first paid.

(b) Every person applying to Macon-Bibb County for any encroachment agreement, for the purchase of any public property, for the location of any property line, or for any other matter or thing which requires, in the judgment of the Macon-Bibb County attorney, the making of an investigation or the doing of any legal work by the Macon-Bibb County attorney, shall pay upon demand a fee of two hundred fifty dollars ($250.00) in cash to be paid into the treasury of Macon-Bibb County. The application shall not be acted upon, nor shall the Macon-Bibb County attorney do any work in pursuance thereof, until the fees herein prescribed shall have been first paid.

(c) No encroachment upon the streets, alleys, or public property of Macon-Bibb County, shall be granted an encroachment agreement for a consideration of less than one hundred dollars ($100.00), which shall be consideration in addition to fees for legal and engineering services.

Sec. 24-128. Application and deed; engineer's report; plat.

(a) The application shall also be accompanied by the deed showing the title of the applicant to the property in front of which the encroachment is desired. The applicant's address shall also be stated.

(b) The application and deed shall, as soon as possible, be delivered to the Macon-Bibb County engineer, who shall survey the desired encroachment, make a plat thereof in triplicate, showing center line of the street and distance therefrom, and return such application and deed with a report thereon together with all the papers concerning such application and deed to the Macon-Bibb County clerk.

(c) To every encroachment agreement shall be attached one (1) of the triplicate plats provided for in this section. The second plat shall be preserved in the office of the
Macon-Bibb County engineer and the third shall be filed in the Macon-Bibb County clerk's office with the application and record of proceedings thereon.

Sec. 24-129. Purchase of public property.

If the report is favorable on the application and the report is adopted by the commission and approved by the mayor, the clerk shall so notify the applicant, and the mayor shall execute and deliver to the applicant a deed to the purchased property, provided payment therefore is made to the director of finance within thirty (30) days from the adoption of the favorable report.

Sec. 24-130. Temporary encroachments prohibited.

No temporary encroachments upon any of the streets or alleys of Macon-Bibb County, in any case, shall be granted.

Sec. 24-131. Record of encroachments.

(a) After the application has been disposed of, the Macon-Bibb County clerk shall file all papers concerning such conforming encroachment, classifying the papers according to blocks or squares on which the encroachments are situated.

(b) It shall be the duty of the Macon-Bibb County clerk to provide a suitable book in which shall be carefully kept minutes relative to each conforming encroachment granted, giving the names of the party to whom it was granted, the time when granted, the locality of and price paid for such encroachment.

Sec. 24-132. Minimum requirements for changes or encroachments in right-of-way for any purpose other than its intended use as a public street or highway.

(a) Prior to the erection of a permanent encroachment, all such persons shall obtain prior approval, including all necessary permits and/or agreements, from the department of public works, and pay a permit fee and annual inspection fee for the issuance of said permit or agreement as set by the Director of public works. The Director of public works shall require the person conducting activities pursuant to the permit and within the right-of-way to provide each abutting property owner or occupant with reasonable and timely notification of any impending construction work that would unreasonably interfere with either egress or ingress onto said owner's or occupant's property.

(b) For the purposes of this article, encroachments include but are not limited to:

(1) Vehicle, pedestrian or utility bridges.

(2) Vehicle, pedestrian or utility tunnels.
(3) Pipes, wires, conduits or similar facilities.

(4) Basements, vaults, elevator shafts, stairs, stairwells, ventilation shafts, gratings or similar facilities.

(5) Canopies, awnings, ledges, bay windows, balconies, decorative lighting, flagpoles, gargoyles, architectural embellishments, area walks or similar facilities.

(6) Any building, parking garage, structure, or part of thereof, including footings, foundations, tie-backs, supports, walls, eves, or projections; which extend into the public right-of-way; whether intended for public or private use; whether new or historic shall be defined as an encroachment.

(7) A vault encroaching under the public right-of-way which is covered by the franchised agreements between Macon-Bibb County and the various utility companies is excluded, except when that vault is an integral structural part of the building being served, including the basement walls, footings or foundations of the building, in which case the vault will also be subject to an agreement as outlined in this section between the building owner and county.

Sec. 24-133. Establishment of administrative rules.

The Director of public works is authorized to establish and implement such administrative rules and procedures necessary to carry out the intent of this chapter.

Sec. 24-134. Nonconforming encroachments.

(a) Structure or properties that encroach into public right-of-way and for which there is not an applicable agreement shall be considered "nonconforming uses." Macon-Bibb County may, at the discretion of the Director of public works, permit certain nonconforming encroachments. Macon-Bibb County may at any time determine that continued encroachment is not in the public interest and may require the removal of said encroachment.

(b) If a nonconforming encroachment ceases to have continuous use, has a change in the type or degree of use, or if the structural or functional soundness of the structure or property deteriorates due to lack of maintenance, damage by fire, flood, wind, or other act of God, it shall no longer be tolerated and shall not be eligible for repair, replacement, or further use until an encroachment agreement has been executed. Macon-Bibb County shall have the right and duty to require the removal of any encroachment thus affected.

(c) Past tolerance of an encroachment or failure to enforce the prohibition against encroachment shall not be grounds for continued existence of a nonconforming encroachment.
Sec. 24-135. Obligation to relocate upon notice.

(a) Macon-Bibb County reserves the right to perform any public works or public improvements necessary to maintain the public right-of-way. The county may therefore, upon written request to the permittee, require relocation of the permittee's facilities existing in the public right-of-way at the permittee's own expense when the relocation is necessary to maintain the health, safety, or welfare of the public or to improve or maintain the public right-of-way for transportation uses.

(1) Notification, failure to remove. Upon receiving written notice from the county to remove, or relocate facilities which are using or occupying a public right-of-way which the county has to improve, the permittee shall, within 60 days thereafter, begin arrangements for said removal or relocation in accordance with said written notice from the county. Should the permittee fail to comply with such notice within a reasonable time sufficient to allow for procedures reasonably necessary for the removal and relocation of the facilities, the county may give the permittee a final notice directing that such removal begin not later than ten days from the receipt of such final notice.

(2) Removal or relocation of facilities by Macon-Bibb County. If the permittee refuses or neglects to relocate said facilities existing in the public right-of-way within ten days of receipt of such final notice, or if an emergency affecting public safety or health exists requiring immediate relocation of the permittee's facilities, to the extent not inconsistent with state and federal law, the county may relocate such facilities and the permittee shall pay to the county the reasonable costs incurred in connection with such relocation.

(3) Removal or relocation of facilities for aesthetic purposes. If the relocation of facilities in the right-of-way is for aesthetic purposes or purposes not related to improving the public right-of-way for transportation purposes or to maintain the public right-of-way for health or safety reasons, then the cost of such relocation shall be borne by the requesting third party and not by the county or the permittee.

(4) Removal or relocation of facilities by an act of God. If an act of God necessitates the relocation of the permittee's facilities located in the public right-of-way, the cost of such relocation shall not be borne by the permittee.

Sec. 24-136. Conditions of Permit.

(a) Encroachment agreement. It shall be prohibited and shall be unlawful for any person to erect or maintain any temporary or permanent right-of-way encroachment in Macon-Bibb County, unless that encroachment is covered by an encroachment agreement administered by the department of public works.
(b) Macon-Bibb County will not enter into an encroachment agreement to any owner of property adjacent to any street or roadway that is part of the street system of Macon-Bibb County or right-of-way along the limited-access highways of the federal or state aid road system within the county limits or any agent or contractor employed by the owner to make changes to, to alter or to construct an encroachment over, upon or under the right-of-way unless:

(1) *Changes to benefit public.* In the opinion of the Director of public works the proposed alteration, excavation or encroachment will constitute a benefit to the public and, except for permitted temporary disruptions of service, will not adversely impact the ability of the right-of-way to handle vehicular or pedestrian traffic or otherwise to perform their intended function.

(2) *Agreement as a condition of a permit.* The owners of the adjacent or connected properties abutting the right-of-way seeking a permit to alter, excavate or encroach on the right-of-way enter an agreement with Macon-Bibb County, which agreement shall be binding upon the owners of the property abutting the right-of-way and their successors in title in perpetuity or until the agreement is ended by mutual consent of Macon-Bibb County and the agreeing parties.

(3) *Submission of plans and technical specifications.* All alterations, excavations or encroachments permitted on, in, over, under or within the public right-of-way of Macon-Bibb County shall be pursuant to a plan, calculations and technical specifications prepared by a professional engineer licensed to practice in the state, which plans, calculations and technical specifications have been approved by the Director of public works pursuant to the standards set forth in this chapter or promulgated pursuant to this chapter and, when applicable, the standards of state department of transportation or the federal highway administration or both. Minimally, the plans should show the location of any supports, the height or depth of the structure and the width and volumetric cubic feet of the structure, where applicable.

(4) *Performance bond as a condition of a permit.* When in the opinion of the Director of public works it is deemed appropriate and prior to beginning any work on, in, over or under the public right-of-way of Macon-Bibb County, the owner of the abutting property or the contractor employed by the owner to perform the work shall present to the Director a performance and completion bond for the full value of the work contemplated furnished by a corporate surety satisfactory to Macon-Bibb County, the amount of the surety being determined by Macon-Bibb County's risk manager to be adequate to either complete the proposed work impacting the public right-of-way in its entirety or to restore the public right-of-way to its condition prior to commencement of the work if the owner or the
owner's contracting agent fails to complete the work to the satisfaction of the Director of public works.

(5) *Indemnification insurance as a condition of a permit.* Evidence of insurance shall be issued to indemnify and hold harmless Macon-Bibb County, its agents, officers and employees from all claims arising out of any injury to persons or damage to property resulting from the changes to or work on, in, over, under or within the right-of-way by the property owner or the contractor employed by the owner or any of the agents or employees of the owner or contractor.

(6) *Signatures required of all parties to agreement.* All parties required for the execution of such agreement shall be signatories thereto, as evidenced by a title certificate of an attorney licensed to practice law within this state, which title certificate sets forth the names and addresses of the owners of the property or structures to be connected by the bridge or tunnel and the names and addresses of the lessors and lessees of the property or structures, together with sufficient information as to the terms of any leases of the property or structures and the corporate names of any parties.

(7) *Obligation to replace the area beneath the street.* The granting of permission to construct an encroachment or excavation on, in, over, under or within any public street or public alley within Macon-Bibb County shall be contingent upon the agreement of the owner and the lessor of the tracts of land adjacent to the street or alley affected by the encroachment or excavation to remove the encroachment or excavation and to replace any area beneath the street or alley where the encroachment or excavation is constructed to a condition satisfactory to Macon-Bibb County within 90 days after being notified to do so by the Director of public works without cost to Macon-Bibb County and to provide security, if requested to do so by Macon-Bibb County, to ensure that the encroachment or excavation will be removed or backfilled and the area returned to a condition satisfactory to the Director of public works without the cost to Macon-Bibb County.

(8) *Performance bond required to replace the area beneath the street.* The granting of permission for an encroachment or construction of an excavation on, in, over, under or within any public street or public alley within Macon-Bibb County shall be contingent upon an agreement by the owner or lessee of the building or property to furnish and maintain a bond, at no expense to Macon-Bibb County, with a corporate surety satisfactory to Macon-Bibb County, to guarantee the performance of the principal in removing the encroachment or backfill the excavation as provided for in subsection (7) of this section.
(9) Annual rental of space. The granting of permission to construct the encroachment or excavation on, in, over, under or within any public street or public alley within Macon-Bibb County shall be contingent upon the agreement of the owners or lessors or lessees of the tracts of land connected by the encroachment or excavation to pay to Macon-Bibb County an annual rental for the space occupied by the encroachment or excavation at a rate per cubic foot as determined by the commission, computed on the outside dimensions of the encroachment or excavation lying within the bounds of the public right-of-way of Macon-Bibb County, which rental shall be collected by the department of finance and shall be subject to change from time to time. For rental of less than 5,000 cubic feet, the Director of public works may require one year's rental payments in advance.

(10) Public liability insurance requirement as a condition of a permit. The granting of permission to construct an encroachment or excavation on, in, over, under or within a public street or public alley of Macon-Bibb County shall be contingent upon the agreement of the owners or lessors or lessees of the tracts of land permitted by Macon-Bibb County to effectuate the encroachment or excavation to hold Macon-Bibb County harmless from any and all claims arising out of the construction, operation, use, maintenance or removal of the encroachment or excavation and upon the additional agreement of the owners or lessors or lessees to maintain a policy of public liability insurance, at no expense to Macon-Bibb County, satisfactory to Macon-Bibb County and naming Macon-Bibb County as a named insured, in an amount approved by Macon-Bibb County's risk manager. The agreement of the owners or lessors or lessees of the tracts of land to hold Macon-Bibb County harmless shall not be limited to the amount of the insurance.

(11) Non-waiver of county negligence. The granting of permission to construct an encroachment or excavation shall be contingent upon the agreement of the owners or lessors or lessees of the tracts of land permitted by Macon-Bibb County to effectuate the encroachment or excavation that the obligation to hold Macon-Bibb County harmless against all claims arising out of the construction, operation, use, maintenance or removal of the encroachment or excavation shall not be waived by Macon-Bibb County because of the Director of public works having approved by the plans and specifications for the encroachment or excavation or by the requiring or not requiring modifications thereto, even though Macon-Bibb County may be found to have been negligent as a matter of law because of its acts or failure to act in regard thereto.

(12) Locating all pre-existing public and private utilities. The granting of permission to construct the encroachment or excavation on, in, over, under or
within a public street or public alley of Macon-Bibb County shall be contingent upon the parties' seeking permission to construct the encroachment or excavation, determining at their expense the location of all above ground and below ground public utilities and private utilities of Macon-Bibb County in the area where the encroachment or excavation is to be constructed, and making arrangements for the removal or relocation of those utilities, at the expense of the parties seeking permission to construct the encroachment or excavation and at no expense to Macon-Bibb County.

(13) **Compliance with this chapter.** The granting of permission to construct the encroachment or excavation on, in, over, under or within a public street or public alley of Macon-Bibb County shall be contingent upon the agreement of the parties seeking permission to construct the encroachment or excavation to comply with all the terms of this chapter and to comply with all other ordinances and regulations of Macon-Bibb County.

(14) **Reimbursement of damages to county.** The granting of permission to construct the encroachment or excavation on, in, over, under or within a public street or public alley of Macon-Bibb County shall be contingent upon the agreement of the parties seeking permission therefore to repair any damage to the street or alley resulting from the construction, maintenance or use of the encroachment or excavation and to reimburse Macon-Bibb County for any damage to the street or alley beneath, on or above where the encroachment or excavation is constructed, because of that construction and during the construction, use and maintenance of the encroachment or excavation.

(c) **Enforcement.** The Macon-Bibb County Sheriff shall, upon request of any citizen or upon the request of the Director of public works, give notice to the owner of the property which may be encroaching that the owner may be in violation of this section. Alternatively, the Director of public works may give notice of violation to the owner. The owner shall then be allowed 30 days to resolve the conflict by removing the encroachment, entering into an "encroachment agreement" with Macon-Bibb County, or by demonstrating to the satisfaction of the Director of public works that the structure or property in question is not in violation. Failing compliance, the owner shall be cited to appear before the judge of the municipal court for a hearing on the charge of violation of this section. Upon finding that this section has been violated, the owner may be required by the court to remove the encroachment within a time prescribed by the court or the Director of public works shall be authorized to remove the encroachment and the cost of removal shall be a lien against the property.
(d) Penalties. Any violator of this section shall be held accountable as provided in the penalty section of this chapter. Each day of continuation of violation after notice shall constitute a separate offense.

Sec. 24-137. Erection of bridges, tunnels, and similar structures across streets and alleys.

(a) It shall be unlawful to erect a bridge, tunnel or similar structure which crosses any public street or public alley, whether above or below the surface of the right-of-way, for the purpose of providing a passageway between property or structures adjacent to the right-of-way except upon the approval and authorization of the Macon-Bibb County Commission by ordinance and upon compliance with all applicable sections of this Code and other ordinances of the Macon-Bibb County, including this sections, as follows:

(1) It shall be unlawful to place supports for any bridge or tunnel or any other obstructions within the public right-of-way of any street or public alley or of any portion thereof set aside for or used for sidewalk purposes.

(2) The minimum height above or depth below street level in each instance of the construction of the bridge or tunnel shall be fixed and determined in advance by the Director of Engineering in order to provide for the safe and efficient use of the right-of-way for public transportation purposes.

(3) The maximum outside width and height dimensions of each bridge or tunnel shall be as fixed and determined in advance by the Director of Engineering in order to provide for the safe and efficient use of the right-of-way for public transportation purposes.

(4) The bridge or tunnel shall be designed by an architect or an engineer licensed to practice in the state, and the plans and specifications for the bridge or tunnel presented to the engineering department for approval shall bear the architect's or engineer's official registration seal thereon. The plans and specifications shall be submitted to the Director of Engineering and the Director of Public Works for their written recommendations before the commission shall consider approval thereof.

(5) The outside appearance of any bridge permitted by this section shall not detract from the adjoining buildings or the neighborhood, and no articles of any nature, other than lighting fixtures, shall be permitted to be suspended from the outside of the bridge.
(6) It shall be unlawful to display or place any advertisements or mercantile displays upon or attached to any outer surface of the bridge or placed upon or attached to any window or glass-like surface of the bridge so as to be visible from outside.

(b) The granting of permission to construct any bridge or tunnel across any street or public alley shall be contingent upon the owner or, where applicable, lessor and lessee of the property or structures between which the bridge or tunnel is to be constructed entering into an agreement with the county, which shall be executed by all the parties prior to the issuance of any building permit therefore and the covenants of which shall include, at a minimum, the following:

(1) The owner, lessor or lessee shall remove the bridge or tunnel within 90 days after the Director of Engineering directs the bridge or tunnel to be removed without cost to Macon-Bibb County, following the commissioner's determination that such removal is required for the safe and efficient use by the public of the right-of-way for transportation purposes.

(2) The owner, lessor or lessee shall furnish and maintain a bond, at no expense to Macon-Bibb County, with a satisfactory corporate surety, to guarantee the performance of the principal in removing the bridge or tunnel as provided for in subsection (b)(1) of this section.

(3) The owner, lessor or lessee shall pay to Macon-Bibb County a monthly rental for the air space or subsurface space occupied by the bridge or tunnel, as follows:

A. The monthly rental rate for all bridges or tunnels used for pedestrian transportation or utility purposes only shall be the fair market value of each such bridge or tunnel as determined by a certified general real estate appraiser selected by the chief procurement officer. A fee to cover the cost of such appraisal shall be paid by the owner, lessor or lessee. The appraisal shall be submitted to and shall be reviewed and approved by the facilities and engineering committee before submission to the Commission. The monthly rate as determined by the appraiser shall be for an initial period of ten years from the execution date of the agreement and shall be subject to re-appraisal every ten years. This rate can be waived by Macon-Bibb County. This provision shall not apply when Macon-Bibb County is the owner of the bridge or tunnel.
B. To the extent currently authorized by other applicable sections of this Code, the monthly rental rate for each bridge or tunnel used for the sale of merchandise and mercantile displays, shall be the fair market value of the space occupied by such bridge or tunnel, which rate shall be determined by a certified general real estate appraiser selected by the chief procurement officer. A fee to cover the cost of such appraisal shall be paid by the owner, lessor, or lessee. The appraisal shall be submitted to and shall be reviewed and approved by the facilities and engineering committee before submission to the Commission. The monthly rate as determined by the appraiser shall be for an initial period of ten years from the execution date of the agreement and shall be subject to re-appraisal every ten years.

(4) The owner, lessor or lessee shall hold Macon-Bibb County harmless from any and all claims arising out of the construction, operation, use, maintenance or removal of the bridge or tunnel and shall furnish and maintain a policy of public liability insurance satisfactory to Macon-Bibb County, naming Macon-Bibb as a named insured, in an amount approved by the county's risk manager, and the agreement to hold Macon-Bibb County harmless shall not be limited to the amount of such insurance.

(5) The obligation to hold Macon-Bibb harmless against all claims arising out of the construction, maintenance, use or removal of the bridge or tunnel shall not be waived by Macon-Bibb's having approved the plans and specifications for the bridge or tunnel or Macon-Bibb requiring or not requiring modifications to the bridge or tunnel or by the county's requiring or not requiring maintenance of the bridge or tunnel, even though the county may be found to have been negligent as a matter of law because of its action or failure to act in regard thereto.

(6) All parties required for the execution of such agreement shall be signatories thereto, as evidenced by a title certificate of an attorney licensed to practice law within this state, which title certificate sets forth the name and address of the owner of the property or structures to be connected by the bridge or tunnel and the names and addresses of the lessors and lessees of the property or structures, together with sufficient information as to the terms of any leases of the property or structures, and the corporate names of any parties.

(7) The owner, lessor or lessee shall determine the location of all public utilities and all utilities of the county in the area where the tunnel or bridge is to be constructed and shall make arrangements for the removal or relocation of those
utilities, if necessary, all at such person's own expense and at no expense to Macon-Bibb County.

Sec. 24-138. Erection of balconies and awning over sidewalks.

(a) It shall be unlawful to attach a balcony or erect other structures to a building so as to extend over any portion of a public sidewalk, except upon the authorization of the Director of Public Works and upon compliance with all applicable sections of this Code or other ordinances of Macon-Bibb County, including this section.

(b) Balconies and awnings shall be designed by an architect or an engineer licensed to practice in the state and the plans and specifications for balconies presented to Macon-Bibb County for approval shall bear the official registration seal of the architect or engineer. The plans and specifications shall be submitted to and approved by the planning and zoning commission before the Director of Public Works authorizes the balconies or awnings.

(c) The granting of permission to construct these balconies or awnings so as to extend over the public sidewalks shall be contingent upon the owner, lessor or lessee of the building onto which the balconies are constructed, the owner of the land upon which the building is erected and all creditors secured by all or a part of the land or building entering into an agreement with Macon-Bibb County which shall include but not be limited to agreements by the owner or lessee of the building to which the balconies or awnings are attached to:

(1) Construct and maintain the balconies so as to prevent any portion thereof from becoming detached and falling to the street or sidewalk below;

(2) Remove any or all of the balconies without cost to the county within a 90-day period after the Commission directs such removal by mailing a notice to remove the balconies to the owner, or lessee at an address set forth in the agreement;

(3) Furnish and maintain a bond, at no expense to Macon-Bibb County, with a satisfactory corporate surety, to guarantee the performance of the principal in removing the balconies as provided for in subsection (c)(2) of this section;

(4) Indemnify and hold the county, its officers, agents and employees harmless from any and all claims arising out of the construction, maintenance, use of or removal of any and all of the balconies, including claims arising out of persons falling or jumping from the balconies or arising out of objects being dropped or thrown from the balconies;
(5) Furnish a policy of public liability insurance and property damage insurance satisfactory to Macon-Bibb County naming it as a named insured or an additional named insured, in an amount approved by the county's risk manager, which protects Macon-Bibb County and its officers, agents and employees from claims arising out of the construction, maintenance, use of or removal of the balconies, including claims arising out of any person falling or jumping from any such balcony or throwing or dropping any object from a balcony;

(6) Provide insurance covering the agreement to indemnify and hold Macon-Bibb County and its officers, agents and employees harmless from any and all claims arising out of construction, maintenance, use of or removal of any or all of the balconies, including claims arising out of persons falling or jumping from the balconies or similar structures or arising out of objects being thrown or dropped from the balconies, with a further agreement that the obligation to indemnify and hold the county and its officers, agents and employees harmless shall not be limited to the amount of the public liability and property damage insurance naming the county as a named insured or an additional named insured; and

(7) Pay to Macon-Bibb County a monthly rental for the air space occupied by the balconies extending over a sidewalk of the county or a portion thereof at a rate per square foot, as determined by the Director of public works. This rate can be waived by Macon-Bibb County.

(d) Each request for permission to erect those balconies or awnings shall be accompanied by a title certificate of an attorney authorized to practice law in the state setting forth the names and the addresses of the owner and lessee of the building and the land on which it is erected, the names and addresses of any creditors who are secured by all or any part of the land or building involved, together with sufficient information as to the terms of any leases on the land or building, the corporate names of any of the parties sufficient to accurately disclose the names of any of the parties required in the agreement between Macon-Bibb County and the parties desiring to construct the balconies or awnings, which agreement shall be executed by all the parties desiring to construct the balconies or awnings, which agreement shall be executed by all the parties prior to the issuance of any building permit for the construction of the balconies or similar structures. The agreement shall be binding on all the parties, their heirs, administrators, assigns and successors in title, and upon the execution of the agreement it shall be filed in the Office of the Clerk of the Superior Court of Bibb County.

Secs. 24-139–24-150. Reserved.
ARTICLE VII. RESERVED
Sec. 24-151–24-164. Reserved.

Sec. 24-151–24-164. Reserved.

ARTICLE VIII. INSTALLATION OF SPEED TABLES
Sec. 24-165. Speed Table Program.

Sec. 24-165. Speed Table Program.

Macon-Bibb County has adopted a Speed Table Program to aid citizens in determining if their residential street has a speeding problem and to determine whether the installation of speed tables as traffic calming devices is an appropriate option. The Macon-Bibb County Traffic Engineering Division shall be responsible for implementing Macon-Bibb County’s Speed Table Program. The installation and removal of speed tables shall be done in compliance with the Macon-Bibb County Speed Table Program Manual adopted by the Macon-Bibb County commission. The Speed Table Program Manual is not set out herein but is on file in the office of the Traffic Engineer.

Section 2.
This Ordinance, to the extent necessary, shall be codified in a manner consistent with the laws of the State of Georgia and Macon-Bibb County.

Section 3.

(a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Macon-Bibb County Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining
phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 5.

This Ordinance shall become effective immediately upon its approval by the Mayor.

SO ORDAINED this _____ day of ______________, 2015.

__________________________
ROBERT A.B. REICHERT, MAYOR.

ATTEST:

__________________________
Jean S. Howard, Interim Clerk of Commission