

**Prior to making a public comment, please fill out the form available on the table in the hallway to help ensure that your information is correctly entered into the minutes. Once you have spoken, please hand your form to the staff in front of the podium for the Clerk.**

TENTATIVE AGENDA

REVISED 12-12-2022    REVISED 12-13-2022

UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA

SPECIAL CALLED SESSION

TUESDAY, DECEMBER 13, 2022, 6:00 P.M.

CITY HALL

- A. Roll call
- B. Purpose of meeting: consider business items listed below
- C. Public input. If you wish to address the Mayor and Commission on any item listed below on this agenda, please go to the podium and state your name and address. RULES OF THE COMMISSION STATE THAT MEMBERS OF THE PUBLIC MAY SPEAK ONCE DURING THE FOLLOWING PORTION OF THE AGENDA FOR UP TO THREE MINUTES WITH A 30 SECOND REMINDER AT TWO AND A HALF MINUTES.
- D. Old business
  - 1. SPLOST 2020 Project 03, Classic Center Arena – Proposed schematic design for Hickory Street parking deck
- E. New business –Consider under suspension of Rules
  - 2. Services, Training, Officers, Prosecution (STOP) Violence Against Women Act (VAWA) Grant Program - 2023 ACCPD funding
  - 3. CY2023 Grant Acceptance: Byrne Justice Assistance Grant (JAG) Existing Local Project via Georgia Criminal Justice Coordinating Council (CJCC)
  - 4. S.T.O.P. Violence Against Women Grant – Clerk of Court continuation application for 2023
  - 5. S.T.O.P. Violence Against Women Grant – Solicitor General's Office award for 2023
  - 6. Government Operations Committee report - Short term rental
  - 7. American Rescue Plan Act (ARPA) Affordable Housing Phase 1 funding recommendations
  - 8. TSPLIST 2018 Project 16, Prince Avenue Corridor Improvements – Sub –project #1 – Permanent road diet approval and amend project concept
  - 9. **Resolution to approve and authorize the settlement of the claims of the estate of Henry Faust**
  - 10. **Resolution to approve and authorize the settlement of the claims of GP's Enterprises, Inc**
- F. Receive report from Mayor
- G. Receive report from Manager
- H. Receive report from Attorney
- I. Receive input from Commissioners

J.      Adjourn

A qualified interpreter for the hearing impaired is available upon request at least 10 days in advance of this meeting. Please call (706) 613-3031 (TDD {706} 613-3115) to request an interpreter or for more information.

Wireless access will be available for general use shortly before, during, and shortly after each Mayor and Commission meeting. Connect to "A\_Registered" User name: public Password: dec6

Free parking deck vouchers for citizens attending the monthly Regular Voting Meetings, Work Sessions, and Agenda Setting Meetings of the Mayor and Commission held at City Hall are available on the 2<sup>nd</sup> floor of City Hall.

**THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY  
COMMISSION AGENDA ITEM**

**SUBJECT:** SPLOST 2020 Project 03, Classic Center Arena – Proposed Schematic Design and  
Intergovernmental Agreement for Hickory Street Parking Deck

**DATE:** ~~October 24, 2022~~ December 7, 2022

**BUDGET INFORMATION:**

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REVENUE:	\$ 33,320,000	SPLOST 2020 Project 03 Funding
	\$ 49,425,110	Revenue Bond #1
	\$ 19,700,000	Other Revenue
	\$ 30,000,000	Revenue Bond #2
	<hr/> \$ 132,445,110	Total Revenue Available

**EXPENSES:**

CAPITAL:	\$ 121,004,678	Expensed or Encumbered
	\$ 4,170,846	Designated Fixtures, Furnishings & Equipment
	\$ 1,548,399	Designated Testing, Misc., Commissioning & PM Fees
	\$ 320,846	Designated Public Art
	\$ 2,505,341	Designated Design & Construction Contingency
	\$ 220,000	Designated Design and Construction Admin. Services
	<hr/> \$ 2,675,000	Available for Stairs, <del>Elevator</del> & Bridge

**FUNDING SOURCE:** SPLOST 2020 Project 03, Revenue Bond Financing, and Private Funding

**COMMISSION ACTION REQUESTED ON:** December ~~136~~, 2022 (Under Suspension of Rules)

**PURPOSE:**

To request that the Mayor and Commission:

- a. Approve the Proposed Schematic Design for the Hickory Street Parking Deck as described and generally illustrated in **Attachment #1**;
- b. ~~Authorize Staff to advance the Proposed Schematic Design to the Bid and Award Phase of the Project;~~
- c. ~~Approve an Order for Jacobs/Impact for Project Management Fees related to the Hickory Street Parking Deck for a Not To Exceed Amount of \$(to be determined);~~
- d. Approve an Intergovernmental Agreement between the Unified Government of Athens-Clarke County (ACCGov) and the Classic Center Authority (CCA) (**Attachment #2**) that provides for the conveyance of property from ACCGov to CCA for:

- ~~the 2.8 acre Parcel located at (to be determined);~~ The 2.83 acres identified as Tax Parcel Number 163D3 G002 located at 395 Willow Street in fee simple.
- ~~the 2 acre Parcel located at (to be determined);~~ The 3.065 acres located within Tax Parcel Number 171B2 A008A located at 801 East Broad Street (the “Hickory Street Parking Deck Site”) in fee simple.
- ~~the air rights over the railroad easement; and,~~ The 0.928 acres identified as Parcel 3 in Exhibit “A” to the February 2020 Agreement and located between the Classic Center Arena Site and the Multi-Modal Transit Center (the “0.928 Acre site”) as Air Rights Leasehold.
- The 0.737 acres identified as “Hickory Street 0.737 acre” on that certain survey entitled “Plat for Unified Government of Athens-Clarke County” by Ben McLeroy & Associates, Inc. dated May 16, 2003, recorded in Plat Book F, Page 367, Athens-Clarke County Georgia records, in fee simple.
- Ariel and subterranean easement agreement for the air rights over the railroad which agreement is dated July 28, 2020, and recorded in deed book 05023, pages 0241-0267 of the records of Clerk of Superior Court of Athens –Clarke County, Georgia (the “railroad easement site”).

e. Authorize the Mayor and appropriate staff to execute all related documents.

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**HISTORY:**

1. On November 11, 2018, the Classic Center Authority (CCA) submitted a Project Proposal for consideration as part of the SPLOST 2020 Program.
2. On January 28, 2019, the Classic Center Arena Project 81, was presented to the SPLOST 2020 Citizen Advisory Committee with a funding request of \$58,879,000.
3. On June 4, 2019, CCA presented a revised Classic Center Arena Project. The revised project included potential private funding partnerships with a Hotel, a Senior Condominium, and Parking Deck. SPLOST 2020 funding request was reduced to \$37,000,000.
4. On July 10, 2019, at a regularly scheduled work session, Classic Center Authority representatives presented a revised Classic Center Arena Project to the Mayor & Commission (M&C), which included a reduced SPLOST 2020 request of \$34,000,000.
5. On July 18, 2019, the M&C approved the Proposed Referendum Project List, including the Classic Center Arena at a reduced project value of \$34,000,000 with the remaining needed project funds ~~anticipated as~~ coming from Revenue Bonds backed by the Unified Government of Athens-Clarke County (ACCGov) as well as revenue from future development of ACCGov property adjacent to the Classic Center.
6. On August 6, 2019, the M&C approved the SPLOST 2020 Program Referendum, which

included the Classic Center Arena (Project 03) as a component.

7. On November 5, 2019, Athens-Clarke County voters approved the SPLOST 2020 Program Referendum. This Referendum included the Classic Center Arena (Project 03). The Referendum also included the approval of the issuance of general obligation debt to help fund the Classic Center Arena (Project 03) and to facilitate the construction of the Project within the first few years of the SPLOST 2020 Program. At this point, the Proposed Project included the option for the 300+ space parking deck in support of the arena.
8. On November 11, 2019, ACCGov executed a Memorandum of Understanding with the Classic Center Authority and The Mark to work on the joint development of a Hickory Street Parking Deck that could support the Classic Center Arena, The Mark expansion, and other Downtown Athens potential parking needs.
9. On January 7, 2020, a lease agreement between ACCGov and CCA was presented to the M&C for consideration. The proposed lease outlined a 50 year extension of the CCA's lease to include the land for the new Arena as well as the transfer of land and air rights above the Classic Center auto-bridge to ownership by the CCA for the purpose of developing a hotel.
10. On February 4, 2020, M&C approved a resolution to regulate and provide for the issuance of \$26,660,000 in aggregate principal amount general obligation bonds, as authorized by a vote of the qualified voters in a referendum held November 5, 2019. M&C also established the SPLOST 2020 Capital Projects Fund and amended the FY20 operating and capital budget of ACCGov to establish the budget for the following three SPLOST 2020 projects:
  - Project 01, Facilities Space Modernization
  - Project 02, Affordable Housing
  - Project 03, Classic Center Arena
11. On February 18, 2020, an Intergovernmental Agreement ([History Item #9](#)) for land lease between ACCGov and the CCA was approved by the M&C.
12. In September 2020, ACCGov Manager Williams selected the User Group Members to help ensure ACCGov long terms goals are promoted during the Project Development process. The User Group Members are:
  - David Barbe
  - Dexter Fisher
  - Chantel Dunham
  - Andrew Saunders
  - Smith Wilson
  - Paul Cramer
  - Robert Cheshire (ex-officio)
13. On December 1, 2020, M&C approved combining the Program Management budgets from all

projects into a single Program Management Budget, setting the Classic Center Arena SPLOST 2020 budget at \$33,320,000.

14. On February 2, 2021, M&C approved the Tier Funding Schedule thereby establishing the SPLOST 2020 funding schedule for the Classic Center Arena project.
15. On February 2, 2021, M&C approved Perkins & Will / Smallwood Design as the selected Project Designer for the Classic Center Arena project.
16. On April 6, 2021, M&C approved JE Dunn Construction Company as the selected Construction Manager at Risk Contractor for the Classic Center Arena project.
17. On May 10, 2021, the ACAC approved a recommendation to the M&C in accordance with Athens-Clarke County Code Ordinance, Section 1, Title I, Chapter 1-25-6, additional Funding for Public Art, that SPLOST 2020 Project 03 - Classic Center Arena is appropriate for public art.
18. On June 1, 2021, the M&C unanimously approved the Project Concept and updated budget with order of magnitude pricing of \$109,441,278 for the SPLOST 2020 - Project 03 Classic Center Arena.
19. On August 3, 2021, the M&C approved conveyance and incorporation for 1.08 acres between Hickory and Willow streets into the existing Intergovernmental Agreement between ACCGov and The Classic Center Authority (History Item #11).
20. History Items were discovered to be mis-numbered in the Agenda Report initially issued for the December 6, 2022 M&C voting session, with History Item #20 being inadvertently skipped. Thus, there was no History Item #20.
21. History Items were discovered to be mis-numbered in the Agenda Report initially issued for the December 6, 2022 M&C voting session, with History Item #21 being inadvertently skipped. Thus, there was not History Item #21.
22. On September 7, 2021, the M&C approved the new Classic Center Arena Schematic Design, the Updated Total Project Budget of \$116,705,055, Proposed A/E Contract Amendment, Bond Financing, and authorized an early Guaranteed Maximum Price (GMP) based on 75% construction drawings.
23. On September 14, 2021, at the regularly scheduled M&C work session, the Classic Center Authority presented a proposed Hickory Street Parking Deck update that included the plan that the parking deck, stairs, and connection to the parking deck were all part of the life safety plans and designs that were underway for the Arena, particularly moving people exiting the plaza level of the arena to the deck before going to Hickory Street level. The work session presentation also included the discussion of a change order to Perkins & Will to develop the design of the parking design through schematic design of an 800 space parking deck. It was envisioned that 300

spaces of the deck would be dedicated for Arena purposes, and the remaining 500 spaces would be owned and used by ACCGov. One potential use for the ACCGov spaces could be to accommodate the future Judicial Center on an adjacent property.

24. During the September 14, 2021 regularly scheduled work session, the M&C was made aware that a second Bond Issuance would be necessary in the future.
25. On October 5, 2021, the M&C approved the Initial Bond Financing Issuance of \$55,000,000 and associated Intergovernmental Agreement.
26. On November 2, 2021, M&C approved a change order to Perkins & Will in the amount of \$275,000 for Initial Project Planning & Preliminary Engineering of an approximate 800 space Parking Deck on Hickory Street in conjunction with SPLOST 2020 Project 03 Classic Center arena with an overall task budget Not to Exceed \$425,000.
27. On November 8, 2021, Mayor Girtz appointed Benjamin Britton and Linda Stephens to serve as labor advocates on the forthcoming "Hotel Selection Committee" for the 1.3 acre tract of land at the intersection of Hickory St. and Willow St.
28. On January 4, 2022, the M&C approved the following actions:
  - Increased the Classic Center Arena Project Budget to \$135,655,498, assuming contemplating a second bond issuance;
  - Moved the Future Energy/HVAC System financing of approximately \$10M into the new budget amount; and,
  - Authorized staff to negotiate the GMP contract with JE Dunn for a Not to Exceed amount of \$107M (based on 75% complete design).
29. On January 12, 2022, JE Dunn submitted their GMP for the cost of construction for the Classic Center Arena based on the 75% CDs.
30. On February 2, 2022, JE Dunn was issued a Notice to Proceed for the Classic Center Arena project, and the GMP Amendment was executed for \$102,400,000.
31. In February 2022, JE Dunn mobilized to the Site.
32. On March 11, 2022, additional geo-technical work was performed by JE Dunn's civil contractor to more closely identify the depth of and thereby quantity of rock to be excavated. A portion of the additional geo-technical work was needed for additional areas as a result of design changes made during the value engineering efforts (e.g. revised service drive from Foundry Street to Willow Street and revised stormwater design locations).
33. On March 22, 2022, the additional geo-technical work was completed and the extent of rock needing to be removed from the site was estimated and determined to be approximately 9,900 cubic yards. Because the cost and time of rock excavation had been moved out of the

GMP to the allowances, JE Dunn notified ACCGov that the rock excavation would create an increase in contract time and cost.

34. During March 14, 2022, to April 14, 2022 the design team worked through design revisions to reduce the amount of rock excavation required by approximately 34% to 6,500 cubic yards.

35. On March 28, 2022, JE Dunn notified ACCGov that schedule and cost impacts would be incurred due to the amount of rock that had been identified during additional borings by the civil contractor. Since this notification, JE Dunn, their subcontractors, and the design team have worked collaboratively to mitigate the amount of rock that would need to be blasted and removed from the jobsite.

36. On March 30, 2022, JE Dunn presented their updated pricing based on the 100% CD's. The 100% pricing increased the construction cost by a net of \$2.7 million, mainly due to not achieving the targeted Value Engineering for the HVAC, Plumbing, and Sitework trades, and cost escalation.

37. On April 4, 2022, JE Dunn began the Pre-Blast survey work and drilling rock in anticipation of blasting.

38. On May 25, 2022, the Classic Center Authority appointed CCA Board Members Tres Small and Dexter Haynes to the "Hotel Selection Committee" for the 1.08 acre tract of land at the intersection of Hickory and Willow St.

- The "Hotel Selection Committee" comprised of:

- Benjamin Britton
- Linda Stephens
- Tres Small
- Dexter Haynes
- Paul Cramer
- Danny Bryant

39. On May 25, 2022, the "District Development Committee" was appointed by the CCA to evaluate proposals for the District Development RFP.

- The "District Development Committee" comprised of:

- Melissa Link
- Tim Denson
- Russell Edwards
- Smith Wilson
- Paul Cramer
- Danny Bryant

40. On May 27, 2022, the Classic Center released the Hotel RFP & District Developer RFP.

41. On June 14, 2022, CCA Executive Director Paul Cramer presented the proposed Change Order #1, proposed second revenue bond issuance, and a proposed Special District Tax related to hotels to the M&C at the regularly scheduled Work Session. The change order as presented included all anticipated costs for rock and dirt removal, disposal, and delays.
42. On June 22, 2022, the CCA received two proposals in response to the Hotel Developer and District Developer RFPs. Those responses were from:
  - Classic Center Partners LLC (Hotel and District Developer Response)
  - Cube Hospitality and Partners (Hotel Response Only)
43. On June 24, 2022, ACCGov Manager Williams issued a Notice of Proposed Administrative Action (NOPAA) to the M&C providing detailed information on the Arena project status, pending use of the Owner Controlled Contingency, and required activities to continue construction to avoid costly delays.
44. On July 5, 2022, M&C approved during a special called meeting Change Order #1 with JE Dunn (presented to M&C in History Items #41 & #43).
45. On July 15, 2022, the Classic Center's "Hotel Selection Committee" evaluated proposals from two responses for the Hotel RFP and the "District Development Committee" evaluated one response from the District Developer RFP. Those responses were from:
  - Classic Center Partners LLC (Hotel and District Developer Response)
  - Cube Hospitality and Partners (Hotel Response Only)
46. On August 2, 2022, the M&C approved the Second Revenue Bond Issuance of \$37,000,000 and associated Intergovernmental Agreement for the Classic Center Arena Project.
47. On August 2, 2022, the Classic Center and ACCGov "Hotel Selection Committee" and "District Development Committee" named "Classic Center Partners LLC" the apparent award winner of the Hotel and District Developer RFP process.
48. On September 15, 2022, during a Work Session with M&C, the latest Hickory Street Parking Deck idea was presented. Included in this presentation was a potential financing plan to pay for the Proposed Parking Deck, other proposed developments supporting the funding of the parking deck, and proposed use of 25% of available TAD funds, on new developments.
49. On September 26, 2022, as directed by the Manager and intended to advise the M&C, ACCGov, Finance Director David Boyd issued a memo conveying his concerns against additional debt issuance guaranteed by ACCGov for a term of more than 10 years and with revenues that are speculative in nature. Manager Williams asked CCA Director Paul Cramer to continue to develop alternative revenue streams instead of returning to this funding source.
50. On October 11, 2022, during a Work Session with M&C, the Proposed Project Concept for the

Hickory Street Deck was presented. Additionally, the presentation included a revised potential financing plan to pay for the Proposed Parking Deck, other proposed developments supporting the funding of the parking deck, and proposed use of 25% of available TAD funds on new developments.

51. On October 18, 2022, the Classic Center Arena User Group approved recommending Option A as their primary choice (assuming that funding for Parking Deck is in place), and Option B as the back-up option.

- Option A: Extending the pedestrian plaza via the construction of a pedestrian bridge over Hickory St. with included stair tower and 500-space parking deck
- Option B: Building the pedestrian plaza over Hickory St. with included stair tower, preserving the ability to add the 500-space parking deck in the future, as funding becomes available.

52. On October 19, 2022, the Classic Center Authority Board voted to recommend:

1. Support Option "A" (referenced in History Item #50) of building the pedestrian plaza over Hickory St. with included stair tower and 500-space parking deck, assuming the project is fully funded as outlined on the Project Funding page.
2. If the project funding cannot be fully funded as outlined on the Project Funding Page, the project continue to work towards the implementation of Option "A" so long as:
  - a. Financing can be obtained;
  - b. Special District comes through. TAD allocation does not exceed 30% of collections for the duration of the bond;
  - c. The Classic Center Authority maintains its commitment to the \$15.00/hour wage floor; and,
  - d. Project revenues are reasonably projected to meet project expenses without new ACCGov funding.
3. If neither of the two above items are feasible, the CCA recommend the M&C support Option "B" of building the pedestrian plaza over Hickory St. with included stair tower, preserving the ability to add the 500-space parking deck in the future, as funding becomes available.

53. On November 1, 2022, the M&C approved the Hickory Street Parking Deck Project Concept, Option A and 500 space deck for the access from the Arena Plaza Level to Hickory Street, and Not to Exceed Change Order #2 to the Project Designer P&W/Smallwood the additional work associated with the Parking Deck.

54. On November 9, 2022, the Classic Center Authority Board reviewed and unanimously approved to recommend the Proposed Schematic Design as generally shown in **Attachment #1**

55. On November 10, 2022, at a special called M&C work session, CCA Director Paul Cramer presented the latest iteration of the Hickory Street Parking Deck and planned sources and uses of funding. CCA Director Cramer also mentioned the possibility that a private developer may want to underwrite and build the entire parking deck, thereby freeing the CCA from having to service the debt for design and construction.

56. On November 23, 2022, CCA Director Cramer forwarded to ACCGov Manager Williams a memo with the recommendation that a private developer build a 1,000 space parking deck, as well as requests for conveyance of various parcels from ACCGov to CCA to enable the project. An exhibit to the Intergovernmental Agreement (**Attachment #2**) provides the approximate footprint of the proposed 1,000 space deck. Note: the expanded footprint of a 1000 space parking deck would impact the use of the remaining property for a potential Judicial Center.

57. On November 27, 2022, Manager Williams, requested that staff work with Croft and Associates, Design Professionals for the new Judicial Center, to develop a memo which provides an opinion on the potential impacts that a 1000 space parking deck, as currently proposed along Hickory St., would have on the potential Hickory St./ E. Broad St. Judicial Center site.

58. On December 6, 2022, at a special called M&C Work Session, CCA Director Paul Cramer made a presentation which provided additional details regarding a 1000 space parking deck that would be funded and constructed by a private developer (previously noted in History Item #55). Mr. Cramer's presentation included schematic drawings of the proposed parking deck, an illustration of the property requirements for the parking deck and estimated costs of the parking deck. Following the presentation, Mayor Girtz noted that the 1000 space parking deck as proposed, would have an impact on the viability of utilizing the remaining .85 acres of ACCGov property at the corner of E. Broad St. & Hickory St. for the new Judicial Center.

59. On December 7, 2022, the Classic Center Arena User Group voted unanimously to approve the Schematic Design for a 1000 space parking deck on Hickory St. as presented at the December 6, 2022 Special Called M&C Work Session (see History Item #58), and also voted unanimously to support the financial options outlined in the Letter of Intent (**Attachment #3** and F&I Item #7).

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#### FACTS & ISSUES:

1. To support the Classic Center Arena Project (Project 03), the Classic Center Authority completed the development of Program Plans to generally describe the project scope and to estimate construction and other project costs. The Program plans were the basis for the below Initial Project Statement:

*Project 03, Classic Center Arena, will provide funding for the design and construction of a new public assembly facility/arena space and related areas to accommodate a permanent seating capacity of approximately 5,500. Depending upon costs and funding availability, the expansion may include, but not be limited to, amenities such as an arena with the necessary industry standard service needs including, but not limited to, utility connections, rigging structure, sound/lighting systems, an ice floor, retractable seating for an expanded floor, acoustical treatments, individual suites, premium seating locations, catering facilities, locker rooms, necessary FF&E equipment, security equipment, child care, and office space sufficient to support such an expansion. The project is further anticipated to foster and support related economic development near The Classic Center Arena that may include, but not be limited to, a hotel, a senior living residential development, associated parking development, and other associated support areas to adequately support the*

*functions of The Classic Center facility. Depending upon costs and funding availability, the project may further serve as a mechanism to facilitate enhanced employee and/or community well-being initiatives. Examples of employee and community well-being initiatives could be elder care, child care, and other similar activities. Additionally, to the extent allowed by law, funds may be used as matching funds for leveraging grant opportunities.*

2. The need for a parking structure to support the Classic Center Arena has been contemplated as part of the project since the original submission and has been discussed in multiple M&C work sessions.
3. As presented in the September 2021 work session (History #23), agenda report (History #50), the last two M&C work sessions (History #50 & #52), the approved Schematic Designs and the subsequent construction documents developed for the Classic Center Arena were developed based upon connectivity of the Arena to a bridge over Hickory Street and a parking deck structure on the east side of Hickory Street; which would provide stairs and elevator. In the event of an emergency, an estimated 2,815 people could likely exit the southeast Arena doors. Part of the Arena's life safety plan must include a pathway to allow a quick movement of people from the Arena's SE plaza level exits down to Hickory Street level and away from the building. The ultimate certificate of occupancy for the building is dependent on achieving the appropriate life safety ingress and egress.
4. Using a combination of a bridge over Hickory Street and a stair/elevator tower on the east side of Hickory Street allows the patrons to move away from the building first and then use the stair tower to get down to Hickory Street level in the event of the emergency. Additionally, combining the bridge and stair tower with the construction of a parking deck allows those arena life safety functions and the same functions needed for a parking deck to be shared (thus saving the two projects \$2.5-\$3 million).
5. As final construction documents were being completed, prices began escalating faster than normal and during the same period of time and it became evident that the additional state funding was not going to be provided. Because of those factors the parking deck was eliminated from the construction documents and the subsequent JE Dunn Construction Contract. Although, the parking deck was eliminated, the requirement for a pathway to get arena patrons from the plaza level of the arena down to Hickory Street level (F&I #3) still remained. Approximately \$2.5 million was left within the overall Project Budget (but not in JE Dunn's or Perkins and Will's contracts) for the bridge, stairs, and elevator to get patrons from the plaza level of the arena to Hickory Street level.
6. On November 2, 2021, M&C approved (History #26) for design to proceed on an 800 space deck that would have been shared between a potential Judicial Center and the CCA. The Project Concept presented to and approved by M&C on November 1, 2022 (History #52) was for a 500 space deck to be shared between the CCA (300 spaces) and a future Hotel Development (200 spaces). Since the Agenda Setting Session on November 10th, 2022, the Master Developer has proposed fully funding a 1,000 space parking deck with the opportunity

for CCA to partner with developer if Transportation Infrastructure Finance and Innovation Act (TIFIA) funding becomes available. The Hickory Street Parking Deck Proposed Schematic Design being presented, **Attachment #1**, is based on that approved **Project Concept** revision and includes the following elements:

- The project is anticipated to be a ~~five~~ ~~six~~ level, ~~500~~ ~~1000~~ +/- space deck
- ~~300 spaces to be developed for use by CCA~~
- ~~200 spaces to be developed for the adjacent Hotel developer (The financing plan for the Parking Deck will include payments, likely upfront and annual, from the developer to account for the cost incurred by ACCGov for design and construction of the 200 spaces.)~~
- Operation and management of the deck to be controlled by CCA
- Structural capacity for a one floor future (vertical) expansion. This future expansion to potentially accommodate office space, roof top amenity space, or other.
- Three vehicle entry/exit points; two on Hickory Street, one on Willow Street. This would provide pedestrian access and ADA access from Foundry Street down to Hickory and/or Willow Street.
- The deck is to include code required exiting capacity (stairs, elevators, areas of refuge, etc.)
- The exterior architecture is to comply with ACCGov development guidelines (further details in subsequent Schematic Design, **Attachment #1**) and is to be compatible with surrounding aesthetics. It is anticipated that the exterior architecture will include ~~brick and precast concrete metal~~ detailing similar to the exterior finish of The Classic Center Arena. ~~existing Classic Center deck.~~
- ~~+/-45,000sqft of Hickory Street level retail space or office space is not contemplated and may require a variance from ACC development standards. (Note: None is shown in the current P+W designs and likely cannot be accommodated within the anticipated cost per space being considered in the financing plan.)~~
- Associated public infrastructure to improve the ingress and egress of the parking deck.

7. The Developer intends to operate the deck in partnership with the CCA and in accordance with the CCA's IGA with ACCGov (**Attachment #2**) which provides for a Development Agreement with the Developer that will be negotiated between the CCA and the Developer. Pursuant to the Intergovernmental Agreement, the ACCGov Manager shall be required to approve the Development Agreement. The current intent outlined in a Letter of Intent (**Attachment #3**) between the Parties is that the Developer is fully prepared to source the adequate financing to build a 1000 space parking deck. At the time of converting the construction loan to permanent financing the Developer will either:

- Arrange permanent financing, agree to pay the full annual expenses (land lease, maintenance and management fee) to the CCA and pay taxes on the entirety of the Proposed Development. In doing so the Developer would be in 100% ownership of the Proposed Development. Both Parties agree that the Developer in their sole discretion and in good faith with the CCA will be responsible in financing the entirety of the

Proposed Transaction that may include but not be limited to the following sources (i) bank sourced debt, (ii) private equity funds, (iii) bonds secured by the Developer, and (iv) federally funded programs. Or:

- Agree to fund an estimated 59% of the Proposed Development and, securing TIFIA loan funds contingent on those becoming available, the CCA would provide the remaining estimated percentage of funding for 41% of the Proposed Development. CCA would thereafter have control of 41% of the parking spaces and retail space, and responsible for 41% of the deck operation and maintenance costs, and the Developer shall have control of 59% of the parking spaces and shall be responsible for 59% of the deck operation and maintenance costs.
- In either funding scenario, required improvements to public infrastructure necessitated by the construction of the proposed 1000 space parking deck on Hickory St. will be financially supported by either the Developer, in an equivalent reduction to the land lease payments, or by the CCA through the TIFIA loan.

8. The feasibility of locating the new Judicial Center at the corner of E. Broad St. & Hickory St. would be impacted by the construction of a 1000 space parking deck, as proposed on 3.065 acres of the property currently owned by ACCGov. As requested by Manager Williams in (History Item #57), Croft & Associates provided the following opinion of impact, if the potential Judicial Center site is reduced to .85 acres in size.

- **Property Area:** The proposed .85 acre site would not meet the M&C approved "Must-Have" Site Selection Criteria for lot size.
- **Zoning & Other:** Although the site zoning does support the Judicial Center building type, it is anticipated that the building height will exceed the height allowance for the zoning district, because horizontal expansion would not be attainable on the site. There have been suggestions about the potential future expansion of the Judicial Center being accommodated with the office functions to be located on the proposed parking deck. This is not a recommended solution because building over a publicly accessed parking deck presents a security risk that could endanger the occupants and the building structure. Additionally, the cost to build out future shell space (vertically) will reduce the amount of funding available for the finished spaces (courtrooms).
- **Parking:** Most, if not all of the secure and public parking would need to be accommodated within the proposed parking deck. It is expected that very little parking could be located on the .85 acre site. The shallow rock refusal depth on this site will likely limit the opportunity for lower-level secure parking due to the cost implications.

- **Site Prep Cost Drivers:** The rock and potentially hazardous soils on this site are expected to have a major impact on the construction costs for the project. The site of the proposed 1000 space parking deck serves as a stormwater detention facility that controls water from several adjacent properties. So, unless stormwater runoff from the Judicial Center site can be managed within the site of the proposed parking deck, and the costs of modifying the existing on-site storm water facility are included in the development costs for the 1000 space parking deck, the resolution for managing stormwater from the Judicial Center site would be extremely costly.
- **Building Dimensions:** This site will likely not be able to meet the minimum “Must-Have” Site Selection Criteria of having a building that is at least 90’ at its narrowest point in order to accommodate the most efficient Courtroom model.

In general, developing the new Judicial Center on the proposed .85 acre balance of property, located at the corner of E. Broad St. & Hickory St. would present many challenges from an efficiency, security and budget standpoint.

9. The GMP contract and Change Order #1 issued to JE Dunn for the construction of the Classic Center Arena did not include the construction of the exterior stair and elevator tower from the plaza level of the new arena down to the Hickory Street level. If at some point in the future, the Parking Deck is not advanced on a schedule that would allow it to open simultaneously with the Arena, then the exterior stair, elevator tower, and bridge will need to be advanced on a schedule to have it completed along with the arena completion.
10. ~~The proposed schematic design of the Hickory Street Parking Deck enables ancillary benefits that include, but aren't limited to:~~
  - ~~Parking Deck will have vehicle exits to both Hickory and Willow Street (will speed up the exiting process following events),~~
  - ~~provides podium slab to build additional space on top of deck (could be used for office space or Judicial Center, or other),~~
  - ~~possible shared use of the deck (Classic Center, Hotel and Future Development – Maximizing a community asset),~~
  - ~~Partnership with the new hotel (generating additional revenue), and~~
  - ~~the bottom level could be used for additional shops, climbing walls, or other entertainment venue type activities.~~
11. Below is a brief overview of the current proposed timeline and next steps for the Parking Deck and/or Plaza Bridge, and stair/elevator:
  - December 2022
    - ~~Receive M&C approval for the SPLOST 2020 Project 03, Classic Center Arena – Proposed Schematic Design for Hickory Street Parking Deck Agenda Item, as well as the conveyance of needed property. Proposed Schematic Design for the Hickory Street Parking Deck as described and generally illustrated in Attachment #1 and~~

~~authorize Staff to advance the Proposed Schematic Design to the Bid and Award Phase of the Project;~~

- Developer provides final development agreement
- Release bid package for parking deck
- ~~Approve an Order for Jacobs/Impact for Project Management Fees related to the Hickory Street Parking Deck for a Not To Exceed Amount of \$(to be determined);~~
- Approve an Intergovernmental Agreement between the Unified Government of Athens-Clarke County (ACCGov) and the Classic Center Authority (CCA) (**Attachment #2**). ~~that provides for the conveyance property from ACCGov to CCA for:~~
  - ~~the 2.8 acre Parcel located at (to be determined);~~
  - ~~the 2 acre Parcel located at (to be determined); and,~~
  - ~~the air rights over the railroad easement.~~
- **January 2023**
  - Receive bids on parking deck construction
  - Award construction contract on the parking deck
- **February 2023**
  - Consideration of TAD Committee recommendations and approve Project Agreement;
  - Final approval of Special Tax District;
  - ~~M&C to Approve Classic Center Authority to incur debt (bond financing) without ACC guarantee;~~
  - Approval of Stair/Bridge construction, at a minimum (construction of the stairs/elevator and/or bridge would need to start in May 2023 to be complete by opening of the arena); and,
  - Approval of Parking Deck site package award, if applicable.

12. Below is a brief overview of the current proposed project schedule, actual where completed, and proposed current revisions with no acceleration:

● GMP Pricing on 75% CDs	January 2022 - Completed
● GMP Approval	January 2022 - Completed
● Start of Construction – Arena	February 2022 - Completed
● Start of Construction – Parking Deck	February 2023
● Construction Substantial Completion	March 2024
● Anticipated Start of Booked Events	May 2024

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#### OPTIONS:

1. Mayor and Commission:
  - a. Approve the Proposed Schematic Design for the Hickory Street Parking Deck as described and generally illustrated in **Attachment #1**;

- b. ~~Authorize Staff to advance the Proposed Schematic Design to the Bid and Award Phase of the Project;~~
  - c. ~~Approve a Change Order for Jacobs/Impact for Project Management Fees related to the Hickory Street Parking Deck for a Not To Exceed Amount of \$(to be determined);~~
  - d. Approve an Intergovernmental Agreement between the Unified Government of Athens-Clarke County (ACCGov) and the Classic Center Authority (CCA) (**Attachment #2**) that provides for the conveyance of property from ACCGov to CCA for:
    - ~~the 2.8 acre Parcel located at (to be determined);~~ The 2.83 acres identified as Tax Parcel Number 163D3 G002 located at 395 Willow Street in fee simple.
    - ~~the 2 acre Parcel located at (to be determined);~~ The 3.065 acres located within Tax Parcel Number 171B2 A008A located at 801 East Broad Street (the “Hickory Street Parking Deck Site”) in fee simple.
    - ~~the air rights over the railroad easement; and,~~ The 0.928 acres identified as Parcel 3 in Exhibit “A” to the February 2020 Agreement and located between the Classic Center Arena Site and the Multi-Modal Transit Center (the “0.928 Acre site”) as Air Rights Leasehold.
    - The 0/737 acres identified as “Hickory Street 0.737 acre” on that certain survey entitled “Plat for Unified Government of Athens-Clarke County” by Ben McLeroy & Associates, Inc. dated May 16, 2003, recorded in Plat Book F, Page 367, Athens-Clarke County, Georgia records, in fee simple.
    - Ariel and subterranean easement agreement for the air rights over the railroad which agreement is dated July 28, 2020, and recorded in deed book 05023, pages 0241-0267 of the records of Clerk of Superior Court of Athens –Clarke County, Georgia (the “railroad easement site”),and;

- e. Authorize the Mayor and appropriate staff to execute all related documents.

2. Mayor and Commission deny approval of Proposed Project Schematic Design Concept.
3. Mayor and Commission defined option.

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**DEPARTMENT RECOMMENDED ACTION:** Option #1a, b, c, d, & e

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**DEPARTMENT:** Prepared by: Danny Bryant, GM Arena

*Robert Cheshire*

Robert Cheshire, SPLOST Capital Projects Director

*November 3 Dec. 8, 2022*

Date:



Paul Cramer, Classic Center President & CEO

November 3 Dec. 8, 2022

Date:

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**ADMINISTRATIVE COMMENTS:**

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**ADMINISTRATIVE RECOMMENDATION:** Option #1a, b, c, d, & e



Manager

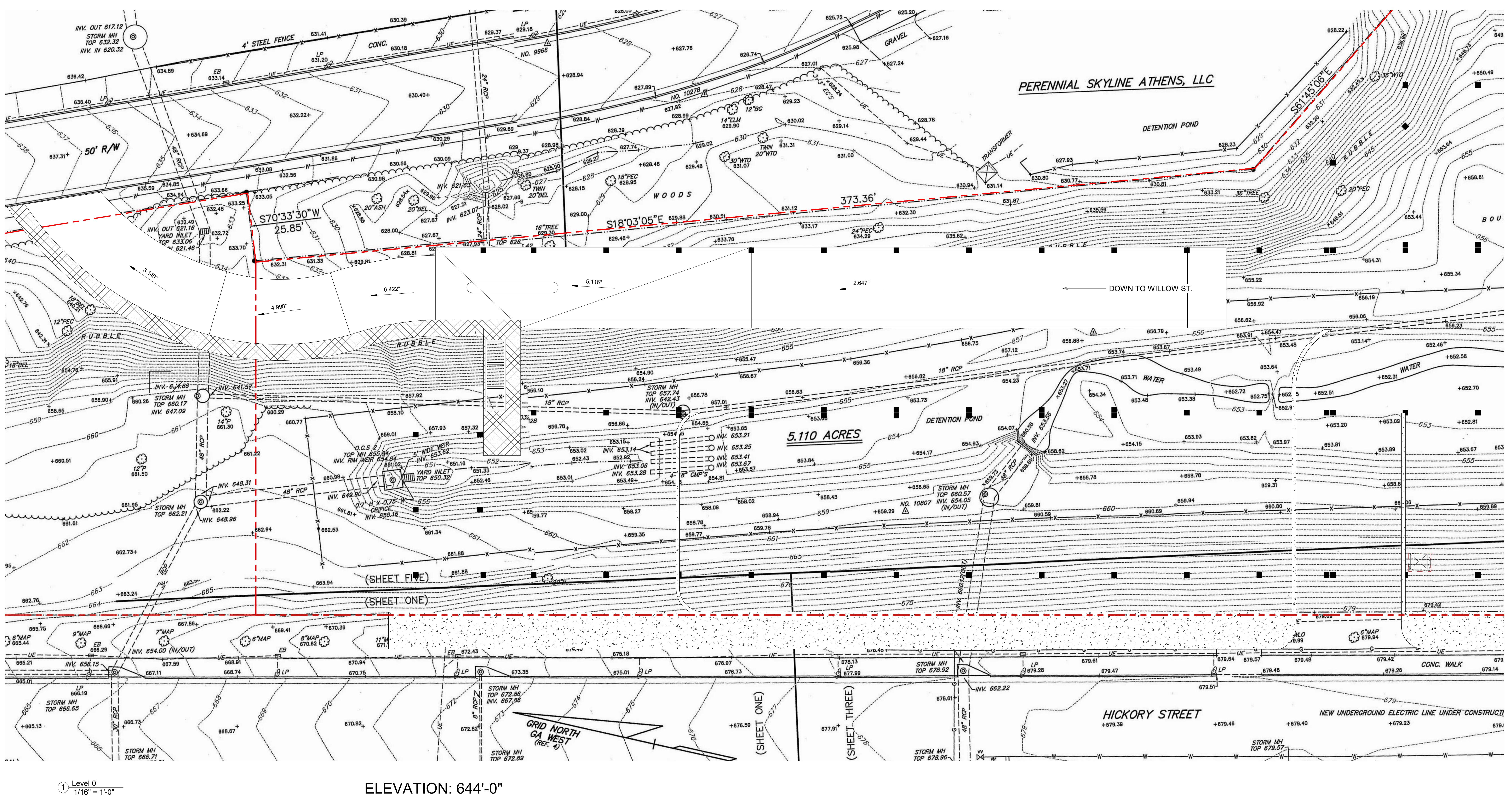
November 10, 2022 December 7, 2022

Date:

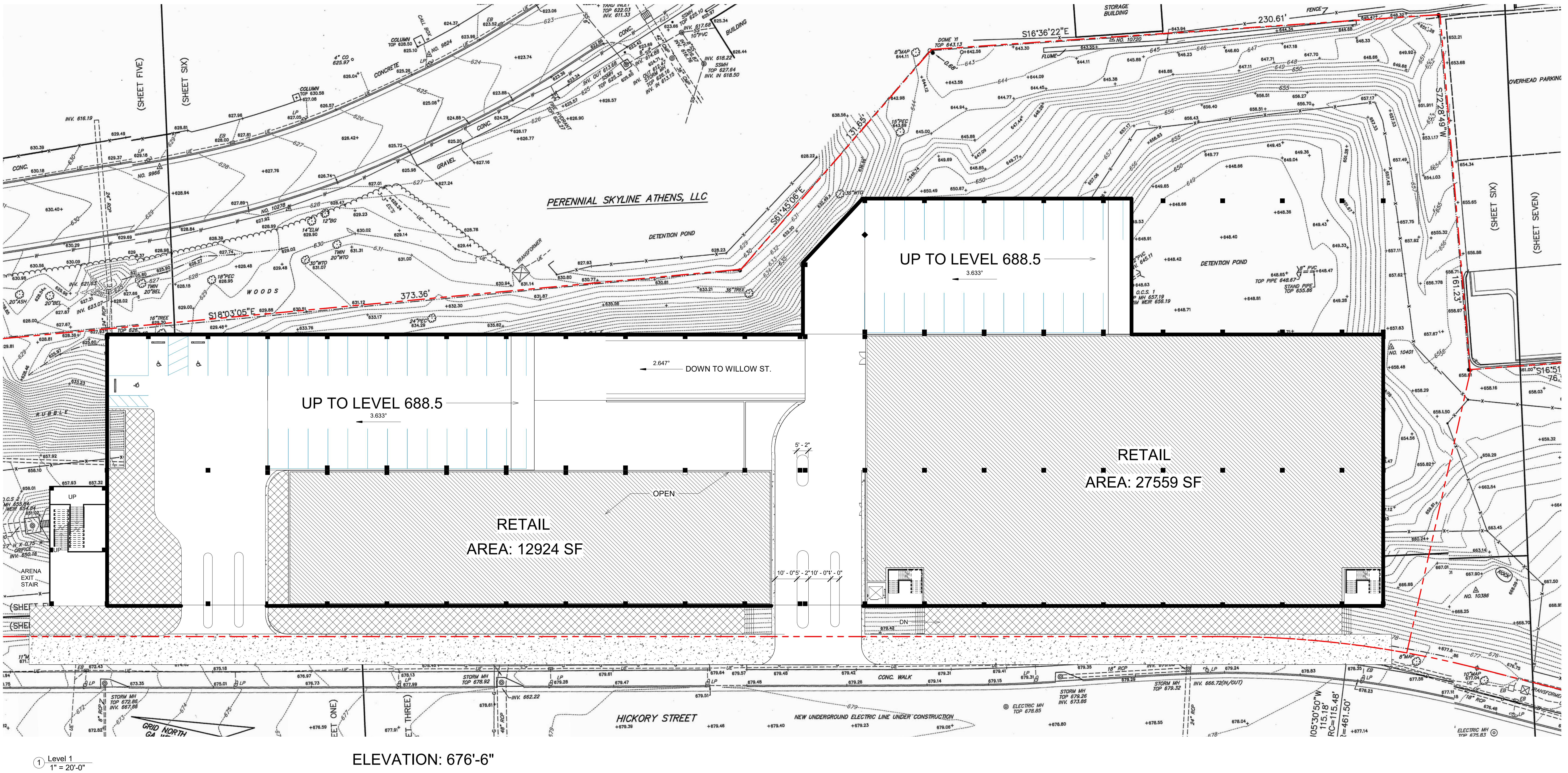
Attachment #1 - Proposed Schematic Design

Attachment #2 – Proposed Intergovernmental Agreement

Attachment #3 – Letter of Intent



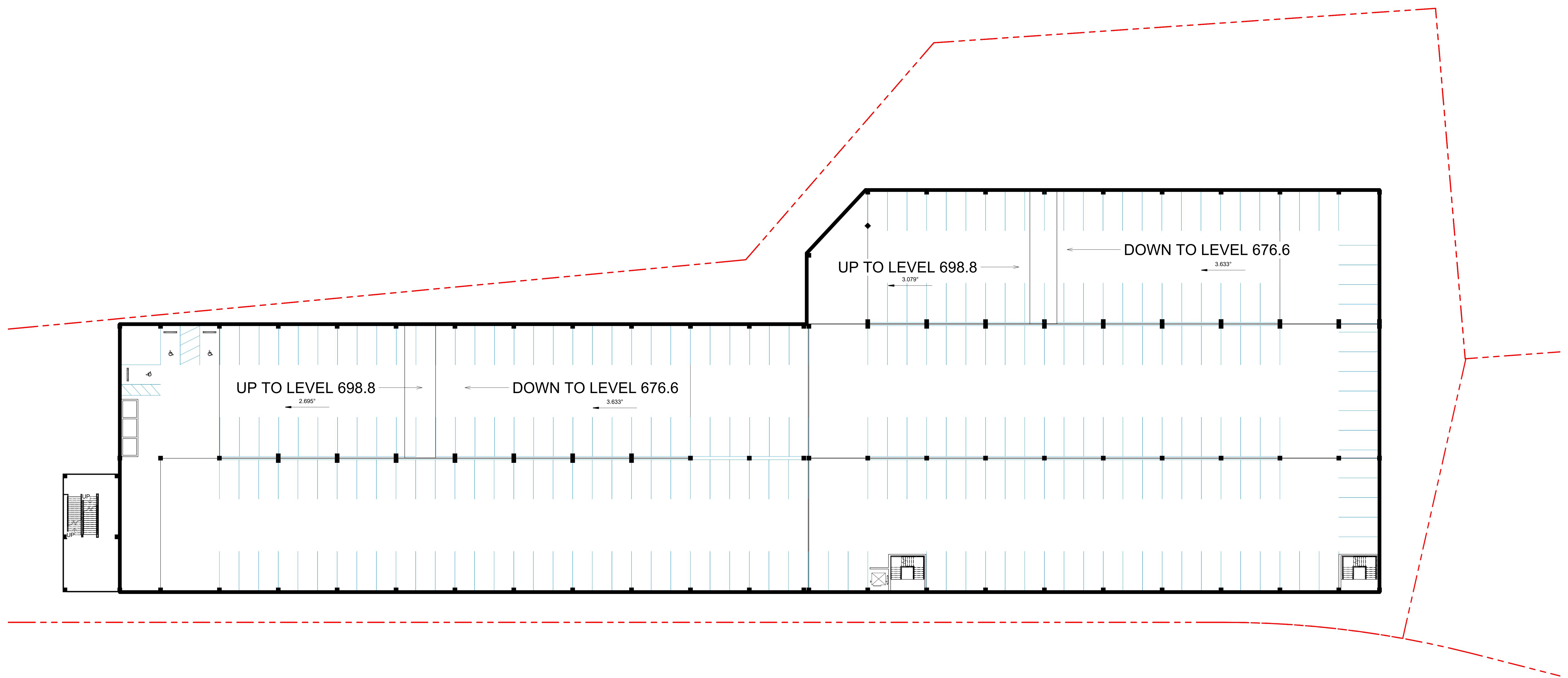
Parking Schedule	
LOCATION	COUNT
DECK SURFACE	1096
Grand total:	1096



**LEVEL 1**

- 6 Parking Spaces
- 1000 Total Parking Spaces
- Two Entry/Exits onto Hickory St.

**SMALLWOOD**

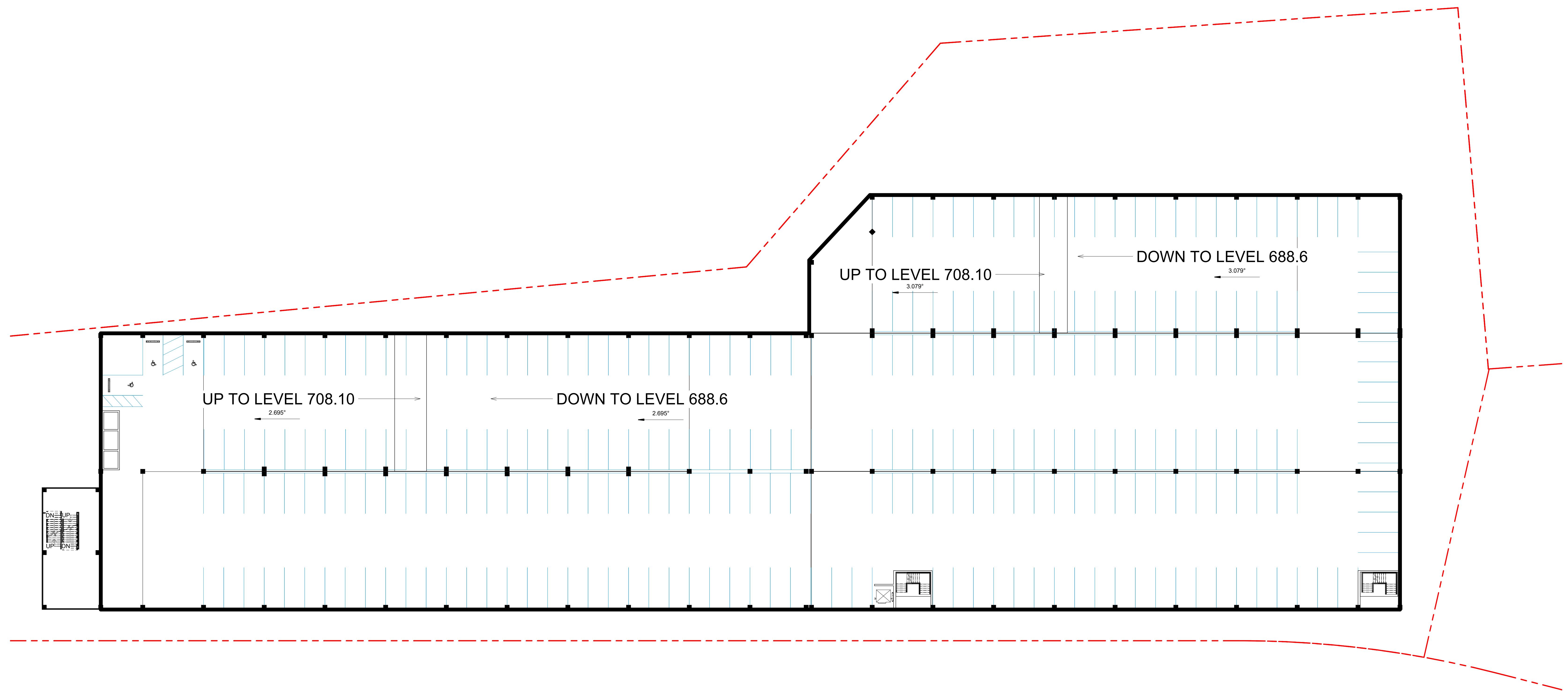


① Level 2  
1" = 20'-0"

ELEVATION: 288'-6"

**LEVEL 2**  
- 235 Parking Spaces

**SMALLWOOD**

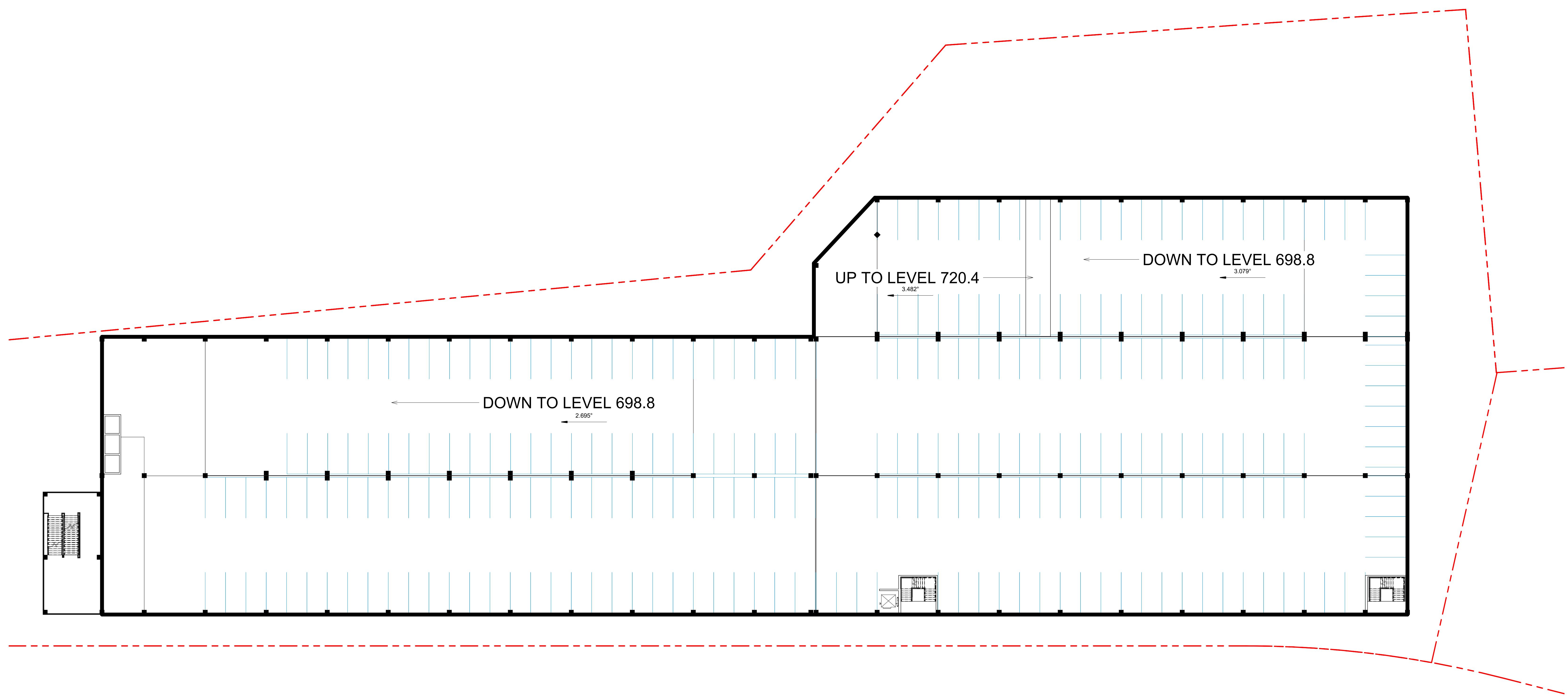


① Level 3  
1" = 20'-0"

ELEVATION: 698'-8

**LEVEL 3**  
- 235 Parking Spaces

**SMALLWOOD**

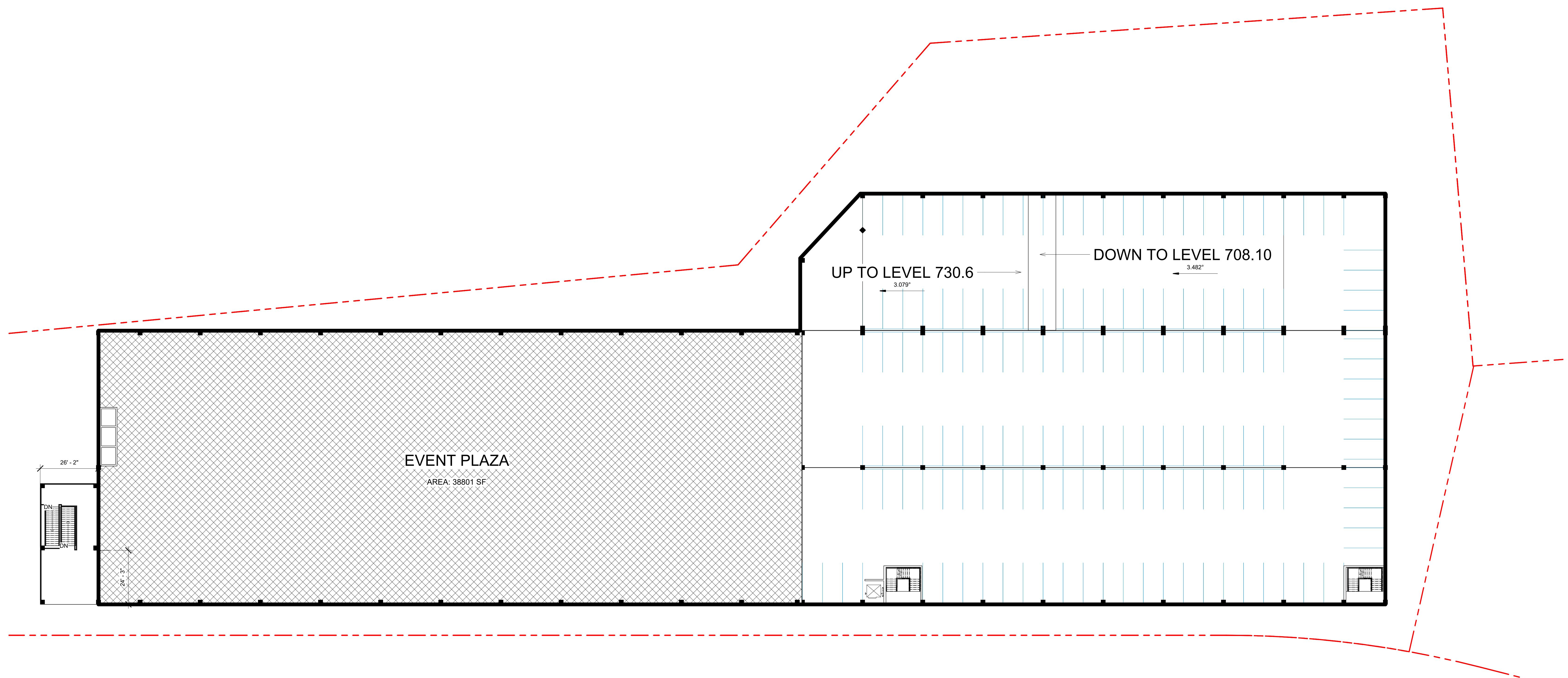


① Level 4  
1" = 20'-0"

ELEVATION: 708'-10"

**LEVEL 4**  
- 235 Parking Spaces

**SMALLWOOD**



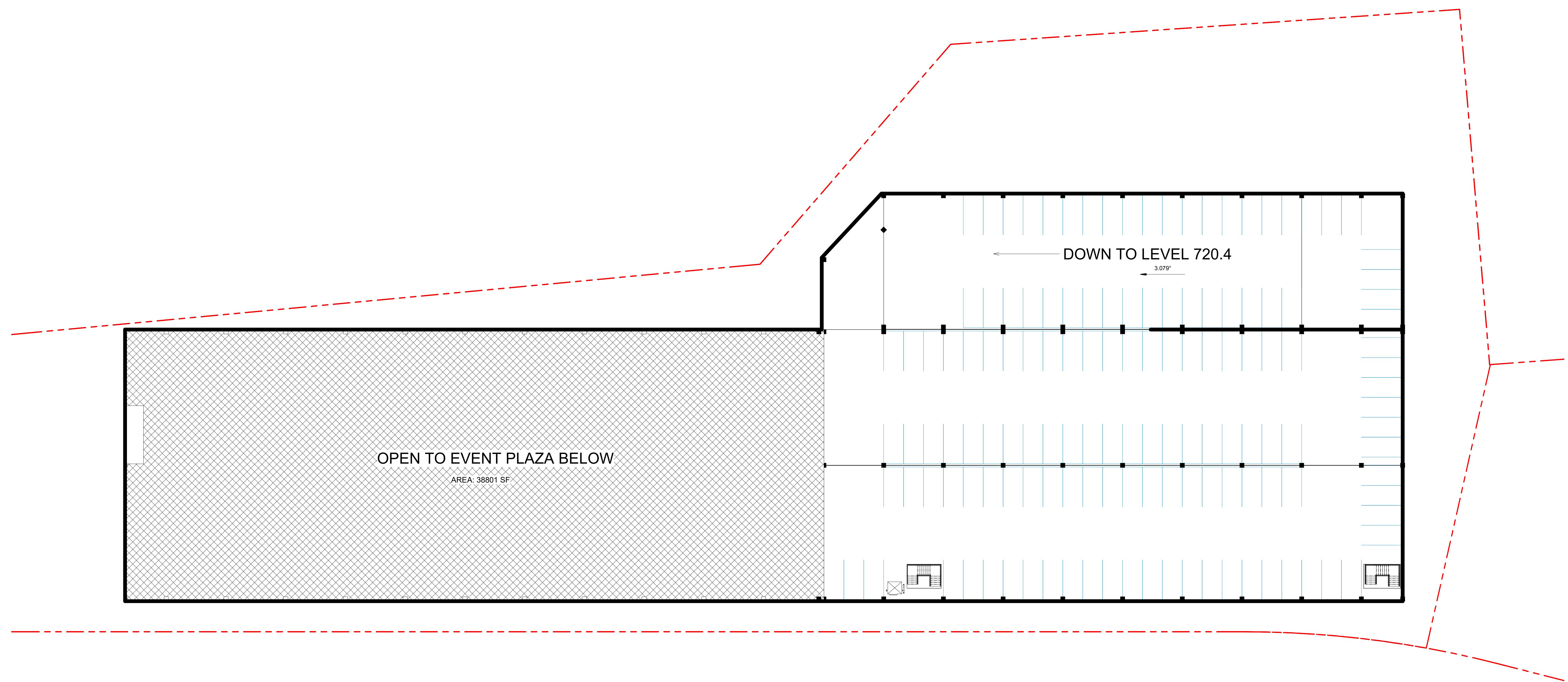
① Level 5  
1' = 20'-0"

ELEVATION: 720'-4"

## LEVEL 5

- 130 Parking Spaces
- Walkway to Arena Plaza
- Open deck area
- Three elevators servicing deck

**SMALLWOOD**



① Level 6  
1" = 20'-0"

ELEVATION: 730'-6"

**LEVEL 6**  
- 130 Parking Spaces

**SMALLWOOD**





View 1



View 2



**Attachment #2**

**INTERGOVERNMENTAL CONTRACT**  
**(Property Conveyances to Provide for Development**  
**of the Hickory Street Parking Deck as Part of the Classic Center Arena Project)**

This **INTERGOVERNMENTAL CONTRACT** (this “Agreement”), dated as of December \_\_\_, 2022, by and between the CLASSIC CENTER AUTHORITY FOR CLARKE COUNTY (the “Authority”), a public body corporate and politic created and existing under the laws of the State of Georgia, and the UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA (the “Unified Government”), a consolidated government and political subdivision of the State of Georgia;

**W I T N E S S E T H:**

**WHEREAS**, the Authority has been created and activated pursuant to Ga. Laws 1988, pp. 3795 *et seq.*, as amended (the “Act”); and

**WHEREAS**, under the Act, the purpose of the authority shall be for the development and promotion in Clarke County and in this state of public projects for the cultural growth, public welfare, education, and recreation of the people of Clarke County and of this state, including:

(a) The acquisition and construction of a building or buildings and related facilities, which shall be and are declared to be public buildings and structures, to be used for amusement, recreation, civil, cultural, commercial, hotel, parking, and educational purposes or a combination thereof, including fairs, expositions, exhibits, conventions, conferences, public meetings or gatherings, concerts, theaters, arenas, museums, and for such other purposes as are designed and intended to promote education, culture, tourism, and the arts; and

(b) The purchase and lease of property, including land and improvements, the lease of land as lessor or lessee, the management of property, including land and improvements and the grant or receipt of easements, rights in land, and franchises which may be entered with any private sector person or entity and may provide for ownership of improvements located on public property by a private sector person or entity, provided that any funds realized by said authority in connection with the aforementioned projects shall be expended for the Authority’s purpose as stated in the Act; and

**WHEREAS**, under the Act, the Authority is empowered, among other things, to construct, reconstruct, acquire, equip, own, alter, repair, maintain, add to, extend, improve, operate, and manage public projects, including the erection of a building or buildings in Clarke County, Georgia, for the cultural growth, public welfare, education, and recreation of the people of Clarke County and of this state including:

(a) The acquisition and construction of a building or buildings and related facilities, which shall be and are declared to be public buildings and structures, to be used for amusement, recreation, civil, cultural, commercial, hotel, parking, and educational purposes or a combination thereof, including fairs, expositions, exhibits, conventions, conferences, public meetings or

gathering, concerts, theaters, arenas, museums, and for such other purposes as are designed and intended to promote education, culture, tourism, and the arts; and

(b) The purchase and lease of property, including land and improvements, the lease of land as lessor or lessee, the management of property, including land and improvements and the grant or receipt of easements, rights in land, and franchises which may be entered with any private sector person or entity and may provide for ownership of improvements located on public property by a private sector person or entity, the cost of any such project to be paid in whole or in part from the proceeds of the sale of revenue bonds of the Authority, as provided for in the Act, and provided that any funds realized by the Authority in connection with the aforementioned projects shall be expended for the Authority's purpose as stated in Section 1 of the Act; and

**WHEREAS**, the Unified Government has general powers with respect to recreation, education and exhibitions, pursuant to, among other things, its charter and the Constitution and laws of the State of Georgia, including without limitation the Revenue Bond Law, O.C.G.A. Section 36-82-60 *et seq.*; and

**WHEREAS**, Article IX, Section III, Paragraph I(a) of the Georgia Constitution authorizes, among other things, any county, municipality or other municipal corporation of the State of Georgia to enter into an agreement, for a period not exceeding 50 years, with another county, municipality or municipal corporation or with any other public agency, public corporation or public authority for joint services, for the provision of services, or for the provision or separate use of facilities or equipment, provided that such Intergovernmental Contract deals with activities, services or facilities which the contracting parties are authorized by law to undertake or to provide; and

**WHEREAS**, on November 5, 2019, the Unified Government's SPLOST 2020 Program was voted on and approved in a referendum by the voters of Athens-Clarke County and included a budgeted amount of \$34,000,000 for Project No. 03, the Athens Classic Center Arena Project (the "Classic Center Arena Project"); and

**WHEREAS**, to support the Classic Center Arena Project, the Authority completed the development of Program Plans to generally describe the project scope and to estimate construction and other project costs; and

**WHEREAS**, the Program Plans were the basis for the Initial Project Statement for the Classic Center Arena described as follows: **Project 03, Classic Center Arena**, will provide funding for the design and construction of a new public assembly facility/arena space and related areas to accommodate a permanent seating capacity of approximately 5,500. Depending upon costs and funding availability, the expansion may include, but not be limited to, amenities such as an arena with the necessary industry standard service needs including, but not limited to, utility connections, rigging structure, sound/lighting systems, an ice floor, retractable seating for an expanded floor, acoustical treatments, individual suites, premium seating locations, catering

facilities, locker rooms, necessary FF&E equipment, security equipment, child care, and office space sufficient to support such an expansion. The project is further anticipated to foster and support related economic development near The Classic Center Arena that may include, but not be limited to, a hotel, a senior living residential development, associated parking development, and other associated support areas to adequately support the functions of The Classic Center facility. Depending upon costs and funding availability, the project may further serve as a mechanism to facilitate enhanced employee and/or community well-being initiatives. Examples of employee and community well-being initiatives could be elder care, child care, and other similar activities. Additionally, to the extent allowed by law, funds may be used as matching funds for leveraging grant opportunities; and

**WHEREAS**, as indicated in the Initial Project Statement, the need for a parking structure to support the Classic Center Arena Project and related economic development has been part of the project since the original submission and has been discussed in multiple Mayor and Commission work sessions; and

**WHEREAS**, the Unified Government and the Authority had previously entered into a Lease Agreement that commenced on January 1, 2002, and an amendment to said Lease Agreement dated August 16, 2002, under which the Authority leased from the Unified Government certain premises for the purpose of operating the Athens-Clarke County Classic Center hereinafter referred to collectively as the “2002 Lease Agreement”; and

**WHEREAS**, on February 19, 2020, the Unified Government and the Authority entered into an Intergovernmental Contract (the “February 2020 Agreement”) for the following purposes:

(a) To provide for the Hotel Site as described in Exhibit “B” to the February 2020 Agreement to be transferred by the Unified Government to the Authority for a Hotel Development for the purpose of creating additional revenue to support the Classic Center Arena Project; and

(b) To provide for the Senior Housing Site as described in Exhibit “C” to the February 2020 Agreement to be transferred by the Unified Government to the Authority for a Senior Housing Development to create additional revenue to support the Classic Center Arena Project; and

(c) To amend the 2002 Lease Agreement by execution of a new Ground Lease Agreement between the Unified Government and the Authority for the purpose of (a) deleting the Hotel Site and Senior Housing Site from the description of the Premises as defined therein (b) adding the Classic Center Arena Site to the description of the Premises as defined therein, and (c) extending the term of the ground lease for an additional fifty (50) years; and

**WHEREAS**, on August 3, 2021, the Unified Government and the Authority entered into an Amendment to the February 2020 Agreement (the “August 2021 Amendment”) for the following purposes:

(a) To provide the Authority the discretion to develop the Hotel Site for a purpose other than as a Hotel Development; and

(b) To provide for the conveyance of the Hickory/Willow Street Site as described therein to the Authority to create additional revenue to support the Classic Center Arena Project; and

**WHEREAS**, the August 2021 Amendment also provided in the “Whereas” provisions that the Authority and the Unified Government would subsequently enter into a separate intergovernmental contract to provide for the development and construction of a parking deck on other property of the Unified Government on the eastern side of Hickory Street (the “Hickory Street Parking Deck”); and

**WHEREAS**, on August 2, 2022, the Authority and the Unified Government “Hotel Selection Committee” and “District Development Committee” named “Classic Center Partners, LLC” (the “Master Developer”) the apparent award winner of the Hotel and District Developer RFP process; and

**WHEREAS**, on September 15, 2022, and October 11, 2022, during Work Sessions with the Mayor and Commission, Paul Cramer, Executive Director of the Authority, provided proposals related to the conveyance of properties owned by the Unified Government to the Authority to facilitate the construction of various arena inspired economic development projects for the purpose of creating additional revenues to fund the construction of the Hickory Street Parking Deck in conjunction with the Classic Center Arena Project; and

**WHEREAS**, during said Work Sessions, Director Cramer advised the Mayor and Commission that the Authority’s proposal included the Authority’s commitment to provide an employee well-being initiative in the form of a \$15.85/hour wage floor for Authority employees; and

**WHEREAS**, on November 10, 2022, at a Special Called Work Session, Director Cramer presented the latest iteration of the Hickory Street Parking Deck and planned sources and uses of funding; and

**WHEREAS**, Director Cramer also mentioned the possibility that the Master Developer may want to underwrite and build the Hickory Street Parking Deck, thereby freeing the Authority from having to service the debt for design and construction; and

**WHEREAS**, on November 23, 2022, Director Cramer forwarded to Unified Government Manager Williams a memo with the recommendation that the “Master Developer” build the Hickory Street Parking Deck which would consist of 1,000 spaces; and

**WHEREAS**, the memo also requested the conveyance of various parcels from the Unified Government to the Authority to enable the construction and development of the Hickory

Street Parking Deck and related arena inspired economic development projects for the purpose of creating additional revenue to support the public portion of the Hickory Street Parking Deck and the Classic Center Arena Project; and

**WHEREAS**, the approximate footprint of the proposed Hickory Street Parking Deck is shown on Exhibit “A” attached hereto and incorporated herein by reference; and

**WHEREAS**, on December 6, 2022, at Special Called Work Session, Director Cramer made a presentation that provided additional details regarding the development of the Hickory Street Parking Deck by the Master Developer; and

**WHEREAS**, Director Cramer’s presentation included the schematic drawings of the proposed parking deck, an illustration of the property requirements for the parking deck and estimated costs of the parking deck; and

**WHEREAS**, Director Cramer’s presentation also included a proposal from the Master Developer to allow the Authority to partner with the Master Developer in the ownership of the Hickory Street Parking Deck if Transportation Infrastructure Finance and Innovation Act (TIFIA) Funding becomes available; and

**WHEREAS**, on December 7, 2022, the Classic Center Arena User Group voted unanimously to approve the Schematic Design for the Hickory Street Parking Deck as presented at the December 6, 2022, Special Called Work Session; and

**WHEREAS**, the Classic Center Arena User Group also voted unanimously to support the financial options outlined in the Letter of Intent between the Authority and the Master Developer dated November 23, 2022, attached hereto and incorporated by reference as Exhibit “B”; and

**WHEREAS**, to enable the construction and development of the Hickory Street Parking Deck and related arena inspired economic development projects for the purpose of creating additional revenue to support the Classic Center Arena Project, the Unified Government will authorize hereunder the conveyance to the Authority of the following property interests:

- (a) 3.065 acres of the northern portion of the 4.03 acres identified as Tax Parcel Number 171B2 A008A located at 801 East Broad Street, as shown on Exhibit “C” attached hereto (the “Hickory Street Parking Deck Site”);
- (b) Ariel and Subterranean Easement Agreement for the air rights over the railroad which Agreement is dated July 28, 2020, and recorded in Deed Book 05023, Pages 0241-0267 of the records of the Clerk of Superior Court of Athens-Clarke County, Georgia, as shown on Exhibit “C” attached hereto (the “Railroad Easement Site”);

- (c) The 2.83 acres identified as Tax Parcel Number 163D3 G002 located at 395 Willow Street, i.e. the Kelly Diversified Building, which the Authority may swap for property in the more immediate vicinity to the Arena, as shown on Exhibit "C" attached hereto (the "2.83 Acre Site");
- (d) Leasehold or fee interest in the air rights above the approximate current elevation of Foundry Street (together with rights for structural support below said elevation which do not interfere with use of the multi-modal center) of the 0.928 acres (Air Rights Leasehold) identified as Parcel 3 in Exhibit "A" to the February 2020 Agreement and located between the Classic Center Arena Site and the Multi-Modal Transit Center (the "0.928 Acre site"), as shown on Exhibit "C" attached hereto; and
- (e) The property identified as "Hickory Street 0.737 acre" on that certain survey entitled "Plat for Unified Government of Athens-Clarke County" by Ben McLeroy & Associates, Inc. dated May 16, 2003, recorded in Plat Book F, Page 367, Athens-Clarke County, Georgia records, as shown on Exhibit "C" attached hereto (the "Hickory Street Site"); and

**WHEREAS**, the Authority and the Unified Government are authorized under the Constitution and laws of the State of Georgia to enter into this Agreement for the purposes set forth herein.

**NOW, THEREFORE**, for and in consideration of the mutual promises and covenants hereinafter contained, the parties hereby agree as follows:

1. Conveyance of Property Interests.

(a) To enable the construction and development of the Hickory Street Parking Deck and the related arena inspired economic development projects for the purpose of creating additional revenues to support the Classic Center Arena Project, the Unified Government agrees to quit claim the following property interests, as is and where is, to the Authority following the execution of this Agreement: the Hickory Street Parking Deck Site, the Railroad Easement Site, the 2.83 Acre Site, the 0.928 Acre site, and the Hickory Street Site, (collectively referred to as the "Development Sites"), The Unified Government's conveyance of the Development Sites shall be subject to an examination of the title by the Authority indicating to the satisfaction of the Attorney for the Unified Government that conveyance is not in any way restricted.

(b) The Unified Government and the Authority acknowledge and agree that the Hickory Street Parking Deck currently serves as a stormwater detention facility (the "Detention Facility") that serves and controls water from adjacent properties. As such, at the discretion of the Manager of the Unified Government, the conveyance of the Hickory Street Parking Deck Site shall be subject to an easement related to the Detention Facility and/or such other agreements that may be deemed necessary to provide for and ensure the proper use and maintenance of the Detention Facility in perpetuity.

(c) The net revenues derived by the Authority from the Development Sites (the “Development Net Revenues”) shall be dedicated to the retirement of debt incurred by or on behalf of the Authority to finance the public development costs related to the Hickory Street Parking Deck and the Classic Center Arena. In addition, the Development Net Revenues may also be used to provide an employee well-being initiative in the form of a \$15.85/hour wage floor for Authority employees (the “EWBI”).

Subject to and in accordance with the 2020 Agreement and the August 2021 Amendment, the Development Net Revenues may only be used to pay off said initial costs and/or the EWBI and for no other purposes, unless expressly authorized by the Mayor and Commission of the Unified Government. Once all indebtedness related to the initial costs of financing the Hickory Street Parking Deck and the Classic Center Arena is fully paid, the Authority shall be required to appropriate proceeds from the Development Sites within its budget for the purpose of maintaining and replacing the improvements to the Classic Center, the Classic Center Arena, the Hickory Street Parking Deck, and its related facilities, and/or the EWBI. Said appropriation, hereinafter referred to as “Life Cycle funds,” shall be reflected in the Authority’s budget when submitted to the Unified Government for review and approval. Expenditure of the Life Cycle funds appropriated for Life Cycle activities shall be subject to the Authority’s budget as approved by the Unified Government, unless otherwise subsequently authorized by the Unified Government.

(d) Notwithstanding anything herein to the contrary, any agreement related to the sale of the Development Sites shall be subject to the approval of the Unified Government. If following the conveyance by the Unified Government of the Development Sites, the contemplated ground leases for the Development Sites are not executed and delivered for any reason whatsoever, then, on demand by the Unified Government, the Authority shall within thirty (30) days reconvey such sites to the Unified Government or its lawful designee.

2. Use of the Development Sites. Notwithstanding the 2020 Agreement and the August 2021 Amendment, the Authority shall have the discretion to coordinate with the Master Developer in seeking to determine the best use of each of the Development Sites, including the Senior Housing Site, for the purpose of providing for the development of the arena inspired economic development projects in accordance with the Letter of Intent between the Authority and the Master Developer dated November 23, 2022, attached hereto as Exhibit “B.”

3. Development Agreement.

(a) The Authority shall negotiate and enter into a Development Agreement with the Master Developer, or such other Agreements as may be deemed necessary, related to the Development Sites for the purpose of providing for the development and operation the Hickory Street Parking Deck in partnership with the Authority and for purpose of providing for the development of the arena inspired economic development projects. The Development Agreement shall include a requirement that the Master Developer will fund required improvements to the public infrastructure related to the construction of the Hickory Street Parking Deck and the arena inspired economic development projects. The Unified

Government's Manager shall be required to approve all such agreements between the Authority and the Master Developer, including any amendments thereto. In accordance with Subsection (b) of Section 1 of this Agreement, the Master Developer shall also be required to provide for the proper management of the anticipated increased stormwater runoff from the future development of the .85 acres located adjacent to the Hickory Street Parking Deck Site at the corner of East Broad Street and Hickory Street.

(b) Notwithstanding any representations or understandings, written or oral, that may currently be assumed to exist by either party to this Agreement and notwithstanding the terms of the Letter of Intent between the Master Developer and the Authority, the Authority represents and warrants to the Unified Government that the execution and delivery by Authority of the Development Agreement with the Master Developer related to the Development Sites and the compliance by Authority with all of the provisions thereof (i) will be within the purposes, powers and authority of Authority, (ii) will be done in full compliance with the provisions of applicable laws and will be legal and will not conflict with or constitute on the part of Authority a violation of or a breach of or a default under any enabling legislation, indenture, mortgage, security deed, pledge, note, lease, loan or installment sale agreement, contract or other agreement or instrument to which Authority is a party or by which Authority or its properties are otherwise subject or bound, or any license, judgment, decree, law, statute, order, writ, injunction, demand, rule or regulation of any court or governmental agency or body having jurisdiction over Authority or any of its activities or properties, and (iii) will be duly authorized by all necessary action on the part of Authority. The foregoing representations and warranties of the Authority shall also be deemed to apply to the execution and delivery by Authority of any other agreements with the Master Developer related to the Development Sites, including, but not limited to, land lease(s) with the Master Developer for the Development Sites.

4. Review and Audit. The Unified Government reserves the right to review and audit the expenditures of the Development Net Revenues and the progress and status of the Hickory Street Parking Deck and the Development Sites, and the Authority will fully cooperate with any such review or audit and will provide all requested records pertaining thereto.

5. Effective Date and Term. This Agreement shall become effective upon its date and shall be in full force and effect until the Classic Center Arena Project is completed, up to a term not to exceed fifty (50) years.

6. Notices. All notices, certificates and other communications provided for hereunder shall be in writing and sent (a) by certified mail with return receipt requested (postage prepaid), or (b) by a recognized overnight delivery service (with charges prepaid). Any such notice must be sent to any party hereto at the following addresses or to such other address as any party hereto shall have specified in writing to the other party:

If to the Authority:	Classic Center Authority for Clarke County 300 N. Thomas Street Athens, Georgia 30606 Attention: Executive Director
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If to the Unified  
Government:

Unified Government of Athens-Clarke County, Georgia  
P. O. Box 1868  
Athens, Georgia 30603  
Attn: Manager

Notices will be deemed given only when actually received.

7. Construction, Entire Agreement and Binding Effect. This Agreement constitutes the entire agreement of the parties and supersedes any prior agreements. This Agreement shall inure to the benefit of and shall be binding upon the Authority, the Unified Government and shall not be assigned.

8. Severability. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

9. Amendments, Changes and Modifications. This Agreement may not be modified or changed except in a written amendment authorized and executed by each party.

10. Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

11. Governing Law. This Agreement is prepared and entered into with the intention that the law of the State of Georgia shall govern.

12. Limited Recourse. No recourse shall be had for the enforcement of any obligation, covenant, promise or agreement of the Authority or the Unified Government contained in this Agreement or for any claim based hereon or otherwise in respect hereof against any member of a governing body, officer or employee, as such, in his individual capacity, past, present or future, of the Authority, the Unified Government or any successor body, whether by virtue of any constitutional provision, statute or rule of law, or by the enforcement of any assessment or penalty or otherwise, it being expressly agreed and understood that this Agreement is solely a corporate obligation of the Unified Government and the Authority payable only from the funds and assets of the Unified Government and the Authority herein specifically provided to be subject to such obligation and that no personal liability whatsoever shall attach to, or be incurred by, any member of a governing body, officer or employee, as such, past, present or future, of the Unified Government or the Authority, or of any successor corporation, either directly or through the Unified Government, the Authority, or any successor corporation, under or by reason of any of the obligations, covenants, promises or agreements entered into between the Authority and the Unified Government whether contained in this Agreement or to be implied herefrom or therefrom as being supplemental hereto or thereto, and that all personal liability of that character against every such member of a governing body, officer, and employee is, by the execution of this Agreement and as a condition of and as part of the consideration for the execution of this Agreement, expressly waived and released. The immunity of members of a

governing body, officers and employees of the Authority and the Unified Government under the provisions contained in this paragraph 12 shall survive the termination of this Agreement.

**IN WITNESS WHEREOF**, the Authority has executed this Agreement by causing its name to be hereunto subscribed by its authorized officer indicated below and attested to by its Secretary; and the Unified Government has executed this Agreement by causing its name to be hereunto subscribed by its Mayor and attested to by its Clerk; all being done as of the day and year first above written.

Signed in the presence of:

---

Unofficial Witness

---

Notary Public

My commission expires:  
(NOTARIAL SEAL)

Signed in the presence of:

---

Unofficial Witness

---

Notary Public

My commission expires:  
(NOTARIAL SEAL)

**CLASSIC CENTER AUTHORITY FOR  
CLARKE COUNTY**

By:

Title:

Attest:

---

Secretary

**UNIFIED GOVERNMENT OF ATHENS-  
CLARKE COUNTY, GEORGIA**

By:

Mayor

Attest:

---

Clerk

THIS BLOCK IS RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT

GRID NORTH  
GA WEST

LEGEND

---

- - 1/2" REINFORCING ROD SET
- - 1/2" REINFORCING ROD (OR NOTED) FOUND
- Ø - POINT ONLY
- ¤ - POWER(PP)/TELEPHONE(TP)/LIGHT(LP) POL
- HVPP - HIGH VOLTAGE POWER POLE
- CI - CURB INLET

Shaded Area is approximate dimensions of area requested to be conveyed to the Classic Center Authority for Clarke County

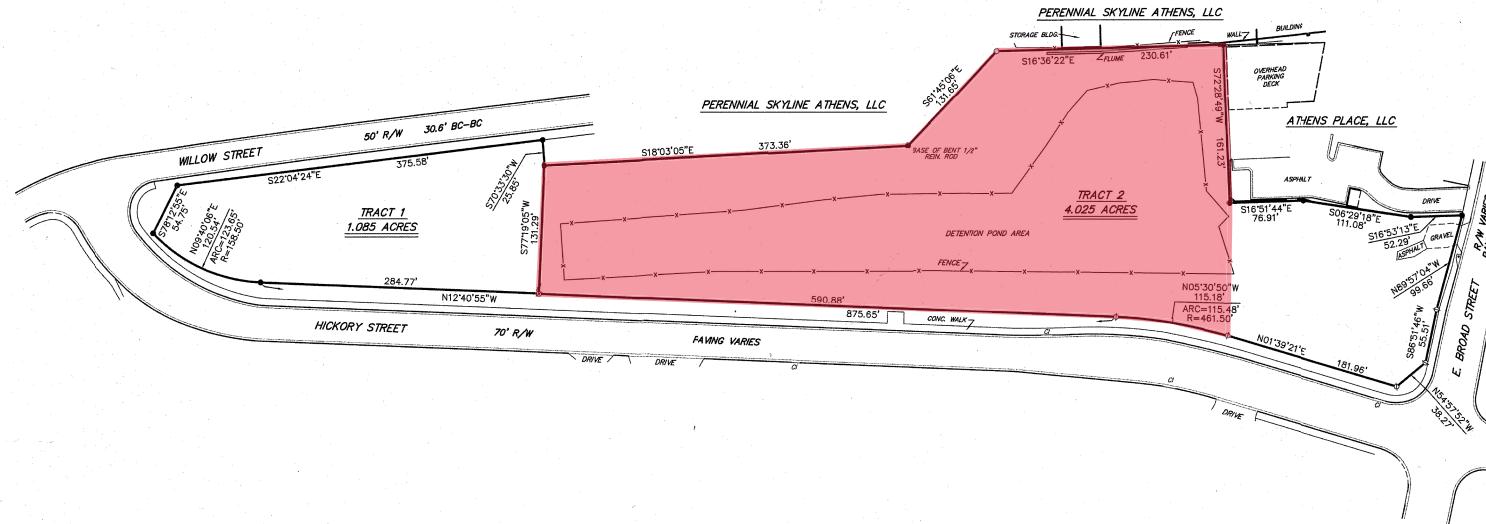
Shaded Area is approximately 3.065 acres

Shaded Area has been added to previous recorded subdivision plan



**VICINITY MAP**

## EXHIBIT "A"



STORMWATER NOTE

(1) NO LAND DEVELOPMENT ACTIVITIES ARE PROPOSED AS A PART OF THIS PLAT; THEREFORE STORMWATER MANAGEMENT IS NOT APPLICABLE IN ACCORDANCE WITH ACC CODE SECTION 5-4-3(c).  
(2) ANY FUTURE LAND DEVELOPMENT ACTIVITIES ON THIS PROPERTY WILL REQUIRE A STORMWATER MANAGEMENT PLAN.

## NOTES

(1) OWNER: ATHENS-CLARKE COUNTY UNITED GOVERNMENT  
301 COLLEGE AVENUE, ATHENS, GA 30601  
(2) USE: GOVERNMENT  
SWATKING, GA - ATHENS-CLARKE COUNTY WATER IS AVAILABLE.  
(3) SANITARY SEWER DISPOSAL: TRACT 1 - ATHENS-CLARKE COUNTY SANITARY SEWER IS NOT AVAILABLE.  
TRACT 2 - ATHENS-CLARKE COUNTY SANITARY SEWER IS AVAILABLE.  
(4) TO THE KNOWLEDGE OF THIS FIRM, NO EXISTING OR ABANDONED LANDFILLS ARE LOCATED ON THIS PROPERTY.  
(5) THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO FIRM PUBLISHED MAPS AS OF APRIL 2, 2007.  
(6) ZONING: GOVERNMENT  
SETBACKS: NONE.  
MAXIMUM BUILDING HEIGHT: NONE.  
MAXIMUM LOT COVERAGE: NONE.  
(7) SUBDIVISION OF THIS PROPERTY AS SHOWN HERON WILL MEET ALL ATHENS-CLARKE COUNTY ZONING REQUIREMENTS AS TO LOT LINE SETBACKS AND MINIMUM FRONTAGE.  
(8) OTHER: NO LANDSCAPING OR TREE PLANTING PLAN PROPOSED.  
(9) MINIMUM BUILDING SETBACK LINES SHOWN ARE THOSE REQUIRED BY ZONING AND MAY NOT BE IN CONFORMITY WITH THOSE REQUIRED BY SUBDIVISION COVENANTS, WHICH MAY BE MORE RESTRICTIVE.  
(10) NO PUBLIC OR PRIVATE THROUFRAGES OR WALKS ARE LOCATED ON THIS PROPERTY.  
(11) EXCEPT AS SHOWN, THERE ARE NO ENVIRONMENTAL AREAS LOCATED ON THIS PROPERTY.  
(12) NO EASEMENTS ARE LOCATED ON THIS PROPERTY.  
(13) THERE IS NO PHYSICAL EVIDENCE OF EASEMENTS FOR WATER LINES, FIRE HYDRANTS, SEWER OR STORM SEWER LINES, OR TRAILS EXCEPT AS SHOWN, THERE IS ALSO NO EVIDENCE OF EASEMENTS FOR WATER LINES, FIRE HYDRANTS, SEWER OR STORM SEWER LINES, OR TRAILS EXCEPT AS SHOWN.  
(14) EXCEPT AS SHOWN, THERE ARE NO ACC TREES LOCATED IN THE ADJACENT RIGHT OF WAY.  
ACC TREES CANNOT BE DISTURBED OR REMOVED WITHOUT THE APPROVAL OF THE ATHENS-CLARKE COUNTY FOREST PRESERVATION DIVISION.  
(15) TAX PARCEL NO. 7102 ACRE 00 IS BEING DIVIDED INTO TWO TRACTS AS SHOWN HEREON.  
(16) PROPERTY ADDRESS: 801 E BROAD STREET

AS REQUIRED BY SUBSECTION (G) OF O.C.G.A. SECTION 15-6-87, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LEGISLATIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES. SIGNATURES ON APPROVAL CERTIFICATES ARE FOR INFORMATION ONLY. AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF AN PARCEL. THIS PLAT IS PREPARED IN ACCORDANCE WITH THE 1973 EDITION OF THE PLAT COMPLETES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYING IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA DIVISION OF LAND SURVEYING, ENGINEERS AND LAND SURVEYORS AS SET FORTH IN O.C.G.A. SECTION 15-6-87.

I hereby certify that all required improvements necessary to provide all streets and other required public improvements in accordance with plans submitted to Athens-Clarke County by the subdivider's professional representatives have been satisfactorily completed or have been adequately guaranteed in an amount sufficient to secure satisfactory installation. All drainage and access easements shown are the maintenance responsibility of the property owner per ACC policy.

I hereby certify that all required improvements necessary to provide water and/or sanitary sewer service from the Athens-Clarke County water distribution and/or sanitary sewer collection system(s), as noted, have been satisfactorily installed and have been accepted by Athens-Clarke County for ownership, operation, and maintenance, or arrangements satisfactory to the County have been made for such service.

This plot has been approved in accordance with the Athens-Clay County Subdivision Regulations.

DATED THIS 11 DAY OF Aut., 2020

STATEMENT OF THE OWNER:

(2) There are no new underground utilities proposed at this time unless otherwise noted.

I (we) hereby certify that I am (we are) the owner(s) of the property shown on the map hereto and that I (we) hereby adopt this plan of subdivision with my (our) free consent, having established the minimum building restriction lines, dedicating all right-of-ways, water and sewer easements, drainage easements, driveways, parks, parks and other open spaces to public or private use as noted, and agree to provide either directly or indirectly for the maintenance of all common areas and outlets. I further acknowledge that possession of the right-of-way remains solely with the subdivider until such time as bonds

are released by Athina-Clark County.

NOTES  
(1) THIS PLAT WAS DRAWN FROM REFERENCES SHOWN WITH NO  
ADDITIONAL FIELDWORK ON THIS DATE.  
(2) MINIMUM PLAT CLOSURE: 1/99,283.  
(3) SOME IMPROVEMENTS ON PROPERTY ARE APPROXIMATE  
AND/OR NOT SHOWN.

#### REFERENCES

- (1)MILEROLY SURVEY FOR MM ONE PRESS PLACE BUILDING, LLC ET AL DECEMBER 1, 2011.
- (2)SURVEY BY MORELAND ALTOBELLI ASSOCIATES, INC. FOR ATHENS MULTI-MODAL, DATED MAY 4, 2006.
- (3)MILEROLY SURVEY FOR CITY OF ATHENS, DATED SEPTEMBER 25, 1985.
- (4)MILEROLY SURVEY FOR CLARKE COUNTY CIVIC CENTER, DATED OCTOBER 16, 2009.
- (5)MILEROLY SURVEY FOR ATHENS-CLARKE COUNTY UNIFIED GOVERNMENT DATED MARCH 1, 2011.
- (6)MILEROLY SURVEY FOR UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, DATED MAY 16, 2003.
- (7)PLAT BOOK H, PAGE 10, PLAT BOOK H, PAGES 409-412.
- (8)MILEROLY SURVEY FOR S2S GEORGIA ECLIPSE ASSOCIATES, LLC ET AL DATED MARCH 6, 2014.

SURVEY FOR:

ATHENS			
COUNTY:	CLARKE	G.M.D.:	216
STATE: GEORGIA			
DATE:	JULY 14, 2022	SCALE:	1" = 60'
		DWN. BY: MIKE	
FIELDBOOK:	SURVEYED BY BEN MAYER & ASSOCIATES 706-546-2111 TRADITIONS SURVEYING LLC 1100 WILSON DR. STE 100, SUITE 100 LAND SURVEYOR FIRM LICENSE NO. LS#001277		FILE NO.: 38489-134
655			

## EXHIBIT "B"



### **LETTER OF INTENT**

THIS LETTER OF INTENT (this “**LOI**”), dated as of November 23, 2022, sets forth certain nonbinding and binding understandings and agreements between THE CLASSIC CENTER AUTHORITY in Athens, Georgia (the “**Owner**”), a State of Georgia Authority, and Classic Center Partners, LLC, (the “**Developer**”), a Georgia limited liability company in relation to the funding, designing, construction and marketing of the Hickory Street Parking Deck and coordination with the Owner’s pedestrian bridge project linking the parking deck to the Classic Center Arena (collectively, the “**Proposed Development**”), and its related facilities on the Owner’s properties. The issuance of this LOI shall constitute “a conditional award” of the Proposed Development, and a notice from the Owner for the Developer to pursue due diligence items and information necessary for appropriate development(s). The “conditional award” Developer shall pursue due diligence to finalize construction plans and provide a best and final offer to the Mayor and County Commissioners, the Owner, and negotiate a final Definitive Development Agreement (the “**Agreement**”). The Owner and the Developer are sometimes referred to individually as a “**Party**” and collectively as the “**Parties**”.

1. **LOI Subject to Definitive Agreement.** This LOI is for discussion and mobilization purposes only and is not intended to constitute a legally binding or enforceable agreement or commitment on either Party, except for Section 3 which shall be binding on the Parties in accordance with its terms.

2. **Nonbinding Understandings.** This Section 2 sets forth the nonbinding understandings of the Parties with respect to the Proposed Development. It is the present intention of the Parties that Developer would design, fund, and construct facilities on the property of Owner. The Owner would coordinate with the Developer in the best interest of the envisioned facilities, and in concert with the IGA which provided the property. These terms are based upon information currently available; they do not reflect all the material terms of the Proposed Development but provide a basis for negotiating the Definitive Development Agreement as defined below:

(a) **Definitive Agreement.** The Parties intend to negotiate a formal written agreement that would govern the Proposed Transaction (“**Definitive Development Agreement**”). Except as provided in Section 3, binding agreements, with respect to the Proposed Development shall arise only upon the execution of the Definitive Development Agreement by both Parties.

(b) **Facilities.** At Developer’s sole expense, Developer will immediately pursue development to program, design, fund, and construct facilities listed below:

- i. Hickory Street Parking Deck

(c) Investment and Ownership. The Developer intends to operate the deck in partnership with the Owner and in accordance with the Owner's IGA which provides the property a governance agreement that will be negotiated upon the execution of the Agreement. The current intent between the Parties is that the Developer is fully prepared to source the adequate financing to fully build a 1000 space parking deck. At the time of converting the construction loan to permanent financing the Developer will either:

- i. Arrange permanent financing, agree to pay the full annual expenses to the Owner as outlined in Section (2), Paragraph (d), and pay taxes on the entirety of the Proposed Development. In doing so the Developer would be in 100% ownership of the Proposed Development. Both Parties agree that the Developer in their sole discretion and in good faith with the Owner will be responsible in financing the entirety of the Proposed Development that may include but not limited to the following sources (i) bank sourced debt, (ii) private equity funds, (iii) bonds secured by the Developer, and (iv) federally funded programs. Or:
- ii. Agree to fund an estimated 59% of the Proposed Development and the Owner, securing TIFIA loan funds contingent on those becoming available, would provide the remaining estimated percentage of funding for 41% of the Proposed Development. The Owner will thereafter have control of 41% of the parking spaces and responsible for 41% of the deck operation and maintenance costs, and the Developer shall have control of 59% of the parking spaces and shall be responsible for 59% of the deck operation and maintenance costs.

(d) Annual Expenses. The Developer agrees to pay a total of one million one hundred thirty-three thousand seven hundred sixty dollars and zero cents, \$1,133,760.00, to the Owner on an annual basis should the Developer hold 100% ownership over the Proposed Development and also being in accordance with Section (2), Paragraph (c), Subsection (i) of the LOI. In the case that Section (2), Paragraph (c), Subsection (ii) become applicable the Developer would then pay the Developers Ownership percentage of the total annual expenses.

3. Binding Agreements. This Section 3 shall constitute a legally binding and enforceable agreement between the Parties. In consideration of the significant expenses that the Parties will incur in pursuing the Proposed Transaction and drafting and negotiating the Definitive Agreement, the Parties agree as follows:

(a) Good Faith Negotiations. The Parties shall negotiate in good faith and use their best efforts to bring about the execution and delivery of the Definitive Agreement 30 days after the execution of this LOI with the option for the Developer to amend or cancel the Agreement within an additional 15 days following the execution of the Agreement. Any necessary further Due Diligence as outlined in Section 3 paragraph (b) shall be conducted in a manner by the Developer to allow for Constructor bid solicitation by the first week of January, 2023 and both Parties understand and agree it is imperative that these efforts are

conducted in a manner that will allow physical mobilization and/or construction start on or before February 1, 2023, with the target date for material completion of the Project by February 1, 2024. The Developer understands and agrees that appropriate egress from the Arena will be required February 1, 2024, and as a minimum, a stair tower connecting with the pedestrian bridge and pedestrian landing with elevator will be completed with appropriate coordination between the Developer and the Arena design and construction team.

(b) Due Diligence. Conclusion of the executed Agreement is subject to substantial completion of a due diligence investigation by the Developer. Developer agrees to provide resources and the Owner shall provide reasonable access to such premises and information as the Developer may reasonably request in order to carry out its due diligence investigation. The Developer shall endeavor, with priority, to achieve completion the diligence investigation within 60 days of the date of this executed LOI and will give earliest possible notice to the Owner of any projected delays in substantial elements of the investigation. Developer, with appropriate assistance from the Owner where applicable, will increase efforts in any projected delayed areas of the investigation to achieve timely completion of due diligence to achieve the persistent overarching goal of physical mobilization and construction start on or before February 1, 2023. Should any delayed item(s) continue to jeopardize the construction start objective, both Parties will mutually agree to explore secondary agreements, allowances, or waivers regarding the item(s) to allow construction start by February 1, 2023.

(c) Costs and Expenses. The Developer shall be responsible for all of its own administrative costs and expenses associated with pursuing the Proposed Transaction, including without limitation (i) the performance of its obligations under this LOI, (ii) conducting its own due diligence investigation, and (iii) assisting in drafting and negotiating the final Agreement. The CCA has provided the developer phase one, and phase 2 environmental testing information and provided a traffic study at CCA expense. Such information was provided to the developer in August of 2022. Neither the Developer or the Owner shall be responsible for the other Party's debts, charges, or obligations to outside parties regardless of revenue amounts.

(d) Design and Consulting Services. During the term of this LOI, the Parties anticipate that Developer may perform design and/or consulting services relative to the Proposed Transaction. In the event no Definitive Agreement is thereafter reached, Owner agrees to engage in good-faith discussion with the Developer to see if a mutually agreed amount can be reached which the Owner may pay to the Developer for a portion of charges incurred. Should the Parties proceed to execute a definitive Agreement, any such design and consulting costs shall be covered by the developer, and Developer shall be responsible for all charges as defined therein. For avoidance of doubt, Owner shall have no obligation to separately reimburse Developer for due diligence, design and related services. The Developer also understands that the Mayor and Commissioners will need to approve the concept design and schematic design of the potential new deck in accordance with the IGA. Additionally, the Developer understands that the deck must connect to the pedestrian plaza to the south entrance of the arena. It is the intent should circumstances allow that the Proposed Development be designed to support the ability to build on top for present

applications or for retrofitting future applications and must span over the water retention pond.

(e) General Contractor, Subcontractors, and Designer Selections. It is understood by all Parties that the Developer shall be responsible at the Developer's sole discretion and in good faith with the Owner's input have the ability through the Developer's own competitive process to select the following but not limited to the below list of professionals. For actual Constructor entity selection for the Deck, the Developer's competitive process shall solicit at least 3 bids or proposals and shall include representatives of the Owner as participants in the review and selection activities to include one representative of CCA and, at Owner request, one representative of ACCGov. The Developer shall accept and utilize to the extent practicable existing partial design work product from the Owner's current architect, Smallwood Reynolds ("Smallwood"), at earliest date of substantial progress in December 2022, as may be helpful to the Developer's deck design and construction procurement processes. The Developer and Owner shall share the cost of such partial design equally, and the Developer shall coordinate with Smallwood any necessary program requirements upon execution of this LOI through the substantial progress of the work product. Both parties agree in the interest of time that the Developer shall pursue a Design-Build or similar fast-tracked project delivery method with a Guaranteed Maximum Price (GMP), or, if the Developer chooses to retain Smallwood for completion of design, Developer will be responsible for such continued design costs and may hire a General Contractor for fast-tracked construction delivery of that design in accordance with procedures stated above. In accordance with the above and State law and local ordinances, the Developer shall select qualified local professionals to fill the assignments where applicable:

- i. Design-Builder or General Contractor
- ii. Subcontractors
- iii. Architect, if applicable
- iv. Civil Engineer
- v. Structural Engineer
- vi. Interior Designer
- vii. Traffic and Parking Study Engineers
- viii. Environmental Engineers
- ix. Land Surveyors

(f) Confidentiality. During the term of this LOI, either Party (as the "Disclosing Party") may disclose or make available to the other Party (as the "Receiving Party") information about its business affairs, products/services, confidential intellectual property, trade secrets, third-party confidential information and other sensitive or proprietary information, whether orally or in written, electronic or other form or media, and whether or not marked, designated or otherwise identified as "confidential" (collectively, "Confidential Information"). To the extent the information is not subject to the Open Records Act, the Receiving Party shall: (x) protect and safeguard the confidentiality of the Disclosing Party's Confidential Information with at least the same degree of care as the Receiving Party would protect its own Confidential Information, but in no event with less than a commercially

reasonable degree of care; (y) not use the Disclosing Party's Confidential Information, or permit it to be accessed or used, for any purpose other than to exercise its rights or perform its obligations under this LOI; and (z) not disclose any such Confidential Information to any person or entity, except to the Receiving Party's representatives who need to know the Confidential Information to assist the Receiving Party, or act on its behalf, to exercise its rights or perform its obligations under this LOI. The Receiving Party shall be responsible for any breach of this Section 3(d) caused by any of its representatives.

- (g) **Term and Termination.** The rights and obligations of the Parties contained in this LOI shall expire upon execution of the Definitive Agreement. Either Party may terminate this LOI after 12060 days from the date of this LOI without any obligation or liability to the other Party, provided however that Section 3 shall survive such termination.
- (h) **Governing Law.** This LOI shall be governed by and construed in accordance with the internal laws of the state of Georgia, without giving effect to any choice or conflict of law provision or rule that would cause the application of laws of any jurisdiction other than those of the state of Georgia.
- (i) **No Third-Party Beneficiaries.** Nothing herein is intended or shall be construed to confer upon any person or entity other than the Parties and their successors or assigns, any rights or remedies under or by reason of this LOI.
- (j) **No Assignment.** Neither this LOI, nor any rights or obligations hereunder may be assigned, delegated or conveyed by either Party without the prior written consent of the other Party.
- (k) **Counterparts.** This LOI may be executed in counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties hereto have executed this LOI as of the date set forth above.

THE CLASSIC CENTER AUTHORITY

By:

Name:

Title:

CLASSIC CENTER PARTNERS, LLC

By:

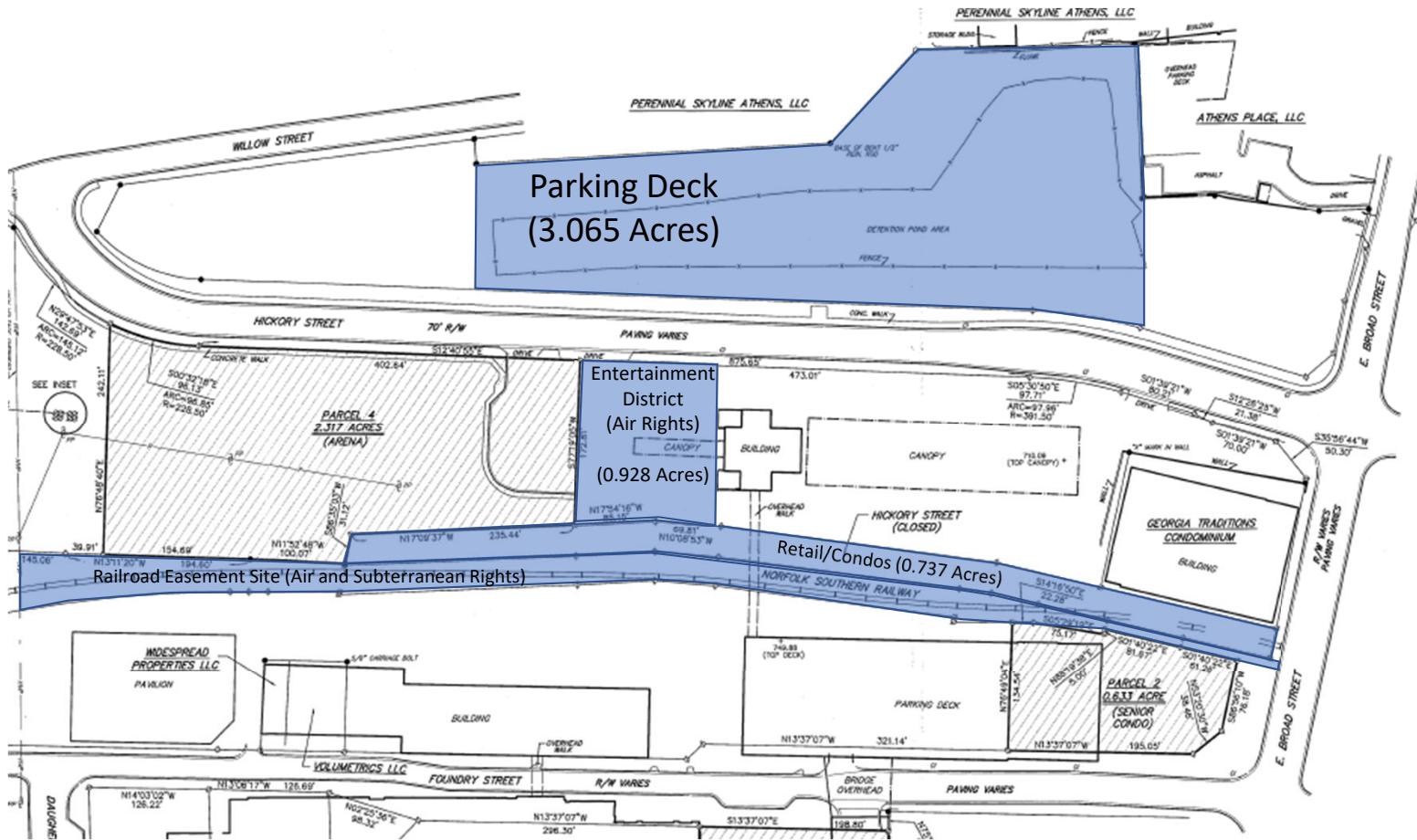
Name: J. DIXON

Title: MEMBER

# **IGA Land Conveyances**



## Willow St. Development (2.8 Acres)



**EXHIBIT "C"**



## LETTER OF INTENT

THIS LETTER OF INTENT (this “**LOI**”), dated as of November 23, 2022, sets forth certain nonbinding and binding understandings and agreements between THE CLASSIC CENTER AUTHORITY in Athens, Georgia (the “**Owner**”), a State of Georgia Authority, and Classic Center Partners, LLC, (the “**Developer**”), a Georgia limited liability company in relation to the funding, designing, construction and marketing of the Hickory Street Parking Deck and coordination with the Owner’s pedestrian bridge project linking the parking deck to the Classic Center Arena (collectively, the “**Proposed Development**”), and its related facilities on the Owner’s properties. The issuance of this LOI shall constitute “a conditional award” of the Proposed Development, and a notice from the Owner for the Developer to pursue due diligence items and information necessary for appropriate development(s). The “conditional award” Developer shall pursue due diligence to finalize construction plans and provide a best and final offer to the Mayor and County Commissioners, the Owner, and negotiate a final Definitive Development Agreement (the “**Agreement**”). The Owner and the Developer are sometimes referred to individually as a “**Party**” and collectively as the “**Parties**”.

1. LOI Subject to Definitive Agreement. This LOI is for discussion and mobilization purposes only and is not intended to constitute a legally binding or enforceable agreement or commitment on either Party, except for Section 3 which shall be binding on the Parties in accordance with its terms.

2. Nonbinding Understandings. This Section 2 sets forth the nonbinding understandings of the Parties with respect to the Proposed Development. It is the present intention of the Parties that Developer would design, fund, and construct facilities on the property of Owner. The Owner would coordinate with the Developer in the best interest of the envisioned facilities, and in concert with the IGA which provided the property. These terms are based upon information currently available; they do not reflect all the material terms of the Proposed Development but provide a basis for negotiating the Definitive Development Agreement as defined below:

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- i. Arrange permanent financing, agree to pay the full annual expenses to the Owner as outlined in Section (2), Paragraph (d), and pay taxes on the entirety of the Proposed Development. In doing so the Developer would be in 100% ownership of the Proposed Development. Both Parties agree that the Developer in their sole discretion and in good faith with the Owner will be responsible in financing the entirety of the Proposed Development that may include but not limited to the following sources (i) bank sourced debt, (ii) private equity funds, (iii) bonds secured by the Developer, and (iv) federally funded programs. Or:
- ii. Agree to fund an estimated 59% of the Proposed Development and the Owner, securing TIFIA loan funds contingent on those becoming available, would provide the remaining estimated percentage of funding for 41% of the Proposed Development. The Owner will thereafter have control of 41% of the parking spaces and responsible for 41% of the deck operation and maintenance costs, and the Developer shall have control of 59% of the parking spaces and shall be responsible for 59% of the deck operation and maintenance costs.

(d) Annual Expenses. The Developer agrees to pay a total of one million one hundred thirty-three thousand seven hundred sixty dollars and zero cents, \$1,133,760.00, to the Owner on an annual basis should the Developer hold 100% ownership over the Proposed Development and also being in accordance with Section (2), Paragraph (c), Subsection (i) of the LOI. In the case that Section (2), Paragraph (c), Subsection (ii) become applicable the Developer would then pay the Developers Ownership percentage of the total annual expenses.

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conducted in a manner that will allow physical mobilization and/or construction start on or before February 1, 2023, with the target date for material completion of the Project by February 1, 2024. The Developer understands and agrees that appropriate egress from the Arena will be required February 1, 2024, and as a minimum, a stair tower connecting with the pedestrian bridge and pedestrian landing with elevator will be completed with appropriate coordination between the Developer and the Arena design and construction team.

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(c) Costs and Expenses. The Developer shall be responsible for all of its own administrative costs and expenses associated with pursuing the Proposed Transaction, including without limitation (i) the performance of its obligations under this LOI, (ii) conducting its own due diligence investigation, and (iii) assisting in drafting and negotiating the final Agreement. The CCA has provided the developer phase one, and phase 2 environmental testing information and provided a traffic study at CCA expense. Such information was provided to the developer in August of 2022. Neither the Developer or the Owner shall be responsible for the other Party's debts, charges, or obligations to outside parties regardless of revenue amounts.

(d) Design and Consulting Services. During the term of this LOI, the Parties anticipate that Developer may perform design and/or consulting services relative to the Proposed Transaction. In the event no Definitive Agreement is thereafter reached, Owner agrees to engage in good-faith discussion with the Developer to see if a mutually agreed amount can be reached which the Owner may pay to the Developer for a portion of charges incurred. Should the Parties proceed to execute a definitive Agreement, any such design and consulting costs shall be covered by the developer, and Developer shall be responsible for all charges as defined therein. For avoidance of doubt, Owner shall have no obligation to separately reimburse Developer for due diligence, design and related services. The Developer also understands that the Mayor and Commissioners will need to approve the concept design and schematic design of the potential new deck in accordance with the IGA. Additionally, the Developer understands that the deck must connect to the pedestrian plaza to the south entrance of the arena. It is the intent should circumstances allow that the Proposed Development be designed to support the ability to build on top for present

applications or for retrofitting future applications and must span over the water retention pond.

(e) General Contractor, Subcontractors, and Designer Selections. It is understood by all Parties that the Developer shall be responsible at the Developer's sole discretion and in good faith with the Owner's input have the ability through the Developer's own competitive process to select the following but not limited to the below list of professionals. For actual Constructor entity selection for the Deck, the Developer's competitive process shall solicit at least 3 bids or proposals and shall include representatives of the Owner as participants in the review and selection activities to include one representative of CCA and, at Owner request, one representative of ACCGov. The Developer shall accept and utilize to the extent practicable existing partial design work product from the Owner's current architect, Smallwood Reynolds ("Smallwood"), at earliest date of substantial progress in December 2022, as may be helpful to the Developer's deck design and construction procurement processes. The Developer and Owner shall share the cost of such partial design equally, and the Developer shall coordinate with Smallwood any necessary program requirements upon execution of this LOI through the substantial progress of the work product. Both parties agree in the interest of time that the Developer shall pursue a Design-Build or similar fast-tracked project delivery method with a Guaranteed Maximum Price (GMP), or, if the Developer chooses to retain Smallwood for completion of design, Developer will be responsible for such continued design costs and may hire a General Contractor for fast-tracked construction delivery of that design in accordance with procedures stated above. In accordance with the above and State law and local ordinances, the Developer shall select qualified local professionals to fill the assignments where applicable:

- i. Design-Builder or General Contractor
- ii. Subcontractors
- iii. Architect, if applicable
- iv. Civil Engineer
- v. Structural Engineer
- vi. Interior Designer
- vii. Traffic and Parking Study Engineers
- viii. Environmental Engineers
- ix. Land Surveyors

(f) Confidentiality. During the term of this LOI, either Party (as the "Disclosing Party") may disclose or make available to the other Party (as the "Receiving Party") information about its business affairs, products/services, confidential intellectual property, trade secrets, third-party confidential information and other sensitive or proprietary information, whether orally or in written, electronic or other form or media, and whether or not marked, designated or otherwise identified as "confidential" (collectively, "Confidential Information"). To the extent the information is not subject to the Open Records Act, the Receiving Party shall: (x) protect and safeguard the confidentiality of the Disclosing Party's Confidential Information with at least the same degree of care as the Receiving Party would protect its own Confidential Information, but in no event with less than a commercially

reasonable degree of care; (y) not use the Disclosing Party's Confidential Information, or permit it to be accessed or used, for any purpose other than to exercise its rights or perform its obligations under this LOI; and (z) not disclose any such Confidential Information to any person or entity, except to the Receiving Party's representatives who need to know the Confidential Information to assist the Receiving Party, or act on its behalf, to exercise its rights or perform its obligations under this LOI. The Receiving Party shall be responsible for any breach of this Section 3(d) caused by any of its representatives.

- (g) **Term and Termination.** The rights and obligations of the Parties contained in this LOI shall expire upon execution of the Definitive Agreement. Either Party may terminate this LOI after 12060 days from the date of this LOI without any obligation or liability to the other Party, provided however that Section 3 shall survive such termination.
- (h) **Governing Law.** This LOI shall be governed by and construed in accordance with the internal laws of the state of Georgia, without giving effect to any choice or conflict of law provision or rule that would cause the application of laws of any jurisdiction other than those of the state of Georgia.
- (i) **No Third-Party Beneficiaries.** Nothing herein is intended or shall be construed to confer upon any person or entity other than the Parties and their successors or assigns, any rights or remedies under or by reason of this LOI.
- (j) **No Assignment.** Neither this LOI, nor any rights or obligations hereunder may be assigned, delegated or conveyed by either Party without the prior written consent of the other Party.
- (k) **Counterparts.** This LOI may be executed in counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties hereto have executed this LOI as of the date set forth above.

THE CLASSIC CENTER AUTHORITY

By:



Name: Paul M. Cramer

Title:



CLASSIC CENTER PARTNERS, LLC

By:



Name: J. Dixon

Title: MEMBER

**THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY  
COMMISSION AGENDA ITEM**

**SUBJECT:** Services, Training, Officers, Prosecution (STOP) Violence Against Women Act (VAWA) Grant Program - 2023 ACCPD Funding

**DATE:** November 9, 2022

**BUDGET INFORMATION:**

REVENUES:	\$ 90,000	Anticipated STOP VAWA Grant Funding
	<u>\$156,000</u>	CY2022 Police Department Operating Budget
	\$246,000	

**EXPENSES:**

ANNUAL:	\$246,000	Annual Cost for Four ACCPD Domestic Violence Investigators & Records Clerk
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CAPITAL:

OTHER:

**FUNDING SOURCE:** Requested STOP VAWA Grant Funding  
CY2023 Police Department Operating Budget

**COMMISSION ACTION REQUESTED ON:** December 13, 2022 Under Suspension of Rules

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**PURPOSE:**

To request that the Mayor and Commission:

- a. Approve the Athens-Clarke County Police Department's (ACCPD) submission, and if awarded, acceptance of a competitive grant award from the Georgia Criminal Justice Coordinating Council (CJCC) in the amount of up to \$90,000 to provide partial funding for four investigators and a records clerk in an effort to prevent and reduce crimes of violence against women;
- b. Approve continuation of four full-time authorized investigator positions and a records clerk position through the remainder of CY2023 at an annual cost of \$246,000;
- c. Approve the attached budget amendment ordinance (**Attachment 1**); and
- d. Authorize the Mayor and appropriate staff to execute all documents related to the grant.

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**HISTORY:**

1. On November 3, 2009, this STOP VAWA grant was first approved for acceptance by the Mayor and Commission. Grant funding has been awarded by CJCC, and funds have been accepted by the Mayor & Commission, each year since initial award.

2. On December 7, 2021, the Mayor and Commission approved ACCPD's 2021 grant application for funding in CY2022.
3. On October 28, 2022, the Criminal Justice Coordinating Council released a notice detailing the request for applications (RFA) process for potential 2023 Competitive STOP VAWA grant recipients, and set a deadline of November 28, 2022, for all applications to be submitted for consideration.

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**FACTS & ISSUES:**

1. In years past, several Unified Government of Athens-Clarke County (ACCGov) departments and constitutional offices have been recipients of grants aimed at improving the criminal justice system, as well as preventing and reducing crimes of violence against women. Generally, these grants have supported various law enforcement, prosecution, and victim services activities.
2. The STOP Violence Against Women Act (STOP VAWA) Grant Program provides financial assistance to states to develop and strengthen effective law enforcement and prosecution strategies to respond to crimes of violence against women including domestic violence, dating violence, sexual assault, and stalking. The STOP VAWA program also seeks to support and expand victim assistance programs while promoting a coordinated, multi-disciplinary approach to improve the criminal justice system's response to violent crimes against women.
3. The ACCPD annually investigates approximately 1,800 domestic violence incidents. Of note, all domestic violence cases are reviewed by a unit supervisor for assignment to investigative staff. Cases that do not meet an investigative threshold are referred to community partners (e.g., Project Safe, The Cottage, etc.) for follow-up.
4. Past grant funds awarded to the ACCPD have been used to partially fund four investigator positions and one records technician in an effort to prevent and reduce violent crimes against women. Available grant funding has decreased over the life of the program.
5. Loss of the four investigator positions would greatly reduce service delivery including the number of quality domestic violence investigations completed which could result in a higher violent crime rate.
6. The ACCPD understands that approval of this request by the Mayor and Commission to continue funding through CY2023 does not authorize approval of these positions from the General Fund in subsequent years.
7. These recommendations support the following ACCGov Strategic Plan Goal & Strategy:
  - Good Neighbors Goal, Strategy C: *Decrease crime and keep residents safe through "community-centric" services*

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**OPTIONS:**

1. Mayor and Commission:
  - a. Approve the Athens-Clarke County Police Department's (ACCPD) submission, and if awarded, acceptance of a competitive grant award from the Georgia Criminal Justice Coordinating Council (CJCC) in the amount of up to \$90,000 to provide partial funding for four investigators and a records clerk in an effort to prevent and reduce crimes of violence against women;
  - b. Approve continuation of four full-time authorized investigator positions and a records clerk position through the remainder of CY2023 at an annual cost of \$246,000;
  - c. Approve the attached budget amendment ordinance (**Attachment #1**); and
  - d. Authorize the Mayor and appropriate staff to execute all documents related to the grant.
2. Mayor and Commission deny acceptance of a STOP VAWA Competitive Grant by the ACCPD, if an award is made by the Georgia Criminal Justice Coordinating Council (CJCC).
3. Mayor and Commission defined option.

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**DEPARTMENT RECOMMENDED ACTION:** Option 1: a, b, c, and d.

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**DEPARTMENT:**

Prepared by: Joshua Watkins



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Jerry G. Saulters

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12/06/2022

Date:

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**ADMINISTRATIVE COMMENTS:**

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**ADMINISTRATIVE RECOMMENDATION:** Option #1 a, b, c and d

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Manager

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December 7, 2022

Date:

**ATTACHMENTS:**

Attachment 1 - FY23 Budget Ordinance - STOP VAWA

**Attachment #1**

**AN ORDINANCE TO AMEND THE FY2023 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL'S (CJCC) STOP VIOLENCE AGAINST WOMEN ACT (VAWA) COMPETITIVE GRANT PROGRAM FOR EXPENSES RELATED TO FOUR INVESTIGATOR POSITIONS AND A RECORDS CLERK DIRECTLY SUPPORTING EFFORTS TO PREVENT AND REDUCE CRIMES OF VIOLENCE AGAINST WOMEN; AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, from the Georgia Criminal Justice Coordinating Council's (CJCC) Stop Violence Against Women Act (VAWA) Competitive Grant Program for expenses related to four Investigator positions and a records technician directly supporting efforts to prevent and reduce crimes of violence against women. Said Operating budget is hereby amended as follows:

**Grants Special Revenue Fund:**

**REVENUES:**

    Increase:

CJCC STOP VAWA Competitive Grant	up to \$90,000
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**EXPENDITURES:**

    Increase:

    Police Department:

Personal Services	up to \$90,000
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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY  
COMMISSION AGENDA ITEM**

**SUBJECT:** CY2023 Grant Acceptance: Byrne Justice Assistance Grant (JAG) Existing Local Project via Georgia Criminal Justice Coordinating Council (CJCC)

**DATE:** November 16, 2022

**BUDGET INFORMATION:**

REVENUES:	\$139,460	Georgia Criminal Justice Coordinating Council (CJCC)
	<u>\$115,609</u>	General Fund – Police Department Operating Budget
	\$255,069	

**EXPENSES:**

ANNUAL:	\$255,069	Funding for Four Members of the Northeast Georgia Regional Drug Task Force
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CAPITAL:

OTHER:

**FUNDING SOURCE:** Georgia Criminal Justice Coordinating Council  
General Fund – Police Department Operating Budget

**COMMISSION ACTION REQUESTED ON:** December 13, 2022 Under Suspension of Rules

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**PURPOSE:**

To request that the Mayor and Commission:

- a. Approve submission of an application by the Athens-Clarke County Police Department (ACCPD) for, and accept if awarded, the Edward Byrne Memorial Justice Assistance Grant (JAG) Program 2022 Existing Local Project Grant;
- b. Authorize the continuation of four Athens-Clarke County Police Department (ACCPD) sworn officer positions in the Northeast Georgia Regional Drug Task Force, consistent with the grant award;
- c. Adopt the attached budget amendment ordinance (**Attachment #1**); and
- d. Authorize the Mayor and appropriate staff to execute all documents associated with the grant.

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**HISTORY:**

1. Since at least FY 2012, four members of ACCPD's officer cadre within the Northeast Georgia Regional Drug Task Force have been partially funded by Edward Byrne Memorial Justice Assistance Grant (JAG) funding, as allocated by the Georgia Criminal Justice Coordinating Council (CJCC). Such funds have been renewed each year, subject to availability and application approval.

2. On November 23, 2021, a grant application was submitted by the ACCPD. Submission of the requisite application materials via CJCC's standard electronic submission portal did not obligate the ACCPD or ACCGov to accept grant funds.
3. On September 30, 2022, CJCC announced via its website a continuation of the current JAG Local Project Grants, with a response deadline of October 31, 2022.

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#### **FACTS & ISSUES:**

1. The Northeast Georgia Regional Drug Task Force (comprised of personnel from the ACCPD, Clarke County Sheriff's Office, and Oglethorpe County Sheriff's Office) is devoted to the investigation of illegal drug activity and maintaining efforts to address and reduce the overall crime rate. Information that is obtained by the Task Force concerning illegal drug activity is analyzed for its value in resolving identified problems. A priority of the Task Force is to apply resources toward investigations which will not only target the illegal use and distribution of drugs, but activities that have a direct impact on crimes against persons and their property.
2. As the unit is currently configured, eight sworn officers are within the Northeast Georgia Regional Drug Task Force, six of whom are Athens-Clarke County Police Department officers, with four of these six ACCPD officers partially funded via Justice Assistance Grant funding.
3. The Edward Byrne Memorial Justice Assistance Grant (JAG) Existing Local Projects Program, as administered by the Georgia Criminal Justice Coordinating Council, was limited to local governments within Georgia that received a 2021 Multi-Jurisdictional Drug Task Force or K-9 Unit Grant Award.
4. The JAG Request for Applications names ACCGov as eligible for a maximum award amount of \$139,460. Matching funds are not required as a condition of the grant; however, as currently configured, the funding available from the grant only accounts for approximately 55% of the personnel expenses anticipated for the four grant-funded employees (estimated \$255,069 for calendar year 2023).
5. Funding, if awarded, would be available from January 1, 2023 through December 31, 2023.
6. These recommendations support the following ACCGov Strategic Plan Goal & Strategy:
  - Good Neighbors Goal, Strategy C: *Decrease crime and keep residents safe through "community-centric" services.*

**OPTIONS:**

1. Mayor and Commission:
  - a. Approve submission of an application by the Athens-Clarke County Police Department (ACCPD) for, and accept if awarded, the Edward Byrne Memorial Justice Assistance Grant (JAG) Program 2022 Existing Local Project Grant;
  - b. Authorize the continuation of four Athens-Clarke County Police Department (ACCPD) sworn officer positions in the Northeast Georgia Regional Drug Task Force, consistent with the grant award;
  - c. Adopt the attached budget amendment ordinance (**Attachment #1**); and
  - d. Authorize the Mayor and appropriate staff to execute all documents associated with the grant.
2. Mayor and Commission deny the authorization to accept the grant.
3. Mayor and Commission defined option.

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**DEPARTMENT RECOMMENDED ACTION:** Option #1 a, b, c, & d

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**DEPARTMENT:**

Prepared by: Joshua Watkins



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Jerry G. Saulters

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12/06/2022

Date:

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**ADMINISTRATIVE COMMENTS:**

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**ADMINISTRATIVE RECOMMENDATION:** Option #1 a, b, c, & d

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Manager

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December 7, 2022

Date:

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**ATTACHMENTS:**

Attachment 1 - FY23 Budget Ordinance Police DTF

**Attachment #1**

**AN ORDINANCE TO AMEND THE FY2023 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL'S (CJCC) BYRNE JUSTICE ASSISTANCE EXISTING LOCAL PROJECT GRANT PROGRAM FOR EXPENSES RELATED TO FOUR INVESTIGATOR POSITIONS DIRECTLY SUPPORTING EFFORTS OF THE NORTHEAST GEORGIA DRUG TASK FORCE; AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

**SECTION 1.** The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, from the Georgia Criminal Justice Coordinating Council's (CJCC) Byrne Justice Assistance Existing Local Project Grant Program for expenses related to four Investigator positions directly supporting efforts of the Northeast Georgia Drug Task Force.

Said Operating budget is hereby amended as follows:

**Grants Special Revenue Fund:**

**REVENUES:**

    Increase:

CJCC Byrne Justice Assistance Existing Local Project Grant	\$139,460
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**EXPENDITURES:**

    Increase:

Police Department: Personal Services	\$139,460
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**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY  
COMMISSION AGENDA ITEM**

**SUBJECT:** S.T.O.P. Violence Against Women Grant – Clerk of Court Continuation Application for 2023

**DATE:** November 23, 2023

**BUDGET INFORMATION:**

REVENUES: \$50,000 (estimate)

**EXPENSES:**

ANNUAL:	\$55,000	Clerk of Courts
	<u>\$20,000</u>	Required Match
Total	\$75,000	(estimate)

**FUNDING SOURCE:** Georgia Criminal Justice Coordinating Council (\$55,000); in-kind services from the Superior Court and Clerk of Courts (\$20,000)

**COMMISSION ACTION REQUESTED ON:** December 13, 2022 Under Suspension of Rules

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**PURPOSE:**

To request that the Mayor and Commission:

- a. Approve the Superior Court's submission of a Criminal Justice Coordinating Council (CJCC) grant application for, and if awarded, acceptance of S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$55,000 to be used to fund one Clerk position in the Clerk of Courts Office to handle domestic violence related case processing along with limited training funds for calendar year (CY) 2023;
- b. Approve the continuation of one full-time authorized position for the Clerk of Courts Office for CY2023;
- c. Approve a budget amendment (**Attachment #1**) for \$55,000 for the CJCC Grant. There is a match requirement which will be met by a portion of the salary of the Deputy Clerk supervising this position; and
- d. Authorize the Mayor and appropriate staff to execute all related documents.

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**HISTORY:**

1. In CY10, CY11, CY12, and CY13, the Superior Court and Clerk of Courts were successful in their Georgia Criminal Justice Coordinating Council grant applications supporting additional staff to handle domestic violence and related cases. These grants have been part of a renewable grant program with CY13 and CY21 being the years for competitive renewal.

2. In CY10, CY11, CY12, and CY13, the grant funds were used for one Senior Probation Officer and one Probation Officer each devoting half their time to supervise domestic violence offenders and one Clerk position in the Clerk of Courts Office to handle domestic violence related case processing along with limited training funds.
3. On June 2, 2013, the M&C approved the submission of a grant proposal by Superior Court for CY14, which was ultimately unsuccessful.
4. On December 9, 2013, Superior Court submitted a written appeal to the CJCC for the funds.
5. On January 7, 2014, the M&C approved use of General Funds for the continuation of one full-time equivalent authorized position for Superior Court Probation Services and one full-time authorized position for the Clerk of Superior and State Courts to staff the Athens-Clarke County Domestic Violence Intervention Program for the remainder of FY14.
6. On March 13, 2014, a subsequent appeal to the CJCC proved successful and \$70,000 was awarded to the Superior Court and Clerk of Courts for CY14, making Superior Court eligible for grant renewal. The appropriation approved on January 7, 2014 was returned to the General Fund.
7. In CY2016, CY2017, CY2018, CY2019, and CY2020 the S.T.O.P. VAWA grant was received as a continuation award.
8. In October 2020, CJCC released a competitive grant application for VAWA 2021. On October 30, 2020, the Mayor and Commission approved the submission of the VAWA application. ACCGov was successful in their grant application and received funds for 2021. The funds were used for one Clerk position in the Clerk of Courts Office to handle domestic violence related case processing along with limited training funds. Due to Covid, CY2021 did not require a match.
9. In November 2021, CJCC released the CY22 (2<sup>nd</sup>) continuation cycle where the Clerk of Courts applied for and was approved funding. No match was required.
10. In November 2022, CJCC released the CY23 (3<sup>rd</sup> and last) continuation cycle where the Clerk of Courts applied for funding once again (pending approval). This year will require a 25% match. CY2024 will be a competitive grant year.

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#### **FACTS & ISSUES:**

1. The S.T.O.P. Violence Against Women Act (VAWA) Grant Program provides financial assistance to states to develop and strengthen effective law enforcement and prosecution strategies to respond to crimes of violence against women including domestic violence, dating violence, sexual assault, and stalking, and to support and expand victim assistance programs serving victims of violence against women. The S.T.O.P. VAWA Grant Program is administered in the State of Georgia by the Criminal Justice Coordinating Council and

promotes a coordinated, multidisciplinary approach to improve the criminal justice system's response to violent crimes against women.

2. The S.T.O.P. Violence Against Women Act (VAWA) program supports several federally-mandated priorities including, but not limited to, improving law enforcement responses; sustaining the number of and enhancing the knowledge of prosecuting attorneys committed to the prosecution of domestic violence, sexual assault, stalking, and dating violence; identifying effective court policies and procedures; and developing culturally sensitive approaches.
3. The Clerk of Courts proposes to use the CY23 grant to pay for the continuation of one Clerk position in the Clerk of Courts Office. There is a sufficient caseload of domestic violence and related cases to support the continuation of the position. The CY23 grant will enable more efficient processing of these cases from filing to disposition and more assistance to the public with the filing of temporary protective orders.
4. The CY23 S.T.O.P. VAWA grant requires at least a 25% local match either with in-kind or cash contributions. Staff proposes that the grant cover approximately \$55,000 of the direct salary costs of the position and that the ACCGov local match cover approximately \$20,000 of the fringe benefit costs. The local match is already in the FY23 approved budget.
5. Subject to annual federal appropriations and CJCC allocations, this grant may be renewed annually up to a total of four years. This will be the first year of the grant.
6. **The Criminal Justice Coordinating Council usually releases the VAWA continuation Grant Application at the end of September leaving more time before the end of the calendar year to complete this process. However, this year the application was released at the end of October.** The grant is effective in January 2023, subject to acceptance of the award. The grant does not require ACCGov to fund the positions or activities beyond the grant term. In the past, the M&C approved continuation of the position using General Fund resources should the grant not be renewed. Subject to federal VAWA appropriations and allocations by the CJCC, the Superior Court plans to apply for new grant funding in the competitive grant cycle of 2024.
7. The S.T.O.P. VAWA Grant program addresses the goal of Superior Court to provide responsive, equitable, and humane public safety services, including judicial operations, through community collaboration. It allows the continuance of the Domestic Violence Prevention Program, which seeks to enhance diversion and offender community reentry.
8. These recommendations support the following ACCGov Strategic Plan Goal & Strategy:
  - Good Neighbors Goal, Strategy A: *Work to create and implement systems to identify, acknowledge, and address racism, trauma, harm, and violence in our community.*

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#### **OPTIONS:**

1. Mayor and Commission:

- a. Approve the Superior Court's submission of a Criminal Justice Coordinating Council (CJCC) grant application for, and if awarded, acceptance of S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$55,000 to be used to fund one Clerk position in the Clerk of Courts Office to handle domestic violence related case processing along with limited training funds for calendar year (CY) 2023;
- b. Approve the continuation of one full-time authorized position for the Clerk of Courts Office for CY 2023;
- c. Approve a budget amendment (**Attachment #1**) for \$55,000 for the CJCC Grant. There is a match requirement which will be met by a portion of the salary of the Deputy Clerk supervising this position; and
- d. Authorize the Mayor and appropriate staff to execute all related documents.

2. Mayor and Commission deny acceptance of the VAWA Grant for CY23 estimated to be \$55,000 from the CJCC and \$20,000 in local funds.
3. Mayor and Commission approve general fund resources to continue funding for one authorized full-time Clerk position in the Clerk of Courts Office, should the VAWA grant not be renewed in CY23.
4. Mayor and Commission defined option.

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**DEPARTMENT RECOMMENDED ACTION:** Option #1 a, b, c, and d

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**DEPARTMENT:**

Prepared by: Elizabeth Yates

Elisa Zarate

Elisa Zarate,  
Court Administrator

12/1/2022

Date:

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**ADMINISTRATIVE COMMENTS:**

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**ADMINISTRATIVE RECOMMENDATION:** Option #1 a, b, c, and d

  
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Manager

December 7, 2022

Date:

**ATTACHMENTS:**

Attachment 1: Budget Ordinance



**Attachment #1**

**AN ORDINANCE TO AMEND THE FY2023 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL FOR ONE FULLTIME POSITION AND ASSOCIATED EXPENSES TO SUPPORT CASE PROCESSING OF DOMESTIC VIOLENCE CASES; AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding from the Georgia Criminal Justice Coordinating Council for one fulltime position and associated expenses to support case processing of domestic violence cases. Said Operating and Capital budget is hereby amended as follows:

**Grants Special Revenue Fund:**

**REVENUES:**

Increase:

Stop Violence Against Women Grant (CJCC)	\$55,000
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**EXPENDITURES:**

Increase:

Clerk of Courts General Operating Expenses	\$55,000
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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY  
COMMISSION AGENDA ITEM**

**SUBJECT:** S.T.O.P. Violence Against Women Grant – Solicitor General’s Office Award for 2023

**DATE:** November 23, 2022

**BUDGET INFORMATION:**

REVENUES: \$70,000 (estimate)

**EXPENSES:**

ANNUAL: \$70,000	Grant
CAPITAL: <u>\$23,000</u>	Mandatory Match
Total: \$93,000	

FUNDING SOURCE: Georgia Criminal Justice Coordinating Council (\$70,000); Match (\$23,333) in-kind funds from Athens-Clarke County Solicitor General’s Office Operating Budget.

**COMMISSION ACTION REQUESTED ON:** December 13, 2022 Under Suspension of Rules

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**PURPOSE:**

To request that the Mayor and Commission:

- a. Approve the Solicitor General’s Office submission of a Criminal Justice Coordinating Council (CJCC) grant application for and, if awarded, acceptance of S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$70,000 to be used to fund one Domestic Violence Prosecutor position for the prosecution of domestic violence cases in calendar year (CY) 2023;
- b. Approve the continuation of one full-time authorized position for the Solicitor General’s Office specialized domestic violence prosecution in CY23;
- c. Approve a budget amendment (**Attachment #1**) for \$70,000 for the CJCC Grant. There is a match requirement which will be met by a portion of the salary of a current assistant solicitor; and
- d. Authorize the Mayor and appropriate staff to execute all related documents.

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**HISTORY:**

1. Each calendar year since CY10, the Solicitor’s Office has been awarded VAWA grant funds to fund a Domestic Violence Prosecutor position, now divided between two prosecutors, one

assigned to each courtroom. These prosecutors devote 100 percent of their time to the prosecution of domestic violence and other violent offenses in Athens-Clarke County.

2. In subsequent years, the Solicitor General's Office applied for the renewal of the original funds and was awarded funds in the same amount to continue with the proposed project. To maintain a full-time position for a Domestic Violence Prosecutor, the Solicitor General's Office submitted competitive grant applications in new cycles for calendar years 2014 and 2021 and was awarded \$70,000 each time.
3. On November 22, 2021, the CJCC released a continuation application for this next grant cycle to begin in CY 2022. ACCGov applied and received funds for this application.
4. In November, 2022, the CJCC released the final continuation application for the CY 2023 grant cycle. The Solicitor General's Office applied. CY2024 will be a competitive cycle.

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#### **FACTS & ISSUES:**

1. The S.T.O.P. Violence Against Women Act (VAWA) Grant Program provides financial assistance to states to develop and strengthen effective law enforcement and prosecution strategies to respond to crimes of violence against women, including domestic violence, dating violence, sexual assault, and stalking, as well as to support and expand victim assistance programs serving victims of violence against women. The S.T.O.P. VAWA Grant Program is administered in the State of Georgia by the Criminal Justice Coordinating Council and promotes a coordinated, multidisciplinary approach to improve the criminal justice system's response to violent crimes against women.
2. The S.T.O.P. VAWA program supports several priorities including:
  - improving law enforcement responses;
  - sustaining the number of and enhancing the knowledge of prosecuting attorneys committed to the prosecution of domestic violence, sexual assault, stalking and dating violence;
  - supporting a team approach to prosecution among other criminal justice system teams;
  - identifying effective court policies and procedures; and
  - developing culturally sensitive approaches.
3. The Solicitor General's Office proposes to continue funding the existing Domestic Violence Prosecutor position through this grant funding. The Solicitor General recognizes the need to devote special attention to domestic violence, sexual assault, stalking, dating violence, and violations of protective order cases because of their often complicated and dangerous nature.

4. The success of the project first proposed in 2009 has verified that specialized attention to domestic violence, sexual assault, stalking, and dating violence is essential to meaningful intervention, including measures of offender accountability and treatment, and provide safety assurances and support for victims.
5. An example of the Solicitor General's Office's specialized efforts is the Fast Track arraignment program which accelerates the arraignment of offenders who have at least one prior arrest for domestic violence, or are charged with stalking or violation of a protective order. As a result of the Fast Track program, the average time to disposition for fast-track cases pre-pandemic was 66 days earlier than cases which did not receive an accelerated arraignment date. Due to the sensitive nature of these cases and the additional efforts required to achieve the criminal justice system's intervention goals, it is absolutely necessary to designate one prosecutor in each courtroom (one VAWA funded full-time position) to handle only VAWA eligible cases.
6. With the increasing misdemeanor caseload, office staff would be required to distribute domestic violence cases among all the prosecutors and prioritize cases as determined by the court schedule. The VAWA-designated prosecutor is afforded additional time to meet personally with victims which also provides opportunities for appropriate victim services referrals and safety discussions. Grant funding may also allow for specialized domestic violence, sexual assault, and stalking training, including national conferences.
7. With continuation of grant funding, the Domestic Violence Prosecutor will be devoted exclusively to domestic violence and stalking cases in order to maximize the office's ability to intervene in a manner that includes accountability for perpetrators and appropriate treatment recommendations while increasing opportunities to communicate with victims, therefore ensuring the safest possible environment for them. The benefits of increased personal contacts with victims include:
  - discovering a history of unreported domestic violence behavior;
  - substance abuse concerns;
  - potential negative impact on children;
  - the desired outcome of the case from the victim's perspective; and
  - overall increased comfort level of the victim to effectively work with the prosecutor.
8. Information gained from these increased personal contacts with victims is important to the Domestic Violence Prosecutors because it will be used to fashion a sentence that will be the most beneficial to the victim and include both accountability and treatment, and provide access to support, services, and safety assurances for the victim.
9. The grant requires a local match, either with in-kind or cash contributions. The Solicitor General intends to meet this match by using a percentage of the total compensation of another prosecutor who handles comparable violence cases in the Solicitor General's Office as the in-kind match. In 2020, due to financial impacts and challenges, the CJCC initiated and approved a blanket match waiver for CY 2021 VAWA awards for the period of January

1, 2021 – December 31, 2021. This was carried forward for CY 2022. However, a 25% match will be required for CY 2023.

10. The grant is effective in January 2023, subject to acceptance of the award. The grant does not require ACCGov to fund the positions or activities beyond the grant term. Subject to federal VAWA appropriations and allocations by the CJCC, the Solicitor's Office plans to apply for the competitive grant funding in 2024.
11. The S.T.O.P. VAWA Grant program forwards the goal of the Solicitor General's Office to provide responsive, equitable, and humane public safety services, including judicial operations, through community collaboration. It allows the continuance of the Domestic Violence Prevention Program, which seeks to enhance diversion and offender community re-entry.
12. These recommendations support the following ACCGov Strategic Plan Goal & Strategy:
  - Good Neighbors Goal, Strategy A: *Work to create and implement systems to identify, acknowledge, and address racism, trauma, harm, and violence in our community.*

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**OPTIONS:**

1. Mayor and Commission
  - a. Approve the Solicitor General's submission of a Criminal Justice Coordinating Council (CJCC) grant application for and, if awarded, acceptance of S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$70,000 to be used to fund one Domestic Violence Prosecutor position for the prosecution of domestic violence cases in calendar year (CY) 2023;
  - b. Approve the continuation of one full-time authorized position for the Solicitor General's Office specialized domestic violence prosecution in CY23;
  - c. Approve a budget amendment (**Attachment #1**) for \$70,000 for the CJCC Grant.; and
  - d. Authorize the Mayor and appropriate staff to execute all related documents.
2. Mayor and Commission do not approve the Solicitor General's submission of a CJCC grant application in the amount of \$70,000 to be used to fund one Domestic Violence Prosecutor position and necessary supplies and training to respond to violence against women.
3. Mayor and Commission directed option.

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**DEPARTMENT RECOMMENDED ACTION:** Options 1 a, b, c, & d

**DEPARTMENT:**

Prepared by: Elizabeth Yates

Elisa Zarate

Elisa Zarate

12/1/2022

Date:

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**ADMINISTRATIVE COMMENTS:**

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**ADMINISTRATIVE RECOMMENDATION:** Option #1 a, b, c, & d



Manager

December 7, 2022

Date:

**ATTACHMENTS:**

Attachment 1: Budget Amendment

**Attachment #1**

**AN ORDINANCE TO AMEND THE FY2023 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL FOR TWO FULLTIME POSITIONS AND ASSOCIATED EXPENSES TO SUPPORT DOMESTIC VIOLENCE CASES; AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding from the Georgia Criminal Justice Coordinating Council for two fulltime positions and associated expenses to support domestic violence cases. Said Operating and Capital budget is hereby amended as follows:

**Grants Special Revenue Fund:**

REVENUES:

Increase:

Stop Violence Against Women Grant (CJCC)	\$70,000
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EXPENDITURES:

Increase:

Solicitor General Operating Expenses	\$70,000
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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Government Operations Committee  
Commission Report**

**SUBJECT:** Short Term Rentals

**DATE:** November 22, 2022

**PURPOSE:**

This report provides the Mayor and Commission with recommendations from the Government Operations Committee (GOC) related to the Short Term Rentals (STRs) review.

**HISTORY:**

1. In 2020, the Government Operations Committee reviewed “Short term rentals: tax payments same as hotels; possible permitting process; health and safety related issues.”
2. On November 4, 2020, the Mayor and Commission approved the GOC’s recommendations to:
  - a. Submit an RFP to find a qualified company to create and maintain a database of STRs, collect taxes, and help with code enforcement activities.
  - b. Remind anyone operating short term rentals that they are required to pay the Business Occupation Tax and the Hotel Motel Excise Tax.
  - c. Request that the Manager’s Office direct Planning Staff to prepare zoning amendments regarding the regulation of short term rentals for Planning Commission review and recommendation.
3. On April 21, 2021, Governor Kemp signed into law HB317, *Lodging Facilitator; Short-Term Rental Platforms Collecting Hotel-Motel Taxes*. This bill required marketplace innkeepers like Airbnb and VRBO to collect and remit the local hotel-motel taxes in GA if their platform collected at least \$100,000 in the previous or current year. With the law going into effect on July 1, a software solution was no longer needed to enforce the GOC’s primary concern, collection of hotel-motel taxes. Additionally, COVID-19 had greatly reduced the operations of STRs, making further action less pressing.
4. On July 19, 2022, Mayor Kelly Girtz assigned to the GOC “Consider limitations on the number of short term rentals any individual can manage in residential zones, and the requirement to be a homestead holder to own short term rentals.”
5. On August 15, 2022, September 19, 2022, October 17, 2022 and November 21, 2022, the Government Operations Committee discussed STRs. The Committee reviewed the Atlanta Ga. Ordinance and the Glynn County, Ga. Ordinance and the Chief Information Officer, Travis Cooper, gave a presentation on a Host Compliance platform for STRs.

6. On November 21, 2022, the Government Operations Committee completed their review and voted unanimously to approve the changes that the Attorney's Office and Planning Department have identified in the Zoning Ordinance (**Attachment #1**), as well as to approve issuance of an RFP for a third party vendor to monitor and regulate STRs.

The GOC recommends that STRs be treated comparable to Bed & Breakfasts. If a Bed & Breakfast is allowed (i.e. RM zone), then a STR can be created through the plans review process. In all zones, properties would be eligible for utilization as a STR through a home occupation process if eligible. The home occupation permit requires that the property be the primary residence of the applicant. Primary residency would be determined by either proof of a homestead exemption or, in the case of a renter, a letter of support from the renter's landlord.

If approved, Staff will continue to study the workload implications as the Planning Commission considers the zoning ordinance revisions and the RFP is conducted for a software solution to monitor and enforce STRs applying and paying for both home occupation and business licenses. There is the potential that additional staff resources will be necessary in the future to enforce the attached changes.

#### **RECOMMENDATIONS:**

The Government Operations Committee recommends that the Mayor and Commission:

- a. Direct staff to prepare a text amendment for Planning Commission consideration of the attached Zoning Ordinance revisions (**Attachment #1**); and
- b. Approve issuance of an RFP for a third party vendor to monitor and regulate short term rentals.

#### **ADDITIONAL INFORMATION/COMMENTS:**



12/7/2022

Date:

Tim Denson, Chair  
Government Operations Committee

#### **ATTACHMENTS:**

Attachment #1 - Proposed Zoning Ordinance Revisions

## Sec. 9-8-2. Permitted uses.

The following uses and their accessory uses are permitted according to the following matrix:

Zoning Districts	RM-1	RM-2	RM-3
<i>Residential Categories</i>			
Agriculture	N	N	N
Single-Family Dwellings	P	P	P
Accessory Dwelling Units	L(7)	L(7)	L(7)
Dwellings Above Businesses	P	P	P
Duplexes	P	P	P
Personal care homes, individual	P, L(6)	P, L(6)	P, L(6)
Personal care homes, family	P, L(6)	P, L(6)	P, L(6)
Personal care homes, group	S, L(6)	S, L(6)	S, L(6)
Personal care homes, congregate	S, L(6)	S, L(6)	S, L(6)
Multifamily Dwellings	P	P	P
Class "A" Manufactured Homes	L(1)	L(1)	L(1)
Class "B" Manufactured Homes	L(2)	L(2)	L(2)
Boarding House, Rooming House	S	S	S
Dormitory	S	S	S
Halfway House	S, L(8)	S, L(8)	S, L(8)
Community Garden	P	P	P
<i>Commercial Categories</i>			
Home Occupation	P	P	P
Sales of products grown on site	N	N	N
Hostels	N	P	P
Hotels	N	N	N
Motels	N	N	N
Bed and Breakfast	L(3)	L(4)	L(4)
<b>Short-Term Vacation Rental</b>	<b>P</b>	<b>P</b>	<b>P</b>
Retail Sales And Service	S	S	S
Convenience Store	S	S	S
Theaters (less than 1,000 seats)	N	N	N
Restaurant or Bar	S	S	S
Drive-Through Facility	N	N	N
Professional Services and Office	L(5)	L(5)	L(5)
Quick Vehicle Servicing	N	N	N
Zoning Districts	RM-1	RM-2	RM-3
Vehicle Repair	N	N	N
Auto and RV Sales	N	N	N
Laundry Facilities	L(5)	L(5)	L(5)
Equestrian Facilities	N	N	N
Commercial Outdoor Recreation	S	S	S
Indoor Recreation	N	N	N
Major Event Entertainment	N	N	N
Commercial Parking Structures or Lots	N	N	N
Administrative or Research Facilities	S	S	S

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Broadcasting or production Studios	S	S	S
Temporary Uses	P	P	P
Temporary Special Event	N	N	N
<i>Industrial Categories</i>			
Printing/Publishing	N	N	N
Bakeries	L(5)	L(5)	L(5)
Bottling Plants	N	N	N
Manufacture of Non-Odiferous Foods	N	N	N
Feed Lots or Slaughterhouses	N	N	N
Food Processing	N	N	N
Light Manufacturing	N	N	N
Heavy Manufacturing	N	N	N
Wholesale Sales	N	N	N
Wholesale Nurseries	N	N	N
24-Hour Distribution Center	N	N	N
Outdoor Storage	N	N	N
Wholesale Storage And Distribution	N	N	N
Self-Service Storage	N	N	N
Construction Materials Sales	N	N	N
Junk Yards and Auto Wrecking	N	N	N
Kennels	N	N	N
Veterinary Clinics	N	N	N
Transfer Stations	N	N	N
Sanitary Landfills, Landfills, Commercial Incinerators	N	N	N
Asphalt Plants	N	N	N
Mines, mining, surface mining, quarries, gravel pits, sand pits	N	N	N
<i>Institutional Categories</i>			
Basic Utilities	P	P	P
Community Service	N	N	N
Parks And Open Areas	P	P	P
Churches	P	P	P
Business/Trade Schools	S	S	S
Day Care, Kindergarten, Elementary, Middle, and High School	P	P	P
Colleges	S	S	S
Hospital	S	S	S
Nursing Homes	P	P	P
Medical Centers	S	S	S
Cemeteries	P	P	P
Mortuaries	N	N	N
Fraternity or Sorority	S	S	S
Semi-Public Halls, Clubs or Lodges	S	S	S
Drug Rehabilitation Center or Other Facility for Treatment of Drug Dependency	S, L(5)	S, L(5)	S, L(5)

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Legend:

P = Permitted outright.

S = Subject to approval under the special use procedures section.

N = Prohibited use.

L(1) = Class "A" manufactured homes on individual lots are permitted, subject to the following criteria:

1. The portion of the lot on which the manufactured home is to be located shall not exceed a slope of ten percent following excavation or fill on the parcel.
2. The manufactured home shall be multi-sectional, no less than 24 feet in width, and have a minimum enclosed floor area of 1,000 square feet.
3. The manufactured home shall have a roof pitch of a minimum of 14 degrees (three feet in height for each 12 feet in width).
4. The manufactured home shall have no metal siding or roofing, and shall have wood, wood-product, or vinyl siding and composition roofing, or approved equivalent.
5. The manufactured home shall be placed on an excavated and back-filled foundation and fully enclosed. The foundation area of the manufactured home shall be fully skirted with masonry.

L(2) = Class "B" manufactured homes are only permitted in manufactured housing developments of at least five acres in size, developed under the manufactured home development section [chapter] 9-16.

L(3) = Bed and breakfast accommodations are permitted, provided that:

1. That all residences used for travelers' accommodation be business-owner occupied. The business-owner shall be required to reside on the property occupied by the accommodation, and occupancy shall be determined as the travelers' accommodation location being the primary residence of the owner during operation of the accommodation. "Business-owner" shall be defined as a person or persons who own the property and accommodation outright or who have entered into a lease agreement with the property owner(s) allowing for the operation of the accommodation. Such lease agreement to state specifically that the property owner is not involved in the day to day operation or financial management of the accommodation, and that the business-owner is wholly responsible for all operations associated with the accommodation, and has actual ownership of the business.
2. That each accommodation unit shall have one off-street parking space, and the owners shall have two parking spaces. All spaces shall be in conformance with the requirements of the off-street parking section of this title.
3. That only one ground or wall sign, constructed of a non-plastic material, non-interior illuminated of six square feet maximum size be allowed. Any exterior illumination of signage shall be installed such that it does not directly illuminate any residential structures adjacent or nearby the travelers' accommodation.
4. That the number of accommodation units allowed shall be proportional to the permitted density of the zone. Each traveler's accommodation unit shall be counted as 0.6 units for the purpose of calculating the permitted number of traveler's accommodations.
5. All traveler's accommodations shall be within 200 feet of an arterial. Street designations shall be as determined by the Athens-Clarke County Unified Government Comprehensive Plan. Distances shall be measured via a public street or alley access to the site from the arterial.

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6. Excluding the business-owner's unit and the area of the structure it will occupy, there must be at least 400 square feet of gross interior floor space remaining per unit.
7. Traveler's accommodations are limited to no more than ten guest units.

L(4) = All restrictions of L(3), but limited to, no more than 15 guest units.

L(5) = Gross floor area not to exceed 2,500 square feet.

L(6) = Refer to section 9-15-19 for regulations governing personal care homes.

L(7) = A maximum of one detached residential unit, designed for and occupied by one family only. The structure must be accessory and subordinate to a single-family dwelling and located on a tract of land that is at least twice the minimum lot size for the district in which it is located, and conforms to the standards outlined in this title. The accessory dwelling structure must: (1) be located entirely in the rear yard of the principal residential structure; (2) have gross square footage that is 50% or less of the habitable square footage of the principal residential structure; and (3) have fewer bedrooms than the principal residential structure.

L(8) = Refer to section 9-15-21 for more information concerning halfway houses.

(Ord. of 12-5-2000, § 1; Ord. of 5-7-2002, § 1; Ord. of 8-1-2006, § 5; Ord. of 8-1-2006, § 4; Ord. of 4-3-2007, § 4; Ord. of 2-3-2009, § 3; Ord. of 2-3-2009, § 1; Ord. of 4-5-2011, § 5; Ord. of 12-4-2012, § 7; Ord. of 2-5-2013, § 5; Ord. of 2-4-2014, § 5)

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## Sec. 9-5-2. Permitted uses.

The following uses and their accessory uses are permitted as contained in the use table below:

The following uses and their accessory uses are permitted as contained in the use table below:

Zoning Districts	AR
<i>Residential Categories</i>	
Agriculture	P
Single Family Dwellings	P
Accessory Dwelling Units	L(4)
Dwellings Above Businesses	N
Duplexes	N
Personal care homes, individual	S, L(6)
Personal care homes, family	S, L(6)
Personal care homes, group	S, L(6)
Personal care homes, congregate	S, L(6)
Multi-Family Dwellings	N
Class "A" Manufactured Homes	P, L(5)
Class "B" Manufactured Homes	N
Boarding House or Rooming House	N
Dormitory	N
Halfway House	S, L(8)
Community Garden	P
<i>Commercial Categories</i>	
Home Occupation	P
Sales of products grown on site	P
Hostels	N
Hotels	N
Motels	N
Bed and Breakfast	L(1), S
<u>Short-term Vacation Rental</u>	<u>P</u>
Retail Sales And Service	L(2), S
Convenience Store	S
Theaters (less than 1,000 Seats)	N
Restaurant or Bar	L(3), S
Drive-Through Facility	N
Professional Services and Office	N
Quick Vehicle Servicing	N
Vehicle Repair	N
Auto and RV Sales	N
Laundry Facilities	N
Equestrian Facilities	P
Commercial Outdoor Recreation	S
Indoor Recreation	N
Major Event Entertainment	N
Commercial Parking Structures or Lots	N

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Administrative or Research Facilities	S
Broadcasting or Production Studios	S
Temporary Uses	P
Temporary Special Event	P, L(7)
<i>Industrial Categories</i>	
Printing/Publishing	N
Bakeries	N
Bottling Plants	N
Manufacture of Non-Odiferous Foods	P
Feed Lots or Slaughterhouses	S
Food Processing	N
Light Manufacturing	N
Heavy Manufacturing	N
Wholesale Sales	N
Wholesale Nurseries	P
24-Hour Distribution Center	N
Outdoor Storage	N
Wholesale Storage And Distribution	N
Self-Service Storage	N
Construction Materials Sales	N
Junk Yards and Auto Wrecking	N
Kennels	S
Veterinary Clinics	S
Transfer Stations	N
Sanitary Landfills, Landfills, Commercial Incinerators	N
Asphalt Plants	N
Mines, mining, surface mining, quarries, gravel pits, sand pits	N
<i>Institutional Categories</i>	
Basic Utilities	P
Community Service	S
Parks And Open Areas	P
Churches	S
Business/Trade Schools	S
Day Care, Kindergarten, Elementary, Middle, and High School	S
Colleges	S
Hospital	N
Nursing Homes	S
Medical Centers	N
Cemeteries	P
Mortuaries	N
Fraternities or Sororities	N
Semi-Public Halls, Clubs or Lodges	N
Drug Rehabilitation Center or Other Facility for Treatment of Drug Dependency	N

Legend:

P = Permitted outright

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S = Subject to approval under the special use procedures section

N = Prohibited use

L(1) = Limited to no more than ten guest units. Special use permit for any facility with more than ten guest units.

L(2) = Limited to a retail sales area of no more than 2,500 square feet without special use approval. No convenience stores or gas stations are permitted. A rural events facility, as defined in section 9-2-1, is permitted only as a special use permit. Refer to section 9-15-26 for regulations governing a rural events facility.

L(3) = Limited to sit down only, no drive up or take out service permitted. Limited to no more than 100 seats and no more than 2,500 square feet of restaurant area.

L(4) = A maximum of one detached residential unit, designed for and occupied by one family only. The structure must be accessory and subordinate to a single-family dwelling and located on a tract of land that is at least ten acres in size, and conforms to the standards outlined in this title. The accessory dwelling structure must: (1) be located entirely in the rear yard of the principal residential structure; (2) have gross square footage that is 50% or less of the habitable square footage of the principal residential structure; and (3) have fewer bedrooms than the principal residential structure.

L(5) = Class "A" Manufactured Homes are not permitted within approved or platted subdivisions of ten or more lots that have a common subdivision scheme on file in the Athens-Clarke County Planning Department, unless 60 percent or more of the existing dwellings are either Class "A" or Class "B" Manufactured Homes. Where permitted, the placement of Class "A" Manufactured Homes shall be subject to the following criteria:

1. The portion of the lot upon which the manufactured home is to be located shall not exceed a slope of ten percent following excavation or fill.
2. The manufactured home shall be multi-sectional, no less than 24 feet in width, and have a minimum enclosed floor area of 1,000 square feet.
3. The manufactured home shall have a roof pitch of a minimum of three feet in height for each 12 feet in width.
4. The manufactured home shall have no metal siding and shall have wood, wood-product, or vinyl siding and composition or metal roofing.
5. The manufactured home shall be placed on an excavated and back-filled foundation, and the foundation shall be fully enclosed.
6. The foundation area of the manufactured home shall be fully skirted in masonry.

L(6) = Refer to section 9-15-19 for regulations governing personal care homes.

L(7) = Temporary special events, as defined in section 9-2-1, are subject to, but not limited to, the following conditions:

1. The boundary of the temporary special event, as described on the approved site plan, shall not be located within 300 feet of any RS (Single-Family Residential) zone or RM (Mixed Density Residential) zone.
2. A temporary special event shall have a duration of not more than 72 consecutive hours, including setup and breakdown of the event.
3. No more than two temporary special events may occur for any one property in each calendar year; a temporary special event shall not occur more frequently than once in a three-month period on the subject property.

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4. Sufficient improved or unimproved off-street parking, to be approved by the Planning Director, with access to be approved by the Department of Transportation and Public Works, shall be provided.
5. All temporary special events shall apply for and obtain, if required, an Athens-Clarke County Special Events Permit per Chapter 6-5 and shall comply with all applicable local, state, and federal regulations.

L(8) = No halfway house is permitted in an "AR neighborhood" as defined in section 9-15-18. Refer to section 9-15-21 for more information concerning halfway houses.

(Ord. of 12-5-2000, § 1; Ord. of 10-7-2003, § 7; Ord. of 12-2-2003, § 1; Ord. of 8-1-2006, § 2; Ord. of 8-1-2006, § 2; Ord. of 4-3-2007, § 1; Ord. of 2-3-2009, § 2; Ord. of 4-5-2011, § 2; Ord. of 12-4-2012, § 3; Ord. of 2-5-2013, § 2; Ord. of 2-4-2014, § 2; Ord. of 8-7-2018(2), § 2 )

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## **Sec. 9-2-1. General.**

For the purpose of this title, those certain words and terms defined herein shall be defined and interpreted as follows. All other words and terms not expressly defined herein shall have their general meaning, as interpreted by the planning director. Appeals of staff interpretations of this title shall be heard as a Type IV Procedure.

*24-hour distribution center:* A distribution facility, frequented by one or more trucks a week between the hours of 11:00 p.m. and 6:00 a.m.

*Acceleration/deceleration:* One or more paved traffic lanes traversing the frontage of a property for the purpose of allowing traffic to accelerate or decelerate outside of higher speed traffic lanes.

*Access:* The ability and right to enter a property.

*Accessory dwelling unit:* A detached residential unit, other than a Class "A" or Class "B" manufactured home, designed for one family only. The structure must be accessory and subordinate to a single-family dwelling (see definition of "dwelling, single-family"), and conform to the standards for the district in which it is located.

*Accessory structure:* A structure on the same lot with, and of a size and nature customarily incidental and subordinate to, the principal structure. Examples of accessory structures include, but are not limited to, the following: detached garages and/or carports; storage structures and/or barns; freestanding greenhouses; aboveground swimming pools and pool houses; tennis courts; satellite dish antennas; freestanding workshops; freestanding decks and gazebos; radio and/or TV antenna structures not attached to the principal structure; paved areas other than driveways and walkways; and property identification signs not associated with or attached to a mailbox.

*Accessory use:* A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

*Active recreation space:* A common area designated on the final plans of a development that is set aside for leisure activities that are usually formal in nature and intended for group participation. Such activities typically require equipment and take place at prescribed places, sites, or fields, including, but not limited to, swimming pools, tennis, volleyball, and basketball courts, and baseball, soccer, or other playing fields. Areas with slopes greater than five percent, wetlands, stormwater detention areas, and/or dense vegetation are not suitable for use as active recreation areas.

*Administrative or research facilities:* A facility used for the management of an enterprise or research and development activities such as improving technologies, developing products and scientific research.

*Advertising sign (billboard):* Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for advertising purposes, except for the name and occupation of the user of the premises or the products primarily sold or manufactured on the premises or noncommercial messages, and having an area of 100 square feet or more. Any signboard carrying a message excepted in this definition which also carries extraneous advertising of 100 square feet or more shall be considered a billboard.

*Agricultural structures:* Structures intended primarily or exclusively for support of an agricultural function, and exemplified by, but not restricted to, barns, silos, water towers, windmills, greenhouses.

*Agriculture:* The production, raising, breeding or maintenance of plants and animals including, but not limited to: forage and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, or goats, game animals, exotics, fish, and any mutations or hybrids thereof, including the breeding and grazing of any or all such species; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nurseries; florals; ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. This does not include the commercial slaughter of poultry, livestock, or other animals.

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Nothing herein shall preclude any person from growing, maintaining or harvesting trees, fruits, vegetables, or florals or other ornamental plants, or the keeping of bees or fish, or the keeping of chickens in accordance with the provisions of Section 9-15-25 as accessory uses to a permitted principal use and for only non-commercial purposes on property in a zoning district in which agriculture is prohibited.

*Alley:* A narrow street, 20 feet or less in width, through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

*Alter:* To modify or change, generally without creating something entirely different.

*Apartment, studio or efficiency:* One room which is designed or intended for occupancy by, or which is occupied by, one family doing its cooking therein or by one or more related persons doing their or their own cooking therein. For zoning purposes, a studio or efficiency apartment shall be regarded as a dwelling unit and a structure containing three or more such apartments shall be regarded as a multiple dwelling.

*Architectural projection:* Eaves, decorative extensions, bay windows having no floor space, or other portions of a structure having no living space nor key structural value.

*Athens-Clarke County:* The Unified Government of Athens-Clarke County.

*Athens-Clarke County Facility:* A public service or facility provided, owned and controlled by Athens-Clarke County.

*Attached single-family:* See "dwelling, single-family attached."

*Auto wrecking yards:* See "junk yards, salvage yards, and auto wrecking yards."

*Automobile and RV sales:* A structure and/or lot dedicated to the retail sale of new or used motor vehicles.

*Bakery:* A place for baking or selling baked goods.

*Bar:* An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

*Basal area:* The combined cross-sectional area of the trunks of all trees on an acre at 4.5 feet above the ground.

*Basic utilities:* Infrastructure services and the structures necessary to provide those services including electricity, natural gas, telephone, water, or sewer. The gross area of these services and associated structures shall not exceed 5,000 square feet. Telecommunications towers, or any structure associated with the operation of a telecommunications tower, are not included under this definition.

*Battery exchange station:* A facility where an electric vehicle with a swappable battery can enter and exchange its depleted battery with a fully charged battery through a fully automated process.

*Bed and breakfast facilities:* A detached dwelling in which individual rooms only are rented to transient guests on an overnight basis. No more than 15 bedrooms may be rented on an overnight basis and no more than 30 guests are allowed at one time. Meals may be served only to overnight guests. Additionally, such facilities must meet the criteria outlined in this title.

*Bedroom:* Any room other than a living room, family room, dining room, kitchen, bathroom, closets, or utility room, for the purpose of this title, shall be considered a bedroom. Dens, studies, etc. with or without closets and similar areas which may be used as bedrooms shall be counted as bedrooms for the purposes of this title.

*Block:* The land surrounded by streets and other right-of-way other than an alley, or land which is designated as a block on any recorded subdivision map.

*Board:* The hearings board of Athens-Clarke County, Georgia.

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***Boarding house or rooming house:*** Any residential structure, supervised or not, used as living and sleeping arrangements for more than four unrelated individuals and up to 15 for periods of one week or more. Tenants may share the common areas of the home and provision for meals may be made, provided cooking is done in a central kitchen and not in individual rooms or suites. For purposes of zoning, a rooming and boarding house shall not be a fraternity or sorority house. If the accommodations are for more than 15 persons, see "dormitory." The landlord shall not provide supervision of person, supervision of medications, assistance with activities of daily living, or nursing services. Otherwise, the home would fall under the requirements for a personal care home or community living arrangement and require a permit by the State of Georgia.

***Bottling plant:*** A manufacturing facility for the bottling of liquids such as water, soft drinks, wine, beer, etc.

***Breezeway:*** A roofed passageway for the purpose of connecting the principal structure to another building or structure.

***Broadcasting or production studios:*** A structure designed for making and transmitting programs for radio or television or for the production/editing of films, videos, commercials, etc.

***Buildable area:*** The portion of a lot remaining and available for construction of a structure or related facilities after required setbacks, yards, and buffers have been provided. Buildable area cannot contain any setback areas, easements, and similar building restrictions, and cannot contain any land that is identified as floodplain areas, riparian buffer areas, except as otherwise provided in this title.

***Building envelope:*** An area within the property boundaries of a lot or space within which a permitted manufactured housing or structure can be placed.

***Building official:*** The official appointed by the Athens-Clarke County Manager and charged with the responsibility of permit and certificate of occupancy issuance.

***Business or trade school:*** A secondary school offering instruction in a professional, vocational, or technical field.

***Business sign:*** An identification sign containing the name of the business or other accessory information located on the same premises.

***Caretaker quarters:*** A dwelling unit which houses an individual or family who is employed by the primary user of the property to guard and protect the property and structure(s) from fire, vandalism, theft, etc. Such structure is not to be used for dwelling purposes other than as a caretaker unit.

***Carport:*** A partially enclosed structure used for the housing of motor vehicles, the property of, and for use only by the occupants of the lot upon which such structure is located. For purposes of zoning, a carport attached to a principal structure shall be regarded as part of that principal structure and not as an accessory structure. A detached carport shall be classified as an accessory structure.

***Cemetery:*** Place or area set apart for interment of the dead; includes not only lots for depositing remains of the deceased, but also pedestrian and vehicular thoroughfares, landscaping, and structures associated with the operation and maintenance of the cemetery.

***Certificate of occupancy:*** A permit issued by the building official indicating that a structure has been constructed in accordance with all codes and that the structure or land is in conformity with provisions of this title or that there has been a legal variance granted as provided by this title.

***Church:*** A structure consecrated to the honor of God or other supreme being or beings for religious purposes; or an assembly of persons united by the profession of the same religious faith, meeting together routinely for religious worship.

***Clustering:*** The process of arranging the total number of residential units permitted on a given property onto 50 percent or less of the gross area of the property.

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*College or university:* An institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees.

*Commercial or commercial use:* Any activity involving the sale of goods or services for profit.

*Commercial incinerator:* Establishments primarily engaged in the collection and disposal of refuse by processing or destruction for profit. Examples would be furnaces or similar devices for the burning to ash of trash.

*Commercial outdoor recreation:* Outdoor commercial uses which by their nature are recreational such as golf courses, driving ranges, miniature golf courses, outdoor swimming pools, tennis courts, basketball courts, and recreational camps.

*Commercial parking lots:* An area devoted to the standing, maneuvering, and circulation of motor vehicles in commercial areas.

*Commission:* The mayor and commission of Athens-Clarke County, Georgia.

*Community garden:* A principal use of a parcel of land involving the cultivation and harvesting of food crops and/or non-food ornamental crops, such as flowers, by an organized neighborhood or non-profit group for personal use, consumption, donation or occasional sale, and meeting the standards outlined in section 9-15 of this title.

*Community service:* A structure or group of structures for a community's governmental, social, educational, and/or recreational activities. Community service facilities include federal, state, county, and local government activities.

*Conditional zoning:* The granting or adoption of zoning for a property subject to compliance with restrictions as to use, size, project design or timing of development stipulated by the Athens-Clarke County Commission to mitigate adverse impacts that could be expected without the imposition of such conditions.

*Condominium:* A type of ownership of attached or detached dwelling units, offices, or other space within a structure, as defined by the provisions of Title 44, Chapter 3, Article III, of the Official Code of Georgia Annotated (O.C.G.A. § 44-3-70 et seq.) in which each unit is independently owned and financed by the occupant but in which all lands are commonly owned.

*Conservation subdivision:* Subdivision of more than two lots in which a minimum of 50 percent of the acreage is retained as "open space" and the remaining 50 percent or less is subdivided into individual lots.

*Construction materials sales:* A business involved in the sale of structure supplies and services including lumber, plywood, drywall, siding, windows, molding, cabinets, insulation, etc.

*Convenience store:* A retail store with a floor area of less than 2,500 square feet that sells groceries and may also sell gasoline and/or provide electric vehicle charging stations; does not include automotive service stations or vehicle repair shops. Any retail store that exceeds 2,500 square feet and also sells gasoline shall be considered as a "quick vehicle servicing" use as defined in this chapter.

*Corner lot:* See "lot, corner."

*Coverage, lot or site:* Total area of all structures, paved driveways, or other soil disturbances that will not allow normal water infiltration. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site. Landscaping shall not be deemed part of the lot or site coverage.

*Critical root zone:* The circular area above and below the ground around the trunk of a tree with a radius equivalent to the distance to the dripline, or 1.5 feet for every inch in trunk diameter at 4.5 feet above the ground, whichever is greater.

*Day care:* A public or private facility operated for the supervision and care of three or more unrelated individuals less than 24 hours per day, without transfer of legal custody, whose parents or guardians do not reside at the place of business.

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*Decibel (dB):* The physical unit commonly used to measure noise levels; the unit of level such as the sound pressure level.

*Deed restrictions/private covenants:* Private stipulations usually pertaining to residential subdivisions which govern lot size, minimum floor area, uses permitted and, in some instances, architectural design. These may be stricter than provisions included in this title.

*Dense evergreen foliage:* A large quantity of vegetation per unit of area which retains its leaves throughout the year and of such opacity as to block one's vision through it.

*Density:* The quantity of an item per unit area; for example, the number of dwelling units per gross area or, for certain multi-family uses within this title, the number of bedrooms in a multi-family dwelling per gross area.

*Diameter breast height (dbh):* The outside diameter of the trunk of a tree, measured four and one-half feet above ground level.

*Disc antenna:* A device incorporating a reflective surface that is solid, open mesh, or bar configured and is the shape of a shallow dish, cone, horn, or cornucopia. Such devices may be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition includes, but is not limited to, satellite earth stations and microwave antennas.

*District:* An area, region, or section with a distinguishing character; i.e., a zoning district.

*Dormitory:* A building or space in a building in which group sleeping accommodations are provided for more than 15 unrelated persons in one room or a series of closely associated rooms under joint occupancy and single management, with or without meals, but without individual cooking facilities. If the accommodations are for fewer than 15 persons, see "boarding house and rooming house."

*Double frontage lot:* See "lot, double frontage."

*Drainage systems:* Physical provisions to accommodate and regulate stormwater runoff to preclude excessive erosion and sedimentation and to control and regulate the rate of flow.

*Drip line:* A line extending down to the ground from the greatest horizontal extent of a tree's branches, more or less forming a circle around the tree.

*Drive-through use:* A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a quick vehicle servicing use or other retail sales and service use. Examples include, but are not limited to, drive-through windows, menu boards, car wash facilities, and quick lube or quick oil change facilities.

*Driveway:* An access way serving a single dwelling unit or parcel of land, and no greater than 50 feet travel distance in length. A flag drive serving a flag lot shall not be a driveway. Single dwelling or parcel accesses greater than 50 feet in length shall be considered as a flag drive, and subject to all of the development requirements thereof.

*Driving surface:* A paved access capable of supporting up to 44,000 pounds gross vehicle weight. Surface to be of minimum width as required by ordinance. Width shall be increased on turns where necessary to ensure fire apparatus remain on a paved surface during travel.

*Drug rehabilitation center or other facility for treatment of drug dependency:* A structure or land used for therapy or rehabilitation for substance-dependent individuals.

*Duplex:* See "dwelling, two-family."

*Dwelling:* A structure or portion thereof which is designed or used exclusively for residential purposes, including single-family, two-family, multifamily dwellings, rooming and boardinghouses, fraternities, sororities, dormitories, manufactured homes, and modular dwellings, but not including hotels or motels.

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*Dwelling, loft:* A residential unit located on the second floor or higher of a structure whose first and primary use is nonresidential. A loft shall contain no more than two units and shall be treated as a multifamily unit for purposes of parking and minimum floor area.

*Dwelling, manufactured home:* A structure transportable in one or more sections that is built on a permanent chassis and designed to be used as a dwelling unit with or without permanent foundation when connected to the required utilities and has plumbing, heating, air conditioning, and electrical systems contained therein. When a manufactured home is erected in a manufactured housing park, it may be a Class "A" or "B" manufactured home but when erected on any other site it must be a Class "A" manufactured home.

*Dwelling, manufactured home, "Class A":* A dwelling unit fabricated in an off-site facility for installation or assembly at the structure site, bearing a label certifying it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards and meeting other development standards outlined in this title.

*Dwelling, manufactured home, "Class B":* A dwelling unit fabricated in an off-site facility for installation or assembly at the structure site, bearing a label certifying it is constructed in compliance with Federal Manufactured Home Construction and Safety Standards, but does not satisfy the criteria necessary to qualify the house as a Class "A" manufactured home.

*Dwelling, modular:* A modular home is a factory-fabricated, transportable structure consisting of units designated to be incorporated at a structure site on a permanent foundation into a structure to be used for residential purposes. For purposes of this title, a modular home is permitted anywhere a detached single-family structure is permitted.

*Dwelling, multifamily:* A structure or portion thereof providing complete independent living facilities for three or more dwelling units, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*Dwelling, single-family:* An attached or detached residential unit other than a Class "A" or Class "B" manufactured home, hotel or motel, located on a single lot functioning as the only residential unit and designed for and occupied by one family only.

*Dwelling, single-family attached:* A single family dwelling attached to at least one other single family dwelling by a common vertical wall functioning as the property line, with each dwelling located on a separate lot.

*Dwelling, townhouse:* A type of dwelling that is one or more stories in height which has outside, individual front and rear entrances, is separated from other dwellings by fire-rated common walls extending from the foundation to the roof decking, and is part of a contiguous group of at least three but not more than ten such townhouses, and shall be considered a multifamily structure.

*Dwelling, townhouse, fee simple:* A townhouse unit, as defined above, that has the common wall or walls between it and the adjoining townhouse unit or units as its property line, that has individual meters for all utilities, that has access to a public street, and meets the standards outlined in this title.

*Dwelling, two-family:* A detached residential structure containing two dwelling units, designed for occupancy by not more than two families living independent of each other.

*Dwelling unit:* One room, or rooms connected together, constituting a separate, independent housekeeping establishment, containing independent cooking, sleeping and toilet facilities and which are physically separated from any other dwelling units which may be in the same structure.

*Easement:* A grant of the right to use a strip of land for specific purposes.

*Electric vehicle charging station:* A public or private parking space that is served by electric vehicle supply equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery in an electric vehicle.

*Elementary school:* A school established for grades 1-5 but that may also include a kindergarten.

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*Equestrian facilities:* A structure or area for horseback riding activities including boarding, training, lessons, and shows.

*Fabricating:* The process of assembling using standardized parts.

*Family:* Two or more persons residing in a single dwelling unit where all members are related by blood, marriage, or adoption up to the second degree of consanguinity, or by foster care. For the purposes of this definition, "consanguinity" means only the following persons are related within the second degree of consanguinity: Husbands and wives, parents and children, grandparents and grandchildren, brothers and sisters, aunts and uncles, nephews and nieces, and first cousins. For the purposes of this definition, a person shall be considered to reside in a dwelling unit if he or she stays overnight in a dwelling unit for more than 30 days within a 90-day period. The term "family" does not include any organization or institutional group. For regulations see section 9-15-18.

Any nonconforming use created by the adoption of this definition of "family" which was a legal use at the time of adoption shall be permitted to continue through July 31, 2002. After which date, the use of such dwelling shall be in compliance herewith. Any use established prior to or subsequent to the adoption of this definition of "family," which use did violate and continues to violate the standards of this chapter, is illegal, not nonconforming, and shall be handled in accordance with section 9-22-8 (Enforcement—Penalties).

*Family day care homes:* A place in which care is given in a family home for three to six children, which number would include the operator's own preschool age children, for more than four hours and less than 24 hours per day. Outdoor play area shall be enclosed on all sides to a height of at least four feet by a fence. The principal structure of such use shall meet yard requirements (setbacks, lot size) in the district in which it is located.

*Fast food restaurant:* A drive-through restaurant serving food from an ordering counter. Food can either be consumed on or off of the premises.

*Fence height:* The height of a fence measured from the finish grade to the highest point of the fence structure.

*Fence, semi-open:* A fence that is 40 to 80 percent permeable to light and air when viewed perpendicular to the plane of the fence.

*Flag lot:* See "lot, flag."

*Floor area:* The floor area is the gross horizontal area of the one or more floors of a structure, excluding interior parking spaces. Residential floor space shall be exclusive of carport, basement, attic, patios and open porches. Same as "gross leasable floor space."

*Floor area ratio (FAR):* The ratio which is the result of dividing the total floor area of a structure by the area of the lot on which it is located. For example, a structure with a floor area of 20,000 square feet, located on a lot of 40,000 square feet has a floor area ratio (FAR) of 0.5.

*Food processing facilities:* Industrial operations in which raw food is made suitable for consumption, cooking or storage. Such facilities include commercial slaughterhouses for poultry, livestock, or other animals, and egg farms.

*Forested area:* An area which contains more than 100 trees of greater than six inches dbh per acre, and which is more than 70 percent covered in tree canopy at full leaf-out.

*Forested buffer:* An area that is characterized by the dense growth of mature evergreen or deciduous trees. The density of this growth is such that views through the buffer area are obscured by the trees and/or understory growth.

*Fraternity or sorority:* Establishments chartered by national, state or local organizations and affiliated currently or in the past with an educational or other institutions to which they relate. Such establishments provide social and recreational facilities primarily for members (with visits by alumni) and may provide lodging and meals.

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For regulatory purposes, student centers operated under the auspices of church, other charitable institutions, or other student organizations shall be construed to fall under the same zoning controls as fraternities and sororities.

*Frequency:* Number of complete oscillations or cycles per unit of time. The unit of frequency often used is the hertz (Hz).

*Front lot line:* See "lot line, front."

*Front yard:* See "yard, front."

*Future development map:* That certain land use plan as described in Section 8-1-4 of the Code of Athens-Clarke County, Georgia. For the purposes of this title, this phrase is intended to be synonymous with the phrase "Future Land Use Map" as found in the rules and regulations of the Georgia Department of Community Affairs, Chapter 110-12-1 of the Official Compilation of the Rules and Regulations of the State of Georgia.

*Future street right-of-way:* Proposed or potential rights-of-way that need protection from future development so as to allow the widening of a road without destroying the principle structure or use of the property. The widths of such future rights-of-way shall be determined by either the transportation plan or an approved right-of-way plan. If not indicated on either one, widths shall be determined by the table listed within each zoning classification.

*Garage, private:* A structure for the private use of the owner or occupant of a principle structure for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

*Garage sale:* A temporary activity conducted on the premises of a private residence for the purpose of disposal of goods or belongings of the residents of the dwelling. Such activity shall have a duration of not more than two days, nor shall it occur more than twice within any 365-day period. Such activity shall not be accompanied by any off-premises signage. For the purposes of this title, "garage sales" shall not be considered a commercial activity.

*General business:* Commercial uses providing a wide range of retail goods and services to meet the needs of a large segment of the community.

*Grade or ground level:* The average of the finished ground level at the center of all walls of the structure. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

*Gravel pit:* An open land area where sand, gravel, and/or rock fragment are mined or excavated for sale or off-site use. Gravel pit includes sifting, crushing, and washing as part of the primary operation. To excavate the rock, blasting also may be necessary.

*Grocery store:* A retail store that sells food, beverages, and other household implements and supplies, but does not sell gasoline.

*Gross acreage:* The total acreage of a lot prior to making site improvements.

*Gross leasable floor space:* The floor area is the gross horizontal area of the one or more floors of a structure, excluding interior parking spaces. Residential floor space shall be exclusive of carport, basement, attic, patios and open porches. Same as "floor area."

*Ground coverage:* The area of a lot occupied by all structures and parking expressed as a percentage of the gross area of the lot. Driveways should not be included in the percent coverage but parking pads or areas, porches, decks, patios, pools, tennis courts, sheds, walkways and other accessory uses shall be included.

*Ground level:* See "grade or ground level."

*Group home:* See definition of "personal care home."

*Guest house:* Accessory structure to a single-family dwelling provided there are no kitchen cooking facilities in the guesthouse.

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*Half street:* See "street, half."

*Halfway house:* A group facility occupied and used for the business purpose of providing transitional offender rehabilitation or similar purposes, whether for profit or nonprofit, and whether or not required to have a state or federal permit, provided that the majority of the residents shall meet one of the following criteria:

- (1) On parole or probation, or has been ordered to reside in such type of facility as a condition of parole or probation; or
- (2) Has been convicted of a felony and has completed his or her sentence; or
- (3) Has been convicted of a criminal offense and has been ordered to reside in such type of facility as part of the criminal sentencing.

*Heavy manufacturing:* Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions that include, but are not limited to, smoke, steam, noise, soot, dirt, vibration, odor, or any other by-product of the manufacturing process that is known to be detrimental to the human or natural environment. These activities may involve outdoor operations as part of their manufacturing process. Heavy manufacturing uses include, but are not limited to, storage of petroleum products, concrete or cement fabrication where raw materials and finished products are stored outside, pulpwood processing, asphalt manufacturing, landfills, recycling processes, outdoor storage of solid waste, and other uses similar in nature.

*Height of structure:* See "structure, height of."

*Heritage trees:* Trees greater than 150 years of age as determined by planting or other records or an arborist's or forester's opinion. In general, the following size specifications apply when identifying heritage trees: trees greater than 18 inches in diameter for small-sized trees, 24 inches in diameter for medium-sized trees, and 36 inches in diameter for large trees. Heritage trees may also be those of an unusual or exceptional species, form, or character; trees that are part of an historic or neighborhood-wide planting project that affect the greater landscape beyond the property on which they grow; or tree associated with an historic event, person, or community landmark.

*Hertz:* Unit of frequency equal to one cycle per second.

*High school:* A school established for grades 9—12 or 10—12.

*Home occupation:* An occupation commonly carried on within a residential dwelling by the residents occupying the dwelling, secondary to the residential use, and subject to the requirements of this title.

*Homeowners' association:* A homeowners' association is an organization formed for the maintenance and operation of the common areas of the development. The membership in the association must be automatic with the purchase of a dwelling unit or other property in the planned development. The association's principal source of funds shall be an assessment levied against each dwelling unit or other property, which assessment shall be enforceable as a lien against the property.

*Horticulture:* The cultivation of row crops, a garden, or an orchard for noncommercial purposes.

*Hospital:* An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

*Hostel:* Any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed or maintained under the sponsorship of a non-profit organization which holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended.

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***Hotel:*** A facility offering transient lodging accommodations to the general public at a daily rate or weekly rate for a period of continuous guest occupancy not to exceed 30 days, and providing additional services, such as restaurants, meeting rooms, and recreational facilities. Guest quarters are accessible through a main entrance and by hallways.

***Indoor recreation:*** Indoor commercial uses which by their nature are recreational. Examples include bowling alleys, skating rinks, health clubs, racquetball courts, indoor swimming pools, video arcades, pool halls, etc.

***Industrial or industrial use:*** An activity related to the manufacture, production or storage of products to be transported elsewhere for retail sale.

***Inoperative vehicle:*** Any motorized vehicle incapable of immediately being driven.

***Institutional or institutional use:*** A non-profit or quasi-public use, such as a religious institution, private school, hospital, medical center, nursing home, cemetery, as well as the ancillary uses directly affiliated with these institutional uses.

***Interior lot:*** See "lot, interior."

***Intermediate care facilities:*** A convalescent home or other recuperative facility for use by persons subsequent to hospital confinement, who are not yet ready to resume home life.

***Junk yards, salvage yards, and auto wrecking yards:*** A place where waste, discarded or salvaged metals, structure materials, paper, textiles, used plumbing fixtures, used vehicles or equipment in inoperative condition, or similar items are bought, sold, exchanged or stored, baled or cleaned.

***Kennels:*** Facility for the boarding (overnight) of domestic animals, usually limited to dogs and cats. Breeding and training of dogs and cats and the sale to the public of puppies and kittens is classified as a kennel activity.

***Land disturbing activity:*** Alteration of the land surface by:

- (1) Any grading, scraping, excavating, dredging, transporting or filling of land;
- (2) Any clearing of vegetation;
- (3) Any construction, rebuilding, or alteration of a building, road, driveway, parking area, or other structure, not including routine maintenance such as painting, repair, or reconstruction of existing structures or surfaces;
- (4) Any substantial activity or use which may result in soil erosion from water or wind and the movement of sediments into waters or lands protected by this title;
- (5) It shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, repairs, additions or minor modifications of an existing single-family dwelling, and the cutting of firewood for personal use.

***Land use plan:*** The Future Land Use Map adopted by the Athens-Clarke County Commission in conjunction with the Athens-Clarke County Comprehensive Plan. For purposes of this title, this phrase is intended to be synonymous with the phrase "future development map."

***Landscape:*** A planted area containing trees, shrubs, and groundcovers providing a transition between structures on a site and the property line, adjacent structures, and/or street rights-of-way.

***Laundry facilities:*** A commercial laundering establishment which cleans clothing, carpeting, drapes, and other cloth or synthetic fiber materials using a chemical process. Such establishments may also include self-service laundering facilities.

***Light manufacturing:*** Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured materials, or materials fully encapsulated in a sealed container, including but not limited to, jars, cans, drums, or

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other container of a similar nature, to be stored inside. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, steam, noise, soot, dirt, vibration, odor, or any other by-product of the manufacturing process that is known to be detrimental to the human or natural environment. Light manufacturing uses include, but are not limited to, machine shops, manufacturing of apparel, electrical appliances, electronic equipment and computer components, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, food, paper products (excluding the manufacture of paper from pulpwood), medical appliances, tools or hardware, plastic products (excluding the processing of raw materials), pharmaceuticals or optical goods, and any other product of a similar nature.

*Livestock:* Establishments that are primarily engaged in the fattening of livestock in a confined area for at least 30 days, either for their purposes or on a fee or contractual basis for the expressed purpose of slaughter, sale or increasing the value of the livestock. Poultry facilities and egg producing facilities shall be included in this definition.

*Loading space, off-street:* Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, design standards for which are contained in this title.

*Lot:* A unit of land created by a subdivision, which complies with all applicable laws at the time such lots were created.

*Lot area:* The total horizontal area within the lot lines of a lot, said area to be exclusive of street right-of-way.

*Lot, corner:* A lot abutting the intersection of two or more streets other than an alley.

*Lot depth:* The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line except on flag lots, where the depth shall be measured at the midpoint of the main body of the lot and does not include the pole or access portion.

*Lot, double frontage:* A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

*Lot, flag:* Any lot not having standard legal access to an Athens-Clarke County street, and which is provided with access by a driveway parallel to the lot line of a lot having standard access.

*Lot frontage:* That portion of a lot adjacent to a street.

*Lot, interior:* A lot other than a corner lot or a through lot.

*Lot line:* A boundary of a lot. "Lot line" is synonymous with "property line."

*Lot line, front:* In the case of an interior lot, the lot line separating the lot from the street other than an alley. A corner lot shall have one street line considered the front lot line. The narrower street frontage shall be the front lot line except when the planning director determines topographical or access problems make such a designation impractical.

*Lot line, rear:* A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

*Lot line, side:* Any lot line not a front or rear lot line.

*Lot of record:* An individual lot or a lot which is a part of a subdivision, the map of which has been legally recorded in the office of the clerk of the superior court of Athens-Clarke County, Georgia; or a parcel of land the deed of which has been recorded in the office of the clerk of the superior court of Athens-Clarke County.

*Lot, reversed corner:* A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

*Lot, through:* An interior lot having frontage on two parallel or approximately parallel streets other than alleys. Such a lot shall have one front yard fronting on the primary public street.

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***Lot width:*** The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line. The lot width shall be measured beginning at the front lot line, except for lots entirely fronting turnaround areas of cul-de-sacs, where the lot width shall be measured at the minimum required front setback line.

***Major event entertainment:*** A structure or area with a capacity of greater than 1,000 seats for public performances and sporting events. Major event entertainment facilities include movie theaters, concert halls, stadiums, and arenas.

***Manufacture of non-odiferous foods:*** Industrial operations for the manufacturing of non-odiferous foods.

***Manufactured home:*** See "dwelling, manufactured home."

***Manufactured home development:*** A tract of land that is used, designated, maintained, or held out for rent to accommodate four or more manufactured homes. Manufactured homes located in a manufactured home park are used only to provide living, cooking, and sleeping accommodations; a manufactured home park does not include an automobile or manufactured home sales lot on which unoccupied manufactured homes are parked for inspection or sale.

***Map:*** A diagram or drawing of a partition or subdivision or any other land use or land development matter.

***Mechanical equipment:*** Equipment or devices installed for a use appurtenant to the primary use. Such equipment shall include heating and air conditioning equipment, solar collectors, parabolic antennas, disc antenna, radio or TV receiving or transmitting antennas, and any power generating devices. The following equipment or devices are exempt:

- (1) Private, non-commercial radio and television antennas not exceeding a height of 70 feet above grade or 30 feet above an existing structure, whichever height is greater. No part of such antenna shall be within the yards required by this chapter. A structure permit shall be required for any antenna mast, or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.
- (2) Parabolic antennas under three feet in diameter.

***Medical center:*** A walk-in facility for medical, obstetrical, or surgical care limited to day use only.

***Middle school:*** A school established for grades 6—8 or 6—9.

***Mine:***

- (1) A cavity in the earth from which minerals and ores are extracted; and
- (2) The act of removing minerals and ores.

***Minimum structure separation:*** A required open space between any two structures on the same lot or adjacent lots which are used for nonresidential and multifamily residential purposes.

***Mining:*** The extraction of minerals or earth products, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term *mining* includes quarrying; ground-water diversion; soil removal or dredging; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the mine site as part of a mining activity.

***Modular dwelling:*** See "dwelling, modular."

***Mortuary:*** A place in which dead bodies are kept until burial.

***Motel:*** A structure or group of structures on the same lot containing individual guest units for rental to transients, with separate exterior entrances, and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities.

***Multifamily:*** See "dwelling, multifamily."

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***Node:*** Crossing or convergence of intersecting roadways, concentrations of a particular use in close proximity to one another in a well-defined geographic area, or other significant destination along a given roadway.

***Nonconforming use or structure:*** Any structure or use of land lawful at the time of passage or amendment of this title which does not conform, after the passage or amendment of this title, with the regulations of the district in which it is located.

***Nursery:*** See "day care."

***Nursing home:*** A home for the aged, chronically ill, or incurable persons who are unable to care for themselves and in which three or more persons not of the immediate family are kept or provided with food and shelter or care for compensation; but not including hospitals, clinics, or other similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

***Off-street loading space:*** See "loading space, off-street."

***Official map:*** A map officially adopted by the governing body of Athens-Clarke County, Georgia.

***Official zoning map:*** A map officially adopted by the governing body of Athens-Clarke County that illustrates the various zoning districts of Athens-Clarke County, Georgia.

***Open space:*** A common area designated on the final plans of the development, permanently set aside for the common use of the residents of the development and, if so designated, for the use of the community as a whole. The open space may be landscaped and/or left with natural vegetative cover, and in which area no thoroughfares, parking areas, or improvements other than recreational facilities or specifically permitted underground utilities are located. This definition shall apply to all developments except conservation subdivisions, which shall use the definition for "*Open space, conservation subdivision*" provided herein and in Chapter 9-14A.

***Open space, conservation subdivision:*** As required in conservation subdivision development, open space is defined as the portion of the conservation subdivision that has been set aside for permanent protection for the common use of the residents of the development and, if so designated, for the use of the community as a whole. The land designated as open space shall be in single ownership, and shall not be divided among any number of the constituent developable lots of the subdivision. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument and are subject to the terms of this chapter. The permitted and prohibited uses, and permanent protection and management, of this open space shall comply with the terms of Chapter 9-14A.

***Outdoor storage:*** The storage of especially large quantities of materials or products associated with an industry or business. Such storage will often require a structure designed for and/or devoted to the containment of the item, such as oil storage tank or grain elevator.

***Parking, principal use:*** A lot of record devoted to the parking of motor vehicles as its main or primary use. Such use may include electric vehicle charging stations.

***Parking space:*** A rectangle not less than 18 feet long and nine feet wide together with access and maneuvering space sufficient to permit a standard automobile to be parked within the rectangle without the necessity of moving other vehicles, said rectangle to be located off of the street right-of-way.

***Parking tandem:*** Parking spaces that are arranged one behind another. Each parking space shall meet the dimension requirements of a full-size car on a one-way aisle.

***Parks and open areas:*** An area free of structures, parking, paved areas, and other uses, the purpose of which is to provide a balanced relationship between buildable area and lot size. Such area can be utilized for active or passive recreational pursuits or for the enhancement of lot aesthetics. Includes botanical and zoological gardens.

***Passive recreation space:*** A common area designated on the final plans of a development permanently set aside for the use by the residents and/or the public that accommodates activities such as walking, jogging, biking, sitting, picnicking, and any activity that does not require improved structures or formal recreation fields. Areas

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with slopes greater than 15 percent, wetlands, stormwater detention areas, and/or dense vegetation are not suitable for use as passive recreation areas.

*Peak particle velocity:* Unit of measurement that identifies, in inches per seconds, the rate of speed in which particles suspended in water are moving.

*Pedestrian path:* A graded, cleared way for individuals who travel on foot. When located along any improved street or parking area, these paths shall be adjacent to the curb at curb level.

*Pedestrian way:* A right-of-way for pedestrian traffic.

*Permitted use:* That use of a lot which is among the uses allowed as a matter of right under the zoning classifications.

*Person:* An individual, firm, partnership, association, corporation, estate, receiver, syndicate, branch of government, social or fraternal organization, or any other group or combination acting as a legal entity, and including any trustee, assignee, or other representative thereof.

*Personal care home:* A profit or nonprofit facility, home, or structure for the protective care of two or more persons, who need a watchful environment, but do not have an illness, injury, or disability, which requires chronic or convalescent care, including medical and nursing services. Protective care and watchful oversight includes, but is not limited to, a daily awareness by management of the residents' whereabouts, the asking and reminding of residents of their appointments for medical checkups, the ability and readiness of management to intervene if a crisis arises for a resident, and supervision by management in areas of nutrition, medication, and actual provision of transient medical care, with a 24-hour responsibility for the well-being of residents of the facility. For regulations governing "personal care homes" see section 9-15-19 of this title. Personal care homes shall be classified in one of the following ways:

- (1) Individual: Two to three clients
- (2) Family: Four to six clients
- (3) Group: Seven to 15 clients
- (4) Congregate: Sixteen or more clients

*Planned development:* A development on land under unified control according to comprehensive plans and a single development plan for uses and structures related to the character of the district with a program for operation and maintenance of common areas.

*Planning action:* Any action requiring review in accordance with the provisions of section 9-4-2 of this title.

*Planning commission:* The Athens-Clarke County Planning Commission.

*Planning staff:* The staff of the Athens-Clarke County Planning Department.

*Plat:* A diagram, drawing or re-plat containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

*Prescribed grazing:* The application of sheep or goats as a landscape management technique to control invasive or unwanted plant species at a specific location and specific intensity for a defined length of time. For purposes of this section, goats and sheep used for prescribed grazing purposes are not considered to be livestock or agriculture uses.

*Principal structure:* See "structure, principal."

*Printing/publishing:* An establishment where printed material is produced, reproduced and/or copied by either a printing press, photographic reproduction techniques, or other similar techniques.

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*Private access drive:* A drive serving as the exclusive access for not more than two landlocked parcels of land, which is not owned or maintained by Athens-Clarke County. Private easements cannot be used to meet the right-of-way requirement.

*Private garage:* See "garage, private."

*Private street:* A street which serves several lots over which the general public has no right of use as opposed to a driveway which is meant to serve one lot.

*Private way:* A private easement or ownership established by deed for vehicular access to property.

*Professional services and offices:* Offices used for the conduct of business-related activities, excluding the sale of merchandise or storing of merchandise on the premises.

*Public street:* A street which is owned and/or maintained by Athens-Clarke County.

*Quarry:* A mine where rock, ore, stone, and similar materials are excavated for sale or for off-site use. Quarry includes rock crushing, asphalt plants, the production of dimension stone, and similar activities.

*Quick vehicle servicing:* A business providing service to the motoring public. Such uses can include gasoline sales, electric vehicle charging stations, battery exchange stations, light repair, tune-ups, and oil changes to automobiles or light trucks. No overnight outside storage of any automobiles or materials, such as tires, auto parts, etc., is allowable. The sale of motor vehicles shall be prohibited.

*Rear lot line:* See "lot line, rear."

*Rear yard:* See "yard, rear."

*Recreational vehicle:* A motorized vehicle, designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than wheels or jacks.

*Recreational vehicle park:* A parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes, or temporary parking of any other recreational vehicle that is not a manufactured home.

*Reserve strip:* A nonpermanent dead-end street intended to be extended in conjunction with the subdivision and development of the adjacent undeveloped land. Also known as a street stub or a street plug.

*Residential or residential use:* Any activity, as contrasted with commercial and industrial activities, which involves the peaceful, private conduct of pursuits related to the living environment.

*Restaurant:* An establishment that prepares and serves food to customers at least one meal per day and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food. For the purposes of this title, this definition may include sit-down, fast food, drive-through, and drive-in facilities.

*Retail sales and service:* A business established for the sale of goods or services to consumers, usually in small quantities (as opposed to wholesale). Gasoline sales are not included in this definition.

*Retaining wall:* A wall or terraced combination of walls used at a grade to change or hold soil or other earth material at a higher position. Retaining walls may be attached to or independent from other structures, but do not include the foundations of structures or buildings.

*Reversed corner lot:* See "lot, reversed corner."

*Right-of-way:* Access over or across a particularly described property for a specific purpose.

*Rural events facility:* A facility located on land zoned AR (Agricultural Residential) that provides a commercial facility for use by various private groups, not exceeding 300 persons, for meetings, weddings, receptions, and other similar events.

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*Sales of products grown on-site:* Roadside stands or other temporary structures constructed for the sale of agricultural or horticultural products raised substantially on the premises.

*Salvage yards:* See "junk yards, salvage yards, and auto wrecking yards."

*Sand pit:* A surface mine or excavation used for the removal of sand, gravel, or fill dirt for sale or for use off-site.

*Sanitary landfills:* A system of trash and garbage disposal in which the waste is buried between layers of earth.

*Satellite earth stations:* Are considered to be accessory structures and are defined as a combination of:

- (1) An antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources;
- (2) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals;
- (3) A coaxial cable whose purpose is to carry the signals into the interior of the structure; and
- (4) The station must be located to the side or rear of the structure unless a usable satellite signal cannot be obtained; in which case, the property owner may request a variance from the requirement through the hearings board. Ground-mounted stations shall be no more than ten feet above the maximum height requirement of the district in which they are located.

*Scrap metal processor:* One who, from a fixed location, utilizes machinery and equipment for processing and manufacturing iron, steel or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap for sale for remelting purposes.

*Screening:* The establishment of an opaque fence or barrier for the purpose of obscuring from sight a use.

*Self-service storage:* A structure or portion thereof used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals.

*Semi-public halls, clubs or lodges:* A structure or facility owned or operated for special educational or recreational purposes, but not primarily for profit or to render a service that is customarily carried on for gain, not including fraternity or sorority.

*Setback line:* The minimum required distance from the street right-of-way line or any other property line that the principal structure must observe.

*Shopping center:* A group of commercial establishments planned, developed, and managed as a unit, related in location, size and type of shops to the trade area that the unit serves, and providing on-site parking.

*Short-term vacation rental: An accommodation for transient guests where, in exchange for compensation of any type or amount, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude group personal care homes or other lodging uses which are provided incidental to other services, such as health care. This is also identified as "STVR". This shall exclude bed and breakfast accommodations as they are currently defined by this Section.*

*Side lot line:* See "lot line, side."

*Side yard:* See "yard, side."

*Signs:* Any device designed to inform or attract the attention of the public.

*Single-family dwelling:* See "dwelling, single-family."

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*Sorority house:* See "fraternity or sorority house."

*Special use:* A use which is not automatically permitted by right, but which may be permitted within a zoning district subject to meeting specific conditions contained in this title.

*Stable, private:* A stable with a capacity of not more than two horses, mules or other draught animals.

*Stable, public:* A stable, other than a private stable, with a capacity of more than two horses or mules or other draught animals.

*Stand inventory:* An inventory of trees in a forest stand or woodland to determine their frequency (number of trees) by species and dbh (by two-inch classes); inventory methods may include measuring only a sample (a certain percentage of the trees) or all trees (100 percent inventory). When only a sample is taken the total number of trees by species and diameter is calculated by expanding the sample data statistically to estimate the total per acre and then multiplying by the number of acres in the stand or woodland.

*Stand table:* A table summarizing information obtained during a stand inventory regarding the total number of trees in the forest stand or woodland by species, diameter, and basal area. For Athens-Clarke County purposes, a stand table shall be prepared by a registered landscape architect or a registered forester and shall include an estimate of the number of trees by species and by two-inch dbh (diameter at breast height) classes using standard, professionally accepted sampling methods.

*State waters:* Includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

*Story:* That portion of a structure included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling above it; provided, that a room, suite, or story with more than one-half of its height below grade shall not be considered a story for the purposes of height regulations.

*Street:* A public right-of-way for roadway, sidewalk, and utility installation including the terms "road", "highway", "land", "place", "avenue" "alley", or other similar designations. The entire width between the right-of-way lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic. Various classifications of streets shall be defined as follows:

- (1) *Arterial:* A street which is used as a direct connection between nodes.
- (2) *Major collector:* A street which carries traffic from activity centers and minor collector streets to arterial streets and streets of higher classification.
- (3) *Minor collector:* A street which carries traffic from residential collectors and local streets to major collectors and arterial streets.
- (4) *Residential collector:* Principal entrance streets to subdivisions and the main streets for circulation within a subdivision which serve a network of four or more local streets. Residential collector streets are designed so that traffic circulation in a subdivision would cause such a street to be used as a link between local streets and major collector or arterial streets.
- (5) *Local:* A street used primarily in residential subdivisions for access to abutting properties as opposed to the collection and dispersion of traffic.

*Street, cul-de-sac:* A short dead-end street terminated by a vehicle turnaround.

*Street, half:* A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

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*Street, marginal access:* A minor street parallel and adjacent to a major arterial street providing access to abutting properties but protected from through traffic.

*Street frontage.* That portion of a lot contiguous to a street.

*Structure:* Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind. That which is built or constructed; an edifice or structure of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on, in, or above the ground or which is attached to something having a location on, in or above the ground.

*Structure envelope:* An area, within the property boundaries of a parcel, within which a permitted structure can be placed.

*Structure, overall height of:* The vertical distance between the proposed average finished grade and the proposed average roof elevation. The average roof elevation shall be measured at the highest point of the coping of a flat roof or the deck line of a mansard roof, or at the midpoint between the highest eave and the highest ridgeline elevations for pitched or hipped roofs. The proposed average finished grade shall be measured as the arithmetic mean of the finished grade elevations taken at each corner of the building footprint. Any height limitation of this title shall not apply to church spires, belfries, cupolas and domes not intended for human habitation, monuments, water towers, silos, chimneys, rooftop mechanical equipment, elevator equipment housing, flag poles, except as may be limited in the "A" Airport overlay zone.

*Structure, true elevation height of:* The vertical distance between the proposed average finished grade and the highest point of the vertical plane. When used to determine a setback, the architectural elevations facing an associated lot line shall be used to determine the setback from that lot line. The proposed average finished grade associated with the architectural elevation being measured shall be measured as the arithmetic mean of the finished grade elevations taken at each corner of that architectural elevation. Any height limitation of this title shall not apply to church spires, belfries, cupolas and domes not intended for human habitation, monuments, water towers, silos, chimneys, flag poles, except as may be limited in the "A" Airport overlay zone.

*Structure line:* A line on a plat indicating the limit beyond which structures or structures may not be erected. Similar to building envelope.

*Structure, principal:* A structure in which is conducted the main or principal use of the lot upon which such structure is situated. Structures which are attached to the principal structure, either directly by complete and heated enclosure or by a breezeway not to exceed 15 feet in length, shall be considered part of the principal structure.

*Structural alteration:* A change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams or girders, or the roof.

*Subdivide land:* To divide an area or tract of land into lots.

*Subdivision:* An act of subdividing land or a tract of land into lots.

*Surface mining:* Includes, but is not limited to, any activity consisting all or parts of a process for the removal of minerals, ores, earth products, and other solid matter for sale or for processing or for consumption in the regular operation of a business.

*Swale:* A broad linear depression, ditch-like, grassed, and designed to carry runoff water.

*Temporary structure:* A structure without any foundation or footings which is attached to the ground or other structure in some nonpermanent fashion. Temporary structures shall require a permit from the building inspection department and shall be removed from the site when the designated time period, activity, or use for which the temporary structure was established has ceased, but not exceeding 90 days in duration unless an extension is obtained from the building inspection department upon just cause. For the purposes of this title,

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temporary structures shall not be classified by definition as accessory structures. Temporary structures shall be approved by staff permit, with such conditions as the planning staff deems necessary in light of the standards associated with the underlying zoning.

*Temporary special events:* A temporary public performance, festival, meeting, sporting event, or similar activity, which is not part of the normal use of the subject property and which is not otherwise permitted on the site.

*Temporary use:* A short-term, seasonal, or intermittent use. Such use shall be approved by staff permit, with such conditions as the planning staff deems necessary in light of the standards associated with the underlying zoning. Temporary uses are granted for 90 days, with the option for a one-time renewal not to exceed an additional 90 days. This definition shall apply to all temporary uses except "Temporary special events" provided herein.

*Theaters:* A structure, portion of a structure, or area devoted to the presentation of motion pictures, concerts, dramatic, dance, musical, or other live performances.

*Through lot:* See "lot, through."

*Townhouse:* See "dwelling, townhouse."

*Townhouse, fee simple:* See "dwelling, townhouse, fee simple."

*Tract of land:* A unit, or contiguous units, of land under single ownership.

*Trailer:* A non-motorized vehicle, pulled by an automobile or truck designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively.

*Transfer station:* A temporary storage facility for the consolidation and eventual transfer of solid waste to a landfill.

*Two-family dwelling:* See "dwelling, two-family."

*Unbuildable area:* All areas outside of building envelopes and within open space.

*Unified government:* The Unified Government of Athens-Clarke County, Georgia.

*Use:* The purpose or purposes for which land or a structure is designed, arranged, or intended, or to which such land or structure is occupied, maintained, or leased.

*Utility substation:* Facility incorporating minor buildings or fencing relating to power transmission, natural gas, telephone, telecommunications, water, or sewer that are located outside of the right-of-way. Equipment that is located off the right-of-way but that is self-contained (e.g., pad-mounted transformers, cross-boxes, etc.) is not included in this definition, and is allowed in any district and exempt from any requirements listed in chapter 9-17.

*Variance:* A variance is a relaxation of the terms of this title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the title would result in unnecessary and undue hardship, and practical difficulties.

*Vehicle repair:* A business providing vehicle repair and body work to the motoring public. Overnight outside storage of automobiles and materials, such as tires, auto parts, etc., is allowable if not visible from a street and not located either in a front yard or in a side yard abutting a street.

*Veterinary clinic:* Facility for the temporary boarding and treatment of domestic animals, operated under the supervision of a licensed veterinarian.

*Village green:* An open space area available for unstructured recreation that is fronted on the majority of its sides by structures or roadways. Landscaping in such areas shall consist primarily of open lawn with trees and

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landscape beds arranged at the perimeter. Paved pedestrian facilities may be provided along the perimeter of the area, with limited axial pedestrian facilities crossing the area.

*Vision clearance area:* A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines or intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

*Wholesale nurseries:* An area where plants are grown for transplanting, for use as stocks for budding and grafting, or for sale in large quantities for resale purposes.

*Wholesale sales:* A business engaged in the sale of goods in large quantities for resale purposes.

*Wholesale storage and distribution:* The storage and distribution of goods and merchandise produced or manufactured off-premises for later shipment to retail or wholesale distributors.

*Wildlife corridor:* A strip of wildlife habitat of variable width and length that connects two larger parcels of wildlife habitat.

*Wildlife habitat:* The arrangement of food, water, shelter, or cover, and space suitable to animal's needs.

*Yard:* A required open space located on the same lot as the principal structure, unoccupied and unobstructed except for accessory uses and landscaping.

*Yard, front:* A yard extended across the full width of and situated between the front lot line and the principal structure line projected to the side lines of the lot, the depth of which shall be the least horizontal distance between the front lot line and the structure line.

*Yard, rear:* A yard extending across the full width of the lot between the rearmost line of the principal structure projected to the side lines of the lot and the rear lot line, the depth of which shall be the least horizontal distance between the rear line of the principal structure and the rear lot line. In all cases, the rear yard shall be at the opposite end of the lot from the front yard.

*Yard, side:* A yard between the principal structure and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the principal structure. A corner lot shall have one front yard and one side yard.

*Zoning:* The power of local governments to provide within their respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.

*Zoning enforcement officer:* The individual designated by the Athens-Clarke County Manager whose duty it shall be to enforce the provisions of this title.

*Zoning permit:* A permit issued by planning staff stating that a structure has been constructed in accordance with the zoning ordinance and that use of a structure and/or land is in conformity with provisions of this title or that there has been a legal variance granted as provided by this title.

(Ord. of 12-5-2000, § 1; Ord. of 3-6-2001, §§ 1, 2; Ord. of 6-5-2001, § 1; Ord. of 6-5-2001, § 9; Ord. of 9-4-2001, § 1; Ord. of 5-7-2002, § 1; Ord. of 9-3-2002, § 1; Ord. of 7-1-2003; Ord. of 10-7-2003, § 1; Ord. of 12-2-2003, § 1; Ord. of 12-2-2003, § 1; Ord. of 12-2-2003, § 1; Ord. of 10-5-2004, § 1; Ord. of 8-1-2006, § 1; Ord. of 8-1-2006, § 1; Ord. of 2-6-2007, § 1; Ord. of 7-1-2008, § 1; Ord. of 2-3-2009, § 1; Ord. of 4-7-2009, § 1; Ord. of 5-5-2009, § 1; Ord. of 12-7-2010, § 1; Ord. of 4-5-2011, § 1; Ord. of 10-2-2012, § 1; Ord. of 12-4-2012, § 1; Ord. of 2-5-2013, § 1; Ord. of 2-5-2013, § 1; Ord. of 10-1-2013, §§ 1—3; Ord. of 2-4-2014, § 1; Ord. of 6-3-2014, § 1; Ord. of 3-3-2015, § 1; Ord. of 5-5-2015(1), § 1; Ord. of 8-2-2016(2), § 1; Ord. of 2-7-2017(2), §§ 1, 2; Ord. of 7-5-2017(3), §

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1 ; Ord. of 12-5-2017(2), § 1 ; Ord. of 7-3-2018(2), §§ 2, 3 ; Ord. of 7-3-2018(3), §§ 1, 2 ; Ord. of 8-7-2018(2), § 1 ;  
Ord. of 2-2-2021(1), § 1 )

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## Sec. 9-15-16. Home occupations.

The purpose of this section is to permit minimal business practices while maintaining residential character. Such business practices shall not be readily discernible from those activities typically occurring at a solely domestic residence. The following provisions shall apply to home occupations:

- A. *Dwelling.* The occupation carried on within the dwelling unit shall be restricted to the heated floor space and shall not occupy an excess of 25 percent of the heated floor space within the structure. The occupation shall be conducted entirely within the dwelling.
- B. *Restriction on sales.* The occupation shall not involve direct sales on the premises, except in the case of sales which are customarily accessory and incidental to a provided service home occupation. Mail order, on-line sales, or home marketing services with off-premise sales are allowable.
- C. *Employees.* The occupation shall be conducted by those who are living in the residence. Provided, however, that a maximum of one non-resident employee may work on the premises.
- D. *External display of products.* There shall be no external display of products or storage of equipment or any other externally visible evidence whatsoever of the occupation, business or profession.
- E. *Signage.* There shall be no signs on the property advertising the home occupation, except for those on a business-related vehicle.
- F. *Nuisance.* There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the lot line or beyond exceeding a normal residential level.
- G. *Prohibited equipment and materials.* There shall be no chemical, mechanical or electrical equipment on the premises other than that normally found in a purely domestic residence. This includes any chemicals and pharmaceuticals of a type or in volumes not normally found in a domestic residence without a home occupation.
- H. *Parking and business-related vehicles (vehicles either marked or equipped commercially).* No on-street parking of business-related vehicles shall be permitted at any time. No business-related vehicles larger than a van, panel truck, or pickup truck shall be permitted to park overnight on the premises. The number of business-related vehicles on the premises shall be limited to one. No repair or detailing of vehicles owned by non-residents shall be done on the premises.
- I. *Sale of garden produce.* The above-listed requirements of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises within the AR (Agricultural/Residential) District, provided this exception shall not extend to allow the operation of a commercial greenhouse or nursery or the existence of stands or booths for display of such produce.
- J. *Animals.* Except as specifically permitted herein, activities involving live or dead animals, including without limitation kennels, pet sitting or boarding, animal breeding, butchering, and taxidermy are prohibited.
- K. *Medical practice.* No medical practice required to obtain a medical license by the State of Georgia shall be permitted.
- L. *Food service.* No food service regulated by the Department of Health shall be permitted.
- M. *Definition of "on the premises."* "On the premises," as it pertains to home occupations, shall be defined as the actual dwelling structure plus the lot on which such structure is located.
- N. *Permitted home occupations.* Home occupations shall be permitted by staff upon determination that all above criteria have been met.

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O. *Permitted home occupations with limitations or exceptions to specific criteria.* The following specific home occupations are allowed subject, however, to the below-prescribed limitations or exceptions to the general provisions of this section:

1. In-home daycare for no more than six individuals under care at a time, excluding the family members of the resident caregiver, with the allowance to occupy a maximum of 50 percent of the heated floor space within the structure and for outdoor recreational activity.
2. Tutoring of all types for no more than four pupils at one time.
3. Musician's and artist's studio, which may have equipment other than that normally found in a purely domestic residence.
4. Barber and beauty shops. The business shall consist of no more than one beauty/barber chair, and no more than two customers shall be permitted at one time.
5. Cottage food industry with proof of license from the Georgia Department of Agriculture.
6. Animal grooming. No more than two non-resident animals shall be permitted on the premises at one time. No non-resident animals shall be kept overnight.
7. **Short-term vacation rental. Either the principal residential structure or an accessory structure can be utilized as a short-term vacation rental; however, only one structure may be utilized as a short-term vacation rental at any given time. In either case, a portion of the structure or the entirety of the structure can be utilized as a short-term vacation rental, notwithstanding the default limitation that home occupations must only utilize 25 percent of the dwelling.**

P. *Planning Department approval.* It shall be unlawful for a person to operate a home occupation without first obtaining a home occupation permit. A proposed home occupation shall be reviewed and approved by the Planning Department per the standards of this section at the time of the issuance of a business occupation tax certificate. For those home occupations not specifically allowed or prohibited by this section, the planning director may, per the authority granted by Chapter 9-4 of this title, determine whether the proposed home occupation meets the standards of this section.

Q. *Permission of property owner.* An applicant shall be either the property owner of record of the premises on which the home occupation shall be located or a resident who shall have obtained written permission from such property owner, which shall be submitted with the application.

R. *State or federal compliance.* Home occupations shall comply with the more stringent standards and requirements of all applicable local, state, and federal laws.

S. *Parking.* Adequate off-street parking must be provided for the residents, employees, and business visitors.

(Ord. of 12-5-2000, § 1; Ord. of 10-1-2013, §§ 4—14; Ord. of 9-1-2020(1), § 1 )

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## Sec. 9-11-2. Permitted uses.

The following uses and their accessory uses are permitted as follows in these districts:

Zoning Categories	E-O Employment Office	E-I Employment Industrial	I Industrial
<i>Residential Categories</i>			
Agriculture	L(4)	L(4)	L(4)
Single Family Dwellings	L(3)	N	N
Accessory Dwelling Units	L(7)	N	N
Dwellings Above Businesses	N	N	N
Duplexes	P, L(3)	N	N
Personal care homes	N	N	N
Multifamily Dwellings	L(3)	N	N
Class "A" Manufactured Homes	L(3)	N	N
Class "B" Manufactured Homes	N	N	N
Boarding House or Rooming House	N	N	N
Dormitory	N	N	N
Halfway House	N	N	N
Community Garden	P	P	P
<i>Commercial Categories</i>			
Home Occupation	N	N	N
Sale of products grown on site	N	N	N
Hostels	N	N	N
Hotels	P	P	N
Motels	P	P	N
Bed and Breakfast	P	P	N
<u>Short-term Vacation Rental</u>	<u>P</u>	<u>P</u>	<u>N</u>
Retail Sales And Service	L(1)	L(1)	L(1)
Convenience Store	P	P	S
Theaters (less than 1,000 seats)	N	N	N
Restaurant or Bar	L(1)	L(1)	L(1)
Drive-Through Facility	P	P	P
Professional Services and Office	P	P	P
Quick Vehicle Servicing	P	P	P
Vehicle Repair	P	P	P
Auto and RV Sales	P, L(5)	P, L(5)	P, L(5)
Laundry Facilities	P	P	P
Equestrian Facilities	N	N	N

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Commercial Outdoor Recreation	N	P, L(6)	P, L(6)
Indoor Recreation	P	P	N
Major Event Entertainment	S	N	N
Commercial Parking Structures or Lots	P	P	P
Administrative or Research Facilities	P	P	P
Broadcasting or production Studios	P	P	P
Temporary Uses	P	P	P
Temporary Special Event	N	P, L(8)	P, L(8)
<i>Industrial Categories</i>			
Printing/Publishing	L(2)	L(2)	P
Bakeries	L(2)	L(2)	P
Bottling Plants	P	P	P
Manufacture of Non-Odiferous Foods	N	L(2)	P
Food Processing	N	L(2)	P
Light Manufacturing	N	P	P
Heavy Manufacturing	N	N	P
Wholesale Sales	P	P	P
Wholesale Nurseries	P	P	P
Distribution Center	S	P	P
Outdoor Storage	N	P	P
Wholesale Storage & Distribution	N	L(2)	P
Self-Service Storage	P	P	P
Construction Materials Sales	N	P	P
Kennels	S	S	P
Veterinary Clinics	P	P	P
Feed Lots or Slaughterhouses	N	N	S
Junk Yards and Auto Wrecking	N	N	S
Transfer Stations	N	N	P
Sanitary Landfills, Landfills, Commercial Incinerators	N	N	S
Asphalt Plants	N	N	S
Mines, mining, surface mining, quarries, gravel pits, sand pits	N	N	S
<i>Institutional Categories</i>			
Basic Utilities	P	P	P
Community Service	P	P	P

Parks And Open Areas	P	P	P
Churches	P	P	P
Business/Trade Schools	P	P	P
Day Care, Kindergarten, Elementary, Middle, and High Schools	S	S	S
Colleges	P	P	P
Hospital	P	P	S
Nursing Homes	S	N	N
Medical Centers	P	P	N
Cemeteries	P	P	N
Mortuaries	P	P	N
Fraternities or Sororities	N	N	N
Semi-Public Halls, Clubs or Lodges	N	N	N
Drug Rehabilitation Center or Other Facility for Treatment of Drug Dependency	P	P	P

Legend:

P = Permitted outright.

S = Subject to approval under the special use procedures section.

N = Prohibited use.

L(1) = Uses are limited to no more than 10,000 square feet of gross floor area per lot. Shopping centers are not permitted.

L(2) = When within 200 feet of a residential zone, approval of this use is subject to a special use process.

L(3) = Total residential square footage shall not exceed 20 percent of the total square footage of the development. Site design criteria, pursuant to chapter 9-25 included herein, shall apply to residential uses.

L(4) = Agriculture and the keeping of livestock, except swine, is permitted provided that:

1. No livestock shall be kept on any lot less than one acre in area.
2. No more than two head of livestock over the age of six months may be maintained per acre.
3. Barns, stables, and other buildings and structures to house said livestock shall not be located closer than 50 feet to any property line.
4. The property has not previously been developed with a use permitted by an underlying zoning classification other than AR.

L(5) = Parking areas are permitted between the building and the street, provided that landscaping is included adjacent to the street pursuant to sections 9-11-6(D) and 9-30-9(E)(6).

L(6) = Commercial Outdoor Recreation uses that involve overnight accommodations, such as camping and RV parks, are subject to the special use process.

L(7) = A maximum of one detached residential unit, designed for and occupied by one family only. The structure must be accessory and subordinate to a single-family dwelling and located on a tract of land that is at least

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twice the minimum lot size for the district in which it is located, and conforms to the standards outlined in this title. The accessory dwelling structure must: (1) be located entirely in the rear yard of the principal residential structure; (2) have gross square footage that is 50% or less of the habitable square footage of the principal residential structure; and (3) have fewer bedrooms than the principal residential structure.

L(8) = Temporary special events, as defined in section 9-2-1, are subject to, but not limited to, the following conditions:

1. The boundary of the temporary special event, as described on the approved site plan, shall not be located within 300 feet of any RS (Single-Family Residential) zone or RM (Mixed Density Residential) zone.
2. A temporary special event shall have a duration of not more than 72 consecutive hours, including setup and breakdown of the event.
3. No more than two temporary special events may occur for any one property in each calendar year; a temporary special event shall not occur more frequently than once in a three-month period on the subject property.
4. Sufficient improved or unimproved off-street parking, to be approved by the Planning Director, with access to be approved by the Department of Transportation and Public Works, shall be provided.
5. All temporary special events shall apply for and obtain, if required, an Athens-Clarke County Special Events Permit per Chapter 6-5 and shall comply with all applicable local, state, and federal regulations.

(Ord. of 12-5-2000, § 1; Ord. of 5-7-2002, § 2; Ord. of 8-5-2003, § 1; Ord. of 2-3-2004, § 1; Ord. of 8-1-2006, § 9; Ord. of 8-1-2006, § 2; Ord. of 6-3-208, § 1; Ord. of 2-3-2009, § 4; Ord. of 4-5-2011, § 7; Ord. of 12-4-2012, § 9; Ord. of 2-4-2014, § 7)

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## Sec. 9-6-2. Permitted uses.

The following uses and their accessory uses are permitted as provided for in the use table below:

Zoning Districts	IN Institutional
<i>Residential Categories</i>	
Agriculture	N
Single Family Dwellings	L(1)
Accessory Dwelling Units	N
Dwellings Above Businesses	N
Duplexes	N
Personal care homes, individual	L(1)
Personal care homes, family	L(1)
Personal care homes, group	P
Personal care homes, congregate	P
Multi-Family Dwellings	L(1)
Class "A" Manufactured Homes	N
Class "B" Manufactured Homes	N
Boarding House, Rooming House	S, L(1)
Dormitory	S, L(1)
Halfway House	S, L(1)
Community Garden	P
<i>Commercial Categories</i>	
Home Occupation	N
Sales of products grown on site	N
Hostels	N
Hotels	L(1)
Motels	L(1)
Bed and Breakfast	L(1)
<u>Short-term Vacation Rental</u>	<u>L(1)</u>
Retail Sales And Service	L(1)
Convenience Store	L(1)
Theaters (less than 1,000 seats)	L(1)
Restaurant or Bar	L(1)
Drive-Through Facility	L(1)
Professional Services and Office	L(1)
Quick Vehicle Servicing	N
Vehicle Repair	L(1)
Auto and RV Sales	N
Laundry Facilities	L(1)
Equestrian Facilities	L(1)
Commercial Outdoor Recreation	N
Indoor Recreation	L(1)
Major Event Entertainment	L(1)
Commercial Parking Structures or Lots	L(1)
Administrative or Research Facilities	L(1)

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Broadcasting or production Studios	N
Temporary Uses	P
Temporary Special Event	P, L(2)
<i>Industrial Categories</i>	
Printing/Publishing	N
Bakeries	N
Bottling Plants	N
Manufacture of Non-Odiferous Foods	N
Feedlots or Slaughterhouses	N
Food Processing	N
Light Manufacturing	N
Heavy Manufacturing	N
Wholesale Sales	N
Wholesale Nurseries	N
Distribution Center	N
Outdoor Storage	L(1)
Wholesale Storage And Distribution	N
Self-Service Storage	N
Construction Materials Sales	N
Junk Yards and Auto Wrecking	N
Kennels	S
Veterinary Clinics	L(1)
Landfills, Commercial Incinerators, Transfer Stations	L(1)
Transfer Stations	L(1)
Sanitary Landfills, Commercial Incinerators	L(1)
Asphalt Plants	N
Mines, mining, surface mining, quarries, gravel pits, sand pits	N
<i>Institutional Categories</i>	
Basic Utilities	P
Community Service	P
Parks And Open Areas	P
Churches	P
Business/Trade Schools	P
Day Care, Kindergarten, Elementary, Middle, and High School	P
Colleges	P
Nursing Homes	P
Hospital	P
Medical Centers	P
Cemeteries	P
Mortuaries	S
Fraternity or Sorority	S, L(1)
Semi-Public Halls, Clubs or Lodges	S, L(1)
Drug Rehabilitation Center or Other Facility for Treatment of Drug Dependency	P, L(1)

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Legend:

P = Permitted outright

S = Subject to approval under the special use procedures section

N = Prohibited use

L(1) = Permitted support uses or structures owned or operated by, leased by or to, or otherwise controlled by, the institutional user, which directly provide service to the institution and its patrons, and when such support use or structure is physically integrated into the physical plan of this institution. This provision shall include, but not be limited to leasing of office space by a hospital or health care facility to independent physicians or other health care providers. Residential uses must be owned or operated by the institutional user with a primary use other than residential. Refer to section 9-15-19 for regulations governing personal care homes. Refer to section 9-15-21 for more information concerning halfway houses.

L(2) = Temporary special events, as defined in section 9-2-1, are subject to, but not limited to, the following conditions:

1. The boundary of the temporary special event, as described on the approved site plan, shall not be located within 300 feet of any RS (Single-Family Residential) zone or RM (Mixed Density Residential) zone.
2. A temporary special event shall have a duration of not more than 72 consecutive hours, including setup and breakdown of the event.
3. No more than two temporary special events may occur for any one property in each calendar year; a temporary special event shall not occur more frequently than once in a three-month period on the subject property.
4. Sufficient improved or unimproved off-street parking, to be approved by the Planning Director, with access to be approved by the Department of Transportation and Public Works, shall be provided.
5. All temporary special events shall apply for and obtain, if required, an Athens-Clarke County Special Events Permit per Chapter 6-5 and shall comply with all applicable local, state, and federal regulations.

(Ord. of 6-5-2001, § 5; Ord. of 8-1-2006, § 3; Ord. of 8-1-2006, § 3; Ord. of 4-3-2007, § 2; Ord. of 4-5-2011, § 3; Ord. of 12-4-2012, §§ 4, 5; Ord. of 2-5-2013, § 3; Ord. of 2-4-2014, § 3)

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## Sec. 9-10-2. Permitted uses.

The following uses and their accessory uses are permitted as shown in the use table below:

Commercial Zoning Districts	C-G General	C-D Downtown	C-O Office	C-N Neighborhood	C-R Rural
<i>Residential Categories</i>					
Agriculture	N	N	N	N	P
Single-Family Dwellings	S, L(11)	S, L(11)	S, L(11)	S, L(11)	S, L(11)
Accessory Dwelling Units	S	S	N	S	S
Dwellings Above or Below Businesses	P, L(1)	P, L(1)	P, L(1)	P, L(1)	P, L(1)
Duplexes	N	N	N	N	N
Personal care homes, individual	S, L(12)	S, L(12)	S, L(12)	S, L(12)	S, L(12)
Personal care homes, family	S, L(12)	S, L(12)	S, L(12)	S, L(12)	S, L(12)
Personal care homes, group	P, L(12)	P, L(12)	P, L(12)	P, L(12)	P, L(12)
Personal care homes, congregate	P, L(12)	P, L(12)	P, L(12)	P, L(12)	P, L(12)
Multifamily Dwellings	P, L(1)	P, L(1)	P, L(1)	P, L(1)	P, L(1)
Class "A" Manufactured Homes	N	N	N	N	P, L(10)
Class "B" Manufactured Homes	N	N	N	N	N
Boarding House, Rooming House	S	S	S, L(13)	S	S
Dormitory	S	S	S, L(13)	S	S
Halfway House	S, L(15)	S, L(15)	S, L(15)	S, L(15)	S, L(15)
Community Garden	P	P	P	P	P
<i>Commercial Categories</i>					
Home Occupation	P	P	P	P	P
Sales of products grown on site	N	N	N	N	P
Hostels	P	P	P	P	P
Hotels	P	P	N	L(4)	N
Motels	P	N	N	N	N

Bed and Breakfast	P	P	P	P	P
<u>Short-term Vacation Rental</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Retail Sales and Service	P	P	L(2)	L(3)	L(4)
Convenience Store	P, L(8)	S	S	P, L(8)	P, L(8)
Theaters (less than 1,000 seats)	P	P	N	N	N
Restaurant or Bar	P	P, L(16)	N	P	P
<i>Commercial Categories</i>					
Drive-Through Facility	P, L(7)	N	N	S, L(7)	N
Professional Services and Office	P	P	L(4)	L(3)	L(4)
Quick Vehicle Servicing	P	N	N	N	N
Vehicle Repair	P	P	N	P, L(2)	P
Auto and RV Sales	P, L(8)	N	N	N	N
Laundry Facilities	P, L(8)	P	S	P, L(8)	P
Equestrian Facilities	N	N	N	N	P
Commercial Outdoor Recreation	S	N	N	N	P
Indoor Recreation	P	P	N	N	N
Major Event Entertainment	S	S	N	N	S
Commercial Parking Structures or Lots	S	S, L(5)	N	N	N
Administrative or Research Facilities	P	P	P	L(4)	L(4)
Broadcasting or production Studios	P	P	N	P	P
Temporary Uses	P	P	P	P	P
Temporary Special Event	P, L(14)	P, L(14)	N	N	P, L(14)
<i>Industrial Categories</i>					
Printing/Publishing	P	P	N	N	N
Bakeries	P	P	N	L(2)	L(2)
Bottling Plants	P	P	N	L(2)	L(2)
Manufacture of Non-Odiferous Foods	N	N	N	N	N
Feed Lots and Slaughterhouses	N	N	N	N	N

Food Processing	L(6)	N	N	N	N
Light Manufacturing	L(6)	L(6)	N	N	L(6)
Heavy Manufacturing	N	N	N	N	N
Wholesale Sales	P	P	N	N	P
Wholesale Nurseries	N	N	N	N	P
Distribution Center	P	N	N	N	P
Outdoor Storage	N	N	N	N	N
Wholesale Storage And Distribution	N	N	N	N	N
Self-Service Storage	P	N	N	N	N
Construction Materials Sales	P	N	N	N	N
Junk Yards and Auto Wrecking	N	N	N	N	N
Kennels	P	N	N	N	P
Veterinary Clinics	P	N	S	S	P
Transfer Stations	N	N	N	N	N
Sanitary Landfills, Landfills, Commercial Incinerators	N	N	N	N	N
Asphalt Plants	N	N	N	N	N
Mines, mining, surface mining, quarries, gravel pits, sand pits	N	N	N	N	N
<i>Institutional Categories</i>					
Basic Utilities	P, L(9)	P	P	P	P
Community Service	P, L(9)	P	P	P	P
Parks And Open Areas	P, L(9)	P	P	P	P
Churches	P, L(9)	P	P	P	P
Business/Trade Schools	P, L(9)	P	L(4)	L(4)	P
Day Care, Kindergarten, Elementary, Middle, and High School	P, L(9)	P	P	P	P
Colleges	P, L(9)	P	L(4)	L(3)	P
Nursing Homes	P, L(9)	P	P	P	P

Hospital	P, L(9)	P	P	P	P
Medical Centers	P, L(9)	P	P	P	P
Cemeteries	P, L(9)	P	P	P	P
Mortuaries	P, L(9)	P	P	P	P
Fraternity or Sorority	S	S	S, L(13)	S	S
Semi-Public Halls, Clubs, or Lodges	S, L(9)	S	S, L(13)	S	S
Drug Rehabilitation Center or Other Facility for Treatment of Drug Dependency	P	P	N	N	N

Legend:

P = Permitted outright

S = Subject to approval under the special use procedures section

N = Prohibited use

L(1) = Permitted only on second story and above or in the basement level of the structure. At least 50 percent of the ground floor shall be leasable commercial space not used for parking, none of the ground floor shall be used for self-service storage, and the commercial space shall be accessed only through a publicly accessible building entrance. Access to residential dwellings shall not be through the designated area comprising the minimum 50% commercial space. Multifamily residential uses arranged in any other manner on a commercially-zoned property are permitted only as a special use permit. For C-D zone properties in the North Downtown Design Area, ground floor dwellings are permitted subject to the associated design standards and limitations found in section 9-10-6(D)(7) and are not subject to the commercial standards noted above in L(1).

L(2) = Uses are limited to no more than 2,500 square feet of gross floor area per lot.

In addition, Retail Sales and Service uses in the Milledge Avenue Corridor Special District Overlay shall be permitted only on lots with Milledge Avenue street frontage equal to or greater than the minimum lot width and only in buildings with primary orientation toward Milledge Avenue.

L(3) = Uses are limited to no more than 10,000 square feet of gross floor area per lot, except grocery stores and colleges, which may have 36,000 square feet of gross floor area per lot; provided, however, multifamily dwellings and dwellings above businesses are permitted under L(1) above. Any development exceeding these parameters shall be subject to approval under the special use procedures section.

L(4) = Uses are limited to no more than 10,000 square feet of gross floor area per lot.

L(5) = Parking in more than 50 percent of the ground floor in a parking structure is not permitted.

L(6) = Light manufacturing of products sold on site permitted, area of manufacture not to exceed 1,500 square feet.

L(7) = Drive-through facilities are not permitted in these zones when located on Level One corridors, based on the Athens-Clarke County Corridor Designations Chart, as provided in section 9-25-8 J.

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L(8) = Parking areas are permitted between the building and the street, provided that landscaping is included adjacent to the street pursuant to subsection 9-30-9 E.6. of this title.

L(9) = No more than 25 percent of required parking spaces are permitted between the building and the street.

L(10) = Class "A" Manufactured Homes on individual lots are permitted, subject to the following criteria:

1. The portion of the lot upon which the manufactured home is to be located shall not exceed a slope of ten percent following excavation or fill.
2. The manufactured home shall be multi-sectional, no less than 24 feet in width, and have a minimum enclosed floor area of 1,000 square feet.
3. The manufactured home shall have a roof pitch of a minimum of three feet in height for each 12 feet in width.
4. The manufactured home shall have no metal siding and shall have wood, wood-product, or vinyl siding and composition or metal roofing.
5. The manufactured home shall be placed on an excavated and back-filled foundation, and the foundation shall be fully enclosed.
6. The foundation area of the manufactured home shall be fully skirted in masonry.

L(11) = Shall follow the general regulations found in table 9-7-3 under the RS-5 zoning regulations, RS-5 tree canopy standards found in 8-7-15, RS-5 standards found in 9-26-3, and reviewed under 9-25-8.B standards. Lots of record existing prior to February 6, 2007 and subdivision plats submitted for approval prior to February 6, 2007 shall be exempt from the special use requirement.

L(12) = Refer to section 9-15-19 for regulations governing personal care homes.

L(13) = Special use approval in the Milledge Avenue Corridor Special District Overlay is not required for expansion of less than 40% of the heated floor space existing on April 6, 2010 for existing legal nonconforming uses on existing lots of record. Multiple expansions over time shall be added together to determine the percentage of expansion. The exception for expansion of less than 40% does not apply to currently existing special uses with binding site plans. In addition to the approval criteria for special uses provided in section 9-20-5, in evaluating the effect of a 40% or more expansion of an existing use or establishment of a new use in the Milledge Avenue Corridor Special District Overlay, the proximity to similar uses shall be a relevant factor to be considered in review of the proposed use.

L(14) = Temporary special events, as defined in section 9-2-1, are subject to, but not limited to, the following conditions:

1. The boundary of the temporary special event, as described on the approved site plan, shall not be located within 300 feet of any RS (Single-Family Residential) zone or RM (Mixed Density Residential) zone.
2. A temporary special event shall have a duration of not more than 72 consecutive hours, including setup and breakdown of the event.
3. No more than two temporary special events may occur for any one property in each calendar year; a temporary special event shall not occur more frequently than once in a three-month period on the subject property.
4. Sufficient improved or unimproved off-street parking, to be approved by the Planning Director, with access to be approved by the Department of Transportation and Public Works, shall be provided.

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5. All temporary special events shall apply for and obtain, if required, an Athens-Clarke County Special Events Permit per Chapter 6-5 and shall comply with all applicable local, state, and federal regulations.

L(15) = Refer to section 9-15-21 for more information concerning halfway houses.

L(16) = A bar, as defined in Section 9-2-1, is a permitted use if the maximum occupancy, as determined by the fire marshal, is 100 or fewer persons. A proposed bar occupancy exceeding this maximum occupancy shall be subject to approval under the Special Use procedures section.

(Ord. of 12-5-2000, § 1; Ord. of 5-7-02, § 1; Ord. of 4-1-2003, § 1; Ord. of 12-2-2003, § 3; Ord. of 8-2-2005, § 1; Ord. of 8-1-2006, § 8; Ord. of 8-1-2006, § 5; Ord. of 12-06-2006, § 1; Ord. of 2-6-2007, § 1; Ord. of 4-3-2007, § 5; Ord. of 6-5-2007, § 1; Ord. of 6-3-2008, § 1 Ord. of 4-6-2010, §§ 2, 3; Ord. of 4-5-2011, § 6; Ord. of 7-5-2011, § 1; Ord. of 10-2-2012, § 2; Ord. of 12-4-2012, § 8; Ord. of 2-5-2013, § 6; Ord. of 2-4-2014, § 6; Ord. of 2-3-2015, § 1 ; Ord. of 7-3-2018(3), § 3 ; Ord. of 12-4-2018(6), § 1 ; Ord. of 10-6-2020(1), § 1 ; Ord. of 2-2-2021(1), § 2 )

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## Sec. 9-7-2. Permitted uses.

The following uses and their accessory uses are permitted as contained in the use table below:

Zoning Districts	RS-40	RS-25	RS-15	RS-8	RS-5
<i>Residential Categories</i>					
Agriculture	P, L(1)	P, L(1)	N	N	N
Single-Family Dwellings	P	P	P	P	P
Accessory Dwelling Units	N	N	N	N	N
Dwellings Above Businesses	N	N	N	N	N
Duplexes	N	N	N	N	N
Personal care homes, individual	S, L(6)				
Personal care homes, family	N	N	N	N	N
Personal care homes, group	N	N	N	N	N
Personal care homes, congregate	N	N	N	N	N
Multifamily Dwellings	N	N	N	L(2)	L(3)
Class "A" Manufactured Homes	L(4)	L(4)	L(4)	L(4)	L(4)
Class "B" Manufactured Homes	N	N	N	N	N
Boarding House or Rooming House	N	N	N	N	N
Dormitory	N	N	N	N	N
Halfway House	N	N	N	N	N
Community Garden	P	P	P	P	P
<i>Commercial Categories</i>					
Home Occupation	P	P	P	P	P
Sales of products grown on site	N	N	N	N	N
Hostels	N	N	N	N	N
Hotels	N	N	N	N	N
Motels	N	N	N	N	N
Bed and Breakfast	N	N	N	N	N
<b>Short-term Vacation Rental</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>
Retail Sales And Service	N	N	N	N	N
Convenience Store	N	N	N	N	N
Theaters (less than 1,000 seats)	N	N	N	N	N
Restaurant or Bar	N	N	N	N	N
Drive-Through Facility	N	N	N	N	N
Professional Services and Office	N	N	N	N	N
Quick Vehicle Servicing	N	N	N	N	N
Vehicle Repair	N	N	N	N	N
Auto and RV Sales	N	N	N	N	N
Laundry Facilities	N	N	N	N	N
Equestrian Facilities	N	N	N	N	N
Commercial Outdoor Recreation	S	S	S	S	S
Indoor Recreation	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N
Commercial Parking Structures or Lots	N	N	N	N	N
Administrative or Research Facilities	N	N	N	N	N
Broadcasting or production Studios	N	N	N	N	N

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Temporary Uses	S	S	S	S	S
Temporary Special Event	N	N	N	N	N
<i>Industrial Categories</i>					
Printing/Publishing	N	N	N	N	N
Bakeries	N	N	N	N	N
Bottling Plants	N	N	N	N	N
Manufacture of Non-Odiferous Foods	N	N	N	N	N
Feed Lots or Slaughterhouses	N	N	N	N	N
Food Processing	N	N	N	N	N
Light Manufacturing	N	N	N	N	N
Heavy Manufacturing	N	N	N	N	N
Wholesale Sales	N	N	N	N	N
Wholesale Nurseries	N	N	N	N	N
Distribution Center	N	N	N	N	N
Outdoor Storage	N	N	N	N	N
Wholesale Storage And Distribution	N	N	N	N	N
Self-Service Storage	N	N	N	N	N
Construction Materials Sales	N	N	N	N	N
Junk Yards and Auto Wrecking	N	N	N	N	N
Kennels	N	N	N	N	N
Veterinary Clinics	N	N	N	N	N
Transfer Stations	N	N	N	N	N
Sanitary Landfills, Landfills, Commercial Incinerators	N	N	N	N	N
Asphalt Plants	N	N	N	N	N
Mines, mining, surface mining, quarries, gravel pits, sand pits	N	N	N	N	N
<i>Institutional Categories</i>					
Basic Utilities	P	P	P	P	P
Community Service	N	N	N	N	N
Parks And Open Areas	P	P	P	P	P
Churches	S	S	S	S	S
Business/Trade Schools	N	N	N	N	N
Day Care, Kindergarten, Elementary, Middle, and High School	S	S	S	S	S
Colleges	N	N	N	N	N
Hospital	N	N	N	N	N
Nursing Homes	N	N	N	N	N
Medical Centers	N	N	N	N	N
Cemeteries	P	P	P	P	P
Mortuaries	N	N	N	N	N
Fraternities or Sororities	N	N	N	N	N
Semi-Public Halls, Clubs or Lodges	N	N	N	N	N
Drug Rehabilitation Center or Other Facility for Treatment of Drug Dependency	N	N	N	N	N

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Legend:

P = Permitted outright.

S = Subject to approval under the special use procedures section.

N = Prohibited use.

L(1) = The keeping of livestock, except swine, provided that:

1. No livestock shall be kept on any lot less than one acre in area.
2. No more than two head of livestock over the age of six months may be maintained per acre.
3. Barns, stables, and other buildings and structures to house said livestock shall not be located closer than 50 feet to any property line.

L(2) = Up to two units may be attached by a common wall if part of a subdivision of two acres or more, if they are developed as attached single-family units, as defined in chapter 9-2, the lots which contain the attached structures are not within 100 feet of the perimeter lots lines of a subdivision, the individual common wall units are on separate lots designed to be sold individually.

L(3) = Up to four units may be attached by a common wall if part of a subdivision of two acres or more, if they are developed as attached single-family units, as defined in chapter 9-2, the lots which contain the attached structures are not within 100 feet of the perimeter lots lines of a subdivision, the individual common wall units are on separate lots designed to be sold individually.

L(4) = Class "A" Manufactured Homes are limited to individual lots that are part of an approved or platted subdivision of ten or more lots that have a common subdivision scheme on file in the Athens-Clarke County Planning Department where 60 percent or more of the existing dwellings are either Class "A" or Class "B" Manufactured Homes. Placement of Class "A" Manufactured Homes within approved areas are subject to the following criteria:

1. The portion of the lot upon which the manufactured home is to be located shall not exceed a slope of ten percent following excavation or fill.
2. The manufactured home shall be multi-sectional, no less than 24 feet in width, and have a minimum enclosed floor area of 1,000 square feet.
3. The manufactured home shall have a roof pitch of a minimum of three feet in height for each 12 feet in width.
4. The manufactured home shall have no metal siding and shall have wood, wood-product, or vinyl siding and composition or metal roofing.
5. The manufactured home shall be placed on an excavated and back-filled foundation, and the foundation shall be fully enclosed.
6. The foundation area of the manufactured home shall be fully skirted in masonry.

L(5) = Reserved.

L(6) = Refer to section 9-15-19 for regulations governing personal care homes.

(Ord. of 12-5-2000, § 1; Ord. of 12-2-2003, § 2; Ord. of 8-1-2006, § 4; Ord. of 8-1-2006, § 2; Ord. of 4-3-2007, § 3; Ord. of 4-5-2011, § 4; Ord. of 12-4-2012, § 6; Ord. of 2-5-2013, § 4; Ord. of 2-4-2014, § 4)

## American Rescue Plan Act Affordable Housing Phase I Option, presented by Mayor Girtz

### Revenues:

- ARPA Affordable Housing Fund 11,000,000
- ARPA Contingency 1,050,000

### Prior Expenses:

- 1,733,334 - NDAP First Allocation
- 160,550 – Affordable Housing Investment Strategy
- 10,000 – Affordable Housing Legal Support
- 16,116 – Amount Reserved for Additional Legal Support (if needed)
- 4,000,000 – NDAP Second Allocation

(5,080,000 Available for Phase I Awards)

### Proposed Expenses:

- 1,500,000 – Athens Area Habitat for Humanity, new construction
- 2,750,000 – Athens Land Trust, new construction
- 415,000 – Athens Land Trust, repair and weatherization
- 415,000 – Athens Community Council on Aging, repair and weatherization
- 250,000 – Acceptance Recovery Center, Prince Avenue Project
- 800,000 – East Athens Development Corporation, two homes with housing counseling program

6,130,000 Total Affordable Housing Phase I Funding Allocation

**THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY  
COMMISSION AGENDA ITEM**

**SUBJECT:** American Rescue Plan Act (ARPA) Affordable Housing Phase 1 Funding Recommendations

**DATE:** November 29, 2022

**BUDGET INFORMATION:**

REVENUES: \$ 11,000,000 ARPA SLFRF M&C Designation for Affordable Housing

**EXPENSES:**

**ANNUAL:**

**CAPITAL:**

OTHER:	\$ 1,733,334	First Allocation for the North Downtown Athens Project
	\$ 160,550	Housing Affordability Investment Strategy
	\$ 10,000	Affordable Housing Legal Support
	\$ 4,000,000	Second Allocation for the North Downtown Athens Project
	\$ 16,116	Amount Reserved for Additional Legal Support (if needed)
	\$ 5,080,000	Total Available for ARPA Affordable Housing Phase I Awards

**FUNDING SOURCE:** American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds

**COMMISSION ACTION REQUESTED ON:** December 13, 2022 Under Suspension of Rules

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To request that the Mayor and Commission:

- a. Approve the ARPA Affordable Housing Phase I awards as recommended in **Attachment #1**; and,
- b. Authorize the Mayor and appropriate ACCGov staff to execute all related documents.

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**HISTORY:**

1. On January 30, 2020, the World Health Organization declared the outbreak a Public Health Emergency of International Concern.
2. On March 11, 2021, the American Rescue Plan Act of 2021 (ARPA) was signed into law. The \$1.9 trillion package is intended to combat the COVID-19 pandemic by stabilizing state and local government operations, households, and small businesses.
3. In mid-March 2021, ACCGov was granted \$57.6 million of ARPA Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) funding to allocate across defined categories by virtue of being both a city and a county.
4. On June 21, 2021, the Department of Treasury released the Interim Final Guidance for ARPA CSLFRF.

5. On January 6, 2022, the Department of the Treasury released the Final Guidance for ARPA SLRF.
6. On March 1, 2022, the Mayor and Commission approved a budget allocating ARPA State and Local Recovery Funds to various programs including a budget of \$11,000,000 for Affordable Housing. This action included a strategic planning process, followed by an RFP, and the associated timeline. The M&C also designated the existing Georgia Initiative for Community Housing (GICH) Committee as the advisory committee for the affordable housing allocation.
7. On March 17, 2022, the ARPA Affordable Housing Advisory Committee (AHAC) met for the first time. At that meeting, the AHAC noted the importance of providing funding to housing partners in an expedited manner. Subsequently, the AHAC made a motion to recommend the M&C carve out \$7M from the overall \$11M Affordable Housing budget for a Phase I RFP that would be released immediately for long lead time projects.
8. On April 14, 2022, the AHAC met to develop a project concept for a Phase I allocation in support of affordable housing.
9. On April 15, 2022, ACCGov released a Request for Proposals (RFP) for the Housing Affordability Investment Strategy. This plan will serve as the strategic plan that will inform future investments to promote affordable housing.
10. On April 21, 2022, the AHAC convened to review a project concept and timeline for a Phase I allocation in support of affordable housing.
11. On May 10, 2022, at a regularly scheduled M&C work session, Rick Parker of the Athens Housing Authority and on behalf of the North Downtown Athens Redevelopment partnership, gave a presentation outlining the recent gap in financing for the North Athens Redevelopment Project and an ask of ACCGov to provide an additional \$5.2M in funding to allow the project to proceed as envisioned.
12. On May 17, 2022, the AHAC met to discuss the Request for Proposal (RFP) process for ARPA funding related to affordable housing development. The Committee made a recommendation to the M&C to “set aside up to \$3M for the North Downtown Athens SPLOST project and to use the remaining funds from the \$7M total carve out for an expedited RFP process that would culminate in a December 2022 M&C vote on project funding.” The Committee also recommended that any of the unused portions of the \$3 million set aside be returned to the Phase I allocation in support of affordable housing, should it not be needed for the North Downtown Athens Redevelopment Project.
13. On May 17, 2022, the M&C approved a concept to fund a portion of the \$13.7 million funding deficit for the North Downtown Athens Redevelopment Project. \$1,733,334 of this balance was designated from the ARPA Affordable Housing allocation.

14. On June 7, 2022, the M&C approved project concept and timeline for Affordable Housing Phase 1. This project concept designated HCD's Vision Committee to provide feedback on received proposals from the RFP.
15. On June 24, 2022, a two-step Request for Proposals (RFP) was released to non-profit and for-profit entities to provide solutions to lack of adequate affordable housing in ACC.
16. Between June 27 and July 22, 2022, HCD offered technical assistance to interested parties, including a pre-proposal meeting (July 7, 2022).
17. On July 26, 2022, HCD released a Q&A Addendum to address questions received from agencies.
18. On July 29, 2022 at 4:00 p.m., the RFP closed for proposals. Eleven preliminary proposals from 9 entities totaling approximately \$20MM were received:
  - a. 1165 Oglethorpe, LLC
  - b. Acceptance Recovery Center – Prince Avenue project
  - c. Acceptance Recovery Center – Westchester project
  - d. Athens Area Habitat for Humanity
  - e. Athens community Council on Aging
  - f. Athens Housing Authority
  - g. Athens Land Trust – Home Repair/Weatherization
  - h. Athens Land Trust – New Construction
  - i. East Athens Development Corporation
  - j. Hopeful Inspiration
  - k. J. W. York Properties, LLC
19. Between July 30, 2022, and September 15, 2022, HCD provided technical assistance to entities who submitted a preliminary proposal.
20. On August 2, 2022, M&C approved HR&A Advisors to develop the Housing Affordability Investment Strategy.
21. On September 16, 2022, HCD received nine final proposals for the Affordable Housing Phase 1 funds (**Attachment #2**). These were submitted by seven entities and totaled \$14,394,344, including:
  - a. 1165 Oglethorpe, LLC
  - b. Acceptance Recovery Center – Prince Avenue project
  - c. Acceptance Recovery Center – Westchester project
  - d. Athens Area Habitat for Humanity
  - e. Athens community Council on Aging
  - f. Athens Land Trust – Home Repair/Weatherization
  - g. Athens Land Trust – New Construction
  - h. East Athens Development Corporation
  - i. Hopeful Inspiration

22. Between September 16 and November 16, 2022, the RFP Review Team evaluated proposals, gathered input from HCD's Vision Advisory Committee (including an in-person meeting on November 7, 2022), and finalized recommendations for contract awards. **Attachment #3** includes a summary matrix identifying how each proposal scored in its respective category.
23. On October 13, 2022, HCD opened a \$10,000 purchase order with Carothers and Mitchell to provide outside legal counsel in support of the ARPA Affordable Housing initiative. Specifically, Carothers and Mitchell will help to develop the ARPA Affordable Housing contracts, to develop related deed restrictions and liens, and to conduct the due diligences needed to implement deed restrictions to protect affordable housing investments, as required by the U.S. Treasury.
24. On November 15, 2022, and under suspension of rules, the M&C allocated an additional \$4 million from the ARPA Affordable Housing allocation to support funding shortfalls for the North Downtown Athens Redevelopment Project.

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#### **FACTS & ISSUES:**

1. There are four general eligible uses for SLFRF funds by cities and counties:
  - a. Replace lost public sector revenue, using this funding to provide government services up to the amount of revenue lost due to the pandemic;
  - b. Respond to the far-reaching public health and negative economic impacts of the pandemic by supporting the health of communities and helping households, small businesses, impacted industries, nonprofits, and the public sector recover from economic impacts;
  - c. Provide premium pay for essential workers;
  - d. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, to support vital wastewater and stormwater infrastructure, and to expand affordable access to broadband internet; and
  - e. SLFRF funds may be used for administration of SLFRF programs and projects including costs to support effective management and oversight, compliance with legal and regulatory requirements, and accounting and reporting of SLFRF funds.
2. The M&C were presented with staff recommendations on how to allocate the remainder of the SLRF. At the March 1, 2022 voting meeting, the M&C approved a Commission-Defined Option to allocate funds differently than was initially proposed (History #6). A summary of proposed and final allocations is as follows:

Category	Proposed Allocation	Final M&C Allocation
Revenue Replacement/Budget Balancing	\$11.0M	\$3.4M
Youth Development	\$5.6M	\$7.0M
Affordable Housing	\$5.6M	\$11.0M
Homelessness	\$5.6M	\$5.0M
Business and Workforce Development	\$5.6M	\$4.0M
Behavioral Health	\$0M	\$4.0M
Future Needs/Contingency	\$5.6M	\$4.6M
Administration	\$0.9M	\$0.9M
<b>Total</b>	<b>\$39.9M</b>	<b>\$39.9M</b>

3. The U.S. Treasury Department requires that ARPA SLRF funds be obligated by December 31, 2024, and spent by December 31, 2026. At the March 1, 2022, meeting, the M&C approved general timelines for the designation and use of ARPA funds in the community. The M&C also designated the Georgia Initiative for Community Housing (GICH) task force as the advisory group for the ARPA Affordable Housing Allocation.
4. The AHAC is charged with creating a community-wide Housing Affordability Investment Strategy. An RFP to solicit proposals for a facilitator for this project was distributed. HR&A Advisors, the sole applicant to the RFP, was awarded the contract during the August 2, 2022 M&C regular session.
5. Under the original timeline presented to the M&C, the period of assessment was anticipated to take approximately 6-8 months, and all groups would be expected to return to the M&C in late fall of 2022 with the strategic plans/prioritized recommendations for M&C consideration. At their first meeting for ARPA funding (History #7), the AHAC stated that many housing projects involve long lead time activities such as land acquisition, construction, and partnerships to secure affordable housing tax credits. The committee felt there was a risk that these projects could not be implemented in a manner that meets the Treasury Department deadlines if the Housing Affordability Investment Strategy must be developed first. This discussion subsequently resulted in the AHAC recommending the M&C consider a Phase I allocation of \$7M for affordable housing projects that could be implemented before the Housing Affordability Investment Strategy was completed.
6. At subsequent meetings, the AHAC approved a recommended Phase I project concept and timeline for the M&C to consider.
7. The ARPA Affordable Housing-Phase 1 RFP was open to for-profit developer or a public or private non-profit entity, incorporated by or licensed in the State of Georgia. It focused on four project categories:
  - a. New construction of affordable housing projects (min. request \$500,000)
  - b. Major or minor rehabilitation projects on dwellings assisting lower income households (min. request \$250,000)

- c. Home repair and weatherization projects on dwellings assisting lower income households (min. request \$250,000)
- d. Affordable housing assistance programs in support of development projects (categories 1-3).

8. The RFP further emphasized and/or prioritized proposals that:

- a. Focused on new housing creation and preservation of existing affordable stock;
- b. Complied with all applicable federal, state and local building and health codes, as well as ACCGov design standards;
- c. Were “shovel-ready” and feasible;
- d. Aligned with existing recommendations from the [GICH Report](#), [Envision Athens Agenda](#), [Workforce Housing Study](#), [Comprehensive Plan](#), or ACCGov Strategic Plan;
- e. Were situated within the [Neighborhood Revitalization Strategy Areas](#) (Census tracts 6, 9, 301, and 302);
- f. Were capped to serve individuals at 80% AMI in [Qualified Census Tracts](#) or 65% AMI elsewhere;
- g. Met HUD HOME Homeownership Value Limits or HUD HOME Low Rent Limits for Athens-Clarke County;
- h. Leverage external resources; and,
- i. Emphasized diversity, equity and inclusion practices.

9. A two-step application process was used. This enabled a review team to provide feedback on initial applications so applicants could consider ways to strengthen or improve their applications prior to final submittal.

10. The final review was conducted in partnership between ACCGov Staff and the Vision Committee. In total, staff scored 100 points of the proposals for Feasibility, Budget, Organizational Capacity, Proposal Quality, Impact on Affordability, Risk Assessment, and Community Benefits; the Vision Committee scored 40 points of the proposals for the Equity Assessment and Priority. A summary of proposal scores is available in **Attachment #3**.

11. Staff recommend four proposals be awarded for funding (**Attachment #1**). The award of these proposals will result in the construction of approximately 20 affordable houses and the rehabilitation of at least 40 owner occupied homes. As required by the U.S. Treasury, the investments in affordability will be secured through liens or deed restrictions.

12. Staff also recommend a number a special conditions be placed on all awards. These recommendations are needed to minimize project risk and ensure the funding can be fully allocated by the December 31, 2024 deadline and used by the December 31, 2026 deadline. These special conditions include:

- a. Project zoning must be in place within 180 days of M&C award;
- b. Work on site must occur within 180 days of M&C award;
- c. All projects are to operate using monthly reimbursements; and,

d. Allocations for general administration, in addition to project staff, are limited to a maximum of 5% of the total award.

13. This recommendation meets the following ACCGov Strategic Plan Goals, Strategies, and/or initiatives:

- a. Strategy 4A: Support home ownership by increasing opportunities for low income and middle-income people to own a home, help people retain and remain in homes.
- b. Strategy 4C: Preserve and increase the supply of affordable rental housing.
- c. Strategy 4E: Improve equitable housing opportunities in identified disinvested or underinvested areas.

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**OPTIONS:**

1. Mayor and Commission:
  - a. Approve the ARPA Affordable Housing Phase I awards as recommended in **Attachment #1**; and,
  - b. Authorize the Mayor and appropriate ACCGov staff to execute all related documents.
2. Mayor and Commission do not approve the proposed ARPA Affordable Housing Phase 1 awards.
3. Mayor and Commission defined option.

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**DEPARTMENT RECOMMENDED ACTION:** Option #1 a & b

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**DEPARTMENT:** Housing & Community Development

Prepared by: Alejandra Calva, ARPA Community Impact Administrator



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11/29/2022

Andrew Saunders  
HCD Interim Director

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Date

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**ADMINISTRATIVE COMMENTS:**

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**ADMINISTRATIVE RECOMMENDATION:** Option #1 a & b

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December 1, 2022

Manager

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Date**ATTACHMENTS:**

Attachment #1 - ARPA Affordable Housing Phase I Funding Recommendations  
Attachment #2 - ARPA Affordable Housing Phase I Proposal Summaries  
Attachment #3 - ARPA Affordable Housing Phase I Proposal Review Matrix

**Attachment #1**  
**ARPA Affordable Housing**  
**Phase I Funding Recommendations**

**ARPA Affordable Housing-Phase 1 Budget: \$5,080,000**

**Recommended Activities:**

1. Athens Area Habitat for Humanity..... \$1,500,000  
New construction of approximately 10 homeowner-occupied affordable houses in the Micah's Creek Homeownership Opportunity Project.
2. Athens Land Trust..... \$2,750,000  
New construction of approximately 10 homeowner-occupied affordable houses at 250 Dublin Street and 325/340 Hawthorne Extension.
3. Athens Land Trust..... \$ 415,000  
Minor to moderate homeowner rehabilitation through the Young Urban Builder's program.
4. Athens Community Council on Aging..... \$ 415,000  
Minor to moderate rehabilitation and aging in place modifications to homeowner-occupied residences of older adults, and housing counseling program.

**Total ARPA Affordable Housing Phase 1 Funding Allocation..... \$5,080,000**

**Attachment #2**  
**ARPA Affordable Housing**  
**Phase I Proposal Summaries**

<b>ARPA Affordable Housing Phase 1 Funding Summary</b>				
<b>Agency</b>	<b>Activity</b>	<b>Ranking by Staff &amp; Vision Committee</b>	<b>Amount Requested</b>	<b>Current Award</b>
Athens Area Habitat for Humanity	New Construction	1	\$3,289,000	\$1,500,000
Athens Land Trust	New Construction	2	\$4,523,000	\$2,750,000
Athens Land Trust	Home Repair/ Weatherization	3	\$1,781,294	\$415,000
Athens Community Council on Aging	Home Repair/ Weatherization	4	\$474,312	\$415,000
Acceptance Recovery Center	Remodel – Prince Avenue	5	\$251,001	\$0
East Athens Development Corporation	New Construction	6	\$899,140	\$0
Acceptance Recovery Center	Major Remodel - Westchester Project	7	\$2,007,161	\$0
1165 Oglethorpe	New Construction	8	\$560,000	\$0
Hopeful Inspiration	Home Repair/ Weatherization	9	\$609,436	\$0
<b>Total</b>			<b>\$14,394,344</b>	<b>\$5,080,000</b>

## ARPA Affordable Housing Phase 1 Proposal Summary

<b>Agency Name:</b> Athens Area Habitat for Humanity	
<b>Project Name:</b> Micah's Creek Homeownership Opportunity Project Phase I	
<b>Contact:</b> Spencer Frye	
<b>ARPA AH Phase 1 Requested:</b> \$3,289,000	<b>ARPA AH Phase 1 Recommendation:</b> \$1,500,000

### Project Summary:

Athens Area Habitat for Humanity (AAHH) is a nonprofit with a vision of a world where everyone has a decent place to live. They seek to bring people together to build homes, communities, and hope. The Micah's Creek Phase I project is intended to address the negative economic impacts of low homeownership rates in Athens-Clarke County, which have been exacerbated by Covid-19 related job losses, price hikes, and suspension of in-person primary education. AAHH proposes to construct a neighborhood of 40 single family homes, with 23 homes funded directly by ARPA.

The 23 ARPA funded homes will be owner-occupied and will be prioritized for families with school age children currently living in the Gaines Elementary zone. An additional ~15 homes will be funded with alternate sources and will be available for local musicians and artists. In conjunction with this project UGA's Housing and Consumer Research Center will be conducting a longitudinal study on the health and economic impacts of homeownership on families in Gaines Elementary School. Homes will be sold for \$143,000, with homeowners paying \$399 per month on a 0% interest mortgage. AAHH will maintain a right of first refusal to buy back the home during the mortgage period, ensuring a minimum 30-year affordability period.

AAHH is requesting ARPA funds totaling \$3,289,000 for construction costs, with all other costs (totaling \$6,467,052) covered by matching or in-kind funds. AAHH ARPA budget includes:

- \$3,289,000 for new construction

**This project generally aligns with the following existing recommendations from the GICH Report, Envision Athens Agenda, Workforce Housing Study, Comprehensive Plan, or ACCGov Strategic Plan: Comprehensive Plan Housing Strategy 2, Envision Athens Action H2 (Increase amount of and provide access to affordable housing), ACCGov Strategic Plan Quality, Stable, Affordable Housing Goal, Strategy E, Initiative 2 (Encourage reinvestment and improvement of housing stock through effective deployment of Neighborhood Revitalization Strategy Areas).**

**Combined Staff and Vision Committee Prioritization: #1**

## ARPA Affordable Housing Phase 1 Proposal Summary

<b>Agency Name:</b> Athens Land Trust	
<b>Project Name:</b> Neighborhood Revitalization through Construction of Permanently Affordable Single-Family Homes	
<b>Contact:</b> Sara Beresford	
<b>ARPA AH Phase 1 Requested:</b> \$4,523,000	<b>ARPA AH Phase 1 Recommendation:</b> \$2,750,000

### Project Summary:

Athens Land Trust (ALT) is a Community Housing Development Organization with a mission to improve quality of life for all through education and the stewardship of land for purposes of affordable housing, conservation, agriculture, and economic development. Athens Land Trust requests \$4.5 million to build 15 single family homes for purchase by households earning 80% or less of the Area Median Income.

The 15 proposed homes are divided between three neighborhoods, including five homes on Hawthorne Ext, five on Dublin St, and five on Ruth St. ALT has also secured SPLOST and CDBG funding which will be used to construct three additional homes on Dublin St, for a total of eight homes at that site. ALT uses the Community Land Trust model to assure permanent affordability. Under this model the buyer owns the home itself, while ALT retains ownership of the surrounding parcel. The homeowner enters into a 99-year renewable ground lease for \$5/month at the time of purchase.

ALT proposes to serve 15 households in Athens-Clarke County. ALT is requesting ARPA funds totaling \$4,523,000 for new construction, administration, and construction management. ALT's proposed budget includes an additional \$968,556 in funding provided by cash, in-kind, and non-ARPA support. ALT's ARPA budget includes:

- \$3,930,000 for new single-family home construction
- \$ 393,000 for administration
- \$ 200,000 for a part-time construction management position

**This project generally aligns with the following existing recommendations from the GICH Report, Envision Athens Agenda, Workforce Housing Study, Comprehensive Plan, or ACCGov Strategic Plan: Comprehensive Plan Housing Strategy 2, Envision Athens Action H2 (Increase amount of and provide access to affordable housing), ACCGov Strategic Plan Quality, Stable, Affordable Housing Goal, Strategy E, Initiative 2 (Encourage reinvestment and improvement of housing stock through effective deployment of Neighborhood Revitalization Strategy Areas).**

**Combined Staff and Vision Committee Prioritization: #2**

## ARPA Affordable Housing Phase 1 Proposal Summary

<b>Agency Name:</b> Athens Land Trust	
<b>Project Name:</b> Young Urban Builders Home Repair and Rehabilitation	
<b>Contact:</b> Tawana Mattox	
<b>ARPA AH Phase 1 Requested:</b> \$1,781,294	<b>ARPA AH Phase 1 Recommendation:</b> \$415,000

### Project Summary:

Athens Land Trust is a Community Housing Development Organization with a mission to improve quality of life for all through education and the stewardship of land for purposes of affordable housing, conservation, agriculture, and economic development. Athens Land Trust requests \$1.7 million over four years to expand the capacity and scope of the Young Urban Builders Program.

Young Urban Builders currently operates in the West Broad neighborhood, with plans to expand to East Athens (census tracts 301 and 302) and North Athens (census tracts 1403, 1404, and 1405) if funded. ALT has a current waiting list of 60+ low-income homeowners in need of repairs. This program will provide repair and rehabilitation for these homeowners while simultaneously providing job experience and training for local youth. Additionally, ALT will conduct an energy audit at each home enrolled in the program and will address identified needs. This will result in energy and water savings for homeowners, translating to long-term savings on utility bills.

ALT proposes to serve 48 households in Athens-Clarke County. ALT is requesting ARPA funds totaling \$1,781,294 for home rehabilitation, administration, and energy audits. ALT's proposed budget includes an additional \$293,006 in funding provided by cash, in-kind, and non-ARPA support. ALT's ARPA budget includes:

- \$1,458,489 for home rehabilitation, including supplies, materials and labor for rehab work
- \$ 284,405 for administration
- \$ 38,400 for energy audits to measure weatherization improvements

**This project generally aligns with the following existing recommendations from the GICH Report, Envision Athens Agenda, Workforce Housing Study, Comprehensive Plan, or ACCGov Strategic Plan: Envision Athens Action H6, Comprehensive Plan Housing Strategy 6 (preserve and update existing single-family housing stock); ACCGov Strategic Plan Quality, Stable, Affordable Housing Goal, Strategy B, Initiative 7 (Improve resident access to solar and weatherization programs).**

ALT will collaborate with a UGA Housing and Consumer Economics graduate student to conduct energy audits, and will be partnering with utility companies such as Georgia Power to access utility data for energy audits and evaluations.

**Combined Staff and Vision Committee Prioritization: #3**

## ARPA Affordable Housing Phase 1 Proposal Summary

<b>Agency Name:</b> Athens Community Council on Aging	
<b>Project Name:</b> ACCA's Live Well Housing Program	
<b>Contact:</b> Leslie Trier	
<b>ARPA AH Phase 1 Requested:</b> \$474,312	<b>ARPA AH Phase 1 Recommendation:</b> \$415,000

### Project Summary:

The Athens Community Council on Aging (ACCA) is a nonprofit with a mission to promote a lifetime of wellness through engagement, advocacy, education, and support. ACCA is proposing to expand into housing repair and housing counseling services for low-income older adults. ACCA has documented an increase in requests for housing assistance in the past year.

ACCA proposes to provide home repair services ranging from simple aging-in-place modifications up to major rehabilitations such as bathroom renovation, first floor bedroom creation, or roof replacement. Additionally, ACCA will hire a Care Coordinator to administer a housing counseling program. These services will be available to low-income seniors residing in any part of the county.

ACCA proposes to serve 45 households in Athens-Clarke County. ACCA is requesting ARPA funds totaling \$474,312 for rehabilitation, housing programs, and legal fees, and will provide an additional \$42,031 of non-ARPA support. ACCA's ARPA budget includes:

- \$372,500 for rehabilitation
- \$ 95,062 for programs
- \$ 7,750 for other, including legal fees and background checks

**This project generally aligns with the following existing recommendations from the GICH Report, Envision Athens Agenda, Workforce Housing Study, Comprehensive Plan, or ACCGov Strategic Plan: Envision Athens Action H3, Comprehensive Plan Housing Strategy 3** (potential to reduce issues related to gentrification by renovating homes in established neighborhoods and/or legacy homes); **Envision Athens Action H6, Comprehensive Plan Housing Strategy 6** (preserve and update existing single-family housing stock); **Envision Athens Action SS2** (housing counseling provides needed social service opportunities for individuals with limited opportunity), **ACCGov Strategic Plan Quality, Stable, Affordable Housing Goal, Strategy A, Initiative 2** (Make current and prospective homeowners aware of home affordability programs).

**Combined Staff and Vision Committee Prioritization: #4**

## ARPA Affordable Housing Phase 1 Proposal Summary

<b>Agency Name:</b> Acceptance Recovery Center	
<b>Project Name:</b> Prince Avenue Weatherization and Repair - COVID-19 Response Services to Maintain Affordable Housing	
<b>Contact:</b> Brandy Anderson	
<b>ARPA AH Phase 1 Requested:</b> \$251,001	<b>ARPA AH Phase 1 Recommendation:</b> \$0

### Project Summary:

Acceptance Recovery Center (ARC) is a nonprofit with a mission of leading those displaced by addiction through care, support, and education into long-term recovery. ARC is proposing to complete weatherization and repair of their multifamily property on Prince Ave, allowing the continued use of this property for individuals and families in the Women's Recovery Residential Program. Residents of this program receive treatment for substance use disorders, group therapy, job skill training, and up to three years of affordable housing as they maintain sobriety and work toward long-term recovery goals.

Proposed repairs include replacement of windows, attic insulation, damaged drywall, and the addition of solar packages. These repairs will result in increased energy efficiency and decreased utility costs at this location. If funded ARC will also hire a contract consultant to assist in managing housing affordability funds, HUD approved rents, new rental agreements, and educating staff at the Women's Center.

ARC proposes to renovate 10 affordable units (housing 20 individuals) at its location on Prince Avenue. ARC is requesting ARPA funds totaling \$251,001 for housing rehabilitation, administration, and potential programs. ARC's budget includes an additional \$123,326.18 in non-ARPA support. ARC's ARPA budget includes:

- \$236,000 for rehabilitation
- \$ 15,000 for administration
- \$ 1 for programs, to be used as a buffer for funding lines if other line items have remaining funds

**This project generally aligns with the following existing recommendations from the GICH Report, Envision Athens Agenda, Workforce Housing Study, Comprehensive Plan, or ACCGov Strategic Plan: Envision Athens Action H1, GICH Strategy 3 (target challenged multi-family developments for major redevelopment), Envision Athens Action H2 (increase amount of and provide access to affordable housing).**

ARC works with Advantage Behavioral Health Systems, the local District Attorney's Office, the legal system, Divas Who Win Freedom Center, Palm House, Alliance Recovery Center, Access Point, local hospitals, prisons, ACCPD, Athens Area Homeless Shelter, Bread for Life, local employers, ACCGOV, DBHDD, and other various partners to receive participant referrals.

**Combined Staff and Vision Committee Prioritization: #5**

## ARPA Affordable Housing Phase 1 Proposal Summary

<b>Agency Name:</b> East Athens Development Corporation	
<b>Project Name:</b> EADC Affordable Housing Project	
<b>Contact:</b> Dr. Maurice Daniels	
<b>ARPA AH Phase 1 Requested:</b> \$899,140	<b>ARPA AH Phase 1 Recommendation:</b> \$0

### **Project Summary:**

East Athens Development Corporation (EADC) is a nonprofit operating primarily in East Athens and offering a variety of services, including youth development, food distribution, job coaching and affordable housing development. EADC's mission is to promote community revitalization by supporting economic upliftment of low- and moderate-income residents of Athens-Clarke County targeting youth and families in census tracts 301 and 302.

EADC proposes to construct 2 affordable single family rental homes on Fairview St. The rental rate for the two homes will be set at \$750 per month, \$250 of which will be deposited into a "family self-determination plan" savings account. Renters will be required to enroll in an Affordable Housing and Self-Determination Education Program offering one-on-one financial coaching and goal setting. Renters will enter the savings agreement for 5 years with the option to withdraw money toward financial goals.

EADC proposes to serve 2 households in Athens-Clarke County. EADC is requesting ARPA funds totaling \$899,140 for new construction, appliances, solar energy installation, housing programs, administration, and evaluation. EADC proposes to provide an additional \$271,592 in cash or in-kind funds. EADC's ARPA budget includes:

- \$550,000 for new construction
- \$ 55,000 (10%) for construction contingency
- \$ 65,400 for solar energy installation
- \$ 50,000 for appliances
- \$ 40,400 for housing counseling and education programs
- \$ 53,100 for administration
- \$ 3,500 for a project evaluator
- \$ 81,740 for other indirect costs

**This project generally aligns with the following existing recommendations from the GICH Report, Envision Athens Agenda, Workforce Housing Study, Comprehensive Plan, or ACCGov Strategic Plan: Envision Athens Action SS2** (housing counseling provides needed social service opportunities for individuals with limited opportunity), **Comprehensive Plan Housing Strategy 2, Envision Athens Action H2** (Increase amount of and provide access to affordable housing), **ACCGov Strategic Plan Quality, Stable, Affordable Housing Goal, Strategy E, Initiative 2** (Encourage reinvestment and improvement of housing stock through effective deployment of Neighborhood Revitalization Strategy Areas).

**Combined Staff and Vision Committee Prioritization: #6**

## ARPA Affordable Housing Phase 1 Proposal Summary

<b>Agency Name:</b> Acceptance Recovery Center	
<b>Project Name:</b> Westchester Recovery Center Acquisition, Renovation, and ARC Expansion – COVID Response Services	
<b>Contact:</b> Brandy Anderson	
<b>ARPA AH Phase 1 Requested:</b> \$2,007,161	<b>ARPA AH Phase 1 Recommendation:</b> \$0

### Project Summary:

Acceptance Recovery Center (ARC) is a nonprofit with a mission of leading those displaced by addiction through care, support, and education into long-term recovery. ARC is proposing to purchase and complete a major rehabilitation of a multi-family property they are currently renting on Westchester Dr.

This project will allow ARC to provide affordable, long-term rental housing to alumni of their residential substance abuse recovery program. Interior renovations have already been completed at this location, and ARPA funding would allow ARC to complete external renovations and weatherization. If funded ARC would use any freed equity to purchase or rent a third location to provide additional affordable housing to 40+ individuals undergoing residential recovery treatment.

ARC proposes to renovate 18 affordable units (housing 72 individuals) at its Westchester Dr. location. ARC is requesting ARPA funds totaling \$2,007,161 for housing acquisition, rehabilitation, administration, and potential programs. ARC's budget includes an additional \$1,424,097.41 in non-ARPA support. ARC's ARPA budget includes:

- \$ 709,000 for acquisition
- \$1,278,160 for exterior renovation and weatherization
- \$ 20,000 for administration
- \$ 1 for programs, to be used as a buffer for funding lines if other line items have remaining funds

**This project generally aligns with the following existing recommendations from the GICH Report, Envision Athens Agenda, Workforce Housing Study, Comprehensive Plan, or ACCGov Strategic Plan: Envision Athens Action H1, GICH Strategy 3 (target challenged multi-family developments for major redevelopment), Envision Athens Action H2 (increase amount of and provide access to affordable housing).**

ARC works with Advantage Behavioral Health Systems, the local District Attorney's Office, the legal system, Divas Who Win Freedom Center, Palm House, Alliance Recovery Center, Access Point, local hospitals, prisons, ACCPD, Athens Area Homeless Shelter, Bread for Life, local employers, ACCGOV, DBHDD, and other various partners.

**Combined Staff and Vision Committee Prioritization: #7**

## ARPA Affordable Housing Phase 1 Proposal Summary

<b>Agency Name:</b> 1165 Oglethorpe, LLC	
<b>Project Name:</b> 1165 Oglethorpe	
<b>Contact:</b> Joe Polaneczky	
<b>ARPA AH Phase 1 Requested:</b> \$560,000	<b>ARPA AH Phase 1 Recommendation:</b> \$0

### Project Summary:

1165 Oglethorpe, LLC is a local development group singularly focused on the creation of diverse and affordable/attainable missing middle housing communities in Athens as a way to tackle the local affordable housing crisis.

1165 Oglethorpe, LLC is requesting ARPA funding to construct four affordable units which will be a component of a larger 38 unit mixed income and mixed use development. Two of the units will be available for purchase, while the other two will be rentals. 1165 Oglethorpe, LLC has emphasized the importance of creating community focused gathering spaces within the development, while also serving as a walkable commercial hub for all area residents.

1165 Oglethorpe proposes to serve 4 households in Athens-Clarke County. 1165 Oglethorpe is requesting ARPA funds totaling \$560,000 for new construction and down payment assistance programs, and will provide an additional \$813,887 of cash and in-kind funding specific to these four units. 1165 Oglethorpe's ARPA budget includes:

- \$540,000 for new construction
- \$ 20,000 for down payment assistance programs

**This project generally aligns with the following existing recommendations from the GICH Report, Envision Athens Agenda, Workforce Housing Study, Comprehensive Plan, or ACCGov Strategic Plan: ), ACCGov Strategic Plan Quality, Stable, Affordable Housing Goal, Strategy B, Initiative 3 (create more flexible housing options in all zones of the county), ACCGov Strategic Plan Safely Move Around Athens Goal, Strategy C, Initiative 4 (Encourage more integrated transit-centric areas), Comprehensive Plan Housing Strategy 5 (Create quality housing for older adults using innovative techniques like accessory dwelling units), Envision Athens Action H2 (increase amount of and provide access to affordable housing).**

1165 Oglethorpe, LLC proposes to partner with two local nonprofits, Athens Area Habitat for Humanity and Athenian First Development Corp, to identify eligible households, ensure continuing compliance, and administer the down payment assistance program. 1165 Oglethorpe, LLC has also identified two commercial partners, Hendershots and Destined, Inc. who plan to buy the two commercial spaces in the development.

**Combined Staff and Vision Committee Prioritization: #8**

## ARPA Affordable Housing Phase 1 Proposal Summary

<b>Agency Name:</b> Hopeful Inspiration, Inc.	
<b>Project Name:</b> Project Restoration Program	
<b>Contact:</b> Hosea Foote	
<b>ARPA AH Phase 1 Requested:</b> \$609,436	<b>ARPA AH Phase 1 Recommendation:</b> \$0

### Project Summary:

Hopeful Inspiration, Inc. is a nonprofit organization providing services to community with 65% AMI in a way that empowers them and leads to their bright future. The proposed Project Restoration Program will provide repairs and renovation to owner-occupied single family residences in the Spring Valley, Knottingham, and Forest Heights neighborhoods.

Hopeful Inspiration has identified 32 qualified applicants and would continue to accept applications, with a priority of elderly or veteran applicants from the neighborhoods identified. Typical repairs will include roofing, painting, walk-in shower installation, electrical and plumbing work, exterior repairs, flooring, lead-based paint testing and permits, and landscaping upgrades. Hopeful Inspiration has also included a potential a room rental program for \$25,000.

Hopeful Inspiration proposes to serve 50 households in Athens-Clarke County. Hopeful Inspiration is requesting ARPA funds totaling \$609,436 for rehabilitation and administration, and will be providing \$10,000 of in-kind funding. Hopeful Inspiration's ARPA budget includes:

- \$482,500 for home rehabilitations
- \$103,080 for administration
- \$ 23,856 for MyOutDesk, Inc. project administrative support

**This project generally aligns with the following existing recommendations from the GICH Report, Envision Athens Agenda, Workforce Housing Study, Comprehensive Plan, or ACCGov Strategic Plan: Envision Athens Action H3, Comprehensive Plan Housing Strategy 3** (potential to reduce issues related to gentrification by renovating homes in established neighborhoods and/or legacy homes); **Envision Athens Action H6, Comprehensive Plan Housing Strategy 6** (preserve and update existing single-family housing stock).

Hopeful Inspiration has proposed cooperating with Athenian First Development Corporation to support community engagement and the applicant verification process. Historic Athens would serve in an advisory role for the project.

**Combined Staff and Vision Committee Prioritization: #9**

## ARPA Affordable Housing Rating Matrix

(listed from the highest scoring proposal to the lowest scoring proposal)

Agency	Activity	Amount Requested	Budget & Leverage	Feasibility	Capacity & Qualifications	Proposal Quality	Impact On Affordability	Community Benefits	Risk Assessment	Equity Assessment*	Vision Committee Priority*	Staff Funding Recommendation
Athens Area Habitat for Humanity	New Construction	\$3,289,000	Green	Yellow	Green	Green	Green	Green	Green	Green	Green	\$1,500,000
Athens Land Trust	New Construction	\$4,523,000	Light Green	Light Green	Green	Green	Green	Green	Green	Green	Yellow	\$2,750,000
Athens Land Trust	Home Repair/ Weatherization	\$1,781,294	Yellow	Green	Light Green	Green	Light Green	Light Green	Green	Green	Light Green	\$415,000
Athens Community Council on Aging	Home Repair/ Weatherization	\$474,312	Yellow	Light Green	Yellow	Light Green	Light Green	Light Green	Green	Light Green	Light Green	\$415,000
Acceptance Recovery Center	Remodel – Prince Avenue	\$251,001	Light Green	Green	Light Green	Green	Yellow	Yellow	Green	Light Green	Yellow	\$0
East Athens Development Corporation	New Construction	\$899,140	Yellow	Light Green	Light Green	Green	Green	Green	Green	Yellow	Yellow	\$0
Acceptance Recovery Center	Major Remodel - Westchester Project	\$2,007,161	Green	Light Green	Yellow	Light Green	Red	Yellow	Green	Light Green	Light Green	\$0
1165 Oglethorpe	New Construction	\$560,000	Green	Yellow	Light Green	Green	Light Green	Light Green	Red	Yellow	Yellow	\$0
Hopeful Inspiration	Home Repair/ Weatherization	\$609,436	Yellow	Yellow	Yellow	Yellow	Red	Yellow	Red	Yellow	Yellow	\$0

\* Scored by Vision Committee

Key	
Green	90%-100% of Available Points
Light Green	75% -89% of Available Points
Yellow	50%-74% of Available Points
Orange	25%-49% of Available Points
Red	0%-25% of Available Points

**THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY  
COMMISSION AGENDA ITEM**

**SUBJECT:** TSPLOST 2018 Project 16, Prince Avenue Corridor Improvements – Sub-Project #1  
Permanent Road Diet Approval and Amend Project Concept

**DATE:** December 2, 2022

**BUDGET INFORMATION:**

REVENUES:                   \$ 3,860,191    TSPLOST 2018 Project 16 (All Tiers)

**EXPENSES:**

CAPITAL:	\$ 732,521	Expensed & Encumbered
	\$ 507,038	Designated Design Fees
	\$ 110,000	Designated Testing, Misc. & PM Fees
	\$ 100,000	Designated Land Acquisition
	\$ 24,500	Designated Public Art
	\$ 2,186,132	Available for other future Sub-Projects
	\$ 200,000	Available for Sub-Project #1

**FUNDING SOURCE:** TSPLOST 2018 Program Revenues

**COMMISSION ACTION REQUESTED ON:** December 13, 2022 Under Suspension of Rules

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**PURPOSE:**

To request that the Mayor and Commission:

- a. Approve the permanent installation of Pilot Sub-Project #1 Project Concept into a permanent Road Diet Sub-Project #1 for TSPLOST 2018, Project 16 – Prince Avenue Corridor Improvements Project, as generally shown on Attachment #1;
- b. Amend Sub-Project #1 Project Concept to include the additional improvements as generally described in F&I #19;
- c. Approve a change order to the on-call paving contractor, Pittman Construction, for a not to exceed amount of \$200,000 for the conversion of the Pilot Project Concept as amended into a permanent Road Diet Sub-Project #1 for TSPLOST 2018, Project 16 – Prince Avenue Corridor Improvements Project, as generally shown on Attachment #1 and with the additional improvements as generally described in F&I #19;
- d. Authorize staff to enter into the Preliminary Plan Phase of the project development process to further investigate and mature the peripheral improvement elements generally described in F&I 21 to address long-term safety and operational

improvements for the affected section of Prince Avenue with construction cost estimates, and

- e. Authorize the Mayor and appropriate staff to execute all related documents.

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**HISTORY:**

1. In October 2004, the Community Approach to Planning Prince Avenue (CAPPA) held a three-day charrette for Prince Avenue that fell mainly into five categories – landscape, historic resources, diversity of uses (planning), urban design, and transportation. This document did not make specific recommendations.
2. In February 2012, ACCGov completed a Prince Avenue Corridor Study, which recommended strategies for developing public policies, zoning strategies, as well as master streetscape planning that was to improve transportation infrastructure and build stronger greenspace connections. (Copy of the report is available at

[https://www.accgov.com/DocumentCenter/View/82894/Prince\\_Corridor-Study\\_20120202?bidId=](https://www.accgov.com/DocumentCenter/View/82894/Prince_Corridor-Study_20120202?bidId=)

The planning partners for the Corridor Study included representatives from the following:

- Unified Government of Athens-Clarke County (Planning Department; Transportation & Public Works Department (T&PW); Public Utilities Department (PUD); Central Services Department; Transit Department)
- Athens Regional Medical Center
- Boulevard Neighborhood area residents
- Cobbham Neighborhood area residents
- Four churches
- Georgia Department of Transportation (GDOT)
- Georgia Power
- Normaltown area residents
- Numerous private businesses, including banks, medical practices, restaurants, and other retail establishments
- Piedmont College
- The University of Georgia

3. On September 30, 2014, a Road Safety Audit along the Prince Avenue Corridor was conducted for the Georgia Department of Transportation (GDOT). (Copy of the report is available at: <https://www.accgov.com/DocumentCenter/View/3994/Corridor-Study--Prince-Avenue>).
4. In October 2014, the Road Safety Audit Report was prepared for GDOT. Recommendations included raised islands/medians, upgraded pedestrian facilities, new sidewalks, bulb-outs, a parking study, eliminating curb-cuts, installing bike lanes, enhanced pedestrian lighting and a

road diet. A copy of the report is available at:

<https://www.accgov.com/DocumentCenter/View/74286/SPLOST-2018-Project-16-GDOT-Prince-Avenue-Safety-Audit>.

5. In June 2017, the developer of the then proposed 100 Prince project analyzed traffic impacts anticipated from the completed development. The resulting traffic study concluded that traffic operations would worsen at the PM peak, levels of service would decline and that reducing travel lanes were not recommended. (Copy of the report is available at: <https://www.accgov.com/DocumentCenter/View/74302/SPLOST-2018-Project-16-Prince-Avenue-Traffic-Impact-Analysis>).
6. In October 2018, Athens in Motion produced their report with strategic goals that included creating a more bikeable and walkable community including separate bike lanes on Prince Avenue from Oglethorpe Avenue to Pulaski Street. (Copy of the report is available at: <https://www.accgov.com/7604/Athens-In-Motion-Bicycle-Pedestrian-Mast>).
7. In 2018, a Statewide Bicycle Safety Action Plan was developed for the State with the objectives of systematically incorporating bicycle safety countermeasures and establishing funding streams for bicycle improvements. (Copy of the report is available at: <https://www.accgov.com/DocumentCenter/View/82893/Georgia-Bicycle-Safety-Action-Plan-2018?bidId=>)
8. On March 12, 2018, GDOT held a Local Coordination and Concept Meeting with ACCGov staff to discuss GDOT's Project (see History #3 & #4) from Sunset Drive to Pulaski Street.
9. On September 13, 2018, GDOT held a Concept Team Meeting to review GDOT's Draft Concept Report (see History #3 & #4).
10. In February 2019, ACCGov T&PW commissioned a Traffic Engineering Study through Kimley Horn for Prince Avenue from Sunset Drive to Milledge Avenue. The intent of the study was to conduct an independent verification of the upcoming GDOT Concept Report (History #11) as well as determine potential operational improvements at the Talmadge/Park intersections. Recommendations from the study included improvements at five intersections, sharrows or shared sidewalk/bike path on the south side of Prince Avenue, three mid-block crossings, and speed tables on Talmadge Drive.
11. On April 23, 2019, GDOT's District office approved a Concept Report for the Prince Avenue Corridor. (Copy of the report is available at: <https://www.accgov.com/DocumentCenter/View/74314/SPLOST-Project-16-Prince-Ave-GDOT-Approved-Concept-Report>). Key recommendations included: improvements at eight intersections, three mid-block crossings, resurfacing/restriping along the entire corridor, and some raised medians.
12. On June 16, 2020, the Mayor approved the Manager's recommended Prince Avenue Corridor Committee and assigned the role of the typical SPLOST or SPLOST User Group (F&I's #3).

13. On November 9, 2020, the TSPLOST 2018 Prince Avenue User Group held its kick-off meeting.
14. On December 9, 2020, a potential project list, developed by staff, from the previous studies and the currently proposed GDOT-funded project were presented to the User Group as a starting point for consideration.
15. On June 8, 2021, the User Group presented to M&C their recommended draft corridor improvement projects list for TSPLOST 2018, Project 16 – Prince Avenue Corridor Improvements.
16. Between August 12, 2021 and September 9, 2021, ACCGov staff hosted Online Public Input Survey for TSPLOST 2018, Project 16 – Prince Avenue Corridor Improvements. There were 315 respondents with over 1,000 written comments.
17. On November 10, 2021, the User Group approved the Recommended Prince Avenue prioritized projects list.
18. On January 11, 2022, at a regularly scheduled M&C Work Session, the User Group Recommended Prince Avenue prioritized projects list was presented.
19. On January 24, 2022, the TSPLOST 2018 Oversight Committee (TSOC) met and reviewed the Proposed Project Concepts/Priority Project recommendations as compared with the Initial Project Statement for TSPLOST 2018, Project 16 – Prince Avenue Corridor Improvements Project. The TSOC, by unanimous vote, confirmed that the proposed concept/priority project recommendation is consistent with the Initial Project Statement for Project #16 of TSPLOST 2018.
20. On February 1, 2022, the M&C approved the recommended Prince Avenue Prioritized Projects List which included the work included in the proposed Project Concept.
21. On May 25, 2022, the User Group recommended the buffer type and layout for Sub-Project #1 Proposed Project Concept Plan.
22. On June 14, 2022, the User Group presented to M&C at the regularly scheduled work session their recommended Proposed Project Concept Plan for Sub-Project #1 for TSPLOST 2018, Project 16 – Prince Avenue Corridor Improvements, which included recommendations to conduct a pilot from Pulaski Street to Barber Street. The M&C asked staff to develop a similar concept to extend the pilot project on Prince Avenue from Pulaski Street to just before the N. Milledge Avenue intersection.
23. On July 17, 2022, staff distributed a Revised Project Concept to extend the pilot project on Prince Avenue from Pulaski Street to just before the N. Milledge Avenue intersection, as requested by M&C.
24. On July 27, 2022, at their regular scheduled meeting, the Prince Avenue User Group affirmed and further qualified the Revised Project Concept by taking the following two actions

- *“The Prince Avenue User Group supports use of the hi-build epoxy traffic paint, in lieu of the thermoplastic for the new striping” and,*
- *“The Prince Avenue User Group supports a pilot lane-repurposing project from Pulaski to Milledge with a continuous center turn lane — except for existing pedestrian crosswalk refuges. Removing a segment of the center turn lane would create dangerous traffic backups.”*

25. On August 2, 2022, the M&C approved a Commission Defined Option (CDO) increasing the length of the Project Concept, shortening the duration for the Pilot Project, and approving a change order (F&I #12 and #13) for Sub-Project #1 for the TSPLOST 2018, Project 16 – Prince Avenue Corridor Improvements (**Attachment #1**).

26. On August 18, 2022, GDOT notified TPW staff that GDOT was removing the mill/inlay resurfacing associated with the Prince Corridor Safety Improvements Project #0013954 and placing that work back within GDOT District 1’s maintenance program.

27. Between September 12-30, 2022, Pittman Construction Company removed the existing striping, installing new striping, and installed the buffer materials as generally shown in Project Concept – Attachment #1.

28. Public engagement activities occurred from August 30, 2022 to November 23, 2022. A summary of these public engagement results is provided in **Attachment #2**.

29. On September 2, ACCGov and Toole Design Group released an interactive StoryMap for the TSPLOST 2018, Project 16 – Prince Avenue Corridor Improvements Sub-Project #1.

30. Between September 30, 2022 and November 23, 2022, ACCGov and Toole Design Group hosted an online public engagement survey and storymap for the TSPLOST 2018, Project 16 – Prince Avenue Corridor Improvements Sub-Project #1. There were 1,605 respondents with over 1,824 location-specific written comments. A summary of all comments is provided in **Attachment #3**.

31. Focus group meetings with a group representing residents and another group representing businesses and other entities were held via Zoom and in-person once before the Pilot Project was installed and twice during the study period.

32. On October 2, 2022, public engagement tabling events were held at Historic Athens (old Fire Hall No. 2) at Porchfest from 12:30 to 5:30 pm as well as November 1<sup>st</sup> at Chase Elementary School from 4:00 pm to 6:00 pm.

33. During the week of October 17, 2022, post-implementation traffic studies were conducted at the same 17 locations and three intersections that were conducted pre-implementation in April 2022.

34. On October 18 and 19, 2022, the M&C and the incoming Commissioners-elect were invited to walk a portion of the corridor with TPW, SPLOST, and the Engineers.

35. On November 30, 2022, the User Group met to discuss the results of the traffic studies and the public engagement. Staff and the Designers presented the results from the Pilot Project. Based on those results, the User Group approved a recommendation to make the Pilot Project permanent, including the installation of short-term and interim improvements to Sub-Project #1.
36. On November 30, 2022, during the same meeting, the User Group also approved a recommendation to further mature considerations to address long-term associated safety improvements for this section of Prince Avenue.
37. On December 6, 2022 at a special called work session, staff presented to the M&C the results of the Pilot Project as well as the recommendations of the User Group moving forward.

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#### **FACTS & ISSUES:**

1. The initial project statement for the TSPLOST 2018 Project 16 Prince Avenue Corridor Improvements Project reads as follows:

***TSPLOST 2018 Project 16: Prince Avenue Corridor Improvements Project, includes funding for specific improvements to the Prince Avenue Corridor that are to be approved by Mayor and Commission. Improvements eligible for the funding include, but are not limited to, landscaped/concrete median(s), additional sidewalks, multi-use trail, separated bike lanes, and intersection improvements at the intersections of N. Milledge Avenue, King Avenue, and Park Avenue / Talmadge Drive.***
2. The TSPLOST 2018 Project 16 Prince Avenue Corridor Improvement Project recommended limits are from Sunset Drive to Pulaski Street. Typical sections of the Prince Avenue Corridor Improvement Project have a four-lane roadway with two-way left turn lanes and includes eight signalized intersections at Sunset Drive, Oglethorpe Avenue/Satula Avenue, Talmadge Drive/Park Avenue, King Avenue, N. Chase Street, N. Milledge Avenue, Finley Street/Barber Street and Pulaski Street with some having dedicated left turn lanes. The portion of Prince Avenue from N. Milledge Avenue west, past Sunset Drive, is under GDOT control (i.e. they are responsible for maintenance and permitting) and the portion of Prince Avenue from N. Milledge Avenue east is under ACCGov control.
3. The project Prince Avenue Corridor Committee A.K.A. User Group and Participating Departments, include the following members:

<u>User Group Member</u>	<u>PRINCE AVENUE</u>
Resident Member (AiM Comm. Member)	Mark Ebell *
Resident Member	Clint McCrory*
Resident Member	Peter Norris*
Resident Member	Jen Rice*
Resident Member	Emily Tatum*
Resident Member	Ellen Walker*

T&PW, Director	Stephen Bailey*
Landscape Management, Division Administrator	Jeanne Connell*
Planning, Assistant Director	Bruce Lonnee*
Economic Development, Director	Ilka McConnell*
Manager's Office, Assistant Manager	Josh Edwards
Transit	Victor Pope
Leisure Services, Planner	Todd Miller
T&PW, Bike/Ped Coordinator	Daniel Sizemore

\*Voting Members

4. The User Group's Charge:

*Review the previous studies and review additional data from departments with additional information about the corridors (Transit, Planning, Traffic Engineering, etc.). Based on the previous studies and additional data, develop and provide M&C with a recommended prioritized list of specific transportation related improvement projects that meet the TSPLOST Initial Project Statements and that equitably enhance the individual project corridor.*

5. Based on GDOT Road Safety Audit (History #3 & #4), GDOT is planning a Corridor Safety Improvement Project for Prince Avenue that is completely independent of the ACCGov TSPLOST Project for Prince Avenue. Even though the portion of Prince Avenue east of N. Milledge Avenue is under local ACCGov control, GDOT is still planning on providing Corridor Safety Improvements for that section of Prince Avenue as part of their Project #0013954 (History #10). The GDOT Safety Improvements Project, independent from the current TSPLOST 2018 Project, contains the following scope of work, as of September 4, 2021:

- a. Lighting upgrades along corridor at signal/mid-block crossings (11-12 locations)
- b. Signal upgrades at eight locations
  - SR 15 Alt @ Sunset Drive
  - SR 15 Alt @ Oglethorpe Avenue/Satula Avenue
  - SR 15 Alt @ Talmadge Drive/Park Avenue (convert Park Avenue to RIRO)
  - SR 15 Alt @ King Avenue
  - SR 15 Alt @ Chase Street
  - SR 15 Alt @ Milledge Avenue
  - SR 15 Alt @ Finley Street/Barber Street
  - SR 15 Alt @ Pulaski Street
- c. Mid-block crossing upgrades at three locations
  - CS 1228/ Prince Avenue @ Piedmont College DW
  - CS 1228/ Prince Avenue @ Pope Street
  - CS 1228/ Prince Avenue @ Newton Street
  - Potential crossing at SR 15 Alt @ Pound Street (SSA building) – *Under TMC Review*
- d. ADA Ramps & crosswalk striping upgrades (where existing conditions are lacking)
- e. Mill & Inlay resurfacing, including restriping from Sunset Drive to Pulaski Street

- f. Raised Medians
  - From Oglethorpe Avenue/Satula Avenue to Talmadge Drive
  - From King Avenue to Chase Street

6. Because GDOT is providing the Safety Corridor Improvements for the entire stretch of Prince Avenue, all of the M&C approved Prioritized Projects will require some level of GDOT involvement and coordination. The extent of the effort will depend on whether the work is east or west of the intersection with N. Milledge Avenue. To prevent redundant work, GDOT has offered to consider including some of the Approved Prioritized Projects in their Prince Avenue Safety Improvements Project.

7. The Approved Prioritized Projects (History #20) are based on projects that increased safety opportunities for all users. The Tier 1 Projects, from the approved Prioritized Projects were as follows:

Tier 1 projects	Who Benefits	Cost
Midblock crossings at Georgia Ave (Normaltown) and Sylvia Circle (Soc. Sec Office)	Pedestrian	\$
More frequent bus trips in corridor	Transit users	\$\$
Protected bike lanes from Milledge Avenue to Pulaski Street	Bike	\$\$
Road diet ("3-laning") from Milledge to Pulaski	All users	\$\$
Reduce the number of curb cuts in corridor	Pedestrian/Bike	\$\$
Intersection improvements at Park and Talmadge	All users	\$\$\$

8. With respect to the M&C approved Tier 1 Projects, (F&I #7), T&PW requested that a Traffic Engineering Study (draft completed in January 2022) be conducted on the Section of the corridor from Milledge Avenue to Pulaski Street. From the Traffic Engineering Study completed (draft) in January 2022, the study was to determine the potential impacts and the feasibility of a road diet on approximately 0.65 miles of existing four-lane roadway. A recommendation from the study was to consider a temporary (pilot) conversion of Prince Avenue using removable buffers in order to test the road diet prior to re-striping. Included within the recommendation was monitoring of adjacent roadways for potential traffic diversion, potential signal timing adjustments, changes to conflict points, and consolidation of Transit stops to minimize delays due to stopped buses.

9. The User Group reviewed various options for a potential pilot project using a road diet ("3-laning) on Prince Avenue from N. Milledge Avenue to Pulaski Street. After review of the options, the User Group approved (History #21) a recommendation to create a Sub-Project #1 with the Proposed Project Concept for an approximate 90-day pilot project conversion of Prince Avenue from Pulaski Street to Barber Street using removable buffers in order to test the road diet with re-striping to provide the protected and separated bike lanes that include the following features:

- Using Protected Bike Lane and preferred cross section utilizes the existing curbs and reduces the vehicle travel lanes to 10-feet wide.
- The existing vegetative buffers and sidewalks outside the existing curbs will remain unchanged.

- Monitoring of adjacent roadways for potential traffic diversion, potential signal timing adjustments, and consolidation of Transit stops to minimize delays due to stopped buses.
- On-going Public Engagement and feedback will be taken during the pilot project.
- NACTO, AASHTO, and ACCGov's standards for roadway and separated bike lanes will be used.
- Buffer areas will be delineated using hi-build epoxy traffic paint and buffer delineators.
- Zicla Zipper and flexible posts will alternate along with the use of turn wedges and bicycle box markings.
- Existing lane markings will be ground off and hi-build epoxy traffic paint markings and buffers be installed.

10. Although the approved Prioritized Project List included the road-dieting from N. Milledge Avenue to Pulaski Street, the User Group approved (History #21) the recommendation to create the Sub-Project #1 with the Proposed Project Concept for an approximate 90-day Pilot Project conversion of Prince Avenue from Pulaski Street to Barber Street.

11. The M&C approved CDO (History #25) that extended the Pilot Project to 95% of the way to Milledge Avenue, eliminated on-street parking on the north side of Prince Avenue between N. Pope Street and Grady Avenue, and modified the duration of the project for a period of not to exceed 180 days starting with a 60-day pilot implementation followed by data analysis and reviews by M&C.

12. The approved CDO also included a change order to ACCGov's on-call paving contractor, Pittman Construction Company, for a not exceed amount of \$350,000 for the implementation only of the Pilot Project.

13. As part of the implementation of Sub-Project #1 Pilot Project, staff completed an extensive Public Engagement Process to gather public sentiment about the Pilot Project. The Public Engagement StoryMap & survey garnered 3,437 total view and 1,605 responses, respectively, with over an 80 percent completion rate and 1,824 location-specific comments on the survey. Themes from the survey are provided in **Attachment #2** and are shown below. Raw results of the survey comments are provided in **Attachment #3**.

- Vehicle traffic is calmer and more predictable (positive and negative reactions).
- Wide difference in opinions on the purpose of Prince Avenue for Athens.
- Motorists feel less safe because they have less space to make maneuvers.
- Delineators make bicyclists feel safer and more welcome on Prince.
- Pedestrians feel more visible and enjoy the shorter crossings.
- Intersections and crossings are where people feel safety is most improved but are also the areas where people have the most concerns.
- Mixed feelings about turns and visibility with on-street parking.

14. Resident and Business & Other Entities Focus Groups met with the Design Team three times including once before implementation. Themes from those meetings are provided in **Attachment #2** and listed below:

- The Pilot Project proved Prince Avenue can safely support all roadways users if the existing roadway is repurposed.
- The Study Period was long enough for most people to adjust.
- Support for Pilot Project and a possible permanent version increased over time.
- Business members, some of which were highly concerned before installation, were supportive.
- With the Pilot Project, the street is more people-oriented, and it feels like an extension of downtown.
- This is a 'first of its kind' street in Athens.
- Different materials for the buffers could increase support for the Pilot Project. Protecting vulnerable users should be the most important quality of any material.
- Engagement has been appropriate. There is room for improvement and concern over transparency of findings.

15. Pre-implementation traffic studies were conducted at 17 locations plus three intersections (April 2022). Post-implementation traffic studies were conducted at the same 17 locations and intersections (October 2022). These traffic studies were intended to ascertain where and if traffic diverted from Prince Avenue onto adjacent streets, as well as how much the Pilot Project impacted speeds and travel times. These results are provided as **Attachment #4**.

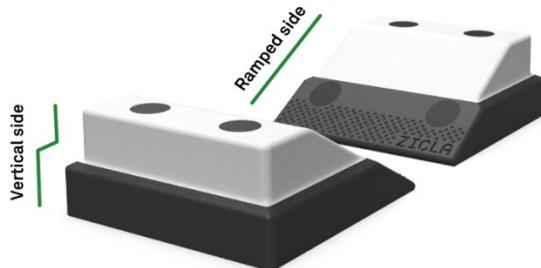
16. Comparing volume, speed, travel-time, and intersection delays data between pre-and post-implementation the following was observed:

- Slight increase in volume of cars through the Pilot Project corridor and no noticeable increase in volumes to side streets was encountered – meaning traffic diversions did not affect neighboring streets.
- Vehicle speeds through the Pilot Project slowed.
- Travel times were decreased during the morning peak hour but increased during the midday and evening peak hours.
- Similar to travel time, intersection delays decreased during the morning peak hour and increased during the midday and evening peak hours. All intersections operated at an overall acceptable Level of Service following the implementation of the Pilot Project.

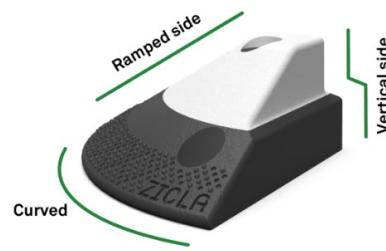
17. The traffic count analysis showed that very few neighborhoods that experienced increases in traffic that could be associated with traffic diverting from Prince Avenue.

18. The buffer materials, Zicla Zipper System type "A" components (pictured below), used during the Pilot Project was a new product for the ACCGov, but the type "A" components have been used in many other locations. These buffer materials served the purpose of the Pilot Project. However, several claims were made that when drivers did not properly stay within the travel

lane and hit the vertical side of the type "A" components, their tires were punctured. The Zicla Zipper System does have a type "B" component (pictured below) that has ramped edges on the leading and trailing sides and flat on the other side.



Zicla Zipper System type "A" module



Zicla Zipper System type "B" module

The intent of the type "B" component is that when combined with a type "A" in "BAB" configuration the vertical edges will be replaced with ramped edges. This configuration retains visual and vertical barriers as originally designed but also allows better recovery opportunity by drivers thereby reducing traffic interruptions due to possible tire damage.

Staff believes that the Zicla Zipper System using a "BAB" configuration will provide a better interim buffer solution, but a better long-term buffer material may need to be one that provides similar safety and protection but requires less long-term maintenance (e.g. a tapered concrete curb).

19. The Design Team provided the User Group and staff with detailed traffic study data analyses and the public engagement results following the 60-day Pilot Project. Based on the results of the traffic studies and the public engagement, the User Group recommends (History #35) that the M&C approve the conversation on the Pilot Project to a permanent installation of Sub-Project #1 with the following additional short-term improvements:

- Relocating the Rectangular Rapid Flashing Beacon (RRFB) to the new mid-block crossing near The Bottleworks (\$10,000 budget);
- Removing transit stop improvements at intersection of Prince & Pulaski (\$5,000 budget);
- Add raised pavement markers along the route (\$5,000 budget); and
- Revise bicycle box on eastbound Prince at Pulaski (\$5,000 budget).
- Repair and enhance the Zicla Zipper system to add the B modules into a BAB configuration with added reflector tape and epoxy into the asphalt (\$150,000 budget).
- Project Contingency (\$25,000 budget)
- Total estimated budget to install short-term improvements is \$200,000.

20. After M&C approval of the Sub-Project #1 Pilot Project, GDOT has informed ACCGov staff that GDOT is removing the milling and repaving of Prince Avenue from GDOT's Corridor Safety Improvements Project #0013954 (History #26). The mill/inlay resurfacing work is to be put back within GDOT District 1's maintenance program; which would only include the section of

Prince Avenue north of Milledge Avenue and the portion of Prince Avenue from Milledge to Pulaski would remain ACCGov's responsibility.

21. With the original Project Concept Pilot Program (Road Diet) concluded and with M&C approval to permanently install the pilot configuration with some changes (F&I #19), there are necessary peripheral improvements to comprehensively address the safety and infrastructure needs in this segment. These features include, but may not be limited to:
  - Curb cuts (Closing drives/entrances to private/adjoining parcels)
  - Different buffer materials
  - Incorporate additional stormwater features for conveyance/treatment
  - ADA and crosswalk improvements
  - Intersection Improvements
22. The User Group, History #36, recognized the need for these peripheral improvements, which could cost upwards of \$1 million in the future based on conceptual nature of the improvements. Due to the potential project cost implication, the recommendation to advance the Project Concept into the Preliminary Engineering/Design Phase that will investigate addressing long-term associated safety improvements and reducing long term operational/maintenance for this section of Prince Avenue which supports the User Groups recommendation.
23. The User Group supported the potential creation of Sub-Project #2, but staff would recommend that the original Concept be extended to include these peripheral improvements that are directly relevant to the pilot project. In addition, the new and different long term buffer material will need to be installed in tandem with paving resurfacing in the pilot project area, as well as some of the other improvements, so it follows that these items be amended into the original Concept.
24. If amended, staff will begin work on further design of the peripheral improvements and return to the M&C later in 2023 with the suggested preliminary plans. Staff will also be seeking to include the anticipated resurfacing of the segment in the CY2023 Pavement and Maintenance program, although paid for with TSPLOST funds for that segment.
25. With GDOT's removal of paving the local road section (History #26) between Milledge Avenue and Pulaski Street, there is no immediate scheduling concern staff is aware of at this time allowing time for the Preliminary Engineering phase to be completed.
26. T&PW estimates the Preliminary Engineering phase effort can be completed by an on-call engineering team at a not-to-exceed cost of \$100,000.

27. If the decision is made to remove the Pilot Project and restore the previous four-lane striping, the estimated cost to restore is:

- Relocating the Rectangular Rapid Flashing Beacon (RRFB) to the new mid-block crossing near The Bottleworks (\$10,000 budget);
- Remove new striping and restripe back to original configuration; and
- Remove buffer materials and repair the asphalt as needed.
- In the absence of a firm contractor quote for the removal and replacement of the Pilot Project, staff would recommend retaining a budget of approximately 75% of the original installation estimated cost or \$210,000.
- Total estimated budget for removal of the Pilot Project is \$220,000.

28. This recommendation supports the following ACCGov Strategic Plan Goal & Strategy:

- Safely Move Around Athens Goal, Strategy A: *Improve, expand, and maintain sidewalks, shared-use paths, and bike facilities to provide greater opportunities for residents to use active transportation safely; and,*
- Safely Move Around Athens Goal, Strategy D: *Create more usable and aesthetically pleasing corridor connections between residential and commercial areas*
- Safely Move Around Athens Goal, Strategy E: *Enhance safety for all modes of transportation*

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#### **OPTIONS:**

1. Mayor and Commission:

- a. Approve the permanent installation of Pilot Sub-Project #1 Project Concept into a permanent Road Diet Sub-Project #1 for TSPLOST 2018, Project 16 – Prince Avenue Corridor Improvements Project, as generally shown on **Attachment #1**,
- b. Amend Sub-Project #1 Project Concept to include the additional improvements as generally described in F&I #19;
- c. Approve a change order to the on-call paving contractor, Pittman Construction, for a not to exceed amount of \$200,000 for the conversion of the Pilot Project Concept as amended into a permanent Road Diet Sub-Project #1 for TSPLOST 2018, Project 16 – Prince Avenue Corridor Improvements Project, as generally shown on **Attachment #1** and with the additional improvements as generally described in F&I #19;
- d. Authorize staff to enter into the Preliminary Plan Phase of the project development process to further investigate and mature the peripheral improvement elements generally described in F&I 21 to address long-term safety and operational improvements for the affected section of Prince Avenue with construction cost estimates, and
- e. Authorize the Mayor and appropriate staff to execute all related documents.

2. Mayor and Commission deny approval of the Pilot Sub-Project #1 into a permanent Road Diet Sub-Project #1 for TSPLOST 2018, Project 16 – Prince Avenue Corridor Improvements Project, as generally shown on **Attachment #1**, and authorize staff to make additional improvements as generally described in F&I #27.
3. Mayor and Commission defined option.

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**DEPARTMENT RECOMMENDED ACTION:** Option #1 a, b, c, d, & e

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**DEPARTMENT:**

Prepared by: Diana Jackson, Office of the Manager - SPLOST & TSPLOST Program Management



December 2, 2022

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Keith D. Sanders, TSPLOST Program Administrator

Date:

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**ADMINISTRATIVE COMMENTS:**

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**ADMINISTRATIVE RECOMMENDATION:** Option #1 a, b, c, d, & e



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December 8, 2022

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Manager

Date:

**ATTACHMENTS:**

Attachment #1: Concept Plan for Sub-Project #1

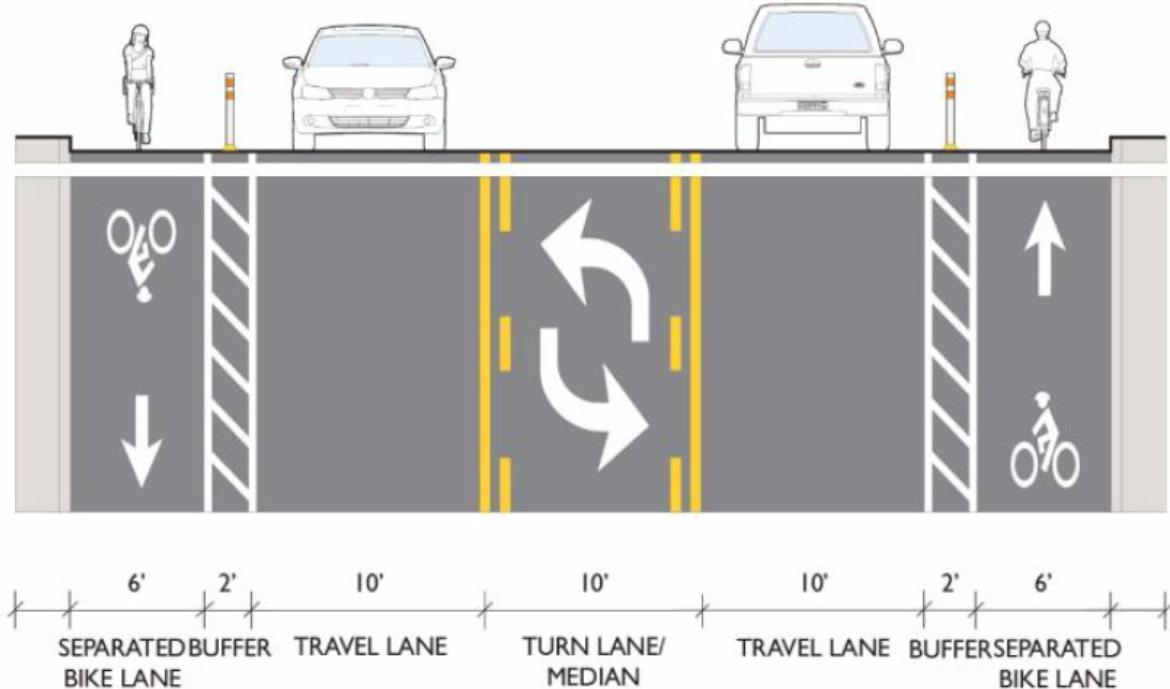
Attachment #2: Summary of Public Engagement Results

Attachment #3: Summary of Survey Comments (in 5 parts due to 10MB size limit)

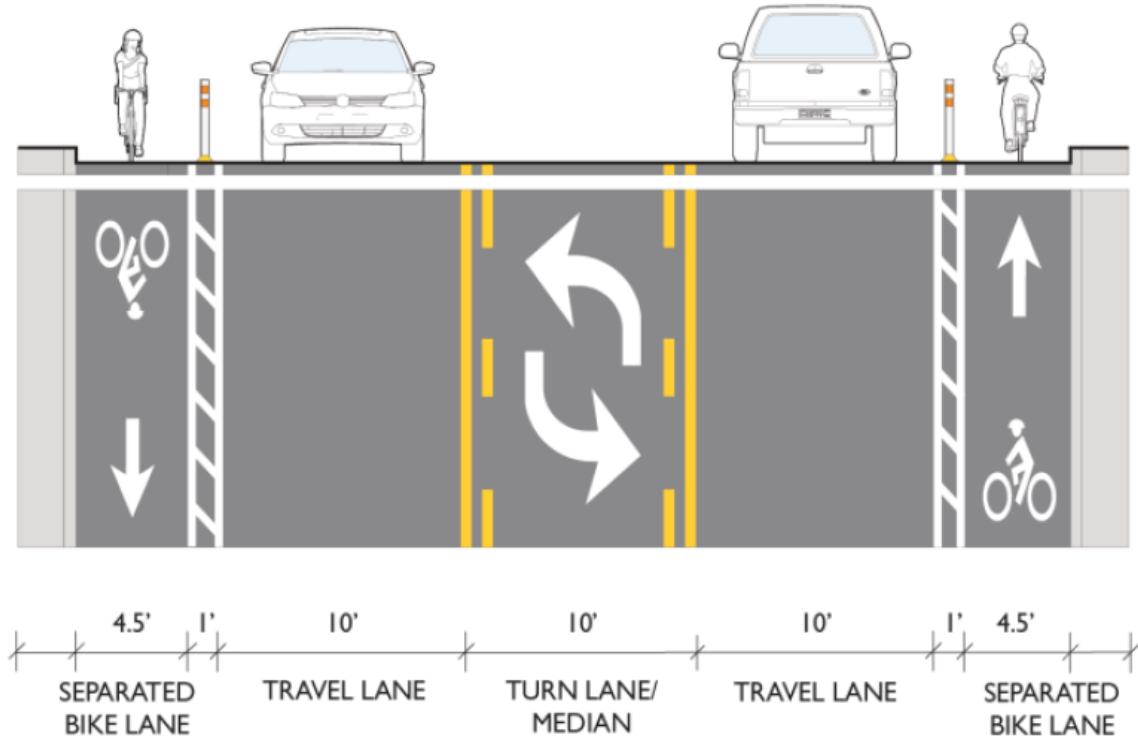
Attachment #4: Traffic Engineering Pre- and Post-Analysis Results

## Sub-Project #1 - Proposed Project Concept

### ❖ Cross Section – Barber Street to Newton Street



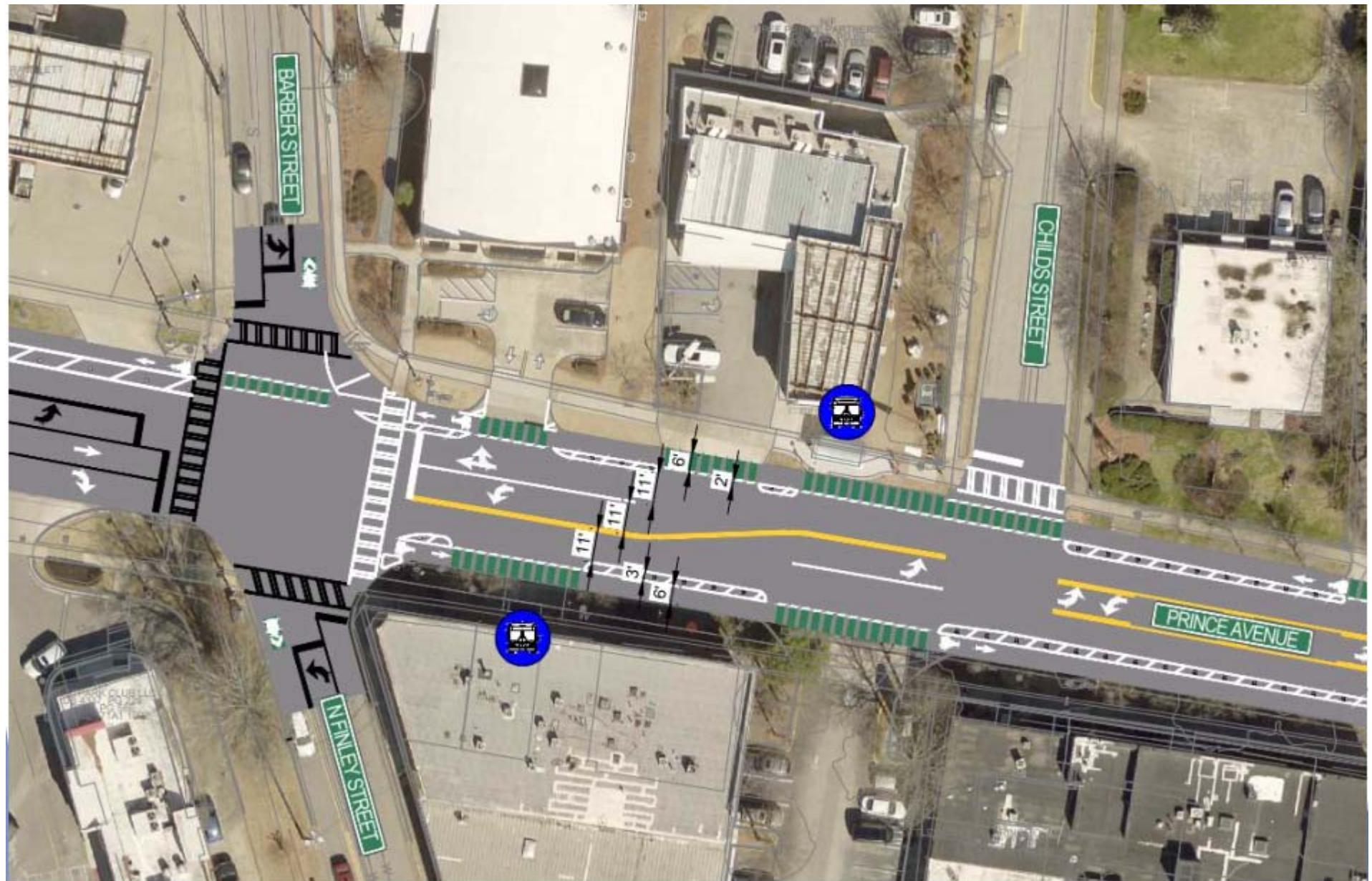
### ❖ Cross Section – Newton Street to Pulaski Street (constrained)



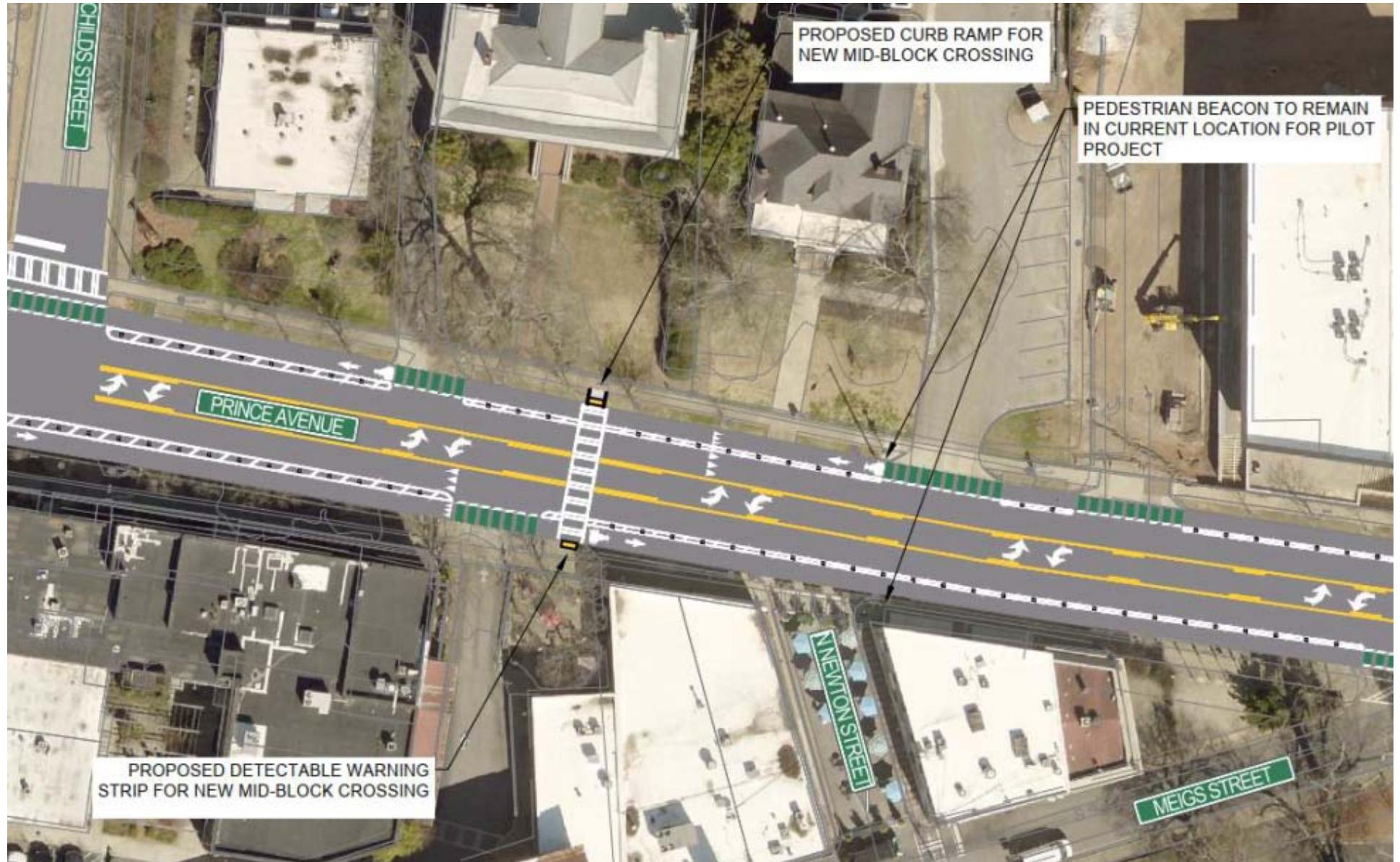
## OVERALL CONCEPT PLAN (following pages breaks it into three sections)



CONCEPT PLAN – 1 of 3



CONCEPT PLAN – 2 of 3



CONCEPT PLAN – 3 of 3



# Prince Avenue Pilot Project

## Public Engagement Summary

Public engagement for the Prince Avenue Pilot Project took place between August 30, 2022 and November 23, 2022. The follow presents a summary of the engagement activities and the results from public input.

### Approach

The public engagement plan relied on buy-in from the Prince Avenue User Group (PAUG) and the Athens-Clarke County (ACCGov) Public Information Office (PIO). The PIO and other ACCGov departments actively participated in public engagement by providing quality control, technical assistance, and logistical coordination for content creation and engagement events. Public engagement activities ensured outreach was:

- Carried out through multiple mediums including the official Prince Avenue webpage; a StoryMap; yard signs, flyers, and A-frame signs with a scannable QR code; ACCGov email lists; press releases; and social media;
- Provided in various formats including in-person, virtual, and on-demand activities;
- Interactive and educational with graphically-rich materials to explain the intent of the Pilot and elements used to repurpose the roadway; and
- Geared toward the general public with targeted engagement of stakeholders through focus group sessions.

### Timeline of Activities

In addition to the public-facing activities shown in blue below, the timeline also shows the two in-person walk audits of the corridor that the design team held for elected officials.

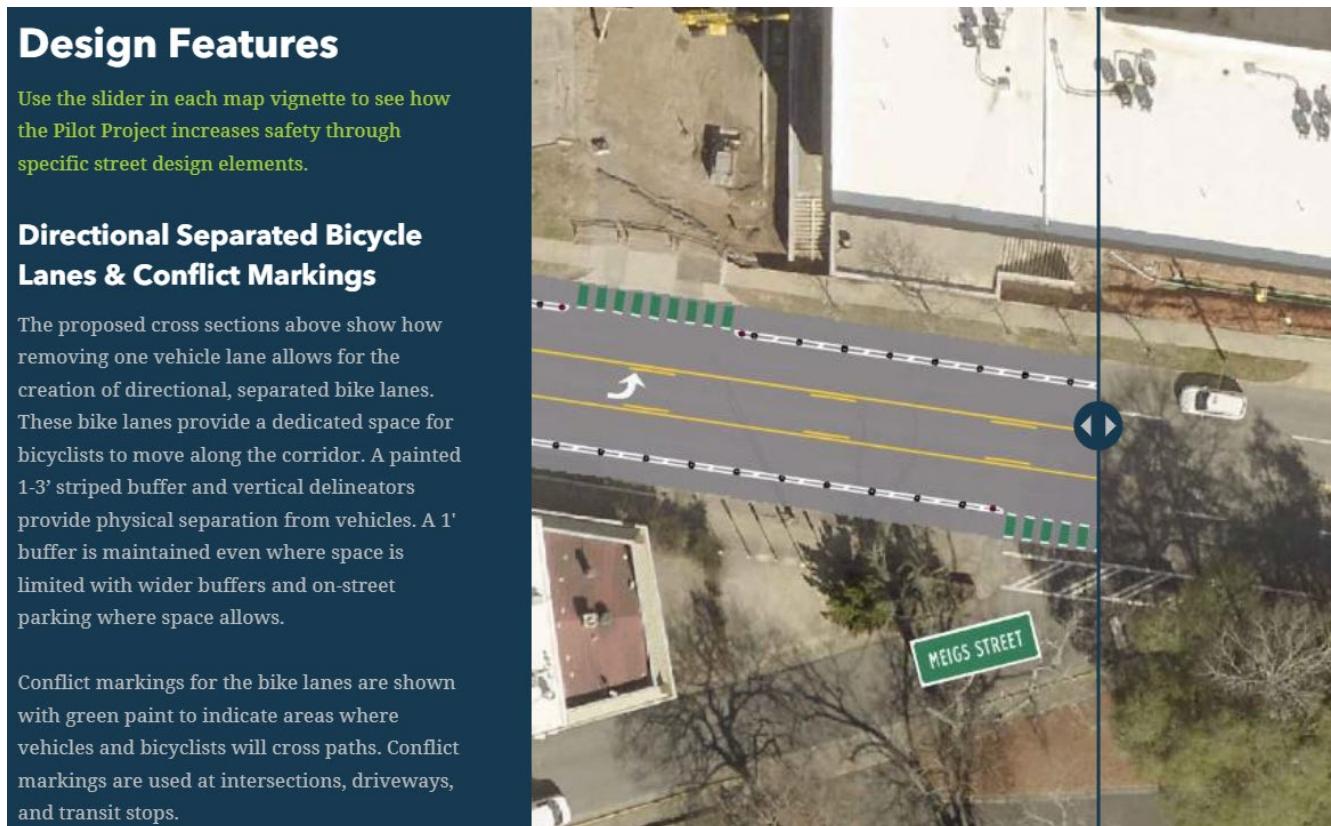
Figure 1. Engagement Timeline



## StoryMap

The StoryMap was published on September 30, 2022. The StoryMap provided information about the history of the Pilot, the design intent, the types of elements used to repurpose the exiting roadway, and served as a tool to gather feedback on the Pilot through an online public survey. All content underwent review by multiple ACCGov departments.

**Figure 2. Example of Information Presented on the StoryMap**



Between the time the StoryMap was released and when the public survey closed, the StoryMap was viewed over 3,400 times. Views per day are shown in Figure 3 below. Anecdotally, the design team received highly positive feedback on the StoryMap from various community members throughout the course of the study period. The StoryMap is currently still available to view through [www.accgov.com/prince](http://www.accgov.com/prince).

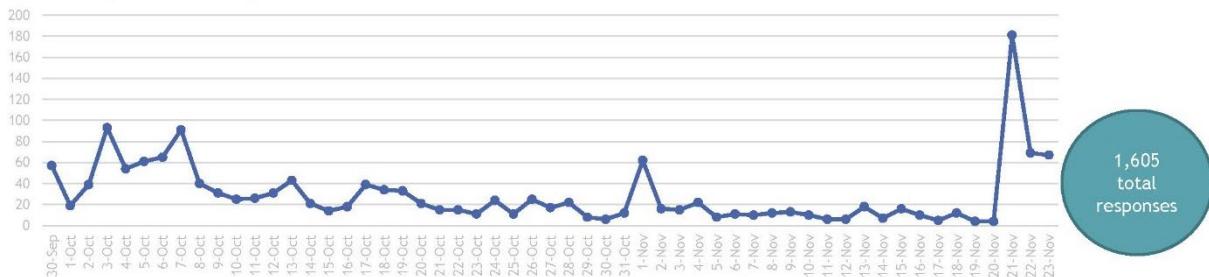
**Figure 3. StoryMap Activity Over Time**



## Public Survey Overview

In total, the public survey gathered 1,605 responses. Figure 4, on the following page, shows the daily participation activity for the survey and indicates an increase in participation around both of the in-person tabling events held by the PAUG on October 2<sup>nd</sup> and November 1<sup>st</sup>.

**Figure 4. Survey Activity Over Time**



### Tabling Events

The PAUG along with ACCGov staff held two in-person tabling events. The first occurred on Sunday, October 2<sup>nd</sup> from 12:30 to 5:30 p.m. at Historic Athens (old Fire Hall No. 2) and took place during the annual Porchfest event, which draws hundreds to Prince Avenue for live music. The second tabling event took place on Tuesday, November 1<sup>st</sup> from 4:00 to 6:00 p.m. at Chase Street Elementary School during afterschool pick-up. During these tabling events, PAUG members and ACCGov staff distributed printed materials with the project QR code and encouraged people to take the public survey.

### Survey Results

The public survey included six required questions about experience and perceptions, four optional questions to provide location-specific feedback using maps, and several optional demographics questions. It is important to note, the questions in the survey focused on perceptions of safety and did not include questions asking if people like or dislike the Pilot. The survey was open from September 30 to November 23, 2022. A total of 1,605 people submitted responses.

### Themes

- Vehicle traffic is calmer and more predictable (positive and negative reactions).
- Wide difference in opinions on the purpose of Prince Avenue for Athens.
- Motorists feel less safe because they have less space to make maneuvers.
- Delineators make bicyclists feel safer and more welcome on Prince.
- Pedestrians feel more visible and enjoy the shorter crossings.
- Intersections and crossings are where people feel safety is most improved but are also the areas where people have the most concerns.
- Mixed feelings about turns and visibility with on-street parking.

### Experience and Perceptions

The figures on pages 5-8 show results from questions that asked about people's experience and perception of the Pilot project. The findings of these graphs are summarized by the following bullet points.

- **Figure 5:** Nearly all respondents (95%) indicated they experienced the Pilot in a motor vehicle either as a driver or a passenger. In terms of other modes, 49% of respondents walked, 25% biked, and 3% rode transit along the corridor.

- **Figure 6:** When asked about the impact of the Pilot on the surrounding neighborhood, the single category with the most votes was the Pilot “Makes the neighborhood much better”. Overall, results were evenly balanced between thinking the Pilot makes the neighborhood better compared to thinking the Pilot makes the neighborhood worse. Respondents who identified as living or working on the corridor (24% of the total) were slightly more critical of the Pilot than the rest of respondents.
- **Figure 7:** To gain an understanding of people’s background with roadway safety on Prince Avenue, the survey included a question about collisions and near-collisions. Over 30% of survey participants indicated they had been involved in a collision or near-collision on Prince Avenue. Of the 1,605 responses, 12% of people identified as being either a pedestrian or bicyclist involved with a collision or near collision with a vehicle.
- **Figure 8:** Participants were asked to identify which modes of travel felt safe along Prince Avenue before and after implementation of the Pilot. Results show that after the Pilot, perceptions of safety became more balanced across all modes with the biggest changes in perceived safety indicated as an increase in safety for biking and a decrease in safety for driving or taking transit.
- **Figure 9:** The previous question was analyzed in a different way to understand how people’s experience of the Pilot impacted their perception of safety. Since 94% of participants had experienced the Pilot in a car, there is not much difference in their responses when compared to all participants. However, the 50% of respondents who walked the corridor and the 25% of respondents who biked the corridor had a higher perception of increased safety for walking and biking compared to all participants.
  - » Though not depicted graphically, comparison of responses submitted in the first three weeks of the Pilot to those submitted in the last three weeks of the Pilot shows an increase in the percentage of motorists’ (38% to 43%) who felt Prince Avenue is a safe place to drive following implementation of the Pilot.
- **Figure 10:** Compared to people who took the survey in the first three weeks of the Pilot, a higher proportion of people who took the survey in the last three weeks indicated they would feel safer walking and/or biking in Athens if there were more streets like the Pilot (51% compared to 48%).
- **Figure 11:** Nearly half of all respondents (44%) indicated the Pilot makes them want to walk and/or bike more along Prince Avenue.

**Figure 5. Survey Question: “How have you experienced this segment of Prince Avenue since the Pilot was installed?”**

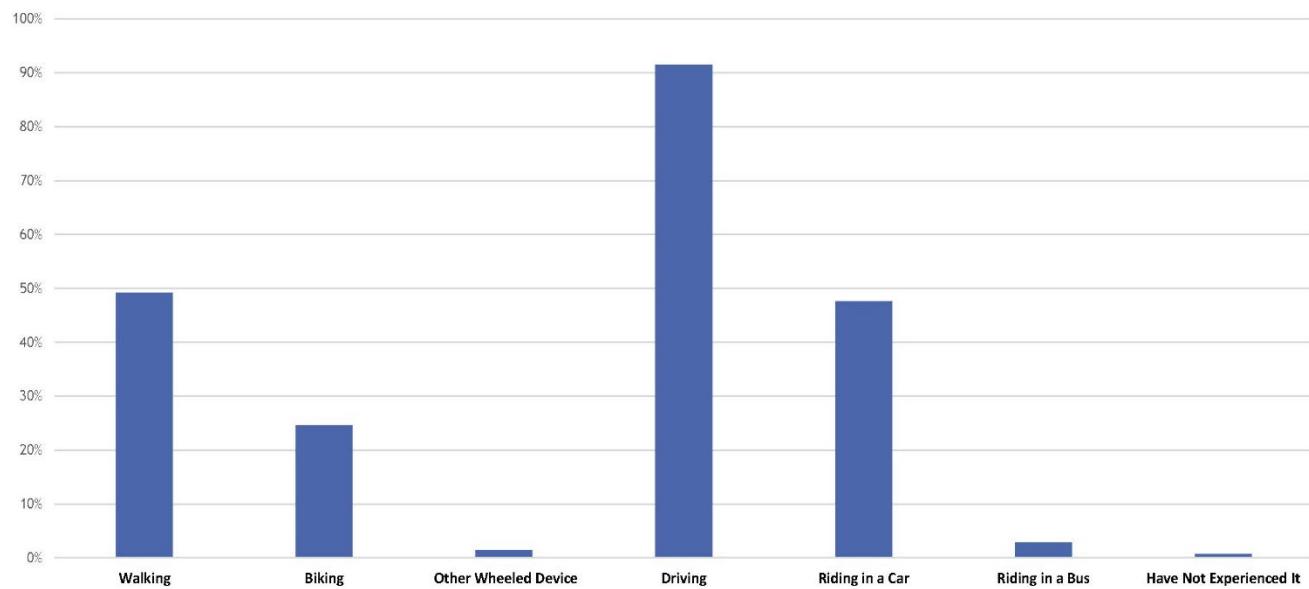


Figure 6. Survey Question: “How do you feel the Pilot Project impacts the neighborhood?” based on relationship to the corridor

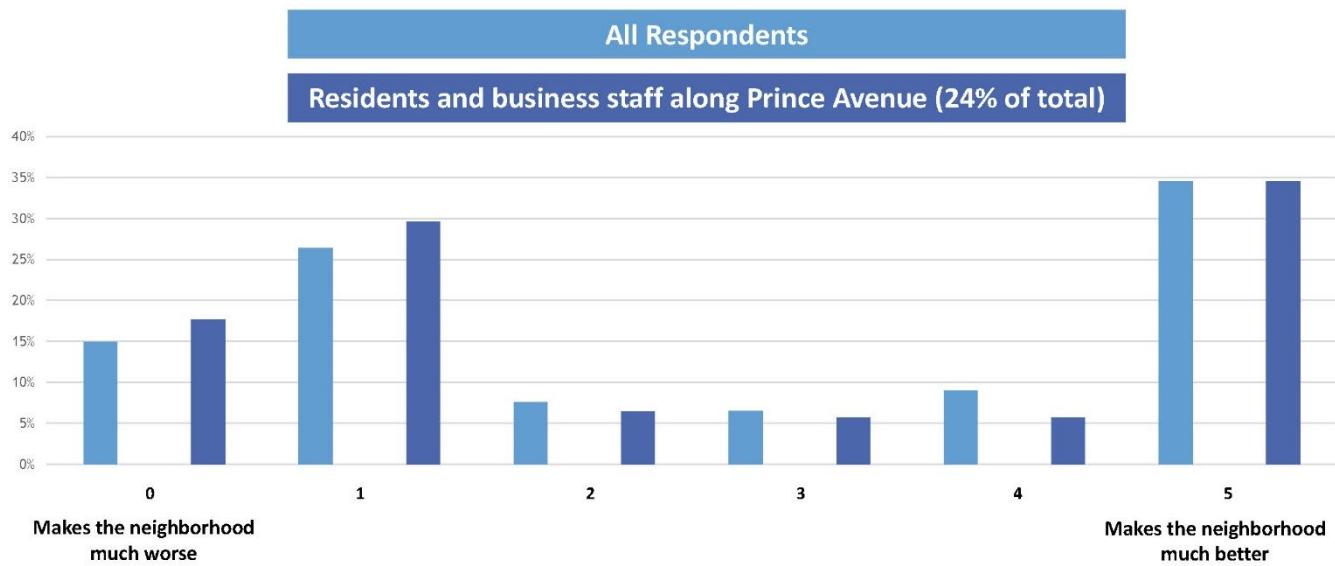


Figure 7. Survey Question: “How you ever been involved in a collision or near-collision on Prince Avenue?”

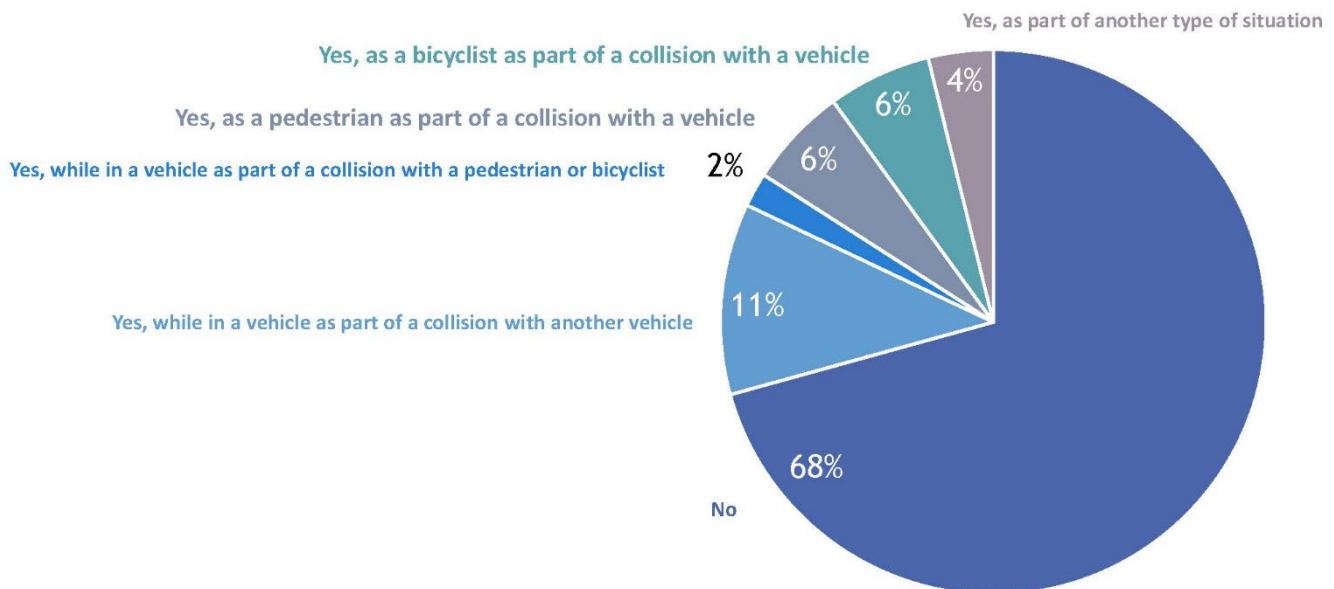


Figure 8. Survey Questions: “Before the Pilot, Prince Avenue was a safe place to...” compared to “After the Pilot, Prince Avenue is a safe place to...”

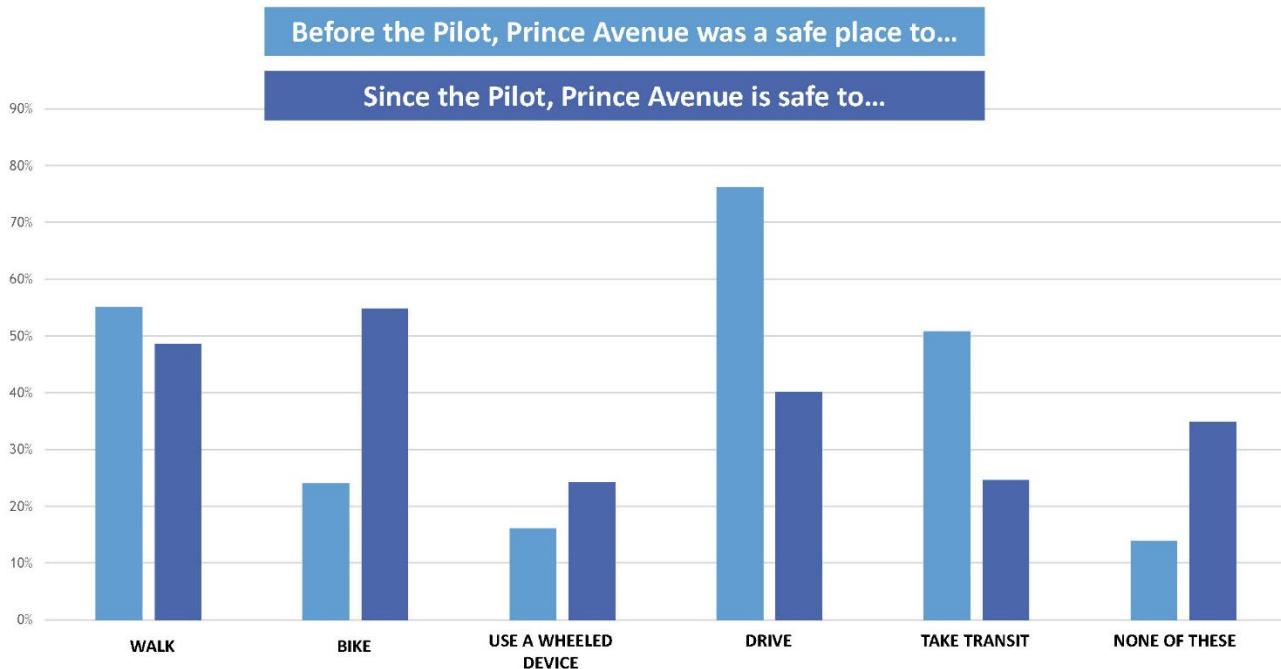


Figure 9. Survey Questions: “Before the Pilot, Prince Avenue was a safe place to...” and “After the Pilot, Prince Avenue is a safe place to...” based on how the respondent experienced the Pilot

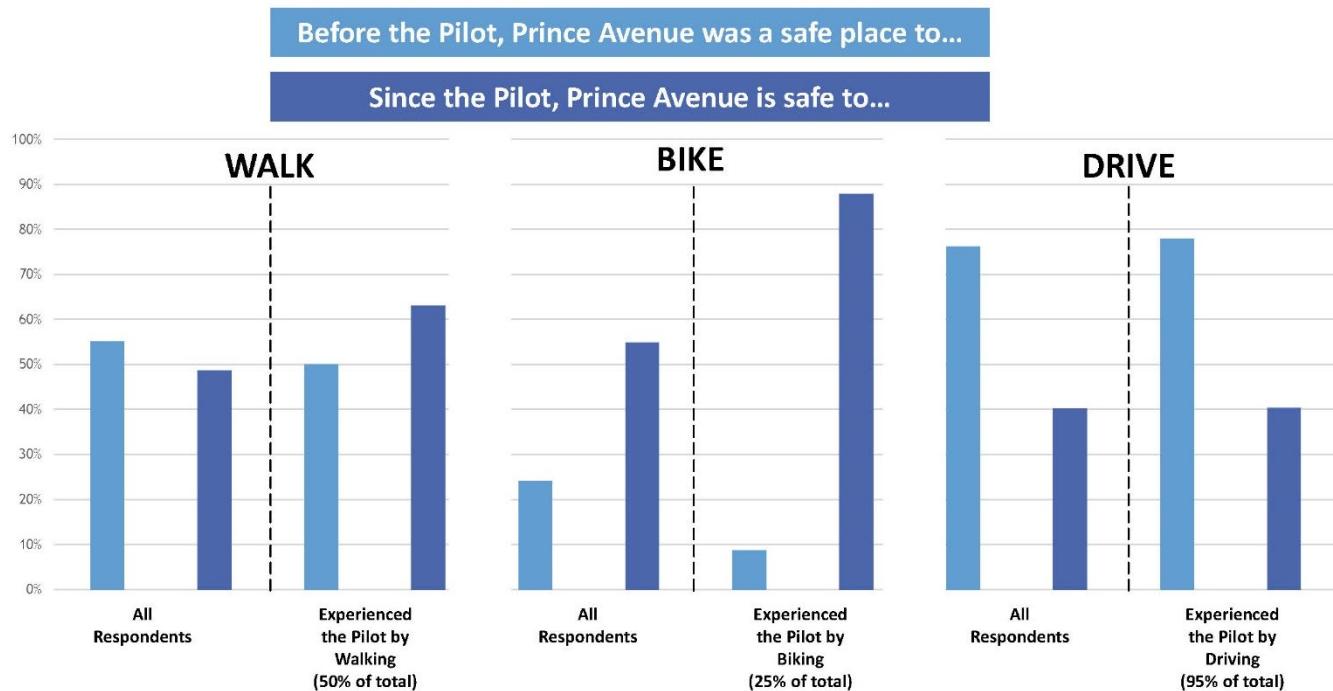


Figure 10. Survey Question: “Would you feel safer walking and/or biking in Athens if there were more streets like this?” based on when respondent completed the survey

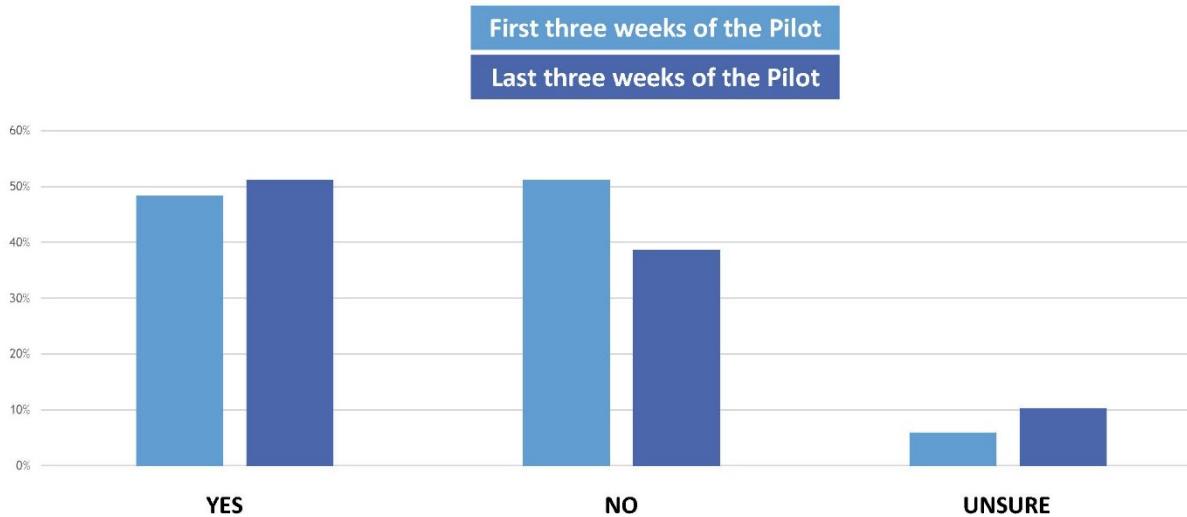
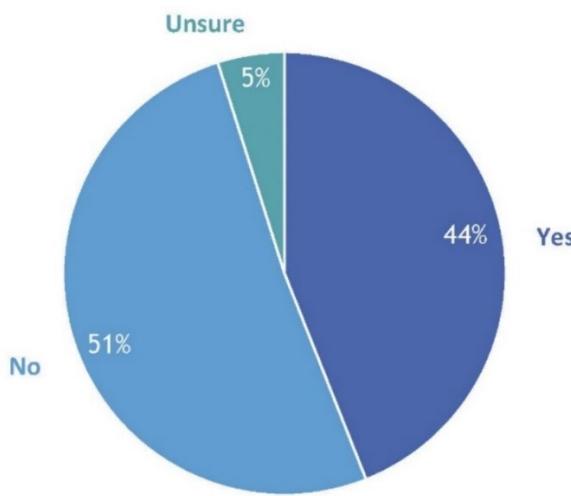


Figure 11. Survey Question: “Does the Pilot make you want to walk and/or bike more along Prince Avenue?”



#### *Location-Specific Input*

The survey included four optional map-based questions that allowed participants to place an unlimited number of open-ended comments at specific points along the corridor. The corridor was broken up into four segments:

- Milledge Avenue to Cobb Street
- Cobb Street to Pope Street
- Pope Street to Childs Street
- Childs Street to Pulaski Street

In total, participants provided 1,824 map-based comments. In order to place a comment, respondents first had to indicate if the location of their comment was a place where the Pilot has made Prince Avenue safer or a place where changes could be made to make the Pilot more successful. Figure 12 shows a heat map—a map illustrating the density of points—of comments broken out by these two categories. Figures 13 through 16 summarize the overarching themes from open-ended responses by segment.

**Figure 12. Location-Specific Feedback by Type**

Place where the Pilot Project has made Prince Avenue safer:



Place where changes could be made to make the Pilot Project more successful:



**Figure 13. Themes of Location-Specific Input: just east of Milledge Avenue to Cobb Street**



- ❖ Desire for left-turn lane/signal at Milledge
- ❖ Desire for Pilot to continue past Milledge
- ❖ Eastbound merge lanes feel confusing and too short
- ❖ Concern about conflicts at the Dunkin Donuts entrance
- ❖ Lane reduction/ narrower lanes make drivers more aware of pedestrians and bicyclists

**Figure 14. Themes of Location-Specific Input: Cobb Street to Pope Street**



- ❖ Ninety degree turns / shorter crossings feel safer for pedestrians
- ❖ Single lanes and slower vehicles cause traffic to back up on Prince
- ❖ Turns on and off of Prince feel more safe
- ❖ Concern about sight distances when making left turns out of Cobb Street
- ❖ Added gore striping makes the area visually complicated

Figure 15. Themes of Location-Specific Input: Pope Street to Childs Street



- ❖ Backed up traffic makes turning on and off of Prince difficult
- ❖ Crosswalks feel safer at Hill Street and Barber Street
- ❖ Support for permanently closing the gas station entrance
- ❖ Mixed feelings about increased/decreased visibility at turns
- ❖ Lanes feel too narrow for larger vehicles
- ❖ Desire for signage warning turning vehicles to look for bikes

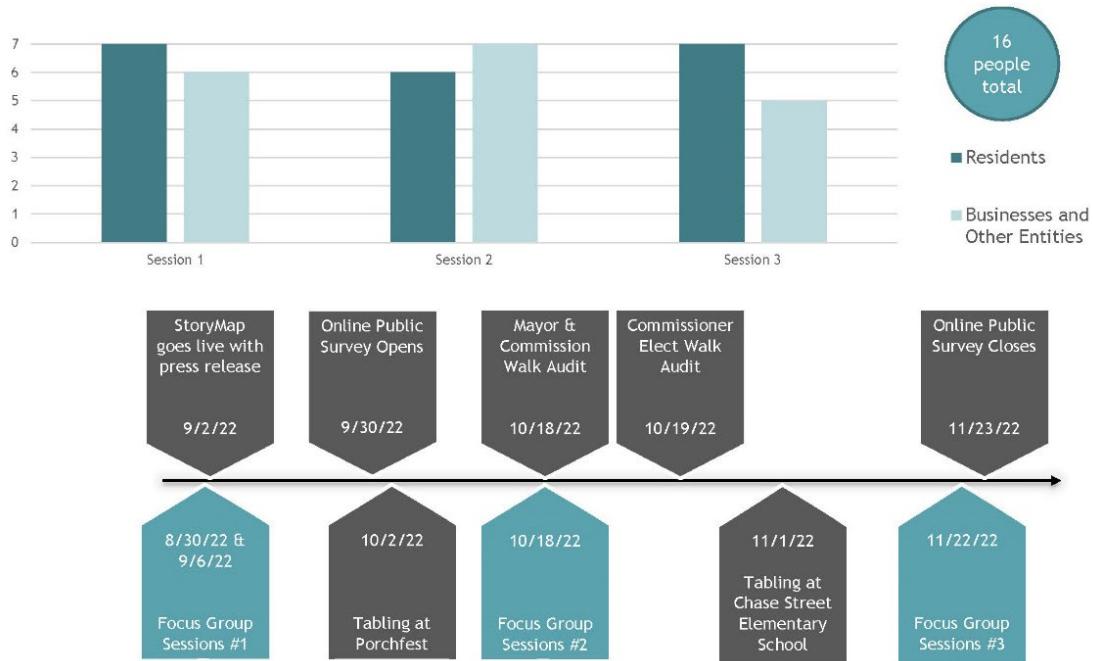
Figure 16. Themes of Location-Specific Input: Childs Street to Pulaski Street



- ❖ Curb extension at Pulaski makes crossing feel safer
- ❖ Concern for bicyclists continuing east on to Dougherty
- ❖ Narrow lanes make turning left onto Prince from Pulaski difficult
- ❖ Difficulty turning into 100 Prince
- ❖ Confusing merge at Pulaski for people going east
- ❖ Traffic backs up at Pulaski which is an already busy intersection
- ❖ Support for the new mid-block crossing location
- ❖ Desire for more visibility for the crosswalk at the mid-block crossing

### Focus Group Results

To receive more nuanced feedback from stakeholders with intimate knowledge of the corridor, the PAUG identified residents, business owners, and members of other entities such as churches to provide feedback through focus group sessions. The focus group of residents included seven individuals. The focus group representing businesses and other entities included nine individuals. Each group met three times; once before the Pilot was installed and twice after implementation. Focus group sessions took place via Zoom and in-person. Members were also able to submit answers to discussions questions via email or phone. Figure 17, on the following page, summarizes participation across the three sessions.

**Figure 17. Focus Group Participation Over Time**

### Session #1 Themes

**Prince Avenue is a destination for locals and tourists to dine and shop, and it supports people's daily needs.** The businesses along Prince Avenue are one of the greatest assets to the area. This section of Prince Avenue represents the opportunity for car-free living.

**Prince Avenue is a charming, human-scaled pedestrian corridor that is inhospitable due to roadway conditions and reckless driver behavior.** The land use and destinations along Prince Avenue are out of step with the roadway system that caters to motorists. This area feels like an extension of downtown, but the street lacks elements that put people first. This makes it challenging or uncomfortable for people to access destinations along Prince Avenue without using a vehicle.

**Speeding is the primary safety issue, and it compounds other problems.** These include skewed intersections, mid-block crossings that require pedestrians to cross multiple lanes at a time, long distances between crosswalks, and a lack of clear instruction for all roadway users.

**It is critical to put the potential impacts of the Pilot Project into perspective.** Motorists may be the largest group of roadway users impacted by the Pilot, but nonmotorized users will feel the most substantial change. A one to two minute slow down for motorists during rush hour could translate into a significantly safer experience for pedestrians and bicyclists. Removing a few parking spaces will allow for better sightlines of bicycle lanes at intersections.

**The public is frustrated by inaction to make Prince Avenue safer.** Part of this frustration comes from decades of talking about a road diet (4-lane to 3-lane conversion) on Prince Avenue. Part of this frustration stems from lack of enforcement for traffic violations.

**The general public is likely to be unaware of the Pilot Project.** Many focus group members noted they were aware of the project because they are the type of person to follow the activities of the Mayor and Commission or because of targeted outreach to areas surrounding Prince Avenue. There is concern that others, especially game

day tourists, will be surprised and/or confused the first time they experience the Pilot, and that this first experience of the corridor will inhibit their ability to recognize the safety benefits of the project. Many focus group members were unaware of the design details and elements of the project and only knew the project entailed reducing the number of lanes from 4-lanes to 3-lanes.

**While everyone agrees something needs to be done to make Prince Avenue safer, many are only cautiously optimistic about the Pilot.** Concerns included negative impacts to surrounding neighborhood streets, the aesthetic of materials, clarity or legibility of the new street design, and congestion. Compared to the focus group of residents, the group representing businesses and other entities along Prince were slightly less skeptical of the proposed changes.

**Transitions at the Milledge Avenue and Pulaski Street intersections are a concern, but are influenced by existing issues at these locations.** Congestion, turning movements, and driver etiquette at the Milledge Avenue and Pulaski Street intersections are already issues that impact this segment of Prince Avenue. Many people voiced concern about the public associating existing roadway issues with the Pilot regardless of the impact the project has on these locations. Congestion and queueing at the Milledge Avenue intersection for westbound traffic on Prince and for traffic turning left onto Milledge was of particular concern.

**The Pilot Project is anticipated to both reduce motor vehicle speeds and volumes.** Focus group members predicted the Pilot will force motorists to slow down and will encourage them take alternate routes.

**Physical infrastructure changes to the street are needed to calm traffic on Prince Avenue.** There is a perceived lack of enforcement along Prince Avenue, which many residents feel will not likely change. Driver education is also lacking.

**Most people are supportive of making the Pilot Project permanent.** Compared to the focus group of residents, the group representing businesses and other entities along Prince were more outright supportive of making the Pilot Project permanent. There was, however, at least one business owner who was highly concerned the Pilot would negatively impact their patrons. The group of residents were supportive of making the Pilot permanent, but they qualified their answers by saying only if the Pilot proved to be successful. When asked how they measure success, the residents noted they would support making the Pilot permanent if it calms traffic and encouraging more walking and biking.

**Actions by the Mayor and Commission make some people question how responsive elected officials will be to the results of the study period.** A handful of focus group members expressed concern that the Pilot Project is being pushed through too quickly without enough input from the public.

### *Session #2 Themes*

**Prince Avenue feels like a street, not a speedway.** All focus group members acknowledged that the Pilot has resulted in traffic calming on Prince Avenue, and that this has made the corridor feel more like a street that supports various users and activities rather than a conduit for speeding vehicles. Both focus groups also noted that congestion is not as significant as anticipated and that the corridor is still effective at moving vehicles through the area.

**Engagement has been appropriate, but there is room for improvement and concern over transparency of findings.** Both focus groups felt that the multi-faceted approach toward engagement has helped disseminate information to various user groups. The QR code and yard signs were mentioned as being particularly useful. Several people mentioned news media from ACCGov, local newspapers, and neighborhood news sharing platforms like listservs and social media groups. While members also noted news is also spreading by word of mouth, many of the members from the businesses and other entities group offered methods for reaching audiences who may be less connected to traditional forms of outreach and communication by ACCGov. The

resident focus group discussed that the engagement has focused on explaining the purpose of the Pilot and seeking feedback without presenting the Pilot in a biased light and trying to influence the outcome of the study period. The focus group of people representing businesses and other entities noted that outreach has done a good job of making it clear this is not just a bicycle and pedestrian project. Many members in this same focus group expressed concern about access to and transparency of data used to evaluate the Pilot at the end of the study period.

**The Pilot has already accomplished its goal of improving roadway safety.** Both groups felt that the Pilot has improved safety through slower speeds, more predictable driver behavior, and creating more protected spaces for vulnerable roadway users. Members in both groups noted that more people, including families, are bicycling on Prince. Pedestrian crossings over Prince were also noted by several people as being less stressful because there is only one lane of traffic to cross at a time. The lane reduction has also made several people feel safer when traveling in a car because it has eliminated weaving and jockeying between lanes.

**Opinions on the materials used (striping, zippers, flex posts, and corner wedges) were strong and varied depending on how people have traveled the corridor.** Based on feedback, it was clear people who do not bike have a different opinion of the materials compared to others, with non-bicyclists being more critical of the materials. People who had used the bicycle lanes appreciated the zippers for the protection provided and the flexibility to enter and exit the bike lane. Many focus group members in both groups felt the striping and delineators created visual clutter and an overstimulating environment that did not complement the aesthetics of the neighborhood. A smaller portion of people in both groups felt the zippers themselves posed a hazard to vehicles because some drivers who drove into the bike lane buffer had popped their tires on the zippers.

**Support for a potential permanent version of the Pilot increased.** Both focus groups were markedly more supportive of the option to make the Pilot permanent. Both groups were also similar to each other in terms of level of support and indicated an average score of 2 on the scale of 1 to 10 with 1 being firmly supportive and 10 being firmly opposed. Members in both groups noted that they would like to see minor changes to a permanent version such as slight changes to intersection design, a different bike lane buffer material, and further restriction of on-street parking.

### *Session #3 Themes*

**The Pilot has successfully demonstrated that Prince Avenue can safely support all roadways users if the existing roadway is repurposed.** The Pilot has slowed traffic, made pedestrian crossings safer, eliminated the tendency for cars to jockey back and forth between two travel lanes, created a comfortable facility for bicyclists where previously there was no facility at all, and retained on-street parking all while avoiding the level of congestion seen on other roads in Athens. And, without causing the major congestion issues during home football games that many people anticipated.

**The study period was long enough for most people to adjust. Motorists should continue to adjust especially if they feel the changes have resulted in intolerable amount of congestion or delay.** Members of both focus groups noted that most people have adjusted to the Pilot and take the roadway changes into account when making decisions about traveling through and to Prince Avenue. Both groups felt pedestrians and bicyclists were well-adjusted to the Pilot. Members of both noted that they felt motorists were still getting used to changes at intersections and driveways in terms of new alignments, relationships to the bike lane and crosswalk, and left turn lane restrictions. One member of the resident group noted that motorists should learn to take new routes if they cannot stand the extra time it might take to traverse the corridor. It is also important to note that many residents and some members of the businesses and other entities group expressed concern when turning onto Prince from a side street because they are not used to driving through crosswalks and bicycle lanes as part of a two-stage stop.

**Safety should not be a partisan issue.** The focus group representing businesses and other entities noted that safety should be a universal goal of the Athens community regardless of political beliefs. This group acknowledged that the Pilot has already been politicized by some members of the public. They also expressed concern that naysayers of the project do not understand the benefit to livability for people who live in the neighborhood.

**The success of the Pilot project should not be based on bicycle-related impacts.** Members in both groups said they hope the Pilot is not evaluated on the impact to bicyclists or bicycling, but is rather assessed in terms of all around roadway safety. Each group acknowledged that some people think the Pilot is primarily about providing bike lanes. The group representing businesses and other entities expressed concern that the bike lanes made the Pilot politically controversial.

**Returning Prince Avenue to its pre-Pilot conditions would be detrimental to roadway safety and to the development of Athens' bicycle network.** Members of both groups felt that not developing a permanent version of the Pilot would not only eliminate the safety benefits of the Pilot, but it would also close the door on additional opportunities to address underlying safety issues along the corridor.

**Within both groups, support for Pilot and for the possibility of a permanent version of the Pilot increased over time.** The focus group members were asked to rank their support for the Pilot project during all three focus group meetings. Prior to the Pilot being installed, both groups were moderately supportive of the proposed changes of the Pilot with average scores of 4 out of 10 (with 1 being firmly supportive and 10 being firmly skeptical). Once the Pilot was installed, members were asked to rank their support from for a possible permanent version of the Pilot using the same scale. Both groups increased in support with an average score of 2, which stayed at this average through the end of the study period. Before implementation, there was at least one business owner who was highly concerned about the Pilot and even this person became very supportive of the changes.

**Perceptions of congestion vary widely.** While all focus group members agreed on several points such as the Pilot slowing traffic and improving safety for all, there was a wide range of descriptions used regarding congestion with some residents conveying they had heard people felt congestion was dramatically worse. In general, most members of both groups felt there was only a minor increase during certain times of day.

**The materials (striping, flex posts, zippers, and corner wedges) have valuable characteristics, but different materials could increase support for the Pilot. Ultimately, the ability to protect vulnerable roadway users should be the most important quality of any material used on the corridor.** Many members, but primarily those among the residents, felt the corridor was too visually complicated. They felt there were too many vertical elements, too many different types of materials, too much of a choppy/staccato rhythm of the materials, and that there was nothing unifying the new materials with the existing roadway. Members in both groups suggested a narrow concrete median as an option for the bike lane buffer and several members noted that additional vegetation would make the Pilot more aesthetically pleasing. Both groups noted that striping alone would not be sufficient for safety and that a durable material would be best. One member who has bike the corridor expressed concern for a continuous concrete median and voiced the desire to have frequent breaks in the buffer material (like the zippers provide) to allow bicyclists ease of ingress/egress to the bike lane.

**Prince Avenue now feels like an extension of downtown.** Both groups noted traffic calming benefits of the Pilot now makes most of the corridor feel like part of downtown because it offers a pleasant pedestrian experience with access to many destinations. Members felt like this change was mostly from Cobb Street to Pulaski Street.

**This is a 'first of its kind' street in Athens.** Neither focus group was able to pinpoint a multimodal, commercial street in Athens that was aesthetically pleasing. One member of the residents group noted that Athens has never defined the ideal street characteristics for different levels of traffic.

## ATTACHMENT #3

### SUMMARY OF SURVEY COMMENTS

Due to file size, **Attachment #3, Summary of Survey Comments** may be found at the following:

It is shown as an Adobe PDF here:

<https://accgov.com/DocumentCenter/View/89474>

It is shown as a filterable Excel spreadsheet here:

<https://accgov.com/DocumentCenter/View/89475>



## MEMORANDUM

To: Erik Hammarlund, P.E., Alfred Benesch & Company  
 From: John D. Walker, P.E., PTOE, *Kimley-Horn and Associates, Inc.*  
 Olivia Zuvanich E.I. (AL), *Kimley-Horn and Associates, Inc.*

Date: November 28, 2022  
 Rev: December 2, 2022

**RE: *Traffic Engineering Memorandum***  
***Prince Avenue: Pre- and Post-Analysis of Road Diet Implementation***

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Kimley-Horn is pleased to provide this memorandum regarding the pre- and post-implementation analysis of the Prince Avenue temporary road diet in Athens-Clarke County (ACC), Georgia. The road diet pilot project begins at the intersection of Prince Avenue (SR 15) at Milledge Avenue (SR 15) and continues east to the intersection of Prince Avenue/Dougherty Street at Pulaski Street, where it will tie-in to the existing three-lane section.

The purpose of this memorandum (memo) is to compare the vehicular volume, speed, and travel-time associated with the pre-implementation (four-lane, undivided) and post-implementation (three-lane, divided with center Two-Way Left-Turn Lane (TWLTL)) roadway conditions. This memo will assist ACC to determine if the capacity of a three-lane segment can accommodate existing traffic, if adjacent roadways become alternative routes, and if there are “traffic calming” effects associated with the road diet.

### DATA COLLECTION

Intersection Turning Movement Counts (TMCs) were collected on Wednesday, October 13, 2021 as part of the initial Prince Avenue Road Diet Traffic Engineering Study (February 2022) at the following locations:

1. Prince Avenue (SR 15) at Milledge Avenue (SR 15) (signalized)
2. Prince Avenue at Barber Street/Finley Street (signalized)
3. Prince Avenue/Dougherty Street at Pulaski Street (signalized)

The three (3) study intersections above were recollected as part of the post-implementation data on Thursday, October 20, 2022. The study limits and identification of the study intersections are illustrated in **Attachment A**.

Following discussions with Athens-Clarke County staff, 24-hour volume and speed data was initially collected on Tuesday, April 12, 2022 at the following seventeen (17) locations:

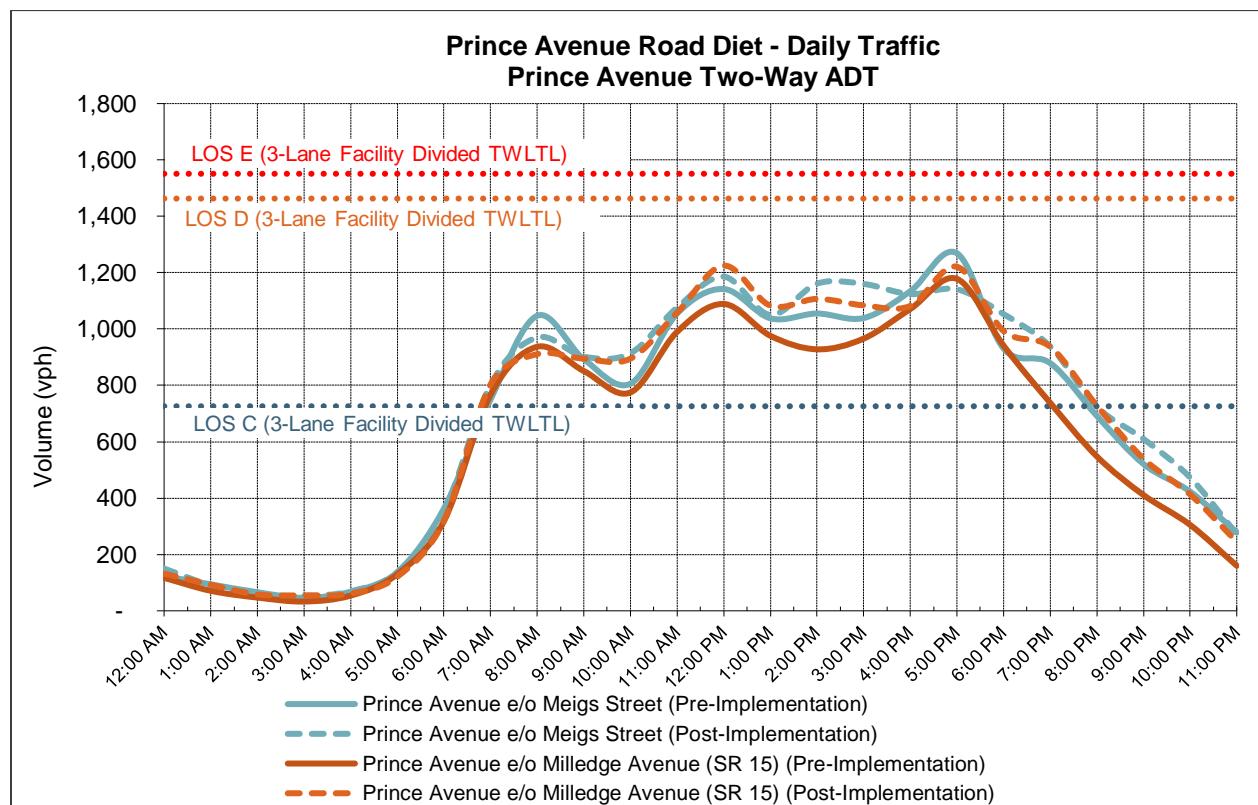
- A. Prince Avenue (east of Meigs Street)
- B. Finley Street (south of Prince Avenue)
- C. Pulaski Street (south of Prince Avenue)
- D. Hancock Avenue (east of Finley Street)
- E. Broad Street (east of Finley Street)
- F. Barrow Street (east of Barber Street)
- G. Barber Street (north of Barrow Street)
- H. Boulevard (west of Barber Street)

- I. US 441 (SR 10/Athens Loop) (east of Chase Street interchange)
  - a. Note: due to safety concerns, only 24-hour volume data (not speed) was collected.
- J. Jefferson Road (north of US 441)
- K. Hawthorne Avenue (south of Prince Avenue (SR 15))
- L. King Avenue (south of Prince Avenue (SR 15))
- M. College Avenue (north of Dougherty Street)
- N. North Avenue (east of MLK Jr. Parkway)
- O. Reese Street (west of Pulaski Street)
- P. Cleveland Avenue (west of Pulaski Street)
- Q. Prince Avenue (east of Milledge Avenue (SR 15)) – Collected on August 30, 2022

The seventeen (17) tube count locations above were recollected as part of the post-implementation data on Thursday, October 20, 2022. All count locations are illustrated on **Attachment B**.

## 24-HOUR VOLUME COMPARISON

The Average Daily Traffic (ADT) was collected at two (2) locations along the Prince Avenue study segment. **Figure 1** compares the pre-implementation and post-implementation ADT at each location. Note: The approximate capacity of a three-lane (one roadway under level-of-service (LOS) conditions LOS C and LOS D, based on industry standards, are included on the graph to visualize the approximate volume-to-capacity of the segment, which is a factor in operational effectiveness.



**Figure 1: Two-Way ADT Comparison along Prince Avenue**

**Figure 1** illustrates that the ADT along Prince Avenue, collected at two (2) separate locations, has increased following the implementation of the road diet, but the ADT remains within the LOS D threshold for a three-lane (with center TWLTL) roadway segment.

**Table 1** summarizes the Average Daily Traffic (ADT) along seventeen (17) roadway segments before and after implementation of the road diet. The purpose of collecting the ADT along adjacent and surrounding roadways was to identify if traffic that traveled along Prince Avenue was diverting to alternative routes after the road diet was implemented.

Table 1: 24-Hour Volume Comparison (vehicles per day (vpd))					
#	Street	Pre-Road Diet (4-lane, April 2022)	Post-Road Diet (3-lane, October 2022)	Difference	% Change
A	<b>Prince Avenue</b> east of Meigs Street	15,849	16,468	+619	3.91%
B	<b>Finley Street</b> south of Prince Avenue	2,037	1,971	-66	-3.24%
C	<b>Pulaski Street</b> south of Prince Avenue	9,084	8,927	-157	-1.73%
D	<b>Hancock Avenue</b> east of Finley Street	4,315	4,467	+152	3.52%
E	<b>Broad Street</b> east of Finley Street	23,497	22,334	-1,163	-4.95%
F	<b>Barrow Street</b> east of Barber Street	548	555	+7	1.28%
G	<b>Barber Street</b> north of Barrow Street	5,218	5,304	+86	1.65%
H	<b>Boulevard</b> west of Barber Street	2,580	2,269	-311	-12.05%
I	<b>US 441 (SR 10/Athens Loop)</b> east of Chase Street interchange	62,913	64,692	+1,779	2.83%
J	<b>Jefferson Road</b> north of SR 10/Athens Loop	21,913	27,180	+5,267	24.04%
K	<b>Hawthorne Avenue</b> south of Prince Avenue (SR 15)	15,294	14,005	-1,289	-8.43%
L	<b>King Avenue</b> south of Prince Avenue (SR 15)	8,982	8,699	-283	-3.15%
M	<b>College Avenue</b> north of Dougherty Street	5,252	5,441	+189	3.60%
N	<b>North Avenue</b> east of MLK Jr. Parkway	12,329	13,155	+826	6.70%
O	<b>Reese Street</b> west of Pulaski Street	87	71	-16	-18.39%
P	<b>Cleveland Avenue</b> west of Pulaski Street	5,201	4,150	-1,051	-20.21%
Q	<b>Prince Avenue*</b> east of Milledge Avenue (SR 15)	14,401	16,059	+1,658	11.51%

\*Data was collected on Tuesday, August 30, 2022

The rows highlighted in green indicate an increase of 10% or more while the rows highlighted in orange indicate a decrease of 10% or less.

## 24-HOUR SPEED COMPARISON

**Table 2** summarizes the 85<sup>th</sup> percentile speed data comparison of sixteen (16) roadway segments before and after the implementation of the road diet. The purpose of collecting the speed data was to identify what impact, if any, the road diet had on motorist speeds. A summary of the volume and speed data is illustrated in **Attachment C**.

Table 2: 85<sup>th</sup> Percentile Speed Data Comparison (MPH)

#	Street	Posted Speed Limit	Pre-Road Diet (4-lane, April 2022)	Post-Road Diet (3-lane, Oct 2022)	Difference
A	<b>Prince Avenue</b> east of Meigs Street	35	31	30	-1
B	<b>Finley Street</b> south of Prince Avenue	30	22	24	+2
C	<b>Pulaski Street</b> south of Prince Avenue	30	25	25	0
D	<b>Hancock Avenue</b> east of Finley Street	30	29	32	+3
E	<b>Broad Street</b> east of Finley Street	30	41	40	-1
F	<b>Barrow Street</b> east of Barber Street	25	27	28	+1
G	<b>Barber Street</b> north of Barrow Street	30	35	36	+1
H	<b>Boulevard</b> west of Barber Street	30	35	28	-7
J	<b>Jefferson Road</b> north of SR 10/Athens Loop	40	52	49	-3
K	<b>Hawthorne Avenue</b> south of Prince Avenue (SR 15)	35	43	44	+1
L	<b>King Avenue</b> south of Prince Avenue (SR 15)	30	26	25	-1
M	<b>College Avenue</b> north of Dougherty Street	30	38	38	0
N	<b>North Avenue</b> east of MLK Jr. Parkway	40	41	45	+4
O	<b>Reese Street</b> west of Pulaski Street	30	21	25	+4
P	<b>Cleveland Avenue</b> west of Pulaski Street	25	32	27	-5
Q	<b>Prince Avenue*</b> east of Milledge Avenue (SR 15)	35	40	37	-3

\*Data was collected on Tuesday, August 30, 2022

The rows highlighted in green indicate an increase of 5 MPH or more while the rows highlighted in orange indicate a decrease of 5 MPH or less. Although not as notable, it was observed that the 85<sup>th</sup> percentile speeds along Prince Avenue (study corridor) have decreased. This may indicate that the road diet has a traffic calming effect.



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## TRAVEL TIME COMPARISON

Kimley-Horn visited the Prince Avenue study segment before and after the implementation of the road diet. The purpose of the field visits was to collect pre-implementation travel times (on Tuesday, August 30, 2022) and post-implementation travel times (on October 18, 2022). For purposes of this comparison, “travel time” represents the actual drive time of a vehicle traveling along the corridor during the AM, Mid-day (MD), and PM Peak hours.

The travel times were collected in the eastbound (Milledge Avenue (SR 15) to Pulaski Street) and westbound (Pulaski Street to Milledge Avenue (SR 15)) directions for multiple intervals throughout the peak hours. It is important to note that due to variability in travel times, the same number of intervals per peak hour was not possible. For this reason, the average travel time (in seconds) for each peak hour (by direction) is summarized in **Table 3**.

Table 3: Average Travel Time (in seconds) Comparison by Time-of-Day								
	Eastbound				Westbound			
	Pre (4-lane)	Post (3-lane)	Difference	% Change	Pre (4-lane)	Post (3-lane)	Difference	% Change
AM Peak	85.5	83.0	-2.5	-2.9%	81.0	74.0	-7.0	-8.6%
MD Peak	74.8	82.6	+7.8	+10.4%	69.7	94.4	+24.7	+35.5%
PM Peak	71.6	90.8	+19.2	+26.9%	92.4	101.7	+9.3	+10.0%

**Table 3** summarizes the average travel times experienced by a vehicle traveling the Prince Avenue corridor along both directions during all times of day. It can be noted that, with the exception of the AM peak hour, the road diet caused an approximate 10-35% increase in average travel times. This was an expected result of implementing the road diet as reducing capacity often results in increased queueing and travel times. This observation is further supported by the decrease in 85<sup>th</sup> percentile speed along the study corridor, mentioned previously.

## INTERSECTION LEVEL-OF-SERVICE (LOS)

Intersection Level-of-Service (LOS) analyses were performed for three (3) signalized intersections along the Prince Avenue corridor before and after the implementation of the road diet. Signal timings (before and after the implementation of the road diet) for the signalized intersections were provided by Athens-Clarke County (ACC). The pre-road diet implementation system considers the undivided, four-lane roadway while the post-road diet implementation system considers the three-lane, divided with center two-way left-turn lane (TWLTL) roadway. The implemented road diet layout that was considered in the post-implementation analysis can be found in **Attachment E**. It is important to note that there was no change to the intersection of Milledge Avenue (SR 15) at Prince Avenue (Intersection 1), as this would impact a state route and would require further coordination with GDOT.

Note: The Estimated 2021 data was adjusted to account for impacts due to COVID-19, following standard GDOT methodology as presented in the original *Prince Avenue Road Diet Traffic Engineering Study* (February 2022). In July 2022, GDOT's COVID-19 adjustment requirement was lifted. Therefore, the Existing 2022 data was not adjusted for COVID-19.

The intersection turning movement counts that were analyzed can be found in **Attachment D**. **Table 4** summarizes the LOS and average delay per vehicle (in seconds) for the study intersections for each of the scenarios during the AM peak hour, Mid-day (MD) peak hour, and PM peak hour. The raw traffic count data and the *Synchro* results are available upon request.



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Intersection		Movement	Pre-Road Diet (4-lane, Estimated 2021)			Post-Road Diet (3-lane, Existing 2022)		
			AM Peak	MD Peak	PM Peak	AM Peak	MD Peak	PM Peak
1. Prince Avenue at Milledge Avenue (SR 15)	Overall	B (12.2)	B (18.6)	C (31.4)	B (11.7)	B (19.1)	C (34.0)	
2. Prince Avenue at Barber Street/Finley Street	Overall	B (14.5)	B (17.5)	C (20.7)	B (13.0)	B (17.8)	D (42.8)	
3. Prince Avenue at Pulaski Street*	Overall	B (12.8)	C (20.5)	D (45.4)	B (11.2)	C (20.8)	D (48.0)	

\*Due to limitations in HCM 6<sup>th</sup>, HCM 2000 was used for pre- and post-implementation analyses.

Note: Pre-Road Diet LOS results reflect the results from the original *Prince Avenue Road Diet TE Study* (by Kimley-Horn) dated February 2022.

As summarized in **Table 4**, all study intersections operate at acceptable overall levels-of-service under the 4-lane, undivided roadway segment conditions (2021). The intersections are projected to remain operating at overall acceptable LOS under the implemented road diet (3-lane with center two-way left-turn lane) roadway segment conditions (2022).

In general, intersection delay decreased during the AM peak period and increased during the MD and PM peak periods following the implementation of the road diet. These results were anticipated and align with the travel time runs summarized previously.

## BICYCLE AND PEDESTRIAN OBSERVATIONS

One of the reasons to implement the road diet along Prince Avenue was to provide exclusive bike lanes and create an environment that encourages multimodal transportation throughout Downtown Athens. While this memo primarily focuses on the impacts to vehicular traffic, specifically analyzing if the reduced capacity can accommodate the vehicular traffic, bicycle and pedestrian counts were incorporated into the data collection. Bicycle and Pedestrian data were included as part of the intersection TMC data at the three (3) signalized study intersections.

The pedestrian data includes the number of pedestrians using the crosswalk(s) at the intersection. The data is summarized by approach. For example, pedestrians along the northbound (NB) approach refers to pedestrians crossing (either direction) across the crosswalk located along the northbound approach. **Table 5** summarizes the pedestrian data.

Table 5: Pedestrian Count Data											
Intersection		Approach	AM			MD			PM		
			Pre	Post	Diff.	Pre	Post	Diff.	Pre	Post	Diff.
1. Prince Avenue at Milledge Avenue (SR 15)		NB	8	8	0	7	10	+3	8	8	0
		WB	9	15	+6	8	10	+2	6	3	-3
2. Prince Avenue at Barber Street/Finley Street		NB	22	21	-1	25	30	+5	30	19	-11
		SB	6	8	+2	10	13	+3	10	5	-5
		EB	4	5	+1	2	6	+4	4	6	+2
		WB	3	2	-1	9	9	0	8	12	+4

**Table 5: Pedestrian Count Data**

Intersection	Approach	AM			MD			PM		
		Pre	Post	Diff.	Pre	Post	Diff.	Pre	Post	Diff.
3. Prince Avenue at Pulaski Street	NB	9	6	-3	13	8	-5	12	13	+1
	SB	7	6	-1	12	13	+1	20	14	-6
	WB	12	8	-4	15	17	+2	33	16	-17

Note: Pre-Road Diet pedestrian data is from the original *Prince Avenue Road Diet TE Study* (by Kimley-Horn) dated February 2022.

The rows highlighted in green indicate an increase of 5 pedestrians or greater while the rows highlighted in orange indicate a decrease of 5 pedestrians or fewer. In general, the number of pedestrians was maintained throughout the AM and MD peak periods but decreased during the PM peak period.

The bicycle data includes the number of bicyclists that were traveling along the roadway (not in the crosswalks). The data is summarized by approach in **Table 6**.

**Table 6: Bicycle Count Data**

#	Segment	AM			MD			PM		
		Pre	Post	Diff.	Pre	Post	Diff.	Pre	Post	Diff.
A	Prince Avenue east of Milledge Avenue (SR 15)	6	3	-3	19	1	-18	13	2	-11
R	Prince Avenue west of Pulaski Street	27	7	-20	38	5	-33	30	5	-25

Pre-road diet data represents the ADT classification counts taken as part of the original *Prince Avenue Road Diet TE Study* (February 2022)

The rows highlighted in orange indicate a decrease of 5 bicyclists or more. In general, the data shows that bicycle use considerably decreased during all times of day after the implementation.

It should be noted that there many factors other than the road diet that may impact bicycles and pedestrians, and this should not necessarily be considered a direct result.

For example, bicyclists may avoid the corridor while it is under construction, or the temperature could have been undesirable even if the weather was acceptable. It should also be noted that the data collection equipment focuses on vehicular traffic based on axles, discrepancies between motorcycles and bicyclists is a possibility as is counting bicycles in the roadway versus in the dedicated bike lanes.



*Erik Hammarlund, December 2, 2022, Page 8*

## RECOMMENDATIONS

Based on the results of the data collection, analysis of the volume, speed, intersection LOS, and observation of pedestrian and bicyclist data, Kimley-Horn recommends the following:

- Utilize bicycle-specific data collection equipment to ensure that bicycles, not motorcycles, are being counted along Prince Avenue, regardless of using the roadway or the dedicated bike lanes.
  - It is important to note that this memo focused on the effects to vehicular traffic.



Erik Hammarlund, December 2, 2022, Page 9

## SUMMARY

This memorandum compared the volume, speed, travel-time, and intersection delay data associated with the pre- and post-implementation of the Prince Avenue road diet in Athens-Clarke County, Georgia. The segment was analyzed under pre-implementation as the existing four-lane, undivided roadway. The post-implementation analysis considered the temporary pilot project of a three-lane, divided (with center two-way left-turn lane (TWLTL)) roadway.

This project collected pre-implementation intersection turning movement count (TMC) data in October 2021 (as part of the original *Prince Avenue Road Diet Traffic Engineering Study* (dated February 2022)) as well as pre-implementation average daily traffic (ADT) and speed data in August 2022. The post-implementation TMC, ADT, and speed data was collected in October 2022 at the same intersections and tube locations as previously. The post-implementation data was collected a few weeks after the road diet was implemented, which allowed traffic to “normalize.”

The volume analysis resulted in an increase in traffic along Prince Avenue despite the decrease in capacity. Compared to the threshold for an acceptable segment level-of-service (LOS) industry standard for three-lane, divided (with center TWLTL), the post-road diet ADT is within the LOS D threshold for the AM, MD, and PM peak periods. LOS D is considered acceptable but may limit capacity for future growth.

The speed analysis resulted in a decrease in speed along Prince Avenue, which may indicate a traffic calming effect.

The intersection LOS analysis indicated a slight decrease in overall delay during the AM peak period and a slight increase in overall delay during the MD and PM peak periods. All signalized intersections are anticipated to operate at an overall acceptable LOS.

We hope this information is helpful. If you have any questions concerning this letter or need additional information, please do not hesitate to contact me.

Sincerely,  
KIMLEY-HORN AND ASSOCIATES, INC.

John D. Walker, P.E., PTOE  
Senior Vice President

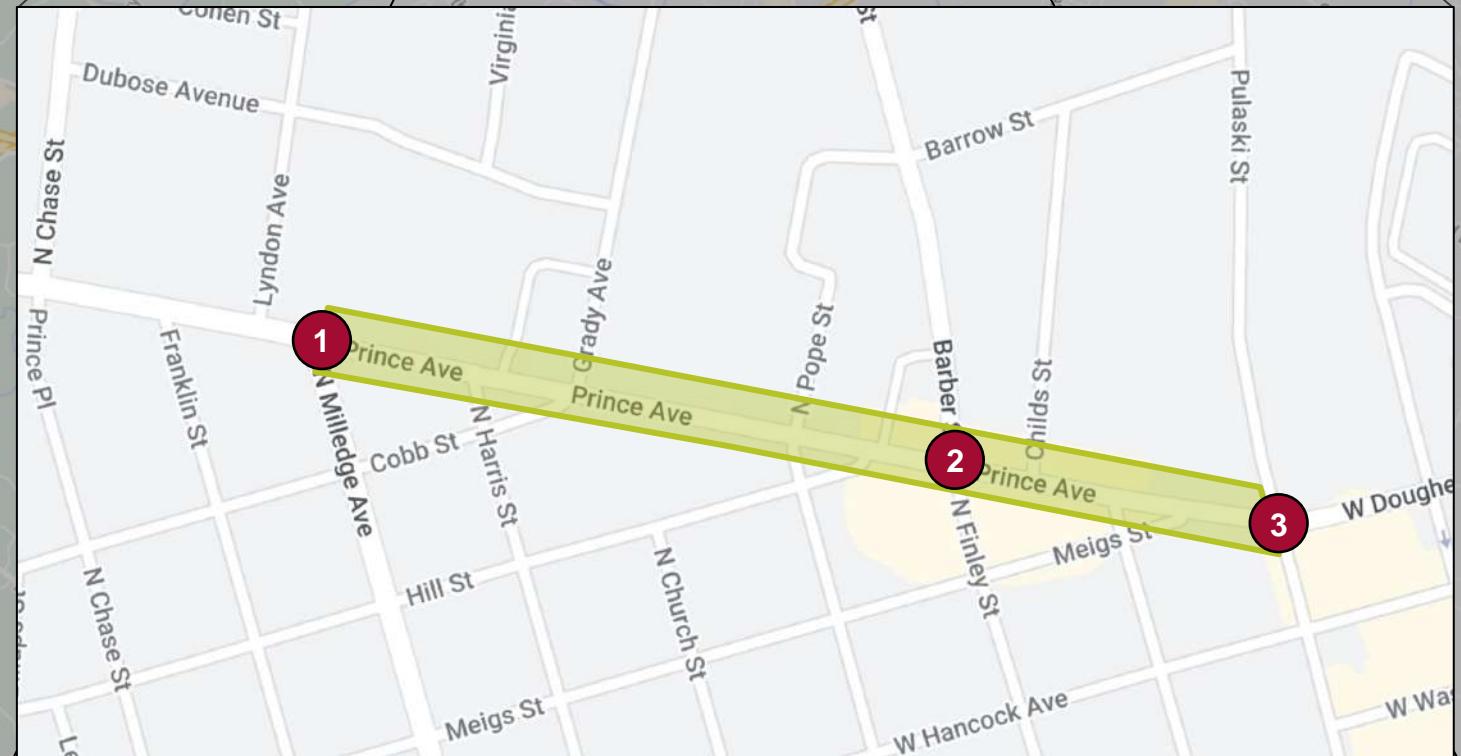
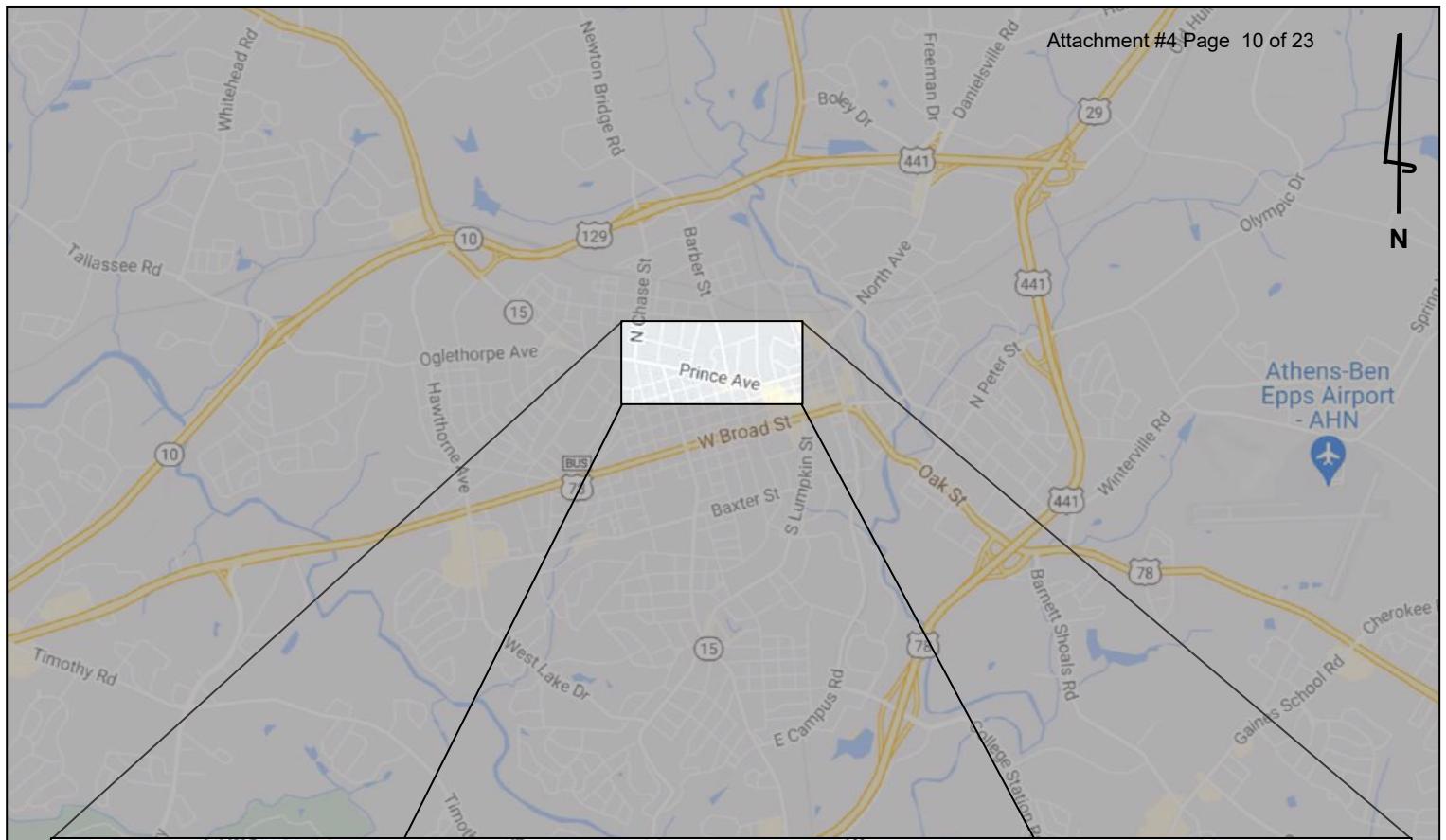
Olivia Zuvanich, E.I. (AL)  
Project Analyst

### Attachments:

- A. Location Map
- B. Traffic Count Location Map
- C. Aerial
- D. Intersection Volumes
- E. Temporary Road Diet Plans

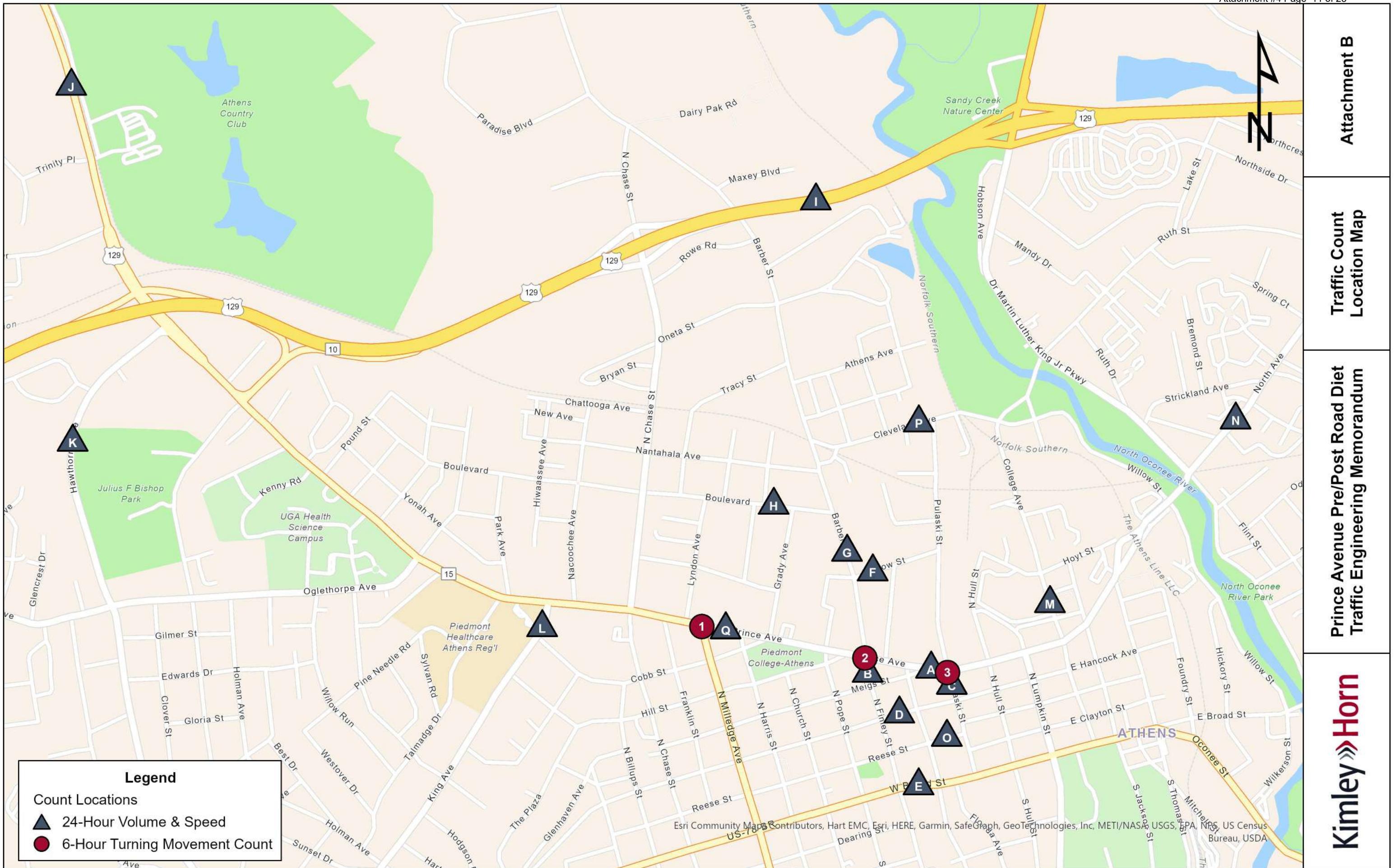
### Available Upon Request

- Raw Traffic Count Data
- *Synchro* Reports



#### LEGEND

- X Study Intersection (Signalized)
- Prince Avenue Implementation Limits



NOT TO  
SCALE

	PRE	POST
ADT	14,401	16,059
85 <sup>th</sup> Percentile Speed	40 MPH	37 MPH

	PRE	POST
ADT	15,849	16,468
85 <sup>th</sup> Percentile Speed	31 MPH	30 MPH

1



2



3

Pulaski Street

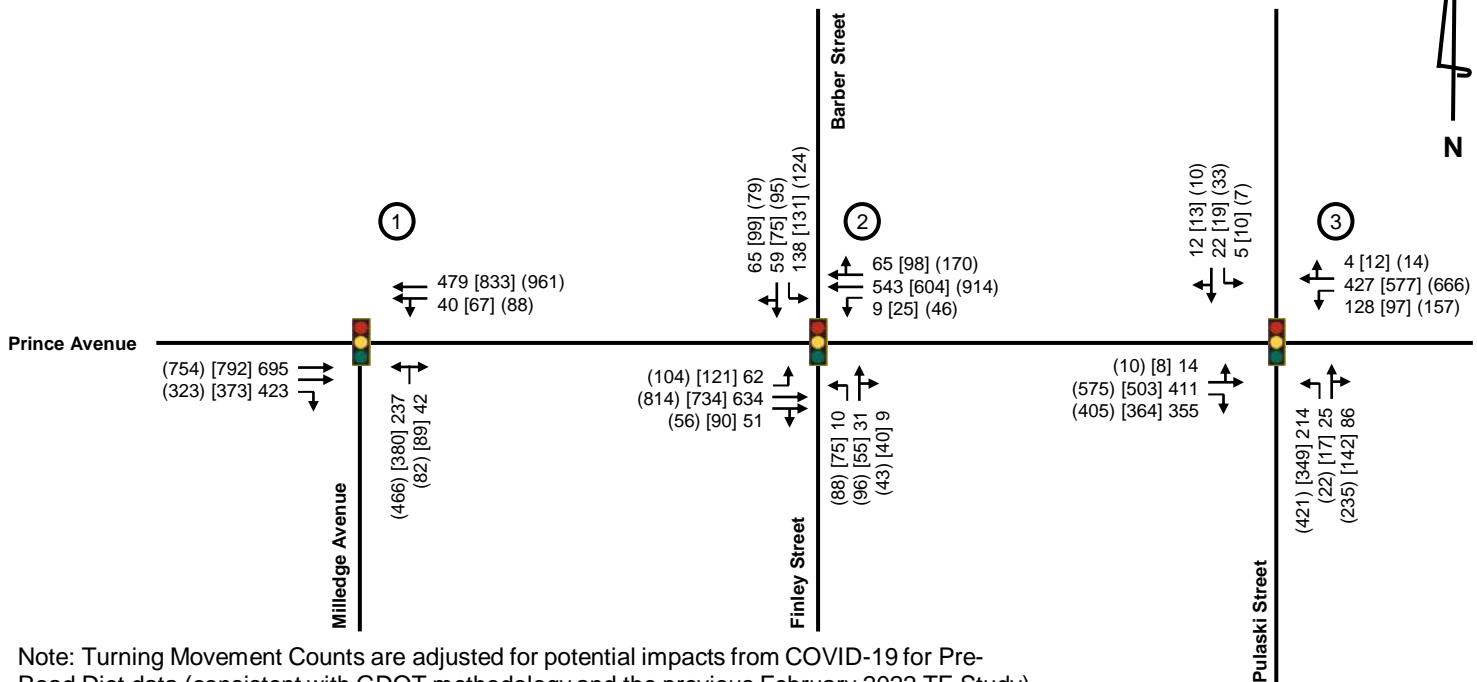
## LEGEND

2021/2022 6-HR TMC

2021/2022 Two-Way ADT & Speed

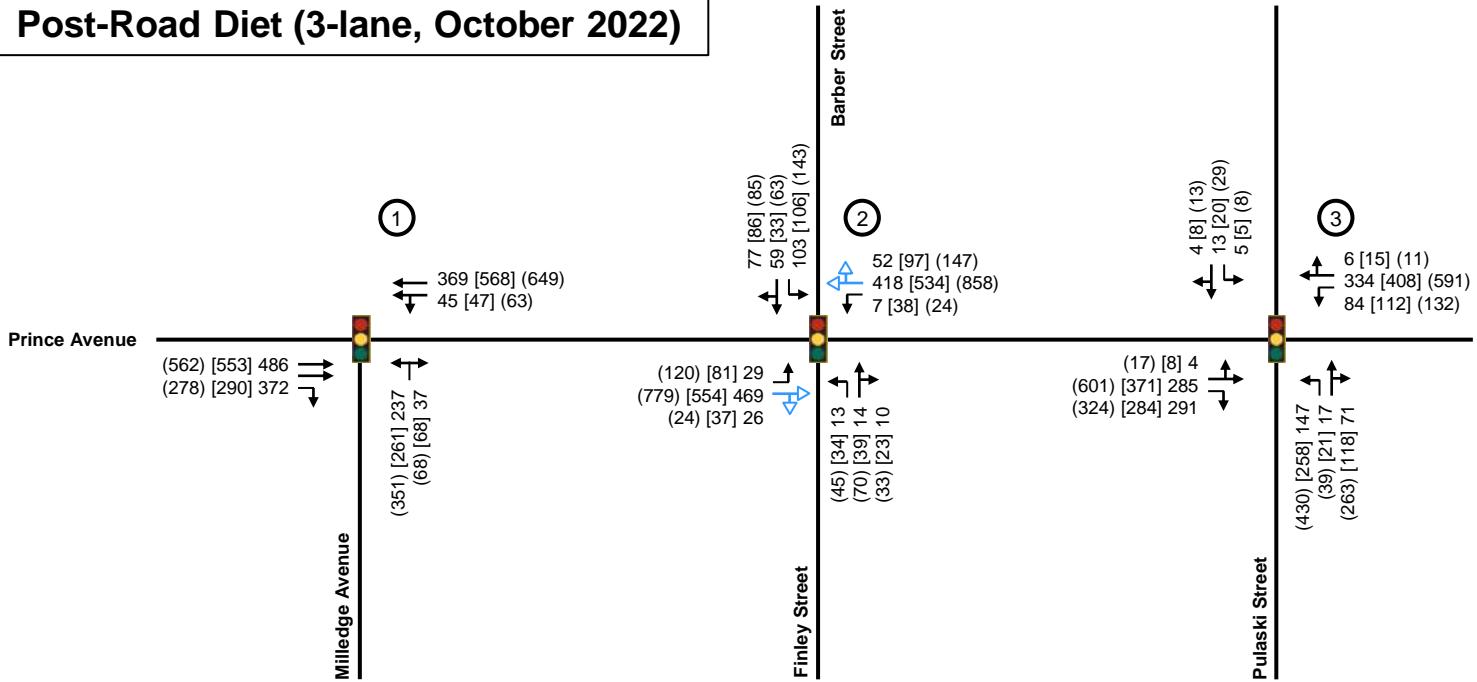
## Pre-Road Diet (4-lane, October 2021)

Attachment #4 Page 13 of 23



Note: Turning Movement Counts are adjusted for potential impacts from COVID-19 for Pre-Road Diet data (consistent with GDOT methodology and the previous February 2022 TE Study).

## Post-Road Diet (3-lane, October 2022)

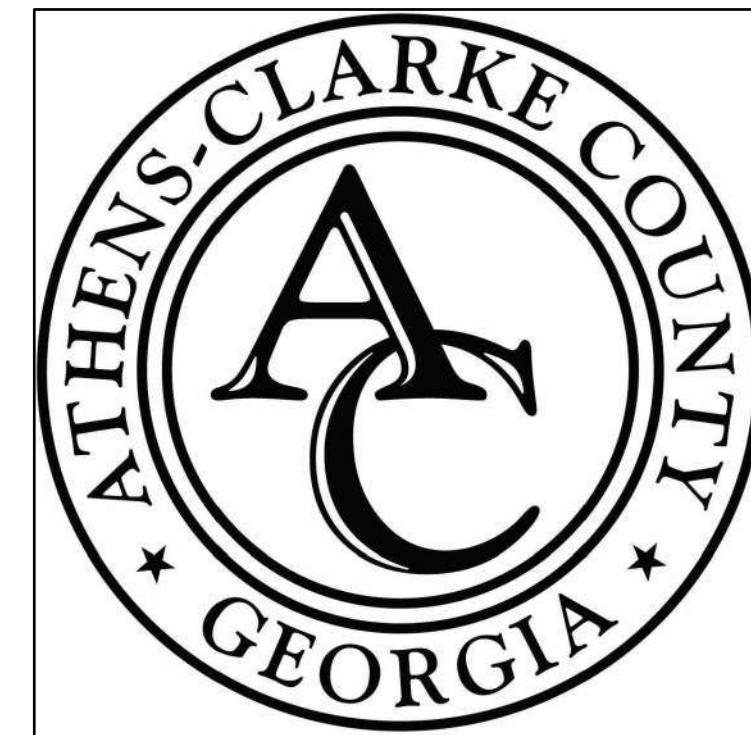


### LEGEND

- Existing Roadway Laneage
- Implemented Road Diet Laneage
- XX AM Peak Hour Traffic Volumes
- (XX) PM Peak Hour Traffic Volumes
- Existing Traffic Signal
- (X) Intersection Reference Number

Note: Turning Movement Counts are not adjusted for potential impacts from COVID-19 for Post-Implementation date following July 2022 GDOT methodology.

# PRINCE AVENUE PILOT PROJECT



Prepared For  
ATHENS-CLARKE COUNTY

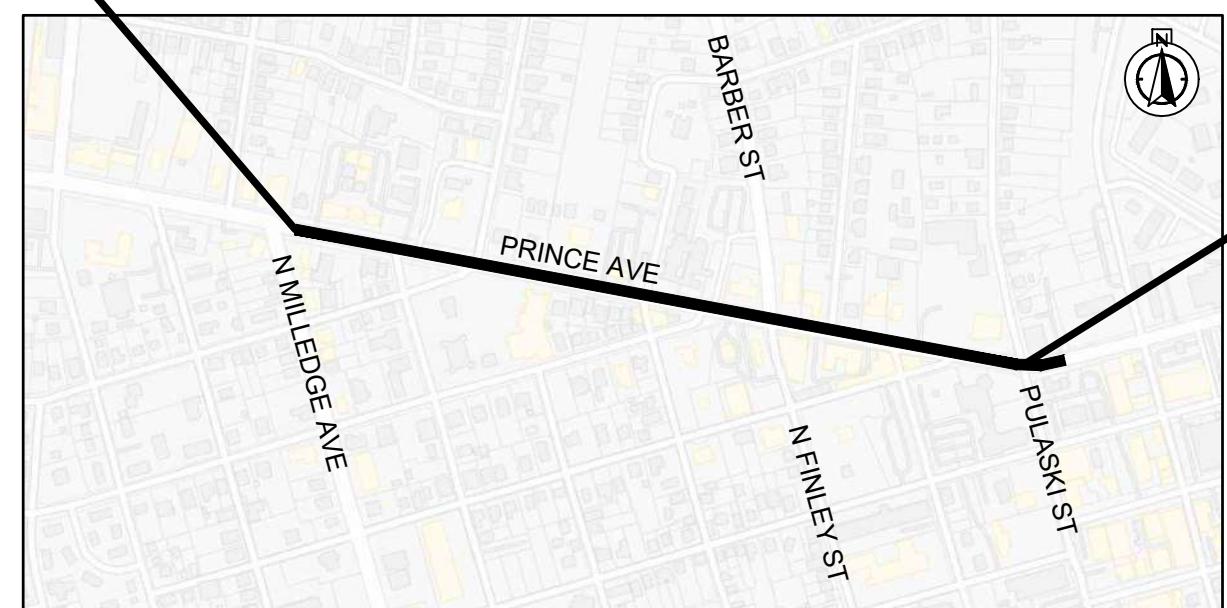
120 WEST DOUGHERTY STREET  
ATHENS, GA 30601  
(706) 613-3844



1 COUNTY LOCATION MAP  
ATHENS-CLARKE COUNTY, GA N.T.S.

Project Location:  
PRINCE AVENUE CORRIDOR  
FROM N MILLEDGE AVENUE TO PULASKI STREET  
APPROXIMATELY - 3,100 LINEAR FEET  
ATHENS-CLARKE COUNTY  
CLARKE COUNTY, GEORGIA 30601

BEGIN PROJECT  
APPROX. 680' EAST OF  
N MILLEDGE AVENUE



END PROJECT  
PULASKI STREET

LOCATION MAP  
N.T.S.

INDEX OF SHEETS		
SHEET NUMBER	DWG NUMBER	TITLE
1	G-1	COVER SHEET
2	G-2	GENERAL NOTES
3-5	CD-1 TO CD-3	DEMOLITION PLAN
6-8	TP-1 TO TP-3	PAVEMENT MARKING AND SIGNAGE PLAN
9-10	DC-1 TO DC-3	DETAILS

2 SHEET INDEX

100% DESIGN PLANS  
PRELIMINARY - NOT FOR CONSTRUCTION

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE PLANS  
WERE PREPARED OR APPROVED BY  
ME, AND THAT I AM A DULY LICENSED  
PROFESSIONAL ENGINEER UNDER THE  
LAWS OF THE STATE OF [STATE],  
LICENSE NO. \_\_\_\_\_,  
EXPIRATION DATE: \_\_\_\_\_.

REUSE OF DOCUMENTS  
ALL DRAWINGS ARE INSTRUMENTS OF PROFESSIONAL SERVICE FOR THIS PROJECT.  
REUSE OR ALTERATION IS AT THE USER'S SOLE RISK.

DSGN	DR	CHK	APVD

**TOOLE  
DESIGN**

315 S. BLOODWORTH  
RALEIGH, NC 27601  
PHONE: 919.336.5010  
FAX: 301.927.2800  
www.tooledesign.com

PRINCE AVE  
PILOT PROJECT  
ATHENS-CLARKE COUNTY

COVER SHEET

PROJECT NO. 00RAL_00106.00	DATE 08.09.2022
DRAWING NO. G-1	
SHEET NO. 1 of 10	

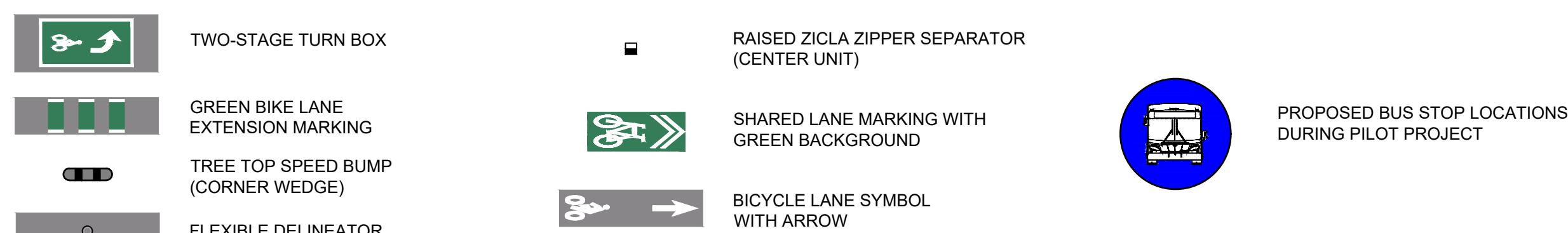
## GENERAL NOTES:

1. BASE MAPPING WAS PREPARED FROM GIS DATA PROVIDED BY ATHENS CLARKE COUNTY AND AERIAL TRACING. ALL LOCATIONS OF EXISTING SITE DATA ARE APPROXIMATE.
2. THE CONTRACTOR SHALL VERIFY BASE MAPPING IN THE FIELD PRIOR TO PLACING STRIPING, SYMBOLS, OR SIGNS AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO START OF WORK. WHEN THESE PLANS ARE IN CONFLICT WITH ACTUAL SITE CONDITIONS, PROPOSED STRIPING MAY BE ADJUSTED AS DIRECTED BY ATHENS CLARKE COUNTY.
3. DRIVEWAYS SHOWN ON THE DRAWINGS ARE APPROXIMATE AND NOT ALL DRIVEWAYS MAY BE SHOWN.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH GEORGIA DEPARTMENT OF TRANSPORTATION (GDOT) STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, ATHENS CLARKE COUNTY SPECIFICATIONS, AND PROJECT DETAILS.
5. THE CONTRACTOR SHALL PROVIDE NECESSARY TRAFFIC CONTROL DEVICES FOR MAINTENANCE OF TRAFFIC DURING CONSTRUCTION IN ACCORDANCE WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" AND ITS LATEST REVISIONS.
6. THE CONTRACTOR SHALL PREPARE AND SUBMIT TO THE OWNER OR THEIR REPRESENTATIVE FOR APPROVAL A DETAILED MAINTENANCE OF TRAFFIC PLAN FOR ALL STREETS IN THE PROJECT CONSTRUCTION LIMITS PRIOR TO THE START OF CONSTRUCTION.
7. ANY EQUIPMENT OR APPURTENANCE THAT INTERFERES WITH THE PROPOSED CONSTRUCTION AND WHICH MAY BE THE PROPERTY OF UTILITY SERVICE ORGANIZATIONS SHALL BE MOVED BY THE OWNERS UNLESS OTHERWISE NOTED ON THE PLANS.
8. ALL EXISTING TREES SHALL BE PROTECTED AND MAINTAINED AS DIRECTED BY THE OWNER'S REPRESENTATIVE. CARE AND DISCRETION SHALL BE USED TO ENSURE THAT ALL TREES NOT TO BE REMOVED SHALL BE PROTECTED ACCORDING TO PROJECT PLANS AND SPECIFICATIONS DURING THE CONSTRUCTION OPERATIONS.
9. DAMAGE TO SURFACES BEYOND THE PAVEMENT LIMITS SPECIFIED IN THE DETAILED DRAWINGS AND CONSTRUCTION PLANS SHALL BE REPAIRED BY THE

## TABLE OF ABBREVIATIONS:

APPROX	APPROXIMATE	NIC	NOT IN CONTRACT
AVG	AVERAGE	NO	NUMBER
B&B	BALLED AND BURLAPPED	NOM	NOMINAL
BLDG	BUILDING	NTS	NOT TO SCALE
BM	BENCHMARK	OC	ON CENTER
BOC	BACK OF CURB	PC	POINT OF CURVATURE
BR	BOTTOM OF RAMP	PI	POINT OF INTERSECTION
BS	BOTTOM OF STEP	PL	PROPERTY LINE
BW	BOTTOM OF WALL	PT	POINT, POINT OF TANGENCY
CAL	CALIPER	PVC	POLYVINYL CHLORIDE
CF	CUBIC FEET	QTY	QUANTITY
CIP	CAST IN PLACE	R	RADIUS
CL	CENTER LINE	REF	REFERENCE
CONT	CONTINUOUS	REINF	REINFORCED
CY	CUBIC YARD	REV	REVISION, REVISED
DEMO	DEMOLISH, DEMOLITION	ROW	RIGHT OF WAY
DIA	DIAMETER	R/W	RIGHT OF WAY
DIM	DIMENSION	SAN	SANITARY
DTL	DETAIL	SD	STORM DRAIN
DWG	DRAWING	SF	SQUARE FOOT (FEET)
EA	EACH	SUP	SHARED USE PATH
ENG	ENGINEER	SHT	SHEET
EQ	EQUAL	SW	SIDEWALK
EST	ESTIMATE	SIM	SIMILAR
EX	EXISTING	SPECS	SPECIFICATIONS
FFE	FINISHED FLOOR ELEVATION	SY	SQUARE YARD
FG	FINISHED GRADE	STA	STATION
FL	FLOW LINE	STD	STANDARD
FOC	FACE OF CURB	SYM	SYMMETRICAL
FT	FOOT (FEET)	TCE	TEMPORARY CONSTRUCTION EASEMENT
FTG	FOOTING	TC	TOP OF CURB
GEN	GENERAL	TF	TOP OF FOOTING
GR	GRADE ELEVATION	TR	TOP OF RAMP
HP	HIGH POINT	TS	TOP OF STEP
HT	HEIGHT	TW	TOP OF WALL
IN	INCH (INCHES)	TYP	TYPICAL
INCL	INCLUDE(D)	VAR	VARIES
JT	JOINT	VOL	VOLUME
LS	LANDSCAPE	W/	WITH
LF	LINEAR FEET	W/O	WITHOUT
LP	LOW POINT	WT	WEIGHT
MAX	MAXIMUM	WWF	WELDED WIRE FABRIC
MH	MANHOLE	YD	YARD
MIN	MINIMUM		
MISC	MISCELLANEOUS		

## LEGEND:



## CONSTRUCTION NOTES (CIVIL):

- 1 CONSTRUCT SIDEWALK PER GDOT STD DETAIL A-3
- 2 CONSTRUCT CURB & GUTTER PER GDOT STD DETAIL 903-2B
- 3 CONSTRUCT TYPE "D" CURB RAMP PER GDOT STD DETAIL A-3

- 1 INSTALL 5" SOLID WHITE LINE
- 2 INSTALL 5" SOLID YELLOW LINE
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- 12 INSTALL YIELD TRIANGLES (SEE DETAIL SHEET DC-1)
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- 16 INSTALL STANDARD BIKE BUFFER (SEE DETAIL SHEET DC-2)
- 17 INSTALL BUST STOP BIKE BUFFER (SEE DETAIL SHEET DC-2)

100% DESIGN PLANS  
PRELIMINARY - NOT FOR CONSTRUCTION

PROFESSIONAL CERTIFICATION	
I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF [STATE], LICENSE NO. _____, EXPIRATION DATE: _____.	

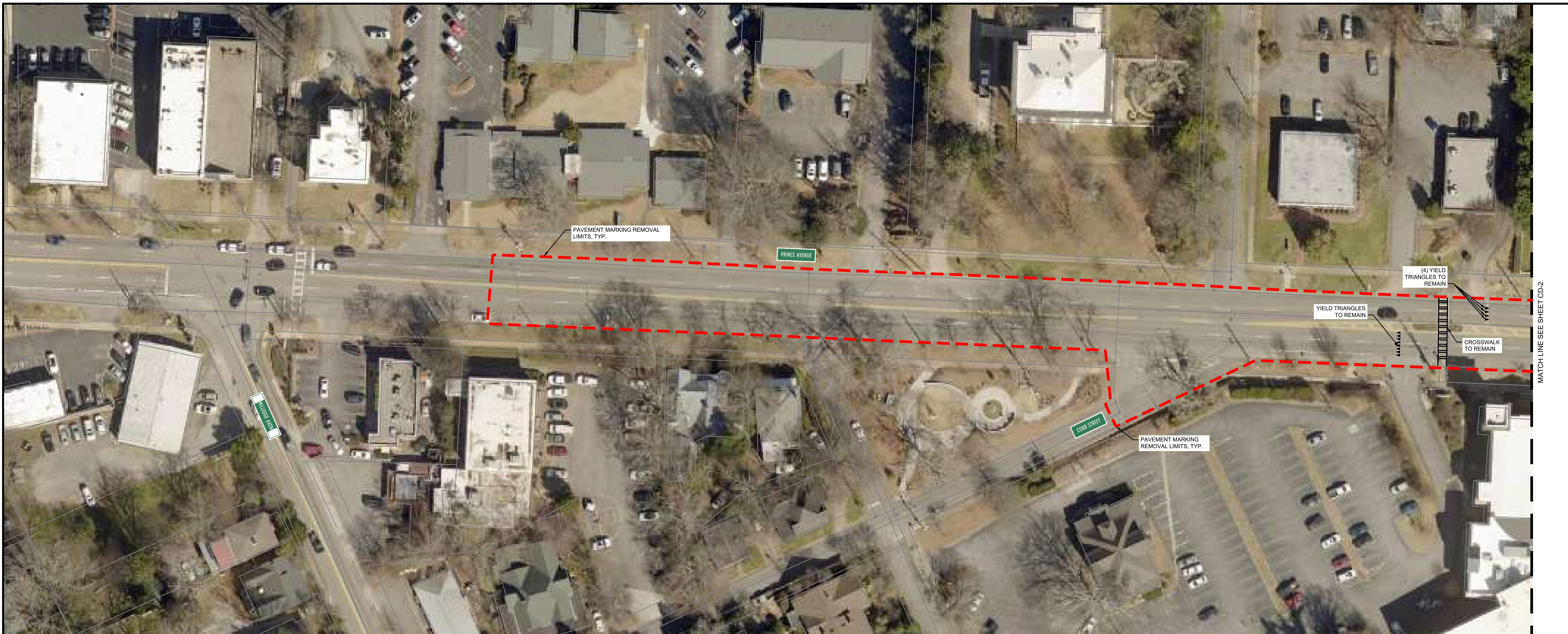
REUSE OF DOCUMENTS				
ALL DRAWINGS ARE INSTRUMENTS OF PROFESSIONAL SERVICE FOR THIS PROJECT. REUSE OR ALTERATION IS AT THE USER'S SOLE RISK.				
DSGN	DR	CHK	APVD	APVD
NO.	DATE	REVISION	BY	APVD

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**DESIGN**

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FAX: 301.927.2800  
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PILOT PROJECT  
ATHENS-CLARKE COUNTY

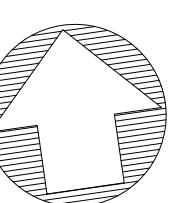
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PROJECT NO.	00RAL.00106.00
DATE	08.09.2022
DRAWING NO.	G-2
SHEET NO.	2 of 10



0 40' 80' 120'  
SCALE IN FEET

100% DESIGN PLANS  
PRELIMINARY - NOT FOR CONSTRUCTION

PROFESSIONAL CERTIFICATION	REUSE OF DOCUMENTS					TOOLE DESIGN		PRINCE AVE PILOT PROJECT	PROJECT NO. 00RAL.00106.00
I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF [STATE], LICENSE NO. _____, EXPIRATION DATE: _____.	DSGN	DR	CHK	APVD	NO.	DATE	REVISION	BY APVD	DATE 08.09.2022
									DRAWING NO. CD-1



0 40' 80' 120'  
SCALE IN FEET

100% DESIGN PLANS  
PRELIMINARY - NOT FOR CONSTRUCTION

PROFESSIONAL CERTIFICATION	
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DSGN	DR	CHK	APVD	NO.	DATE
REVISION			BY APVD		

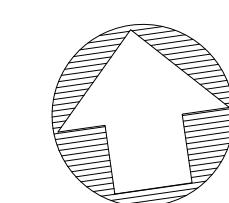
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PRINCE AVE  
PILOT PROJECT  
ATHENS-CLARKE COUNTY

DEMOLITION PLAN

PROJECT NO. 00RAL.00106.00
DATE 08.09.2022
DRAWING NO. CD-2
SHEET NO. 4 of 10



0 40' 80' 120'  
SCALE IN FEET

100% DESIGN PLANS  
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PROFESSIONAL CERTIFICATION	
<p>I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF [STATE]. LICENSE NO. _____, EXPIRATION DATE: _____.</p>	

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DSGN					
DR					
CHK					
APVD	NO.	DATE	REVISION	BY	APVD

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**DESIGN**

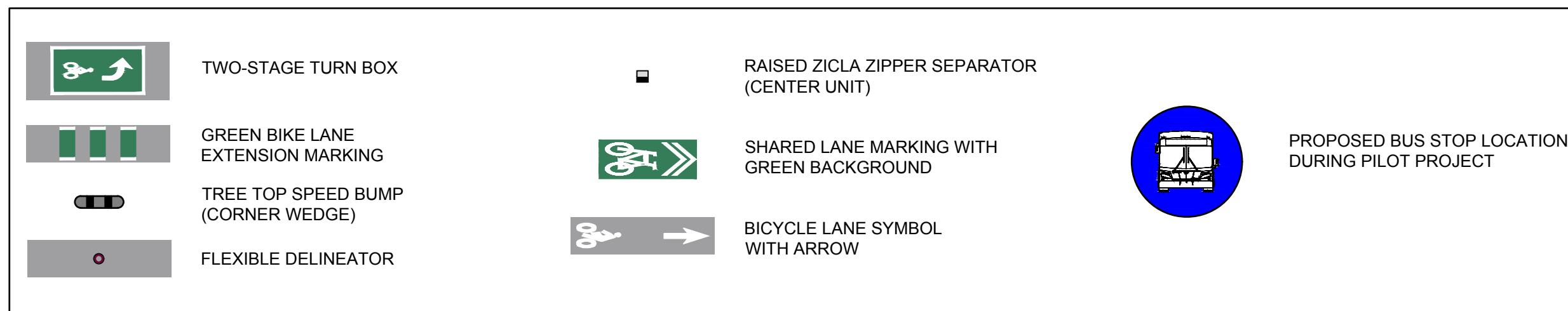
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ATHENS-CLARKE COUNTY

PROJECT NO. 00RAL.00106.00	
DATE 08.09.2022	
DRAWING NO. CD-3	
SHEET NO. 5 of 10	
DEMOLITION PLAN	



## LEGEND:



## CONSTRUCTION NOTES (PAVEMENT MARKING):

- 1. INSTALL 5" SOLID WHITE LINE
- 2. INSTALL 5" SOLID YELLOW LINE
- 3. INSTALL 5" SKIP WHITE LINE
- 4. INSTALL 5" SKIP YELLOW LINE
- 5. INSTALL 8" SOLID WHITE LINE
- 6. INSTALL 12" SOLID WHITE LINE
- 7. INSTALL 24" SOLID WHITE LINE
- 8. INSTALL 24" SOLID YELLOW LINE
- 9. INSTALL SHARED LANE MARKING W/ GREEN BACKGROUND (SEE DETAIL SHEET DC-1)
- 10. INSTALL PAVEMENT MARKING ARROW PER GDOT STD DETAIL T-12B
- 11. INSTALL BIKE SYMBOL & ARROW (SEE GDOT STD DETAIL T-16 & DETAIL SHEET DC-1)
- 12. INSTALL YIELD TRIANGLES (SEE DETAIL SHEET DC-1)
- 13. INSTALL PEDESTRIAN CROSSWALK PER GDOT STD DETAIL T11-A
- 14. INSTALL BIKE CONFLICT MARKINGS (SEE DETAIL SHEET DC-1)
- 15. INSTALL TWO-STAGE TURN BOX (SEE DETAIL SHEET DC-1)
- 16. INSTALL STANDARD BIKE BUFFER (SEE DETAIL SHEET DC-2)
- 17. INSTALL BUST STOP BIKE BUFFER (SEE DETAIL SHEET DC-2)

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- 2. CONSTRUCT CURB & GUTTER PER GDOT STD DETAIL 903-2B
- 3. CONSTRUCT TYPE "D" CURB RAMP PER GDOT STD DETAIL A-3



100% DESIGN PLANS  
PRELIMINARY - NOT FOR CONSTRUCTION

PROFESSIONAL CERTIFICATION	
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DSGN	DR
CHK	
APVD	NO. DATE

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PILOT PROJECT  
ATHENS-CLARKE COUNTY

PROJECT NO.  
00RAL.00106.00

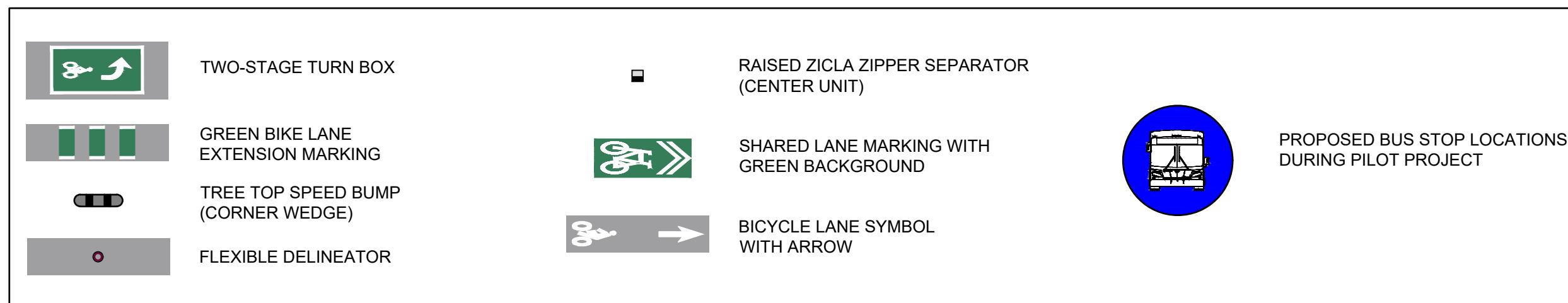
DATE  
08.09.2022

DRAWING NO.  
TP-1

SHEET NO.  
6 of 10



## LEGEND:



## CONSTRUCTION NOTES (PAVEMENT MARKING):

- 1. INSTALL 5" SOLID WHITE LINE
- 2. INSTALL 5" SOLID YELLOW LINE
- 3. INSTALL 5" SKIP WHITE LINE
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DSGN	DR
CHK	
APVD	NO. DATE

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PRINCE AVE  
PILOT PROJECT  
ATHENS-CLARKE COUNTY

PAVEMENT MARKING AND  
SIGNAGE PLAN

PROJECT NO.  
00RAL\_00106.00

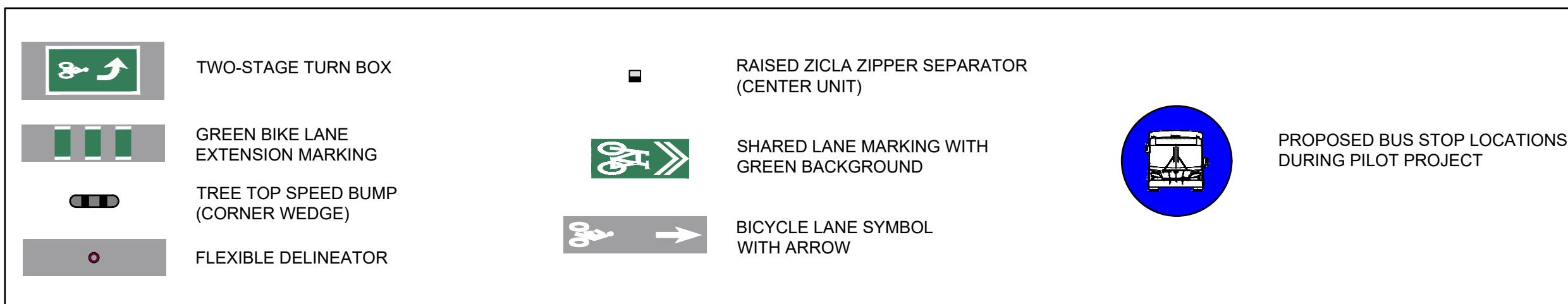
DATE  
08.09.2022

DRAWING NO.  
TP-2

SHEET NO.  
7 of 10



## LEGEND:



## CONSTRUCTION NOTES (PAVEMENT MARKING):

- 1 INSTALL 5" SOLID WHITE LINE
- 2 INSTALL 5" SOLID YELLOW LINE
- 3 INSTALL 5" SKIP WHITE LINE
- 4 INSTALL 5" SKIP YELLOW LINE
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100% DESIGN PLANS  
PRELIMINARY - NOT FOR CONSTRUCTION

PROFESSIONAL CERTIFICATION	
I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF [STATE], LICENSE NO. [REDACTED], EXPIRATION DATE: [REDACTED].	

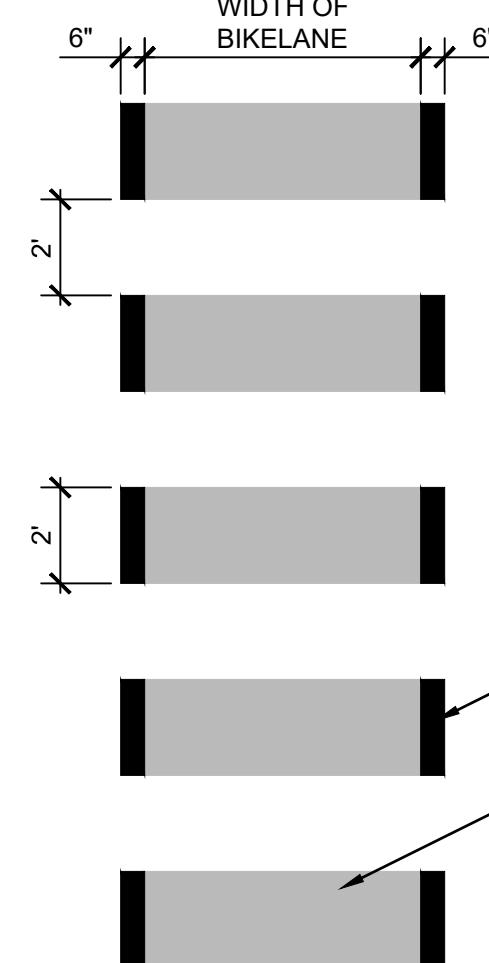
REUSE OF DOCUMENTS					
ALL DRAWINGS ARE INSTRUMENTS OF PROFESSIONAL SERVICE FOR THIS PROJECT. REUSE OR ALTERATION IS AT THE USER'S SOLE RISK.					
DSGN	DR	CHK			
APVD	NO.	DATE	REVISION	BY	APVD

**TOOLE**  
**DESIGN**

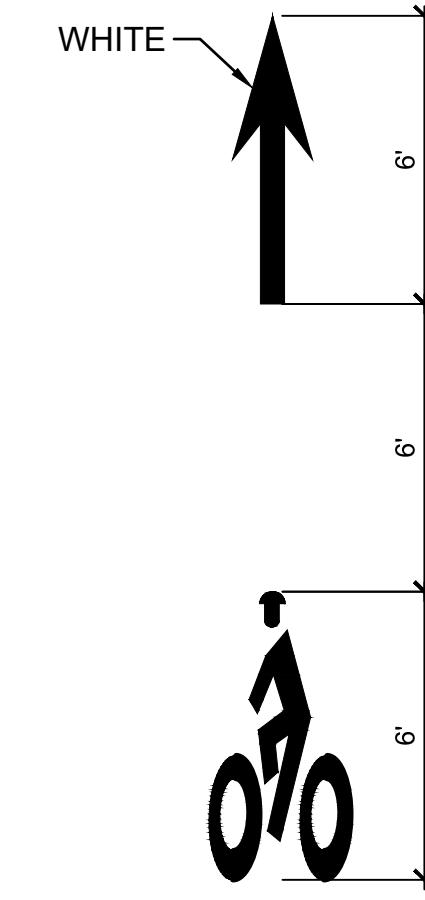
315 S. BLOODWORTH  
RALEIGH, NC 27601  
PHONE: 919.336.5010  
FAX: 301.927.2800  
www.tooledesign.com

PRINCE AVE  
PILOT PROJECT  
ATHENS-CLARKE COUNTY

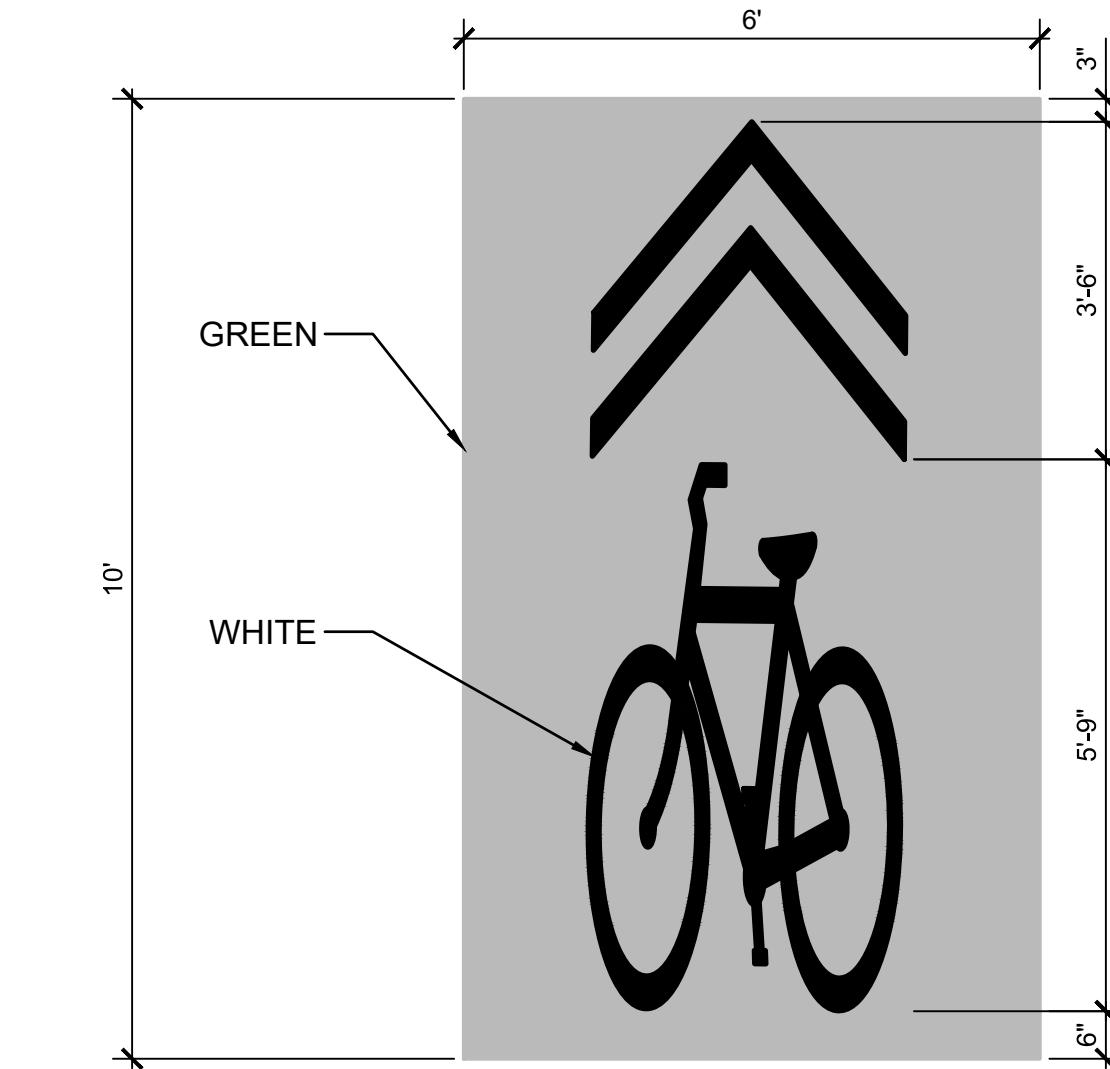
PROJECT NO. 00RAL.00106.00
DATE 08.09.2022
DRAWING NO. TP-2
SHEET NO. 8 of 10



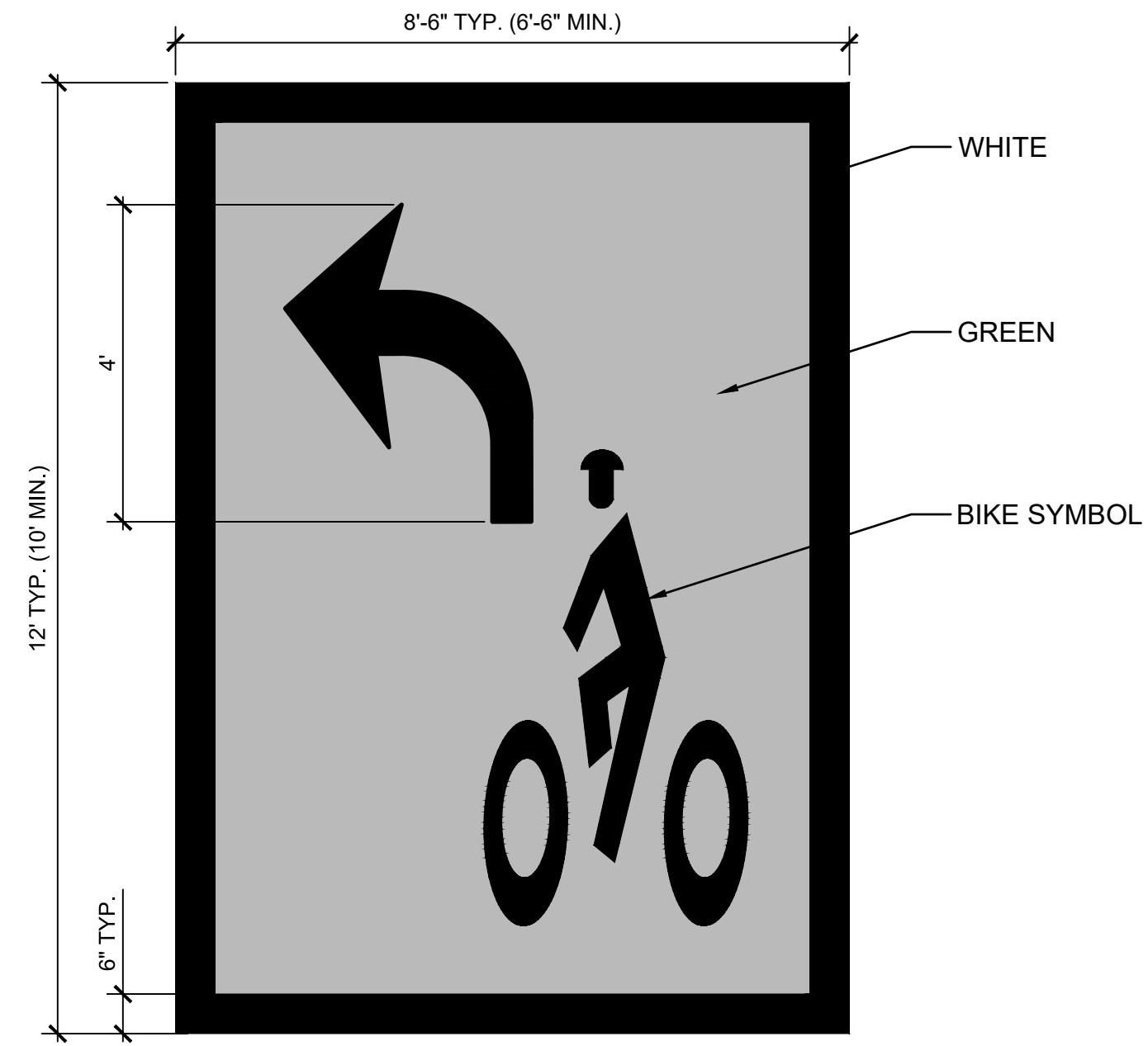
1 BICYCLE INTERSECTION & DRIVEWAY CROSSING  
1/4" = 1'-0"



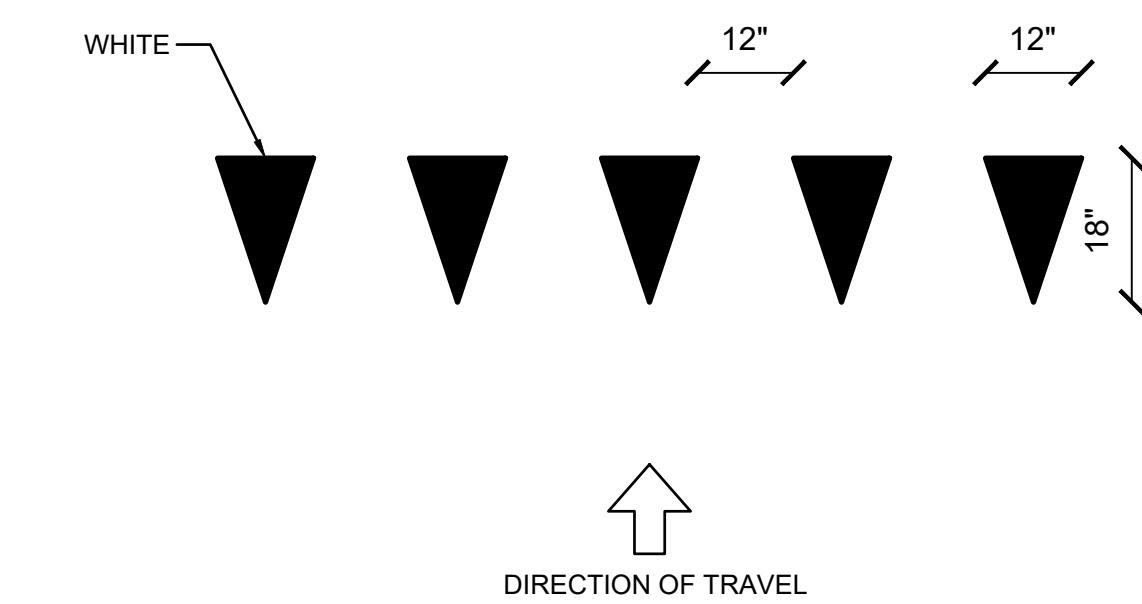
2 BICYCLE LANE SYMBOL & ARROW  
1/4" = 1'-0"



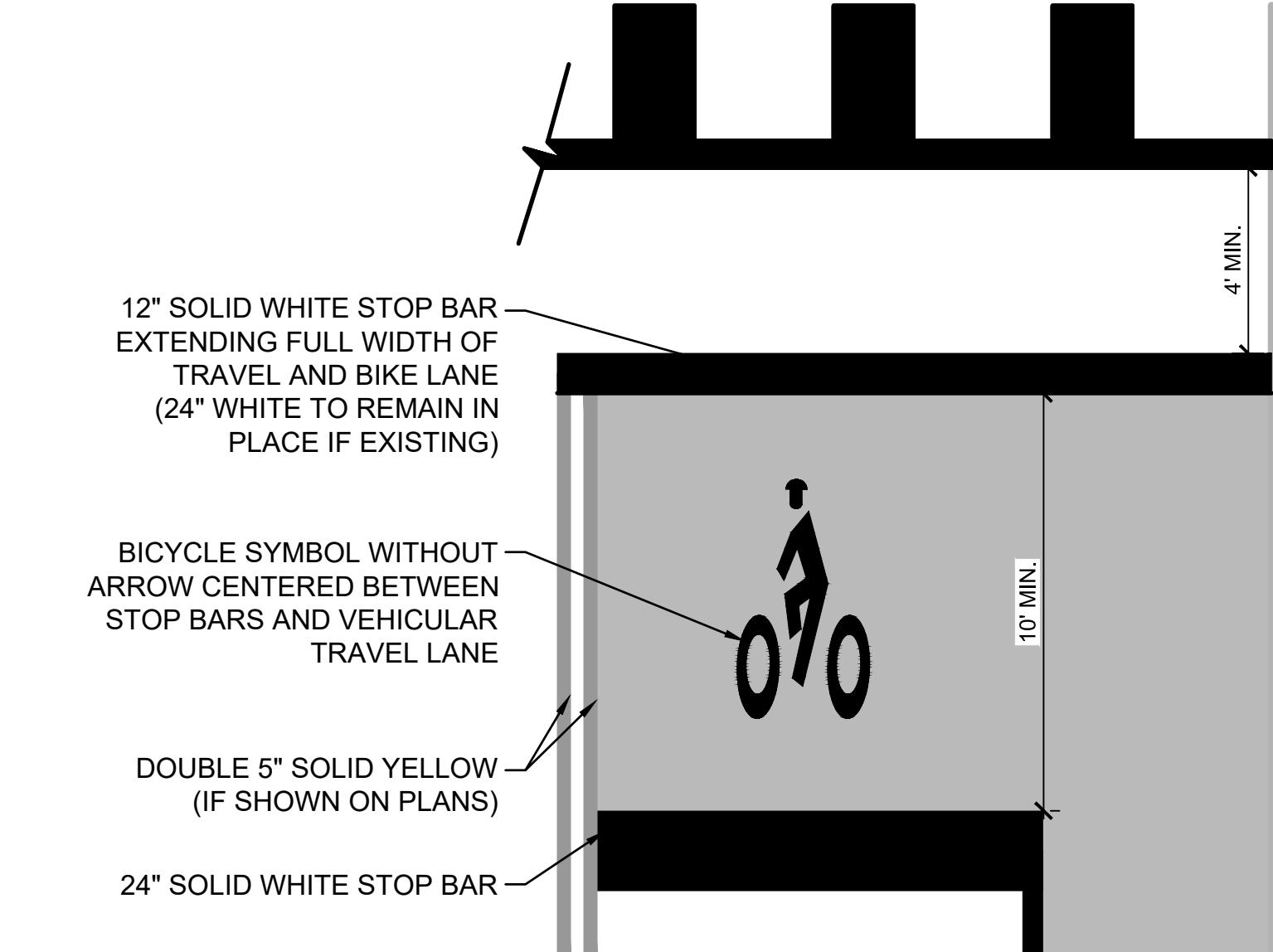
3 SHARED LANE MARKING W/ GREEN BACKGROUND  
1/2" = 1'-0"  
P-CO-C-04



4 TWO-STAGE BICYCLE TURN BOX  
1/2" = 1'-0"  
P-CO-C-05



5 BIKE YIELD TRIANGLES  
1/4" = 1'-0"  
DETAIL-FILE



6 BIKE BOX DETAIL  
1/4" = 1'-0"  
P-CO-C-11

100% DESIGN PLANS  
PRELIMINARY - NOT FOR CONSTRUCTION

PROFESSIONAL CERTIFICATION	
I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF [STATE], LICENSE NO. _____, EXPIRATION DATE: _____.	
DSGN	
DR	
CHK	
APVD	
NO.	DATE
REVISION	BY
APVD	

REUSE OF DOCUMENTS  
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REUSE OR ALTERATION IS AT THE USER'S SOLE RISK.

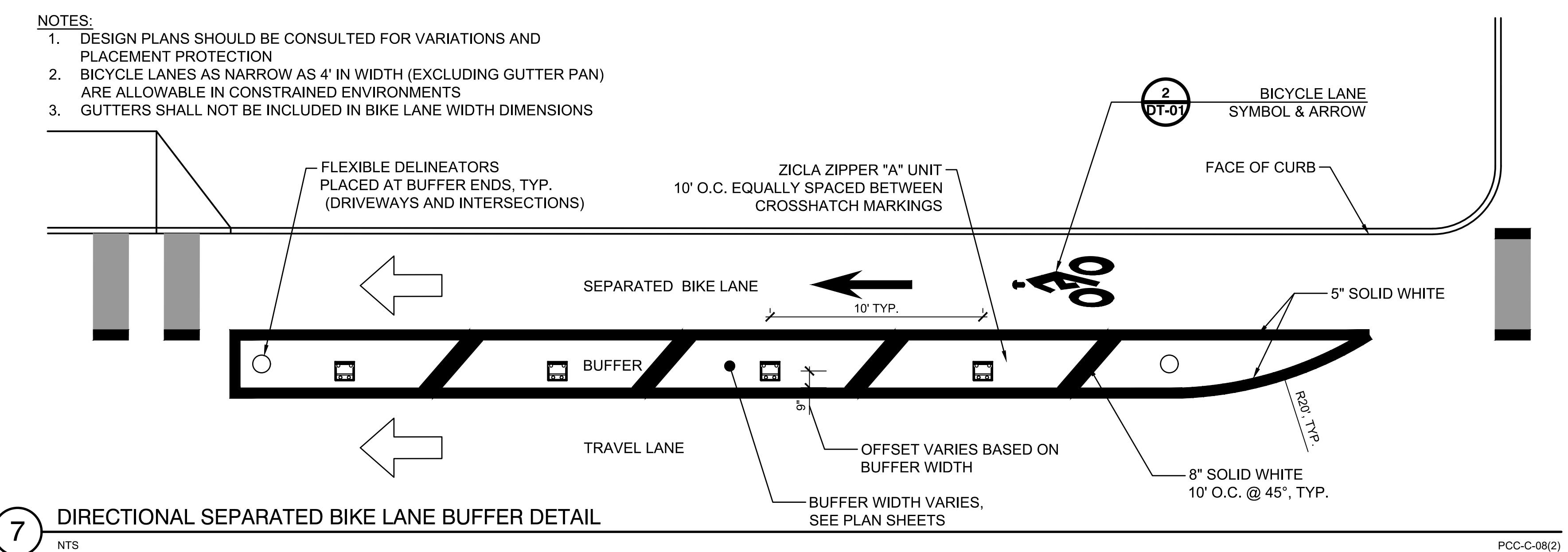
**TOOLE**  
**DESIGN**

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RALEIGH, NC 27601  
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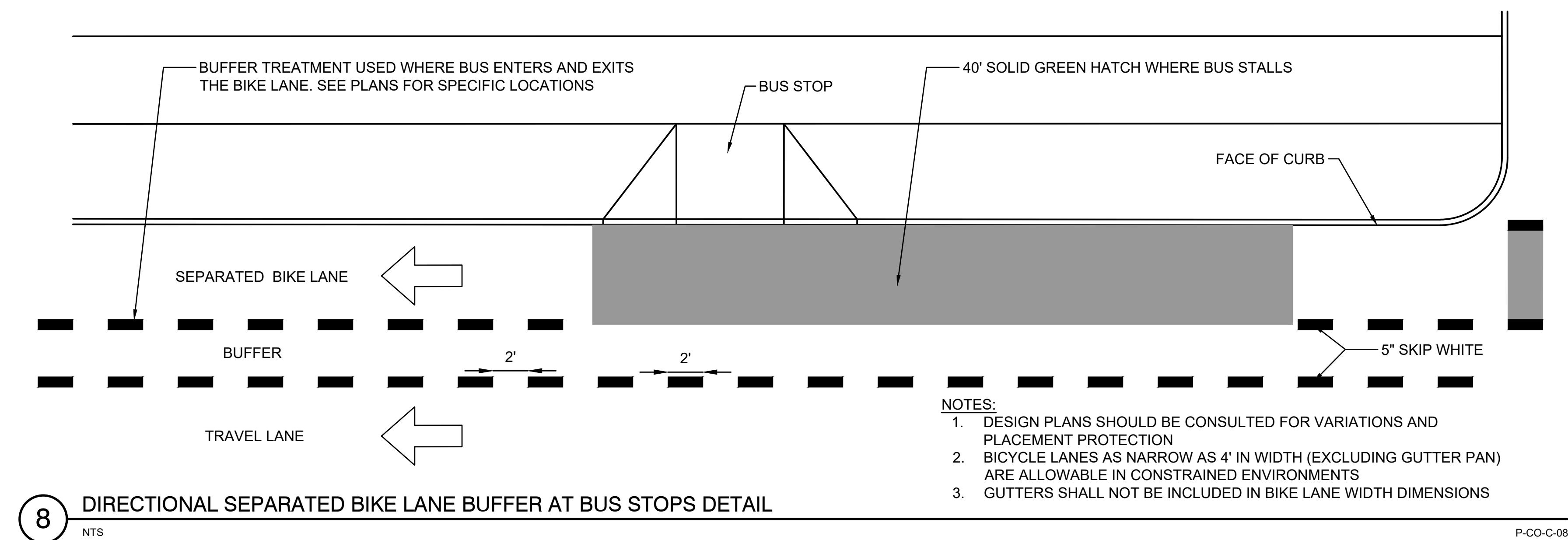
PRINCE AVE  
PILOT PROJECT  
ATHENS-CLARKE COUNTY

DETAILS

PROJECT NO. 00RAL.00106.00
DATE 08.09.2022
DRAWING NO. DC-1
SHEET NO. 9 of 10



PCC-C-08(2)



P-CO-C-08

100% DESIGN PLANS  
PRELIMINARY - NOT FOR CONSTRUCTION

PROFESSIONAL CERTIFICATION	
<p>I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF [STATE], LICENS NO. _____, EXPIRATION DATE: _____.</p>	

DSGN			
DR			
CHK			
APVD	NO.	DATE	REVISION

REUSE OF DOCUMENTS			
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**TOOLE**  
**DESIGN**

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PRINCE AVE  
PILOT PROJECT  
ATHENS-CLARKE COUNTY

PROJECT NO. 00RAL.00106.00	DATE 08.09.2022
DRAWING NO. DC-2	SHEET NO. 10 of 10
DETAILS	

**A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY,  
GEORGIA TO APPROVE AND AUTHORIZE THE SETTLEMENT OF THE CLAIMS  
OF THE ESTATE OF HENRY FAUST; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, on or about April 30, 2021, the Estate of Henry Faust (the “Faust Estate”) submitted a Notice of Claim against the Unified Government of Athens-Clarke County, Georgia, alleging that the negligent failure of Athens Clarke County to properly warn Mr. Faust of the hazardous condition of Athens-Clarke County’s roadway was the direct and proximate cause of Mr. Faust’s wrongful death (the “Faust Estate’s Claims”); and

**WHEREAS**, the A-CC and the Faust Estate desire to voluntarily resolve the Faust Estate’s Claims and all other disputes that may exist between them by compromise and without incurring additional attorney’s fees, expenses, and costs of litigation; and

**WHEREAS**, without admitting liability or fault, the Commission finds it to be in the best interests of the A-CC to resolve the Faust Estate’s Claims as set forth below;

**NOW, THEREFORE**, the Commission hereby resolves as follows:

**SECTION 1.**

The Commission does hereby approve and authorize the payment of the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) in settlement of the Faust Estate’s Claims.

**SECTION 2.**

The Attorney for A-CC and the outside counsel retained for purposes of defending A-CC against the Faust Estate’s Claims shall have authority to take all further actions necessary to carry out the intents and purposes of this Resolution and to prepare, or to cause to be prepared, any and all documents necessary to effectuate the resolution of the Faust Estate’s Claims as described herein.

**SECTION 3.**

The Mayor of A-CC shall have authority to take all further actions necessary to carry out the intents and purposes of this Resolution, including but not limited to, the authority to sign any documents as may be necessary or appropriate to effectuate the intents and purposes of this Resolution.

**SECTION 4.**

The Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this

Resolution and are hereby incorporated by reference into this provision.

SECTION 5.

In the event scrivener's errors shall be discovered in this Resolution or in the Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Resolution.

SECTION 6.

This Resolution shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval.

SO RESOLVED by the Commission of Athens-Clarke County, Georgia, on the \_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Clerk of Commission

**A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY,  
GEORGIA TO APPROVE AND AUTHORIZE THE SETTLEMENT OF THE CLAIMS  
OF GP'S ENTERPRISES, INC.; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the Unified Government of Athens-Clarke County, Georgia (“A-CC”) received funds from the Federal Aviation Administration (“FAA”) thru the Georgia Department of Transportation (“GDOT”) for the Epps Airport Runway 27 Extension, Phase I Grading and Drainage project (the “Project”) which funds have been maintained by A-CC’s finance department in a separate account for use on the Project (the “Retainage Account”); and

**WHEREAS**, on or about January 11, 2013, A-CC contracted with GP to perform the work on the Project; and

**WHEREAS**, on or about February 22, 2018, A-CC notified GP that A-CC was withholding payment in the amount of \$1,169,157.44 for work performed by GP on the Project based upon liquidated damages assessed against GP and based upon the costs incurred by A-CC for additional engineering services caused by GP’s failure to complete the work on time;

**WHEREAS**, on or about August 28, 2021, GP’s Enterprises, Inc. (“GP”) provided notice to A-CC of its intent to commence a lawsuit against A-CC to collect payment in the principal amount of \$1,352,699.50 for GP’s final quantities on the Project, return of liquidated damages alleged by GP to have been wrongly withheld by A-CC, and release of the engineering costs withheld by A-CC (“GP’s Claims”); and

**WHEREAS**, A-CC and GP desire to voluntarily resolve GP’s Claims and all other disputes that may exist between them by compromise and without incurring additional attorney’s fees, expenses, and costs of litigation; and

**WHEREAS**, without admitting liability or fault, the Commission finds it to be in the best interests of A-CC to resolve GP’s Claims as set forth below;

**NOW, THEREFORE**, the Commission hereby resolves as follows:

**SECTION 1.**

The Commission does hereby approve and authorize the payment of the sum of Eight Hundred and Fifty Thousand and 00/100 Dollars (\$850,000.00) in settlement of GP’s Claims, subject to receiving approval from GDOT and the FAA authorizing the use of the principal amount of funds remaining in the Retainage Account.

## SECTION 2.

The Attorney for A-CC and the outside counsel retained for purposes of defending A-CC against GP's Claims shall have authority to negotiate a final resolution of GP's Claims and to take all further actions necessary to carry out the intents and purposes of this Resolution and to prepare, or to cause to be prepared, any and all documents necessary to effectuate the resolution of GP's Claims as described herein.

## SECTION 3.

The Mayor of A-CC shall have authority to take all further actions necessary to carry out the intents and purposes of this Resolution, including but not limited to, the authority to sign any documents as may be necessary or appropriate to effectuate the intents and purposes of this Resolution.

## SECTION 4.

The Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Resolution and are hereby incorporated by reference into this provision.

## SECTION 5.

In the event scrivener's errors shall be discovered in this Resolution or in the Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Resolution.

## SECTION 6.

This Resolution shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval.

SO RESOLVED by the Commission of Athens-Clarke County, Georgia, on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED: \_\_\_\_\_  
\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
\_\_\_\_\_  
Clerk of Commission