

## MINUTES

### **MALL AREA REDEVELOPMENT COMMITTEE MEETING**

Tuesday, February 28, 2023: 2:00pm-4:00 pm  
Bobby Snipes Water Resources Center Presentation Room  
780 Barber St., Athens, GA 30601

The meetings for the Mall Area Redevelopment Committee will be available to watch live on YouTube at the link available on the calendar entry on the ACCGov homepage or this particular meeting can be viewed at the link provided here:

<https://youtube.com/live/VcvSoKRoo7E?feature=share>

**Members Present:** Mayor Kelly Girtz, Commissioner Jesse Houle (left at 3:58PM), Commissioner Mike Hamby, BOE Member Dr. Mumbi Anderson, BOE Member Linda Davis

**Members Absent:** None

**ACCGov Staff Present:** Ilka McConnell, Caitlin Dye, Blaine Williams, Niki Jones, Brad Griffin and Judd Drake

**Development Team Present:** Jon Williams, Ken Neighbors, Mark Jennings, Scott Haines and Brian Lu

**A. Call to Order as a Special Called Meeting: Caitlin Dye**, Business Development and Incentives Coordinator, ACCGov Economic Development Department

1. Meeting began at 2:04 PM

**B. Approval of Agenda**

1. Motion to approve: Mayor Girtz  
Second: BOE Member Linda Davis  
Unanimous vote to approve agenda

**C. Approval of 2.20.23 Minutes**

1. Approval of minutes held till next meeting

**D. Old Business:**

1. Updates on Community Benefits Agreement, **Dan McRae, Seyfarth Shaw LLP**
  - i. There are two major differences or updates between version 18 of this document and the most recent version 20:
    - a. The first is that the PD zoning and the Community Benefits Agreement must always be in sync. Also, if the Developer does ask for a change to the PD, they cannot ask for a change to the performance commitments listed in the Community Benefits Agreement.
    - b. The second is an expanded list of what is considered to be a material modification and a defined process for requesting a material modification. In this process, the last stop for the request is the Mayor and Commission.

## **E. Committee Discussion and Questions**

1. Mayor Girtz asked Judd to update the committee on the status of the IGA between ACCGov and CCSD.
  - i. Judd stated that an agreement has been reached on the IGA. The only change made was suggested by CCSD's Attorney, Michael Pruitt, to remove the Board from the review process for approving requisitions.
2. Commissioner Houle would like clarification on the difference between the job numbers ACCGov's consultant provided and the numbers the Developer's Consultant provided.
  - i. ACCGov's consultant calculated their job figures on the number of sq ft of retail and office space within the development. Caitlin Dye is checking to see if these are FTE jobs or not. These jobs are direct retail/office jobs.
  - ii. The developer's consultant calculated 770 direct construction jobs, 1,035 direct retail jobs, 963 regional construction jobs and 1,138 regional retail jobs.
  - iii. The IMPLAN analysis that was provided by GA Power for ACCGov takes into account direct, indirect and induced jobs.
3. Commissioner Houle would also like clarification on the amount of square feet provided for the daycare center.
  - i. As stated in the CBA, Owner will provide 4,000 square feet of existing mall space for use as a day care center. The day care center will be leased to an operator of the daycare center for the Term at a base rental of \$100/year, provided, however, that if no qualified daycare operator has entered into a lease within 5 years, this commitment lapses and the space goes back to the Owner. Similarly, the space goes back to the Owner if at any time the space ceases to be used for daycare for a period of one year or more. The Owner will also pay cost of buildout in the space up to \$50 per square foot; the daycare operator would be responsible for any costs over and above that amount. The daycare operator will also be required to pay a customary share of common area maintenance (CAM), taxes, charges and assessments, utilities, and other common area expenses, the same as other tenants.
  - ii. Currently, there is no opposition or feedback given regarding this amount of square feet provided. However, BOE Members Dr. Anderson and Ms. Linda Davis will present this information to the School Board on Thursday and will report back any feedback given by the members.
  - iii. A dedicated outdoor space is required by law for the daycare center to be licensed. ACCGov Attorney, Judd Drake, will add in language to the CBA that is specific to GA Law governing day care centers the developer must abide by or provide.

- iv. BOE Member Dr. Anderson would like to broaden the language of “daycare center” in the CBA to include early learning lab, early learning center, Montessori, or similar.
4. Manager Williams suggested that the MARC be the oversight committee who reviews the annual report from the developer, which policies those more subjective performance commitments of the developer. BOE Member Dr. Anderson supports this amendment to the CBA.
5. BOE Member Dr. Anderson and Commissioner Hamby have done more research on Small, Minority, Women-Owned Businesses (SMWB’s) and suggest amending the CBA to add that rents should be frozen for SMWB’s and dedicating a minimum of 14,490 sq. ft. of office or retail space for this group, which is similar to current agreement with the Police Dept./Station.
6. The MARC suggests changing the CBA language under “*Equal Business Opportunity Programs*” in Schedule P-Pg.16 to read “Owner is required to afford.....” instead of it reading “...will make good faith efforts”
  - i. ACCGov Attorney, Judd Drake, doesn’t believe we can legally require this since our disparity studies are not complete yet. He will work with Developer’s Counsel to see if there is other wording that can be added that gives more definition to this section.
7. BOE Member Dr. Anderson suggests amending the CBA in Schedule P under item 2c to read “Owner will require its contractors and subcontractors to grant internships to CCSD students and will partner with ACCA.”
8. Commissioner Houle would like to add language to the CBA that states “If the Boys and Girls Club vacates their current space, ACCA will be consulted to see if they would like to fill the space.”
9. Commissioner Houle asked if ACCGov has an ordinance/code that requires private roads to be maintained to a certain degree.
  - i. Currently, there are no codes that require private roads to be maintained to a certain standard. The CBA states that all infrastructure has to meet the Downtown Athens Standard. Staff is researching further to see what this standard entails.
10. The timeline for the transit station was bumped out to 2037 to allow for flexibility.
  - i. Commissioner Hamby suggests moving the timeline for the transit station back to 2032 and if the transit station is not built by then, ACCGov still gets to keep the allocated funds and use it for something else within the district.
11. Commissioner Hamby and BOE Member Dr. Anderson have addressed concerns they have with the affordable housing component of the CBA.
  - i. One concern was that 80% of AMI is still too high of a salary for most ACC citizens to obtain, especially for the targeted teachers that some units are being dedicate to.
  - ii. Another concern was that 10% of the units is not enough to meet the current demand.

- iii. Commissioner Hamby believes that 20% of units at 60% AMI for 20 years is a good target to aim for and doesn't mind putting in extra money towards that goal. To achieve this goal, he recommends taking \$10M for the urban apartment building bucket and \$10M from the financing costs bucket and apply that towards the affordable housing bucket.
  - iv. Commissioner Hamby also suggests that any funds from the financing cost bucket that cannot be reimbursed be put back into the TAD fund to help revitalize the district/corridor.
12. Mayor Kelly Girtz, Commissioner Mike Hamby, BOE Member Dr. Anderson, and BOE Member Linda David came to a consensus agreement to amend the language to the CBA for the following earlier discussed items:
- i. Add in State laws regulating Daycare center
  - ii. SMWB's frozen rent and minimum dedicated sq. feet
  - iii. Potential language regarding Equal Business Opportunity Programs
  - iv. Require contractors to grant internships and partner with ACCA
  - v. Vacant space if Boys and Girls Club leave
  - vi. Definitions of upkeep of roads
  - vii. Annual report to be shared and overseen by MARC
  - viii. Change transit timeline to 2032 and still keep TAD funds if not spent by then
13. Official vote for the amendment to the CBA concerning the change in affordable housing percentage: BOE Member Dr. Anderson made a motion to change the wording for affordable housing to 20% of units at 60% AMI for 20 years, which was seconded by Commissioner Hamby. The vote ended in a tie. Vote will be retaken at Friday's meeting.

**F. Date for Next Meeting:**

- 1. Public Hearing and Quick Special Called Meeting: Friday, March 3<sup>rd</sup>, 2023 from 3:45pm-5pm.
- 2. Special Called Meeting: Monday, March 6<sup>th</sup> from 3:30pm-4:00pm.

**G. Adjourn**

- 1. Motion: Commissioner Mike Hamby  
Second: Mayor Kelly Girtz  
Unanimous vote to adjourn
- 2. Meeting was adjourned at 4:32PM