

Unified Government of Athens-Clarke County, Georgia
Special Called Session
Tuesday, May 16, 2017
6:25 p.m.
City Hall

As provided for in the Charter Section 2-104(e) nine Commissioners (Dickerson, Sims, Link, Wright, Bailey, NeSmith, Herod, Girtz, and Hamby) called a special meeting of the Mayor and Commission for the purpose of consideration of historic districts for the Milledge Circle and Castalia Avenue areas.

Present: Mayor Denson; Commissioners Dickerson, Sims, Link, Wright, Bailey, NeSmith, Bell, Herod, Girtz and Hamby. No one was absent.

Attorney Berryman entered into the record:

1. Notice of special called meeting
2. Waiver of formal notice of special called meeting
3. Certificate of delivery of notice

Citizen input

The following input was received.

1. Claudio Saunt, 403 Milledge Circle – supported
2. John Dorris, 725 Milledge Circle – opposed/delay
3. Oliver Pryor, 655 Milledge Circle - delay
4. Laura Welch, 385 Springdale Street – tried to save 398
5. Rue Walker, 301 Parkway Drive – opposed
6. Travis Elrod, 398 Milledge Circle owner – opposed
7. Mary Katherine Smith, realtor – opposed/delay
8. John Waters, 638 Milledge Circle – supported
9. Margaret Williams – supported
10. Scott Reed, 420 South Milledge – supported
11. Drew Dekle, 194 Westview Drive – supported
12. Dorothy O'Neal, 174 Highland Terrace – supported
13. Missy Wilson, 546 Castalia Avenue – supported
14. Tyler Davis, 644 Milledge Circle – opposed
15. Bethany Davis, 644 Milledge Circle – opposed
16. Monica Elder, 398 Milledge Circle – opposed
17. Kim Klonowski, 125 Wilcox – supported
18. Mike Fitzgerald, 535 Milledge Circle – delay
19. Jeb Bradberry, 120 Fortson Circle – opposed
20. Steve Covington, 545 Milledge Circle – opposed
21. Brian Boley, 195 Westview Drive – opposed
22. Ted Devore, 585 West Cloverhurst – opposed
23. Rebeca McCarthy, 538 Castalia Avenue – supported
24. Debbie Morris, 652 Milledge Circle – opposed
25. Jamie Boswell, 285/287 Milledge Circle – opposed
26. Melanie Wilson Daniel, 662 Milledge Circle – delay
27. Paul Collar, 435 Woodward Way – opposed
28. William Parker, 480 Highland Avenue – opposed/delay
29. Mary Alice Fowler, 450 Milledge Circle – opposed
30. Amy Kissane, Athens-Clarke Heritage Foundation – supported

31. Valarie Devore, 399 Milledge Circle – opposed
32. Reba Kennedy, 115 Bar H Court – delay
33. Jared York, 497 West Rutherford – opposed
34. Barbara Grossman, 237 Highland Avenue – supported
35. Blair Dorminey, 357 Hill Street – supported
36. Jennifer Fitzgerald, 535 Milledge Circle – opposed
37. Brent Kinman, 225 Westview Drive – opposed
38. Spence Johnson, attorney for Milledge Circle residents who are opposed
39. Russell Edwards, 400 Duncan Springs Road - supported

A motion was made by Commissioner Hamby, seconded by Commissioner Wright, to adopt a resolution establishing a temporary moratorium on the acceptance of applications for all: demolition review approvals, demolition permits, relocation permits or building permits for exterior construction or renovation, subject to limited exceptions, for structures on every parcel of land identified by map key as “proposed Milledge Circle historic district,” on map entitled “Milledge Circle Moratorium” with the following amendments.

Section #2 strike out "or new construction" from being in the moratorium

Section #3 This moratorium does not apply to add in "iv. new permits for accessory buildings and new single family construction."

A substitute motion was made by Commissioner Sims, seconded by Commissioner Dickerson, to HOLD this item until June 6. The substitute motion failed by roll call vote with Commissioners Dickerson, Sims, and Bell voting YES; and Commissioners Link, Wright, Bailey, NeSmith, Herod, Girtz, and Hamby voting NO. (3 YES; 7 NO)

The original motion passed by roll call vote with Commissioners Link, Wright, Bailey, NeSmith, Herod, Girtz, and Hamby voting YES; and Commissioners Dickerson, Sims, and Bell voting NO. (7 YES; 3 NO). The following resolution was declared adopted.

RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ALL: DEMOLITION REVIEW APPROVALS, DEMOLITION PERMITS, RELOCATION PERMITS OR BUILDING PERMITS FOR EXTERIOR CONSTRUCTION OR RENOVATION, SUBJECT TO LIMITED EXCEPTIONS, FOR STRUCTURES ON EVERY PARCEL OF LAND IDENTIFIED BY MAP KEY AS “PROPOSED MILLEDGE CIRCLE HISTORIC DISTRICT,” ON MAP ENTITLED “MILLEDGE CIRCLE MORATORIUM,” ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

Whereas, the historic preservation ordinance adopted by the Mayor and Commission of the Unified Government of Athens-Clarke County and presently in effect defines a historic district as “a geographically definable area which contains structures, sites, buildings, objects, works of art, places or a combination thereof which: a. Have special character or special historic/aesthetic value or interest; b. Represent one or more periods of styles of architecture typical of one or more eras in the history of the municipality, county, state, or region; c. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county;” and

Whereas, there are structures and sites situate within an area described as all those parcels of land identified by map key as “Proposed Milledge Circle Historic District,” on map entitled “Milledge Circle Moratorium,” attached hereto and incorporated herein by reference, and such parcels being on or adjacent to Milledge Circle in Athens-Clarke County, Georgia (hereinafter the “Subject Area”) that have the characteristics described in the preceding paragraph, and such structures and sites within the Subject Area merit consideration by the Commission of Athens-Clarke County for possible inclusion in a new historic district, all as provided in the historic preservation ordinance; and

Whereas, the Commission of Athens-Clarke County, Georgia desires to consider the adoption of amendments to the Code of Athens-Clarke County concerning regulation of the proposed demolition or relocation of structures within the Subject Area, including without limitation the inclusion of some or all parcels in the Subject Area within a historic district, in order to promote and protect the public health, safety and welfare of the citizens of Athens-Clarke County, to protect the historical character of the Subject Area as further described below, and to provide for the orderly and proper development within the Subject Area; and

Whereas, the acceptance of new applications for demolition review approvals, demolition permits, relocation permits, and for building permits except for certain limited construction on properties within said Subject Area may conflict with the aforesaid goals; and

Whereas, based on recent redevelopment activity within the Subject Area, it is found that current design standards and other regulations governing the design and development within said Subject Area have not adequately addressed the protection of the historical character of said Subject Area or the efficient and proper design and development within said Subject Area and may not adequately protect the health, safety and welfare of the public; and

Whereas, the Commission is aware of the need to allow time for the Athens-Clarke County Planning Department, the Planning Commission, the Historic Preservation Commission, and others as deemed appropriate to develop and propose the amendments to the Athens-Clarke County Code necessary to provide for the proper and orderly control of renovation, demolition and relocation of potential historic landmarks and new construction within said Subject Area; and

Whereas, to provide for the time for such study and proposals to be developed, a moratorium on the acceptance of applications for all demolition review approvals, demolition permits or relocation permits for buildings and for building permits for construction other than the exceptions as set forth below in said Subject Area is necessary in order to protect the status quo by prohibiting relocation of existing buildings, demolition of existing buildings or portions thereof and by prohibiting repair or construction of such size or scope that will necessarily impact, due to the size or scope of such demolition, repair, or construction, the historical character of said Subject Area during the temporary moratorium;

Now therefore the Commission of Athens-Clarke County, Georgia hereby resolves as follows:

1. The Commission hereby declares that the Subject Area for the moratorium consists of all those parcels of land identified by map key as "Proposed Milledge Circle Historic District," on map entitled "Milledge Circle Moratorium," attached hereto and incorporated herein by reference and such parcels being on or adjacent to Milledge Circle in Athens-Clarke County, Georgia for the purposes of protecting the status quo within said Subject Area during the period of this moratorium.
2. The Commission further declares and establishes a moratorium on the acceptance of new applications for demolition review approvals or demolition permits for demolition of any building or portions thereof and the acceptance of new applications for building permits for exterior building alterations within the Subject Area.
3. This moratorium does not apply to (i) building permits for interior renovations, (ii) demolition review approvals or demolition permits for accessory structures, (iii) or demolition review approvals, demolition permits, or building permits for alteration, repair, or construction with respect to building elevations other than front or side building elevations and rooflines associated with front or side building elevations, or (iv) new permits for accessory buildings or new single-family construction.
4. This Resolution shall remain in effect until and including the first Tuesday in June 2018, or until this Resolution is repealed, whichever date comes first, effective upon the adoption date of this Resolution.
5. The provisions of this Resolution are severable, and should any part of this Resolution be deemed by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of the Resolution as a whole, or any part thereof other than the part declared to be invalid.
6. If after inspection the Chief Building Official finds that a building subject to this moratorium poses an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Chief Building Official may issue an emergency demolition permit to the owner of said building or structure. The Chief Building Official shall then prepare a report explaining the condition of the building and the basis for the decision, which report shall be forwarded to the Mayor and Commission.

A motion was made by Commissioner Hamby, seconded by Commissioner Wright, to adopt the following resolution. The motion passed by unanimous vote.

RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ALL: DEMOLITION REVIEW APPROVALS, DEMOLITION PERMITS, RELOCATION PERMITS OR BUILDING PERMITS FOR EXTERIOR CONSTRUCTION OR RENOVATION, SUBJECT TO LIMITED EXCEPTIONS, FOR STRUCTURES ON EVERY PARCEL OF LAND IDENTIFIED BY MAP KEY AS "PROPOSED CASTALIA AVENUE HISTORIC DISTRICT," ON MAP ENTITLED "CASTALIA AVENUE MORATORIUM," ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

Whereas, the historic preservation ordinance adopted by the Mayor and Commission of the Unified Government of Athens-Clarke County and presently in effect defines a historic district as "a geographically definable area which contains structures, sites, buildings, objects, works of art, places or a combination thereof which: a. Have special character or special historic/aesthetic value or interest; b. Represent one or more periods of styles of architecture typical of one or more eras in the history of the municipality, county, state, or region; c. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county;" and

Whereas, there are structures and sites situate within an area described as all those parcels of land identified by map key as "Proposed Castalia Avenue Historic District," on map entitled "Castalia

Avenue Moratorium,” attached hereto and incorporated herein by reference, and such parcels having street frontage on Castalia Avenue in Athens-Clarke County, Georgia (hereinafter the “Subject Area”) that have the characteristics described in the preceding paragraph, and such structures and sites within the Subject Area merit consideration by the Commission of Athens-Clarke County for possible inclusion in a new historic district, all as provided in the historic preservation ordinance; and

Whereas, the Commission of Athens-Clarke County, Georgia desires to consider the adoption of amendments to the Code of Athens-Clarke County concerning regulation of the proposed demolition or relocation of structures within the Subject Area, including without limitation the inclusion of some or all parcels in the Subject Area within a historic district, in order to promote and protect the public health, safety and welfare of the citizens of Athens-Clarke County, to protect the historical character of the Subject Area as further described below, and to provide for the orderly and proper development within the Subject Area; and

Whereas, the acceptance of new applications for demolition review approvals, demolition permits, relocation permits, and for building permits except for certain limited construction on properties within said Subject Area may conflict with the aforesaid goals; and

Whereas, based on recent redevelopment activity within the Subject Area and adjacent areas, it is found that current design standards and other regulations governing the design and development within said Subject Area have not adequately addressed the protection of the historical character of said Subject Area or the efficient and proper design and development within said Subject Area and may not adequately protect the health, safety and welfare of the public; and

Whereas, the Commission is aware of the need to allow time for the Athens-Clarke County Planning Department, the Planning Commission, the Historic Preservation Commission, and others as deemed appropriate to develop and propose the amendments to the Athens-Clarke County Code necessary to provide for the proper and orderly control of renovation, demolition and relocation of potential historic landmarks and new construction within said Subject Area; and

Whereas, to provide for the time for such study and proposals to be developed, a moratorium on the acceptance of applications for all demolition review approvals, demolition permits or relocation permits for buildings and for building permits for construction other than the exceptions as set forth below in said Subject Area is necessary in order to protect the status quo by prohibiting relocation of existing buildings, demolition of existing buildings or portions thereof and by prohibiting repair or construction of such size or scope that will necessarily impact, due to the size or scope of such demolition, repair, or construction, the historical character of said Subject Area during the temporary moratorium;

Now therefore the Commission of Athens-Clarke County, Georgia hereby resolves as follows:

1. The Commission hereby declares that the Subject Area for the moratorium consists of all those parcels of land identified by map key as “Proposed Castalia Avenue Historic District,” on map entitled “Castalia Avenue Moratorium,” attached hereto and incorporated herein by reference and such parcels being on or adjacent to Milledge Circle in Athens-Clarke County, Georgia for the purposes of protecting the status quo within said Subject Area during the period of this moratorium.
2. The Commission further declares and establishes a moratorium on the acceptance of new applications for demolition review approvals or demolition permits for demolition of any building or portions thereof and the acceptance of new applications for building permits for exterior building alterations within the Subject Area.
3. This moratorium does not apply to (i) building permits for interior renovations, (ii) demolition review approvals or demolition permits for accessory structures, (iii) or demolition review approvals, demolition permits, or building permits for alteration, repair, or construction with respect to building elevations other than front or side building elevations and rooflines associated with front or side building elevations, or (iv) new permits for accessory buildings and new single-family construction.
4. This Resolution shall remain in effect until and including the first Tuesday in June 2018, or until this Resolution is repealed, whichever date comes first, effective upon the adoption date of this Resolution.
5. The provisions of this Resolution are severable, and should any part of this Resolution be deemed by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of the Resolution as a whole, or any part thereof other than the part declared to be invalid.
6. If after inspection the Chief Building Official finds that a building subject to this moratorium poses an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Chief Building Official may issue an emergency demolition permit to the owner of said building or structure. The Chief Building Official shall then prepare a report explaining the condition of the building and the basis for the decision, which report shall be forwarded to the Mayor and Commission.

The meeting adjourned at 8:40 p.m.

Clerk of Commission