

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, February 6, 2018
6:00 p.m.
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in regular monthly session. Present: Mayor Denson; Commissioners Dickerson, Sims, Link, Wright, Bailey, NeSmith, Bell, Girtz, and Hamby. Absent: Commissioner Herod.

RECOGNITION

Mayor Denson recognized and presented certificates of appreciation to members of the Envision Athens Committee and the ACC individuals who provided staff support.

A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to approve Minutes of meetings of Tuesday, January 2; Tuesday, January 9; and Tuesday, January 16, 2018. The motion passed by unanimous vote.

Written communications

There were no written communications.

Old business - Consent

Items under this section were discussed at prior public meetings and were presented for consideration as a single item. Only one vote was taken.

Citizen input

The following citizen input was received.

1. Amber Fetner - supported Prince Avenue sidewalk and presented petition in support of a pedestrian safety island and crossing at Prince Avenue and Pound Street.

A motion was made by Commissioner Sims, seconded by Commissioner Wright, to consent to action on the following seven items. The motion passed by unanimous vote.

1. APPROVE: The Superior Court's Criminal Justice Coordinating Council Grant (CJCC) application for, and if awarded, acceptance of S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$70,000 to fund for calendar year (CY) 2018 as per agenda report dated December 15, 2017.
 - I. one authorized full-time Senior Probation Officer position in Superior Court Probation Services;
 - II. one authorized full-time Clerk position in the Clerk of Courts Office;

ADOPT: The following ordinance (#18-02-01) which was presented by title only for a budget amendment to the FY18 Superior Court (\$25,000) and the Clerk of Courts (\$10,000) budgets for the first six months of the CJCC Grant (January 2018 through June 2018). The matching requirement for the first six months of the grant is the benefits cost of the two positions estimated to be \$8,750; and

AUTHORIZE: The Mayor and appropriate staff to execute all related documents.

AN ORDINANCE TO AMEND THE FY2018 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL FOR PERSONAL SERVICE AND OPERATING EXPENSES FOR DOMESTIC VIOLENCE CASE SUPERVISION; 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 for personal service and operating expenses for domestic violence case supervision and processing. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:

Stop Violence Against Women Grant (CJCC)	\$35,000
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EXPENDITURES:

Increase:

Superior Court- Personal Services	\$25,000
Clerk of Courts- Personal Services	<u>\$10,000</u>
Total	\$35,000

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2. APPROVE: Preliminary construction plans for Prince Avenue MMSAG (Multimodal Safety & Access Program Grant) sidewalk project as shown in Attachment #1 of agenda report dated December 21, 2017; authorize the Mayor and appropriate staff to execute any necessary utility relocation agreements and all other project related documents; and authorize staff to acquire the necessary right-of-way and easements, prepare final construction plans, and subsequently enter into the bid phase for this project.

3. APPROVE: A one-year contract with up to four annual renewals with Western Summit Constructors, Inc. for the project to replace and upgrade facilities and equipment for the Public Utilities Department water reclamation facilities as per agenda report dated December 22, 2017; and authorize the Mayor and appropriate staff to sign all documents related to the contract.

4. APPROVE: Acceptance of the updated Master Plan for Southeast Clarke Park in accordance with Attachment #1 of agenda report dated December 27, 2017.

5. APPROVE: Proposed Boulevard Woods Phase II concept as per Attachment #1 of agenda report dated December 27, 2017; authorize staff to update the "Memorandum of Understanding" between the Unified Government of Athens-Clarke County and The Boulevard Woods Neighborhood Association for the construction of Phase II; authorize staff to develop a new lease agreement with The Boulevard Woods Neighborhood Association and Athens Land Trust; and authorize the Mayor and appropriate staff to execute all related documents.

6. APPROVE: Project concept from a portion of SPLOST 2011 Project #08 Sub-Project #3 as the Project Concept for TSPLOST 2018 Project #06 Sub-Project 3.1 for the Fire Fly Trail Project, Winterville Section as generally shown on Attachment #1 of agenda report revised January 31, 2018; authorize staff to advance the proposed Project Concept for TSPLOST 2018 Project #06 Sub-Project #3.1 for the Fire Fly Trail Project (TSPLOST 2018 Project #06) to the preliminary plan phase; authorize staff to negotiate appropriate professional service agreements with the City of Winterville; and authorize the Mayor and appropriate staff to execute all related documents.

7. APPROVE: Project concept from SPLOST 2011 Project #08 Sub-Project #2 as the project concept for TSPLOST 2018 Project #06 Sub-Project #2 for the Fire Fly Trail Project (TSPLOST 2018 Project #06) as generally shown on Attachment #1 of agenda report revised January 31, 2018; authorize staff to advance the proposed project concept for TSPLOST 2018 Project #06 Sub-Project #2 for the Fire Fly Trail Project (TSPLOST 2018 Project #06) to the preliminary plan phase; authorize staff to

continue acquisition of as much right-of-way/easement as necessary along the rail bed between Old Winterville Road and Spring Valley Road intersection, shown on Attachment #1 as Sub-Project #2; adopt the following resolution to authorize the acquisition of right-of-way/easements by eminent domain; and authorize the Mayor and appropriate staff to execute all related documents.

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND COMMISSION OF ATHENS-CLARKE COUNTY

WHEREAS, on December 3, 2013, Mayor and Commission of the Unified Government of Athens-Clarke County (“Mayor and Commission”) approved project concepts for Sub-Project A and Sub-Project B of the Rails to Trails Network Program (SPLOST Project #08) (the “Rails to Trails Project”) and, with respect to Sub-Project B, directed staff of the Unified Government to begin necessary right-of-way acquisition, all pursuant to an agenda report with attachment presented to the Mayor and Commission at such meeting, such agenda report and the minutes of such meeting being incorporated herein by reference; and

WHEREAS, on July 5, 2016, the Mayor and Commission re-designated Sub-Project A described above as Sub-Project #1 and Sub-Project B described above as Sub-Project #2, all pursuant to an agenda report with attachments presented to the Mayor and Commission at such meeting, such agenda report and the minutes of such meeting being incorporated herein by reference; and

WHEREAS, the improvements to be constructed in accordance with Sub-Project #2 as described hereinabove are for transportation purposes and are intended to be used for enjoyment by the public and for the passage of vehicles, excluding motorized vehicles with certain exceptions; and

WHEREAS, the Mayor and Commission of Athens-Clarke County, Georgia have specifically determined and found that it is in the public interest and for a public purpose to construct Sub-Project #2 (the “Rails-to-Trails Sub-Project”) as described hereinabove; and

WHEREAS, the Unified Government shall engage in negotiations with all of the property owners whose property or interests therein is needed for construction of the Rails-to-Trails Sub-Projects and desires to acquire such rights-of-way and easements through voluntary conveyance from such owners where reasonably possible; and

WHEREAS, construction of the Rails-to-Trails Sub-Project cannot proceed without the necessary rights-of-way and easements from all property owners, and

WHEREAS, the Mayor and Commission further find that the acquisition of the necessary rights-of-way and easements is an integral component of the Rails-to-Trails Sub-Project and such acquisition is necessary and appropriate to meet the needs of the citizens of Athens-Clarke County and that the use of eminent domain to acquire the necessary rights-of-way and easements is required for the completion of the Rails-to-Trails Sub-Project; and

WHEREAS, Article 9, Section 2, Paragraph 5 of the Georgia Constitution authorizes local governments to exercise the power of eminent domain for any public purpose; and

WHEREAS, the Mayor and Commission have determined that in order to accomplish the public purpose of the Rails-to-Trails Sub-Project it is necessary to exercise the right of eminent domain to acquire such rights-of-way and easements; and

WHEREAS, all questions of necessity, public purpose and public convenience with respect to the acquisition and construction of the Rails-to-Trails Sub-Project and the necessity of acquiring through eminent domain the permanent and temporary construction easements hereinabove described are hereby determined and established by the Mayor and Commission of Athens-Clarke County;

WHEREAS, the necessary permanent and temporary construction easements are more specifically shown on plat entitled “Survey for Rails to Trail – Georgia Railroad Project, Winterville Road – Section 1” consisting of 4 sheets, dated November 3, 2017, made by John Mark Dunlap, Georgia registered land surveyor (“Right-of-Way Survey Section 1”), as may be amended from time to time for corrections and technical adjustments, attached hereto as Exhibit A; and plat entitled “Survey for Rails to Trail – Georgia Railroad Project, Winterville Road – Section 2” consisting of 9 sheets, dated February 3, 2017, made by John Mark Dunlap, Georgia registered land surveyor (the “Right-of-Way Survey Section 2”), as may be amended from time to time for corrections and technical adjustments, attached hereto as Exhibit B. Right-of-Way Survey Section 1 and Right-of-Way Survey Section 2 being collectively referred to hereafter as the “Right-of-Way Plans”); and

NOW, THEREFORE, BE IT HEREBY RESOLVED that condemnation of the above-described easements for the public purpose stated hereinabove as shown on the Right-of-Way Plans is hereby approved and authorized and that the acquisition procedure shall proceed under Title 32 of the Official Code of Georgia, as the Rails-to-Trails Sub-Project's schedule of completion requires acquisition of such easements quickly and without delay. Time is of the essence.

IT IS FURTHER RESOLVED that the Right-of-Way Plans be kept on file at the Unified Government of Athens-Clarke County, SPLOST Program Management Office, and that any interested party may obtain a copy of same by writing to the Unified Government of Athens-Clarke County, SPLOST Program Management Office at 300 College Avenue, Athens, Georgia, 30601, and paying a nominal cost therefor.

IT IS FURTHER RESOLVED that the Unified Government of Athens-Clarke County and its employees and agents may negotiate for and acquire the property needed for this project by gift, sale, or condemnation, and that the County Attorney and other proper agents or attorneys of the County, including but not limited to Special Counsel Gregory C. Sowell, Cook & Tolley, LLP, is hereby directed to prepare the necessary deeds, easements, closing documents, petitions, and/or declarations of taking, and/or orders and any other documents required to effectuate the foregoing.

IT IS FURTHER RESOLVED that the Mayor of the Unified Government of Athens-Clarke County, the Manager, the County Attorney, Special Counsel, and other agents as aforesaid, are authorized to sign any of the documents referenced in the preceding paragraph on behalf of the governing authority of the Unified Government of Athens-Clarke County, Georgia to complete the acquisition of the property required for the Rails-to-Trails Sub-Project.

Public hearing and deliberation on a recommendation from the Historic Preservation Commission

A public hearing was held on a recommendation for Local Historic Landmark Designation - Lehmann-Bancroft House at 392 South Pope Street and design guidelines.

Citizen input

The following citizen input was received.

1. Barbara Redman, owner – supported.

A motion was made by Commissioner Link, seconded by Commissioner Bailey, to adopt the following ordinance (#18-02-02) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO HISTORIC PRESERVATION – DESIGNATION OF THE LEHMANN-BANCROFT HOUSE; AND FOR OTHER PURPOSES.

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

SECTION 1. That the Lehmann-Bancroft House located at 392 S. Pope Street in Athens-Clarke County is hereby designated as a local historic landmark, which shall be known as the Lehmann-Bancroft House. Said local historic landmark shall be shown as such on the Official Zoning Map of Athens-Clarke County, Georgia, which is available for public inspection in the office of the Athens-Clarke County Planning Department. The boundary of said Lehman-Bancroft House Local Historic Landmark is shown and delineated on the site map entitled "Proposed Landmark Designation – Lehmann/Bancroft House," dated October 9, 2017, attached hereto and incorporated herein by reference.

Said property is shown and identified on the Athens-Clarke County tax maps as tax parcel number 171C1 B031 (landmark structure condominium unit) and as a portion of tax parcel number 171C1 B015 (adjacent area included in landmark pursuant to Athens-Clarke County Code 8-5-3(c)(1)).

SECTION 2. The current owner of the structure on the above-described property as listed in the most recent Athens-Clarke County tax digest is Barbara J. Redman. The current owner of the real property adjacent to the structure on the above-described property as listed in the most recent Athens-Clarke County tax digest is the Tanyard Condominium Association.

SECTION 3. The design guidelines for the Lehmann-Bancroft House, entitled "Athens-Clarke County, Georgia, Design Guidelines for Historic Districts and Landmark Properties" adopted December 6, 2011 are incorporated herein by reference. Pursuant to Sections 8-5-4 and 8-5-5 of the Code of Athens-

Clarke County, these design guidelines shall be used by the Historic Preservation Commission in considering applications for certificates of appropriateness for the Lehmann-Bancroft House Local Historic Landmark. The guidelines are on file and available for inspection in the offices of the Athens-Clarke County Planning Department at 120 W. Dougherty Street, Athens, Georgia.

SECTION 4. A certificate of appropriateness shall be obtained from the Athens-Clarke County Historic Preservation Commission prior to any material change in the appearance of the designated property described herein.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Old and new business – Discussion

Citizen input

There was no citizen input.

A motion was made by Commissioner Dickerson, seconded by Commissioner Hamby, to adopt the Live Stream Pipe Replacement Program priorities as shown in Attachment #1 of agenda report revised January 23, 2018 with the understanding project 4 (Weatherly Woods) and project 7 (Canady Drive) are already fully funded; approve the 26 project concepts as part of the Live Stream Pipe Replacement Program, as shown in Attachment #2 of said agenda report; and authorize staff to develop preliminary construction plans on these 26 pipe replacement projects. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Sims, to approve the final construction plans to repair and replace the failed Riverview Road stormwater system, as shown in Attachment #1 of agenda report dated January 22, 2018; award a construction contract for the Riverview Road emergency culvert repair to E.R. Snell Contractor, Inc. for a cost not to exceed \$484,415; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

New business – Consider under suspension of Rules

A motion was made by Commissioner Sims, seconded by Commissioner Girtz, to suspend Rules of Commission for consideration of one item of new business. The motion passed by unanimous vote.

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

A RESOLUTION RATIFYING AN EXCEPTION TO THE ATHENS-CLARKE COUNTY TRANSPORTATION AND PUBLIC WORKS DEPARTMENT POLICY/PROCEDURE STATEMENT FOR THE RESIDENTIAL PARKING PERMIT PROGRAM

WHEREAS, On June 2, 1987, the former Athens City Council established the first residential parking permit controlled area along Henderson Avenue; and

WHEREAS, since that time the residential parking permit program has expanded within certain neighborhoods in Athens-Clarke County, as provided in Athens-Clarke County Code of Ordinances § 3-3-46 through § 3-3-48, and such ordinances provide that specific policies and procedures for administering the residential parking program shall be included in a policy and procedure statement developed by the Department of Transportation and Public Works and the Police Department, and approved by the Mayor and Commission, the same being designated as Policy Number TE-005; and

WHEREAS, On December 4, 2007, the Mayor and Commission adopted a revised Policy Number TE-005, which provided that permit parking in all neighborhoods included in the program would be enforced between 8:00 a.m. and 5:00 p.m., Monday through Friday; and

WHEREAS, on February 3, 2009, the Mayor and Commission approved an exception to Policy Number TE-005 to provide that the parking restrictions along Henderson Avenue be in effect 24 hours per day, seven days per week and that the adjacent Gamma Beta Phi Sorority be allowed to purchase up to seven parking permits annually (the "Henderson Avenue Exception"); and

WHEREAS, on July 5, 2017, the Mayor and Commission of Athens-Clarke County, Georgia adopted revisions to Policy Number TE-005 which did not expressly refer to the Henderson Avenue Exception; and

WHEREAS, the Mayor and Commission desire to ratify and confirm the Henderson Avenue Exception to Policy Number TE-005,

NOW THEREFORE, the Mayor and Commission of Athens-Clarke County, Georgia hereby resolve (1) that the Henderson Avenue Exception to Policy Number TE-005 is hereby approved, ratified and confirmed, (2) that the Manager be directed to take all necessary action to implement such exception, including without limitation installing signage notifying the public of 24-hour a day, seven days a week enforcement of the residential permit parking program on Henderson Avenue, and (3) that the exception hereby approved, ratified and confirmed shall not be affected by any subsequent amendments to Policy Number TE-005 unless such amendment contains a provision expressly revoking such exception.

Public hearing and deliberation on recommendations from the Athens-Clarke County Planning Commission

A public hearing was held on request of Jeff Carter/Carter Engineering Consultants Inc., for Chestnut Grove Baptist Church, for amendment to special use in RS-25 (Single-Family Residential) on 12.17 acres known as 610 Epps Bridge Parkway and 1645 Timothy Road. Proposed use is additional driveway. This will require an amendment to the Future Development Map from Community Institutional and Traditional Neighborhood to Single-Family Residential. Type I

Planning Commission recommendation:	
Future Development Map:	Approve (unanimous)
Special use:	Approve w/conditions (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to adopt the following ordinance (#18-02-03) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO AMENDING THE OFFICIAL FUTURE DEVELOPMENT MAP OF ATHENS-CLARKE COUNTY BY CHANGING THE DESIGNATION OF TWO PARCELS OF LAND COMPRISING APPROXIMATELY 12.17 ACRES LOCATED AT 610 EPPS BRIDGE PARKWAY & 1645 TIMOTHY ROAD TO SINGLE FAMILY RESIDENTIAL; AND FOR OTHER PURPOSES.

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

SECTION 1. The Official Future Development Map referred to in the Zoning Ordinance of Athens-Clarke County, Georgia, as specifically identified in Section 9-3-3(A)(2) thereof, is hereby amended by changing the future development map designation of two parcels of land comprising approximately 12.17 acres located at 610 Epps Bridge Parkway, Athens-Clarke County tax parcel number 074 B001, and located at 1645 Timothy Road, Athens-Clarke County tax parcel number 074 B001A, to Single Family Residential, as further described in Section 2 and Section 3 below and more particularly shown on Exhibit A, which is attached hereto and incorporated herein by reference.

The date of this amendment to the Official Future Development Map of Athens-Clarke County as shown by Exhibit A shall be duly noted in the minutes of the Commission meeting. The Official Future Development Map and Exhibit A hereto are available for inspection in the office of the Clerk of Commission, 301 College Avenue, Athens, Georgia.

SECTION 2. The future development map designation for the parcel of land at 610 Epps Bridge Parkway (Tax Parcel No. 074 B001) that is currently designated both Single Family Residential and Community Institutional shall be changed to Single Family Residential in its entirety.

SECTION 3. The future development map designation for the parcel of land at 1645 Timothy Road (Tax Parcel No. 074 B001A) that is currently designated Traditional Neighborhood shall be changed to Single Family Residential.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to adopt the following ordinance (#18-02-04) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO SPECIAL USE APPROVAL IN THE RS-25 (SINGLE-FAMILY RESIDENTIAL) DISTRICT FOR TWO PARCELS OF LAND COMPRISING APPROXIMATELY 12.17 ACRES LOCATED AT 610 EPPS BRIDGE PARKWAY & 1645 TIMOTHY ROAD; AND FOR OTHER PURPOSES.

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

SECTION 1. The current RS-25 (Single-Family Residential) District, 610 Epps Bridge Parkway and 1645 Timothy Road, Athens, Georgia, is hereby amended to provide for special use approval to permit the addition of a driveway. The subject parcel is more fully described as follows:

Those two parcels of land comprising approximately 12.17 acres as described by that certain site plan entitled "Special Use Permit for Chestnut Grove Baptist Church," dated September 1, 2017, prepared by James J. Carter, Georgia registered engineer, stamped "Binding 1-10-18," and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

Said parcels comprising approximately 12.17 acres are located at 610 Epps Bridge Parkway and 1645 Timothy Road and are respectively designated as tax parcel numbers 074 B001 and 074 B001A on the Athens-Clarke County Tax Map, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A hereto shall be noted on said Official Zoning map in office of the Clerk of Commission and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding site plan associated with this ordinance and incorporated herein by reference consists of one sheet, entitled "Special Use Permit for Chestnut Grove Baptist Church," dated September 1, 2017, prepared by James J. Carter, Georgia registered engineer, stamped "Binding 1-10-18," and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The binding written report associated with this ordinance and incorporated herein by reference consists of four pages in total, being entitled "Special Use Permit Narrative," dated September 1, 2017, revised October 31, 2017, stamped "Binding 1-10-18," and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

SECTION 3. The following conditions associated with this ordinance are as follows:

1. The site plan shall be revised to denote a pedestrian connection between the Timothy Road frontage sidewalk and the church building.
2. A subdivision plat combining the parcel at 610 Epps Bridge Parkway (Tax Parcel No. 074 B001) and 1645 Timothy Road (Tax Parcel No. 074 B001A) shall be properly recorded prior to the issuance of any related development permits.
3. The proposed driveway shall conform in all aspects to the standards of the Transportation & Public Works Department of the Unified Government of Athens-Clarke County, Georgia, including the requirements for driveway width and a raised concrete island for the right-in, right-out-only condition.
4. The proposed driveway shall be shifted to the west to prevent encroachment into the historic schoolhouse landmark designation.

SECTION 4. Except as specifically modified or amended herein, those certain ordinances entitled "An Ordinance to Amend the Code of Athens-Clarke County, Georgia with Respect to Special Use Approval in the RS -25 (Single-Family Residential) and RS-25(CU) (Single-Family Residential with Conditional Use) Districts on 11.7 Acres of Land at 610 and 700 Epps Bridge Parkway; and for Other Purposes," effective July 10, 2009, and "An Ordinance to Amend the Code of Athens-Clarke County, Georgia, with Respect to Amending Special Use in the RS -25 (Single-Family Residential) District on Approximately 11.7 Acres of Land Located at 610 Epps Bridge Parkway; and for Other Purposes," effective September 10, 2012, are hereby saved from repeal and shall remain in full force and effect.

SECTION 5. Except as set forth in Section 4 above, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A public hearing was held on request of Daniel R. Marks, for Calvin B. Fleming and Linda J. Fleming, for rezoning from C-G (Commercial-General) to E-I (Employment-Industrial) on 3.105 acres known as 1945, 1949, and 1951 Commerce Road. Proposed use is commercial/warehouse. Type II

Planning Commission recommendation: Approve w/conditions (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Bailey, seconded by Commissioner NeSmith, to adopt the following ordinance (#18-02-05) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO REZONING A PARCEL OF LAND COMPRISING APPROXIMATELY 3.105 ACRES LOCATED AT 1945, 1949, AND 1951 COMMERCE ROAD FROM C-G (COMMERCIAL-GENERAL) TO E-I (EMPLOYMENT-INDUSTRIAL); AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Sections 9-3-3 and 9-3-6 thereof, is hereby amended by changing the zoning of a parcel of land comprising approximately 3.105 acres located at 1945, 1949, and 1951 Commerce Road from C-G (Commercial-General) to E-I (Employment-Industrial) as shown on Attachment A hereto.

Said parcel is more particularly described according to that certain document entitled "Site Plan for Fleming Properties II, LLLP," last revised April 14, 2006, made by J.R. Holland, Georgia registered land surveyor, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia. Said parcel is also known as parcel number 153 016 on the Athens-Clarke County tax maps being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the office of the Clerk of Commission, 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The conditions associated with this ordinance are as follows:

1. No building facades visible from the street shall be clad in metal siding, plain concrete block, or plain concrete walls.
2. Any outdoor storage on the subject parcel shall be screened from view from Commerce Road.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A public hearing was held on proposed text amendment regarding nonconforming lots.

Planning Commission recommendation: Approval (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner NeSmith, seconded by Commissioner Girtz, to adopt the following ordinance (#18-02-06) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO THE GENERAL EXCEPTION FOR LOT SIZE REQUIREMENTS; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 9-15-11, entitled "*Lot Size Requirements—General Exception*," of the Code of Athens-Clarke County, is hereby amended by maintaining the current language of said section as sub-section (A) and adding a sub-section (B) thereto as follows:

Sec. 9-15-11. Lot size requirements—General exception.

A. If a lot held in single ownership and recorded in the office of the clerk of superior court at the time of passage of the ordinance codified herein, has an area or dimension which does not meet the lot size requirements of the district in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright in the district subject to all other requirements, provided it complied with all ordinances when it was recorded.

B. The boundaries between contiguous nonconforming lots may be adjusted if the result does not enlarge or extend the element of nonconformity by creating any of the following conditions:

- (1) Additional lots;
- (2) Additional nonconforming lots by area or dimension; or
- (3) Lot sizes less than the smallest lot size or dimensions (i.e., width, depth) less than the shortest such dimension that existed prior to recombination.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Citizen input on items other than those listed on this agenda

The following downtown business owners spoke in support of a delay in Clayton Street infrastructure project.

1. Devin Clower – presented petition from downtown business owners proposing construction begin January 1, 2019 and be completed by August 2019.
2. Russell Edwards, Agora Vintage – supported petition.
3. Tim Stamey, Native American Gallery – supported petition.

FROM MAYOR DENSON:

1. Reminded everyone of the Thursday, February 8 work session.
2. Referred to the Legislative Review Committee a review of curfew ordinance with reference to elementary and middle school children.

FROM MANAGER WILLIAMS:

1. Received for information was a report of contract awards in excess of \$10,000 for December 2017.

FROM AUDITOR MADDOX:

The Audit Committee is scheduled to meet Thursday, February 15.

FROM COMMISSISONER GIRTZ:

1. Requested review of sight distance problem at Hull and Dougherty Streets.
2. Requested consideration of special tax assessments for water/sewer connection fees.

FROM COMMISSIONER SIMS:

1. Stated he will tender his resignation Tuesday, February 13 in order to run for mayor in the upcoming election. He expressed appreciation for the 27 years he served the citizens – 25 with Athens-Clarke County and two with the former City of Athens.

FROM COMMISSIONER DICKERSON:

1. Thanked all members of Envision Athens and was pleased they were recognized tonight.
2. Requested litter removal along Lexington, Barnett Shoals, and Whitehall Roads.
3. Invited everyone to mark their calendars for Athens Spring Fling, Saturday, April 7, 11:00 a.m. – 6:00 p.m. at Southeast Clarke Park.
4. Thanked Commissioner Sims for his many years of service.

FROM COMMISSIONER HAMBY:

1. Expressed appreciation to Commissioner Sims for his service.
2. Requested litter removal along Timothy Road and Berkley Hills. Perhaps more “no littering” signs are needed.

FROM COMMISSIONER NESMITH:

1. Thanked Mayor for allowing him and Commissioner Herod to participate on the oversight committee for National Emergency Medical Service.
2. Requested public education regarding “disposal wipes” which are clogging sewer lines. Special emphasis should be placed on contact with the school district and hospitals.

FROM COMMISSIONER BAILEY:

1. Thanked Transportation and Public Works, Public Utilities, and Planning Department for assistance on recent issues.
2. Requested litter removal along Nowhere Road.

FROM COMMISSIONER WRIGHT:

1. Stated recent Managers Snapshot highlighted tons of litter pick up; perhaps more enforcement is needed.
2. Thanked Commissioner Sims for his service.

FROM COMMISSIONER LINK:

1. Thanked downtown business owners for their input.
2. Stated a public meeting on the comprehensive plan is scheduled Wednesday, February 7.
3. Expressed appreciation for the life of activist Rich Rusk who recently passed away.

The meeting adjourned at 7:15 p.m.