

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Friday, January 18, 2019  
4:00 p.m.  
120 West Dougherty Street

The Unified Government of Athens-Clarke County, Georgia met this date in a special called session. Present: Mayor Girtz, Commissioners Davenport, Parker, Link, Wright, Denson, NeSmith, Edwards, Thornton, and Hamby. Absent: Commissioner Herod.

The purpose of the meeting was to consider a resolution establishing a temporary moratorium on the acceptance of applications for certain demolition permits on certain parcels of land within the area described as the Downtown Athens National Register Historic District.

#### Citizen input

The following citizen input was received.

1. Bret Thurmond, representing First Methodist Church – opposed
2. Jeff Deloatch, member First Methodist Church – opposed
3. Tommy Valentine, chair Athens-Clarke Heritage Foundation – supported

A motion was made by Commissioner Parker, seconded by Commissioner Thornton, to adopt proposed moratorium on acceptance of applications for certain demolition permits on certain parcels of land within the area described as the Downtown Athens National Register Historic District including sections 1, 2, 3, and 5 with an expiration date of August 6, 2019.

Commissioner Parker amended her motion to include an expiration date of January 31, 2020 and a request that the Planning Department and the Historic Preservation Commission during this period consider establishment of a new, additional locally designated Downtown Historic District within the Moratorium Area to include the “Hot Corner” area, along with associated design guidelines. The amendment was accepted by Commissioner Thornton.

The motion as amended passed by roll call vote with Commissioners Davenport, Parker, Link, Denson, Edwards, and Hamby voting YES; and Commissioners Wright, NeSmith, and Thornton voting NO. (6 YES; 3 NO) The following resolution was declared adopted.

#### **RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR CERTAIN DEMOLITION PERMITS ON CERTAIN PARCELS OF LAND WITHIN THE AREA DESCRIBED AS THE DOWNTOWN ATHENS NATIONAL REGISTER HISTORIC DISTRICT**

**Whereas**, an area within the former City of Athens known as the Downtown Athens National Register Historic District was included in the National Register of Historic Places by the United States Department of the Interior, National Park Service, in 1978 and amended in 1984, and a significant portion of this National Register district was designated a Local Historic District in 2006; and

**Whereas**, the boundary lines of the Downtown Athens National Register Historic District, as amended, are shown on a map entitled “Proposed Downtown Moratorium,” which is attached hereto as Exhibit A and incorporated herein by reference (the “Proposed Downtown Moratorium Map”); and

**Whereas**, in 2012 the Athens Downtown Development Authority engaged Dr. John F. (Jack) Crowley of the University of Georgia College of Environmental Design in producing a Downtown Master Plan, a comprehensive blueprint for building on the existing assets of downtown Athens to create a walkable, sustainable, and vibrant city center by 2030.

**Whereas**, the Downtown Master Plan includes many project suggestions addressing right-of-way and publicly-owned properties intending to enhance the public realm and create an ideally walkable environment, but it is merely a conceptual footprint plan and does not address building scale or design, crucial elements of the urban environment that can either greatly enhance or greatly deter from the walkability of a community and the utilization of public space.

**Whereas** in 2017, the Athens-Clarke County government engaged Rosser International, Inc. in producing a Downtown Health and Safety study that cites the ongoing development of student housing projects and increased pedestrian volume eliciting a “need to look at potential problems that can arise from more development,” stating that “development of a long-range vision and plan addressing the impact of

growth on public safety and health for the study area is recommended.... a comprehensive plan for growth needs to be developed and implemented for a more permanent and long-range solution.” The study also includes recommendations for zoning and land use, as well as building design guideline changes in Downtown Athens.

**Whereas**, on February 7, 2017, the ACCUG Mayor & Commission enacted a six-month moratorium on new bars and the development of new multi-family residential uses in the downtown area while establishing/revising development policy. This resulted in the passage of new or updated ordinances pertaining to establishments serving alcohol as well as some minor clarifications to uses in mixed-use residential buildings in the Commercial-Downtown district, but consideration of zoning or design guideline changes has yet to be pursued.

**Whereas**, in 2018 the Athens-Clarke County government engaged Prime Engineering Incorporated in conducting a Space Allocation Study “to determine their existing, five-year, and ten-year office and support needs and enable their departments to function efficiently and best meet the needs of the citizens.” A wide assortment of potential solutions to space needs are proposed in the study, with a focus on locating most ACCUG departments in the Downtown vicinity. SPLOST 2020 funds are being proposed to move ACCUG departments as well as judicial functions into existing buildings and/or build new facilities.

**Whereas**, since the proposals, problems, issues, needs, and visions laid out in the aforementioned studies are interrelated in that they all focus on the built environment of Downtown Athens, it is appropriate to review and consider these studies in a holistic manner and initiate further necessary study of Downtown Athens to address zoning, design guidelines, and policies or programs to maintain the historic character and culture of Downtown Athens; enable optimum public safety, economic vitality, and socio-cultural diversity; possibly to develop and propose amendments to the Official Future Development Map, the Zoning Ordinances of Athens-Clarke County, or the Historic Preservation Ordinance of Athens-Clarke County; recommend infrastructure/public space improvements; and/or consider the renovation, acquisition, and/or disposal of property.

**Whereas**, to allow time for such considerations, a moratorium on the acceptance of new applications for demolition permits proposing complete demolition of any structure within the Moratorium Area or any structure within the Moratorium Area defined hereinafter as shown on the Proposed Downtown Moratorium Map, subject to certain limitations, is necessary in order to protect the status quo by prohibiting the actions described hereinabove;

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

1. The Commission hereby declares that the boundaries of the area for the purposes of protecting the status quo within said area during the period of this moratorium (the “Moratorium Area”) shall be the area within and bounded by the “Proposed Downtown Moratorium Boundary” line as shown on the Proposed Downtown Moratorium Map.
2. The Commission further declares and establishes through January 31, 2020, a moratorium on the acceptance of new applications for demolition permits proposing complete demolition of any structure within the Moratorium Area as shown on the Proposed Downtown Moratorium Map. Provided, however, that properties situated in the locally designated Downtown Historic District shall be exempt from this moratorium, as they are subject to Certificate of Appropriateness review by the Historic Preservation Commission, as per ACCUG Code of Ordinances 8-5-5.
3. 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.
4. The Planning Department of the Unified Government of Athens-Clarke County and the Historic Preservation Commission are requested during this period to consider establishment of a new, additional locally designated Downtown Historic District within the Moratorium Area to include the “Hot Corner” area, along with associated design guidelines.
5. 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 4:55 p.m.

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Clerk of Commission