

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, February 5, 2019
5:00 p.m.
City Hall Room 301B

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

The purpose of the meeting was to enter into executive session for an attorney/client conference to discuss threatened or pending litigation.

A motion was made by Commissioner NeSmith, seconded by Commissioner Herod, to enter into executive session for an attorney/client conference to discuss threatened or pending litigation. The motion passed by unanimous vote.

The meeting adjourned at 5:02 p.m.

Clerk of Commission

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, February 5, 2019
6:08 p.m.
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in regular monthly business session. Present: Mayor Girtz; Commissioners Davenport, Parker, Link, Wright, Denson, NeSmith, Edwards, Herod, Thornton, and Hamby. No one was absent.

A motion was made by Commissioner NeSmith, seconded by Commissioner Thornton, to approve Minutes of meetings of Tuesday, January 8; Tuesday, January 15; and Friday, January 28, 2019. 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. Paul Prenovitz – opposed purchase of fire engines.

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

1. ADOPT: a) The following ordinance (#19-02-02) which was presented by title only;
 - b) Approve the Athens-Clarke County Police Department's (ACCPD) acceptance of a competitive grant award from the Criminal Justice Coordinating Council (CJCC) in the amount of \$70,000 to provide partial funding for four investigators and a records technician in an effort to prevent and reduce crimes of violence against women as per agenda report dated December 5, 2018;
 - c) Approve continuation of four full-time authorized investigator positions and a records technician position through the remainder of CY19 at an annual cost of \$166,365; and
 - d) Authorize the Mayor and appropriate staff to execute all documents related to the grant.

AN ORDINANCE TO AMEND THE FY2019 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 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 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	\$70,000

EXPENDITURES:

Increase:	
Police Department:	
Personal Services	\$70,000

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

2. APPROVE: TSPLOST 2018 Project #6, Sub-Project #2, property exchange and associated condemnation as follows:
 - a) Approve the acquisition of Firefly Trail Parcels 4B-1, 4B-2, 4B-3, and 5B belonging to J. Warren Blackmon (Formerly Mom & Pope Finance Co., Inc.) by property exchange as detailed in an Exchange Agreement between the Unified Government of Athens-Clarke County and J. Warren Blackmon shown on Attachment #1 of agenda report dated December 22, 2018 and authorize staff to advertise such proposed exchange in the county legal organ as required by law;
 - b) Adopt the below Amended Resolution as shown on Attachment #2 of said agenda report authorizing staff and ACCGOV legal counsel to file condemnation for title for property in the estate of Paul Smith, Jr. noted as Parcels 6A and 6B as shown on Attachment #1, Exhibit A. Parcels 6A and 6B are property to be exchanged for Mr. Blackmon's Firefly Trail Parcels 4B-1, 4B-2, 4B-3, and 5B;
 - c) Authorize the Mayor to execute a quitclaim deed to J. Warren Blackmon for the old alignment of Winterville Road as shown on Attachment #1, Exhibit A, as Old Winterville Road Tracts 1 and 2 as part of the exchange; and
 - d) Authorize the Mayor and appropriate staff to execute all related documents.

AMENDED 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

WHEREAS, on February 6, 2018, the Mayor and Commission did approve by Resolution condemnation of the above-described easements for the public purpose stated hereinabove as shown on the Right-of-Way Plans and authorized 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.

NOW, THEREFORE, BE IT RESOLVED, that Tax Parcel 172D1 E003 held in the Estate of Paul Smith, Jr., as well as the Estate’s interest in the adjacent railroad right-of-way, and noted as Parcels 6A and 6B on project plans, be condemned for title.

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.

3. APPROVE: Award of a contract to purchase two fire engines and associated equipment to the Sutphen Corporation for \$1,210,699 as per agenda report revised January 29, 2019; declare the two fire engines in least desirable mechanical condition surplus and authorize their disposal consistent with Unified Government of Athens-Clarke County (ACCGOV) policies; and authorize the Mayor and appropriate staff to execute all related documents.
4. APPROVE: Athens Downtown Development Authority request to add "Sitting with the Elders" event to the FY19 Community Events Program as per agenda report dated January 3, 2019.
5. APPROVE: a) Proposed revised preliminary plans for Oconee Rivers Greenway project (TSPLOST 2018, Project #05 & SPLOST 2011 Project #9) Sub-Project #2, as generally described in the Facts and Issues and as generally shown on Attachment #1 of agenda report dated December 26, 2018;
b) Authorize staff to negotiate and to finalize the land acquisition necessary to construct Oconee Rivers Greenway project (TSPLOST 2018, Project #05 & SPLOST 2011 Project #9) Sub-Project #2;
c) Authorize staff to complete final construction plans and enter the Bid & Award phase for Oconee Rivers Greenway project (TSPLOST 2018, Project #05 & SPLOST 2011 Project #9) Sub-Project #2; and
d) Authorize the Mayor and appropriate staff to execute all related documents.
6. APPROVE: Reappointments to the Oconee Rivers Greenway Commission for a term expiring December 31, 2023:

Karen Porter
Alex Patterson
7. HOLD: Boards, Authorities, and Commissions (BAC) handbook currently under review by Government Operations Committee. (Tuesday, November 20, 2018)
8. HOLD: SPLOST 2020 Program designated projects. (Tuesday, November 20, 2018)

Citizen input

The following citizen input was received.

1. Cassidy Lord – supported revisions to stormwater management ordinance.

Old business – Discussion

A motion was made by Commissioner Parker, seconded by Commissioner Link, to

- a) Approve submission of an application by the Athens-Clarke County Police Department (ACCPD) for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Existing Local Project Grant as per agenda report dated November 26, 2018;
- b) Accept the grant funds, if awarded;
- c) 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; and
- d) Authorize the Mayor and appropriate staff to execute all documents associated with the grant with the requirement consideration be given within 30 days for the establishment of a criminal justice coordinating committee.

A substitute motion was made by Commissioner Wright, seconded by Commissioner NeSmith, to

- a) Approve submission of an application by the Athens-Clarke County Police Department (ACCPD) for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Existing Local Project Grant as per agenda report dated November 26, 2018;
- b) Accept the grant funds, if awarded;
- c) 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; and
- d) Authorize the Mayor and appropriate staff to execute all documents associated with the grant with the requirement that within the next six months a work session be scheduled to discuss criminal justice issues.

The substitute motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Hamby, to

- a) Approve the proposed Preliminary Plans – Phase 2 for the SPLOST 2005 Project #10 and TSPLOST 2018 Project #9, Sub-Project #1 - Clayton Street Infrastructure & Transportation Improvements as described and shown in Attachment #1 of agenda report dated December 26, 2018;
- b) Authorize staff to advance the portions of the project to be built with ACCGOV staff to the construction phase; and,
- c) Authorize staff to complete the construction documents and advance Phase 2 to the bid and award phase of the project.

The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to adopt the following resolution and ordinance (#19-02-03) which was presented by title only as per agenda report revised January 16, 2019. The motion passed by unanimous vote.

A RESOLUTION IN SUPPORT OF SPECIAL STORMWATER STANDARDS FOR CERTAIN
EXISTING IMPERVIOUS SURFACE AREAS
IN ATHENS-CLARKE COUNTY

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

WHEREAS, a goal of the federal Clean Water Act is to reduce pollutant loading to waters of the United States to the maximum extent practicable; and

WHEREAS, redevelopment represents the re-use of existing developed sites and often takes advantage of the presence of existing utilities and transportation infrastructure; and

WHEREAS, re-use of existing developed sites is less disruptive to natural resources and to impacts to waters of the United States than new development; and

WHEREAS, one of the guiding principles of the Athens-Clarke County Comprehensive Plan is to dedicate substantial areas of the county for rural and agricultural use and to conserve natural resources and open spaces, referred to in said plan as a "green belt;" and

WHEREAS, redevelopment offers an opportunity to improve stormwater runoff characteristics from sites that are already developed and to reduce adverse impacts on the green belt; and

WHEREAS, special stormwater standards are proposed for cases in which existing impervious surfaces are replaced or disturbed, and application of the full unified stormwater criteria described in the Georgia Stormwater Management Manual is infeasible and would not reduce pollutant loadings to the maximum extent practicable; and

WHEREAS, application of these special stormwater standards for replacement or disturbance of existing impervious surfaces in these cases will promote the conservation and preservation of undeveloped properties in the green belt and elsewhere, improve stormwater runoff characteristics as part of redevelopment of the existing built environment, and improve stormwater runoff characteristics to neighboring properties and to waters of the United States; and

WHEREAS, redevelopment is critical to the continued vitality of Athens-Clarke County in part due to its small geographic area and the unusually high percentage of government-owned property; and

WHEREAS, the Georgia Stormwater Management Manual encourages jurisdictions to adopt ordinance revisions that encourage redevelopment and smart growth, including promotion of infill redevelopment in areas already served by infrastructure;

WHEREAS, the adoption of the special stormwater standards for certain developed properties with impervious surfaces will serve to reduce pollutant loading to the waters of the United States to the maximum extent practicable,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia;

Section 1: That special stormwater standards for cases in which full application of the unified stormwater criteria to existing impervious surfaces would prevent redevelopment opportunities in Athens-Clarke County be adopted as part of the Athens-Clarke County Stormwater Management Ordinance to reduce pollutant loadings to local receiving waterways to the maximum extent practicable.

Section 2: That the Manager and staff take all reasonable and necessary measures to implement such standards.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO STORMWATER MANAGEMENT; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 5-4-1 entitled "*Purpose and intent*" of the Code of Athens-Clarke County, Georgia, subsection (2) is hereby amended by deleting from said section the words "as nearly as" and adding the words "to the maximum extent" so that said subsection is:

"Sec. 5-4-1. – Purpose and intent.

(2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state to the maximum extent practicable in order to reduce flooding, streambank erosion, nonpoint source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;"

SECTION 2. Section 5-4-1 entitled "*Purpose and intent*" of the Code of Athens-Clarke County, Georgia is hereby amended by adding new subsections (6) and (7) and renumbering the subsections so that said section is:

“Sec. 5-4-1. - Purpose and intent.

The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. This article seeks to meet that purpose through the following objectives:

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
- (2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state to the maximum extent practicable in order to reduce flooding, streambank erosion, nonpoint source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;
- (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
- (5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable. Coordinate site design plans, with the county's greenspace program, parks and greenway network plan;
- (6) Encourage the advantages of urban and brownfield redevelopment and adaptive re-use to reduce the loss of natural areas and open space elsewhere and avoid the need for additional infrastructure to support new development. Follow guidance in the Georgia Stormwater Management Manual to utilize legal mechanisms to allow more land to be left in a natural state by using incentives or regulatory measures to promote infill and redevelopment in areas already served by infrastructure.
- (7) Encourage the development within existing urbanized areas on or between previously developed land that is currently underutilized, such as degraded parking lots or shopping centers.
- (8) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or to the integrity of downstream water resources; and
- (9) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.”

SECTION 3. Section 5-4-2 entitled “*Definitions*” of the Code of Athens-Clarke County, Georgia, is hereby amended by adding thereto the following definition:

“Sec. 5-4-2. – Definitions.

Adjusted tract acreage means the total area of the parcel less any of the following areas:

- a. Land within the 100-year floodplain;
- b. Bodies of open water over 5,000 square feet contiguous area;
- c. Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean water act;
- d. Land lying within the 100-foot or 75-foot riparian buffers identified on the Athens-Clarke County Environmental Areas Map;
- e. For state waters not identified on the Environmental Areas Map, land lying within the state-mandated 25-foot riparian buffer; and
- f. Land with slopes greater than 25 percent over 5,000 square feet contiguous area.”

SECTION 4. Section 5-4-2 entitled “*Definitions*” of the Code of Athens-Clarke County, Georgia, is hereby amended by deleting the word “cover” and replacing it with the word “surface” so that the definition for *Impervious surface* is:

“Sec. 5-4-2. – Definitions.

Impervious surface means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.”

SECTION 5. Section 5-4-2 entitled “*Definitions*” of the Code of Athens-Clarke County, Georgia, is hereby amended by deleting the word “and” and replacing it with the word “or” so that the definition for *Land development* is:

“Sec. 5-4-2. – Definitions.

Land development means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, building construction, paving or any other installation of impervious cover.”

SECTION 6. Section 5-4-2 entitled “*Definitions*” of the Code of Athens-Clarke County, Georgia, is hereby amended by adding thereto the following definition:

“Sec. 5-4-2. – Definitions.

Runoff from Existing Impervious Surfaces (REIS) Management Volume means the volume of water that results from one-half (0.5) inch of stormwater runoff from existing impervious surfaces within the site. It is calculated by multiplying the existing impervious surface area within the site by a depth of one-half inch.

SECTION 7. Section 5-4-3 entitled “*Applicability*” of the Code of Athens-Clarke County, Georgia, is deleted in its entirety and the following new section is inserted in lieu thereof:

“Sec. 5-4-3. – Applicability.

This article shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and land disturbance activity applications, unless exempt pursuant to section 5-4-4.

- (a) *New development and redevelopment sites.* These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

(1) New development that creates or adds 5,000 square feet or more of new impervious surface area, or that involves land disturbing activity of one acre or greater including projects less than one acre if they are part of a larger common plan of development or sale;

(2) Redevelopment of a previously developed site that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of one acre or more, including projects less than one acre if they are part of a larger common plan of development or sale;

(3) Any new development or redevelopment, regardless of size, that is determined by the transportation and public works director to be a hotspot land use; or

(4) Any development or redevelopment project that is upstream of a known public flooding problem as identified by the Department of Transportation and Public Works in the AreaWide Stormwater Master Plan, as amended from time to time, on file and available for public inspection at the Department of Transportation and Public Works.”

(b) *Infeasibility.* In certain cases in which it can be partially or fully demonstrated infeasible to satisfy the post-development stormwater management performance criteria as provided in 5-4-7(a), minimum stormwater standards are specified in section 5-4-7(c) of this chapter for those cases.

(c) *Compatibility with other regulations.* This article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive shall control.

(d) *Stormwater design manual.* The Department will utilize the policy, criteria and information including technical specifications and standards in the *Georgia Stormwater Management Manual* and any relevant local requirements, for the proper implementation of the requirements of this article. This includes any addenda or updates to the *Georgia Stormwater Management Manual* or local design guidelines as approved in the Transportation and Public Works Department Technical Standards.”

SECTION 8. Section 5-4-7 entitled “*Post-development stormwater management performance criteria*” of the Code of Athens-Clarke County, Georgia is hereby deleted in its entirety and the following new section is inserted in lieu thereof:

“Sec. 5-4-7. - Post-development stormwater management performance criteria.

(a) The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this article:

(1) *Water quality.* All stormwater runoff generated from a site shall be adequately treated before discharge. Adequately treated is designed to remove 80 percent of the average annual post-development total suspended solids (TSS) load. It will be presumed that a stormwater management system complies with this requirement if:

- a. It is sized to treat the prescribed water quality treatment volume from the site, which is defined as the runoff volume resulting from the first 1.2 inches of rainfall from a site, or it retains the first 1.0 inch of rainfall onsite using approved runoff reduction methods;
- b. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the *Georgia Stormwater Management Manual*; and
- c. Runoff from hotspot land uses and activities identified by the Department are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

(2) *Groundwater recharge.* Annual groundwater recharge rates shall be maintained by promoting infiltration through the use of structural and non-structural methods. The following standards apply only to those projects that disturb one acre or more of land:

- a. At a minimum, the annual recharge from post development site conditions shall mimic the annual recharge from pre-development site conditions.
- b. The criteria for maintaining recharge is based on the average annual recharge rate of the hydrologic soil group(s) (HSG) present at a site as determined from USDA, NRCS soil surveys and from detailed site investigations.
- c. The recharge volume criterion does not apply to any portion of a site designated as a stormwater hotspot nor any project considered as redevelopment.
- d. In addition, the appropriate local review authority may alter or eliminate the recharge volume requirement if the site is situated on unsuitable soils. The applicant must provide a professional geo-technical investigation demonstrating the site has unsuitable non-permeable soils.

(3) *Stream channel and aquatic habitat protection.* Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:

- a. Preservation, restoration and/or reforestation with native vegetation of the applicable stream buffer;
- b. 24-hour extended detention storage of all stormwater runoff generated from a site by the one-year, 24-hour return frequency storm event; and
- c. Post development erosion prevention measures such as energy dissipation and velocity control. These measures shall take into consideration location and size of outlet control structure.

(4) *Overbank flood protection.* Downstream overbank flood protection and property protection shall be provided by controlling the site's post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm under section 5-4-7(3) is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided.

(5) *Extreme flooding protection.* Extreme flood and public safety protection shall be provided by controlling and safely conveying the site's 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.

(6) *Structural stormwater controls.* All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the *Georgia Stormwater Management Manual* and any local addenda. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the *Georgia Stormwater Management Manual*, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must

be documented through prior studies, literature reviews, or other means and receive approval from the Department before being included in the design of a stormwater management system.

Applicants shall consult the *Georgia Stormwater Management Manual* for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

- (7) *Stormwater credits for nonstructural measures.* The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under section 5-4-7(1). The applicant may, if approved by the Department, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. Credits shall be made available pursuant to the provisions governing credits in the *Georgia Stormwater Management Manual* or as provided for in the Transportation and Public Works Department Technical Standards.
- (8) *Drainage system guidelines.* Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way, public properties, and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:
 - a. Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
 - b. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and
 - c. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.
- (9) *Dam design guidelines.* Any land disturbing activity that involves a site which proposes a dam shall comply with the provisions of O.C.G.A. § 12-5-370 et seq. (the "Georgia Safe Dams Act") and the rules for dam safety promulgated thereunder, as applicable.
 - (b) The Transportation and Public Works Director may determine that redevelopment on a previously developed site that includes all stormwater management measures necessary to satisfy all of the postdevelopment stormwater management performance criteria as provided in 5-4-7(a) is fully or partially infeasible.
 - (1) An applicant for such an infeasibility determination shall provide justification demonstrating how the redevelopment satisfies the Better Site Design and smart growth principles, as defined in the *Georgia Stormwater Management Manual*. The Transportation and Public Works Director shall consider the application and existing site conditions to determine full or partial infeasibility on a site by site basis which shall satisfy at least one of the following criteria:
 - a. The redevelopment site is situated on parcel(s) with impervious cover in excess of 80% of the maximum allowable lot coverage for the applicable zoning category, as calculated considering only the adjusted tract acreage;
 - b. The redevelopment site includes mitigating circumstances including shallow bedrock, contaminated soils, high groundwater, or presence of existing utilities; or
 - c. Conformance with post-development stormwater management performance criteria on the redevelopment site would damage a community resource or impact threatened or endangered species habitat.
 - (2) Only redevelopment sites that satisfy the following additional criteria will be eligible to be determined partially or fully infeasible for post-development performance criteria as provided in 5- 4-7(a).
 - a. The site is situated in an area in the I (Industrial), E (Employment), C (Commercial) or RM (Mixed-Density Residential) zones as designated and established in Title 8, entitled Zoning and Development Standards of this Code together with any churches or schools permitted in any other zone by special use permit;
 - b. The site is not classified as a hotspot; and
 - c. The site is not upstream of a known public flooding problem as identified by the Department of Transportation and Public Works in the

Area-Wide Stormwater Master Plan, as amended from time to time, on file and available for public inspection at the Department of Transportation and Public Works.

(c) Any site determined to be fully or partially infeasible for post-development performance criteria according to 5-4-7(b) shall be exempt from satisfying any criteria deemed infeasible by the Transportation and Public Works Director. In such case, and unless otherwise provided for in this article, the following post-development stormwater management performance criteria shall apply at a minimum:

(1) *Existing deficiencies.* The following measures to mitigate existing deficiencies on the parcel(s) shall be part of the stormwater management plan.

- a. Existing erosional areas shall be stabilized; and
- b. Existing structural stormwater control(s) shall be restored to conform to the original design or to an alternate design that more closely conforms to current standards.

(2) *Special standards for replaced impervious surface area.* All stormwater runoff generated from the replaced impervious surface shall be adequately treated before discharge. A stormwater management system will be presumed to comply with this requirement if:

- a. It is sized to treat the REIS volume from the site; and
- b. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the *Georgia Stormwater Management Manual* or as provided for in the Transportation and Public Works Department Technical Standards. All stormwater runoff that is either infiltrated or evaporated may be counted as double in treating the REIS volume requirements.

(3) *Reduction of existing impervious surface areas.* When the existing impervious surface area of a site is removed and replaced with a predevelopment soil hydrologic equivalent (Type B soil with a curve number equivalent to a meadow or woods in good condition), and a stormwater management permit is obtained for such work under this Chapter, the following standards apply:

- a. If the site's impervious surface is reduced by 20 percent to any given outlet, the requirements of 5-4-7(c)(2) do not apply.
- b. If the site's impervious surface is reduced by less than 20 percent to any given outlet, the requirements of 5-4-7(c)(2) are applied in proportion to the amount of impervious surface removed. For example, removal of 10 percent of the site's impervious surface area to any given outlet would reduce the requirements of 5-4-7(c)(2) by 50 percent.

(4) *Additional impervious surface less than 5,000 square feet.* Many redevelopment projects involve not only the replacement of impervious surfaces but also the net creation of impervious surfaces. These new surfaces can impact streams and neighboring properties. All stormwater runoff generated from the new impervious surface shall be adequately treated before discharge. Adequately treated is designed to remove 80 percent of the average annual post-development total suspended solids (TSS) load. It will be presumed that a stormwater management system complies with this requirement if:

- a. It is sized to treat the prescribed water quality treatment volume from the new impervious surface, which is defined as the runoff volume resulting from the first 1.2 inches of rainfall from a site, or it retains the first 1.0 inch of rainfall onsite using approved runoff reduction methods; and
- b. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the *Georgia Stormwater Management Manual* or as provided for in the Transportation and Public Works Department Technical Standards.

(5) *Additional impervious surface greater than 5,000 square feet.* If the redevelopment results in a net increase of greater than 5,000 square feet of impervious surface, all stormwater runoff generated from the new impervious surface shall adhere to the post-development stormwater management performance criteria as specified in 5-4-7(a).

SECTION 9. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner NeSmith, seconded by Commissioner Parker, to approve Policy/Procedure Statement PW-005 entitled Stormwater Standards for Linear Projects as shown in Attachment #1 of agenda report dated December 26, 2018 with the a change in all wording from “transportation” to “linear transportation”. The motion passed by unanimous vote.

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

A public hearing was held on request of Smith Planning Group, LLC. for WRICLAY Company, LLP for rezoning from RS-5, A (Single-Family Residential, Airport Overlay District) to RS-5, A (PD) (Single-Family Residential, Airport Overlay District, Planned Development on 3.22 acres known as 250 Dublin Street. Proposed use is single-family residential. Type II

Planning Commission recommendation: Approve w/conditions (unanimous)

Citizen input

The following citizen input was received.

1. Bob Smith, Smith Planning Group, representing petitioner – supported.
2. Cooper Holmes – opposed.
3. Diane Dunston, speaking for East Friendship Baptist Church – opposed.
4. Stephanie Flores – opposed.
5. Paul Prenovitz - opposed
6. T. S. Woodward – opposed.

A motion was made by Commissioner Parker, seconded by Commissioner Davenport, to adopt the following ordinance (#19-02-04) 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 REZONING A PARCEL OF LAND COMPRISING APPROXIMATELY 3.22 ACRES LOCATED AT 250 DUBLIN STREET FROM RS-5, A (SINGLE-FAMILY RESIDENTIAL, AIRPORT OVERLAY) TO RS-5, A (PD) (SINGLE-FAMILY RESIDENTIAL, AIRPORT OVERLAY, PLANNED DEVELOPMENT); 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 Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by changing the zoning of a parcel of land comprising approximately 3.22 acres, located at 250 Dublin Street, Athens, Georgia, from RS-5, A (Single-Family Residential, Airport Overlay) to RS-5, A (PD) (Single-Family Residential, Airport Overlay, Planned Development) as shown on Attachment A hereto. Said affected parcel of land is more fully described on the master site plan entitled “Master Development Plan,” said site plan having an original issue date of November 2, 2018, being last revised December 14, 2018, prepared by Charles R. Smith, registered landscape architect, designated in the lower right-hand corner as Sheet No. PD-1, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The subject parcel comprising approximately 3.22 acres is also known as parcel number 172C2 H044 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 West 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 at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding master site plan associated with this ordinance and incorporated herein by reference consists of one sheet entitled “Master Development Plan,” said site plan having an original issue date of November 2, 2018, being last revised December 14, 2018, prepared by Charles R. Smith, registered landscape architect, designated in the lower right-hand corner as Sheet No. PD-1, and is stamped “Binding 1-7-19.” The binding tree management plan associated with this ordinance consists of one sheet entitled “Conceptual Tree Management Plan,” dated November 2, 2018, prepared by Charles

R. Smith, registered landscape architect, designated in the lower right-hand corner as Sheet No. TMP-1, and is stamped "Binding 1-7-19." The binding written report associated with this ordinance and incorporated herein by reference is entitled "250 Dublin Street Planned Development Application Report," dated November 2, 2018, comprised of six pages in total, and is stamped "Binding 1-7-19." The binding master site plan, binding tree management plan, and binding written report associated with this ordinance are all on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

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

1. The parking bays on Dublin Street shall meet all requirements of the Athens-Clarke County Transportation & Public Works Department.
2. The private drive within the planned development shall meet the requirements of the Athens-Clarke County Fire Marshal for driveway turn radius.

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

A public hearing was held on request of the Mayor and Commission of Athens-Clarke County Unified Government for Varsity Realty Company; Evelyn and Frank Gordy Family, LP; The Varsity Realty Corporation; Barbara Taylor Ezzard; Robert S. Taylor and William Maurice Taylor for rezoning from C-G (Commercial-General) and RM-1 (Mixed Density Residential) to C-G (WBS) (Commercial-General, West Broad Street Special District Overlay) and associated text amendments on 6.70 acres (14 parcels) known as 1000-1092 West Broad Street; 177-187 North Milledge Avenue; 815-883 Reese Street; 140-146 North Chase Street. Proposed use is commercial; residential. This will require an amendment to the Future Development map from Main Street Business and Traditional Neighborhood to General Business. Type I District 3

Planning Commission recommendations:

Future Development Map: Approve (unanimous)

Rezoning/text amendments: Approve w/conditions (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Link, seconded by Commissioner NeSmith, to adopt the following ordinance (#19-02-05) 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 AMENDING THE OFFICIAL FUTURE DEVELOPMENT MAP OF ATHENS-CLARKE COUNTY BY CHANGING THE DESIGNATION OF FOURTEEN PARCELS OF LAND LOCATED AT 1000-1092 WEST BROAD STREET, 177-187 NORTH MILLEDGE AVENUE, 815-883 REESE STREET, AND 140-146 NORTH CHASE STREET FROM MAIN STREET BUSINESS AND TRADITIONAL NEIGHBORHOOD TO GENERAL BUSINESS; AND FOR OTHER PURPOSES.

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

SECTION 1. The Future Development Map referred to in the Code 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 fourteen (14) parcels that are currently designated as either Main Street Business or Traditional Neighborhood to General Business as shown in Exhibit A, which is attached hereto and incorporated herein by reference. The subject parcels are further identified in the chart below.

<i>Tax Parcel No.:</i>	<i>Street Address:</i>
122B4 I002	146 North Chase Street
122B4 I003	North Chase Street
122B4 I004	140 North Chase Street
122B4 I005	1092 West Broad Street
122B4 I006	1086 West Broad Street
122B4 I007	1076 West Broad Street
122B4 I008	1000 West Broad Street
122B4 I009	177 North Milledge Avenue
122B4 I010	187 North Milledge Avenue
122B4 I011	815 Reese Street

122B4 I012	829 Reese Street
122B4 I013	835 Reese Street
122B4 I014	853 Reese Street
122B4 I015	883 Reese Street

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

A motion was made by Commissioner Link, seconded by Commissioner NeSmith, to adopt the following ordinance (#19-02-06) 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 CREATION OF THE WEST BROAD STREET SPECIAL DISTRICT OVERLAY AND REZONING FOURTEEN PARCELS OF LAND TOTALING APPROXIMATELY 6.70 ACRES LOCATED AT 1000-1092 WEST BROAD STREET, 177-187 NORTH MILLEDGE AVENUE, 815-883 REESE STREET, AND 140-146 NORTH CHASE STREET FROM C-G (COMMERCIAL-GENERAL) AND RM-1 (MIXED DENSITY RESIDENTIAL) TO C-G (WBS) (COMMERCIAL-GENERAL, WEST BROAD STREET SPECIAL DISTRICT OVERLAY); AND FOR OTHER PURPOSES.

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

SECTION 1. Section 9-3-2 of the Code of Athens-Clarke County, Georgia, entitled "*Classification of Districts*," is hereby amended by adding to the chart contained therein under the heading entitled "*Special District Overlay*" a new overlay district called "West Broad Street" and the abbreviated designation "WBS," so that the portion of the chart under said heading now reads as follows:

<i>Special District Overlay</i>	
Gaines School Road Corridor	GSRC
Milledge Avenue Corridor	MAC
Mixed Density Residential Limited	RM-LTD
West Broad Street	WBS
78/316	78/316

SECTION 2. Chapter 9-12 of the Code of Athens-Clarke County, Georgia, entitled "*Special District Overlays*," is hereby amended by adding thereto a new Section 9-12-8, which shall be entitled "*West Broad Street Special District Overlay*." The text of said section shall read as follows:

Sec. 9-12-8. - West Broad Street Special District Overlay.

- A. Purpose and intent. The purpose of the West Broad Street Special District Overlay is to address issues of public safety, health, and general welfare, including controlling the visual and architectural character of the West Broad Street Special District Overlay. The use of design requirements will help to ensure that new development is visually and functionally compatible with the unique character of the transition area containing commercial, residential and institutional uses.
- B. Boundaries. The West Broad Street Special District Overlay (WBS) boundaries include those properties within the block surrounded by West Broad Street, North Milledge Avenue, Reese Street, and North Chase Street. The boundaries of this special district overlay are specifically designated on the Official Zoning Map of Athens-Clarke County, Georgia, as shown on Attachment A hereto. The Official Zoning Map of Athens-Clarke County, constituting the component part of the zoning ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with section 9-3-3 and section 9-3-7 thereof, is hereby amended by adding the WBS (West Broad Street Special District Overlay) as a zoning district to the legend of said map, as shown on Attachment A hereto. 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 office and shall be duly noted in the appropriate minutes of the Mayor and Commission.
- C. Unless specifically addressed by this section, the uses and standards established by the underlying C-G (Commercial-General) zoning district shall be in effect. In any case where the provisions of the West Broad Street Special District Overlay conflict with those of the underlying zoning district or with other provisions of this title, the standards and requirements of this overlay district shall govern. Unless specifically addressed by the West Broad Street Special District

Overlay ordinance, the uses and standards established by Title 9 of the Code of Athens-Clarke County, Georgia as of the date of adoption of the West Broad Street Special District Overlay shall remain in effect, regardless of subsequent amendments to the same.

- D. Uses. Uses are permitted according to the use table in Section 9-10-2, except for the following additional prohibited uses:
- (1) quick vehicle servicing
 - (2) vehicle repair
 - (3) auto and RV sales
 - (4) distribution center
 - (5) self-service storage
 - (6) construction materials sales
 - (7) kennels
 - (8) mortuary
- E. Residential density. The maximum residential density shall be 50 bedrooms per gross acre.
- F. Minimum building setbacks. The required minimum building setbacks shall be according to Section 9-10-3, with the following exceptions:
1. The minimum building setback for North Milledge Avenue shall be 15 feet, and the minimum building setback on the segment of North Chase Street that begins 150 from the intersection with West Broad Street and extends in a northerly direction to the intersection of Reese Street shall be 15 feet.
 2. One foot of setback shall be provided for each foot of true elevation height of a vertical plane facing Reese Street.
- G. Building height. The maximum building height shall be 65 feet, with the following exceptions:
1. Within 50 feet of North Milledge Avenue the maximum building height shall be 40 feet, and within 50 feet of the segment of North Chase Street that begins 150 feet northerly of its intersection with West Broad Street and extends in a northerly direction to the intersection of Reese Street, the maximum building height shall be 40 feet.
 2. Within 50 feet of Reese Street the maximum building height shall be 30 feet.
- H. Access. Vehicular access to Reese Street shall be restricted to residential, office, and institutional uses.
- I. Buffer. Whenever any nonresidential use abuts a residential use on a separate parcel, a vegetative buffer at least 20 feet wide, densely planted per the specifications of Section 9-15-3(A)(2), shall be provided.
- J. Parking structure. No more than 10% of a parking structure's exterior wall surface visible from a public right-of-way, singularly or in combination, may be of plaster, stucco, exposed concrete, or metal sheet siding. Plain concrete block, synthetic stucco, mirror glass, and glass with less than 60% VLT (Visual Light Transmission) are prohibited exterior building materials. Any ground-floor parking visible from any public right-of-way shall be screened from the street by a combination of evergreen plant material and trees to be approved by the Planning Director.
- K. Multifamily standards.
1. Ground-floor dwellings shall only be permitted within 100 feet of Reese Street.
 2. Multifamily dwellings shall have no more than two full baths per dwelling.
 3. Multifamily dwellings shall have a maximum of two-and-one-half parking spaces per dwelling.

SECTION 3. The Official Zoning Map of Athens-Clarke County, Georgia, as referenced in Section 9-3-3 of the Code of Athens-Clarke County, Georgia, is hereby amended by adding to the legend thereto the West Broad Street Special District Overlay (abbreviated "WBS") and rezoning fourteen parcels of land totaling approximately 6.70 acres from C-G (Commercial-General) and RM-1 (Mixed Density Residential) to C-G (WBS) (Commercial-General, West Broad Street Special District Overlay) as shown on Attachment A hereto, which is incorporated herein by reference. The affected parcels are further identified in the chart below.

<i>Tax Parcel No.:</i>	<i>Street Address:</i>
122B4 I002	146 North Chase Street
122B4 I003	North Chase Street
122B4 I004	140 North Chase Street

122B4 I005	1092 West Broad Street
122B4 I006	1086 West Broad Street
122B4 I007	1076 West Broad Street
122B4 I008	1000 West Broad Street
122B4 I009	177 North Milledge Avenue
122B4 I010	187 North Milledge Avenue
122B4 I011	815 Reese Street
122B4 I012	829 Reese Street
122B4 I013	835 Reese Street
122B4 I014	853 Reese Street
122B4 I015	883 Reese Street

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

A public hearing was held on request of Josh Koons/Koons Environmental Design, Inc. for Charles and Kjirsten Ogburn for rezoning from E-I (Employment-Industrial) and RS-8 (Single-Family Residential) to E-O (PD) (Employment-Office, Planned Development) and RS-8(PD) (Single-family Residential, Planned Development) on 0.659 acres known as 0/298 Seminole Avenue and 190 Nantahala Avenue. Proposed use is office and single-family dwelling. Type II

Planning Commission recommendation: Approve w/conditions (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Link, seconded by Commissioner Parker, to adopt the following ordinance (#19-02-07) 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 THREE PARCELS OF LAND TOTALING APPROXIMATELY 0.659 ACRES LOCATED AT 0 SEMINOLE AVENUE, 298 SEMINOLE AVENUE, AND PART OF 190 NANTAHALA AVENUE FROM E-I (EMPLOYMENT-INDUSTRIAL) AND RS-8 (SINGLE-FAMILY RESIDENTIAL) TO E-O/RS-8 (PD) (EMPLOYMENT OFFICE/SINGLE-FAMILY RESIDENTIAL, PLANNED DEVELOPMENT) 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 Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by changing the zoning of three parcels of land totaling approximately 0.659 acres, located at 0 Seminole Avenue, 298 Seminole Avenue, and part of 190 Nantahala Avenue, Athens, Georgia, from E-I (Employment-Industrial) and RS-8 (Single-Family Residential) to E-O/RS-8 (PD) (Employment-Office/Single-Family Residential, Planned Development) as shown on Attachment A hereto. Said affected parcel of land is more fully described on the boundary survey entitled "Boundary Survey for Charles Lawton Ogburn, II a/k/a Charles L. Ogburn & Kirsten A. Ogburn," said boundary survey being dated December 3, 2018, prepared by Ray N. Woods, registered land surveyor, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The subject parcels totaling approximately 0.659 acres are also known as parcel numbers 163C1 J006A, 163C1 J006B, and 163C1 J001 (portion of 190 Nantahala Avenue) 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 West 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 at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding master site plan associated with this ordinance and incorporated herein by reference consists of two sheets. The first sheet is entitled "Master PD Site Plan," dated September 28, 2018, last revised November 30, 2018, designated in the lower right-hand corner as Sheet No. C-100, prepared by Joshua H. Koons, registered landscape architect, and stamped "Binding 1-7-19." The second sheet of the binding master site plan is entitled "Contextual Site Plan," dated November 30, 2018, designated in the lower right-hand corner as Sheet No. C-101, prepared by Joshua H. Koons, registered landscape architect, and stamped "Binding 1-7-19." The binding written report associated with this ordinance and incorporated herein by reference is entitled "0/298 Seminole Avenue Planned

Development Application Report,” dated November 30, 2018, comprised of fourteen pages in total, and is stamped “Binding 1-7-19.”

The binding master site plan and binding written report associated with this ordinance are on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

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

1. The applicant shall submit a revised site plan incorporating the ten-foot strip into the planned development, which shall include the proper metes and bounds and confirm the total acreage for the planned development. The applicant must submit such revised site plan prior to any permitting.
2. A plat combining the subject parcels shall be approved and recorded prior to the issuance of any development permits.
3. Because of the access and parking limitations to the planned development, the uses shall be restricted to a single-family dwelling and professional services and office uses as per the site plan.
4. The subject property shall comply with the single-family dwelling restrictions set forth in Section 9-15-18(B) of the Code of Athens-Clarke County, Georgia.
5. The applicant shall cause the existing driveways and aprons on the planned development to comply with the current requirements of the Code of Athens-Clarke County, Georgia, including, but not necessarily limited to, Section 9-15-13 thereof, and any currently-applicable technical standards.
6. The applicant shall cause a stabilized gravel parking section detail to be submitted to the appropriate Athens-Clarke County staff for review and approval prior to permitting.
7. The architectural elevations and site improvements for the portion of the planned development within the Boulevard Historic District shall be subject to review and approval for a Certificate of Appropriateness as set forth in Chapter 8-5 of the Code of Athens-Clarke County, Georgia. Any modifications that result in a smaller footprint or elevation changes required for the approval of a Certificate of Appropriateness shall not require a planned development amendment.

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

A public hearing was held on request of Ed Lane/Smith Planning Group for Betty Ann Barnett for rezoning from C-N (Commercial-Neighborhood) to RM-2 (Mixed Density Residential) on 2.547 acres known as 137 Berlin Street. Proposed use is multifamily residential. Type II

Planning Commission recommendation: Approve (unanimous)

Citizen input

The following citizen input was received.

1. Bob Smith, Smith Planning Group, representing petitioner – supported.
2. Betty Ann Barnett, petitioner – supported.

A motion was made by Commissioner Parker, seconded by Commissioner NeSmith, to adopt the following ordinance (#19-02-08) 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 2.547 ACRES LOCATED AT 137 BERLIN STREET FROM C-N (COMMERCIAL-NEIGHBORHOOD) TO RM-2 (MIXED DENSITY RESIDENTIAL); 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 2.547 acres located at 137 Berlin Street, Athens, Georgia from C-N (Commercial-Neighborhood) to RM-2 (Mixed Density Residential).

Said parcel is more particularly described according to that certain document entitled "Boundary & Topographic Survey for Chase Lawrence" dated August 2, 2018, made by Brett J. Chandler, Georgia registered land surveyor, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. Said parcel is also known as parcel number 163D2 C001 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 West 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. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A public hearing was held on request of Joseph Bates/Smith Planning Group for Levin MacDougald for rezoning from C-N (Commercial-Neighborhood) to RM-2 (Mixed Density Residential) on 0.97 acres known as 217 North Avenue. Proposed use is multifamily residential. Type II

Planning Commission recommendation: Approve (unanimous)

Citizen input

The following citizen input was received.

1. Bob Smith, Smith Planning Group representing petitioner – supported.

A motion was made by Commissioner Thornton, seconded by Commissioner NeSmith, to adopt the following ordinance (#19-02-09) 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 0.97 ACRES LOCATED AT 217 NORTH AVENUE FROM C-N (COMMERCIAL-NEIGHBORHOOD) TO RM-2 (MIXED DENSITY RESIDENTIAL); 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 0.97 acres located at 217 North Avenue, Athens, Georgia from C-N (Commercial-Neighborhood) to RM-2 (Mixed Density Residential).

Said parcel is more particularly described according to that certain document entitled "Survey for Levin MacDougald," dated January 18, 2018, made by Ben McLeroy, Georgia registered land surveyor, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. Said parcel is also known as parcel number 163B4 A001 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 West 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. 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 citizen input was received.

1. Paula Loniak – supported tiny houses.
2. April Brown – recent moratorium on downtown area was mishandled.
3. Dennis Holmes - concerned about general welfare.
4. Chris Dowd – supported fare free transit.
5. Sam Raffell – concerned about EMS service.
6. Diane Dunston – concerned about East Athens crime
7. Michael Smith - SPLOST 2020 program will need diversity.
8. Rod Callaway – supported free after school program.
9. Claire Bolton – expand neighborhood notification initiative.
10. Rochelle Barry – concerned about displacement of low income citizens.
11. Stephanie Flores – concerned about displacement.

Commissioner Edwards exited the chamber at 7:55 p.m. and returned at 7:57 p.m.

FROM MAYOR GIRTZ:

1. Announced a proclamation will be issued to Whitehead Road Elementary School Safety Patrols recognizing participation in the Adopt-A-Highway Program.
2. Reminded everyone of the planning retreat Friday, February 8, 9:00 a.m., at the Lyndon House Arts Center community room.
3. Announced the following mayor/commissioner appointments.

Community Tree Council liaison	Edwards
Lexington Road Study Sub-committee	Herod, Davenport
Atlanta Highway Study Sub-committee	NeSmith
ACTION, Inc.	Girtz
Board of Health	Wright (mayor's appointee), Link (mayor's designee)
Board of Education ESPLOST Oversight Committee	Wright
Joint Solid Waste Coordinating Committee	Davenport, Girtz
Keep ACC Beautiful liaison	Wright
NE GA Regional Solid Waste Management Authority	Davenport
Pension Board	Hamby
Solid Waste Citizens Advisory Committee	Davenport, Herod
Upper Oconee Water Basin Authority	Herod
Advantage Behavioral Board	NeSmith
Revolving Loan Fund	Thornton
Downtown Master Plan subcommittee	Edwards (chair), Link, Parker, Girtz
Georgia Initiative for Community Housing (GICH)	Girtz, Denson
Envision Athens IOC	Girtz, Denson, Parker

Assistant Manager Hiss thanked former Manager Alan Reddish, current Manager Blaine Williams, former Mayor Nancy Denson, and current Mayor Kelly Girtz for giving him the opportunity to serve Athens-Clarke County the last five years. He expressed appreciation to Manager's Office Executive Assistant Cynthia Lambright and commended the management team and staff for the overall great service all Athens-Clarke County employees provide to the citizens.

Manager Williams thanked Assistant Manager Hiss for his service and wished him well as he relocates to Bedford County, Virginia.

Mayor Girtz and Commissioners expressed appreciation to Assistant Manager Hiss for his service to Athens-Clarke County.

FROM MANAGER WILLIAMS:

1. Received for information was a report of contract awards in excess of \$10,000 for December, 2018.

FROM COMMISSIONER DAVENPORT:

1. Thanked Shemekia Armstrong, Laura Welch, Steve Davis, Jack Haggard, and Jill Bailey for their assistance.
2. Announced a branch library has been opened in Winterville and thanked library staff for their assistance.
3. Encouraged everyone to participate in the litter survey.
4. Supported tiny houses.
5. Supported Grand Slam program.
6. Supported review of inmate labor.

FROM COMMISSIONER PARKER:

1. Supported youth development programs.

FROM COMMISSIONER LINK:

1. Thanked Mayor Girtz for signing 100% renewable energy pledge and supported the program.
2. Supported development of policies and procedures for affordable housing.

FROM COMMISSIONER WRIGHT:

1. Expressed appreciation for the award of a Strategies for Youth grant.

FROM COMMISSIONER DENSON:

1. Expressed appreciation to citizens who gave input.
2. Supported review of inmate labor.
3. Supported fare free public transit.

FROM COMMISSIONER NESMITH:

1. Supported affordable housing.
2. Thanked Central Services Department for quick response on his request for right-of-way maintenance.

FROM COMMISSIONER EDWARDS:

1. Thanked management for quickly responding to his requests.

- 2, Supported youth development programs.

FROM COMMISSIONER THORNTON:

1. Thanked staff for recent community workshops on the stormwater program.
2. Stated she looks forward to working with Solicitor C. R. Chisholm on upcoming expungement.
3. Supported youth development programs.

A motion was made by Commissioner Hamby, seconded by Commissioner Wright, to enter into executive session for discussion of security issues. The motion passed by unanimous vote.

The meeting adjourned at 8:25 p.m.

Clerk of Commission