

APRIL 25, 2017  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100

PRESENT: Mayor Dorothy Hubbard  
Mayor Pro Tem Roger Marietta  
City Commissioners: Jon Howard, Bobby Coleman, BJ Fletcher, Bob Langstaff,  
Jr., and Tommie Postell  
City Manager: Sharon D. Subadan  
City Attorney: C. Nathan Davis

Mayor Hubbard called the meeting to order at 6:04 p.m., and reminded those in attendance of the process to address the Commission (Citizen Comments/Speaker Appearance Forms).

## **PUBLIC SAFETY MATTERS**

### ALCOHOL LICENSE APPLICATION

Regarding the following application, Mayor Pro Tem Marietta stated that the location is in Ward 3 and not Ward 4, as listed on the application.

1. Brad Lanier Oil Company Inc, d/b/a Homerun Food #10; 2307 Dawson Rd., D. Stull/Agent; Beer Package and Wine Package

There were no additional comments on this item.

### GRANT APPLICATION re: GOVERNOR'S OFFICE OF HIGHWAY SAFETY

Chief Persley discussed information (copy on file) regarding the grant application to assist with pedestrian safety, child care safety/seat belts, etc., as noted.

Commissioner Postell noted the grant amount and asked the cost to the City. Chief Persley replied that there is no cost to the City.

There were no additional comments on this item.

## **PUBLIC WORKS MATTERS**

### 1200 PINECREST DR., UTILITY EASEMENT ABANDONMENT

Bruce Maples, Director of Engineering, discussed information as noted, (copy on file) and asked for approval. There were no comments on this item.

## **PUBLIC FUNCTION MATTERS**

### SPECIAL APPROVAL APPLICATION

The Clerk read the following for informational purposes:

1. Special Approval Case #17-013 - Victorious Life Church/Owner; Joe Nathan Paige/Applicant; request for Special Approval for property located at 2275 Cutts Dr., to construct a religious institution in the R-2 District. PC approved 8-0.

There were no comments on this item.

### EXPANSION OF HISTORIC DISTRICT

Mayor Pro Tem Marietta stated that he has received a lot of calls in support and opposition on this issue and that he feels more information is needed; he then moved to table for 12 months, until storm recovery and legal issues are settled.

Discussion followed with Commissioner Postell calling a point of order since there was no second to the table. Mayor Pro Tem Marietta said he is following the practice of tabling a matter in the work session prior to the regular meeting. Commissioner Langstaff stated that if there is a second on a motion to table, there is no discussion at that point. Commissioner Howard seconded the motion to table. Additional comments followed with Mr. Davis advising that there is no discussion when an item is tabled. Commissioner Langstaff mentioned that Mayor Pro Tem Marietta could suspend his motion to allow discussion before the motion is considered. Commissioner Marietta asked to suspend his motion to table to allow discussion, Commissioner Howard agreed.

Commissioner Fletcher stated that this needs to be discussed as it is a hot topic and agreed that it needs tweaking. She asked if this [the area] can be broken up into small areas and a survey conducted. Commissioner Marietta stated that he had asked questions for the planning department, but they were unable to answer him. Commissioner Fletcher suggested that the item needs to be discussed further and tweaked.

Commissioner Coleman said he is willing to stand by his vote regardless of the consequences; however, there are people on both sides of the issue with the solution being a possible compromise. He stated that he feels a modification can include both sides compromising and agreed that the district is too large, suggesting to modifying so those in support can opt-in and those in opposition can opt-out.

Commissioner Langstaff said he will wait until the public hearing to make his comments. Mayor Pro Tem Marietta asked if the opt-out clause is in the policy or is something for future consideration. Commissioner Coleman said that if modified, this is something that can be looked at in the future.

Commissioner Postell stated that he is not for or against and mentioned letters being sent to constituents to find out how they feel about it. Additional discussion followed with Mayor Pro Tem Marietta stating that he felt it was a good idea to send letters to citizens. Commissioner Fletcher said she was at the recent Town Hall meeting and commented on discussions to ease tensions with the notion of letters not being mentioned or confirmed. In reply to Mayor Hubbard, Mr. Davis advised that the Commission has to vote on the matter, but can request citizens' input. Commissioner Coleman stated that citizens are upset and want an answer; he again suggested a modification to allow those wanting to be included as well as an opt-out option. Discussion followed on when to table – tonight or whenever, with Commissioner Coleman stating that he is satisfied with what he has done.

There were no additional comments on this item.

INTERGOVERNMENTAL AGREEMENT RE: CREATION OF ALBANY/DOUGHERTY COUNTY LAND BANK

Discussion followed on the appointment of individuals to the Land Bank (Commissioner Coleman) and the School Board having a person serving as ex-officio (Commissioner Howard). Paul Forgey, Planning Director, explained the proposed process for both questions.

Regarding the establishment of a Land Bank, Commissioner Howard asked if those on the board would not have the authority or jurisdiction to use eminent domain. Mr. Forgey agreed, explaining that by state law, the Land Bank does not have eminent domain authority; it does not take property, however, there are various means by which a Land Bank can acquire property. He advised that it includes if the property it acquires has been abandoned, back taxes are owed and no one has claimed the property on which to pay taxes and no one is taking care of the property. Commissioner Howard asked if there will be a sunset clause to allow review regarding those who have not paid taxes; Mr. Forgey replied in the negative, adding that ideally, properties will be looked at strategically regarding delinquency of property taxes regardless of the length of time back taxes have been owed. In reply to Commissioner Howard, Mr. Forgey explained that the proposed policy requires that before property can be acquired, it must have a specific use and the intent is to dispose of the property, not hold onto it indefinitely. Commissioner Howard mentioned that there is a large amount of City-owned property and suggested the City get out of real estate. Ms. Subadan mentioned FEMA lots left vacant in the buy-out that were deeded to the City after the floods of 1994 and 1998, which cannot be developed; the Land Bank will have a specific buyer or use for the property before they purchase any property.

Mayor Hubbard asked if the school board will have an opportunity to opt out of being on the Land Bank with Mr. Forgey explaining that the school board will have the authority to extinguish back taxes, but if they choose not to, back taxes owed the Board must be taken into consideration as a cost of acquiring the property. The school board would have to opt out on each transaction. Since taxes are not being paid at that point anyway, most school boards will extinguish the tax with the expectation that once the property is sold, back on the tax rolls, they will starting receiving taxes on those properties in the future.

APRIL 25, 2017  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100

Mayor Pro Tem Marietta asked if the Land Bank would have to have funds to pay back taxes if the school board decided not to extinguish back taxes. Mr. Forgey replied that would be part of the operating budget of the Land Bank; the Land Banks' budget would be split 50/50 between the City and County, with no additional staff/salaries.

Commissioner Postell expressed reservations about venturing into this with the County and suggested that a Land Bank is a way to rob people who cannot pay their taxes on their land. He mentioned that the newspaper reported that Dougherty County voted to buy Radium Springs and asked if the City has to help pay for the upkeep on Radium Springs. Mr. Forgey advised that that transaction would not be through the Land Bank; the County is looking to purchase the clubhouse in Radium Springs and there was no purchase at that meeting, it was merely discussed. Ms. Subadan explained that the purchase of the Radium clubhouse is a separate item from the Land Bank, however, the County worked with the City on the wording for the Land Bank which is subject to approval by this Commission. If approved, the next step is to identify board members to appoint to the Land Bank Authority. In response to Commissioner Postell, Ms. Subadan stated that the City is not presently involved with purchasing land with the County.

Commissioner Langstaff asked if a Land Bank is the only mechanism for removing local tax liens in which someone could purchase property without the liens; Mr. Forgey agreed. Commissioner Langstaff referenced cities in Georgia with Land Banks, which assist with depilated structures; all partnering with the county. Mr. Forgey stated that the cities must partner with their county because it is the taxing authority and the Land Bank revolves around taxes. Commissioner Langstaff reiterated that the goal is to clear the property of all liens and the necessity of getting the School Board's approval to waive its portion of taxes to accomplish that. He mentioned appointing members, adding that the City will have one more appointment than the County.

Commissioner Coleman again expressed concern regarding the process pertaining to auction of properties. Mr. Forgey explained that if the property is auctioned on the courthouse steps, the Land Bank is required to hold the property for a year before being able to do anything with it. At that point, owners have an opportunity to come back to pay back taxes plus fines and take their property back.

In reply to Commissioner Howard, Mr. Davis explained tax liens and statute of limitations as it pertains to the process of paying taxes, acquiring property, etc. In reply to Mayor Pro Tem Marietta, Mr. Davis explained auctioning property, back taxes, school board considerations, etc. Mayor Pro Tem Marietta asked if there are any properties that would immediately go into the Land Bank, if this is passed. Mr. Davis explained the next step in the process of establishing the Land Bank would be to establish the Board and discussed page 67 (copy on file). Mayor Pro Tem Marietta questioned it taking five years to get to this point; Mr. Forgey stated that the City adopted a Land Bank years ago, but it was never implemented, so in addition to the last five years of discussion, there's the 20 years that the Land Bank sat idle.

There were no additional comments on this item.

CITIZEN COMMENTS

Bruce Capps stated that he attended the last Commission meeting and distributed information (copy on file) as it pertains to the establishment of a Land Bank, adding that school tax liens were not discussed then. He said his concern is the direction of the Land Bank; especially with it having no professional to run it, no provision for it in the budget; being a complex piece of legislation, making it hard to implement and the need for independent, separate staff, all which will take a long time to get it going. He added that it was commendable for Commissioner Langstaff to volunteer to be on the Land Bank Board and said another of his concerns is the number of appointed boards with no feedback to the Commission. Commissioner Langstaff stated that he was appointed to the DDA and not Land Bank at this time. Mr. Capps asked for Commission involvement in the boards they appoint as they have a tendency to ‘run off on their own’.

Mayor Pro Tem Marietta told Mr. Capps that the Commission receive minutes of all boards, which is their feedback; Mr. Capps stated that they [minutes] are not posted to the website. The Clerk stated that while she receives minutes from the Boards, which she submits to Commissioners, she only post minutes of City Commission meetings; she does not post the other minutes. Citizens are welcome to call and request a copy of the minutes of any Board.

Commissioner Howard said he received a letter from Mr. Capps with information about Macon’s Land Bank. He mentioned information that was in the handout tonight as it pertains to Albany neighborhoods and said once the Land Bank is established, he will look hard at the individuals who are placed on the board and will not base his decision on friendship or political ties.

Mr. Capps expressed concern regarding transient neighborhoods and agreed that the Land Bank can be a good tool in helping revitalize neighborhoods.

There were no additional comments on this matter.

**PUBLIC ADMINISTRATION AND FINANCE MATTERS**

PURCHASES:

Yvette Fields, Director of Central Services, discussed the following (copy on file).

1. Change Order 1 - Emergency Sewer Repair re: Pace Street project for an additional expenditure of \$49,477.00

Commissioner Postell stated that there are sewage ruptures all over town and asked what is being done to eliminate this. Phil Roberson, Asst. City Manager, mentioned the recent request of the Commission to allow apply for a Georgia Environmental Financing Authority loan for \$15.0 million for sewer improvements and advised that the repairs on Pace Street is just one reason for

APRIL 25, 2017  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100

needing the loan to make the improvements. The City has miles and miles of sewage in the same dire condition, the loan will help prevent this type failure in the system.

There were no additional comments on this item.

Ms. Fields discussed the following (copy on file).

2. 2015 SPLOST VI Resurfacing Improvements/LMIG Change Order No. 2 for additional expenditure of \$188,280.54

In reply to Commissioner Langstaff regarding page 73 – Charlie Clark, Civil Engineering Superintendent, discussed conditions of the roads, completing the work and bringing it up to City standards and having to widen the road to resurface.

There were no additional comments on this item.

Ms. Fields discussed the following (copy on file)

3. Phase II Alley Paving - Change Order 9 for additional expenditure of \$78,395.00

Commissioner Postell asked how many alleys will be paved with Ms. Fields stating that this is an additional expenditure on one alley. In reply to Mayor Hubbard, Ms. Subadan advised that GDOT is not assisting with costs.

There were no additional comments on this item.

Ms. Fields discussed the following (copy on file) which includes change order 1 and task order 2.

4. Disaster Recovery Services - Change Order 1 and Task Order 2 in the amounts of \$636,702.00 and \$441,300.00 respectively

In reply to Mayor Pro Tem Marietta (regarding Change Order 1), Ms. Fields stated that all of it is subject to FEMA reimbursement, but must be within the percentages allowed.

Commissioner Howard asked for the cost analogy of damages for both storms 1 and 2. Mr. Roberson said a report is being compiled and will be distributed to the Commission tomorrow. In reply to Commissioner Howard, Ms. Subadan stated that both storms are being tracked. In reply to Commissioner Howard, Mr. Roberson explained the extension of the contract to pick up additional debris, with the County contracting separately.

In reply to Mayor Hubbard on when reimbursement will be received, Mr. Roberson explained the process as it pertains to the entering required information, etc.

There were no additional comments on this item.

**OTHER BUSINESS**

Mayor Pro Tem Marietta distributed information (copy on file) regarding the proposed rate increase that was approved by the utility board this morning in a special called meeting and asked that it be reviewed during budget presentation/discussions.

Commissioner Howard asked for information on City employees and current salaries, which will be helpful to him when discussing the budget. He expressed concern regarding the current assault/murder incidents, which makes him worry for the safety of everyone in this community. He also mentioned incidents involving teenagers that happened in his ward and Ward II over the weekend which are frightening and must be addressed.

Commissioner Coleman also expressed concern regarding the youths of this community, adding that he hopes economic development occurs soon, which he suggested will eliminate some of the conditions leading to crime.

Commissioner Fletcher stated that she stepped down from EDC recently, with Mayor Pro Tem Marietta expressing interest in replacing her. Mayor Hubbard stated that this will be on the next agenda.

Commissioner Postell agreed with the comments of Commissioners Howard and Coleman and suggested that the Gang Task Force does not operate as they should. He said he does not think there are enough policeman on that force and discussed saggy pants, youths being disrespectful and no enforcement of rules/laws. He asked Chief Persley to tighten up on violators.

There being no further discussion, the meeting adjourned at 7:23 pm.

---

SONJA TOLBERT  
CITY CLERK