



Administrative Services Committee Commission Chamber- 4/28/2015- 1:20 PM Meeting

ADMINISTRATIVE SERVICES

1. Task the Administrator with the development and implementation of employee performance reviews for personnel in critical positions. **(Requested by Commissioner Lockett) (Referred from April 14 Administrative Services Committee)** ☐ Attachments
2. Motion to approve the minutes of the Administrative Services Committee held on April 14, 2015. ☐ Attachments
3. Review and approve the revised edition of the Personnel Policies and Procedures Manual. Proposed changes to the manual were reviewed by the Human Resources Department and the Law Department respectively. The revisions to the manual were completed in late 2014 and slated to become effective on January 1, 2015. **(Requested by Commissioner Lockett) (Referred from April 14 Administrative Services Committee)** ☐ Attachments
4. Task the Administrator with developing a succession plan for all critical positions within the ARC Government. Underscore the significance of having the ability to fulfill our mission, without having to recruit outside our government. **(Requested by Commissioner Lockett) (Referred from April 14 Administrative Services Committee)** ☐ Attachments
5. Presentation by Mr. William T. Bass regarding the repeal and removal of a recorded Resolution that was never presented or voted on by the County Commission involving the sale of property at 819 Camellia Road. ☐ Attachments



**Administrative Services Committee Meeting
4/28/2015 1:20 PM
Employee Performance Reviews**

Department: Clerk of Commission

Caption: Task the Administrator with the development and implementation of employee performance reviews for personnel in critical positions. **(Requested by Commissioner Lockett) (Referred from April 14 Administrative Services Committee)**

Background:

Analysis:

Financial Impact:

Alternatives:

Recommendation:

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:

Nancy Morawski

From: Bill Lockett <bill.lockett@me.com>
Sent: Wednesday, February 18, 2015 11:57 AM
To: Lena Bonner; Nancy Morawski
Subject: Committee Agenda Items

Hi Lena:

Unable to submit using computer. Had to type all over again.

Administrative Services

Review and approve the revised edition of the Personnel Policies and Procedures Manual. Proposed changes to the manual were reviewed by the Human Resources Department and the Law Department respectively. The revisions to the manual were completed in late 2014 and slated to become effective on January 1, 2015.

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Task the Administrator with the development and implementation of employee performance reviews for personnel in critical positions.

Public Service

Receive an update from the Administrator as relates to multiple breaches of contract by the Public Transit Vendor. The update must include the rationalization to continue to outsource public transit when a financial comparative analysis revealed that transit services in house would be less costly. Athens, Columbus, Macon and Savannah no longer outsource their public transit and their transit systems are superior to the one we have in ARC.

Engineering Service

Obtain an update from the Engineering Director as to the status of request to obtain a Memorandum of Understanding with the Georgia Department of Transportation to assume the maintenance of Gordon Highway and Deans Bridge Road. These state highways lead past Fort Gordon's Cyber Command. One could surmise that the unattractiveness of these two highways could have a negative impact on attracting businesses and potential homeowners to our community.
 Sent from my iPad



**Administrative Services Committee Meeting
4/28/2015 1:20 PM
Minutes**

Department: Clerk of Commission

Caption: Motion to approve the minutes of the Administrative Services Committee held on April 14, 2015.

Background:

Analysis:

Financial Impact:

Alternatives:

Recommendation:

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:



Administrative Services Committee Meeting Commission Chamber - 4/14/2015

ATTENDANCE:

Present: Hons. M. Williams, Chairman; D. Williams, Vice Chairman;
Lockett and Davis, members.
Absent: Hon. Hardie Davis, Jr., Mayor.

ADMINISTRATIVE SERVICES

1. Motion to approve the resolution supporting the Augusta Housing Authority and Walton Communities, LLC's application for low income housing tax credits to be named 15th Street Redevelopment – Phase 1. **Item Action:** Approved

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
Approve	Motion to approve. Motion Passes 4-0.	Commissioner Mary Davis	Commissioner Dennis Williams	Passes

2. Motion to approve the Housing and Community Development Department's Citizens Advisory Committee By-Laws, as presented. **Item Action:** Approved

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
Approve	Motion to approve. Motion Passes 4-0.	Commissioner Mary Davis	Commissioner Dennis Williams	Passes

3. Discuss Economic Development for Augusta. (Requested by Commissioner M. Williams) **Item Action:** Approved
Item # 2

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
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Approve	Motion to approve appointing a sub-committee composed of Mr. M. Williams, Mr. Guilfoyle, Mr. Hasan, and Mr. Sias to discuss options for economic development in Augusta utilizing funding that may be currently available. Motion Passes 4-0.	Commissioner Dennis Williams	Commissioner Mary Davis	Passes
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4. Discuss the firing of the EEO Director. **(Requested by Commissioner M. Williams)** **Item Action:**
Disapproved

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
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Approve	Motion to approve discarding this item. Mr. M. Williams and Mr. Lockett vote No. Motion Ties 2-2.	Commissioner Mary Davis	Commissioner Dennis Williams	Ties
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5. Task the Administrator with the development and implementation of employee performance reviews for personnel in critical positions. **(Requested by Commissioner Lockett)** **(Referred from March 10 Administrative Services Committee)** **Item Action:**
Rescheduled

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
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Defer	Motion to refer this item to the next committee meeting. Mr. Williams votes No. Motion Passes 3-1.	Commissioner William Lockett	Commissioner Mary Davis	Passes
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6. Update on the Fleet Management Towing Bid. **(Requested by Commissioner M. Williams)** **Item Action:**
None

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
	No action is taken on this item due to the loss of a quorum.			

7. Motion to approve the minutes of the Administrative Services Committee held on March 10, 2015. **Item Action:**
Approved

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
Approve	Motion to approve. Motion Passes 4-0.	Commissioner Mary Davis	Commissioner Dennis Williams	Passes

8. Discuss the Personnel Policies and Procedures Manual. **(Requested by Commissioner M. Williams)** **Item Action:**
Approved

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
Approve	Motion to approve receiving this item as information and receive the results from the Administrator's review of the manual at the next meeting. Mr. Lockett out. Motion Passes 3-0.	Commissioner Dennis Williams	Commissioner Mary Davis	Passes

9. Review and approve the revised edition of the Personnel Policies and Procedures Manual. Proposed changes to the manual were reviewed by the Human Resources Department and the Law Department respectively. The Rescheduled revisions to the manual were completed in late 2014 and slated to become effective on January 1, 2015. **(Requested by Commissioner Lockett)**
(Referred from March 10 Administrative Services Committee) **Item Action:**

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
Defer	Motion to refer this item back to the next committee meeting. Mr. M. Williams votes No. Motion Passes 3-1.	Commissioner William Lockett	Commissioner Mary Davis	Passes

10. Discuss Procurement Department organizational review conducted by Dr. Malik Watkins with the UGA Carl Vinson Institute. **Item Action:**
Approved

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
Approve	Motion to approve receiving this item as information. Motion Passes 4-0.	Commissioner Dennis Williams	Commissioner William Lockett	Passes

11. Task the Administrator with developing a succession plan for all critical positions within the ARC Government. Underscore the significance of having the ability to fulfill our mission, without having to recruit outside our government. **(Requested by Commissioner Lockett) (Referred from March 10 Administrative Services Committee)** **Item Action:**
Rescheduled

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
Approve	Motion to refer this item back to the next committee meeting. Mr. M. Williams votes No. Motion Passes 3-1.	Commissioner William Lockett	Commissioner Mary Davis	Passes

www.augustaga.gov



**Administrative Services Committee Meeting
4/28/2015 1:20 PM
Personnel Policies and Procedures Manual**

Department: Clerk of Commission

Caption: Review and approve the revised edition of the Personnel Policies and Procedures Manual. Proposed changes to the manual were reviewed by the Human Resources Department and the Law Department respectively. The revisions to the manual were completed in late 2014 and slated to become effective on January 1, 2015. **(Requested by Commissioner Lockett) (Referred from April 14 Administrative Services Committee)**

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**Administrative Services Committee Meeting
4/28/2015 1:20 PM
Succession Plan for Crititcal Positions**

Department: Clerk of Commission

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Administrative Services Committee Meeting
4/28/2015 1:20 PM
William T. Bass

Department: Clerk of Commission

Caption: Presentation by Mr. William T. Bass regarding the repeal and removal of a recorded Resolution that was never presented or voted on by the County Commission involving the sale of property at 819 Camellia Road.

Background:

Analysis:

Financial Impact:

Alternatives:

Recommendation:

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REVIEWED AND APPROVED BY:

AGENDA ITEM REQUEST FORM**Commission meetings: First and third Tuesdays of each month – 2:00 p.m.****Committee meetings: Second and last Mondays of each month – 12:45 to 1:05 p.m.****Commission/Committee: (Please check one and insert meeting date)**

☐	Commission Meeting	Date of Meeting	_____
☐	Public Safety Committee	Date of Meeting	_____
☐	Public Services Committee	Date of Meeting	_____
☒	Administrative Services Committee	Date of Meeting	April 13, 2015
☐	Engineering Services Committee	Date of Meeting	_____
☐	Finance Committee	Date of Meeting	_____

Contact Information for Individual/Presenter Making the Request:**Name:** William T. Bass, DDS**Address:** 671 Confederate Drive Modoc, SC, 29838-2416**Property Owned in Augusta, GA:** 819 Camellia Road 30909**Telephone Number:** 864-333-2726**E-mail address:** billy.bass68@yahoo.com**Caption/Topic of Discussion to be placed on the Agenda:**

Repeal and remove a recorded Resolution that was never presented or voted on by the County Commission.....see Handouts

Please send this request form to the following address:**Ms. Lena J. Bonner Telephone Number:** 706-821-1820**Clerk of Commission Fax Number:** 706-821-1838**Room 806 Municipal Building E-Mail Address:** ibonner@augustaga.gov**530 Greene Street****Augusta, GA 30901**

Requests may be faxed, e-mailed or delivered in person and must be received in the Clerk's Office no later than 5:00 p.m. on the Wednesday preceding the Commission meeting and 5:00 p.m. on the Tuesday preceding the Committee meeting of the following week. A five-minute time limit will be allowed for presentations.

#1

William T. Bass, DDS
671 Confederate Drive
Modoc, SC 29838-2416

4/1/15

Ms. Lena Bonner
Clerk of
Commission

535 Telfair St., Suite 220
Augusta, GA 30901

Dear Ms. Bonner,

Under the GA. Open Records Act 50-18-70 et seq., I am requesting information regarding the attached deed and Resolution. Specifically I want to know:

1) Is there any record in the County Commission minutes that a motion was made to sell property a **Parcel D** located at 827 Camellia Road? Is there any record that the sale of **Parcel D** located at 827 Camellia Road was approved by the Commission? To aid you in your search, the City bought Lake Aumond (Parcel A) on 9/15/1991, therefore the approval would have had to have been done between 9/15/1991 and 10/1/1991

2) Regarding the attached Resolution:

- Was this Resolution place on the Commission Agenda as is required?
- Is there any record in the County Commission minutes that this Resolution was presented to the Commission in writing as is required?
- Is there any record that this Resolution was presented to the Commission in the form of a motion as is required?
- Is there any record of the above motion obtaining a second as is required?
- Is there any record of this Resolution being discussed by the Commission?
- Is there any record of a vote by the Commission approving this Resolution as is required?
- Is there any record that the County Administrator notified the parties involved of the action taken by the Commission that affects them as is required?
- The property at 819 Camellia Road was approved for sale on 9/5/2006 at the County Commission meeting. Is the Resolution in the minutes of that meeting?
- The Clerk of Commission is required to keep a copy of all Ordinances and Resolution in a special book; do you have any record of this Resolution?
- Were any stipulations on the sale of the property introduced in the form of a motion by any Commissioner prior to the vote to approve the sale of 819 Camellia Road at the 9/5/2006 Commission meeting?

I frankly feel that none of these records exist and if over one hour of your time is required, I would appreciate being notified as to why and how much additional time is needed. Any additional time must be approved. I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's trust in their government.

The Georgia Open Records Act requires a response time within three business days. If access to the records I am requesting will take longer than three days, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request. Please acknowledge receipt of this request before the end of business today via email.

Sincerely,

William T. Bass, DDS

Phone: 864-333-2726

Email: billy.bass68@yahoo.com

Also delivered:

- Agreement and deed to sell Parcel D which was a portion of Lake Aumond (Parcel A)
- A Resolution said to have been approved at the 9/5/2006 Co. Commission meeting

Received by _____

Date _____

1058

REEL 369 PAGE 1058

REALTY
REEL
369STATE OF GEORGIA
RICHMOND COUNTY
ORIGINAL REEL RECORDED

OCT-9 PM 4:44

THIS AGREEMENT, made and entered into this 19th day of October, 1991, between HENRY B. GARRETT, III and LANE P. GARRETT, of Richmond County, Georgia, hereinafter referred to as "Property Owners", and RICHMOND COUNTY, GEORGIA, a political subdivision of the State of Georgia, acting by and through its Board of Commissioners, hereinafter referred to as "the County";

WITNESSETH:

WHEREAS, Richmond County owns Lake Aumond designated as Parcel A and parcels adjacent thereto designated as Parcels B, C and D as shown on plat prepared by Cranston, Robertson & Whitehurst, P.C., dated May 30, 1991, revised June 26, 1991 and July 16, 1991, recorded in the office of the Clerk of the Superior Court of Richmond County, Georgia, in Realty Reel 367, pages 2208-2213, and Reel 369 Page 1054

WHEREAS, the property owners own lot adjacent to Lake Aumond shown and designated as "Henry B. Garrett" on said plat; and

WHEREAS, the property owners may have certain riparian rights in Lake Aumond and the property owners and County desire to enter into an agreement establishing for the future any rights the property owners will have in Lake Aumond.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreement between the property owners and County, it is agreed as follows:

(1) The County shall maintain Lake Aumond under its exclusive jurisdiction and supervision and Lake Aumond shall be used by the County for the purpose of flood control as a retention basin.

(2) Access and use of Lake Aumond for non-motorized boating, fishing and similar activities shall be limited to the property owners and the general public shall not have use or access to Lake Aumond.

REEL 337 FROM 1052

STATE OF GEORGIA)
 RICHMOND COUNTY)

THIS INDENTURE, made this 1st day of October, 1991, by and between RICHMOND COUNTY, GEORGIA, a political subdivision of the State of Georgia, acting by and through its Board of Commissioners, as party of the first part, and HENRY B. GARRETT, III and LANE P. GARRETT, of Richmond County, Georgia, as parties of the second part;

REALTY
 REEL
 369

W I T N E S S E T H:

That for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, in hand paid by the parties of the second part, receipt whereof is hereby acknowledged, the party of the first part does hereby release, remise and forever quitclaim unto the party of the second part, his heirs and assigns, the following described property to-wit:

ALL that lot or parcel of land, situate, lying and being in the State of Georgia, County of Richmond, consisting of 0.16 Acre, shown and designated as Parcel "D" on plat for Henry B. Garrett, III, dated July 27, 1988, prepared by Besson & Pope, Consulting Engineers, recorded in the office of the Clerk of the Superior Court for Richmond County, Georgia, in Realty Reel 3, pages , reference being made to said plat for a more complete and accurate description as to metes, bounds, courses, distances and location of said property.

Richmond County reserves an easement in the entirety of Parcel "D" for encroachment of water from Lake Aumond which adjoins said property, and the parties of the second part acknowledge and agree to said easement with their execution of this quitclaim deed.

TO HAVE AND TO HOLD the said described premises to the said party of the second part, so that neither the said party of the first part nor its successors or assigns, nor any other person or persons claiming under them shall at any time, by any means or ways, have, claim or demand any right or title to the aforesaid described premises or appurtenances or in any rights thereof.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be executed by its proper officials, the day and year first above written.

SIGNED, SEALED AND DELIVERED
 in the presence of:

[Signature]
 (Unofficial Witness)

[Signature]
 NOTARY PUBLIC, RICHMOND
 COUNTY, GEORGIA
 My Commission expires June 2, 1992

) RICHMOND COUNTY, GEORGIA,
) Acting by and Through Its
) Board of Commissioners (By: [Signature])
) As Its Chairman

) Attest [Signature]
) County Administrator

Exhibit B

**RESOLUTION TO AUTHORIZE SALE OF 819 CAMELIA ROAD
TO WILLIAM T. BASS, LANE P. GARRETT and SAMUEL R. PENN.**

WHEREAS, the Augusta Commission (hereinafter "City" or "Augusta") has approved the sale of 819 Camelia Road, Map and Parcel No. 032-1-085-00-0, to adjacent landowners William T. Bass, owner of 821 Camelia Road and Lane P. Garrett and Samuel R. Penn, owners of 817 Camelia Road (collectively hereinafter "adjacent landowners"); and

WHEREAS, said property is more particularly described on a plat and a true and correct copy of which is attached hereto and incorporated herein by reference.

WHEREAS, such property is unique as it is only seventy (70) feet wide on Camelia Road and that is the widest point, as such, said property does not meet Augusta's requirements for a buildable lot; and

WHEREAS, the Augusta Commission is authorized to sell or convey parcels of small or narrow strips of land incapable of being used independently to adjoining landowners without the use of the bid process as stated in O.C.G.A. § 36-9-3(h); and

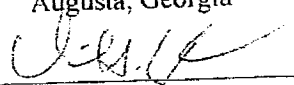
NOW THEREFORE, in consideration of the above recitals, Augusta and adjacent landowners will enter an agreement, the material terms of which are as follows:

1. Said property shall be sold in accordance with the Official Code of Georgia to the owners of the adjacent property.
2. The fair market value of said property is \$12,500.00, having been determined by a licensed property appraiser.
3. Augusta will retain an easement across and through said property for ingress and egress to other property of Augusta, including but not limited to Lake Aumond.
4. Augusta will sell and adjacent landowners will purchase from Augusta said property for the sum of \$12,500.00 cash and each party is to pay its own attorneys fees and expenses of said sale. The Mayor of Augusta is authorized to sign all documents necessary to close the sale of said property.

Adopted this 5th day of September, 2006 and binding upon the City, its commissions, departments, agencies and delegates.

Augusta, Georgia

By


As its Mayor

Attest:


Clerk

Filed in this office:
Augusta - Richmond County
11/15/2006 15:17:11.00
Elaine C. Johnson
Clerk of Superior Court

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- 2) Agenda Item for the Administrative Services Committee
- 3) Outline for Administrative Services Committee **3 Pages**
- 4) 8/1/2006 Minutes of the County Commission meeting (Item 16 approved transfer to Land Bank with no Resolution) **Pages 51-56**
- 5) City Policy for Surplus Property Disposition (approved at the 8/1/2006 meeting) **2 Pages**
- 6) 8/15/2006 Minutes of the County Commission meeting **Pages 51-58**
- 7) 8/28/2006 Finance Committee Minutes (approved sale of 819 Camellia with no stipulations) **3 Pages**
- 8) 9/5/2006 Minutes of the County Commission meeting (approved sale of two (2) properties with no Resolution of stipulations) **Pages 17-21**
- 9) Resolution that was never approved
- 10) City Code Sections Violated **4 Pages**



**Administrative Service Committee Meeting Agenda
4/13/2015
Property at 819 Camellia Road**

Department: A Tax payer of Augusta, GA

Caption: I have two major grievances against the Law Department:

- The former Co. Atty. conveyed to me a completely invalid deed and plat when I purchased 819 Camellia Road from the City on 9/21/2006 (the Co. Atty. has just recently agreed to pay for my atty. draw up a corrected deed and plat in order to convey clear title)
- The Co. Atty. is attempting to enforce a Resolution that was never presented or voted on by the County Commission

Analysis: I believe the responsible parties who prepared and those who are enforcing this Resolution are attempting to hide their liability behind the shield of the City Government. In other words, they are trying to force me to sue the City in order for me to protect my private property rights. The County Commission has the authority to make the Law Department reverse their position and to void this Resolution that was never approved by the County Commission. I believe this action would relieve the City from all liability in this matter.

Background:

Fin. Impact:

#2

Item # 5

Outline for Administrative Committee

I have asked to speak in this Administrative Committee meeting because the Law Department is about to force me to sue the City, when in fact my complaint is solely against the Law Department for what I consider their abuse of power. First of all, I am not an attorney, so if I make a statement that is not legally correct, I apologize in advance to the Law Dept. I'm only stating the facts as I know them. I know for a fact they have given you poor advice in open Commission meetings and I frankly don't trust what they will tell you in a close meeting. I just want to present my side of the story before you decide to accept their advice or order them to reverse their decision. One glaring example is the Law Dept. has the duty to act as parliamentarian in the Co. Comm. meetings to ensure you follow the City Code, Approved City Policy and Robert's Rules of Order. When a Commissioner makes a motion and it doesn't contain any restrictions or stipulations that the Commission wants, you run into the Law of Unintended Consequences. In other words, if the restrictions and stipulations are not stated in the motion, they do not exist because they were never voted on or approved. The Law Department has allowed this to happen not only in my case but others as well.

I have brought the minutes of the 8/1/2006, 8/15/2006, and the 9/5/2006 Co. Commission. Starting with Item 16 in the 8/1/2006 meeting, this demonstrates the correct way to sell the City's surplus property without going through the bid process. Then as you read Item 17, the Commission discussed and voted to approve the Administrator's policy for "Surplus Property Disposition". I have also brought the policy that was approved.

If you read all these minutes, I hope you will note that Commissioner Marion Williams and others over the course of just these three (3) meetings, by my count complained (and rightly so) to the Commission, the Mayor and the Co. Atty. over 16 times regarding the inconsistent, haphazard and capricious manner in which the City sells surplus property. Had they followed his suggestions, most of my current problems would never have happened.

I purchased a surplus parcel at 819 Camellia Road from the City on 9/21/2006 and my complaint with the Law Department centers on two subjects:

- First of all the Law Department conveyed to me a deed and plat that were neither true nor accurate. I have been in negotiations with them since March of 2014 and as of now they still haven't conveyed the true and accurate deed and plat to me. Although I must say, they have recently agreed to pay to have my attorney correct the mistakes they have made.
- The second issue is the Law Dept. is attempting to enforce a Resolution that was never approved or voted on by the Co. Commission. I have that Resolution here today. I also have the minutes from the 8/28/2006 Fin. Comm. meeting where there is no mention of any such Resolution either.

#3 13

The Resolution

The Co. Atty. is charge with the duty to act as the parliamentarian at County Comm. meetings. He has failed to correct members when their motions leave out important elements or stipulations.

Parliamentary Law is the procedural safeguard that protects the individual and the group in their exercise of the rights of free speech, free assembly, and the freedom to unite in organizations for the achievement of common aims. These rights are meaningless, and the timeless freedoms they define can be lost, if parliamentary procedure is not observed...

WHY IT IMPORTANT TO FOLLOW PARIAMENTARY PROCEDURE

Without rules, there would be injustice and confusion. Hence, it is as necessary to follow the rules of parliamentary procedure as it is to follow the rules of a ball game or a card game*.

*George Demeter

The former County Attorney, when drafting the Resolution, violated the City Code, the policy for Surplus Property Disposition, the Rules and Procedures for conducting business in Co. Comm. meetings and Robert's Rules of Order in the following ways:

- He never place the Resolution on the Co. Comm. agenda
- He never presented the Resolution in writing to the Co. Comm. as is required
- No Commissioner introduced it as a major motion
- No Commissioner seconded a Resolution motion
- The Co. Comm. never voted on this so called Resolution
- There is no record of this Resolution in the minutes of the 9/5/2006 Co. Comm. meeting, the meeting where the property was sold.
- He failed to correct the Co. Comm. when a motion was read by the Clerk of Commission which stated: **"Original motion is to approve the sale the property of at 819 Camellia Road"** and it contained no stipulations whatsoever. Motion carried 6-1, Mr. Holland no.
- The Clerk of Comm. is required to keep a copy of all Ordinances and Resolution in a special book, she has no record of the Resolution recorded by the Co. Atty.
- I have an e-mail to the Clerk of Comm. asking if she had a copy of the Resolution. I never received a response.
- The Co. Administrator is required to contact any party that is impacted by a decision (Resolution) of the Co. Comm., Mr. Russell never contacted me.

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- The Co. Atty. recorded the Resolution that was never **stamped with the City's seal or notarized** in the Co. Courthouse
- The Co. Atty. totally ignored the ARC policy for **"Surplus Property Disposition"** which passed at the 8/1/2006 Co. Comm. meeting and became effective immediately. The State Statute cited by the Co. Atty. is not an approved method of sale; furthermore it doesn't apply to R-1 zoned lots and lastly only applies to County Governments. As you well know, Augusta is a Municipal Corporation.
- When the Co. Atty. hand delivered the recorded deed and plat to the Clerk of Comm. the recorded Resolution was conspicuously missing. I have a copy of that letter.
- No Co. Atty. in the United States has the authority to write a Resolution that strips me of my Constitutional Rights to develop my property in a manner consistent with the comprehensive zoning ordinances of ARC unless he is instructed to by the City government. He alone cannot declare a Lot in an approved subdivision unbuildable.
- Instead of citing a Statute that doesn't apply, the Co. Atty. should have followed the ARC policy for Surplus Property Disposition. Had he followed this policy the property would have been transferred to the Land Bank where it could be sold to adjacent property owners. As a matter of fact on page 17 of the 9/5/2006 Co. Commission meeting Comm. Grantham states, **"The property has been in the Land Bank for some period of time....."** The Commissioners were under the impression that the property was in the Land Bank and my sale should have been treated the same way Item 16 from the 8/1/2006 Co. Comm. meeting. Item 16 read, "Motion to approve the transfer of city owned properties requested by Silver Sheet Metal and McKnight Construction Co. to the Land Bank Authority for a negotiated sale.

I hold the City completely harmless for the actions of these City employees, but I do reserve the right to have their actions reviewed by an attorney to determine if their actions rise to the level of Abuse of Power.

More specifically I am requesting:

- The City to instruct the Law Dept. to repeal and remove the baseless Resolution they recorded in the County Courthouse
- The City to instruct the Law Dept. to provide me with a true and accurate deed with a clear title and plat of 819 Camellia Road as it was in 1991 without any restrictions
- Reprimand the City employees responsible for these injustices.

#3 3/3

8-1-06 CoConn Martin
 plus Co Ad. policy for Surplus
 Property Disposition

had made the motion to grant you the venue but I believe if Commissioner Bowles could speak to the issue, that security would have to be covered by your organization.

Mr. Bowles: That is correct, Mr. Mayor.

Mr. Mayor: So we're, we're trying to help you as much as we can is the bottom line.

Mr. Barreras: I understand your budgetary situation. I appreciate what you've done. Thank you.

Mr. Mayor: Okay. The question has been called for. Commissioners will now vote by the usual sign.

**Commissioner J. R. Hatney passed.
 Motion carries 10-0.**

The Clerk:

FINANCE

16. Motion to approve the transfer of city owned properties requested by Silver Sheet Metal and McKnight Construction Company to the Land Bank Authority for a negotiated sale. (Approved by the Finance Committee July 24, 2006)

Mr. Mayor: Commissioner Williams?

Mr. Williams: Mr. Mayor, I had a problem with this one. I think the rule states that any of the City's property that's going to be sold will have to go in a, through a bid process and I know we taxed the Administrator to come back with a recommendation for a policy but I can't see how we can designate any one or two entities to sell a piece of property to when it's, when it's City's property. That's a, that's a process now ya'll. We done circumvented that because we did it earlier but it still don't make it right. Now, my problem is if there is a rule said you can't designate the Land Bank or any other authority for City's property, if, and when you put something in the Land Bank, we got no more control over it. It goes to the Land Bank. They can sell it for \$100 or \$1.00 because the Land Bank's an authority within itself, and I just don't think the last move with the Land Bank or the DDA was right, and I don't think this, this is right, and I'm going to make a motion that we deny this and have that process go through, no more process that anybody else that buy City's property have to go through and not just pick one or two businesses to sell to.

Mr. Mayor: Commissioner Beard?

Mr. Grantham: Mr. Mayor?

Ms. Beard: Mr. Mayor. There was a sense of urgency in reference to this sale because this company is attempting to, to move from one place to another. It's in reference, it's because GDOT or the City needs the property for that, for St. Sebastian Way, and he's going to lose an

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awful amount of money if he cannot move forward, and along with that I do believe our Administrator said there would be something definite in reference to this sale today, and we would let him know. Is that not correct?

Mr. Speaker: That's correct.

Mr. Russell: No. No, ma'am. What I was looking for was that today I would get the, the approval to go ahead and negotiate the sale. I could not do that until I got the final approval from the Commission but what you'd be doing today is authorize to do that through the Land Bank and we get back to you at the next meeting with the , with the price that we negotiated, and I apologize for the confusion there but I need your full approval before I can do anything.

Ms. Beard: Well, I'd simply like to say it is absolutely essential that we move forward on it.

Mr. Mayor: Commissioner Grantham?

Mr. Grantham: Thank you, Mr. Mayor, and Ms. Beard is correct in her understanding that this particular business is having a problem with the DOT as far as relocating St. Sebastian Way. Not only Silver Sheet metal, we had indicated to them that a piece of property next door to them that is owned by the City and there was to be a similar swap out in order to retain that business in the City of Augusta. In addition to that, the McKnight Construction Company came with an appeal that their property is landlocked by the property around them based on the City ownership and they were asking to purchase that so that they can add to the properties that they own within the landlocked area and so I'm, **I'm going to make a substitute motion that these two items be approved, along with the approval that the Administrator is requesting for the Silver Sheet Metal in order to negotiate the sale of these two pieces of properties.**

Mr. Cheek: Second.

Mr. Mayor: Mr. Cheek?

Mr. Cheek: Mr. Mayor, this is case in point of what, what I discussed earlier. If, if we can't do this, then we cannot assemble properties in Bethlehem, Dover or anywhere else to be redeveloped by anybody in the better interest of the City. One, we need to pass this, and this is something we've instructed staff to move forward with, whether it's in place or not, this is what we've instructed staff to do. Two, we all have at one time or another said we want to become business friendly. These are businesses that are interested, long-established businesses in Augusta that are interested in staying in Augusta. Aiding and assisting them when they are disrupted by a project that is being pushed by DOT and the City of Augusta is being business friendly. So I just urge passage of this, and there's nothing wrong with the City acquiring properties, assembling them and then sending them out to be redeveloped as a package, choosing the manner in which it is to be developed in the best interest of the City and yes, and sometimes that means choosing the people that we allow to redevelop it, whether it's a CHODO or in this case a business that is already here. These are things that are done in other cities and for us to continue to hang on to archaic practices of the past, which have been inconsistent in the past,

makes no sense and I just urge passage of this. This is in the best interest of the City and establishes a precedent that we can use to redevelop blighted areas of the City of Augusta.

Mr. Mayor: Commissioner Williams?

Mr. Williams: Mr. Mayor. I agree with my commissioner that we have not been consistent by no means when it comes to anything down here but certainly not by this, about land and the sale of land. What I'm proposing is that if this a rule, if this is what the law says that this is what we supposed to do, we supposed to do it. Now, how we, how can we pick and chose when we want to do it and when we don't want to do it. I mean, one day, we'll say well, I don't want to do that, we'll do it another way. If it's in, it's in. If it's out, it's out, and I just disagree with the way that this is being brought. I'm, I'm being this friendly. I hope people come in and move to Augusta but I want everybody to be treated fair now because this ain't the first one that come across this desk that we didn't do and we could have did the same way but because there's a business who making money, we, they ain't volunteering, they ain't doing nothing free. This is a paid construction company that, they're making a lot of money of the City so I'm, and I'm not opposed to that. But we ought to be consistent at least. We going to do something, do the same thing all the time. I tell Mr. Wall they could give me the same ball that everybody else bounce. Don't give me no lead ball. I can't bounce that so we ain't playing with the same ball today that we been playing with before. I can't support it. I'm just one though.

Mr. Mayor: Commissioner Hatney?

Mr. Hatney: A question. I, did I hear someone say that these individuals were, were being displaced by G, the Georgia Department of Transportation?

Mr. Cheek: Yeah. St. Sebastian Project.

Mr. Hatney: They're being displaced by the State. I think we need to step up to the plate and we help these folks because they, they are, they are our taxpayers and we need to keep all the money we can and.

Mr. Mayor: Okay. We have a substitute motion and a second. Substitute motion, Madame Clerk, is to approve?

The Clerk: We didn't--that's the main motion. He didn't get a second.

Mr. Mayor: Okay. We have a main motion. Any further discussion? Commissioners will now vote by the usual sign.

**Mr. Williams votes No.
Motion carries 9-1.**

The Clerk:

FINANCE

17. Motion to approve the Administrator's recommended policy and procedures for the sale of City property. (Approved by Finance Committee July 24, 2006)

Mr. Williams: Mr. Mayor? [inaudible]

Mr. Mayor: Commissioner Williams:

Mr. Williams: This is a policy that we asked the Administrator to come back which is the same scenario as 16 was, using the Land Bank authority. I mean, I, if, now we, we just voted on an item which used the Land Bank Authority to sell to certain people. Once we give it to the Land Bank Authority, it's out of our hands but that is an Authority, and I disapprove of this one as well. I think that's a, that's the way to circumvent the little man from coming and being able to purchase property when somebody else can say we'll give it to the Land Bank and already done, you already done cut a deal. You already done premeditated the event that you want to do. So I can't support this, Mr. Mayor, and I'm going to make a motion that we deny this and let the Administrator come up with a true plan to sell the City's property versus the same old plan that we've had that we don't follow no way but that's my motion.

Mr. Mayor: Commissioner Beard?

Ms. Beard: Mr. Mayor, I didn't have a great deal of problems but then I haven't reviewed a lot of them but I would like a little clarification where you state recommendation on any restrictions to be placed on funds.

Mr. Mayor: Mr. Russell?

Mr. Russell: Yes. Yes, sir. If I can respond to both of those questions.

Ms. Beard: Because my thing is I think with most things we do, we should try to be sure it gets to the general fund.

Mr. Russell: Yes, ma'am. I agree fully but in some cases where we paid for property out of SPLOST dollars or used other funds to pay for them, out of Utilities or something like that, it would be inappropriate for those dollars to go into the general fund when, in the case of the, for the Pension property, we used SPLOST dollars and general fund dollars both. It would be appropriate in my mind to replace those SPLOST dollars and the general fund dollars too so that would be the, that's the meaning of what that says there is that what particular fund the dollars came out of should be the one that the dollars would go back into and then that would be the restriction.

Mr. Mayor: Mr. Cheek?

Mr. Cheek: Mr. Mayor, one of the things we should all keep in mind is that selling properties in the Land Bank, you need to retain certain amount of those funds to operate the Land Bank and that is one of the funding mechanisms that other cities use is the portion of the profit some of the property is rolled back into it to cover the administrative costs of the legal

requirements, the title searches and so forth. This is how other cities fund their land bank apart from the general fund and something this Commission passed in concept to do over a year ago, and as far as the independence of the Land Bank itself, the Land Bank is just made up of staff members of Augusta-Richmond County. There was some discussion in the past about adding a Commission member to that board or serving as a, in an advisory capacity, an oversight capacity of, to make sure the interest of the Commission, a manned Commission were followed through, so that may be something that would calm the fears of some Commissioners but we need to go ahead and move forward. We've, I have hammered on Fred about this and staff today about coming forward with a comprehensive policy as it's been said. What we've done in the past has not been consistent. This is a chance for us to move forward. If we see issues with the current bill, those are some things that we can adjust and change as the process moves forward but Ladies and Gentlemen, we've got many, many properties that are stagnant now. We need to move forward with this policy and getting those properties back on the tax rolls and this is a way to do it.

Mr. Mayor: And I will just say I'm, during the, and I'm, I'm glad that the Mayor Pro Tem reference the GMA conference. I met with the real estate company down there that does comprehensive strategies for communities in which, and I know that the Mayor Pro Tem has expressed an interest in certain situations. We might not want to sell a property, there might be properties that we'd want to develop affordable housing on or other projects but I feel like we really, a comprehensive strategy for our real estate options would be a good thing. Mr. Russell?

Mr. Russell: What this policy does, sir, is, and I, it's put together with Commissioner Williams' concerns in mind mainly. It does create a fairly fair level playing field for everybody that either approaches us about buying property or that we determine property might be surplus through our action or through an action of the Commission. What that does is create a policy where we would review that, come to the conclusion that it is either surplus or not surplus, let the Finance Committee review that. It basically places all the decisions in your hands on what the process we use, even to the extent of which particular mechanism we would use to sell the property. Part of the package is you would be able to make that decision as part of the Finance and the full Commission activity on that. There are options available. You could do it through bid, both either sealed or open. You could do it through the Land Bank, the Downtown Development Authority, and the Development Authority of Richmond County. All those would be presented to you as an option, and we would make a recommendation on what we thought would be the best to accomplish that but this policy puts those decisions in your hands. It levels the playing field. It becomes something that you get a uniform package with. It's not Johnny coming up and say I want to buy this. It's Johnny's doing that and then you get him the same information you get on that particular parcel that you'd get on every other parcel with the recommendations of staff which you can either accept or not accept so I think it accomplishes a lot of what Commissioner Williams is after, and I think he's absolutely right. We need to be uniform. We need to be concise but we need to be fair and that's what it's all about.

Mr. Mayor: Amen. Commissioner Hatney?

Mr. Hatney: I have one concern. I think it's Item 5 down here where you say surveyed. Is that county attorney appraisal? County attorney, due to the fact that we are working toward

instituting a law department, I would prefer seeing that simply say attorney or county attorney or law department attorney. I don't think you should say county attorney when we're moving toward the law department.

Mr. Russell: Yes, sir.

Mr. Mayor: Commissioner Grantham?

Mr. Grantham: Thank you, Mr. Mayor. Based on the conversations we've had regarding this item, I think everyone wants to head in that direction so **I'm making a motion we approve.**

Mr. Cheek: Second.

Mr. Russell: Is that with the changes of the language to Law Department, I assume?

Mr. Grantham: Yes.

The Clerk: It's recommended.

Mr. Mayor: Okay. We have a motion and second. Any further discussion? Commissioners will now vote by the usual sign.

** Motion is to be READ!*

The Clerk: Mr. Cheek?

Mr. Williams votes No.
Motion carries 9-1.

Mr. Mayor: You've been talking about this stuff all day. Have you forgot to vote on that one?

Mr. Cheek: It's the saying about this, this is why we staff the position, the point of personal privilege, why we staff the--

Mr. Mayor: Mr. Cheek?

Mr. Cheek: --mandated to staff the position of the Land Bank Authority.

Mr. Grantham: Exactly.

Mr. Cheek: To cover those costs and they are funded under the Land Bank Authority, and that's, that's what concerns me. Again, we don't need to be spending that additional money for other resources when we have that position staffed.

Mr. Mayor: Next agenda item, Madame Clerk?

Augusta - Richmond County Surplus Property Disposition

This policy is designed to determine the best method for the sale or disposition of surplus property owned by Augusta-Richmond County or any subdivision of Augusta-Richmond County (ARC). This policy is effective upon its adoption date by the ARC Commission and may be modified in part or fully by subsequent action of the ARC Commission.

Parties interested in purchasing property from ARC should be directed to put their request in writing directed to the Mayor of Augusta. Property should be identified by Map/Parcel number. Any additional information regarding this purchase such as, plans for the property, conditions of purchase, offered price and appraisals should be included in this correspondence.

The Mayor should forward this information to the Administrator. On occasion, members of the Commission, the Administrator, or other staff may identify property as potential surplus. In either case, the following procedures will be followed.

- (1) The Administrator shall construct a file on the property to include, Map/Parcel number, current usage, responsible unit of government, plots, offer if available and other pertinent information.
- (2) The Administrator shall forward the file to: Public Works, Planning and Zoning, Utilities, and other appropriate City departments

Each Department will review the property for:

- Current, future and potential use of Augusta
- Restrictions or other use limitations that may be necessary to protect the interest of Augusta or of other property owners
- Report back to the Administrator within 10 working days

- (3) Administrator evaluates the information from the departments. The Administrator determines that the property is vital to the current or future use of Augusta or reasonably determines that the property is surplus.
- (4) The Finance Committee is notified of the potential transaction and reviews the recommendation of the Administrator.
- (5) If the property is determined to be non-surplus, the Administrator will notify the potential purchaser that the property will not be sold. If the property is determined to be surplus, the Finance Committee will direct the Administrator/County Attorney to obtain the following.

- Survey (County Attorney)
- Proposed conditions/restrictions to be placed on the property (Administrator and all departments)
- Appraisal (County Attorney)
- Recommendations on method of sale (transfer to another entity, public auction {live or via sealed bids}) (Administrator and County Attorney)

(A) The **Downtown Development Authority** was created to help finance the cost of rehabilitating and aid in the redevelopment of the central business district of the City (West side of Fifteenth Street through the west side of East Boundary, and from the Savannah River through the south side of Laney Walker Boulevard).

(B) The **Development Authority of Richmond County** (originally to be enacted as the Richmond County Industrial Development Act), was created for the purpose of developing and promoting trade, commerce, industry and employment opportunities within the county.

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- (C) The **Land Bank Authority** was established to acquire tax delinquent properties with a purpose of fostering a return of these non-revenue generating, non-tax producing properties to effective utilization for housing, new industry and jobs. The Land Bank can accept property as well bid on property at tax sales, as well as rent, lease, sell, trade, exchange or otherwise dispose of its property on terms and conditions as of any determined by the Land Bank. The Land Bank may also assemble and exchange parcels of land for public parks and other public uses.
- Recommendation on any restrictions to be placed on funds (i.e.: if property was acquired by AUD, funds would go back to AUD/proceeds from sale of park property goes to Recreation Department for acquisition of park equipment – other property) (Administrator, Finance Department and affected departments)
- (6) Finance Committee reviews report and then makes recommendation to Commission to sell the property and under what terms.
- (7) Commission considers recommendation of Finance Committee and votes to sell or not sell.
- *Commission determines the property should not be sold.*
 - Administrator notifies the requesting party in writing that the County does not intend to sell the property at this time.
 - *Commission determines the property is surplus and should be sold.*
 - Restrictions and conditions of sale are set.
 - Minimum or reserve price set.
 - Method of sale is authorized.
 - County Attorney is directed to conduct sale or transfer to another entity for the sale of the property.
 - Sale is consummated.
 - Proceeds are used to repay costs of sale (appraisal fees, surveys, legal expenses, etc).
 - Balance of proceeds distributed as per Finance Committee and Commission direction.

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FINANCE

38 Discuss sale of surplus government property to assist in restoring fund balance
(Requested by Commissioner Grantham)

Mr. Mayor: Commissioner Grantham

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Item # 5

Mr. Grantham: Mr. Mayor, I requested this. We have been discussing several pieces of property in the past, in various meetings. I think we had made some decisions to go ahead with two or three of those properties and I asked the attorney to please present those to us so that we could go ahead and take some action on them as we had done before but [unintelligible] brought it to the floor for our discussion. I think there's a couple of them and these are landlocked properties, as well as properties that have no big value as far as size or equivalent use for our government use, and so in order to maybe replenish some of our funds that we're getting rid of, I think we ought to look at these two or three different pieces and see if we can't go ahead and make that happen.

Mr. Mayor: Mr. Attorney?

Mr. Shepard: [unintelligible]

Mr. Grantham: If you don't mind, Mr. Mayor?

Mr. Mayor: Mr. Grantham?

Mr. Grantham: These were discussed even on our bus tour as we went around, pointed out a couple of these that I am asking about today so that we would know exactly where we were dealing with as far as landlocked, small parcels or things that just didn't have any bearing on us right now at all.

Mr. Shepard: Thank you, Mr. Grantham. [unintelligible] effort that was [unintelligible] we attempted to go ahead and [unintelligible] couple of properties that would be excellent candidates for sale. They've been over time discussed before and one of these is what we call the 819 Camellia Road property and that property is of interest to the adjoining landowner.

Mr. Hatney: Excuse me, sir.

Mr. Mayor: Commissioner Hatney?

Mr. Hatney: I can't hear him.

Mr. Shepard: Can you hear me now?

Mr. Hatney: I hear you.

Mr. Shepard: The first one I bring to your attention is 819 Camellia Road. We were looking at getting that property surveyed and getting it appraised so we would have something to deal with. This property, it is a finger that sticks out into Lake Aumond and the property is appraised at \$12,000. The property will remain subject to a general city ingress and egress or access easement in the case the county needs to get access in there with heavy equipment because of problems in the lake area. We determined that it could be under these conditions determined to be surplus by the administrator. So we talked to him. The appraiser took into account the fact that the easement would extent across the entire property and he would not then

be able to build a house on this or really any permanent improvements which would compromise the use of the property by the city. We [unintelligible] put it back on the tax rolls and we would get \$12,000 for that. And the other property that I was able to work up before the meeting is the—I gave out one more. Augusta State, yes. Augusta State has been interested in a piece of property on Damascus Road for a while. They asked for a donation and I said that I thought that donations were something we could not use, but we could use cash. So this property was also appraised for \$6900 and the appraisal price is a price which ASU is willing to pay. And they even faxed me a check but I see that is not part of that material they handed out. But they are willing and able to consummate this sale and the parties on Camellia Road are willing and able to consummate this. You're looking at about \$20,000, slightly less than that, to go back on to the fund balance issue. The idea would be that certainly you can't do this all of the time, but this would restore some of the cushion in the fund balance. So the way we are not having to auction these properties there is a code section which I think I cited on the Camellia Road property that indicates that we could sell this as a small strip of land and not have to go through procedures other than the negotiation of the price. ASU is another governmental entity and we can sell to them in a negotiated fashion. I don't think I cited the code section there. But the ASU property would be on the way in to their housing complex. If you look at the plat it shows that they are looking at Tract A, which has some Damascus Road frontage, and that would fit nicely with what they have behind there. So if the pleasure of the Commission is to begin this process of liquidating some properties in order to address the fund balance problem, these are two fairly easy ones to start with, be that the Commission's desire.

Mr. Mayor: Commissioner Hatney?

Mr. Hatney: Just a voice of concern, Mr. Mayor and Mr. Shepard. These two pieces of property having not been discussed in legal session, are we legal out here to do this, legally? [unintelligible]

Mr. Shepard: The requirement of the legal session is that we discuss the acquisition of real estate.

Mr. Hatney: Not real estate period?

Mr. Shepard: It says [unintelligible].

Mr. Hatney: Acquisition?

Mr. Shepard: That's correct. And so out here we discuss the disposition.

Mr. Mayor: Commissioner—

Mr. Shepard: I think the rationale is, if you want to know—

Mr. Hatney: I'm not buying that. Real estate is real estate, going or coming. It should be discussed in private session before it go out here.

Mr. Mayor: Commissioner Williams?

Mr. Williams: Thank you, Mr. Mayor. Dr. Hatney, you hadn't been around these attorneys as much as I have, and attorney taught me it can be beneficial on what you say and how you say it and even when you say it. But I learned that from association, Mr. Mayor. But let's go back to ASU. Didn't we just sell them some property here a little while back, Mr. Shepard? This property adjacent to some other property off Damascus Road where they went back and built a really nice facility in there? Was that some property we had at one time?

Mr. Mayor: Mr. Shepard?

Mr. Shepard: This is the property, Mr. Williams. I don't recall closing any property with ASU. In fact, I think there was an issue as to whether they were going to have the money in this year's budget and so their budget closed at the end of June and therefore there was additional monies identified that they could go on and close this. Now, I could stand, be stand corrected but in this situation—we've worked on this for a good many months.

Mr. Williams: I'm in support [unintelligible] help from anybody we can. You talking about selling property but you talking about selling property [unintelligible] figure on it and who has already agreed [unintelligible] fax you a check. If we going to sell this property I think we need to se about [unintelligible] put some money on the tax books. Now, if you looking for a way to get rid of the property, that's different. You can sell it for little or nothing and get ride of it, or you can sell it and make money and get rid of it. So it sound like to me [unintelligible].

Mr. Mayor: Mr. Shepard?

Mr. Shepard: You are correct in the Augusta State University situation because [unintelligible] exemption. But—

Mr. Williams: You answered my question, Mr. Shepard. That's all I need. Too much information overloading. Mr. Mayor, I remember when we was going to close Damascus Road and we was going to make a corporate park in there. [unintelligible] all those people out of Damascus Road. We bought that property if I'm not mistaken where the [unintelligible] and all those apartments there. We was going to make an industrial park, Mr. Holland, way before you thought about running for this seat. But then we decided we wasn't going to do that. We left the road open. But all those homes, all those properties was gone then. We done demolished all of them. That same property where ASU sits now back there, if it wasn't a part of it, Mr. Mayor, it was adjacent to it. I'm trying to remember cause y'all keep my mind turning so much. But if we going to sell property, Mr. Mayor, the law says that we got to [unintelligible] tax rolls, we ought to be making money on it. We ought not be looking for a way to get rid of property. Because one thing about property, we may not be making no money on it but it don't eat or drink a thing. It sit there forever. And the Lord made a lot of things. He ain't making no more land. So that land that we own, if it ain't costing us nothing, then we [unintelligible]. Now if we going to make money on it—now, y'all sold some property [unintelligible] I was against. We were supposed to make money on that one. It wasn't even on the list [unintelligible] that was a whole different ball game. It ain't made no money and it's a prime piece of property on the water. So

if we going to donate this property, give it to Augusta State or give it to an entity, let's don't [unintelligible] put money back on the tax book cause we're not putting money back on the tax book. All we doing is finding ways to spread it out. And if that's all we're doing, let's say that. [unintelligible] creative to make that tax burden light. We're [unintelligible] not doing it. And I'm not in support. I think if we going to sell it we ought to have a fair market value on it and let anybody else bid on it that want to. Cause there is some room for development in this same area [unintelligible] property on Damascus Road.

Mr. Mayor: Commissioner Grantham?

Mr. Grantham: Thank you, Mr. Mayor. I think to clarify some of Commissioner Williams' questions, this is less than a quarter of an acre of land. The land that we're talking about is right by the entranceway into those new apartments that they built. Now, we did not sell them that property. That property was purchased from the Bowles family, which is right behind that little shopping strip up there on Wrightsboro Road. We didn't have that property back there [unintelligible] skateboard property, and on down Damascus Road in front of the Aquatics Center. This little piece is a sliver up there that goes in right by their driveway and what it would be doing is just adding for them to be able to take that property. They're not going to be able to build anything on it to my knowledge. If it is, it would be a gatehouse into that area down there as far as apartments go. The other thing is that no, it's not going back on the tax books, and I didn't indicate that this piece was. I indicated the Camellia Road piece was going back on the tax books. That's the one that I was referring to. The other part about this piece of property is that where they do have those apartments there they have them about 85% occupied for this coming school year. I do know that. So this just lets them have a little more property as far as ingress and egress into that area for the school and I don't see any problem with selling it to them. It's on an appraised value piece of property, the property was appraised for that purpose. They asked for that. They didn't ask for a contribution from that standpoint. So they are willing to pay for it. And if they're going to do that, let's let them pay for it based on our [unintelligible]. [unintelligible] and maybe we need to take one at the time, but the other situation will go back on the tax book, will maintain an easement for our people to be able to get in and out of that lake when necessary, and therefore no form of construction can be put on that piece of property at all. I think that maybe—I hope it explains a little more about what those properties are used for, what they'd be used for, and the monies that we'll get for it. One, we'll get the appraised value back, the other we'll get the appraised value back plus putting it on the tax books.

Mr. Williams: He answered my question. I just want to respond. Thank you, Mr. Grantham, you helped me out a lot. But appraised value—and I [unintelligible] several appraisers and we know that one appraiser come in with one, another appraiser come in with another. I heard about one appraisal. If you going to sell any city property we ought to try to get the most we can get for it, whoever buying it. Now, I think there is enough said about it, Mr. Mayor. I just want to—I understand about the appraisals. I just [unintelligible] but what I seen ain't been much.

Mr. Mayor: Commissioner Hatney?

Mr. Hatney: Mr. Mayor, [unintelligible] attorney, I'm just—I've got to say I'm concerned [unintelligible]. When real estate and personnel matters come up they should be discussed in legal session first because in order for you to do this you should have been instructed to do it by the Commission.

Mr. Williams: That's right.

Mr. Hatney: [unintelligible]

Mr. Grantham: We discussed—

Mr. Mayor: Mr. Grantham?

Mr. Grantham: We discussed it in that room and [unintelligible] and when got out [unintelligible] and presented it on the floor everybody left. We didn't have a chance to bring it up.

Mr. Williams: [unintelligible].

Mr. Mayor: Mr. Cheek?

Mr. Cheek: Thank you, Mr. Mayor. We still are observing the two times per discussion rule, aren't we?

Mr. Mayor: We are.

Mr. Cheek: I'm in favor of taking some of these properties and turning them over and getting them back on the tax maps. I'm going to use this as an opportunity to say to everyone here that if you come on the tour Friday you're going to see hundreds of acres along the river that we own south of the city that could be sold. And anybody who says you can't build on it, you go across the river across to Beech Island and there are many, many half million dollar homes built on the river in the same elevation. We own property over here between 5th Street and the Gordon Highway and the old Augusta Tomorrow building. We currently lease it. Property of an equivalent lot size across the river is currently going for about a half million dollars. We could sell that instead of getting 800 bucks a month for the property. There's the property that we own in Columbia County, the 22 acres. We could probably sell that for two or three million dollars and I agree with Commissioner Williams, I don't see why we can't list this stuff in a real estate book and sell it to the highest bidder on a given day and make maximum money. But again, if the money has to go back into utilities for that piece of property you're going to see about \$4 million worth of immediate needs on the canal that need to be repaired, or we could put the money back in utilities and not buy as many bonds and then therefore not have to raise rates quite as high. We're piddling around with these things. This is good. I'm pleased to see we're moving forward. I'm sad that I didn't get the full update on the land bank thing and it was received as information cause I really wanted to talk about that. But we need to be moving these properties through and I don't see why in the world we can't contract with an agent and then have an auction for these properties and advertise them in a book somewhere and make

the maximum dollar and give everybody a chance to bid on them. I mean these are some of the things we need to do. But we've got property in the shadows here. If y'all get a change, go look at it. We get 850 bucks a month. We kind of had a contract. We did or we didn't, we may have now, but [unintelligible]. We've got [unintelligible] of prime real estate that we could use to help this city if we just get the process of selling it moving.

Mr. Mayor: Would it give the body a greater comfort level if—if anybody would like to make a motion to proceed on this, that we proceed through the bid process?

Mr. Hatney: Not these two pieces. [unintelligible]

Mr. Mayor: They're not sold.

Mr. Hatney: Y'all just talked to somebody who say they [unintelligible] for them.

Mr. Mayor: Commissioner Bowles?

Mr. Bowles: Mr. Mayor, I'm concerned on the Damascus Road property at 6900 an acres. I can guarantee my cousins didn't sell their property to Augusta State at 28,000 an acre. We own the property just north of this, of Tract A, and there have been proposals to relocate the Newman Tennis Center to this location. I think you've seen some copies of that. We've got somebody interested in buying the Newman Tennis Center property. I think we would be quick to jump the gun on the Augusta State property. I think we need to slow down on that way. For Camellia Road I'm all for that one because that's in the district and I know exactly where it is and you [unintelligible] but Damascus Road I think we need to slow down and take a serious, hard look at that property.

Mr. Mayor: Commissioner Holland?

Mr. Holland: Thank you, Mr. Mayor. What Commissioner Cheek said was exactly what I was thinking about saying in reference to the different properties here. I just wanted to know had anybody else other than these persons who supposed to be buying this property had an opportunity to offer a bid? Too many times we come into the meetings and when we sit down the first thing we get is the paper and the only thing we have is just the individual [unintelligible] we don't have anybody else that has offered a bid for the property. So my concern is has anybody else offered you a bid for these properties that we're supposed to be selling on Damascus Road and Camellia?

Mr. Mayor: Mr. Shepard?

Mr. Shepard: Due to the nature of the tracts, the answer is no. The Damascus property was contiguous to the property of the university and this other piece of property was trapped between two larger pieces of property on Camellia Road. So they were I thought, and recommend to you, that they're candidates for disposal through the negotiation exceptions to the bid rules.

Mr. Williams: Mr. Mayor, I'm going to make a motion that we defer this to Finance. I got some property on Chestnut Street that y'all can get and y'all ain't got to worry about it. But y'all don't want to go out there. But y'all need some property to sell, I got some on Chestnut Street. My motion is to refer this back to Finance and then we talk about it in Finance, get it on track where we need to be.

Mr. Mayor: We have a motion. Is there a second?

Mr. Brown: Second.

Mr. Mayor: We have a motion and second.

Mr. Cheek: Substitute motion, Mr. Mayor, to proceed with the Camellia Drive property and hold off on the Damascus Road property.

Mr. Brigham: Second.

Mr. Mayor: We have a substitute motion and second. Is there any further discussion? Commissioners will now vote by the substitute sign.

Mr. Holland: Read it again, please.

The Clerk: The substitute motion is to approve the Camellia Road property and delay the Damascus Road property.

Mr. Mayor: Delay the Damascus Road property to Finance.

The Clerk: Did you say send the Damascus Road property back to Finance?

Mr. Cheek: [unintelligible] intent of the motion.

The Clerk: Was that sufficient, Mr. Holland?

Mr. Holland: Yes, ma'am.

Mr. Brown, Mr. Williams and Mr. Holland vote No.

Mr. Hatney not voting.

Motion fails 5-3.

Mr. Mayor: We have a primary motion on the floor to refer it back to Finance. If there is no further discussion, Commissioners will now vote by the usual sign.

**Mr. Smith and Mr. Grantham vote No.
Motion carries 7-2.**

Mr. Mayor: Rev. Hatney?



Finance Committee Meeting

Committee Room- 8/28/2006- 2:30 PM

FINANCE

1. Approve funding for the August 8, 2006 General Primary Runoff.  [Attachments](#)
2. Authorize Sutherland, Asbill to Act as Bond Counsel for and Merrill Lynch to Underwrite and prepare a Bond Purchase Agreement for the Refunding Bonds from the Swaption Agreement Entered into on June 2, 2004.  [Attachments](#)
3. Motion to approve the transfer of existing funds within the Augusta Municipal Golf Course budget.  [Attachments](#)
4. Motion to approve the purchase of an ad in the October '06 issue of the Georgia County Government Magazine "Family Album". Full page \$600 2/3 page \$450 1/2 page \$400  [Attachments](#)
5. Discuss process for homestead exemptions. (Requested by Commissioner Bowles)  [Attachments](#)
6. Presentation by Lorna Barrett regarding a public statement on behalf of restaurants in Augusta concerning Board of Health fees. (Requested by Commissioner Bowles)  [Attachments](#)
7. Discuss the membership and cost of various organizations and associations for each commissioner. (membership dues, fees, etc.) (Requested by Commissioner Grantham)  [Attachments](#)
8. Consider the sale of property at 819 Camellia Road. (Referred from August 15 Commission meeting)  [Attachments](#)
9. Consider the sale of property on Damascus Road to Augusta State University. (Referred from August 15 Commission meeting)  [Attachments](#)

#1 1/3

10. Report from the Administrator/staff regarding State-paid, County-reimbursement for employees in the District Attorney's Office.
(Referred from August 7 Finance Committee)

 Attachments

11. Motion to authorize the Mayor to execute an amendment to the loan agreement between the U. S. Housing and Urban Development and Augusta, Ga. on behalf of the Partridge Inn Project.

 Attachments



Finance Committee Meeting Committee Room - 8/28/2006

ATTENDANCE:

Present: Hons. Deke Copenhaver, Mayor; Beard, Chairman; Bowles, Vice Chairman; Brigham and Grantham, members.

FINANCE

Item
Action:
Approved

2. Motion to approve the transfer of existing funds within the Augusta Municipal Golf Course budget.

Item
Action:
Approved

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
Approve	Motion to approve. Motion Passes 4	Commissioner Jerry Brigham	Commissioner Joe Bowles	Passes

#7 2/3

Item # 5

FINANCE

3. Consider the sale of property at 819 Camellia Road. (Referred from August 15 Commission meeting)

**Item
Action:**
Approved

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
Approve	Motion to approve the sale of the property. Motion Passes 4-0.	Commissioner Jerry Brigham	Don Grantham	Passes

Motion carries 4-0.

4. Consider the sale of property on Damascus Road to **Augusta State University**. (Referred from August 15 Commission meeting)

**Item
Action:**
Approved

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
Approve	Motion to approve. Motion Passes 4-0.	Commissioner Jerry Brigham	Don Grantham	Passes

Mr. Bowles votes No. Motion carries 3-1.

5. Authorize Sutherland, Asbill to Act as Bond Counsel for and Merrill Lynch to Underwrite and prepare a Bond Purchase Agreement for the Refunding Bonds from the Swaption Agreement Entered into on June 2, 2004.

**Item
Action:**
Approved

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
Approve	Motion to receive this item as information and allow Ms. McNabb to look at the numbers and to bring us back a recommendation on September 5 and have until October 2 to	Don Grantham	Commissioner Joe Bowles	Passes

#7 3/3

Item # 5

9/5/2006

CC
MEETING

Mr. Brigham, Mr. Bowles, Mr. Cheek, Mr. Smith and Mr. Grantham vote No.
Motion fails 2-5.

Mr. Mayor: No action taken.

The Clerk:

FINANCE

30. Motion to approve the sale of property of 819 Camellia Clerk: Road. (Approved by Finance Committee August 28, 2006)

Mr. Mayor: Commissioner Williams.

Mr. Williams. Thank you Mr. Mayor. We approved one piece of property that uh, ASU has been acquiring to buy. I went buy and saw it myself, talked with a couple of commissioners. **My problem** with this piece of property, Mr. Mayor, and all the pieces of properties in this city are supposed to go through a bid process where they are bidded out, not just designate a single source sale. We're all set on that. And if we're going to change that process I think somebody should put in place that we change it versus just deciding to change it. Where this may be small, where if we can do it for a small piece we can do it for a large piece. I think that this is a process that the city government put in place. We just did a piece of property here that we designated a group to sell it for us which circumvent the way the law is set up for us to do biddings in Augusta, and I just think it ought to be a process, Mr. Mayor, versus just doing it when and where we think and with who we think is the proper person to do business with.

Mr. Mayor: Commissioner Grantham.

Mr. Grantham: Thank you, Mr. Mayor. This particular piece of property which came before the finance committee has been discussed now for over two years and it's a piece of property that is somewhat landlocked by the lake up there on Camellia road and two residences to each side. It's determined that this property is certainly not wide enough and would it have the availability of any constructions on the property. Because an easement has to be, a permanent easement needed to be granted for that piece of property to have accessibility to the water as well as to the road based on the width of that property. The property has been in the land bank for some period of time and as I've said, been discussed quite a few times. What this would do is allow the owner next door to purchase the property to maintain the property in a very appealing way and to make sure that the accessibility is granted to the government if it needed to get in and out of that property. Not only that, it would also put the property back on the tax digest in order to generate funds from the tax digest in the appraisal of that property. So I'm going to ask, and we took our bus tour and we went buy that area and we looked at, and not only was that piece of property shown but the one on Damascus Road. We had other pieces of property that were landlocked that were sold based on that same purpose here about two three weeks ago. I'm going to ask the commissioners to please reconsider the condition in which they are looking at this piece

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Item # 5

of property and ask for approval. **So therefore I'm going to make a motion on those conditions that we approve the sale of the property on Camellia Road.**

Mr. Cheek: Second

Mr. Mayor: We have a motion and a second. Is there any further discussion?

Commissioner Holland: I'd like to--

Mr. Mayor: Commissioner Holland.

Mr. Holland: Yes, sir. You said this property we sold is sale property adjacent to the landowners based on corrected survey and the property owner had it appraised twice at \$12,000.

Mr. Grantham: That's right

Mr. Holland: Who's the landlord, who's the landowner?

Mr. Grantham: Is a Dr. Bass--

Mr. Mayor: Mr. Grantham:

Mr. Grantham: Excuse me, thank you Mr. Mayor. It's a Dr. Bass that's one of the land owners and Dr. Randy, oh I can't think of his last name right now, but he's also the other land owner. And they made an agreement to purchase this property and to maintain it in the conditions that we had referred to earlier.

Mr. Holland: Thank you.

Mr. Grantham: Thank you sir.

Mr. Mayor: Any further --- Commissioner Williams.

Mr. Williams: Mr. Mayor, I'm not opposed to the sale of the property. And I think my question and **my issue was that the process** and I don't think anybody else would want coming in because Mr. Grantham's right, we did look at it and I agree with him. But **it's not the sale** of the property **it's the procedure** for the sale of the property. We can do that through a **bid process**. I mean I've got no problem with going on through with it, **but if we going start to select who and where we're going to sell property to, it's going to create a Pandora's box** for us later on. So I'm going make a substitute motion that we do this through the bid process and I think that we come up with the same thing, except just designating and saying so.

Mr. Mayor: Commissioner Grantham.

Mr. Grantham: Thank you again. Mr. Williams, I understand where you're coming from, we just approved one on Item #31 that we've done the same thing with, and that's on Damascus Road based on the approval of evidence presented under the conditions that it was not large enough to be of any benefit to anything else and that's why we approved it and we approved that for Augusta State University. So, I just feel, we've been dealing with this piece quite a few years. I understand the process in which you're speaking of. I think we have worked this particular piece of property for so long that now I think that we ought to go ahead and move on with it based on that process of what we have previously done. So that's my only reason and I don't mind going through bid processes with it. I think that may be the order which we should come to. But we have set a precedent here today as well as in the last two weeks on doing something with other pieces of property.

Mr. Mayor: Commissioner Williams:

Mr. Williams: Mr. Grantham I agree with you about the precedence being set here today but only today but even before today, and I'm not against the sale, I don't think there's anything we can do with that. But I just think that if we're gonna do stuff in this city, we've got to do it the same way every time. We can't just change back and forth when we feel like it. Now, I addressed the ASU property when I began. I understand that's a piece of property I went by, I saw it myself, talked to some of the other commissioners. It's something that we won't be able to use, something that will be beneficial to them. But if we start, and we continue rather, cause we already done started, if we continue to do business like that than we gonna have where we're picking and choosing who's gonna buy where and when and I think the process is already in place we just need to implement it and use that so it will benefit this government and be fair to all of the citizens and tax payers of Augusta Richmond County.

Mr. Mayor: Commissioner Smith:

Mr. Smith: Thank you Mr. Mayor. This property is a place where there's a lot of litter being dumped and so forth and that and it really needs to be cleaned up what would enhance the community and whatever route we take, something needs to be done.

Mr. Mayor: Okay. We have a substitute motion. Back to Mr. Williams. Is there a no second on the substitute? Okay. Is there any further---

Clerk: I didn't hear it.

Mr. Mayor: Did any body---

Mr. Grantham: My motion was to approve the sale.

Clerk: I know, I didn't hear a substitute.

Mr. Holland: The substitute was for the bid right.

Clerk: Bid process.

Mr. Holland: Okay. I second that.

Clerk: All right

Mr. Mayor: Okay. Dr. Bass, please state your name and address for the record.

Dr. Bass: Dr. William T. Bass, I live at 821 Camellia Road adjacent to this property. I've been maintaining this property for the last ten years. There's a fence that I was allowed to put up at my expense by the city. I have a letter, not with me but I have a letter that allowed me to put the fence up. It keeps people from going in and out, particularly teenagers who go onto that property drinking beer, playing the radio late at night and just, you know basically tearing up. There's beer cans out there, and other things. The fact of the matter is, I offered more than a fair price. Half of this property is livable. Quite frankly, I would relish a bid, because I'll be the only bidder, and guess what, you'll get about \$500 instead of \$12,000.00. So, you know, suit yourself how you want to handle this.

Mr. Mayor: Mr. Cheek.

Mr. Cheek: Mr. Mayor, I want to say one thing, well, I'll say two things. One, while I'll agree in concept that we need to have an open marketing of these, of all of our properties, for everyone, on the steps auction or bid process that we go through often attracts people who buy properties for little or nothing and they turn around and make worse properties out of them than they did before. And so while we may have a process, that you generally net very little in the way of return to the tax payers, one and two doesn't give the city the potential it could achieve from the sale of these properties if properly market them, and it's gonna take some time, I think, certainly more than a couple of weeks to develop a process that helps us get the best return and best use for the land that we want to market and sell. Today we're in a situation where we have shotgun houses and other properties across this city that we're talking about combining and everything else. So what if somebody owns the property next to it. Do we want to auction it off for somebody to buy it and throw another shotgun house in there or do we wanna give somebody that has a development plan first option if it's gonna be in the best interest of the city. These are some things we do need to iron out, but today I don't think is the day. I've seen these properties. If there's no other use I think what was said by the gentleman is quite correct. We can get a lot less return on our dollar when we could settle this today and move on towards developing a process, but the process we have today is far from perfect and I don't want to see us get into mixed types of approaches to this in favoritism. I'm strictly against that. But today, these two properties have specific uses for the people who live adjacent to them or have a need for them. One is our University and one's a property owner that's maintained the property at no expense to the city. We should consider these things. I urge the passage of these sales so we can move on to developing a true property sales policy for this city.

Mr. Mayor: Okay. We have a substitute motion a second. Madame Clerk, could you read back that substitute?

Clerk: Substitute motion was to allow this property to be sold through the bid process.

Mr. Mayor: If there is no further discussion, commissioners will now vote by the substitute sign.

Clerk: Mr. Williams, are you voting?

Mr. Williams: Yes, and we're voting on---

Clerk: Substitute motion and bid process.

Mr. Mayor: The bid process.

**Mr. Brigham, Mr. Smith, Mr. Bowles, Mr. Grantham and Mr. Cheek vote No.
Motion fails 2-5.**

The Clerk: Original motion is to approve the sale of the property at 819 Camellia Road.

Mr. Mayor: If there's no further discussion, commissioners will now vote by the usual sign.

Mr. Williams: Mr. Mayor, I want to directly reflect that I'm voting for this issue. How can we set up a process though where we'll use it and use it every time versus change it. I'm not trying to stop the sale of the property, but I think if we got ordinances, rules and regulations, that we need to follow those and we have not been doing that.

Mr. Mayor: Thank you for your statement.

**Mr. Holland votes No.
Motion carries 6-1.**

The Clerk:

FINANCE

32. Motion to approve the Administrative/staff recommendation (all or none) regarding State-paid County-reimbursement for employees in the District Attorney's Office. (Approved by Finance Committee August 28, 2006)

Mr. Mayor: Commissioner Williams.

Mr. Williams: Mr. Mayor, I had this item pulled, I had this item pulled, Mr. Mayor, because there had been some great concerns about levels of staffing and monies that's produced not just by the District Attorney's office but by the Courts themselves and I'm in favor of this item but I would like to get a report from the Administrator or from the Clerk showing us what the

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Exhibit B

**RESOLUTION TO AUTHORIZE SALE OF 819 CAMELIA ROAD
TO WILLIAM T. BASS, LANE P. GARRETT and SAMUEL R. PENN.**

WHEREAS, the Augusta Commission (hereinafter "City" or "Augusta") has approved the sale of 819 Camelia Road, Map and Parcel No. 032-1-085-00-0, to adjacent landowners William T. Bass, owner of 821 Camelia Road and Lane P. Garrett and Samuel R. Penn, owners of 817 Camelia Road (collectively hereinafter "adjacent landowners"); and

WHEREAS, said property is more particularly described on a plat and a true and correct copy of which is attached hereto and incorporated herein by reference.

WHEREAS, such property is unique as it is only seventy (70) feet wide on Camelia Road and that is the widest point, as such, said property does not meet Augusta's requirements for a buildable lot; and

WHEREAS, the Augusta Commission is authorized to sell or convey parcels of small or narrow strips of land incapable of being used independently to adjoining landowners without the use of the bid process as stated in O.C.G.A. § 36-9-3(h); and

NOW THEREFORE, in consideration of the above recitals, Augusta and adjacent landowners will enter an agreement, the material terms of which are as follows:

1. Said property shall be sold in accordance with the Official Code of Georgia to the owners of the adjacent property.
2. The fair market value of said property is \$12,500.00, having been determined by a licensed property appraiser. ~~3~~
3. Augusta will retain an easement across and through said property for ingress and egress to other property of Augusta, including but not limited to Lake Aumond.
4. Augusta will sell and adjacent landowners will purchase from Augusta said property for the sum of \$12,500.00 cash and each party is to pay its own attorneys fees and expenses of said sale. The Mayor of Augusta is authorized to sign all documents necessary to close the sale of said property.

Adopted this 5th day of September, 2006 and binding upon the City, its commissions, departments, agencies and delegates.

Augusta, Georgia

By [Signature]
As its Mayor

Attest:

[Signature]
Clerk

Filed in this office:
Augusta - Richmond County
11/15/2006 15:17:11.00
Elaine C. Johnson
Clerk of Superior Court

#9

ADMINISTRATION**ARTICLE 1 COMMISSION****Sec. 1-1-8. General penalty; continuing violations; enforcement.**

(a) Whenever in this Code or in any ordinance or resolution of the Augusta-Richmond County Commission any act is prohibited or is made or declared to be unlawful or an offense of a misdemeanor, or whenever in such Code, ordinance or resolution the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance or resolution shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in jail or any public works camp which may be established not exceeding sixty (60) days or by both such fine and imprisonment. Each day any violation of any provision of this Code or of any ordinance or resolution shall continue a separate offense.

Sec. 1-2-5. Ordinances—Required readings

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(c) A resolution may be adopted at the same meeting at which it is introduced.

(d) The affirmative vote of at least six (6) members of the Commission shall be required for the adoption of any ordinance or resolution. **The passage of all ordinances or resolutions shall require the recording of "ayes" and "nays" and the names of the members of the Commission voting for and against each proposed ordinance or resolution or amendment thereto shall be entered in the minutes of the proceedings of the Commission.**

Sec. 1-2-6. Announcement of commission action.

All communications to persons, firms or corporations affected by actions taken at a called or regular meeting of the Commission shall be made by the Administrator for Augusta-Richmond County, informing them of the action taken.

Sec. 1-2-13. Rules of Procedure—Appendix A*Operational Procedure.*

1.01. Meetings.

1.06 Minutes.

shall be accurately recorded by the Clerk (or his/her designee) in the minutes which minutes shall include:

1.06.01(a) all main motions, exactly as worded when adopted **(including amendments or stipulations)**;

1.06.01(b) the name of the maker of all important motions;

1.06.01(c) disposition of all main motions, whether 1.06.01(c)(1) adopted; 1.06.01(c)(2) defeated;

1.06.01(c)(3) referred to committee or to staff for further information or recommendations;

1.06.01(c)(4) held until a definite time;

1.06.01(c)(5) the vote of each Commissioner; an 1.06.01(c)(6) **comments of Commissioners verbatim.**

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Sec. 1-2-61. Duties Generally

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The duties of the Clerk of Commission shall be as follows:

- (a) To attend every meeting of the Commission, regular or special, and all committee meetings;
- (b) To record regularly and fairly all the proceedings of the Commission, in a book to be kept by him for that purpose;
- (c) To have the custody and charge of all records, books and papers belonging to the Commission;
- (d) To carefully record in a book to be kept by him for that purpose all ordinances of the Commission, **within ten days after the adoption** thereof;

1.07 Agenda.

No item may be added to an agenda without the consent of the Chairman-Mayor or the chairman of the committee responsible for such department; provided, however, any member of the Commission-Council shall have the right to have an item placed on the agenda for discussion or action if timely submitted as herein provided.

1.07.03 The Clerk shall be responsible for assembling the agenda and distributing it to all Commissioners no later than Friday in advance of the scheduled meeting.

1.08 Consent Agenda.

1.08.01 All items contained in the consent agenda may be voted on en-gross. Prior to the vote on the consent agenda, any Commissioner may withdraw an item from the consent agenda so that it shall be voted on individually.

3.00 Procedure In Meetings.

Note—The Rules of Procedure for the conduct of parliamentary business coming before the Augusta-Richmond Commission were adopted by the Commission in 1996 and re-adopted Nov. 18, 2003.

3.01 Motions.

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3.01.01 In order for the Commission Council to take any official action on any subject, a Commissioner must propose a Main Motion or there must be an Recommended Main Motion, as provided in Section 3.01.02(a). A proposed Main Motion must be seconded before there will be discussion on the motion. A second does not require the Commissioner seconding the motion to support the motion. A Commissioner may withdraw a Main Motion hat he has made as provided in Section 3.01.04 hereof, at any time before the Commission-Council has voted on that motion. **Prior to taking a vote, the chair shall state the motion (or resolution)** or its substance, or he/she may call upon the Clerk or secretary to do so.

4.00 Actions Of The Commission-Council.**4.01 Ordinances And Resolutions**

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4.01.01 **Every ordinance or resolution** proposed for adoption by the Commission-Council **shall be introduced in writing.** No ordinance or resolution shall pass which refers to more than one subject matter or contains matter different from that expressed in the title thereof, except ordinances or resolutions adopting the annual operating and capital budgets and general codification and revisions of ordinances and resolutions of the Commission-Council.

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4.02 Signing, Authentication, And Recording**page 40**

4.02.01 Every ordinance or resolution adopted by the Commission-Council shall be submitted to the Chairman-Mayor for his/her signature as promptly as practicable following its adoption. The Clerk of the Commission-Council shall authenticate by the Clerk's signature and cause to be recorded in full all ordinances and resolutions adopted by the Commission-Council and signed by the Chairman-Mayor or **otherwise becoming law** in a properly indexed book kept for such purpose which shall be a public record and open to public inspection. The Commission-Council shall further provide for the periodic updating, revision, codification, and printing of all ordinances or resolutions of a general and permanent nature, together with such codes of technical regulations and other rules and regulations as the Commission-Council may require.

5.00 Parliamentary**page 40**

5.01 The Augusta-Richmond County Attorney or his/her designee **shall serve as parliamentarian** and **shall advise and assist the chair and the Commission-Council in matters of parliamentary law**. A professional parliamentarian may be consulted as deemed necessary.

6.00 Parliamentary Authority.

6.01 The latest edition of **ROBERT'S RULES OF ORDER NEWLY REVISED** shall govern meetings of the Augusta-Richmond County Commission-Council in all areas in which it is applicable and in which it is not inconsistent with these rules adopted by the Commissioners, or with higher law.

Parliamentary Definitions**APPENDIX****page 41**

The following parliamentary definitions apply to the RULES OF PROCEDURE FOR THE Augusta Richmond County Commission-Council

agenda - the official list of items of business planned for consideration during the meeting

approval of minutes - formal acceptance of the record at a meeting, thus making this record the official minutes of the Commission-Council

Commission-Council parliamentary rules - the body of rules and principles that is applied by the courts in deciding litigation involving the procedure of any organization does not include statutory law or particular rules adopted by any organization or Commission-Council

minutes - the legal record of the action of the Commission-Council after the record has been approved by vote of the body

precedent - a course of action that may serve as a guide or rule for future similar situation

Resolution - a formal motion, usually in writing, and introduced by the word "resolved" that is presented to the Commission-Council for a decision

Sec. 1-2-61. Duties Generally**Page 48**

The duties of the Clerk of Commission shall be as follows:

- (e) To attend every meeting of the Commission, regular or special, and all committee meetings;
- (f) To record regularly and fairly all the proceedings of the Commission, in a book to be kept by him for that purpose;

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- (g) To have the custody and charge of all records, books and papers belonging to the Commission;
- (h) To carefully record in a book to be kept by him for that purpose all ordinances of the Commission, **within ten days after the adoption** thereof;
- (i) To carefully preserve the original ordinances of the Commission, and not allow them to leave his custody unless so directed by the Commission or the Mayor;

Sec. 1-2-64. Records, files, etc., in office or custody of clerk

- (a) It shall be unlawful for any person to remove from the office or custody of the Clerk of Commission any record or document of any nature that the Commission has made it the duty of the Clerk of Commission to preserve or that by its nature requires preservation, without the consent of the Mayor and Commission.
- (b) It shall be unlawful for any person to change or mutilate in any way any record or document of any nature that the Commission has made it the duty of the Clerk of Commission to preserve or that by its nature requires preservation, without the consent of the Mayor and Commission.

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