



**SAVANNAH CITY COUNCIL
SPECIAL MEETING MINUTES
July 19, 2018**

Pursuant to a Call by the Mayor, a special meeting of Savannah City Council was held on July 19, 2018 at 6:00 p.m. in the Council Chamber of City Hall to consider the adoption of Resolutions to proceed with eminent domain pursuant to O.C.G.A. § 22-1-1 et seq. to condemn the following properties:

- East 58th Street, Savannah, Georgia 31404 (PIN: 2-0097-38-001), for the purpose of acquisition for park development; and
- 226 Cumming Street, Savannah, Georgia 31415 (PIN: 2-0019-17-032), resulting from blight & property maintenance code violations.

PRESENT: Mayor Pro-Tem Carolyn H. Bell (presiding)
Alderman Julian Miller, Chairman of Council
Alderman Brian Foster, Vice-Chairman of Council
Van R. Johnson, II, Estella E. Shabazz, Bill Durrence, John Hall
City Manager Rob Hernandez
Deputy City Attorney Jen Herman
Attorney Stuart Halpern

ABSENT: Mayor Eddie W. DeLoach
Alderman Tony Thomas
City Attorney W. Brooks Stillwell
Assistant City Attorney William Shearouse

Item 1: MOTION TO APPROVE A RESOLUTION BY THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH, GEORGIA, AUTHORIZING THE ACQUISITION OF A CERTAIN PARCEL OF LAND LOCATED IN LAND LOT 1, BLOCK "K", MIDDLE WARD, "SACKVILLE SUBDIVISION", CITY OF SAVANNAH, CHATHAM COUNTY, GEORGIA, FOR THE CONSTRUCTION OF A PUBLIC PARK WITHIN THE CITY LIMITS OF SAVANNAH, GEORGIA.

City Manager Hernandez opened the discussion by explaining the two items on the agenda for the special meeting. He then asked Martin Fretty, Director of Housing and Neighborhood Services, to explain the property under consideration for Item 1. Mr. Fretty discussed the vacant lot on the corner of Cedar and 58th streets, which is needed to develop a City park within the Edgemere/Sackville neighborhood. This lot is key from a public safety point of view and is needed to facilitate a walking trail that is planned as part of the project. The City does not want to put the playground on the lot right next to Delesseps Street due to safety concerns. Deputy City Attorney Jen Herman asked Mr. Fretty if there was no way to do the project without this parcel. Mr. Fretty said in his opinion this property was necessary.



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Mayor Pro-Tem Bell then called for public comment. Mr. Louis Mitchell, the property's owner, came forward and spoke about the property and his investment in it. Together with his wife, he intended to build a house on the property which would improve the neighborhood. The lot had always been kept pristine and they planned for this to be an investment property for their retirement. He asked why would the City take his livelihood. He described how his property was unique due to its location. He expressed that the City has not cared about him and his wife throughout this whole process and they were threatened with the City just taking the property. Alderman Johnson asked who told them that. Mr. Mitchell referred to Mr. Chin and the forms of communication used by the City. Alderman Johnson asked Mr. Mitchell how long they have owned the property. Mr. Mitchell said since 1986. Alderman Johnson asked if there had been any issues with property maintenance. Mr. Mitchell said no. Alderman Johnson asked what was the timeframe for building the house. Mr. Mitchell said they are in the process and as soon as the City lets him know they are not going to move forward with this.

Mayor Pro-Tem Bell asked about attempts to reach Mr. Mitchell. David Keating, Director of Real Estate Services, accompanied by Eric Chin, Real Estate Officer, discussed the City's attempts to make contact with the Mitchells via letter and telephone. The City conducted an appraisal by a qualified appraiser and invited the Mitchells to attend. There is a gap between the assessed value and their expectations. City Manager Hernandez stated the City is obligated to follow State statutes in how we attempt to purchase property. Attorney Herman confirmed that all of those steps have occurred. Mr. Chin explained that contact started with Lynette Allen, of the Real Estate Services Office, last year verbally and in 2018 the City made a written offer. Alderman Miller asked if there was any correspondence back from the owners. Mr. Chin said that all of the responses from the owners have been verbal. Mr. Mitchell said they spoke with his wife mainly and it was all that the City would just take the property. He said that he did not feel that he needed to come to them. Alderman Miller asked why the City did not get a response.

Vicky Mitchell, Mr. Mitchell's wife, came forward to describe her interactions with City staff. She stated that Lynette Allen called and briefly said they were interested in the property and the Mitchells said they were not interested in selling. Lynette Allen then said the appraisal came in at \$9,500 and the Mitchells said they were still not interested. Lynette Allen called again, and Mrs. Mitchell told her that she hadn't even seen the appraisal so Ms. Allen emailed the Mitchells the appraisal. Ms. Allen then contacted her again about a letter of intent. Mrs. Mitchell then provided another verbal response that they were not interested. She stated that the City has 59 parks and it baffles them that the City wants to take what they have worked so hard for. Alderman Hall asked when are they going to start building their house. Mrs. Mitchell asked him what does it matter, she's not here to discuss her personal business.



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Alderman Miller asked why the City thinks the property has clouded title. Attorney Stuart Halpern stated the property was bought at a tax sale and in those circumstances there is no guarantee the title is clear. Mrs. Mitchell stated she has insurance. Mr. Mitchell stated this was not a tax sale; this was excess County property. He has a Quit Claim deed and title insurance. Attorney Halpern said the City offered more than the appraised value, \$11,000, an offer based on clear, marketable title. Mr. Mitchell said they have not told us anything, they have not been up front with us. We want the lot to build on it. You cannot get a lot like this. You don't buy lots by the square foot, but buy it by a building lot. Alderman Miller asked Mr. Mitchell if he thought the replacement value is \$26,000. Mr. Mitchell said yes. Mayor Pro-Tem Bell asked if he was factoring in the costs to build the property. Mr. Mitchell said yes, the lot's value is based on location and condition. Alderwoman Shabazz clarified that they would sell at \$26,000. Mr. Mitchell said that if the City would find an equal lot he would trade for it.

Alderman Hall asked what the next step is. Attorney Herman said there are two questions to consider: one, is this lot necessary; and two, if you move forward, compensation would be determined by a judge.

Mr. Mitchell said they have stated they want to try out the new law.

City Manager Hernandez stated we will withdraw this item and proceed with building the park without this parcel.

Item 2: MOTION TO APPROVE A RESOLUTION BY THE MAYOR AND ALDERMAN OF THE CITY OF SAVANNAH, GEORGIA, AUTHORIZING THE ACQUISITION OF A CERTAIN PARCEL OF LAND LOCATED IN LAND LOT 54, MITCHELL WARD, CITY OF SAVANNAH, CHATHAM COUNTY, GEORGIA, TO REMEDY BLIGHT WITHIN THE CITY LIMITS OF SAVANNAH, GEORGIA.

City Manager Hernandez explained this item concerns eminent domain as it related to blight at Lot 54, Mitchell Ward, and the intent of the City is to develop new residential housing.

Mr. Fretty described changes to the law last year related to blight addressed uninhabitable, unsafe, or abandoned houses, and those conducive to crime. The City has identified Cumming Street in West Savannah that has 37 properties in a single block, 27 of which are abandoned or vacant. The crime statistics show 112 total crimes in a 10 year period in that one block. 226 Cumming Street has been abandoned since 2004, there is no record of legal water service, and it meets the law's definition of blight. There are 8 years of property maintenance violations. The City is testing the waters of the new state law, but we hope to acquire additional properties on this street.



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Alderman Johnson said this is exactly why we lobbied so hard for this law. Cumming Street is a unique street, it allows criminal activity. This is a wonderful example of trying to contact folks and not being able to. We can't continue to allow properties to continue like this.

Alderman Miller states this is what we've been working for, but we need to ask questions before we take someone's property. I've got questions about all the names on this. Attorney Halpern stated they did extensive work to look for owners and heirs. The City did not receive any responses back. Throughout the hearing there will be a guardian to represent their interests and the money will be held in trust for them. Alderman Miller asked if anyone had been paying taxes. Attorney Halpern said not in the last few years. Alderman Miller asked if anyone had been doing any maintenance. Attorney Halpern said no.

Alderwoman Shabazz said she was an opponent of eminent domain and disapproved of taking people's property. Hearing some of the serious allegations about the property and its condition, if all of this work and effort has been done by the City, blighted properties are a nuisance. Alderman Hall asked how long this property has been in this condition. Mr. Fretty said going back to 2004. Alderman Hall asked if the Blight Tax was applicable. Mr. Fretty said it was included in the list, but nothing has been done. Alderman Foster asked if the title was cloudy. Attorney Halpern said when people pass away it is very difficult to track everyone down to provide full fee simple title. Alderman Foster asked so it would be difficult for the owners to even accept an offer, it would be better for a judge to set the price. Attorney Halpern confirmed yes, that process creates clear title.

Alderman Johnson stated this is the perennial problem of blight when people pass away with heirs. We have been able to do absolutely nothing. It helps us to let the court deal with it.

Mayor Pro-Tem Bell invited public comment. Jermaine Beasley, the grandson of the property owner, and the youngest of the four children that would be heirs, came forward. Mr. Beasley stated that his mother passed away in 2010 and his grandmother lived in the house another year, but it has been vacant since 2012. There are two houses on the property and that is why there is only one water source.

Mayor Pro-Tem Bell asked if he was local. Mr. Beasley said no. Mayor Pro-Tem Bell asked if anyone was maintaining the property. Mr. Beasley said no. He stated that he could not reach all of his siblings and those that he could are out of town.

Alderman Miller asked what his intention was with the property. Mr. Beasley said he has no intent and is in favor of eminent domain. Alderwoman Shabazz asked if the family members are supportive or can they do something other than eminent domain. Mr. Beasley stated he cannot locate his siblings, demonstrating this difficulty discussed earlier.



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Alderwoman Shabazz asked what the appraisal price was. Attorney Halpern said we offered a good faith estimate. Mayor Pro-Tem Bell asked them to repeat how funds are disposed of. Attorney Herman said this is a court process, the court will consider the value of the property and funds will be paid into a court fund and held until a family member proves ownership. Alderwoman Shabazz asked the value of 226 and 228 Cumming Street. Mr. Fretty said the appraised value was for 226 Cumming Street, \$8,600 assessed value. Alderman Johnson asked for clarification regarding the two houses. City Manager Hernandez said we are only talking about 226 Cumming Street.

Ronald Williams, President of West Savannah Community Organization, said he has met with City staff a number of times. Cumming Street is less than one quarter of a mile long. Mr. Fretty confirmed that the City already owns 228 Cumming Street, as the City loaned Mr. Beasley's grandmother money and foreclosed on that loan previously. Mr. Williams said you can't ride down a street in West Savannah without seeing boarded up houses. They are always showing Cumming Street. He would like to see a Savannah Gardens-like development in West Savannah.

Alderman Miller asked what was the process from here, it goes to a judge and they determine the value, the money goes to a fund, and the family applies for the funds. Alderwoman Shabazz said that due to the willingness of the family member she will vote in favor.

Alderman Johnson said that acquiring these properties doesn't mean anything if we don't do something with them. City Manager Hernandez said the plan is to acquire a sufficient number so we can put the property out for development. The next step would be to go to Superior Court and have them declare that this meets the definition of blight.

Resolution approved and adopted July 19, 2018 upon motion of Alderman Johnson, seconded by Alderman Miller, and unanimously carried.

There being no further business, Mayor Pro-Tem Bell declared this meeting of City Council adjourned.

Luciana M. Spracher
Acting Clerk of Council