

MAYOR AND COUNCIL MEETING DECEMBER 21, 2020 4:00 P.M.

The Mayor and Council met for an emergency called meeting, via Teleconference-Zoom.

Those Present:	John Howard	Mayor
	Larry Bradley	Vice-Mayor
	Lee Malcom	Council Member
	Myoshia Crawford	Council Member
	Ross Bradley	Council Member
	Tyler Gregory	Council Member
	Nathan Little	Council Member
	David Dickinson	Council Member
	Logan Propes	City Administrator
	Debbie Kirk	City Clerk
	Paul Rosenthal	City Attorney

Absent:	Norman Garrett	Council Member
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Staff Present:	Chris Bailey
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Visitors:

I. CALL TO ORDER – JOHN HOWARD

1. Roll Call

Mayor Howard noted that all Council Members were present via Teleconference (Zoom Video / audio conferencing), except Council Member Norman Garrett. There was a quorum.

II. NEW BUSINESS

1. Resolution for Acceptance of Dedication of Real Property – Parcel M0020021 1000 Highway 138

City Administrator Logan Propes stated the City has received a very generous offer from Reliant Homes, specifically MFT Land Investments, LLC. They wish to donate 123 acres, located at 1000 Highway 138, to the City of Monroe. The land has been in the City for about 14 years and is on the riverfront of the Alcovy River. He stated the City has been discussing potential uses and dreaming of having an access point to the Alcovy River for future park activities. There is so much that could be done on this property long term for the City of Monroe. It would take a lot of time and money eventually to build it to full fruition. He stated this is a once in a generation kind of gift. The documents begin with the resolution and end with the land donation agreement, which contains some easements. The culmination is a very large gift to the City of Monroe.

Mayor John Howard presented the resolution regarding the 123.70+/- acres of real property donation located on Highway 138 from MFT Land Investment, LLC.

Council Member David Dickinson made the motion to adopt the resolution and accept the donation. Council Member Lee Malcom seconded the motion.

Vice-Mayor Larry Bradley stated that recently the owner of this property requested a rezone of the property for a proposed development. The City then arranged for two public hearings on the request. It was heard by Planning and Zoning with a recommendation for approval by the staff. Planning & Zoning sent the request to the City Council with a recommendation of approval. City Council heard the request and was given a presentation on the proposed development. Mr. Bradley stated he was really impressed with the proposed development and felt that it would be an asset to Monroe, Walton County, and this region. In answering a question from a Council Member, the representative of the owner said it would probably be a couple of years before starting the development. The Council easily approved the rezone with the development as presented. Within hours following the Council vote, the owner offered the property to the City as a gift with no strings attached. Unfortunately, with this in mind, the actions taken by the City could possibly be viewed as actions taken to artificially increase the property value in exchange for a valuable gift. He explained that when he was elected to this Council, he made a promise to himself that as long as he served on the Council he would not take any actions or vote in such a way that would be illegal, unethical, inappropriate, or give the appearance of such. For the past

9 years, he has striven to uphold that promise. As a result, he will vote no on this motion. He does that without regard to the pros or cons of the City owning this property. He does want to emphasize that his comments and vote are not to be construed as an accusation of wrong doing by anyone associated with this action. He understands that some members of the Council disagree with his thoughts here, and he respects their opinion. He just hopes they will also respect his opinion.

Council Member Tyler Gregory questioned the part of the easement that runs up to the river, and whether it has river access or runs up to another parcel of property.

City Attorney Paul Rosenthal stated the easement issue is that there is an old existing easement on the property from an old road bed. It probably predates the ownership of the property by the current owners. Additionally, it addresses the reality that there is an old historic bridge, the old Selman Bridge located on the property. There is a lot of fine tuning in the details of abandoning the existing easement, addressing the maintenance of the bridge, and addressing some access. He stated the short version is there are still some minutiae details to be worked out, but there is an adjoining parcel owned by a related entity of the donor. The basics of their request is that there be some sort of pedestrian or golf cart access over the bridge in the future, assuming that the soon to be City parcel builds out in a passive park format as envisioned. Basically, it is taking the next 90 days to work with the donor group and staff to nail down the specifics of what those easements would look like. There would have to be an abandonment of the existing easement and a creation of a few more new documents outlining what the easements look like going forward. He stated the answer to the question is those easements would not in any way negatively impact the long-term concept vision of it being used as a passive park, including the idea of being able to have a drop-in or drop-out location for the Alcovy River.

Council Member David Dickinson questioned the status of old Selman Bridge Road. It is a gravel street next to Rowell Drive, and whether it is a City street.

Mr. Rosenthal answered it is not a City street; it is the area that has the existing ingress egress easement across it, that will need to be abandoned. He stated that it appears there is not a governmental ownership to it anymore. It appears that the neighboring parcel, which is owned by a related entity of the donor, has ingress egress rights over that road bed, which will have to be fleshed out and worked through.

Council Member Nathan Little questioned whether the bridge is a part of the property and considered to be on the property. He questioned whether it has joint ownership with the other property owner.

Mr. Rosenthal answered yes; the bridge touches this property and traverses Alcovy River to touch the neighboring property. In the legal description, the property line is the center line of the waterway. He stated the ownership, maintenance, access, use, and rights to the bridge will have to be worked through. As it sits today, accepting the limited warranty deed of the gift, the City would own up to the center line of the river. This would include ownership of half of the bridge.

Council, Mr. Propes, and Mr. Rosenthal discussed the age, shape, and maintenance of the bridge. They also discussed the land on the other side of the bridge.

Mr. Dickinson stated when a government entity or a non-profit accepts a donation like this, the donee of the property makes no certification whatsoever to the Internal Revenue Service about the value of the property. There is not a number on the form which the donee signs. If the City takes the donation, then the City accepts it. It is between the donor and the IRS to come up with the fair market value for the property. The donor does not have to give the IRS an appraisal until the property gets up to a half million dollars, an appraisal would be required at that point. He stated the value is solely between the donor and the IRS.

Mr. Rosenthal answered that to be correct; the form referenced in the resolution is part of the documentation for the IRS. All the City would be signing is a document acknowledging receipt of the real property and certifying that if the City were to sell it within a three-year period, the City would file an additional required form. He stated the only two things the City will be certifying is that the City received ownership of the 123-acre donation, and the City acknowledges that if sold within three-years of the date of the donation, that additional forms must be filed with the IRS.

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Council Member Ross Bradley questioned whether there is a way to put the property in conservation or a similar function to make sure it is preserved as greenspace.

Mr. Rosenthal stated he could look into that option, but Council will be the ones to dictate whether it is greenspace or not. He cannot answer without researching whether or not a governmental entity could put a negative easement or impair the use of dirt through a conservation land trust. He stated that it may be possible, and he would be happy to look in to it.

Mr. Dickinson stated the tracts of land are over four times the size of the City's next largest park, and it borders on a stream that has restrictions on what can be placed there. He believes this is the perfect greenspace park for people who want to use the river for kayaking, canoeing, a running trail with distance, or a mountain biking trail. It is not a park that has the kind of development of a smaller park.

Mr. Rosenthal stated he can look into the greenspace preservation aspect. He knows Council has had discussions about looking at financing for parks through various bond mechanisms and methods. Those sorts of mechanisms would have restrictions, which means that a bond obtained from the City to improve a park would require the park to remain for that purpose. He stated this would be sort of a back-door way to address it. The land does not have any real renovations or development; it is pretty green and would be a good use long term for a passive park.

Mr. Propes discussed the development patterns and the park providing a great greenspace buffer on the western periphery, where the boundary line draws between urban growth and the more rural residential area. He stated it fits nicely with what Council has been trying to sculpt with the City maps.

Mr. Gregory questioned what owning half of the bridge would mean to the City.

Mr. Rosenthal stated that is the purpose of the 90-day window. It will give the City time to work on fleshing out those details with the donor. He stated all of the points that were raised by Council Member Little are very relevant and accurate. The City does not have a lot of reason to connect, but the affiliated entity of the donor will have reason, need, and value to connect with the park. The City will work with the donor's team and get a good mechanism in place that will limit the City's exposure to having to build a bridge to nowhere.

Mr. Ross Bradley questioned whether Council will be made aware of the terms once they are concluded, prior to the execution.

Mr. Rosenthal answered yes.

To adopt the resolution and accept the donation.

*Motion by Dickinson, seconded by Malcom.
Voting yes were Dickinson, Gregory, R. Bradley,
Crawford, Malcom, Little.
Voting no was L. Bradley.
Motion Passed 6-1.*

III. ADJOURN

*Motion by R. Bradley, seconded by Little.
Passed Unanimously.*



MAYOR



CITY CLERK