Tuesday, April 22, 2014
FACILITIES AND ENGINEERING COMMITTEE

Commissioner Al Tillman - Chairman
Commissioner Mallory Jones - Vice Chairman
Commissioner Gary Bechtel
Commissioner Ed DeFore
Commissioner Scotty Shepherd
Steve Layson - Staff Contact

1. Approval Minutes

Subject: A. Approval of Minutes from Meeting on April 8, 2014
Meeting: Apr 22, 2014 - FACILITIES AND ENGINEERING COMMITTEE
Category: 1. Approval Minutes
Access: Public
Type: Minutes

File Attachments
4-8-2014.pdf (11 KB)

2. Policy and Procedures for Citizens To Repair and Register Roads Not Established as Public and Creation of Special Tax District

Subject: A. An Ordinance To Adopt a Policy for Citizens For Repair Of Roadways Not Established as Public Roads and Establish a Procedure For Creation of Special Tax District
Meeting: Apr 22, 2014 - FACILITIES AND ENGINEERING COMMITTEE
Category: 2. Policy and Procedures for Citizens To Repair and Register Roads Not Established as Public and Creation of Special Tax District
Access: Public
Type

File Attachments
4-22-2014 - Special Tax District Road Repair and Dedication.pdf (480 KB)
The Facilities and Engineering Committee was called to order at 12:10 p.m. by Committee Chairman Al Tillman.

**COMMITTEE MEMBERS PRESENT:**
Commissioner Al Tillman - Chairman  
Commissioner Mallory Jones – Vice Chairman  
Commissioner Gary Bechtel  
Commissioner Ed DeFore  
Commissioner Scotty Shepherd

**OTHERS PRESENT:**
Mayor Robert A. B. Reichert  
Mayor Pro Tem Bert Blivins  
Commissioner Virgil Watkins  
Commissioner Elaine Lucas  
Commissioner Larry Schlesinger  
Dale Walker, County Manager  
Charles Coney, Assistant County Manager  
Chris Floore, Assistant to the County Manager  
Julie Moore, Assistant to the County Manager  
Shella Thurmond, Clerk of the Commission  
Jean Howard, Assistant Clerk of the Commission  
Judd Drake, County Attorney  
Crystal Jones, Assistant County Attorney  
Ben Hubbard, Human Resources Director  
Chief Marvin Riggins, Fire Department  
Assistant Chief Sane Edwards, Fire Department  
Lt. Demetrius Ellison, Fire Department

**NEWS MEDIA:**
Jim Gaines, The Telegraph  
Anita Oh, 13WMAZ

**VISITORS/GUESTS:**
Larry Dunning, Asst. Director of Solid Waste  
Theron Ussery, SPLOST Advisory Committee  
Adah Roberts  
Merritt Johnson  
Cathy Nelson

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1. Approval of Minutes from the March 25, 2014 meeting.

**ACTION:**

*On motion of Commissioner Bechtel, seconded by Commissioner Shepherd and carried unanimously with Commissioners DeFore, Jones, and Tillman voting in the affirmative, the minutes of the March 25, 2014 meeting were approved as amended.*

2. **SPLOST Projects Management**

   A. **A Resolution to execute an amendment to the contractor agreement with Rums Creek Enterprises for SPLOST Management Services.**

   Dale Walker, County Manager, stated the contract with Len Hindsman, who managed SPLOST projects for the former Bibb County was terminated on March 31, 2014. The services of Clay Murphey of Rums Creek were recommended as he presently manages the Second Street SPLOST project. Mr.
Walker further stated Mr. Murphey would be assuming management of all SPLOST projects at a lesser fee than the $180,000 paid to Mr. Hindsman. Mr. Murphey is being paid for the Second Street project with a $75,000 two-year grant from the Peyton Anderson Foundation, which ends this year.

The new contract agreement with Mr. Murphey would be for an additional $50,000 for a total of $125,000. Mayor Reichert stated he had not received confirmation that the $75,000 grant from the Peyton Anderson Foundation would be renewed, but was hopeful it would be.

**ACTION:**

*On motion of Commissioner Shepherd, seconded by Commissioner Jones and carried unanimously with Commissioners Bechtel, DeFore, and Tillman voting in the affirmative, the above stated Resolution to amend the contractor agreement with Rums cuckold Enterprises was approved.*

3. **Landfill Update**

Larry Dunning, Assistant Director of Solid Waste, gave a presentation of the operations of the Walker Road Landfill and the steps being taken to comply and prevent the recent findings made by the State Environmental Protection Division which resulted in a $70,000 fine. Mr. Dunning stated many of the problems at the landfill have been corrected. He also stated additional employees from other departments have come in to assist with making needed corrections and improvements to be in compliance with State regulations. He further stated many of the problems encountered are due to recent heavy rains which cause the landfill’s sandy soil to erode, and too frequent equipment breakdowns and downtimes. He stated the next inspection, which will be unannounced, would probably be six months after the January 23rd inspection.

Commissioner Tillman stated the landfill needs a long-term plan to stay in compliance taking into account the rain factor and the approximate timeframe of 11 years in which the landfill is to be closed. County Manager, Dale Walker, stated County staff will meet with the Environmental Protection Division officials on Friday, April 11th, but he did not expect the fine amount to be reduced. In response to Commissioner Lucas’s question of approximately how much it would cost to close the landfill, Mr. Walker stated it would cost between $9 and $30 million.

There being no further business and on motion duly made and seconded, the meeting was adjourned.

Sheila Thurmond, CCC
Clerk of the Commission
AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION, TO ADOPT A POLICY AND PROCEDURE FOR MACON-BIBB COUNTY CITIZENS FOR THE REPAIR AND REGISTRATION OF PAVED ROADWAYS THAT HAVE NOT BEEN ESTABLISHED AS PUBLIC ROADS OF MACON-BIBB COUNTY, AND TO ESTABLISH THE PROCEDURE FOR CREATION OF SPECIAL TAX DISTRICT FOR THE PROVISION OF LOCAL GOVERNMENT SERVICES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, by virtue of Article IX, Section III, Paragraph II of the Constitution of Georgia, Ga. Law 2012, page 5595 and Ga. Laws 2013, pages 3501, 3942, and by virtue of the will of the people in a referendum held on July 31, 2012 there is to be a consolidated local government known as “Macon-Bibb County”; and

WHEREAS, Macon-Bibb County has an interest in encouraging the design and construction of economically sound subdivisions and other related structures; and

WHEREAS, Macon-Bibb County has an interest in encouraging the proper legal description, identification, monumentation and recordation of real estate boundaries; and

WHEREAS, Macon-Bibb County has an interest in the public welfare of citizens residing in subdivisions in which the roads have not been dedicated by the developer where the developer has filed bankruptcy, has absconded or has failed to submit the roads for acceptance upon completion of construction; and

WHEREAS, these citizens are residing in subdivisions and/or neighborhoods in which the roadways are not considered public roadways as they have not been entered upon the Public Road Register and therefore are not eligible for maintenance by the Macon-Bibb County; and

WHEREAS, establishing a procedure by which said property owners may pay the costs incurred in bringing the condition of roads that are currently not entered upon the Public Road Register up to a standard acceptable to Macon-Bibb County upon completing the Road Repair Petition and Road Registration Deed; and

WHEREAS, creation of a special tax district under those circumstances will prevent undue hardship for property owners and will encourage said property owners to voluntarily complete; and

WHEREAS, the ordinance contained herein would benefit and promote the health, safety, morals and welfare of the citizens of Macon-Bibb County.

NOW, THEREFORE, BE IT ORDAINED by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that Chapter 25, Article I of the Code of Ordinances of Macon-Bibb County, Georgia is hereby amended to read as follows:

FAORD MACON-BIBB2014 Special Tax District Road Repair and Dedication.doc
**Section 1.**

Chapter 25, Article I, Section 311 of the Code of Ordinances of Macon-Bibb County is hereby amended to read as follows:

**ARTICLE I. IN GENERAL**

Sec. 26-311. Constitutional Authority.

The Commission is authorized pursuant to Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia to create special districts for the provision of local government services within such districts, and to levy and collect fees, assessments and taxes within such district to pay, wholly or partially, the cost of providing such services therein.

Sec. 26-312. Statement of Policy and Purpose.

The purpose of this ordinance is to provide citizens of Macon-Bibb County with a procedure to petition for the repair and registration of paved roadways that have not been established as public roads of Macon-Bibb County so that they may be added to the Public Road Register and maintained as public road of Macon-Bibb County.

Sec. 26-313. Definitions.

Lot owner. The term "lot owner" as used in this ordinance shall include all persons holding fee simple title according to the real estate records of the County to real property within a proposed road repair district at the time the road repair petition and road registration deed form is submitted for the creation of said district as provided herein. For the purpose of the petitioning of the Macon-Bibb County Commission for the creation of a new road repair and registration tax district, the lot owner/owners shall have one vote per platted lot within a particular proposed road repair and registration district. "Lot owner" shall not include tenants in possession of property within the road repair and registration district.

Road repair and registration district. The term "road repair and registration district" is a specific type of special tax district within Macon-Bibb County. A special tax district is authorized pursuant to Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia. Road repair and registration districts may be created in order for lot owners to amortize the cost of road repairs within the district where they are seeking to have said roads entered upon the Public Road Register.

FAORD2014 Special Tax District Ordinance
Sec. 26-314. Districts; How Created; Responsibility for Costs

(a) Any lot owner in Macon-Bibb County may present a Road Repair Petition and Road Registration Form to the Macon-Bibb County Engineering Department where said roadways are paved.

(b) The Road Repair Petition and Road Registration Deed Form must be completed in its entirety and a plat of the area to be repaired and registered attached to the form.

(c) The petitioner must obtain signatures from 50% + 1 (more than 50%) of the lot owners located in the potential road repair and registration tax district. The signatures must be notarized. Engineering, with assistance from the Macon-Bibb County Tax Assessors Office, will verify that the notarized signatures on the form represent the actual owners of record for each property. In addition, each form must designate a district resident as the “district contact person”, responsible for communication between Macon-Bibb County and the district pertaining to its road repair and registration district.

(d) Unless 100% of the lot owners have signed the petition, the Macon-Bibb County Commission shall conduct at least one public hearing after having advertised the request one time in the official legal organ of Macon-Bibb County, and a sign or signs shall be posted in the proposed road repair and registration district giving notice of the hearing at least 10(ten) days before the public hearing.

(e) By signing the Road Repair Petition and Road Registration Deed Form, all petitioners within the subdivision or neighborhood shall be deemed to have actual or constructive notice of this ordinance and all the provisions contained herein, as well as the road repair and registration district.

(f) The Macon-Bibb County Engineering Department will provide an estimate for the cost of road repairs necessary to bring the roads up to standard. The estimate will be given to the property owners.

(g) The choice as to the type, method and time of the accomplishment of repairs shall be entirely discretionary with the governing authority of Macon-Bibb County.

(h) Special tax districts which shall be known as road repair and registration districts may be created upon the submission of the proper Road Repair Petition and Road Registration Deed Form to the Macon-Bibb County Engineering Department and submission of a resolution to the Macon-Bibb County Commission. Each new road repair and registration district so created shall be assigned a number and be designated by recorded plats showing each lot therein.

(i) A register of road repair and registration districts shall be maintained in the office of the Macon-Bibb Superior Court Clerk or his or her designee and the office of the Macon-Bibb County Tax Commissioner. Such registers shall be available to the public for inspection upon reasonable notice to either of these offices.
(j) The cost of repairing the paved road or roads shall be advanced by Macon-Bibb County. Macon-Bibb County shall have the authority to contract with the necessary parties to complete the job. This cost shall then be paid by the residents of the road repair and registration tax district and amortized up to a year or period of years as determined by the Macon-Bibb County Commission. The amortized cost of repairs shall be assigned to each platted lot. Each lot, whether vacant or improved, will pay the same assessment. The road repair and registration tax district shall end upon the payment of the amortized cost to Macon-Bibb County.

(k) Unless and until the Macon-Bibb County Commission shall have accepted the paved road(s) or street(s), the same shall not be deemed to be a public road so as to become a part of the Macon-Bibb County street and road system or to require maintenance and improvement by Macon-Bibb County.

Sec. 26-315. Street/Road Standards

Street/road standards can be located in Chapter 25, Article II, Division 2 of the Code of Ordinances of Macon-Bibb County.

Sec. 26-316. Lien of fees; payment; levy

(a) The charges for road repair in each road repair and registration district shall be paid as a road repair assessment and shall be collected concurrently with the ad valorem tax billed to each lot owner within each road repair and registration tax district. The date for determining ownership of each lot shall be January 1st of each year.

(b) The administration, payment and accounting of the amortized cost herein authorized shall be the responsibility of the Macon-Bibb County Commission or some department of the Macon-Bibb County government to which responsibility shall be assigned by the Macon-Bibb County Commission. Any proration of charges between the owners of lots to which title is transferred during any year shall be the responsibility of the buyers and sellers of such lots.

(c) The office of the Macon-Bibb County Tax Commissioner shall be responsible for the timely collection of taxes, fees and assessments assessed to each road repair and registration district and shall remit such sums to the Macon-Bibb County Commission in the same manner as other taxes are remitted.

(d) The fees herein prescribed shall be deemed in all respects to be governed by the rules and ordinances respecting ad valorem taxes in Macon-Bibb County.

Sec. 26-317. Liens
In addition to any other rights of collection for late or unpaid charges, Macon-Bibb County shall have all rights available under the laws of the State of Georgia for the assessment and creation of a lien upon the property of the owner receiving the service provided, together with all rights of execution, levy, foreclosure and sale.

Sec. 26-318. Applicability of Ordinance

This ordinance shall only be applicable to paved road(s). Roads may become public roads by being dedicated and the County’s acceptance as evidenced by resolution of the Macon-Bibb County Commission. By signing the road repair petition and road registration deed form, petitioners agree to dedicate for road purposes, the right-of-way for said roads in so far as his or her land is included in said right-of-way. The right-of-way must be surveyed and a plat of said survey shall be attached to the road repair petition and road registration form. The cost in obtaining said survey plat shall be incurred by petitioners. Where the right of way shown on the original plat of the subdivision is still valid, it will be deemed to meet this requirement.

In order present Macon-Bibb County with fee simple title to the roads, the lot owners may have to locate the developer with the authority to deed over the roads to Macon-Bibb County. This will be at the expense of the lot owners and the lot owners may obtain representation by counsel to expedite the process at their own expense.

Sec. 26-319. Federal, State Laws to Prevail

If any provisions of this ordinance is in conflict with any state or federal law, or with any rule, regulation, or any order of any agency of this state or federal agency having jurisdiction of the subject matter of this ordinance, it is hereby deemed to be the intention of the Macon-Bibb County Commission that the state or federal law or rule, regulation or order shall prevail such that the remaining portion of this ordinance shall be deemed to be of full force or effect.

Sec. 26-320. Exceptions

The Macon-Bibb County Commission may make exceptions to this ordinance when warranted by exceptional circumstances.

Section 2.

It is the intention of the Macon-Bibb County Commission that nothing herein shall be interpreted as amending, altering, abolishing, discharging, or in any manner affecting any advisory committees, taxes, fees, charges, and/or assessments previously established or adopted by Bibb County or the City of Macon regarding road repair or dedication in Bibb County, the City of Macon, and/or Macon-Bibb County, and that any
such advisory committees, taxes, fees, charges, and/or assessments shall continue in full force and effect in Macon-Bibb County consistent with the provisions of the Macon-Bibb County Charter, Ga. Law 2012, page 5595 and Ga. Laws 2013, pages 3501, 3942.

Section 3.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4.

Section 26-311. It is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Macon-Bibb County, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 5.

(a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Macon-Bibb County Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 6.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.
Section 7.

This Ordinance shall become effective immediately upon its approval by the Mayor.

SO ORDAINED this ____ day of ________________, 2014.

ROBERT A.B. REICHERT, MAYOR

ATTEST:

SHEILA THURMOND, CLERK OF COMMISSION