



STATE PROPERTIES COMMISSION

47 Trinity Avenue, S.W., Suite G02, Atlanta, Georgia 30334

Chairman
Nathan Deal
Governor

Executive Director
Steven L. Stancil

MINUTES

STATE PROPERTIES COMMISSION

MONDAY, JULY 18, 2011

STATE CAPITOL - ROOM 107

MEMBERS IN ATTENDANCE:

Governor Nathan Deal, Chair
Greg Griffin, Vice Chair
Brian Kemp, Secretary
Tommy Hills, Member

OTHERS IN ATTENDANCE:

Steven Stancil, State Properties Commission
Frank Smith, State Properties Commission
Heather York, State Properties Commission
J. Wade, State Properties Commission
Alisa Pereira, Georgia Building Authority
Steve Friedman, Department of Natural Resources
Buford Sanders, Georgia Forestry Commission
Robert Jones, Department of Corrections
Tom Sitnick, Department of Corrections
Robert Bradford, Georgia Correctional Healthcare
Brent Dykes, Georgia Soil & Water Conservation Commission
Andy Dyar, Georgia Soil & Water Conservation Commission
Bob Fulmer, Georgia Soil & Water Conservation Commission
Shannon McGhee, Department of Law
Vincent Russo, Office of Secretary of State
Chris Riley, Office of the Governor
Michael Shaffer, Office of the Governor
Ryan Teague, Office of the Governor
Bart Gobeil, Office of the Governor
Senator Frank Ginn

ATTENDANCE CONTINUED:

Michael Housworth
Deborah Housworth
Pat Hodsdon

CALL TO ORDER AND MINUTES OF PREVIOUS MEETING (06/06/11).

Governor Deal called the meeting of the State Properties Commission to order and stated the first order of business would be approval of the minutes of the June 6, 2011 meeting. Mike Mandl made a motion to approve the minutes as presented and Greg Griffin seconded the motion. The motion carried unanimously.

REQUEST BY THE DEPARTMENT OF NATURAL RESOURCES TO DECLINE TO EXERCISE THE RIGHT OF FIRST REFUSAL OF THE 1.0± ACRE ATLANTA AREA COUNCIL, INC. BOY SCOUTS OF AMERICA TRACT AT RACCOON BLUFF, SAPELO ISLAND WMA IN MCINTOSH COUNTY. (SPC # 823.33.01)

Steve Friedman presented the request by the Department of Natural Resources to decline exercising the right of first refusal of 1.0 acre on Sapelo Island. The Atlanta Area Council, Inc. Boy Scouts of America owns the tract at Raccoon Bluff on Sapelo Island. On September 24, 2010, the Board of Natural Resources approved acceptance of a conservation easement on the Boy Scouts property which included a Right of First Refusal. The Boy Scouts notified the Department on June 27, 2011 of an offer on the tract for \$475,000. The Department recommends that the State decline to exercise its Right of First Refusal and that a forbearance agreement will be entered into by the State, the Boy Scouts and Procyon Iotor Bluff, LLC. The easement and the State's Right of First Refusal will follow the property to the new owner.

Tommy Hills moved to approve the request by the Department of Natural Resources. Greg Griffin seconded the motion. The motion carried unanimously.

REQUEST BY THE GEORGIA FORESTRY COMMISSION TO APPROVE AN AMENDMENT TO THE FOREST LODGE FARMS, LLC CONSERVATION EASEMENT. (SPC # 916.09.1)

Buford Sanders presented the request by the Georgia Forestry Commission to approve and amendment to the Forest Lodge Farms, LLC Conservation Easement. The acquisition of the conservation easement was approved at the November 5, 2007 State Properties Commission meeting. The survey for the property, described three tracts totaling 1,514 acres. The survey was recorded but the legal description erroneously omitted one of the three tracts. The omission was determined to be a scrivener's error. The amendment will correct that error.

Greg Griffin moved to approve the request by the Georgia Forestry Commission. Brian Kemp seconded the motion. The motion carried unanimously.

REQUEST BY THE DEPARTMENT OF CORRECTIONS TO GRANT A ONE YEAR LEASE WITH TWO ONE-YEAR RENEWALS TO MCG HEALTH INC. FOR THE USE OF APPROXIMATELY 300 SQUARE FEET AS A HOSPITAL BASED CLINIC AT AUGUSTA STATE MEDICAL PRISON IN GROVETOWN, COLUMBIA COUNTY FOR A CONSIDERATION OF \$10 PER SQUARE FOOT. (SPC # 417.32)

Robert Jones presented the request by the Department of Corrections to grant a one year lease with two one-year renewals to MCG Health Inc. for the use of approximately 300-400 square feet at Augusta State Medical Prison for a consideration of \$10 per square foot. The Board of Corrections approved the lease to MCG Health, a not-for-profit provider based clinic and hospital formerly associated with the Georgia Health Sciences University. The Prison will realize significant cost savings by establishing this hospital based clinic onsite. The savings will be available under the Federal 340-B Program for inmate population treatment under the U.S. Department of Health and Human Services. Under this program, pharmaceuticals must be dispensed onsite by the agency which purchases them.

Brian Kemp moved to approve the request by the Department of Corrections. Tommy Hills seconded the motion. The motion carried unanimously.

REQUEST BY THE GEORGIA SOIL AND WATER CONSERVATION COMMISSION FOR THE STATE TO ACQUIRE BY CONDEMNATION, A PERMANENT FLOOD ELEVATION AND OPERATION/MAINTENANCE EASEMENT OF APPROXIMATELY 0.381 OF ONE ACRE AND A TEMPORARY CONSTRUCTION AND STAGING EASEMENT OF APPROXIMATELY 4.459 ACRES IN JACKSON COUNTY FOR JUST AND ADEQUATE COMPENSATION. (SPC # 909.02)

Bob Fulmer presented the request by the Georgia Soil and Water Conservation Commission (GSWCC) for the State to acquire by condemnation, a permanent flood elevation and operation/maintenance easement of approximately 0.381 of one acre and a temporary construction easement of approximately 4.456 acres for just and adequate compensation. The Sandy Creek Watershed Dam #23 was built in 1963 and is one of the last of the five dams proposed for upgrades to bring that dam into compliance with the Federal Safe Dams Act. It is categorized as a High Hazard Category I Dam, meaning there would be loss of life if it fails. GSWCC would like the work to be completed within 6-8 months, with a notice to proceed by September or October 2011. Governor Deal asked Mr. Fulmer if the water level of the lake will be affected by the project. Mr. Fulmer answered that the water levels will not change due to this project.

Governor Deal opened the floor for Mr. and Mr. Housworth to speak. Mr. Housworth stated they would not be here if they were informed exactly how this project would look like from the beginning. In the fall of 2009, they received a letter notifying them of changes to Dam #23. They met with GSWCC and were given a brief outline which included the closing of the existing spillway; cutting a notch to mimic the spillway in the existing dam and constructing a concrete shoot on the back of dam. Later on, Mr. and Mrs. Housworth sold a portion of their property with the intentions of building a home on the alternate site; with the understanding the construction of the dam would not impact the view of the reservoir. A barn was constructed in the spillway, with the understanding

the improvements to the dam would not interfere with the barns location. Several months later, GSWCC informed the Housworths of design changes to dam, which required raising the dam's height by six feet. Mr. Housworth believed the new designs would impact the ease of use of his barn and the view of his future home. He also stated that during the 500-year flood in Jackson County two years ago, the water levels did not reach within 8 feet of the top of the dam. Mr. Housworth stated he understands the project is not stopping but wants to be adequately compensated for the damages to his property due to the project.

Secretary Kemp inquired how was a permit obtain for the structure to be built in the existing spillway. Mr. Fulmer responded that he believed it was constructed contingent upon the repairs and the close of the spillway.

Senator Ginn asked for there to be better communication between GSWCC and the community on any future project.

Pat Hodsdon, appraiser for the Housworths, valued the permanent easement at \$2,934 and the temporary easement at \$3,400. Additionally, the improvements to the property were valued at \$179,000, which includes the barn, construction of a road, bridge, fence, and staking out for a new home site. Governor asked Mr. Hodsdon if the structure built contingent on the closure of spillway. Mr. Hodsdon stated yes.

Governor Deal requested a motion to close the meeting to the public to consult with legal counsel. A motion was made to move into Executive Session by Tommy Hills and seconded by Brian Kemp. The motion carried unanimously. Attached to these minutes is the notarized Code Section 50-14-2(1) of the Official Code of Georgia Annotated, Open and Public Meetings identified as Affidavit Supporting Closing of Public Meeting, Exhibit "A".

OPENING OF THE EXECUTIVE SESSION.

The following were present in the Executive Session:

Governor Nathan Deal, Chair
Greg Griffin, Vice Chair
Brian Kemp, Secretary
Tommy Hills, Member
Steven Stancil, State Properties Commission
Frank Smith, State Properties Commission
Heather York, State Properties Commission
J. Wade, State Properties Commission
Alisa Pereira, Georgia Building Authority
Shannon McGhee, Department of Law
Chris Riley, Office of the Governor
Michael Shaffer, Office of the Governor
Ryan Teague, Office of the Governor
Bart Gobeil, Office of the Governor

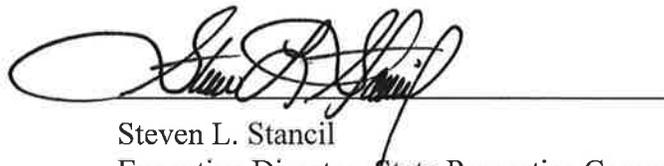
RE-OPENING OF THE CALLED OPEN COMMISSION MEETING.

A motion was made to close Executive Session and open the Called Commission Meeting by Greg Griffin and seconded by Tommy Hills.

Tommy Hills made a motion for the State Properties Commission to approve the resolution authorizing the condemnation of the subject property and further authorized the Executive Director of the State Properties Commission to negotiate a settlement. Greg Griffin seconded the motion. The motion passed unanimously.

Governor Deal explained to the Housworths that due to the time frame and urgency to move forward on the dam project, the Board authorized the condemnation of the property but also authorized the Executive Director, Mr. Stancil, to continue negotiations with the Housworth in an attempt to resolve this matter and avoid litigation.

Governor Deal requested a motion for adjournment. So moved by Brian Kemp and seconded by Greg Griffin. Meeting adjourned.

A handwritten signature in black ink, appearing to read "Steven L. Stancil", is written over a horizontal line. The signature is stylized and cursive.

Steven L. Stancil
Executive Director, State Properties Commission

COUNTY OF FULTON

STATE OF GEORGIA

Affidavit of Chairperson of the State Properties Commission

Personally appeared before the undersigned officer, duly authorized to administer oaths, Nathan Deal, Chairperson of the State Properties Commission (the “Commission”), who, after being sworn, deposes and states under oath the following:

1.

I am the Chairperson of the Authority. I am over the age of eighteen (18) years, and have personal knowledge of the facts contained in this Affidavit.

2.

This Affidavit is given as required by the Georgia Open Meetings Act (the “Act”), O.C.G.A. § 50-14-1, *et seq.*, specifically O.C.G.A. § 50-14-4(b).

3.

The Commission met in an open meeting, as required by O.C.G.A. § 50-14-1(b), on the 18th day of July, 2011, in Meeting Room 107, State Capitol Building, and during the course of that meeting it became necessary for the Commission to close the meeting to the public, pursuant to the provisions of the Act.

4.

As reflected in the minutes of the open meeting to which this Affidavit is attached, upon a majority vote of a quorum of members of the Commission present for the meeting, the meeting of the Commission was closed to discuss pending litigation. The meeting was closed in accord with the specific authority of O.C.G.A. § 50-14-2(1) which permits meetings to be closed in order to consult and meet with legal counsel pertaining to potential litigation.

5.

I presided over the closed portion of the meeting of the Commission.

6.

The closed portion of the meeting was devoted to matters within the exceptions provided by law and no public matter, official business, or policy of the Commission was discussed or presented; no official action was taken; and no recommendations on any public matter, official business or policy were formulated, presented or discussed during the portion of the meeting of the Commission which was closed to the public EXCEPT as such discussion, presentation, recommendation or action related to the specific exceptions to the Act for which the meeting was closed to the public, as set out in Paragraph 4 of this Affidavit.

Further Affiant sayeth not.

Sworn to and subscribed
before me this 18th day
of July, 2011.

Judith Lynn Wade
Notary Public
My Commission Expires:

Nathan Deal
NATHAN DEAL
Chairperson, State Properties Commission

(Notary Seal Here)

