

CITY COUNCIL  
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George Bailey, Post 4  
Theresa Strickland, Post 5

# City of Hogansville



David Milliron, City Manager  
Lisa Kelly, City Clerk  
Jeff Todd, City Attorney


400 E Main St  
Hogansville GA 30230-1196  
706-637-8629 | cityofhogansville.org

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## COUNCIL ACTION FORM

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**MEETING DATE:** November 5, 2018

**SUBMITTED BY:** City Manager 

**AGENDA TITLE:** 815 East Main Street - Motion to Vacate

**CLASSIFICATION** (City Attorney must approve all ordinances, resolutions and contracts as to form)

- |  |                                     |   |   |
|--|-------------------------------------|---|---|
| <input type="checkbox"/> Ordinance (No. ____)  | <input type="checkbox"/> Contract   | <input type="checkbox"/> Information Only             | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Resolution (No. ____) | <input type="checkbox"/> Ceremonial | <input checked="" type="checkbox"/> Discussion/Action | <input type="checkbox"/> Other          |

**BACKGROUND** (Includes description, background, and justification)

The Hogansville Municipal Court authorized demolition of the condemned home after its property owner failed to abide by the directives of the Judge. The City Council took up this topic on at least two occasions since August 2018 but no authorization to demolish has been given to staff. The Georgia

**BUDGETING & FINANCIAL IMPACT** (Includes project costs and funding sources)

A motion to vacate the court order is now moving forward. The Council is requested to give specific direction to the City Attorney as our Municipal Judge will want a response from the City.

**STAFF RECOMMENDATION** (Include possible options for consideration)

None

LEWIS, TAYLOR & TODD, P.C.  
ATTORNEYS AT LAW  
SUITE 3  
205 NORTH LEWIS STREET  
POST OFFICE DRAWER 1027  
LAGRANGE, GEORGIA 30241

JOHN M. TAYLOR  
JEFFREY M. TODD

October 26, 2018

JAMES R. LEWIS  
(1928-1996)  
GEORGE E. SIMS, JR.  
(1917-1967)  
FAX 706-882-4905  
TELEPHONE 706-882-2501

VIA EMAIL

Mr. David Milliron, City Manager  
City of Hogansville  
400 E. Main Street  
Hogansville, Georgia 30230  
[david.milliron@cityofhogansville.org](mailto:david.milliron@cityofhogansville.org)

RE: 815 East Main Street

Dear David:

As we discussed several weeks ago, I have had a couple of phone conversations with Carrie Markham regarding the property at 815 East Main Street. Consistent with those conversations, Ms. Markham has filed a Motion to Vacate Court Order in this case, a copy of which is attached hereto. Given the posture of the case, it is difficult to know how the Court will react, but certainly Judge Baker will expect a response from the City.

Let me know how you think we should proceed.

With best regards, I am

Very truly yours,

LEWIS, TAYLOR & TODD, P.C.

Jeffrey M. Todd

JT/bcs

Enclosure

IN THE MUNICIPAL COURT  
CITY OF HOGANSVILLE

<b>CITY OF HOGANSVILLE, GEORGIA</b>	*	
	*	
<b>Petitioner,</b>	*	<b>CIVIL ACTION</b>
	*	<b>FILE NO. 2018000222</b>
<b>vs.</b>	*	
	*	
<b>815 EAST MAIN STREET; MARY</b>	*	
<b>KATHLEEN COSTLEY; AND TROUP</b>	*	
<b>COUNTY TAX COMMISSIONER,</b>	*	
	*	
<b>Respondent.</b>	*	

**MOTION TO VACATE COURT ORDER**

COMES NOW Respondent Mary Kathleen Costley, in the above-captioned action and moves the Court to Vacate its February 14, 2018 Order, showing the Court as follows:

1.

This Court entered an Order on February 14, 2018, ordering that the owner of the property located at 815 East Main Street, Hogansville should have 90 days to apply for appropriate permitting and 180 days to bring the property into compliance with applicable codes. The Court further ordered that if the property owner failed to bring the structure up to code within the time allowed, Petitioner may enter and cause the structure to be demolished.

2.

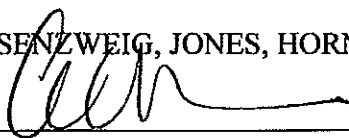
In the time since the Order was entered, Respondent has worked diligently to perform repairs on the property. Respondent has further worked with Petitioner to report on the progress of the home. Respondent has had discussions with Petitioner, wherein it indicated it did not intend to move forward with demolition at this time. Petitioner has not moved forward with any demolition action pertaining to the property.

As a result, Respondent requests that the demolition order entered by this Court on February 14, 2018 be vacated.

WHEREFORE, Respondent moves this Court to vacate its February 14, 2018 Order.

Respectfully submitted this 22 day of October, 2018.

ROSENZWEIG, JONES, HORNE & GRIFFIS, P.C.



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Carrie B. Markham  
Attorney for Respondent Mary Kathleen Costley  
Ga. State Bar No. 142543

32 South Court Square  
PO Box 220  
Newnan, Georgia 30264  
(770) 253-3282  
[carrie@newnanlaw.com](mailto:carrie@newnanlaw.com)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22<sup>nd</sup> day of October, 2018, a true and correct copy of the foregoing was deposited in the United States mail, postage prepaid, addressed as follows:

Jeffrey M. Todd, Esq.  
Lewis, Taylor & Todd, P.C.  
Suite 3  
205 North Lewis Street  
PO Box 1027  
LaGrange, Georgia 30241

ROSENZWEIG, JONES, HORNE & GRIFFIS, P.C.



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Carrie B. Markham  
Attorney for Respondent Mary Kathleen Costley  
Ga. State Bar No. 142543

32 South Court Square  
PO Box 220  
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(770) 253-3282  
[carrie@newnanlaw.com](mailto:carrie@newnanlaw.com)

**ROSENZWEIG, JONES, HORNE & GRIFFIS, P.C.**  
**ATTORNEYS AT LAW**  
**32 South Court Square**  
**PO Box 220**  
**NEWNAN, GEORGIA 30264**  
**www.newnanlaw.com**

CARRIE B. MARKHAM

TELEPHONE (770) 253-3282  
FAX (770) 251-7262  
E-mail:carrie@newnanlaw.com

September 17, 2018

**VIA EMAIL AND US MAIL**

Mr. David Milliron  
City Manager, City of Hogansville  
400 East Main Street  
Hogansville, Georgia 30230

Mr. Jeff Todd  
City Attorney, City of Hogansville  
205 North Lewis Street, Suite 3  
PO Box 1027  
LaGrange, Georgia 30241

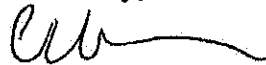
RE: 815 East Main Street, Hogansville, Georgia

Dear Mr. Milliron and Mr. Todd:

This law firm represents Ms. Mary Kathleen Costley concerning the property located at 815 East Main Street, Hogansville, Georgia (the "Property"). My understanding is that Ms. Costley's daughter, Catrina DiZoglio and Mr. Milliron have had some productive discussions lately regarding the Property. In addition, Ms. Costley and Ms. DiZoglio are also actively working to complete repairs on the Property. To that end, we would request that the City and Ms. Costley submit a Joint Motion to Vacate the February 14, 2018 Order pertaining to the Property.

Please let me know whether you would be willing to submit a Joint Motion as described above, and I will forward you a draft Motion for review. I look forward to hearing from you.

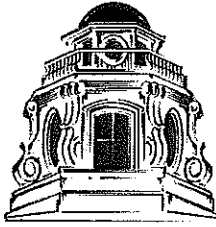
Yours Truly,



Carrie B. Markham

CBM/kr

cc: Ms. Mary Kathleen Costley (via email)



THE  
GEORGIA TRUST  
*for* HISTORIC PRESERVATION

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Ms. Jennifer Winn, *Atlanta*  
Mr. Mark Williams, *Atlanta*

Mr. Mark C. McDonald,  
*President & CEO*

**The Georgia Trust  
for Historic Preservation**  
1516 Peachtree Street, NW  
Atlanta GA 30309-2908  
404-881-9980  
Fax 404-875-2205  
[www.georgiatrust.org](http://www.georgiatrust.org)

Monday, August 20, 2018

David Milliron, City Manager  
400 East Main Street  
Hogansville, GA 30230

Re: Potential Demolition of the James Hurst House

Dear Mr. Milliron,

I would like to thank you and the City Council for tabling the request for demolition of the Hurst House at the last meeting. It provided valuable time for deeper investigation into the building. Preservation staff from The Georgia Trust visited the property the week of August 13. We were careful to only make our evaluation from the exterior, as we are aware that the building has been condemned and entering would be a violation of local law.

It is our opinion that the house is in salvageable condition, and furthermore, it is indeed a significant house. The log floor framing, visible in the crawl space, is particularly interesting and along with elements such as the windows, doors, siding, and masonry elements points to the house dating to the Greek Revival period, possibly as early as 1830.

We have been in discussion with the owner, Ms. Catrina Dizoglio, about entering into an Option Agreement. An agreement with the owner would give The Georgia Trust the option to purchase the property within a 6 month time frame. During that time, we would market the property to our vast network of preservation-minded buyers, and upon approval of an offer, would purchase the house from its owner, place protective covenants on the deed, and sell it to the new buyer. The buyer would be subject to a Preservation Agreement and Conservation Easement, which would require that they rehabilitate the building in a prescribed timeline (our target is 2 years) and ensure its upkeep to preservation standards in perpetuity.

For us to move forward with this plan, we would need two things from city leaders. We would ask that 1) you hold off demolition for 6 months (the length of the Option) to give us time to identify capable buyers, or until such time that the required repairs are made to bring the house up to livability standards, and 2) we would need to be granted access to the site for the purpose of evaluating its condition and showing it to potential buyers, architects, engineers, etc.

Please let us know at your earliest convenience if you are willing to help us save this great building. Hogansville has a lot of very high quality historic structures, and we feel confident that the right person could add to that number with a successful rehabilitation of the Hurst House. We have a track record of helping save houses that are in far worse condition than this one, but we can't do it without your support.

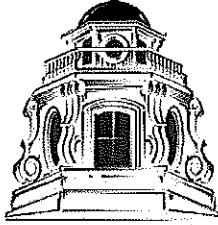
Sincerely,

A handwritten signature in black ink, appearing to read "Mark C. McDonald". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark C. McDonald  
President & CEO

cc: Mayor Stankiewicz, members of City Council





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Wednesday, August 1, 2018

David Milliron, City Manager  
400 East Main Street  
Hogansville, GA 30230

Re: Potential Demolition of the James Hurst House

Dear Mr. Milliron,

It has come to my attention that one of Hogansville's oldest buildings, the James Hurst House, located at *815 East Main Street*, is being considered for mandated demolition. We have conducted some research and have determined that the house is a contributing structure in the National Register of Historic Places and is also within the boundary of the Local Historic District. It is clear that the house is significant to the history of Hogansville and the region.

I understand that the owner has recently contacted several contractors and building professionals to create plans for the building's stabilization, which would also bring it up to acceptable living standards and eliminate the need for the involvement of code enforcement procedures.

In reviewing the City of Hogansville 2010-2030 Comprehensive Plan, under the section titled, "Heritage Preservation Objective," the plan notes that, "the character of the community should be maintained through preserving and revitalizing historic areas...that are important to defining the community character." Losing a very early dwelling in the historic district would be counter to the objectives of the comprehensive plan.

We would ask that you and the City Council consider allowing the owner of the Hurst house to complete their investigation and stabilization work. Losing a house of this caliber would be a mistake, so every effort should be made to retain it. The Georgia Trust will be happy to assist with document review, technical advice, providing consultants or other services we are in a position to offer. We work with buildings in far worse condition than this on a regular basis and have positive results. Thank you for your consideration.

Sincerely,

Neale Nickels  
Director of Preservation

cc: Mayor Stankiewicz, members of City Council