

APRIL 6, 2010

SPECIAL CALLED MEETING OF THE BOARD OF CITY COMMISSIONERS OF  
THE CITY OF ALBANY, GEORGIA

PRESENT Mayor Willie Adams, Jr.  
Mayor Pro Tem Christopher Pike  
City Commissioners: Jon Howard, Dorothy Hubbard, Roger Marietta,  
Bob Langstaff, Jr., and Tommie Postell  
City Manager: Alfred D. Lott  
City Attorney: C. Nathan Davis

Mayor Adams called the meeting to order at 8:30 a.m.

The Clerk read the call as follows:

March 31, 2010

Honorable Mayor and  
Board of City Commissioners  
Albany, Georgia

Dear Mayor and Commissioners:

There will be a special called City Commission meeting on Tuesday, April 6, 2010, at 8:30 a.m., in room 120 of the Government Center Building located at 222 Pine Ave., Albany, Georgia. The purpose of the meeting is to discuss and approve the following:

1. Cutliff Grove Family Resource, Inc./Grove Town Garden Apartment and decision by HUD that \$374,000 was improperly expended
2. Agreement between GDOT and the City of Albany

Sincerely,

Alfred D. Lott, ICMA-CM, CPM  
City Manager

/s/ Willie Adams, Jr.  
MAYOR WILLIE ADAMS, JR.

Delivered in mail on 4/2/10  
DOROTHY HUBBARD  
COMMISSIONER WARD II

/s/ Roger Marietta  
ROGER MARIETTA  
COMMISSIONER WARD IV

/s/ Tommie Postell  
TOMMIE POSTELL  
COMMISSIONER WARD VI

/s/ Jon Howard  
JON HOWARD  
COMMISSIONER WARD I

/s/ Christopher G. Pike  
CHRISTOPHER G. PIKE  
MAYOR PRO TEM, WARD III

Delivered in mail on 4/2/10  
BOB LANGSTAFF, JR.,  
COMMISSIONER, WARD V

Latoya Cutts, Community & Development Director, discussed information regarding HUD's Atlanta office decision to de-certify the Cutliff Grove Resource Center CHODO, Grove Town Apartment projects, as noted in the agenda item (copy on file). She explained that in response to the City's letter, the letter from HUD included its decision that the City of Albany must repay \$374,715 using non-federal resources. Due to the project being deemed ineligible, she advised that there are two decisions being brought before the City Commission: 1) source of funding used to repay HUD; option 1 is for the City to use general fund monies to repay HUD the \$374,715, option 2 is for the City to forgo acceptance of 2010-2011 HOME funding. 2) The decision on how the City will pursue repayment of the funding; option 1 is for the City to pursue repayment of the entire \$374,715 and allow Cutliff Grove Family Resource Center to make equal

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payments over an established number of years, which requires the City to place a lien on the property until all money has been repaid, option 2 provides for the City to pursue repayment of the \$374,715 less the purchase price of the land and requires Cutliff Grove to sign over rights to the land, option 3 provides for the City to pursue repayment of a lesser portion of the \$374,715 to be negotiated between the City and Cutliff Grove. She stated that the recommendation by Community Development is for the City, under decision 1 to choose option 2, which is to use the City's general fund to repay \$374,715; decision 2 option 2 is recommended, which is to pursue the repayment less the purchase price of the land allowing Cutliff Grove to make equal payments over an established number of years.

Commissioner Howard clarified that the extension sought by the Commission did not materialize, so the April 9 deadline is when a corrected action plan must be submitted to HUD regarding the City's action. He referenced the three resolutions and asked if Congressman Bishop has been heard from. Mr. Lott stated no.

Commissioner Postell explained that the letter will be signed by Mayor Adams and that the resolution will be to have Cutliff Grove reinstated as an eligible program. He advised that dialog has been ongoing with Cutliff Grove and that they are asking the City to send Congressman Bishop a letter asking him to intervene on their behalf to HUD for a 60 day extension. He asked to approve the action with the letter for the City to endorse getting Sanford Bishop to interact with HUD. Cutliff Grove will get the letter to Congressman Bishop, which gives them time to regroup with the project. He asked that Cutliff Grove be given the privilege to have the 60 day extension by notifying Congressman Bishop for him to accept, reject or acknowledge that HUD will not go along with it.

Commissioner Howard asked Mr. Lott about the three resolutions, expressing concern that if the Congressman is not able to convince HUD to give an extension and the April deadline passes, can the City bless the letter and send two resolutions. Mr. Lott advised that sending the letter to Congressman Bishop would be acceptable, but that his recommendation would be to have an answer to HUD by April 9<sup>th</sup> as to how this will be paid back. He commented that it could take Congressman Bishop three weeks or more and that he has already asked for the April 9<sup>th</sup> extension. Commissioner Howard asked if the \$374,000 is to be paid in full or in increments. Mr. Lott said he feels there is room for negotiations with HUD, which will be worked out when it is decided on how the funds will be repaid.

Commissioner Marietta asked if Cutliff Grove has indicated they are willing to repay the City the \$374,000. Mr. Lott said no, their attorney said they are not willing to repay, resulting in the need for some legal action on the City's part.

Commissioner Postell stated that the letter is the key as to whether the City will endorse sending the letter to Congressman Bishop with the other resolutions falling under the Commission approval and is void until the letter is sent. He stated that Cutliff Grove is asking Congressman Bishop to obtain an extension – not the City. He said we are not asking about the money.

Mayor Adams asked if the Commission approves the letter, can we expect Congressman Bishop to respond to it and suggested that in the meanwhile, staff can look into the possibility of sending incremental payments and if Congressman Bishop says HUD will not agree, the increments will be paid until the amount is satisfied.

Commissioner Postell agreed, adding that the primary issue is for the Commission to agree or disagree to send the letter to Congressman Bishop. Mayor Adams clarified that we are not looking beyond the letter as to whether or not Cutliff Grove will/will not be successful with their project. The City will approve the letter to see if Congressman Bishop can assist. Commissioner Postell asked Mr. Lott if HUD said this is a dead project; Mr. Lott agreed. Commissioner Postell stated that this is an attempt for HUD to reconsider Cutliff Grove. He asked Rev. M. Drake if he is asking the City to allow him to get the letter to Congressman Bishop in a timely manner. Rev. Drake agreed, adding

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that Congressman Bishop said to him that he will do whatever he could to help, but he did not want to do anything without the consent of the City Commission.

Mayor Adams stated that the task is to make a motion on the letter and give staff instructions on how to respond to HUD before the deadline. Mr. Lott stated that HUD has said the money has to be repaid and he needs direction from the Commission whether to 1) pay it from general fund and 2) go after the assets of Grove Town to recoup the money.

Commissioner Howard stated that his opinion is to send the letter to Congressman Bishop asking him to intervene and send a plan to HUD so as to not jeopardize the City's future funding from HUD. He suggested giving staff direction on where to take the money from, be it HOME funds or the general fund.

Mayor Pro Tem Pike asked if there will be approving two resolutions. Mr. Davis agreed.

Commissioner Howard moved to approve the letter to Congressman Bishop to intervene with the motion including for the City to continue pursuing a date and plan for repaying the \$374,000 back to HUD as of April 9, 2010, seconded by Commissioner Postell.

Commissioner Marietta asked for clarification. Commissioner Howard asked that the money come from the general fund. Commissioner Marietta asked about the repayment option.

Discussion followed with Mr. Lott stating that he can bring back a repayment plan within 30 days.

Additional discussion ensued on which resolution is being approved. Commissioner Howard stated that since a revision of the resolution can be made, he asked Mr. Lott what is his recommendation. Mr. Lott stated that he would not recommend taking the funding from the HOME funds since we are an entitlement city.

Commissioner Hubbard suggested paying it incrementally and asked about the negotiations of the incremental payments. Mr. Lott stated that he would enter into negotiations with the regional HUD office on what they will accept.

Commissioner Marietta asked to tie in the repayment from Cutliff Grove, i.e., a commitment to go after the land to pursue repayment of the money that was improperly spent. Rev. Drake countered that the money was not improperly spent. Commissioner Marietta said he was reading from the letter HUD sent and apologized. He said he felt the issue was repaying HUD and asked to see that it all be tied into the motion.

Commissioner Postell stated that the more that is added on to get the letter to Congressman Bishop, the more difficulty they will encounter since they are discussing funds now. He added that the Commission knows the money has to be repaid, so the issue is to let the letter be sent to Congressman Bishop and then discuss the rest at a later date. He suggested that Congressman Bishop does not care who or how the funds are repaid, he only wants to know that the City and Cutliff Grove are compatible in the time factor.

Mayor Adams asked Mr. Davis how to resolve this issue. Mr. Davis stated that Mr. Lott would bring back information in 30 days and today he needs direction so that he, Ms. Cutts and Finance can put this obligation on the books and negotiate with HUD.

Commissioner Howard amended the motion to send the letter to Sanford Bishop to intervene for Cutliff Grove with HUD and to include that the Commission will vote to take the money from the General Fund and that a plan will be worked out by Mr. Lott on the repayment. Mr. Lott stated that he will bring this back in 30 days; Commissioner Postell seconded the amended motion.

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A RESOLUTION NO. 10-R130

Sending a letter to Congressman Sanford Bishop requesting his intervention on behalf of the City of Albany to have Grove Town Apartments (Cutliff Grove Family Resource Center, Inc.) reinstated as an eligible HUD program

A RESOLUTION NO. 10-R131

Authorizing the Finance Director to make use of the City's General Fund to repay \$374,715 to the City's HOME Investment Trust Fund Treasury account re Cutliff Grove Family Resource Center; Inc./Grove Town Apartments

The motion carried 5-2 with Commissioners Marietta and Langstaff voting no.

Bruce Maples, Engineering Director, discussed information as noted in the agenda item (copy on file) pertaining to the Broad Avenue Bridge. He explained that because it is not a state route, but is a local bridge, GDOT has asked the City to pay part of the local match on the pre-construction engineering, in the amount of \$202,477.49. He advised that the recommendation is to take the monies from the General fund.

Mayor Pro Tem Pike moved to adopt the following, seconded by Commissioner Howard.

A RESOLUTION NO. 10-R132

Agreement between the Ga. Department of Transportation and the City of Albany re:  
Broad Ave., Bridge Project

Commissioner Langstaff asked the total local match; Mr. Maples replied that it depends on the actual bridge design; this is just a portion of the City's local match. In response to Commissioner Langstaff, Mr. Maples explained that the City had two bridge grants; DOT added the local match onto the two grants and this is what they are requesting. Commissioner Langstaff asked if he is referring to Attachment 'A' under the appendix; Mr. Maples replied in the affirmative and explained the two grants obtained by the City for the Broad Avenue Bridge. Commissioner Langstaff asked if the total of the two grants is approximately \$800,000 with the local portion being 20% of that amount; Mr. Maples agreed. Mr. Lott interjected that with the dire financial straits the State of Georgia is in, the state did not put in any funding, and it's all federal; Mr. Maple concurred. Mr. Lott stated that the City can expect at least 20% local match, adding that the Broad Avenue Bridge will be included in SPLOST VI. Mayor Adams advised that it is over \$7.0 million and 20% will be about \$1.4 million. Commissioner Langstaff asked if a traffic study has been done. Mr. Maples stated that GDOT was asked to analyze and a preliminary study was done. Commissioner Langstaff asked the results of the study. Mr. Maples stated that they just started the process and it will be discussed at the next meeting, which is April 13 and 29<sup>th</sup>.

Commissioner Postell stated that the bridge is essential to the City of Albany and is necessary to be built. We are obligated to put a bridge to take the burden away from traffic flowing from east/west; west/east. He added that the congestion necessitates another access route.

Mayor Adams discussed the need for both bridges, which was presented to GDOT and enabled the project to be moved further up the list. He mentioned both hospitals being to the west of the bridges and the logistical nightmare Albany faced during the 1994 flood in which military helicopters were used to transport patients. He said it will be inconsiderate since GDOT is committed and has identified and allocated funds. He asked to move forward with this.

Commissioner Langstaff stated that when the Broad Avenue Bridge was operational, there were many discussions about the Clark Avenue Extension. Mr. Maples stated that the construction cost is \$80 million and that it will be a \$100 million project. He added

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that if it is a state route the City would not have to match the funding. Commissioner Langstaff asked if the Broad Avenue Bridge would be needed if there is a Clark Avenue Extension. Mr. Maples discussed GDOT reviews and advised that the state will push the project in 2018.

Hearing no further discussion, the motion unanimously carried.

There being no further discussion, the meeting adjourned at 9:14 a.m.

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MAYOR

ATTEST:

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CITY CLERK