

MARCH 2, 2010

COMMITTEE OF THE WHOLE

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: Al Lott
City Attorney: Nathan Davis

Mayor Adams called the meeting to order at 8:31 a.m.

COMMUNITY & ECONOMIC DEVELOPMENT UPDATE

Shelena Hawkins distributed and discussed information (copy on file) pertaining to recent activities of Community Development. Using a power point presentation (copy on file) she discussed additional information. Latoya Cutts, CED Director introduced Jackie Craft.

Commissioner Langstaff asked if EDA loans are current; Ms. Cutts replied in the affirmative, adding that there have been no issues with the ones listed.

Commissioner Howard asked for a list of the nine homes that were rehabbed.

Commissioner Postell asked if any projects were delinquent. Ms. Cutts advised that older loans from the flood days are the ones with the most delinquency issues, but they focusing on the 85 old loans that are either delinquent or have been written off. Commissioner Postell asked what creates a write-off for delinquent loans. Ms. Cutts explained that attorney Sam Engram makes the determination; she discussed the process, which also includes the person filing bankruptcy causing the City to have no options in being able to collect, unless it is included in their bankruptcy payment.

MONTHLY UPDATES

1. Chief John Proctor advised that the ADDU commander is unable to provide an update this morning due to circumstances beyond his control. He discussed crime stats, which included some increases since the beginning of the year with all wards experiencing increases. He advised that they have made arrests, particularly in Wards 2, 3 and 4 and mentioned recent press conferences about the issues. He addressed crimes in Wards 5 and the NW area specifically, which is primarily entering auto; he advised that there will be high visibility patrols and officers will be attending neighborhood watch groups to provide information. He commented on two high profile crimes that occurred in E. Albany and mentioned that there are leads and/or arrests in both cases, adding that he is confident that both will be solved soon. Regarding staffing, he advised that there is a large number of job openings and what has been done to the process to ensure they enlist the best people, for employment and retention, which includes the incentive bonus. He stated that it is his hope to have staffing issues resolved by the end of the year. He advised that there were seven employees who were deployed, but are now returning

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home. He commented on shortages in the ADDU (four positions) and stated that they are working with Major Berry to have all positions staffed by the end of the summer. He discussed ongoing community meetings including combined neighborhood watch meetings, citizen's policy academy, and officers participating in the Read across America event. He mentioned Deputy Chief Clark speaking to the Rotary Club and advised that the Gang Unit is still very active. He added that civilian staff is involved in raising money to fund a scholarship for a university student. He stated that they are working to remain actively involved within the community.

Mayor Adams mentioned the perception problem and referred to Ward 5, advising that Dr. Gillespie is the contact person for the neighborhood watch in that area. He stated that Dr. Gillespie needs to know, and share with residents, that they can help a lot by being more responsible by keeping their property secured and not leaving car keys in vehicles, etc. He commented on Wards 6, 2 and 3, suggesting that manpower should be focused in Wards 2 and 3 to reduce crime.

Commissioner Langstaff referred to larceny and asked if this is where entering auto is counted; Chief Proctor replied in the affirmative, adding that it also includes retail theft. Commissioner Langstaff Chief Proctor if he can break out the stats, especially entering autos. He mentioned vehicles not being locked, stating that it's not just the victim who is affected if their vehicle is not locked causing the criminal to come back and hit everyone on the street. He asked how much is statistically related to larceny as a result of this. Chief Proctor stated that he will break it out and provide the information. He advised that he has spoken with Dr. Gillespie and APD will be at the next neighborhood watch meeting. Mr. Lott commented on leaving exposed items in a car, which could result in auto break-ins also.

Commissioner Howard thanked Chief Proctor for participating at his last Town Hall meeting and the officers who testified at the recent Brick House hearing. He commented that the clientele who were here last Friday were not outstanding citizens and for that reason he said he feels that when a controversial issue is being discussed additional security is needed for everyone's safety. He also asked that police visibility be increased within his Ward. Mayor Adams stated that there was increased security at the hearing. Mr. Lott stated that Deputy Chief Clark was present along with nine other officers. He stated that they can speak with the County about installing metal detectors.

Commissioner Postell commented that judging individuals based on sight causes trouble since citizens have the right to enter. He mentioned having a dress code, but would not recommend that citizens cannot come to a meeting because of their personality. He said he can go along with metal detectors as long as everyone is screened. He also cautioned about labeling individuals one way or another. He asked Chief Proctor how many of his staff moonlights. Chief Proctor said he will provide this information. Commissioner Postell commented that moonlighting can have an effect on an employee's performance and suggested that this be scrutinized.

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Commissioner Hubbard thanked Chief Proctor for the work he and the officers have done in Ward 2, especially the response time to calls. Referring to the stats, she asked how many of the stats have been solved. Chief Proctor stated that he does not have the breakdown, but that he will provide this information. Commissioner Hubbard asked that the crime stats information include the time of day as it will let citizens know when to be more diligent during their watch.

2. Mike Tilson, Code Enforcement Director, discussed demolitions, listing departments and other agencies which are involved, stating that they are to be thanked for their assistance. He mentioned that EPD is allowing the Fire Department to use dilapidated buildings for arson training and discussed the process of demolitions including asbestos abatement, timeline, standard pricing, etc. He briefly discussed an experiment conducted by Code Enforcement per City ordinance to 'make a reasonable effort to salvage reusable material' to put the proceeds against the cost of the demolition. He stated that since there were no bidders, the experiment failed and they will proceed with the demolition on Hines Avenue. He advised that since December, 14 buildings were demolished with four being burned by the fire department, with 15 in the initial phase of abatement. He stated that his department is \$8,280.00 into the first additional increment of the \$100,000 allocated by the Commission; \$583,000 additional funding had been authorized for this year, adding that the \$150,000 in the budget has been spent. He said that financials show them at \$158,280 as of yesterday, with \$25,000 worth of orders that have not been placed in the general ledger. (Copy of statistics on file) He discussed the financial benefits through the assistance of the Fire Department.

Mayor Adams asked for information on the Heritage House. Mr. Lott stated that he and staff are working on that, adding that they are meeting with the owners who are working on a proposal. Mayor Adams asked if there is a deadline on the proposal. Mr. Lott stated that it depends on the outcome of the meetings and explained that staff will make a decision on whether to continue working with the owner or if the City should take on the project, which is a \$1.0 million project. Mayor Adams stated that this has been going on for the six years he has been in office and this is the third time an individual has come forth with ideas; he suggested having deadlines. Mr. Lott stated that this is a decision of the Commission; if the Commission wants to set a deadline of June 1, he can proceed with that. However, he cautioned it involves an expense of \$1.0 million or more.

Commissioner Marietta commented on fire damaged houses in his ward, asking if they count as dilapidated structures or is that a separate category, especially the one on Audubon. Mr. Tilson stated that he will provide information. Mr. Davis interjected that that one was in court last month and the judge gave an extension.

Mayor Pro Tem Pike thanked Mr. Tilson and staff for expediting the requests he has made.

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Commissioner Langstaff asked for an agenda item on Heritage House. Mr. Lott stated that he will provide an agenda item as part of the update and that the Commission can determine whether to demolish it or not.

Commissioner Postell commented on the projects as listed on the handout (copy on file) and noted his concern of putting money into demolition for a particular ward. He suggested that; it needs to be equal with all Wards adding that he cannot support showing favoritism. He agreed with Mayor Adams and Commissioner Langstaff to get the Heritage House project done.

Commissioner Howard stated that he attended Municipal Court last week and a property received 210 days by the Judge to be repaired, even though it has been in disrepair for seven years. He said he finds the timeframe unacceptable. He commented on property that was destroyed by the Fire Department and commended them for their efforts.

Mayor Adams commented on the length of time as noted by Commissioner Howard and asked Mr. Davis if the Commission can ask for an explanation as to why the court exceeds 90 days. Mr. Davis suggested not micromanaging and/or putting the Judge on the spot adding that he could provide a memo to the Commission with an explanation. Mayor Adams agreed to not micromanage; however, he asked Mr. Davis to look into this. Mr. Lott asked Mr. Davis if Judge Weaver can send an email with his logic on some of the cases, length of time that is considered, etc. Mr. Tilson stated that Judge Weaver is also concerned about taking buildings off the tax roll.

Commissioner Marietta discussed the downtown area being the focus. Mr. Lott agreed, adding that Ward 6 has problems, but East Albany has a lot of problems. He advised that they will focus on the entire city and all areas.

Commissioner Hubbard mentioned the 1300 block of Society and the number of years houses were in court with no activity by the court. She asked for an explanation on this.

FLINT RIVERQUARIUM UPDATE

Executive Director Scott Loehr discussed information as noted in his report (copy on file), which covers from November through January. He commented on the partnership between the RiverQuarium and Thronateeska, with increased enhancement being noticed. He discussed the success of recent events due to the partnership with Thronateeska and commented on upcoming future events. He also discussed marketing and finances, as noted in his report.

Commissioner Marietta commented on the exhibit from Florida and asked if an exhibit can be provided on the mussel that is holding up the bridge renovation. Mayor Adams stated that the mussels are in the mating season.

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Regarding the relationship between the Riverquarium and Thronateeska, Mayor Adams stated that the concept of a centralized cultural center has been suggested and asked if the Civil Rights Museum and Albany Museum of Arts were also invited to be a part of the partnership. Mr. Loehr stated that they are approaching it with 'baby steps'. He explained that Thronateeska and RiverQuarium are science based organizations and other organizations can be included at a future date. Mayor Adams stated that his idea is to increase foot traffic and bring people downtown.

Commissioner Hubbard asked how to determine if the process with Thronateeska is successful. Mr. Loehr stated that they are determining the success by the finances that they are realizing. He added that the joint task force that worked on the development of the partnership has started meeting again to explore additional possibilities. Commissioner Hubbard commented on the Smartbox concept and asked if the results can be monitored. Mr. Loehr stated that it will be monitored. Commissioner Hubbard commented on increased funding in the future and asked where they are with this. Mr. Loehr stated that it is at the same dollar figure as it was last year and discussed additional contributions, etc., which is part of the strategic and budget plans.

Commissioner Postell commented on the Marketing Plan and the involvement of the Chamber. He asked why this does not include the Civil Rights Museum. Mr. Loehr replied that although it is not listed, it is included and was in the presentation given to the Commission in November last year by the Chamber. Commissioner Postell asked why the Civil Rights Museum was not listed in his report. Mr. Loehr stated that it was an oversight.

Mayor Adams agreed that this should be listed. He spoke of future monies going to each organization and a system that can be put in place to provide funding to all organizations via interest on the money. Mr. Loehr again stated that the original power point includes the Civil Rights Museum; however, his update today inadvertently excluded it.

Commissioner Postell stated that he had problems with the Chamber and asked that the information be corrected in Mr. Loehr's presentation. Regarding financing, he asked the dates. Mr. Loehr stated that it is from July 2009 through January 2010. Commissioner Postell questioned revenues. Mr. Loehr explained the differences in the actual/budgeted revenues and expenses, adding that the actual budgeted was \$970,000 with actual funds received \$854,300. Commissioner Postell mentioned the difference of \$21,700. Mr. Loehr commented that they are actually at broke even. Mayor Adams asked if Mr. Loehr and Commissioner Postell can get together to resolve this concern.

Mayor Pro Tem Pike commented on the partnership with Thronateeska and asked if there were financial savings. Mr. Loehr stated yes, in the accounting area.

Mayor Adams advised that at this time, the Audit Report will be given.

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2009 AUDIT UPDATE

Kris Newton, Finance Director, stated that Meredith Lipson, Engagement Partner with Mauldin and Jenkins, and Craig Moye, Audit Manager, are present to give an update. Ms. Lipson distributed and discussed the analysis of the audit (copy on file) including graphs as noted on pages 5-6. In reply to Mayor Adams on the fund balance, Ms. Lipson stated that three-six months of funding is normal. Mayor Adams stated that he is Chairman of WG&L and that when WG&L received their audit report he asked for recommendations for improvement, but was told by the presenter that they make no recommendations, but merely report what happens. He asked if this is standard to make recommendations for improvements; Ms. Lipson replied if there are any to be made. Mr. Moye stated that there were no recommendations for improvement in WG&L's operations. Discussion followed on the differences in the report to the City and WG&L with Mr. Moye explaining.

Commissioner Marietta referenced the recommendations, asking if they were noted in the last fiscal year. Ms. Lipson stated that they were noted and referenced page 17 and explained the process. Commissioner Marietta asked if the same people audit the City every year. Ms. Lipson stated that she has been working with the City for a number of years. Regarding item #4 on page 15, Mr. Lott stated that this has nothing to do with ADICA and Don Buie. Ms. Lipson added that some of the standards mentioned in the recommendations are fairly new and that they would not have been mentioned last year because they did not exist.

Regarding #7 on page 17, Mayor Adams mentioned that the City is self-insured and asked if people in certain positions are bonded. Veronica Wright, Risk Manager, stated that employees in those positions are bonded. Mayor Adams asked for a list of those who are bonded. He also suggested that a copy of the WG&L audit be distributed to the Commissioners.

Commissioner Hubbard asked who monitors to see if recommendations are followed through and how this is connected to the next audit. Ms. Lipson explained that they thoroughly go through recommendations with the Finance Director and the finance department and they monitor throughout the year on implementation. Commissioner Hubbard asked if the Commission should do anything to assist with the monitoring. Ms. Lipson stated that the Commission should be aware of what is going on and Ms. Newton provides information to the City Manager on what goes on within the Finance Department.

Commissioner Langstaff suggested that the Finance Department present recommendations from last year, what was resolved, and a comparison of the recommendations made this year and how they will be resolved. Ms. Lipson stated that the Finance Department works hard to make sure recommendations are implemented. Mr. Lott stated that after the budget process a presentation on the comparison can be made to the Commission.

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PENSION ORDINANCE RESTATEMENT

Phil Roberson, Public Works Director, stated that on behalf of the Pension Board of Trustees, he is present to ask the Commission to adopt the Pension Ordinance Restatement. He recognized Attorney Ms. Terry Taylor who was instrumental in the process and can answer questions on regulatory issues. He showed a power point presentation and discussed information as noted in the agenda item beginning on page 8 (copy on file).

In reply to Commissioner Postell of reinstating employees who left the City and came back, Mr. Roberson explained the process.

In reply to Commissioner Marietta on COLAs, and whether survivors will be eligible for COLAs, Mr. Roberson explained as noted on pages 8-9. Ms. Thomas explained that this clarifies the ordinance pertaining to this question.

Commissioner Langstaff moved to approve, seconded by Commissioner Howard, the motion unanimously carried.

EMPLOYMENT POLICIES & PROCEDURES DRAFT

Mr. Lott discussed information as noted on page 11 (copy on file). Mary Lamont, HR Director, distributed additional information for the Commission to review (copy on file). Mr. Lott explained the need to update the policies and procedures manual including recent firings, indictments, etc. He also discussed the process used in re-writing the policies manual which included legal review with Mr. Davis and Don Sweat and the review process with employees, WG&L, City Manager's office and HR. He advised that currently, after staff's review and the presentation of the draft document, the Commission is now ready to review, modify and/or adjust. He recommended that the Commission use the same manner as was done with the re-codification method since the policy has not been updated in over 30 years. He suggested the Commission review the manual chapter by chapter for the next few months.

Mayor Pro Tem Pike stated that he is new on the Commission and asked if it is possible to have a breakout of the new and old to compare. Mr. Lott stated that it is a complete re-write. He suggested reading the new policy, reviewing with the City Attorney or Mr. Sweat and making any necessary recommendations.

Ms. Lamont stated that if a review will entail the old and new comparison that it is done chapter by chapter. She added that this can be time constraining since there are numerous issues. She then read information as noted on pages 13-14 (copy on file).

Mayor Adams clarified that staff has determined that the old document needs to be updated and they have gone through the legal research with two attorneys and this is now a policy decision by the Commission. He asked the Board if they want to update the

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PMS policy, and if so, to determine the procedure. He thanked staff for the job that was done and asked the will of the Commission.

Commissioner Howard stated that since it was suggested that the old PMS is outdated, he recommended handling it as was done with the re-codification.

Commissioner Hubbard stated that she is not sure the old policy is antiquated and that like building on a foundation, it may be a matter of review and updating. She agreed that it is a policy decision and suggested not rushing through it. She mentioned not doing it in conjunction with the budget process since this is serious and should be thoroughly looked at.

Mayor Pro Tem Pike agreed with looking at it in smaller pieces and asked to see the old and new policies side by side. He referenced the Pension Draft and the matrix used in its update.

Commissioner Marietta agreed to take time to review and noted the new section on page 25 of Sect. 2 regarding background checks. He commented on there is no specific number of years to go back, which can be for future discussion.

Commissioner Langstaff agreed to go through the document in detail and getting it done as soon as possible as issues continue to arise. He commented on a problem of there being 'patchwork' done over the years and suggested an executive summary. Mr. Lott agreed adding that it may not be possible as the current policy is disjointed and conflicting. He said staff will try and put something together, but if the proposed policy is studied it reflects a night/day difference. Commissioner Langstaff asked the Commission to give this serious consideration before asking staff to attempt to put a side by side document since it is a culmination of 30 years of patch working.

Commissioner Postell stated that this should be handled expeditiously since policies are outdated and will not stand up in court. He agreed with Commissioner Howard in taking a chapter at a time for review and scrutiny. He asked Mr. Lott, based on his work, what is the most beneficial way to help the City of Albany move forward and how long will it take. Mr. Lott stated that it can be done like the re-cod at the end of the work sessions with budget issues being separate and it should be done within the next few months. Commissioner Postell agreed that this is a modifying situation. Mr. Lott stated that if there are changes, recommendations will be reviewed by the legal departments and quickly brought back.

Mayor Adams stated that the consensus is to take a look at the PMS to update with the process being the question. He agreed with Commissioner Hubbard that the old document is not 100% incorrect and asked Ms. Lamont if policies were reviewed and used with the new recommended policy. Ms. Lamont agreed and explained the process she used in drafting the new document. She stated that the old PMS was used as a reference.

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Mayor Pro Tem Pike explained that his comment was not necessarily in support of the old document, he just wanted a comparison of the changes. He said he does not support either at this point. Mr. Lott explained the process for comparison.

Commissioner Hubbard stated that she worked indirectly with the President at ASU who had the final say on personnel matters. Mayor Adams asked where we go from here to satisfy her concerns. Commissioner Hubbard stated that she will read through the policies and will point out things that should be included. Mr. Lott stated that the policy was re-written, and that they used what was legal and practicable in the old policy. Commissioner Hubbard expressed concern that the new policy is not consistent with the old policy. Mr. Lott stated that this is true and is why the new policy was drafted.

Mayor Adams asked to have a motion to accept the new document and review it with the old document in an effort to review the entire PMS.

Commissioner Postell moved to accept the process as presented by the City Manager. Mayor Adams asked if the re-codification process will be used. Commissioner Postell agreed to add the re-cod process to his motion, which was seconded by Commissioner Langstaff; the motion unanimously carried.

TRAVEL

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

1. C. N. Davis, City Attorney – GA Law Seminar, Macon, GA; March 12, 2010
2. S. Tolbert, City Clerk – Clerk’s Training, Athens, GA; Feb. 21-24, 2010; \$991.00
3. S. Tolbert, City Clerk - State Ethics workshop re: Filing Officers; Canton, GA; August 10-11, 2010
4. S. Kelly, Asst. City Clerk – GMA 2010 Annual Conference; Savannah, GA; June 25-27, 2010
5. W. Weaver, Municipal Ct. – Mandatory Training, Savannah, GA; June 23-26, 2010
6. R. Scoccimaro – Municipal Ct. – Mandatory Training, Savannah, GA; June 23-26, 2010

In reply to Commissioner Postell, Ms. Tolbert explained that whenever she receives information she brings it to the table for approval in preparation and she was informed last week via email from the Secretary of State’s office of a new mandatory certification program, which she put on the agenda in advance to plan for the travel. She explained that because of registration deadlines, she puts travel on the agenda early in order to avoid missing a deadline. Commissioner Postell asked about training in Athens. Ms. Tolbert advised that she will be going twice yearly in order to obtain the Master’s

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Certification and discussed the length of time it takes to complete the program. In reply to Commissioner Postell on whether or not the Asst. Clerk also has to attend classes, Ms. Tolbert explained that Ms. Kelly also needs to take the State Ethics workshop to acquire certification and that she will enter the Master's Program after the Clerk is done. Commissioner Postell asked if this is why an additional person was needed in the office due to the Clerk and/or Asst. Clerk taking turns being out of the office. Ms. Tolbert stated that both she and Ms. Kelly takes vacation days and that with the recent re-codification of the code, archiving of City records and possible records management, another person is needed to keep up with the day to day operations, which also includes the tasking of the Mayor and Commissioners.

Hearing no further discussion, the motion unanimously carried.

ITEMS FOR NEXT AGENDA

Commissioner Marietta asked that Mr. Davis and Animal Control get together to revise the language in the Animal Control Ordinance to differentiate between domestic pet cats and feral cats as there is discussion within the city.

Commissioner Howard asked for information on the Broad Avenue Bridge underpass.

Commissioner Postell asked that a look be taken at financing Commissioners insurance, housing and other perks for discussion, e.g., all Commissioners are treated on the same level. He explained that there is a financial benefit to Commissioners opting to take advantage of the City's insurance. Mayor Adams clarified the request. Mr. Lott stated that he will come up with an agenda item that lists compensation of each Commissioner – pay, life insurance and health insurance and what this equals in overall compensation.

PUBLIC ADMINISTRATION AND FINANCE MATTERS

SPLOST VI UPDATE

James Taylor, Asst. City Manager, discussed information as noted on page 21,(copy on file), pertaining to the timeline of SPOST VI.

Commissioner Marietta mentioned the 62/38 split, which does not reflect the City's population and asked Mr. Lott to explore how the formula was calculated and determine if there is a way to make it fairer. Mr. Lott asked Commissioner Langstaff if a joint meeting with the two Boards resulted in the formula. Commissioner Langstaff concurred, stating that it was a multi-part formula to determine the percentage, but basically it was a negotiation between the two Commissions. Mr. Taylor stated that it was also based on the LOST formula and the negotiations. Commissioner Langstaff

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stated that there are projects that the City/County benefits from, which are weighed in and once the list is looked at and there is overlap, this can be adjusted. Mr. Lott stated that he will speak with County Attorney Spencer Lee who is the designated legal person to manager and get a history of the breakout. He suggested it could also be related to responsibilities.

Commissioner Langstaff discussed SPLOST funding generally being for capital improvements, i.e., infrastructure, etc., with exceptions, i.e., paying off debt which helps the general fund. He suggested that general fund revenues should be looked at and that the extent we can use SPLOST funding to take the burden off the general fund should be explored. He asked Mr. Davis to provide a memo on exceptions on what SPLOST can be used for other than outside improvements. He commented on a city that attempted to use excess SPLOST funds that were not spent to take the burden off the general fund due to a provision in the SPLOST law and said he will provide this information for Mr. Davis to research.

Commissioner Howard asked about the process. Mr. Taylor stated that he sent the forms via email to departments and distributed (copy on file) the project request form.

Commissioner Hubbard asked for written information on what can be placed on SPLOST, how was the split determined, and what can be done about City projects that were over/under-budget.

Mayor Adams stated that a large part of SPLOST will be used to improve infrastructure and asked Bruce Maples, Engineering Director, to give a presentation on what infrastructure should be worked on and the estimated cost. Mr. Maples stated that he can provide this information. Mr. Lott stated that additional information will be presented to the Commission to answer questions from Commissioner Hubbard

COMMUNITY & ECONOMIC DEVELOPMENT MATTERS

SMALL BUSINESS PROCUREMENT PROGRAM

Mr. Lott stated that during discussion of the disparity study, all entities were pulled together and learned that we were not in compliance with race neutral, etc. Based on this, he advised that the program was adjusted to not focus on race/gender, but to focus on small businesses, which will hold up should it be challenged in court.

Ms. Cutts briefly discussed implementation of the program that replaced the Small, Disadvantaged Business Utilization program, and the many concerns about that program, which was proposed to the Commission. She advised that her office has a revised proposed program as a result of all the input received. Using a power point presentation

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(copy on file), she explained the process of developing the small business program. As noted in the agenda item, she recommended option 1.

Mayor Adams mentioned SPLOST programs and asked if this program should be considered to extend to include surrounding counties or just stay within the boundaries of Albany/Dougherty County. He commented on recruiting small businesses and increasing chances to identify a radius of other counties. Mr. Lott stated that Albany/Dougherty County's SPLOST is collected only in Dougherty County. Mayor Adams clarified that revenue comes from surrounding counties and suggested they should be involved in the business operations. Ms. Cutts stated that they can be involved and are encouraged to do so as long as they have an office and obtain a business license, etc. She stated that in the first year, the intent is to keep it small and to look at expanding at a future time. Mr. Lott agreed that attracting small businesses is what we want to do.

Commissioner Marietta agreed with giving preference to Dougherty County and asked if the plan covers WG&L and the airport. Mr. Lott explained that the airport is governed by FAA and we cannot overstep federal rules. He said it does not include WG&L and suggested that if the Commission desires, he can approach WG&L. He added that they are not included in our process, but was part of the original consortium as a separate equal entity. Commissioner Marietta stated that he would like to see WG&L and the airport included. Mr. Lott explained that as long as it is not FAA, the airport falls under the City's policy. He said he can have Ms. Cutts make the presentation to WG&L, but he does not monitor their procurement process.

Commissioner Postell asked the decision of the Supreme Court's 11th Circuit Court as noted in the handout of Mr. Wright (copy on file). Mr. Davis stated that he does not know - the author of the document should be asked. Commissioner Postell asked about the bonding process. Ms. Cutts stated that bonding was not addressed in the training component, but the Procurement Department is making sure the program is successful and they are working with that office. Commissioner Postell asked if the County is in conflict with the 11th Circuit Court. Mr. Lott stated that he thinks the County stopped their procurement process as they were not using goals before, adding that if anyone is using goals, based on race or gender; they are breaking the law as was explained in the legal brief. Commissioner Postell stated that he wants to be fair and when the public has meetings, Mr. Wright contends that city's staff is incomplete and does not want to continue to meet. Mr. Lott stated that he has met with Mr. Wright and other members of the community on numerous occasions and Mr. Wright has been given the floor for hours. The issue is that if the City does not adopt a plan that Mr. Wright wants, he will never be satisfied. He stated that Mr. Wright wants the City to go back to race bias, but the City simply cannot do this as it is in opposition to the law. Unless the City takes his approach and does what he says he will continue to make those comments.

Mayor Pro Tem Pike asked Mr. Davis if the legal opinion is that the City was out of compliance with its previous program. Mr. Davis agreed and explained the race based plan adding that the court looked at goals as a dodge of quotas. Mayor Pro Tem Pike

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asked if the new plan fits the guidelines. Mr. Davis agreed. Mr. Lott expanded (at 11:58 a.m., Commissioner Langstaff left the meeting) on the program adding that the program presented will give all small business an opportunity to succeed.

Commissioner Hubbard asked how was Augusta and Macon listed as doing the right thing. Mr. Lott stated that this is not an accurate statement. Commissioner Hubbard asked about certification. Ms. Cutts replied that it does not require state certification, but they plan to assist once the business has been certified with her office. In reply to Commissioner Hubbard, she referred to the agenda packet, which contains a tentative training schedule in which facilitators have already been contacted. Commissioner Hubbard asked how and how often the program will be evaluated. Ms. Cutts replied it will be evaluated using the software system discussed, which has the capability to provide a number of reports that she and Ms. Craft will evaluate; then the Council she mentioned will review the reports and make recommendations.

Commissioner Postell moved to approve option 1, seconded by Commissioner Marietta, the motion carried 4-2 with Commissioners Howard and Hubbard voting no.

There being no further discussion, the meeting adjourned at 12:01 p.m.

SONJA TOLBERT
CITY CLERK