

MAY 4, 2010

COMMITTEE OF THE WHOLE

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

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

STATE LOBBYIST UPDATE

Mayor Adams advised that the State Lobbyist is unable to be here this morning.

STOP THE VIOLENCE UPDATE

Commissioner Marietta thanked staff for participating in the Stop the Violence Initiative. Latoya Cutts, Community & Economic Director, presented and discussed a brief power point presentation with information pertaining to the Stop the Violence Movement (copy on file).

Commissioner Postell asked how many youths participated. Ms. Cutts advised that there were approximately 50 teens, with over 5,000 estimated participants over the weekend.

Mayor Adams asked if there is a medical team available that can do CPR during the sporting events and was advised that EMS and APD Officers are there to cover all events.

HERITAGE HOUSE UPDATE

James Taylor, Asst. City Manager, discussed information pertaining to the Heritage House as noted on page four of the agenda packet.

Mayor Adams mentioned demolition and site preparation, asking if there are in-house capabilities to take care of this and if savings can be recognized. Mr. Taylor stated that there is a possibility and that he has been in discussion with Public Works Director Phil Roberson; however, this is a steel-reinforced structure, which requires substantially more effort.

Commissioner Langstaff commented on paying fair market value for the site and asked how this compares to demolition of other properties. Mr. Taylor stated that this relates to the purchase of the property and explained the process. He added that the structure can be demolished, without acquiring it and a lien placed against the property. In reply to Commissioner Langstaff, he stated that staff feels any lien against the property far exceeds its value.

Commissioner Hubbard asked the obligation of the property owner if they are cited. Mr. Davis stated that if they do not move forward after being cited the City can consider

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proceeding with abatement action. Commissioner Hubbard commented that the property is an eyesore there is a possible safety and health hazard. She suggested that there is a need to expeditiously move forward addressing blighted property. Mayor Adams stated that an underlying concern is to ensure that there is no unreasonable profit from whatever action the City takes.

Commissioner Postell commented on the acreage and asked the individual price of the other sites of Greenbrier Holding. Mr. Taylor stated that he has no price for each location and explained that when they acquired the site, they acquired the Heritage House and three sites adjacent to it and have offered to purchase an additional site. He added that all the sites have been identified and their tax value. In reply to Commissioner Postell on the status of the City/Greenbrier, Mr. Taylor stated that only discussions are being held and a more detailed option will be brought at a later date. Commissioner Postell agreed with Commissioner Hubbard on the timeframe of this project, which has dragged on and asked how long Greenbrier Holdings has been given to come up with funding. Mr. Lott stated approximately two years. Commissioner Postell asked how long Greenbrier will be given before an ultimatum is issued. Mr. Lott discussed having a recommendation to the Commission by July and advised that they are looking at options, i.e., cite the property, demolish it, and put a fi fa lien against it or acquire through eminent domain and turn the property into public use or acquire the property to use for redevelopment. He advised that all options are being explored and a recommendation will be forthcoming. He added that it will cost the City regardless of the option chosen. Commissioner Postell asked which option will be the most feasible to move the project forward. Mr. Lott stated that he is not prepared to answer the question now, but will have an answer by the first work session in June. He asked Mr. Taylor to make sure Mayor Pro Tem Pike gets a copy of the information presented. Mayor Adams stated that Mayor Pro Tem Pike is out of town today and is excused.

## APPOINTMENT OF VOTING DELEGATE AND FLAG BEARER FOR PARADE OF FLAGS RE: GMA ANNUAL CONVENTION, SAVANNAH, GA JUNE 26-29, 2010

Commissioner Marietta nominated Mayor Pro Tem Pike to be the voting delegate and flag bearer, seconded by Commissioner Postell; the motion unanimously carried.

## QUARTERLY COMMISSION EXPENSE REPORT

The Clerk advised that information was in the back pocket of the notebook for Commission review.

## APPOINTMENTS

1. Five appointments to the Barrier Free Board for three-year terms expiring March 1, 2013 (handicapped person and/or person who have an understanding of and a commitment to Barrier Free Design Board representing the community at large)

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Commissioner Hubbard moved to reappoint Audrey Alferi, Diane Taylor, and Deborah McDonald and to appoint Tracey Jackson, seconded by Commissioner Postell; the motion unanimously carried.

## **PUBLIC FUNCTIONS MATTERS**

### ORDINANCE RE: SEXUALLY ORIENTED BUSINESSES

Howard Brown, Planning Director, discussed information as noted on page 19 pertaining to adopting an ordinance regarding sexually oriented businesses (copy on file).

Commissioner Langstaff asked if the Commission has seen a draft of the ordinance. Mr. Brown replied in the negative. Commissioner Langstaff moved to approve, seconded by Commissioner Postell

Commissioner Hubbard asked how many businesses will be affected; Mr. Brown replied that according to the research it is four. Commissioner Hubbard asked if they have had an opportunity to provide input/discussion. Mr. Brown replied that one business applied for a variance last year, but the request was denied by the Planning Commission. He stated that if this is moved forward through an ordinance, the intent is to provide written notification of the public hearing that is scheduled for the end of this month. Commissioner Hubbard asked where can the information be found, i.e., secondary effects, etc. Mr. Davis advised that this information was provided in the notebook that was distributed last month. He stated that there is a draft ordinance that can be distributed.

Commissioner Postell asked what part of this is already being enforced; Mr. Brown replied that all of it is enforced. Commissioner Postell asked about strip clubs; Mr. Brown replied that strip clubs are allowed under the ordinance. Commissioner Postell clarified that strip clubs are being regulated. Mr. Davis interjected that these are not prohibitions, but are regulations, i.e., zoning and location laws. He advised that the content is not being regulated - it can still take place, but only in certain locations. He added that it is a First Amendment issue and that it cannot be prohibited.

Mayor Adams stated that he did not read the information from the March meeting and asked what part of the city the clubs will be restricted to and how other municipalities handle what part is specifically zoned to accommodate these businesses. Mr. Davis replied that through Planning and using the GIS system, locations are decided. He referred to the draft ordinance, page six – ‘Location of Sexually Oriented Businesses’, which explains where this ordinance would place those businesses. Mr. Brown stated that the ordinance was compared with other jurisdictions and Planning conducted its own study. He discussed the differences in the old ordinance and new ordinance in which the prohibitive distance requirement was reduced to meet legal constitutional issues. Mr.

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Lott explained that these would be in commercial and industrial districts as opposed to residential districts, which should reduce complaints.

Commissioner Marietta asked if the Planning Commission has reviewed the draft ordinance and recommended that the ordinance come to this Board. Mr. Brown replied in the affirmative, adding it was a unanimous voted.

Hearing no further discussion, the motion carried

## **COMMUNITY & ECONOMIC DEVELOPMENT MATTERS**

### SMALL BUSINESS PROGRAM

Discussion followed on whether or not to hear the issue due to Commissioner Howard not being present. Commissioner Langstaff moved to table, seconded by Commissioner Hubbard, the motion failed 3-3.

Mr. Lott stated that Commissioner Howard wanted to further discuss the issue and had it put back on the agenda, but he said he unsure as to what Commissioner Howard wants to know since it was voted it down 5-2 at the meeting last month. Mr. Davis stated that he felt there would be a motion to reconsider and then move into discussion.

Commissioners Postell and Marietta stated that they voted for it at the business meeting. Commissioner Langstaff stated that he, Mayor Adams and Commissioner Hubbard voted against and would have to bring it back up for reconsideration. Commissioner Postell stated that the Commission had voted to stay within federal regulations and not mirror what other cities do. He said he cannot understand the City taking action that would put it in violation of federal rules/regulations...(Commissioner Howard entered the meeting at 9:11 a.m.). Commissioner Postell asked the feasibility of voting again, reiterating the City will be in violation of federal regulations. He commented on Dougherty County's decisions to not have anything to do with what the City does.

Mayor Adams asked to give Commissioner Howard consideration since he has entered the meeting and asked Commissioner Howard for his comments. Commissioner Howard explained that subsequent to the night meeting when the item was defeated, he looked at the entire issue and with the consortium being dissolved, he said he felt it was in the best interest of the City to look at something to help small businesses in the upcoming fiscal year to make sure that when bids are awarded they will be included. He suggested that something should be in place and commented on federal funds the City receives in which the package recommends setting aside 10% for minority contractors. Without the small business program, he suggested that there is no program check/balance to ensure that the bids are awarded to small business contractors in the near future. Mayor Adams asked for clarification on whether federal programs are still mandating that a certain percentage

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be given to minority businesses; Commissioner Howard replied in the affirmative. Mayor Adams stated that the court ruling prohibits identifying minorities, but rather use the term small businesses; he asked if Commissioner Howard is suggesting that there is a conflict in the ruling or is the federal government not adhering to the court's ruling. Mr. Lott explained that with a lot of federal monies, there is a DBE Program in which aspiration goals are set, but if an entity does not make the goals they are not held accountable and there are no set asides. He mentioned the federal monies going to the airport, which has aspiration goals and advised that City programs cannot have goals or set asides, but can have small business programs and encourage minorities to join that program. Mayor Adams asked how we can satisfy this. Mr. Lott stated that regarding procurement, at this level, there can be no aspiration goals, all the City can authorize is a small business program. He explained that with the spending of federal dollars, a DBE program is required, adding that the City is looking at this and will be ready in about a month.

In reply to Commissioner Postell, Mr. Lott stated that at present the City's policy is 'the best qualified, low bid' and the City will continue to give some preferences to small businesses. Commissioner Postell stated that he has attended meetings in which small businesses were invited to attend, but many do not participate. He asked if this program promotes notification to small businesses. Mr. Lott explained that the City will have a small business program instead of the SDBU, which was race biased through setting goals. This program specifically focuses on small businesses and if it is set up, it will help train, coach and enroll small businesses in a program. When someone takes part in the procurement process, they can be offered incentives for utilizing small businesses to be included in larger bids. Bids at a certain level can be set aside specifically for small businesses. Commissioner Postell stated that small business is inclusive of everyone including females and those of other nationalities and suggested that the project is to be all inclusive in training so that everyone can be involved in the bidding. Mr. Lott agreed adding that if they are qualified and certified within the program they have a higher propensity to get jobs as well as having certain jobs that will be reserved for them. Commissioner Postell asked if this is housed with Community Development; Mr. Lott replied in the affirmative. Commissioner Postell asked if it necessitates the hiring of someone to monitor. Mr. Lott stated that a person is already on staff for this program. Commissioner Postell expressed concern about duplicating what the County has, which promotes ethnics and gender stating that he doesn't want the City running into a federal problem. He said that he can support staying with the City's current policy and help promote whatever Ms. Cutts is doing. However, he said he cannot go along with coaching someone, holding their hand and allowing them to feel that the City will get a job for them. He added that he can neither go along with someone acting under the pretense that they own a business, when it is actually someone else's business, for the sake of illegally connecting the true business owner to a federal program.

Commissioner Marietta asked the difference between race-conscious and race-neutral. Mr. Lott explained that under the former SDBU program, the consortium was supposed to operate as race-neutral, but because of setting goals and discussing it, they were not

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operating as race-neutral. During the course of the disparity study, the consultant advised that the City was actually race-conscious because it counted the number/percentages of minorities who participated. Commissioner Marietta stated that he voted in favor of the program and asked if DBE is something separate. Mr. Lott stated that we are required by federal government to have a DBE program due to stimulus monies, etc. He added that Central Services is getting an RFP for a DBE Program, which is a separate issue.

Commissioner Hubbard asked what is being done now since the recommendation did not pass. Mr. Lott stated that there should be a vote for reconsideration to discuss the issue. Commissioner Hubbard asked why it should be reconsidered if the Commission voted to....Mr. Lott stated that this is a Commission question. Mayor Adams stated that Roberts Rules of Order dictates that reconsideration by the Commission is required. He stated that most likely, there was not a clear understanding of the two programs; the small business aspect, which cannot be identified by race/gender, and the federal program which permits having a DBE, with staff working on it. He said the question is, since it was voted on and it failed, how we handle today's issue and asked Mr. Davis the process of reconsideration, which Mr. Davis explained. Mr. Lott stated that this will start the discussion again. Commissioner Hubbard expressed concern on how the program was written and structured and whether monitoring will be done, which was the major reason she voted against it. Mayor Adams stated that staff indicated that someone is on board to start the program and monitor.

Commissioner Postell moved to reconsider for additional discussions. Discussion followed on who can bring the issue up for reconsideration. Commissioner Howard stated that he originally was one of the one voting against the program on March 23 and moved that the item be reconsidered, seconded by Commissioner Postell. Commissioner Langstaff asked if the second has to come from one of the five or one of the two. Mr. Davis stated that it has to come from one of the five who was in the majority. Discussion followed on who would second the motion, at this time the Mayor declared the motion failed due to lack of a second.

## **PUBLIC ADMINISTRATION & FINANCE MATTERS**

### CURRENT BIDS

Commissioner Howard moved to approve the following, seconded by Commissioner Hubbard; the motion unanimously carried.

1. Mobile Truck Lifts & Stands, Heavy Duty Lift & Equipment, Flowery Branch, GA

Total expenditure      \$58,790.00

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Commissioner Howard moved to approve the following, seconded by Commissioner Marietta; the motion unanimously carried.

2. Gun Purchase, (state contract), Smyrna Police Distributors

Total amount	\$45,964.35
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DEPARTMENTAL BUDGET REVIEW

1. James Taylor, Asst, City Manager, distributed and discussed information pertaining to the budget of the City Manager's office (copy on file).

In reply to Mayor Adams, Mr. Lott stated that the lobbyist increased to \$2,878. Wes Smith, Asst. City Manager, stated that he will have information pertaining to the lobbyist including what was paid last year and the return on investment.

Commissioner Howard commented on the ADICA information as noted and the invoices that remain unpaid. Mr. Taylor explained that they have been in contact with the agencies, with the issues remaining unresolved. Mr. Davis agreed. Commissioner Howard commented on the bond requirements. Mr. Taylor stated that they are in discussion with ASU, but the issue has not been decided. He stated that the \$74.0 million will include construction of dorms, student center, etc.

Mayor Adams asked the monies due from people who owed ADICA ...Mr. Taylor stated that they are current on one person and one payment in arrear on another. Mayor Adams asked how this is reflected; Mr. Taylor replied it is considered revenue.

Commissioner Hubbard clarified that there are unpaid items from ATI. Mr. Taylor agreed, stating that they have invoices with the total being just short of \$30,000. Commissioner Hubbard asked to see these figures. Mr. Davis clarified that they are not ADICA bills; they are ATI bills. Commissioner Hubbard asked if when ATI was dissolved, was there any auditing or a process to go from one entity to the other. Mr. Taylor explained that ATI served as both entities ATI/ADICA and the books were somehow merged, the City had no authority to request an audit; however, ATI has been audited. Mr. Lott interjected that the City's assumption was primarily as project manager; ATI had been monitored for three and a half years as they managed projects as the City's general contractor. He explained that they would present bills with the City paying them; up until the last moment when there were indications that ATI may not have paid contractors even though they had been paid by the City. He advised that the City has been able to work through those issues such as the Civil Rights Institute, Ray Charles Plaza, etc., but the City does not intend to the pay phone bills/standard operating bills. Commissioner Hubbard asked if there was a close out procedure from ATI to ADICA. Mr. Lott replied in the negative, explaining that they were separate entities with ATI shutting their operation down independently and separately from others.

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Mayor Adams asked if it is basically that the City hired a contractor and ATI did not pay the subcontractors; Mr. Lott agreed and explained that in some cases this is what happened. Mayor Adams asked if, from a legal standpoint, there is a way to separate the responsibilities of ADICA from ATI. Mr. Lott commended Mr. Davis for the contract he drew up which held the City harmless for the failures on the part of ATI, which had specific arrangements with Thronateeska, the Civil Rights Institute, etc. and prevented the City being responsible for their business failures. Mr. Taylor added that ADICA had a relationship with ATI that was separate from the City. ATI used ADICA's name for certain obligations such as phone bills, etc., which was apparently done without authority. Now that ATI no longer exists, those companies are now coming to ADICA for payment and they are attempting to sue. Mr. Lott added that for the first three years he was here, ADICA/ATI were run by the same people, but they were separate entities; now that ADICA stands alone it is not responsible for ATI issues, which may never be resolved.

Commissioner Hubbard asked the total budget amount for ADICA. Mr. Taylor stated that the total amount is \$50,000 annually. He mentioned the budget that he submitted to the Commission, which was partially funded until by-laws were brought back and now he is asking for annual funding in the amount of \$50,000.

Commissioner Postell asked the amount of unpaid invoices and the number of years. Mr. Taylor stated that he does not have the information, but will get it. Commissioner Postell asked how long we will be involved to the point that the City may have to pay more money. Mr. Lott stated that we do not intend to pay any more money; ATI will have to assume these outstanding invoices; those seeking redress will have to do so through that corporation, not through ADICA or the City. Commissioner Postell asked if the redress will go through ATI, which is no longer functioning. Mr. Davis interjected that that is their problem. Commissioner Postell asked the City's relationship with ATI. Mr. Lott replied that they were strictly the City's general contractor who built projects and were paid fees. Commissioner Postell asked Mr. Taylor if the \$50,000 will clear up the \$30,000 plus the other indebtedness. Mr. Taylor replied in the negative; that is a debt sitting out there unresolved. He explained that the \$50,000 is needed as an annual operating amount to carry on ADICA's programs. Mr. Davis advised that there is nothing in ADICA's files supporting payment and, unless they can get a court judgment, there is nothing owed them. He added that they were not interlocking Board of Directors, and even with that arrangement, there can still be separate corporations, minutes, checking accounts, etc; there is nothing to support ADICA's responsibility to pay these invoices. Discussion followed on who will be involved if a suit entails.

2. Mr. Davis briefly discussed the budget of the City Attorney's office; there were no questions.

3. Stephen Collier, Central Services Director, distributed and discussed information pertaining to the budget of the Central Services Department (copy on file).

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Mayor Adams asked the impact of the AVL system on fleet management. Mr. Collier replied that fleet management is not impacted; rather the impact is with APD and AFD. Mayor Adams stated that his question is about the devices installed on vehicles to monitor them. He asked if, since institution of this system, have there been any increases/decreases or if the status remains the same. He suggested that the reason for this type system was to have cost reductions. Mr. Collier explained that it was implemented only a few months ago and it is a little early to determine this information. Mayor Adams commented that he see the system as a means to prevent abuse of using vehicles. He asked that AVL information is submitted quarterly for accurate information to be reported.

Commissioner Langstaff noted page E.30 and the rent increase and asked if it is an increase in rental fees or is Central Services taking up more space. Mr. Collier advised that it is an increase rental cost the County charges. Commissioner Langstaff asked if information can be compiled on the rent cost from when the City first moved into the building. Kris Newton, Finance Director, stated that an audit is being conducted and documentation has been requested; the County is also involved in the audit. Commissioner Langstaff asked if the rent can be looked at over the years. Ms. Newton stated that this can be provided. Mayor Adams asked if there is a legal way to lock in a percentage increase so as to not make up their deficit. Commissioner Langstaff asked the total amount of the increase across all departments; Ms. Newton replied that she will get this information.

Commissioner Howard asked Mr. Lott about utilizing the building on the weekend stating that he was told the cost to use was \$600.00 and that he would have to pay for a person to come in to lock/unlock the building along with the cost of utilities. Mr. Lott explained that utilities are turned off on the weekend and cannot be turned on for just a few hours, it's programmed for a certain length of time, adding that we have been dealing with this issue for awhile. He said all of this is being looked at through the audit. He mentioned HB 489 with the County being the controlling entity. Mr. Davis stated that the City has no equity interest in the building, but yet we pay so much money. He said he received no response to the letter he wrote the County suggesting that the City have a deed to an undivided one-half interest. Commissioner Howard stated that he has been asked who owns the building since it was paid for by SPLOST money.

Commissioner Hubbard asked if this goes on forever. Mr. Lott replied in the affirmative, advising that the County is the owner and we are the tenants.

Commissioner Postell asked how many years do we have a contract with the County and if it is renewed yearly. Mr. Collier said that there is no contract, but HB 489 dictates an intergovernmental agreement. Mr. Lott interjected that this issue was presented to the Commission in 2006 and the information contained the building usage. Commissioner Postell asked if the County's cost goes up every four years. Mr. Davis stated that it is prorated and Ms. Newton will give a breakdown. Commissioner Postell asked if the County rents from the City; Mr. Lott replied in the negative.

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Commissioner Marietta asked if we are paying maintenance cost. Mr. Lott agreed that it is our share of the cost to maintain the building. He stated that the audit is verifying that the City is being charged the actual cost.

Commissioner Hubbard noted acct. #7880 and the Microsoft license fee acct. #8009. John Antoniewicz explained the upgrade of the Microsoft operating systems. In reply to Commissioner Hubbard, Mr. Collier stated that new computers are being ordered, which accounts for the increase.

4. John Antoniewicz, IT Director distributed and discussed information pertaining to the IT Department (copy on file).

Mayor Adams commented that the 311 breakdown shows City funds 60% and the County funds 40% with Water Gas and Light not being listed. He asked why WG&L is not listed. Mr. Antoniewicz explained that the report lumps WG&L in with the City's cost, with WG&L's cost being approximately 10%. Mayor Adams asked if this equates to about \$10,000; Mr. Antoniewicz replied in the affirmative.

Commissioner Marietta commented on the County's 40% of the 311 budget and asked if county citizens can call and report concerns. Mr. Antoniewicz explained that the percentage is based on where the incident occurs; it is not based on the residential area of the caller. In reply to Commissioner Marietta, Mr. Antoniewicz stated that 311 is working very well.

5. Wes Smith, Asst. City Manager, distributed and discussed information pertaining to the budget of the Civic Center (copy on file).

Mayor Adams complimented Mr. Smith on his presentation and the amounts as noted.

Commissioner Langstaff asked the capital outlay. Larry Johnson, Budget Officer, stated that it is an error and should be removed; it is not associated with any expenses. Commissioner Langstaff asked the actual. Mr. Johnson stated that it is \$1.5 million. Commissioner Langstaff asked about having a Civic Center board and if the board can be in place before the director is hired. He asked where we are with this. Mr. Smith stated that the Commission never voted to create a board, but established a committee to review policies, which should be on the next agenda. He said once the committee makes a recommendation, the information will be brought to the Commission. Mr. Lott stated that he will also use this committee in the hiring of the Civic Center Director. Commissioner Langstaff stated that there was talk of having an advisory board for the Civic Center.

Commissioner Hubbard stated that she brought this to the Commission and it was her intent that once the report was heard, it would be part of the recommendation. She said she wanted to make a recommendation for a Civic Center Advisory Board at that time. It was the consensus to make the recommendation for the advisory board after the information from the committee is received.

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Commissioner Postell asked Mr. Davis about the advisory board not mandating what goes on with the Civic Center; Mr. Davis agreed. Commissioner Postell asked if there is anything to circumvent Commissioners appointing friends to be on the board. Mr. Davis stated that, i.e., promotional monies would be approved by the Commission. In reply to Commissioner Postell on the authority of the advisory board, Mr. Davis stated that it will depend on the charge that is given to the board when it is established. Mayor Adams stated that it will be an advisory board and not an authority and each Commissioner will recommend someone to serve on it. Commissioner Postell stated that the Commission recommends persons to serve on a committee to bring back recommendations. Mr. Smith agreed, adding that it is not an advisory board.

Commissioner Howard asked what is subsidized to finance the Civic Center and Municipal Auditorium. Mr. Smith stated \$1.199 million less revenues of \$381,000. Mr. Lott stated that it will probably be less than \$1.0 million.

Commissioner Marietta stated that this is well spent.

Commissioner Hubbard asked what the Civic Center's rent pay. Mr. Smith stated that rent is paid for an office for the arena football team. Commissioner Hubbard expressed concern on the audit report from last year and the difference in operating revenue for the last several years, adding that FY 08-09 had a decrease from FY 06-07. She asked for information about the large decrease from these years including FY 05. Mr. Lott clarified the decrease in operating revenues and stated that information will be provided.

6. Kris Newton, Finance Director distributed and discussed information pertaining to the budget of the finance department (copy on file).

Mayor Adams asked if the \$38,000 is for the Deputy Director and budget analysis; Ms. Newton replied it is for an accounting technician. Mayor Adams asked if the Dep. Director has already started; Ms. Newton replied that his name is Ken Dyer and that he will start June 1st. She advised that Mr. Dyer worked as a troubleshooter within university systems and that he was formerly with ASU and currently works at Concordia College in Selma.

Commissioner Howard mentioned that the County is wrangling with its insurance premiums going up and asked Mr. Lott if the City expects to face this problem later. Mr. Lott replied in the negative and explained that the cost of the medical services for those on the County's plan exceeds their premiums; the City is not facing this issue. Mentioning the termination of the contract with the PEHG, he stated that the City saved approximately 3.0 million within the past two years. Ms. Newton added that the projected savings was \$800,000 in the first year of leaving that group with the final numbers revealing a \$2.0 million savings in reduced claims the first year. The next stage is to incorporate a wellness program in the Plan in an effort to address major health issues. Commissioner Howard asked for the fund balance and cash stabilization and asked if the overall fund balance is where it should be and if the finances are sound. Ms.

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Newton stated that they have projected using several million from the fund balance, but that is what the fund balance is for. She said that costs are being closely monitored with savings across the board for the last quarter in spite of the economy. Revenues are down and Tax Director Denver Hooten has provided information that the Tax Digest may go down about \$900,000 this year, which is before the cut in property taxes the City initiated with this budget for an anticipated total reduction of \$1.7 million in property taxes. Regarding the fund balance, she advised that it was approximately \$22.9 at the end of last year, with \$13.0 million in the cash stabilization fund. The City has 27% of its total revenues, which is about 3.2 months of operating expenses. Commissioner Howard stated that if the fund balance and cash stabilization is ideal, City employees have asked about receiving a COLA. Mr. Lott stated that the City is financially in good shape, but the economy is still recovering and we have to be prudent in how the fund balance is used. He said implementing Phase 1 and 2 of the pay study puts employees above the minimum. Mayor Adams stated that he has been approached with this question also and that he was surprised that the Commission received no words of appreciation for the \$600 that was received. He said he is proud the City is not considering furloughing or laying off employees. Regarding the wellness program, he suggested creating a wellness clinic, which will help in the future. He asked the cost to establish one. Ms. Newton stated that there are several who want to present information to the Commission and that it is estimated that to begin a clinic is approximately \$300-400,000 and everyone she has spoken with has recouped their cost in savings within a few years. Mayor Adams stated that there is concern about whether or not the health clinic will be in competition with local health care providers, adding that he cannot see that it would, if properly constructed.

Commissioner Marietta asked about sales tax increases and mentioned the City Manager's report. Ms. Newton stated that the decline has slowed; last year was 12.9% lower than the year before; this year it has started to slow, but we are still behind where we were last year by 7-8%.

Commissioner Hubbard expressed concern about increasing the budget with adding personnel when not being sure about revenue projections. She said she spoke with Ms. Newton about her concerns on potential possibilities and decreasing the budget/personnel and that she asked Ms. Newton the advantages to have temporary help as opposed to regular employees. Ms. Newton explained that a \$24,000 temporary person becomes a \$34,000 person when benefits, etc. are added in and advised that it is less expensive to use temporary help and/or interns during seasonal heavy time. Commissioner Hubbard asked the FICA matching percentage. Ms. Newton replied that FICA and Medicare together are 7.65%. Regarding administrative services, Commissioner Hubbard asked if there is an agreement with the County. Ms. Newton stated that it comes under HB 489 and the City pays 18% of the cost to run the Tax Department. Commissioner Hubbard mentioned the decrease in the millage rate, asking how it will impact the budget. Ms. Newton said it will decrease available revenue by \$800,000 and explained that on a home valued at \$100,000, the property owner will save less than \$20.00/year in property taxes. She stated that since 2004, the City has reduced four times adding that there has not been

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an increase for a long time. She reported that in 2004 it was at 10.8%, and right now at 9.157%. She advised that it will be 8.66% when it is reduced this year.

Mayor Adams thanked Ms. Newton for the job the Finance Department has done.

**EMPLOYMENT POLICIES/PROCEDURES REVIEW (CHAPTERS 1-2)**

Mr. Lott stated that the objective is to take questions on the chapters and advised that Mr. Sweat, Mr. Davis and Mr. Smith are available to answer questions. He asked if there are any comments or changes.

Mr. Smith asked if there are questions on page 28.

Commissioner Postell asked the new changes to be implemented, how many new changes were made and the page number on which they appear. Mr. Smith stated that he does not have a list, but that he can discuss Chapters 1 and 2 because they basically set the stage by stating that the City has a policy. He stated that the only significant change he is aware of is on page 29 re: employment at will; other than that there are no other material changes in the first two chapters.

Mayor Adams stated that it was requested that significant changes be printed in bold or highlighted. Mr. Smith stated that this will be done from this point forward, however, as indicated, chapters 1 and 2 fundamentally establish policies/rules. Mayor Adams asked who is able to hire and fire for WG&L according to the Charter. Mr. Smith stated that the General Manager is ultimately responsible for WG&L in the same manner that the City Manager is ultimately responsible for City staff. Mr. Davis referenced Sect. 4 of the Charter, whereby the City Manager is the overall chief executive officer for the City; WG&L is not a separate legal entity, they are a part of the Charter mentioned in Sect. 26. He stated that the General Manager has a lot of duties, but the final decisions rests at this table under the Charter. Mayor Adams stated that his overall concern is if a person is inappropriately released from a department and litigation ensues, the Commission is responsible. Mr. Davis agreed. Mayor Adams stated that it becomes extremely important that the matter of hiring/firing is done so in an appropriate manner.

Commissioner Marietta stated that he has had questions from employees who are hesitant to ask questions and asked if comments can be received anonymously. Mr. Smith advised that during the development process, there was employee participation and if someone wants to make comments, that person is welcome to their opinion, but the City Manager is responsible for making recommendations to the Commission. Commissioner Marietta stated that the policy needs to be updated, but he wants to ensure that employees have input. Mr. Lott stated that an anonymous input can be developed. He advised that he set up a committee that included grass root employees so that all levels of personnel were represented; the process was detailed and exact. He said that the City has a liberal grievance process and no retaliation is involved. Commissioner Marietta stated that he is

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not faulting the process, but even when everything has been gone over with a fine-tooth comb often something has been overlooked and this is the last opportunity before the policy goes into effect to see unintended consequences.

Commissioner Postell noted page 35 procedure B and suggested that this is a broad statement and nothing is received from WG&L when someone is terminated, except notice that they have been dismissed. He referenced the portion that reads 'the City Manager and WG&L General Manager may make exceptions' and asked what can be in place to have employees appeal to the Commission before a potential lawsuit. Mr. Smith stated that neither the new or past policy had any intent or procedure allowing anyone to appeal to WG&L's Board or this Board; this is the responsibility of the City Manager/General Manager. He briefly discussed examples. Commissioner Postell referenced a complaint filed at WG&L whereby they felt they were overlooked in a promotion process; the person who was supervising them did not have the educational degree that the subordinates had. He questioned the General Manager hiring a person with a GED and the chaotic situation this created. Mr. Lott stated that this can be removed.

Commissioner Marietta asked for an example when this can be useful. Mr. Lott referenced the example given by Mr. Smith.

Mayor Adams suggested that in case the tool is used and an exception is exercised it would have to be approved by the Commission. Mr. Lott stated that this will be contrary to the Charter and suggested it should be removed. Commissioner Postell moved to remove the wording 'may make exceptions' as noted on page 35 II Procedures B. Following a show of hands, the consensus was to remove 'B'.

Commissioner Hubbard asked Mr. Lott if he has read the policy; Mr. Lott replied in the affirmative. Commissioner Hubbard agreed with Commissioner Marietta about having employee input. She said she was told that no other city in this state has an approved personnel manual. Mr. Lott said that he doubts that. Commissioner Hubbard said she asked if any other groups were used as a guideline and was told that a document from Virginia was used. Mr. Lott stated that the HR Director used other cities. In reply to Commissioner Hubbard, Mr. Lott stated that Attorney Sweat and City Attorney Davis reviewed the policy. He said he can live with the proposed policy. Commissioner Hubbard suggested that the Carl Vinson Institute who is connected with GMA could review a portion and give ideas. She said that information applies to everyone and questioned general policies, i.e., harassment, relationships, hostile environment, being treated fairly, etc., that applies to everyone, also Commission appointments. Mayor Adams suggested that this could be a preamble to the document. Mr. Lott stated that he does not know if there is a preamble, but everything that was mentioned is included throughout the policy. Commissioner Hubbard stated that this should be listed first and compacted in one place. Mr. Lott asked to see an example.

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Mayor Adams stated that it would be easier to reference if there is a preamble. He asked if Ms. LaMont is available. Mr. Lott stated that she is out sick; however, we do not need her to proceed.

Commissioner Hubbard referenced page 28, #2 asking the difference in equality and fairness. Mr. Smith stated that no one is treated differently and fairness is administering the policy consistently and equally. Mr. Lott stated that equality is applying the same treatment and fairness is certain situations that would be adjudicated by the supervisor, etc. Commissioner Hubbard asked if fairness implies equality or does equality imply fairness. Commissioner Hubbard noted page 29, last sentence of first paragraph and asked if the City is obligated to notify employees of any changes, and, if so, how is it done. Mr. Davis stated that employees would be notified of any changes. Mr. Smith stated that the change would come from this table, which is in a public setting. Mr. Davis stated there would be different means to notify employees. Mr. Lott stated that the current method is to inform employees through payroll staffers when they receive their checks. Mr. Smith suggested adding a statement that City staff will make sure that employees are notified of all changes in the policy. Commissioner Hubbard referenced page 35, II (A) and asked the difference of those who work for the City of Albany as opposed to WG&L. Mr. Smith stated that by charter there is no difference. Mr. Lott stated that there are contractors; Commissioner Hubbard countered that independent contractors are already in there; Mr. Lott stated that it can be edited.

Commissioner Postell asked if everyone who works for the City is an employee. Mr. Lott mentioned part-time employees, contract employees and temporary employees. Commissioner Postell asked if the Commission hires an attorney what would that person be considered. Mr. Lott replied it would be a personal services contract or something similar. Mr. Davis stated it is redundant; remove the word 'and' all the way to the word 'compensation'.

Discussion followed about volunteers. The consensus was that the person does not receive compensation.

The consensus was to strike 'and those persons who work for the City of Albany/WG&L in return for financial compensation'.

Commissioner Howard asked if there is a time frame to revise the policy. Mr. Lott stated that he can work with the current policy; however, there were roadblocks, issues, and inconsistencies in it. Commissioner Howard stated that it is overwhelming going through the budget along with this process. He asked to know what is outdated and to have a comparison of the old document with the new document. He suggested and asked that this process be slowed down until the budget is finalized.

Mayor Adams also suggested putting this on hold until the budget is finalized. After a show of hands, the vote was tied to put this on the agenda during July. Commissioner

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Langstaff suggested waiting for the Mayor Pro Tem to be present before voting on whether or not to continue.

Commissioner Hubbard asked if employees can give comments anonymously in the meantime. Mr. Lott stated that this can be done. Commissioner Hubbard asked if she should see if GMA can look at the policy, if there is no charge.

The consensus was to wait until Mayor Pro Tem Pike is present before a vote is taken on whether or not to delay the process. Commissioner Langstaff suggested adopting the policy today and then go through the policy in detail do any tweaking in July.

At 11:56 a.m., Commissioner Postell moved to extend the meeting 30 minutes, seconded by Commissioner Hubbard.

EXECUTIVE SESSION – Personnel matter

At 11:56 a.m., Commissioner Hubbard moved to enter into executive session, seconded by Commissioner Postell, the motion unanimously carried as follows:

Ward I	yes
Ward II	yes
Ward III	absent
Ward IV	yes
Ward V	yes
Ward VI	yes
Mayor	yes

At 12:20 p.m., Commissioner Howard moved to exit executive session, seconded by Commissioner Langstaff, the motion unanimously carried as follows:

Ward I	yes
Ward II	yes
Ward III	absent
Ward IV	yes
Ward V	yes
Ward VI	yes
Mayor	yes

There being no further business, the meeting adjourned at 12:21 p.m.

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SONJA TOLBERT  
CITY CLERK