

MAY 18, 2010

COMMITTEE OF THE WHOLE

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

Mayor Adams called the meeting to order at 8:30 a.m., and advised that technical difficulties with the power point presentation prevent it being presented first, therefore; until the problem is fixed he stated that items will be moved up on the agenda.

AUTHORIZING EXECUTION OF LOCATION LICENSE AGREEMENT RE: USE OF CERTAIN FACILITIES BY SHERWOOD BAPTIST CHURCH OF ALBANY AND SHERWOOD PICTURES

Mr. Davis advised that his office has reviewed the documents. Commissioner Langstaff moved to approve, seconded by Commissioner Marietta; the motion unanimously carried.

MOTION FOR RECONSIDERATION RE: SMALL BUSINESS PROGRAM

Mayor Adams advised that Commissioner Postell is not present today and asked that this be tabled. Commissioner Langstaff moved to table until the next work session, seconded by Commissioner Hubbard; the motion unanimously carried.

TRAVEL

Mayor Pro Tem Pike moved to approve the following, seconded by Commissioner Marietta; the motion unanimously carried.

1. Commissioner D. Hubbard – GMA Board of Director’s Spring Meeting, Decatur, GA – April 29-30, 2010 - \$320.00
2. City Clerk S. Tolbert – District 10 Ga. Municipal Clerks & Finance Officers Assn. Spring Board Meeting – May 7, 2010 - \$130.00

PUBLIC SAFETY MATTERS

ALCOHOL LICENSE APPLICATION:

Mayor Pro Tem Pike moved to approve the following, seconded by Commissioner Marietta; the motion carried 5-1 with Commissioner Howard voting no.

1. AJ’s Corner Store, 721 Whitney Ave., A. Jones/Agent; beer package

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ITEMS FOR FUTURE AGENDA

Commissioner Marietta stated that some property managers are paying gangs protection money and asked that this be looked into. He advised that the location is on Swift. Chief Proctor stated that he had not heard this before, but he will look into it and report back.

STATE LOBBYIST UPDATE

Rufus Montgomery, Lobbyist representing the Cornerstone Communications Group, presented a power point presentation pertaining to the 2010 Legislative session (copy on file).

Mayor Adams commended Mr. Montgomery's efforts that greatly aided in the City's success regarding various items, i.e., SR 133 and the ASU project and thanked him for a superior job. He commented on the trauma center (SR 277) and asked if excess fees from speeding will be included in the funding. Mr. Montgomery discussed the super speeders law that was passed, advising that the constitution does not allow for specifics regarding the allocation of funding. He explained that it is the will/intent of the General Assembly regarding the allocation of funding to projects, but that the process allows the General Assembly to put funds in other areas. Mayor Adams commented that physicians are under the impression that the funds will go to trauma centers.

Commissioner Marietta referenced the law on tourist attractions to include the use of sales tax to be viable and asked if this is new as of July 1, 2010 or can it be retroactive. Mr. Montgomery said he will provide written information pertaining to the interpretation.

Commissioner Howard asked whether the delegation is permitted to speak on some of the bills. He asked Mr. Montgomery about the design phase of ASU's Ray Charles Project, and the estimated total cost exceeding \$25.0 million and whether he (Mr. Montgomery) has contacted ASU about having a lobbyist work on their behalf and/or whether he could partner with ASU. Mr. Montgomery stated that if it is the will of the Commission he can do so; however, his recommendation is to look at smaller appropriations. He said that he suggested to Dr. Freeman that consideration be given to hiring governmental affairs representation and advised that Darton College has hired a lobbyist. Commissioner Howard asked Rep. Rynders about changes to the local delegation and where the city stands on representation, i.e., losing or gaining local representatives. Rep. Rynders stated that he attended a seminar in California on redistricting and that south of Macon there could be five-six House Seats lost due to the growth in northern Georgia. He advised that the Senate is projected to lose one-two seats, depending on the census numbers. Commissioner Howard asked if another congressional seat will be picked up in north Georgia. Rep. Rynders agreed adding that it would probably be in the NE section of the State. Regarding the trauma funding, he explained that this was not a constitutional amendment and it is the intent for the super speeders funds to be used to help fund the trauma centers with the cost being between \$80-100 million and will be earmarked if passed by the voters.

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Mayor Adams again thanked Mr. Montgomery for a job well done.

Senator Sims thanked the Commission for their efforts, stating that the City of Albany is the envy of a lot of cities throughout the state and other states due to the management of taxpayer's dollars. She commented on working with Mr. Montgomery and his performance in assisting SW Georgia. She urged the Commission to attend Albany/Dougherty Day at the Capitol. Mr. Lott stated that there was a Commission meeting that day and no one was able to attend. Sen. Sims stressed the importance of the Commission's attendance, adding that Albany needs to be represented and it lets the delegation know what is on their minds. She recommended thanking Representative Ben Harbin, Chairman of the House Appropriation Committee, Senator Jack Hill, and others who assisted in securing funds for Albany/Dougherty County, including Governor Perdue. She commented on the across the board cuts that had to be made statewide and thanked the Commission for being easy to work with. Mr. Lott clarified that he went to Atlanta along with Dr. Freeman and had dinner with the Chamber, EDC, et al.

Commissioner Hubbard thanked the delegation and especially Senator Sims efforts to explain information to those calling asking for information on the budget. She asked if the Commission should set aside time to meet with key state officials to network and/or discuss issues; Senator Sims agreed. Commissioner Hubbard thanked the delegation for working together and asked again if a time can be set aside. Senator Sims stated that those at the Capitol work for the people and that the Governor will meet with any local official who requests an audience. Commissioner Hubbard expressed concern about citizen's belief that the Commissioners do not support certain areas.

Rep. Fullerton stated that Rufus Montgomery was very helpful at the Capitol by providing information to the delegation on the needs of the City. She stated that if she is re-elected, she will work with Dr. Freeman, the Chancellor, and the new Governor to pursue funding of the Ray Charles building at ASU. She commented on the potential for additional budget cuts, but said she will work with the House and Senate leadership to get funding for ASU. Mayor Adams thanked Rep. Fullerton for her leadership. Rep. Fullerton agreed with Senator Sims on having local officials visit the Capital and urged the Commission to thank Chairman Harbin and Senator Jack Hill for securing funding.

Rep. Rynders discussed the long session and the budget cuts that were dealt with. He commented on the ASU project and advised that Rep. Harbin toured ASU with Rep. Fullerton. He said he updated the new Speaker of the House on the needs of the region, who agreed to put the ASU project into the budget. He mentioned Senator Sim's tremendous effort in keeping ASU and Darton College on the Senate side, which was a windfall for south west Georgia and thanked Senator Sims for her work. Regarding the trauma network, he advised that it will assist South Georgia and asked that the Commission engage the local medical community and representatives so that the \$80 million will reach this area as well as north Georgia. Mayor Adams thanked Rep. Rynders for his information and discussed the trauma issue in the area, which could be the difference between life/death.

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Rep. Dukes stated that the delegation performed adequately and did a great job on behalf of the people of Albany/Dougherty County. He said they are looking forward to the off season as things still needs to be done and discussed money that goes into the budget, i.e., to design buildings. He thanked the Commission for the job that they are doing on behalf of the citizens of Albany/Dougherty County.

Mayor Adams thanked the delegation for the work that they did and how well they work together for the benefit of this area. He stated that the three institutions; Albany State University, Albany Tech, and Darton College, are a blessing to this region. He asked the delegation to help all of the educational institutions and thanked them for coming to the meeting today.

PUBLIC FUNCTIONS MATTERS

MATTERS FOR PUBLIC HEARING AND CONSIDERATION ON TUESDAY, MAY 25, 2010, 8:00 P.M., ROOM 100; GOVERNMENT CENTER BUILDING, 222 PINE AVE.

1. Ordinance re: Sexually Oriented Businesses

Commissioner Langstaff asked Mr. Davis which city/county the ordinance was patterned after. Mr. Davis advised that it came from one of the metro Atlanta areas and that it was customized to include a distance and zoning requirement and that state law requirement was used. Commissioner Langstaff asked that information be provided on how the ordinance was patterned. Mr. Davis said he will provide the information.

Commissioner Langstaff moved to approve, seconded by Commissioner Marietta.

Commissioner Marietta asked for clarification on the distance rule as it relates to schools and religious institutions with the ordinance being more lenient. Mr. Davis explained that the 1,000' rule is still in effect for adult movie houses/establishments, etc., and the 250' rule relaxes for other Sexually Oriented Businesses to comply with the constitutional requirement to not prohibit, etc. Discussion followed with Mr. Davis clarifying regulating/prohibiting these type businesses.

Commissioner Hubbard clarified that these businesses will be located on Slappey, Oglethorpe or Dawson Road and they have to be within 1,000'. Mr. Davis agreed and explained the distance rule, adding that the zoning districts will also come into play. Commissioner Hubbard asked the method of measuring. Mr. Davis advised that it is measured from the front door, as noted in the ordinance, and that it will be a straight line measurement; however, he added that the measurement can be from any portion of the structure. Commissioner Hubbard expressed concern on the measuring and suggested

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that it should be specific, i.e., front door or corner. Mr. Davis stated that it will be from the closest part of the structure. Discussion followed on the measurement with Mayor Pro Tem Pike asking for clarification as it pertains to a shopping strip. Mr. Davis opined that it will be measured from the end of the strip. In reply to Commissioner Hubbard on the hours of operation, Mr. Davis referenced Section 12 (b) of the draft ordinance.

Mayor Pro Tem Pike asked if the measuring rule is consistent with the alcohol rule. Mr. Davis stated that it is different and that state law uses a straight line method regarding measuring these types of businesses.

Commissioner Marietta discussed the differences in measurements regarding alcohol, wine and beer sales in terms of distance.

Commissioner Langstaff stated that since this is information for public hearing, he will withdraw his motion.

Commissioner Hubbard asked if people who own the businesses will be notified of the public hearing. Mr. Davis stated that Howard Brown, Planning Director, mailed the ordinance to businesses. Mr. Brown advised that a letter was sent to the four businesses and to convenience stores selling magazines. He stated that there was a request to add Broad Avenue to the location sites.

In reply to Mayor Adams, Mr. Davis noted page 22 and the two years allowed for business to find another location if necessary.

HISTORIC PRESERVATION COMMISSION APPLICATIONS:

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

1. Certificate of Appropriateness – Case #10-043 – Frances Wellman, Owner/Applicant; request to install a new roof on property located at 515 N. Washington St. (HPC approved 5-0) WARD 3

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

2. Certificate of Appropriateness – Case #10-044 – Bob Brooks, Owner/Applicant; request to demolish property located at 211 Roosevelt Ave. (HPC approved 5-0) WARD 3

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

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3. Certificate of Appropriateness – Case #10-045 – Albany Housing Authority, Owner/Applicant request to replace windows on property located at 619 Tift Ave. (HPC approved 5-0) WARD 3

RELIGIOUS INSTITUTIONS/TELEPHONE RESEARCH

Mr. Brown discussed information as noted on page 62 (copy on file) pertaining to the telephone research regarding churches/religious institutions.

Commissioner Langstaff asked for clarification on the research. Mr. Brown explained that the City uses the term ‘special approval’, but most cities use the term ‘special use’. Discussion followed with Mr. Brown clarifying information provided by the various cities and their uses for Commissioner Langstaff as noted on the telephone research (pgs. 64-65).

Additional discussion followed on the approval of churches being in strip malls with Mr. Davis clarifying the issue of selling alcohol if a church is in the strip mall. He added that the church has to be free standing; therefore, it is not an issue. Commissioner Langstaff asked the rationale for requiring special use on a church and asked Mr. Brown how long the City has required special use for churches. Mr. Brown stated that he pulled research back to the mid 1990’s. Commissioner Langstaff suggested churches have the right without requiring special approval.

Mayor Pro Tem Pike asked the negative aspect on changing as it pertains to the fee. Mr. Brown stated that the fee is \$400.00 for special approval. Discussion followed on whether or not special approval is required for retail strip centers. Mayor Pro Tem Pike suggested that the reason for special approval could have been for the Commission to push businesses selling alcohol and that if this problem has been fixed by classifying churches as being free standing it may not be an issue any longer. Mayor Adams stated that this discussion could go on and on and suggested that the recommendation is to send it to the Planning Commission for their discussion, review and recommendation.

Commissioner Marietta moved to send to the Planning Commission, seconded by Commissioner Langstaff; the motion unanimously carried.

Wayne Carter explained why he brought the issue up. Discussion followed with Mayor Adams advising Mr. Carter that the Commission is not against churches.

Commissioner Langstaff stated that churches asking to go into strip malls do not know if they will be approved and there is a time lapse before they know if they are approved.

Mayor Adams stated that this issue will come up before the Planning Commission.

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APPROVAL FOR TRANSIT FUNDING AND TRANSPORTATION STUDY
PLANNING FUNDS

Mr. Brown discussed information as noted on page 66 regarding transportation funding.

Commissioner Langstaff moved to approve, seconded by Mayor Pro Tem Pike; the motion unanimously carried.

PUBLIC ADMINISTRATION & FINANCE MATTERS

CURRENT BIDS:

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

1. Purchase & Install Hanger Doors, Atlanta's Professional Door, Inc., Fayetteville, GA

Estimated expenditure \$87,000.00

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

2. Mowing contract, LRL Ventures & Management, Albany, GA

Estimated expenditure \$57,070.04

BUDGET WRAP-UP

1. APD - Chief Proctor distributed information pertaining to the Albany Police Department (copy on file) and discussed.

Commissioner Langstaff discussed the recommended budget from last year and the proposed budget, with the request of \$60,000 and \$2.0 million in capital. Due to the difficulties in filling positions, he asked the anticipated budget surplus. Larry Johnson, Budget Officer, stated that it is \$2.8 million. Chief Proctor stated that he anticipates having all positions filled by December. Mr. Lott advised that there could be that much of a surplus in APD and that they will come in under budget. Chief Proctor stated that they will probably not have this type surplus during the next fiscal year and discussed vacant/filled positions. Commissioner Langstaff suggested using the surplus from last year (\$2.8 million) to fund capital as listed and asked Mr. Lott his planned use of the surplus. Mr. Lott stated that the projection is an overage and suggested that if the

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Commission desires to use the surplus for the police department, he would rather do it after the books are closed, i.e., at the end of the fiscal year.

Mayor Adams asked how many officers were on the special grant. Chief Proctor stated nine for three years. Mayor Adams suggested keeping them on the payroll after the grant, asking the cost to keep them. Mr. Lott stated approximately \$800,000. Mayor Adams asked the match for Americorps. Chief Proctor stated projections are at \$51,000. Mayor Adams suggested a commitment to keep these officers, etc., and not using all surpluses for capital improvements.

Commissioner Howard asked how many officers we are short as of today. Chief Proctor replied 32 and discussed upcoming changes to get the numbers down to 20 within the next few weeks because he has potential officers in various stages of training. Commissioner Howard commented on the projected surplus, stating that he is concerned about filling positions and the capital budget being over \$2.0 million. He said he would agree to utilize the surplus to take care of projections. Mr. Lott advised that his recommendation on the surplus is, after July 1, when the books are closed on FY 2010 and we have the balances, an agenda item is presented for consideration. He explained that he wants to avoid being premature about using monies committed for this fiscal year. He said in the meantime he can sit down and discuss the list with Chief Proctor. He asked Mr. Johnson if any of the items are covered in the current budget and discussed replacement cars, etc. Mr. Johnson stated that some are part of the request for this year. Mr. Lott commented on the process of replacing cars, etc., and discussed SPLOST and items that can be included, adding that he felt we could accommodate the \$60,000 in the budget.

Commissioner Hubbard asked if the Humane Society is included in APD's budget. Chief Proctor replied in the affirmative, adding that he is in discussion with the Humane Society about potential additional costs this year. Mr. Lott clarified that there is an entry for the Humane Society; Chief Proctor agreed. In reply to Commissioner Hubbard, Mr. Lott stated that they are still in the process of working out the details with the Humane Society. Commissioner Langstaff stated that it can be included in a budget amendment. Commissioner Hubbard expressed concern about coordinating with the Humane Society and suggested that information should be provided during the budget process so that projections can be considered. Chief Proctor stated that he will pursue this during the upcoming week.

Commissioner Marietta stated that it would be better to use SPLOST V for capital improvements/expenditures.

Commissioner Langstaff agreed with the use of SPLOST and the GMA lease pool, etc., and suggested that to the extent it is not covered in SPLOST, that this is looked at as soon as possible. He commented on money in the SPLOST account pertaining to ongoing projects, etc., with a balance that can be used to get mobile data computers, etc. Mr. Lott

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agreed and asked Mr. Collier if the computers were paid from SPLOST. Mr. Collier stated that he thought so.

Commissioner Marietta commented on DCP and the Sheriff's Department losing officers and asked if any are coming to APD for employment. Chief Proctor said some have approached him from those agencies. Mr. Lott stated that APD has an incentive program and the health plan is better and cheaper, which attracts people.

Mayor Adams recognized former Commissioner Arthur Williams who is present this morning.

Commissioner Langstaff asked Mr. Lott if he can come back with an agenda item next month on what is in SPLOST that can be allocated for some of the items as listed. Mr. Lott agreed.

Chief Proctor thanked the Commission for their support, adding that they will look at grants to assist with the process.

Commissioner Langstaff clarified that the \$60,000 will be added to the budget. The consensus was for this to be added.

2. General Update – Mr. Johnson discussed information pertaining to the recommended budget, advising that the budget has increased from \$103,924,089 to \$104,114,054. He presented information (copy on file), regarding the listing of updated revenues/expenditures. Regarding funding for the Salvation Army, Mr. Lott explained that there is an organization supported by the Salvation Army to establish a day center in downtown Albany to assist with homeless people, i.e., showers, food, mail, etc., in an effort to deal with poverty. Mayor Adams said he thought this was a mobile unit as presented by the Homeless Coalition. Mr. Lott replied that this is different. Commissioner Marietta stated that there are two different issues. Mr. Lott clarified that this is a one time issue to help set up the day care.

Mayor Adams said that there is a committee looking into the possibility of a wellness clinic and asked if this will be included. Kris Newton, Finance Director, stated that she has information forthcoming on this. Mayor Adams asked if the clinic is in the budget or if it will be included in the next budget.

In reply to Commissioner Howard, Mr. Johnson stated that a copy of the handout will be provided. Commissioner Howard asked for the fund balance after \$4.0 million is taken out. Mr. Johnson said he will bring back this information. Commissioner Howard asked about the millage rollback. Mayor Adams stated that this was suggested when employees were given bonuses; the rollback of the millage was for taxpayers. Commissioner Howard asked for a break down when there are budget items, i.e., retiree's issue regarding Medicare part B. Mr. Lott stated that this funding came from the general fund. Commissioner Howard asked for a quarterly breakdown on what is coming from the

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general fund. Mr. Lott said he will provide general fund debits. Commissioner Howard stated that his concern is on taking money from the reserves to balance the budget and that decisions will have to be made in months to come. Mr. Lott stated that if the Commission wants to take an approach to make cuts, he will need priorities on what to cut. He said at present we are in a good position with an exceptional fund balance due to the stringent spending controls in place.

Mayor Adams stated that he does not feel the same as Commissioner Howard in that staff has done an excellent job in being responsible stewards of funding. He asked how much it would cost to run the government if there is no income. Mr. Lott stated approximately \$8.0 million per month, adding that we have approximately three months of spending. Mr. Lott discussed areas that staff is working on.

Mayor Pro Tem Pike agreed with Mayor Adams on the finances of the City and suggested more policies on i.e., minimum in the fund balance. Ms. Newton advised that a fund balance policy is being looked at to bring to the Commission, but at least 25% is suggested.

Commissioner Hubbard stated that she had asked for changes in revenue regarding the Civic Center and again asked for this information. She commented on the evaluation of staff members who report to the Commission and the importance of keeping good people who work for the Commission. She commented on the recent pay study for other employees and discussion on the possible pay increases for three members of staff reporting directly to the Commission. She said the discussion included an 8% increase for the City Clerk, 6% for the Asst. City Clerk and 4% increase for the City Attorney. She commented on recent developments and receiving the requested information on the certification status of the Clerks, and asked for discussion on this issue with a decision on an amount to keep staff in line with people in surrounding areas. Mayor Adams asked for an agenda item on this. In reply to Commissioner Hubbard, Mayor Adams stated that there is no vote on the budget today. Commissioner Hubbard stated that she would request this agenda item. Mr. Lott asked who would prepare the agenda item and which work session would this be prepared for. Mayor Adams stated that the 2nd work session in June. Mr. Lott asked if he should prepare an agenda item with the potential increases and present the information to the Commission. Mayor Adams agreed.

Commissioner Marietta asked Chief Proctor if APD's basketball team is preparing for a rematch this Friday night. Chief Proctor said he was not sure of the date. Commissioner Marietta commented that this is pertaining to the Stop the Violence; Chief Proctor agreed.

EMPLOYMENT POLICIES/PROCEDURES REVIEW

Mr. Lott stated that at the last meeting, discussion ensued with Commissioner Howard recommending postponing the review until after the budget process. He asked the will of

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the Commission and whether this should be brought back in June or July. Discussion followed on whether this is the right time to vote on this. The consensus was to wait until after the budget session for review in July.

There being no further discussion, the meeting adjourned at 10:58 a.m.

SONJA TOLBERT
CITY CLERK