

JULY 6, 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: Alfred D. Lott
City Attorney: C. Nathan Davis

Mayor Adams called the meeting to order at 8:35 a.m.

MONTHLY UPDATES

1. APD – Chief John Proctor gave a brief update for the months of May and June, stating that Ward IV is experiencing an increase in crime with Wards III and V experiencing a lesser degree of crime. He advised that they are following leads and making arrests, with flat screen TV's, electronics, etc., being targeted items of theft and commented that neighborhood watch groups assist APD in catching people. He discussed vacancies and promotions to get staffing levels up within the next few weeks with all positions filled by the end of this year. He reported community functions and various events that have taken place including the gun fire training with the intent to have another class later in the year.

In reply to Commissioner Hubbard, Chief Proctor again stated that they are anticipating on having another gun training class in the fall, with the last class filling to capacity.

2. Drug Unit – Major Bill Berry reported a change tactics last month by dedicating and concentrating efforts on street corner nuisance, resulting in 91 arrests. He stated that these were not large drug busts, adding that 59 were drug related; six prostitution; ten wanted persons; six parole/probation violators, etc., with a concentration on areas the Commission reports to his office. He added that they concentrated heavily on the Highland and Oglethorpe area; tactics are being changed by the drug dealers causing a change to ADDU's tactics. He advised that they assisted with other agencies to seize drugs and worked with schools, civic groups, etc.

Commissioner Marietta asked how long street level criminals remain in jail; Major Berry explained the process that normally includes an overnight stay in jail, going before the judge, bonding, etc. He advised that anything under a felony is bondable and discussed misdemeanor and felony charges. Discussion followed with Major Berry listing the types of drugs and the process in place for street level drugs, meth, etc.

Commissioner Postell commended Major Berry's diligence in the job he has done to curb drugs and gangs, adding that he has noticed a decrease in crime.

Mayor Adams asked if there should be a drug court/special court to expedite these type cases. Major Berry replied that it is not necessary and discussed the procedures currently in place, which will not speed up the process. He explained that many times the attorneys

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and/or judges ask for continuances due to backlogs, etc. In reply to Mayor Adams on speeding up the cases and how many are repeat offenders including the age range of the people, Major Berry stated that most drug cases are repeaters and all are over 18 years of age. Mayor Adams asked why banishment cannot be part of the process. Major Berry stated that this will have to be a request to the DA's office. Mayor Adams suggested that if he can get the support of the Commission, a request will be made. Major Berry stated that this will help. Mayor Adams commented on automobiles at the drug unit that were confiscated and asked if a different storage area can be found to dispose of the cars. Major Berry advised that in March an auction was approved adding that he is waiting on the next stage to have the cars removed. Mayor Adams asked Mr. Lott to make a note to encourage Commissioners to encourage the DA to look into banishment.

3. Code Enforcement – Director Mike Tilson discussed the demolition/warrant list as noted (copy on file). He briefed the Commission on occupational tax certificates, businesses that were closed, and those they are working to renew, etc.

Mayor Pro Tem Pike asked about the property on Tift and if there has been a resolution. Mr. Tilson advised he will provide additional information.

Commissioner Howard commented that Mimosa Trailer Park has not improved and the trailers are an eyesore. He asked about expediting the process for abandoned trailers. Mr. Davis stated that at the request of Mr. Tilson, his office is working on this issue. Mayor Adams suggested Commissioner Howard discuss a timeline with the City Attorney.

Mayor Adams asked about the Ford Building on Slappey. Mr. Tilson stated that the court issued an additional blight tax on the building. Mayor Adams asked what this generates and what movement comes along with the tax. Mr. Tilson stated that he does not know how this will proceed as they have only done this with a couple of buildings. Mayor Adams asked what other municipalities do regarding the blight tax and what movement this generates, if any. Mr. Lott asked Mr. Davis if there are other recourses. Mr. Davis stated that there is no movement on repairs and that the owner just pays the tax. He said an abatement action can be filed on the building. Mayor Adams suggested that this be done, as it is an eyesore in a main area within the city.

Commissioner Postell commented on weeds in the median, specifically on Broad Ave., from Jefferson to Madison and an area on Westover Blvd. He asked Mr. Lott to find out who is responsible for Broad Avenue and areas in Ward 6 specifically Jackson Street at the cemetery. He stated that the city needs to be cleaned up.

Mayor Adams asked how much inmate labor is used. Phil Roberson, Public Works Director, stated that inmates from Lee County Correctional Institute are used and advised of what they do to improve the beautification/cleanup of the city. Mayor Adams asked about prisoners at the County Jail. Mr. Roberson said that many are transitional and are

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not permitted to do outside work; therefore, it is not a viable resource. Discussion followed with Mr. Roberson advising of the process of using prisoners.

Commissioner Postell asked Mr. Roberson who cleans ditches and canals, specifically the canal on Gowen. Mr. Roberson advised that he spoke with the County Public Works Director and they will revisit the map on delineation of services regarding this issue. In reply to Commissioner Postell, Mr. Roberson stated that the goal is to provide a map to the Commission so that they will know what the County/City maintains.

Commissioner Howard mentioned Georgia Litter Abatement with tickets being written by APD, which is a misdemeanor resulting in fines, adding that there are laws in place. Mayor Adams mentioned having mobile cameras moving from place to place to catch those who are littering.

Commissioner Marietta asked when Judge Weaver assigns community service, where does this go. Mayor Adams suggested getting with municipal court to assign specific tasks for community service. Mr. Lott said he will sit down with staff to see what can be done and advised that when the medians were established, they were to be maintained by private organizations, but he will work on this.

TRAVEL:

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

1. Commissioner J. Howard – GMA Annual Conference, Savannah, GA; June 25-26, 2010 - \$426.00
2. Commissioner D. Hubbard – GMA Annual Conference, Savannah, GA; June 25-29, 2010 - \$1,741.50
3. Commissioner T. Postell – GMA Annual Conference, Savannah, GA; June 25-27, 2010 - \$928.00
4. S. Tolbert, City Clerk – IIMC Conference, Reno, NV; May 23-27, 2010 - \$1,753.99
5. A. Lott, City Manager – GMA Annual Conference, Savannah, GA; June 26-28, 2010 - \$784.00

Commissioner Postell questioned the process, his hotel accommodations in Savannah, whether funds are rolled over, and the 10% reduction in the Commission expense account last year, etc. Ms. Tolbert and Mr. Lott explained that unspent money goes back into the general fund and is re-appropriated for the next budget year. Commissioner Postell asked why the Commission reduced Commissioners expenses by 10%. Mr. Lott replied that the Commission voted to reduce the budget by 10% and each department had a 10% reduction. Commissioner Postell asked why he had to stay in an area in Savannah that was not appropriate while Commissioner Hubbard was allowed to stay at the Westin. Ms. Tolbert stated that Commissioner Hubbard had money remaining in her expense

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account and that she is on the GMA Board of Directors, which is where they stay while in Savannah. Discussion followed with Mr. Lott explaining the financial process of funds that are remaining at the end of the budget year, which goes back into the general fund. He advised that every department had a 10% cut in their budget and that the Commission voted to also cut their expenses by 10%.

Commissioner Hubbard commented that the budget cut last year was due to economic times and the Commission took the same 10% cut that departments took. She stated that regarding her accommodations at the Westin, she accepted a position on the GMA Board and that she did not attend other meeting/trips, i.e., NLC, etc., but concentrated her funds on the GMA Board and those meetings.

Hearing no further discussion the motion carried 6-1 with Commissioner Postell voting no.

PUBLIC SAFETY MATTERS

SPEED LIMIT ORDINANCE UPDATE

Michelle Strickland, Safe Communities Coordinator, discussed information as noted on page eight pertaining to the update of the speed limit ordinance. In reply to Mayor Adams, Ms. Strickland stated that the school zone on Westgate is a re-activation of the school zone and that they have a crossing guard at this location.

Regarding off system streets, Commissioner Marietta asked if the Commission can modify the limits or are they set by state law as noted on page 15. Ms. Strickland explained Georgia law and the statewide speed limit in residential areas and the requirement of an engineering study.

Mayor Adams asked how the public is made aware when changes are made. Ms. Strickland explained that APD issues warnings for 30 days prior to enforcing. In reply to Mayor Adams, she stated that signs are put up and if it is news worthy, the media covers it in a story.

Mayor Pro Tem Pike noted page 13 and the area of Live Oak School with the school zone being 45. Ms. Strickland advised that GDOT made the determination to change the limit as it is a state route. Mayor Pro Tem Pike noted page 22 pertaining to Phoenix School, which is no longer used by the school system. Ms. Strickland stated that the list is submitted to the Dougherty County School System to review and this is what was submitted by them, but it can be revised the next time it is up for renewal.

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Commissioner Howard noted page 14 and asked how drivers know to slow down regarding school times. Ms. Strickland replied that under the school zone sign times are listed. Discussion followed on staggered school start times with Ms. Strickland advising that all signs were adjusted.

In reply to Commissioner Postell, Ms. Strickland advised that the City does not pay for crossing guards. Commissioner Postell asked about the times and if there are complaints. Ms. Strickland stated that this has been in effect for two years and that complaints that were generated have been handled.

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

PUBLIC FUNCTIONS MATTERS

SIGN ORDINANCE

Commissioner Langstaff asked to table until the next work session. Commissioner Marietta asked staff what provisions are in the sign ordinance to help new businesses get started. Mr. Lott stated there are none. Commissioner Marietta asked if banners are allowed for new stores. Mr. Tilson stated that banners are allowed and concurred that there is a permit fee. In reply to Commissioner Marietta, Mr. Tilson said there are no restrictions on banners. Commissioner Marietta asked if balloons and streamers are allowed for everyone or just for car lots; Mr. Tilson replied that they are allowed for everyone. Commissioner Marietta asked if the rules are different if a business is located in a shopping center and what signs are allowable for shopping centers – big or small. Mr. Tilson said it depends on the square footage of the building, with one sign being allowed for smaller businesses, etc.; wall and window signs are allowed.

Mayor Adams asked Commissioner Marietta if he could submit these type questions to Mr. Tilson as the Commission is here to make policy. Commissioner Marietta asked if it is legal to put something in the sign ordinance that will give special provision to new businesses for a temporary period. Mr. Davis opined that it is not legal to grant approval on a temporary basis, i.e., general reprieve due to it being a new business is not allowable.

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PUBLIC WORKS MATTERS

CLOSING OF W. ROOSEVELT ALLEY

Rod Hutchinson, Civil Engineering Superintendent, discussed information as noted on page 36 pertaining to the closing of the alley on Roosevelt.

Commissioner Postell asked what the company will do with the property. Mr. Hutchinson replied that it will be used as a parking lot. In reply to Commissioner Postell, Mr. Hutchinson noted the portion of the alley in question. Commissioner Postell expressed concern of donating the land. Mr. Davis explained the process and who owns the property, as noted in Georgia Law. He advised that it is a 10' alley. Mr. Hutchinson stated that the length is approximately 232'. Discussion followed with Mayor Adams advising Commissioner Postell of the location, adding that the new business has beautified the area at that location. Mr. Hutchinson stated that the new business owns property on both sides of the alley.

Mayor Pro Tem Pike stated that this is in Ward III and that the new business has made a considerable investment, generating tax revenue, etc., and that this alley serves no purpose to the City. He then moved to approve, seconded by Commissioner Langstaff.

Commissioner Postell asked the value of the land and continued to express concern on giving the land away, the value of the land, etc.

Hearing no further discussion, the motion carried 6-1 with Commissioner Postell voting no.

PUBLIC ADMINISTRATION & FINANCE MATTERS

RFP FOR CITY CHECKING ACCOUNTS

Kris Newton, Finance Director, discussed information as noted on page 42 regarding City checking accounts.

In reply to Commissioner Postell, Ms. Newton stated that they have four banks and that they will do an RFP to select one bank. Commissioner Postell agreed that one bank is sufficient.

In reply to Commissioner Howard, Ms. Newton stated that they will send an RFP to all local banks and if a bank is not local they will still consider that bank. In reply to

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Commissioner Howard, Mr. Lott stated that all banks will be given consideration if they can accommodate the needs of the City. Commissioner Howard expressed concern on whether a bank is not local and does not have a branch. Ms. Newton stated that this is not a low bid RFP.

Commissioner Hubbard asked how the financial stability and services assessed with the local banks pertaining to the services they offer. Ms. Newton explained the RFP and what was looked at, including cost per check, cost per transfer, ability to handle the electronic portion, etc. Commissioner Hubbard asked how having only one account over the \$250,000 affects the Federal Deposit Insurance. Ms. Newton explained that the City is not affected by this, but is covered by state law, which requires all accounts to be collateralized and discussed the process as it pertains to larger banks, securities, etc., to protect public money. Commissioner Hubbard expressed concern about placement of the money and using one bank due to efficiency and convenience and asked about diversification. Ms. Newton explained the current process of going from bank to bank, etc., adding that transfers will be easier and cost effective; the primary reason is management in one place – one entity. In reply to Commissioner Hubbard, she discussed the soundness of banks. Commissioner Hubbard stated that she thinks the City should be diversified and said she can not go along with this.

Commissioner Marietta stated that he agrees with Commissioner Hubbard and expressed concern on spurring economic development with the banks loaning money. He suggested spreading the money to other banks.

Mayor Adams asked how much money is in each of the banks, specifically SB&T. Ms. Newton replied that SB&T has approximately \$9.0 million, Capital City over \$1.0 million, Regions less than \$1.0 million, Suntrust \$1.0 million. Mayor Adams agreed with efficiency, but expressed concern, stating that other banks have wondered why one bank has more business than others; he mentioned comments he has received from other banks regarding this issue. He agreed with Commissioner Marietta on spurring economic development, adding that he will have concern voting on using only one bank because he said he feels that doing business with only one bank will probably cause the City to cease doing business with Capitol City Bank. Mr. Lott stated that this was brought forward for efficiency by the Finance Director and that he brought this to the Commission for approval before sending out the RFP. Ms. Newton explained that there will be a better rate by having only one bank. Mayor Adams asked if there will be a savings by having only one bank and asked the rate SB&T gives compares to other banks. Ms. Newton stated that she does not have this information available today, adding that there is a better rate given when only one bank handles all transactions.

Commissioner Postell suggested doing the RFP to bring clarity so that the Commission will have a better understanding, which can be accepted or rejected. He agreed with having efficiency and being cost effective and asked Ms. Newton about the evaluation process, which will include Commission review. Ms. Newton advised that the RFP information will be brought back to the Commission for review/decision.

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Mayor Adams agreed with bringing the information back for Commission review; however, he suggested that there could be a no response from the small banks and asked if Capitol City will be eliminated or if they will be given consideration.

Commissioner Hubbard stated that she owns stock in Capitol City Bank and her concern is having one bank offering all services the City needs. She agreed that information can be brought back on the RFP, but said she cannot support an RFP going out saying that all accounts will be put in one bank.

Mayor Pro Tem Pike asked Deputy Director Ken Dyer if ASU rotated banks every few years. Mr. Dyer stated that it is customary to look at this every three-five years. He added that the Finance Department has the right to have one bank and/or use additional banks. Mr. Lott stated that it is abnormal for City operations to have many banks, which is why he asked to bring this to the Commission. Mayor Adams stated that he understands now based on what Mr. Dyer said. Mr. Dyer stated that the agenda item uses the word 'option' to award to a single responder. Mr. Lott clarified that it is the option of the Commission to direct staff. Mayor Adams stated that he has no problem as long as the Commission has authority. Mayor Pro Tem Pike agreed with Commissioner Postell in looking at the RFP and responders before making a decision.

Mayor Adams stated that the Commission is not against being efficient, but suggested that there is a concern of not involving all banks.

Commissioner Marietta asked about interest rates and if they have been the same. Ms. Newton discussed the factors/flexibility of banks. Mayor Adams clarified that there is a cost for transactions. Ms. Newton agreed and explained the various costs for transactions. Mayor Adams asked if a bank is receiving \$9.0 million are they still charging fees. Ms. Newton discussed the analysis/calculations, etc., that is taken into consideration by the banks.

Commissioner Marietta asked that the RFP include how much money each bank lends within the community. Commissioner Postell moved to approve to include the recommendation by Commissioner Marietta, seconded by Mayor Pro Tem Pike; the motion unanimously carried.

PROPERTY TAX MILLAGE RATE

Ms. Newton discussed information as noted on page 45 pertaining to the decrease in the property tax millage rate. Commissioner Marietta moved to approve, seconded by Commissioner Postell.

Mayor Pro Tem Pike asked to see a five year projection to forecast collections in case adjustments are needed. Ms. Newton stated that projection is on the list of priorities for the Finance Department.

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Hearing no further discussion the motion unanimously carried.

CURRENT BID

Angela Calhoun, Buyer, discussed the following:

1. Pre-engineered steel building (Public Works Sewer Division), CA Brown Construction Co., Inc., Albany, GA

Total estimated expenditure \$133,997.00

Commissioner Marietta moved to approve, seconded by Commissioner Postell.

In reply to Mayor Pro Tem Pike on the minority bids, Ms. Calhoun advised that she can submit additional information and discussed why the four bidders were not considered. Mayor Pro Tem Pike commented on whether those who were not considered had the correct resources and suggested that minority businesses be considered through the small business component that was recently passed.

Discussion followed with Mayor Adams asking if any small businesses qualified for the bid, with the differences in the bid from Artesian (minority) and CA Brown being the recommended company to be awarded the bid. Mayor Pro Tem Pike stated that his concern is making sure that small businesses qualify to bid and that they meet the minimum standards. In reply to Mayor Adams, Ms. Calhoun explained that Artesian did not submit the correct drawing/information. Stephen Collier, Central Services Director, discussed the bidding process and the need for the information that was omitted by Artesian.

Hearing no further discussion, the motion unanimously carried.

Regarding the small business program, Mr. Lott advised that since the Planning Director recently resigned, he is now looking to outsource this program.

Additional discussion followed with Commissioner Marietta commenting on the two different levels of certification, i.e., State/local levels and suggested educating contractors on the certification process. Mayor Adams stated that contractors are aware as classes were held to assist with certifications. Discussion followed with Mr. Lott explaining the difficulty in certifying/qualifying minority contractors.

ITEMS FOR FUTURE AGENDA

Commissioner Hubbard asked to determine if all businesses are paying required sales tax. Mr. Lott stated that staff has been looking at occupational tax certificates and advised that someone from the State will have to be brought in to look at sales tax.

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Commissioner Marietta stated that in looking at the monthly financials reports, the numbers are different and are not showing 1% of all eligible sales. He suggested that the problem is with the State Department of Revenue. Mr. Lott stated that this will be looked at.

Commissioner Postell commented on dress code violations and asked that this be placed on the agenda. Mr. Lott advised that Mr. Davis will work on this item.

PMS GENERAL DISCUSSION

Mr. Lott advised that the PMS was discussed a few months ago and commented on the process, which included a review by Mr. Davis and Attorney Don Sweat. He asked whether the Commission would like to move forward, as it is a policy issue. He mentioned WG&L's General Manager not being satisfied with the review and asked the Commission whether he should work this out or set it aside. Mayor Adams asked what the concerns are of WG&L and asked Mr. Lott to meet and discuss with Mr. Edwards. Mr. Lott said he will ask Mr. Edwards to specify his objections.

Commissioner Howard stated that his concern is moving forward to review the old with the suggested new policy. He asked that bullet points be added on the old policy to compare the two.

Commissioner Hubbard stated that she has always had concerns about the document and that she had tried to compare it with what we had in the past and it was determined that it cannot be done. She said she will not be able to vote for the document as currently written. Discussing the old document, she suggested that the review be conducted as was done with the code of ordinances. She said she could not determine that everything we now need is in the document, adding that people she had to look at it (ASU English Professor) said it will not pass a freshman English class. She advised that she asked GMA to look at the document and that she will not vote for it as it is.

Mayor Adams asked Commissioner Hubbard when she will get a response from GMA. Commissioner Hubbard said she will call today.

Mayor Pro Tem Pike suggested that the personnel committee go through the document first and make recommendations to bring back to the Commission.

Commissioner Postell stated that this conversation was held a few months ago and asked what portions are related to the English portion. He asked what are the concerns of Mr. Edwards. Mr. Lott advised that the review process included City employees, supervisors,

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Mr. Sweat, WG&L, himself, et al, and that there are no English/grammatical errors. He suggested taking the old document and going through it chapter by chapter and update it and bring a personnel attorney in to guide the Commission, as this is a policy issue. Commissioner Postell suggested all minds being satisfied in the process and asked Commissioner Hubbard how much it will cost to have the review by GMA. Commissioner Hubbard said that she has no plans to pay anything at this point and commented about having a person look at the document from the Carl Vinson Institute. Mr. Lott stated that he involved Mr. Edwards in the initial process and agreed with Commissioner Hubbard about reviewing the old policy as was done with the re-codification to identify any inconsistencies in the document. Commissioner Postell agreed with staff bringing this information back.

Mayor Adams left the meeting at 10:48 a.m.

Mr. Lott stated that at this point he will wait on a four vote direction from the Commission before moving forward. Commissioner Postell suggested Commissioner Hubbard get the information and bring it back. Commissioner Hubbard stated that she will email the Commission with the information. Commissioner Postell stated that the next issue is what concerns Mr. Edwards as it pertains to making changes.

Commissioner Langstaff stated that since there have been personnel issues brought to the Commission, management and legal staff have identified problems with the current PMS. He suggested moving on with a PMS that corrects the problems, especially since staff has spent countless hours on the document. He said some have specific issues to address that are in the document and suggested that changes and questions be submitted in writing. He also suggested voting on the new PMS in September with recommended changes. Between now and then, he said something gets done to avoid throwing out what staff has done. He again asked that the Commission submit questions to Mr. Lott and be prepared to vote, with amendments, in September.

Commissioner Howard asked if the old PMS can be compared. Mr. Lott said he will provide the current PMS to everyone for review.

Commissioner Langstaff moved for the Commission to submit questions/concerns to Mr. Lott, copying everyone and that a final vote be taken in September with modifications, seconded by Commissioner Postell; the motion unanimously carried.

There being no further business, the meeting adjourned at 10:56 a.m.

SONJA TOLBERT
CITY CLERK