

AUGUST 17, 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 Lott
City Attorney: C. Nathan Davis

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

FEDERAL LOBBYIST UPDATE

Wes Smith, Asst. City Manager, introduced Marion Turner to give an update on activities of the MWW Group (federal lobbyists). He advised that unlike past lobbyists, the current group gets support from both Senators, along with Congressman Bishop giving us three people who are working for us instead of one. Regarding the handout and page two (copy on file), he discussed the return on investment review.

Pertaining to the report (copy on file), Mr. Turner discussed activities conducted on behalf of the City of Albany for the first half of this year and the FY 2011 process, which included the airport terminal and Holloway Basin project, which were included by Congressman Bishop. He advised that Mayor Adams wrote a letter of thanks to Congressman Bishop and asked that the Commission also thank him should they run into him. He discussed earmarking 'for profit entities', as it pertains to Democrats and Republicans; this year's wrap-up of spending bills; the Appropriations Committee; and representatives from the City who went to Washington DC in March to pitch City projects, adding that he met with the Aviation Commission yesterday to report on their funds. He discussed the multi-year highway/transportation bill, which is currently bogged down due to politics; however, he stated that work on the project might begin in September. He advised that there is a slim possibility for additional stimulus funding, but it will depend on the future of the economy. He encouraged the Commission to speak with the Senators to push the City's projects.

Mayor Adams thanked Mr. Turner for a job well done and asked about the EDC requesting funds for an Industrial Park and whether this puts the City's projects in competition. Mr. Turner stated that this is a request of the EDC and that it may not directly compete; however, he advised that there appropriations given to any Senator or House member is limited. He suggested that the Commission speak with EDC to see if the City can support the project to help move it forward. Mayor Adams expressed concern about earmarks for SR 133, suggesting that there should be an agreement with EDC and the Commission. Mr. Lott stated that for the last three years, a delegation from the City has gone to DC to make requests. He said he does the briefing to the congressional delegation and prioritizes City projects first.

Commissioner Marietta stated that the Aviation Commission voted to send a letter to the congressional delegation thanking Congressman Bishop and the Senators. He asked that

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the Commission send a letter as well to publicly state that the Commission appreciates their support. In reply to Mayor Adams, Mr. Smith advised that the Mayor sent a letter only to Congressman Bishop. Commissioner Marietta suggested that a letter be sent from the Commission. In reply to Commissioner Marietta regarding the safety transportation bill and what can be done to support the project, Mr. Turner stated that Senator Isakson is the key, since he is on the committee drafting the bill. He added that that committee's chairman is keeping the bill from moving at this time. He commented on infrastructures and the need to make repairs, etc.

Commissioner Postell asked about the appropriation process for FY 2011 as listed in the report and which is the number one priority of the two. Mr. Turner stated that both of the requests are priority as well as those not yet funded. Commissioner Postell asked if both will be funded. Mr. Turner agreed that both may be funded and that the Airport may get more funding.

APPOINTMENTS

1. Mayor and Commission appointments to City Tree Board for two-year terms expiring August, 2012

The Clerk advised that after a poll was taken by Judy Bowles, KADB Executive Director, Wards I (Kay Kirkman), III (Carlos Phillips), IV (Richard Foreman) and V (Chuck Norvell) asked to be reappointed and that appointments needs to be made from Mayor Adams, Ward II and VI. Commissioners Hubbard and Postell stated that they will have names at the night meeting.

TRAVEL

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

1. City Attorney Nathan Davis – 57th Annual Institute for City & County Attorneys, Athens, GA – September 15-17, 2010

COMMISSION 4TH QUARTER ANNUAL EXPENSE REPORT

The Clerk advised that information put in the back of the notebooks is for informational purposes only.

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COMMUNITY & ECONOMIC DEVELOPMENT MATTERS

CUTLIFF GROVE FAMILY RESOURCE CENTER, INC.

Mr. Davis discussed information as noted on page seven (copy on file) regarding Cutliff Grove and the offer made to deed the property to the City of Albany with Cutliff Grove Family Resource Center retaining the right of first refusal on sale of the property.

Commissioner Howard asked the acreage and property value on the property on W. Broad. Mr. Davis stated that he does not have the acreage and that the property's value has dropped approximately 20% in value. In reply to Commissioner Howard, Mr. Davis stated that Cutliff Grove did not offer cash and that the City feels that getting the property back will be a plus while avoiding any lawsuits. He referenced the 2005 agreement as noted in HUD correspondence whereby HUD contends that there should have been a more timely response and information should have been obvious to the City quicker. He agreed with Commissioner Howard that this was a bad transaction and that the money will not be recouped.

In reply to Mayor Adams, Mr. Davis explained that in looking at HUD regulations, if there is another eligible project for Community Development...the general fund will not be reimbursed and there is a chance that HUD might consider another eligible project and allocate \$374,000 for a new project.

Commissioner Postell clarified information and stated that this project goes back to prior Commissions and mistakes were made. This Commission is trying to correct situations that should not have occurred. He commented that Cutliff Grove thought they were being given a grant but it was explained to them that there was no contractual agreement. He said the goal was to get the property and that the funds are not lost, but is a loan the city had to pay back to keep the CHODO status. The money was sent back to HUD to maintain the CHODO status. He said the agreement that is on the table gives the city the land and stipulates that if Cutliff Grove wants the land back they would have 60 days to close at the same purchase price. He said he feels this is a good deal and getting the property will not be a total loss on the city's part. He added that Cutliff Grove has stated that they will not give the money back as they are financially unable to give the money back and if the property is given back it will not be a total financial loss to the city. He suggested that if this goes to court, the city may not get anything. He said that the money can be discussed at a later date and asked that the Commission agree to get the property back at this time.

Commissioner Hubbard asked if the first thing to do is to get the property back, which will not eliminate discussion on the funds; Commissioner Postell agreed. Commissioner Hubbard asked if once this is approved, the property will be eligible to be put on the market for sale; Mr. Davis agreed. Commissioner Hubbard asked Mr. Davis if based on facts and evidence, it is his legal opinion that this is the best option for the City to take at this time. Mr. Davis agreed that this proposal is in the City's best interest.

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Commissioner Langstaff said he spoke with Mr. Davis and agreed that the proposed settlement is in the best interest of the City. He asked if this is a settlement or if there is any potential for future monies. Mr. Davis replied that this is the end of Cutliff Grove, but the City will be able to continue getting money from HUD. Commissioner Langstaff stated that he is not happy with the results, but it is a good business decision. He suggested that in the future the City consider not approving many, if any, CHODOs. He again stated that he is in support of the settlement.

Mr. Lott stated that this is a step in the right direction, adding that the mistake the City made was selecting this group to be the CHODO. In 2004, the City did not ensure that this CHODO had components in place to manage the project. He explained that this CHODO tried for three-four years to manage the project and failed, and, at some point, HUD advised the City that it was over and that it was an ineligible project. He suggested that in the future, not-for-profit organizations approved as a CHODO have the capacity to manage, including setting up all financial aspects of the projects.

Commissioner Howard asked Mr. Lott if, as of today, with Latoya Cutts as Director of Community Development, the City is in a better position to manage CHODO's. Mr. Lott stated that Ms. Cutts is the best CD Director the City has had in 15 years and that will give good advice/recommendations to the Commission.

Commissioner Postell moved to approve the recommendation from the City Attorney, seconded by Commissioner Langstaff.

Commissioner Marietta asked if 'for profits' can be CHODOs. Mr. Lott agreed. Commissioner Marietta suggested that in the future we look at those who are experienced in homebuilding and/or construction to do the work.

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

ACCEPTANCE OF EMERGENCY SHELTER GRANT

Thelma Watson, Community Services Manager, discussed information pertaining to the \$30,200 grant award from DCA for Emergency Shelter. Commissioner Langstaff moved to approve, seconded by Commissioner Postell.

Mayor Adams asked Mayor Pro Tem Pike to carry the motion since he is on the DCA Board

In reply to Commissioner Hubbard, Ms. Watson advised that DCA has a process in place for monitoring.

Hearing no further discussion, the motion carried 6-0-1 with Mayor Adams abstaining.

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SMALL BUSINESS PROCUREMENT PROGRAM

James Taylor, Asst. City Manager, discussed information pertaining to outsourcing the Small Business Procurement Program to Georgia Tech Procurement Assistance Center.

Mayor Adams expressed concern about the ability to offer opportunities to local small business contractors, asking if this is outsourced, will there be a provision to train local contractors to qualify for federal programs. Mr. Taylor stated that this program will afford local businesses training opportunities. Mr. Lott added that it will not focus on DBE (federal) issues and that the program cannot be managed with current staff. Mayor Adams asked if, once the opportunity is extended, a list can be kept of who shows up for training. Mr. Taylor stated that tracking tools will be put in place.

Commissioner Marietta asked if this will give preference to local small businesses. Ms. Cutts explained that part of the program will assist local businesses, which are certified with the City's procurement office and that these businesses will have first opportunity if they bid. In reply to Commissioner Marietta, she advised that it will assist with stimulating the local economy since the focus is on local, small businesses that become certified with the program.

Commissioner Howard stated that his concern is the lack of someone qualified to do this within the City so as to avoid having to outsource it. Mr. Taylor stated that Georgia Tech has more capabilities to perform the job at this time and currently it will be challenging for the City to do the project. Mr. Lott stated that the City can do this in house, if the Commission so desires.

Commissioner Hubbard expressed concern about local contractors being certified and getting the support they need. She mentioned her past suggestion of working with local higher education institutions to improve what we do and asked whether there was input from local businesses that will benefit from this. Ms. Cutts said no, as it pertains to Georgia Tech running the program. Commissioner Hubbard verified that Georgia Tech had a similar program for years; Ms. Cutts agreed. In reply to Commissioner Hubbard, Ms. Cutts advised that Georgia Tech did not charge for the training opportunities. Commissioner Hubbard asked what makes us think that our budgeting \$100,000 to Georgia Tech will make the businesses be more in tuned to being trained or being in classes – what is the difference that will make Georgia Tech do more now than they have been doing. Ms. Cutts stated that the primary component is to provide procurement opportunities that will make information available to small businesses. Once they become aware of the opportunities, if they need assistance to prepare bids/documents, Georgia Tech will assist with this, allowing them to have the first opportunity. She clarified that these will be City opportunities through the procurement department. Commissioner Hubbard commented on prior discussions with some other City department/group having the ability to do this. Ms. Cutts stated that initially it was submitted to be run by the Community Development Program, but due to regulations, etc., they were dealing with at that time, the proposal was approved to be run through the

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Planning Department. Mr. Lott agreed adding that it was put under the Planning Department and currently, since we do not have a Planning Director, we do not have the capacity to take it on.

Mayor Adams stated that this is a policy decision for the Commission to make. He suggested giving Georgia Tech an opportunity to administer the program and to monitor them for six-12 months.

Commissioner Hubbard asked how much was budgeted in the Planning Department. Mr. Lott stated that it was budgeted in Community Development's budget. Ms. Cutts stated that initially it was budgeted for \$153,000. Commissioner Hubbard asked how much was being paid before. Mr. Lott said \$169,000 was paid to SDBU.

Commissioner Postell stated that he is in favor of the program as it will remain within federal guidelines and be structured; it will help small businesses by giving them support.

Commissioner Hubbard asked how often updates will be provided. Ms. Cutts replied that the contract calls for quarterly updates.

Mr. Lott stated that the key is participation by small businesses.

Clovia Hamilton stated that she teaches classes with Georgia Tech at the MicroBusiness Enterprise Center and that they started classes in January (two-four classes per month). She advised that they market classes via email and that they will market classes with some of the funding. She explained that businesses which take the training seriously get contracts with local contractors receiving approximately \$7.0 million with more than 100 businesses participating. She briefly discussed the certification process and commented on other Georgia cities with the certification program. She stated that training can be mandated as part of maintaining certification.

Chuck Schadl, Program Director for Georgia Tech Procurement Center, stated that this is a great opportunity to partner with the City of Albany. He commented that this partnership allows beefing up of their presence to serve the City of Albany better, which benefits the City by getting statewide programs. He advised that they serve approximately 2700 different businesses around the state, with staff being experts in the subject matter of government procurement. He said there is a direct link between education on government contracts and winning contracts.

Commissioner Hubbard asked how many other employees make-up the Albany staff. Mr. Schadl stated that Ms. Hamilton is the only person, who is part-time. He advised that the arrangement will allow Ms. Hamilton to be hired full time and have a part-time assistant.

Commissioner Postell moved to approve, seconded by Commissioner Marietta; the motion carried 6-1 with Commissioner Howard voting no.

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PUBLIC SAFETY MATTERS

ALCOHOL LICENSE APPLICATIONS:

Commissioner Langstaff moved to approve the following, seconded by Commissioner Postell; the motion carried 6-1 with Commissioner Howard voting no.

1. Walgreen Co., (#06201) 2351 Dawson Rd., M. Kellen, Agent; Beer/wine package
2. Walgreen Co., (#10796) 2414 Sylvester Rd., M. Kellen, Agent; Beer/wine package

ONE DAY ALCOHOL LICENSE APPLICATIONS:

Commissioner Langstaff moved to approve the following, seconded by Commissioner Postell; the motion carried 6-1 with Commissioner Howard voting no.

1. Albany Chamber of Commerce, M. Duke, Agent; Business Expo, Darton College; 2400 Gillionville Rd; Sept. 23, 2010; 3:30-7:00 p.m.

Commissioner Langstaff moved to approve the following, seconded by Commissioner Postell; the motion carried 6-1 with Commissioner Howard voting no.

2. Phoebe Foundation, T. Sullivan, Agent; 2010 Lopez Hospice Golf Classic; Doublegate Country Club, 3800 Old Dawson Rd., Sept. 23, 2010; 6:30 p.m. - 10:00 p.m.
3. Phoebe Foundation, T. Sullivan, Agent; 2010 Lopez Hospice Golf Classic; Doublegate Country Club, 3800 Old Dawson Rd., Sept. 24, 2010; 8:00 a.m. – 5:00 p.m.

PUBLIC ADMINISTRATION & FINANCE MATTERS

CURRENT BIDS:

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

1. Furniture Purchase (state contract); Advent Business Interiors, Albany, GA

Total expenditure	\$68,986.25
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Dale Henry, Senior Buyer, discussed the following:

2. Street Sweeper; Consolidated Disposal, Smyrna, GA

Total expenditure	\$186,031.00
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Commissioner Howard moved to approve, seconded by Commissioner Hubbard; the motion unanimously carried.

ONLINE SURPLUS AUCTION

Mr. Henry discussed the surplus equipment as noted on page 63, and in reply to Mayor Adams, reported the proceeds of prior equipment sales.

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

APPOINTED OFFICIALS SALARY

Commissioner Hubbard stated that a recommendation will be made at the night meeting and moved to tabled, seconded by Commissioner Postell; the motion carried 5-2 with Mayor Pro Tem Pike and Commissioner Howard voting no.

PUBLIC FUNCTIONS MATTERS

MATTERS FOR PUBLIC HEARING AND CONSIDERATION ON TUESDAY, AUGUST 24, 2010; 8:00 P.M., ROOM 100; GOVERNMENT CENTER BUILDING, 222 PINE AVENUE

The Clerk read the following:

1. Zoning Case #10-090 – James Burt Peters/Owner; Dunes Properties, LLP-Lanier Engineering/Applicants, request to rezone property located east of Sands Drive/South of Oglethorpe Blvd., from C-7 to M-2c (PC Approved 6-0 **conditional**) WARD 6

In reply to Commissioner Postell, Mary Teter, Interim Planning Director, explained the current zoning and proposed zoning. Commissioner Postell discussed the borrow pit, which he feels will be nothing more than a holding pond. Ms. Teter replied that it is already developed as a borrow pit and that she could not find when the mining operation stopped therefore, it has lost grandfathering privileges. Commissioner Postell asked how

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close the pit is to the residential area. Ms. Teter discussed surrounding property/zoning stating that there is enough property along the southern boundary to the subject property to maintain a 100' natural buffer. Discussion followed on a buffer. Commissioner Postell commented on City property in the area and that he asked Ms. Teter to give the geographic of the land the City owns as it relates to the property of James Burt Peters, how long it has been in operation, when it stopped operation, and why it is being asked to be changed.

In reply to Mayor Adams, Ms. Teter read the four conditions as recommended by the Planning Commission. She explained that the properties will need to be recombined and the new borrow pit does not have road frontage. She added that the current borrow pit has been exhausted and the owner wants to purchase the adjoining pit. Mayor Adams asked about the ingress/egress. Ms. Teter stated that it is on Sands Drive. Mayor Adams asked about heavy duty trucks using the road and if there are additional taxes that companies can be assessed or if there is provision for the upkeep of the roads. Ms. Teter stated that she is not aware of that and mentioned the recommended condition of a 100' buffer being maintained along the southern boundary.

Commissioner Hubbard asked if notification has been made with residents/businesses in the area. Ms. Teter stated that abutting property owners were notified and those directly across the street.

Mayor Adams asked the hours of operation. Ms. Teter stated that this can be a condition and said she thinks the hours are from 7:00 a.m. to 4:00 p.m. Mayor Adams stated that there should be a condition to prevent big trucks from revving up at 5:00 a.m.; he suggested that Commissioner Postell take this into consideration. Commissioner Postell replied that he has and asked how many borrow pits will be allowed in certain areas. He mentioned the borrow pit in Ward 2 that was discussed a few months ago stating that seeing it now it is nothing but an unsanitary waste hole.

Mayor Adams asked for a map of borrow pits within the City.

Commissioner Howard expressed concerns about noise, dust, odor and increased traffic and stated that the current one has no fence around it and it is a death pit for children to fall into. He mentioned the close proximity to Albany State with ASU planning to expand to the east. Ms. Teter said that a borrow pit already exists in the area. Commissioner Howard said it is not being maintained with fencing or vegetation. Mayor Adams asked if there can be a maintenance requirement prior to abandonment once the pit is vacated. Ms. Teter agreed that conditions can be placed to this affect. Mayor Adams asked what other communities are doing.

Commissioner Marietta agreed with Mayor Adams and suggested looking at an ordinance dealing with all borrow pits rather than a case-by-case discussion. He said that his concern is that the future land use map shows as commercial use and asked why is staff recommending rezoning to M-2 – why are they not following the land use map. Ms.

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Teter stated that the recommendation is based on the surrounding land use; there are already borrow pits in the area. The area has intense commercial property and pockets of industrial zoning to the west of Sands Drive. Mr. Lott asked the age of the Land Use Map; Ms. Teter replied that it was adopted in 2005. In reply to Mr. Lott, Ms. Teter advised that the pit was put in in 1995.

Commissioner Postell expressed concern on businesses in the area, ASU in the area, residents in the area, etc., and asked that this be taken into consideration. He discussed the changes in thinking of what is allowable pre/post flood of 1994.

Mr. Lott asked if the application was generated by the owner of the property. Ms. Teter agreed. Mr. Lott stated that this is the process as it relates to rezoning.

HISTORIC PRESERVATION COMMISSION APPLICATIONS:

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

1. Certificate of Appropriateness – Case #10-069 – Delta Eta Omega Chapter, Owner/Applicant; request to demolish the buildings located at 606 N. Jackson Street. (HPC approved 5-0) WARD 2

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

2. Certificate of Appropriateness – Case #10-074– Trumpet of God Ministries/Owner; Charlene Glover/Applicant; request to add two canopies to the rear of property located at 600 Pine Ave. (HPC approved 5-0) WARD 3

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

3. Certificate of Appropriateness – Case #10-085 – Faith Community Outreach Center, Inc./Owner; Janice Thompson/Applicant request to place a covered shelter and accessory building on property located at 425 W. Society Ave. (HPC approved 5-0) WARD 2

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

4. Certificate of Appropriateness – Case #10-092 – Frances Wellman, Owner/Applicant request to replace the roof on property located at 619 Pine Ave. (HPC approved 5-0) WARD 3

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ITEMS FOR FUTURE AGENDA

Commissioner Postell asked about property on Dawson Road and the person who put in an application for a church.

Mayor Adams asked to honor and remember former County Chairman Gil Barrett who recently passed away with a moment of silence.

There being no further discussion, the meeting adjourned at 10:30 A.M.

SONJA TOLBERT
CITY CLERK