

MARCH 17, 2015
COMMITTEE OF THE WHOLE
GOVT. CTR. – ROOM 120

PRESENT Mayor Dorothy Hubbard
Mayor Pro Tem Bobby Coleman
City Commissioners: Jon Howard, BJ Fletcher, Roger Marietta, Bob Langstaff,
Jr. and Tommie Postell
Interim City Mgr: Tom Berry
City Attorney: CN Davis

Mayor Hubbard called the meeting to order at 8:30 am.

RESOLUTION RE: BAN THE BOX

Mr. Davis discussed information regarding the draft resolution (copy on file) and noted the process through Human Resources. In reply to Commissioner Postell, he explained the removal of the box, which prevents a person from getting to the interview process; he discussed the EEOC's involvement in the issue and referred to the executive order signed by Governor Deal, adding that he drafted the resolution to fit the needs of the City of Albany. Mr. Berry stated that this does not prevent the City from conducting background checks.

Commissioner Howard stated that he supports the resolution and asked that Dr. Ochie be permitted to speak, since he brought this to the attention of the Commission. He then moved to approve, seconded by Commissioner Postell; the motion unanimously carried.

Dr. Ochie asked Shannon Reese, a partner from Atlanta, to address the Commission. Ms. Reese stated that she works with *9-5 Working Women* and partnered with Dr. Ochie and others to Ban the Box last spring, adding that Georgia is the lead in the South, by being the first southern state to take on the initiative. The focus is to reduce crime and recidivism and help the 65.0 million Americans currently living under this policy.

CODE AMENDMENT RE: PROCUREMENT

Mr. Davis explained that this pertains to the natural gas facility to be constructed on Flint Avenue. Central Services has been working with Atlanta Gas Light, which wants to see a formal ordinance authorizing the City, in effect to tagalong. Another governmental body has properly bid out the project and, while it states that the City Manager can present these things, it is not binding and still must be voted on by the Commission. This is needed in order to be able to move forward regarding compressed natural gas.

In reply to Commissioner Postell, Mr. Davis stated that this has nothing to do with the Sable gas line being proposed to run through Dougherty County.

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

APPOINTMENTS:

1. One appointment to the Barrier Free Design Board to fill unexpired term ending March, 2017 and one appointment for three year term ending March 2018. (Both appointments represent the community at large).
2. One appointment to the Chehaw Park Authority to fill an unexpired term ending July, 2015

Commissioner Postell move to approve two candidates expressing interest (James Eason [Barrier Free Board] and Mark Pickett [Chehaw Park Authority]), seconded by Commissioner Fletcher; the motion unanimously carried.

TRAVEL:

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

1. Mayor D. Hubbard, Chamber State Capitol Visit, Feb. 25-26, 2015; \$432.30
2. Mayor D. Hubbard, Newly Elected Officials Institute, Macon, GA; March 12, 2015 - \$124.20
3. Mayor D. Hubbard, GMA Spring Board Meeting, Athens, GA; April 30-May 1, 2015
4. Commissioner T. Postell, NLC Annual Conference, Washington, DC; March 7-10, 2015 - \$2,720.45
5. Mayor Pro Tem B. Coleman, NLC Annual Conference, Washington, DC; March 8-10, 2015 - \$2,352.54
6. City Clerk S. Tolbert, Clerk's Training Conference; Athens, GA; Feb. 15-17, 2015 - \$740.30
7. Asst. City Clerk S. Kelly, GMA Annual Conference, Savannah, GA; June 26-28, 2015
8. Asst. City Attorney, C. Trimble, Metro City/County Attorney's Seminar; Atlanta, GA; March 4, 2015 - \$196.00

ITEM FOR FUTURE AGENDA

Commissioner Marietta asked to routinely receive, via email, minutes of all boards appointed by the Commission.

Commissioner Howard suggested that especially needed is a monthly update by ADICA. Mr. Berry interjected that most of ADICA's funds come out of the Tax Allocation District and requires ratification by the Commission, adding that all expenditures, actions and procedures of ADICA need to come before this Board. In reply to Commissioner Howard, Mr. Berry stated that he is aware of everything ADICA did in the past; the action taken by Ms. Cannon helped take that particular project off of dead-center and is now moving along. He added that the project should have come to the Commission for approval, and it can be weighed in on whether

or not it should even have taken place, adding that it goes back to the inception of the Tax Allocation District, which was seven years ago. Commissioner Howard mentioned an email from the City Attorney regarding the Hilton Hotel and Section Eight loan and asked that this also be brought back. Mr. Berry stating that it should come to the Commission for formal approval. Mr. Davis explained the email that was sent yesterday.

Mayor Hubbard stated that all Commissioners share these concerns, which indicates that the entire Board should be involved, adding that all City boards need to submit information for Commissioners to review.

Commissioner Postell said he represents the Commission on the ADICA board; they were misinformed from the start, misinterpreted what they were doing and under the impression they were at liberty to take the action they took sans Commission approval. He explained the spending of funds, adding that nothing was done to make corrections because they felt things had been properly done and was in order. He mentioned meetings with Ms. Cannon, who wants to eliminate these problems, adding that former Finance Director Jo Brophy and now interim Finance Director Derrick Brown have worked diligently to get things in order. Mayor Hubbard agreed, adding that she likes to keep abreast of any budget under which a Board may operate.

Commissioner Postell mentioned his previous request regarding lighting on Westover Road. Mr. Berry explained to Commissioner Postell that the Commission approved a resolution and expenses with the City moving forward based on his formal request. He advised that the lighting fixtures were approved by the Utility Board and as soon as inventory comes in, installation will begin.

Mayor Pro Tem Coleman expressed regarding Community Development property the City owns (HUD housing). He mentioned two recent incidents in which tenants houses were taken and they need to be given chances to retain their homes. He suggested that the Commission should be making those decisions and asked to review the entire process because he feels it is flawed.

PUBLIC SAFETY MATTERS

ALCOHOL LICENSE APPLICATIONS:

Commissioner Postell asked if any of applicants have had prior licenses in which they had issues; Chief License Inspector Walter Norman replied in the negative. Commissioner Postell moved to approve all of the following alcohol licenses/transfer, seconded by Commissioner Fletcher; the motion carried 6-1 with Commissioner Howard voting no.

1. Ambaji 2015, Inc., d/b/a Annie Convenient Store, 224 Johnson Rd., SD Patel/Agent; Beer Consumption (WARD 1)

MARCH 17, 2015
COMMITTEE OF THE WHOLE
GOVT. CTR. – ROOM 120

2. 242 Entertainment Group, LLC, d/b/a Krush Lounge & Nightclub, 242 C West Broad Ave., S. Duhart/Agent; Consumption (WARD 3)

ALCOHOL LICENSE TRANSFER OF OWNERSHIP:

1. Shaans, Inc., d/b/a Sunrise Store, 1608 W. Broad Ave., SJ Patel/Agent; Beer package. Transfer from J. Patel (WARD 3)

ITEM FOR FUTURE AGENDA

Mayor Pro Tem Coleman mentioned crimes in E. Towne Subdivision and asked for reports so that he is informed as the Commissioner of Ward 2.

Commissioner Postell mentioned the saggy pants ordinance and asked that APD address as they are driving/walking.

PUBLIC WORKS MATTERS

RELOCATION OF UTILITY EASEMENT FOR INTERSTATE WAREHOUSE

After Bruce Maples, Director of Engineering, discussed information (copy on file), Commissioner Langstaff moved to approve, seconded by Commissioner Postell; the motion unanimously carried.

PUBLIC FUNCTIONS MATTERS

MATTERS FOR PUBLIC HEARING AND CONSIDERATION ON TUESDAY, MARCH 24, 2015, 6:30 PM, ROOM 100; GOVERNMENT CENTER BUILDING, 222 PINE AVE.

1. Amendments to the Sign Ordinance
2. Adoption of Proposed Revision to Tree Ordinance

Commissioner Marietta said he thought the Tree Ordinance had been tabled. Mr. Berry stated that it was still on the agenda and asked the will of the Commission.

Planning Director Paul Forgey discussed information as noted (copy on file) as it relates to changes in the Tree Ordinance.

MARCH 17, 2015
COMMITTEE OF THE WHOLE
GOVT. CTR. – ROOM 120

Commissioner Postell mentioned tree limbs growing into electrical lines and asked that this be looked at so that when it is cut, it is not unsightly.

Mr. Berry stated that before cutting is done, a plan will be presented to the Tree Board for oversight. Mr. Forgey added that this primarily addresses trees on private property for planting, adding that in most situations, they would not be planted under utility lines. He advised that planting trees that would be a nuisance to utilities, underground/overhead, is prohibited.

Discussion followed on: tree trimming, commercial growth/parking lots, etc., with Mr. Forgey and Mr. Maples explaining the process of cutting down trees for commercial growth, etc., as it relates to requirements, measurements, etc. Commissioner Howard mentioned tree roots that surface and tear up concrete; Mr. Forgey explained the process pertaining to city right-of-way and private property, etc. Commissioner Postell asked who is responsible if a property owner's tree roots tear up an adjacent property owner's fence. Mr. Forgey explained that the tree ordinance does not address disputes between private property owners, adding that this is a civil matter. Commissioner Marietta clarified that there will be a public hearing at the night meeting regarding the tree ordinance; Mr. Berry replied in the affirmative, unless it is tabled. Commissioner Marietta asked to take this to the County, adding that his constituents are being impacted by tree clearing/lumbering operations by county property that abuts theirs. He asked if the County will be willing to have an ordinance to protect from clear cutting in subdivisions. Mr. Forgey said he addressed this informally with the County yesterday; the County Attorney said typically the City takes the lead on passing ordinances. Commissioner Marietta commented on fines for cutting Crape Myrtles and asked for flexibility, i.e., replacement cost offsetting smaller fines, etc., with Mr. Forgey explaining the process as it pertains to tree density. Commissioner Marietta questioned a buffer requirement for tree operations in commercial land zoned manufacturing within the city limits. Mr. Forgey said it depends on what is being done and explained that the Planning Department reviews site plans to make these type determinations. Commissioner Marietta questioned agricultural land and showed a location on the map (near Indian Creek) with it zoned manufacturing with another area zoned M-1/commercial, etc., areas adding that it makes sense to him to put in a buffer for the residential areas where there is forest land. He asked that a way to set controls, along with adding common sense items, be put in the ordinance since the Commission is still at the stage of amending it. In reply to Mayor Hubbard, Mr. Forgey stated that some of Commissioner Marietta concerns happened before he came to the City and some of it is addressed in other ordinances. He expressed concern regarding agricultural land, which includes forestry land, and is protected and cautioned that the City might be walking a fine line if it attempts to regulate this. He added that buffering can be addressed in the zoning ordinance as it is undergoing an update. Commissioner Marietta asked Mr. Davis if there is a way to protect the rights of all people involved. Mr. Davis said this is a good time to look into this as it pertains to buffers. Commissioner Marietta asked about 'after the fact' – are there ways to implement controls on surrounding property within city limits; Mr. Davis said if it is ag land and not being developed as a subdivision, there is a state law that would have to be dealt with. Commissioner Marietta asked about commercially zoned property in which the timber is being cut off; Mr. Davis replied if it is raw land it is just raw land, but if it is being developed, constructing a building/factory/etc., at that point, regulations could be implemented. Commissioner Marietta clarified that commercially zoned property

cannot be controlled if they are just cutting trees off; Mr. Davis agreed, adding that they would have to follow silviculture practices. Commissioner Marietta asked to update the silviculture definition to make it more specific. Mr. Forgey said he will look into this. Commissioner Howard mentioned clearings in Ward 2 near Evelyn/Maple Street and asked if this will be a barrow pit. Mr. Forgey replied that there is a retention pond in the area and that he is not certain as he has not seen the plan at this point. Phil Roberson, Asst. City Manager, said he will check on this and follow-up.

Commissioner Marietta said he would like to table. Mayor Hubbard stated that there is a public hearing set for March 24th and expressed concern on the length of time this has been reviewed and suggested getting public input. Commissioner Marietta moved to amend the ordinance to include the definition of silviculture (practice of growing trees) and applied to any tree clear cutting/lumber operation and require a 50' buffer for any clear cutting operations within the city limits/residential areas. Mayor Hubbard stated that the motion died for lack of a second. Discussed followed on the version of the ordinance that was distributed. Commissioner Postell moved to table, seconded by Commissioner Marietta; following a show of hands, Mayor Hubbard declared that the motion carried.

Mr. Forgey advised a sign ordinance public informational hearing will be held on Thursday at 5 pm in room 120.

PUBLIC ADMINISTRATIVE AND FINANCE MATTERS

ACCEPTANCE OF FAA GRANT OFFER FOR FY 2015

Yvette Aehle, Airport Director, discussed information as noted (copy on file) pertaining to acceptance of an FAA grant offer.

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

Regarding the departure of Ms. Aehle, Mayor Hubbard congratulated Ms. Aehle and expressed appreciation for everything she has done to move the airport forward and wished her well in her move. Ms. Aehle thanked the Commission for their support in assisting with airport construction, adding that it has been her pleasure to work with the City Commission.

AMENDMENT TO CAPITAL IMPROVEMENT FUND FY 2015 BUDGET

Derrick Brown, Interim Finance Director, discussed information (copy on file) as it pertains to the requested budget amendment on rolling stock/capital budget.

In reply to Commissioner Postell, Mr. Brown discussed budgeted items, adding that needs exceeded amounts that were budgeted. Mr. Berry added that the items will come back for

MARCH 17, 2015
COMMITTEE OF THE WHOLE
GOVT. CTR. – ROOM 120

approval. Commissioner Postell moved to approve option 1, seconded by Commissioner Howard.

Commissioner Marietta asked about the possibility of items being covered by SPLOST funds; Mr. Brown explained that when requests come to Finance, they look at all options, adding that the City has already expended all of its SPLOST funds available for vehicles.

Hearing no further comments, the motion unanimously carried.

CURRENT BIDS:

Joshua Williams, Buyer, discussed the following (copy on file):

1. Temporary Public Event Services, Shaga Consulting & Recruiting, Albany, GA
Estimated expenditure \$110,000.00

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

Mr. Williams discussed the following (copy on file).

2. Bus Stop Sign/Poles, Image Manufacturing Group, Norcross, GA
Total expenditure \$245,384.00

Commissioner Postell moved to approve.

Mayor Pro Tem Coleman asked if this was the lowest bid with Mr. Williams discussing the other bids. Mayor Hubbard questioned the bidding process with Mr. Williams explaining history and facts as noted.

Commissioner Marietta seconded the motion and, hearing no further questions, the motion unanimously carried.

Commissioner Marietta questioned bid #1 and the evaluation criteria with cost not being a factor. Mr. Williams said 'proposal' fee was considered, adding that he can get additional information for review.

Jean Wright, Buyer, discussed the following (copy on file):

3. Painting/Lead Base Paint Removal – E. Broad Ave., Underpass, Mechanical Jobbers Marketing, Inc., Lithonia, GA
Estimated lump sum amount \$99,975.00

Commissioner Postell moved to approve, seconded by Commissioner Marietta.

Mayor Pro Tem Coleman questioned the ‘estimated’ cost and asked if this is a rough cost. Ms. Wright said the amount could change. Commissioner Postell asked the cost of change. Mr. Maples said once the project starts; it could be a larger area, hauling paint, etc., with this being based on a best guess amount. Stephen Collier, Asst. City Manager, reminded the Commission that any change would be brought back to them for approval. Commissioner Postell suggested adding 5% with not having to come back to the Commission for this amount. Mayor Hubbard stated that Dougherty County will also be participating in this project.

Hearing no further comments, the motion unanimously carried.

ITEM FOR FUTURE AGENDA

Commissioner Fletcher said she asked the City Clerk to pull receipts from trips she has taken, adding that she just completed Newly Elected Official Institute where budgets were discussed. She mentioned that cities are adding an occupancy fee for hotels and that she paid \$1.00 per night when she went to Savannah. In doing the math, she suggested that this will bring in a minimum of \$0.5 million to the city with out-of-towners paying this fee. Mayor Hubbard asked staff to look at this to include what other cities are doing. Mr. Berry said he will bring back information.

MANAGER’S UPDATE

Mr. Berry stated that Albany Fire Chief James Carswell will give a brief update on public safety. He said that a presentation of the Theatre Arcade will be on a future agenda; also he advised that the Downtown Manager is relocating from the City Manager’s office to a storefront in the downtown area.

Chief Carswell presented information (copy on file) pertaining to statistics of: administration, suppression, training, fire prevention, EMA and 911. He also discussed 2014 accomplishments and future fire issues as noted.

Commissioner Postell asked how many fire stations are located within the unincorporated area; Chief Carswell replied that the County has four stations with seven located within the city. Commissioner Postell asked if the Carl Vinson study only looked at the four County ones; Chief Carswell agreed. Commissioner Postell questioned the amount of funds the County allocates for the fire stations; Chief Carswell replied that it is just under \$4.0 million. Commissioner Postell asked who supports the Newton Road area/lower part of Dougherty County/Baker County; Chief Carswell stated that it depends on the type of fire; one engine is dispatched for rubbish/car/grass fires and usually the County responds; structural fires are dispatched on a case-by-case basis, but usually at least three engines respond. He explained that protecting firefighters is a priority and thus more are sent when a structure is burning. Commissioner Postell asked if seven fire stations in the City are enough to take care of our geographic area. Chief Carswell explained that as the city populated, it grew in different directions with fire services tracking direction of growth. All seven stations are not perfectly located as they did not grow from the center out. There are areas that can be better served; however, AFD provides a class 2 level of protection, which is in the

one percentile of the country which shows they do a pretty good job. Discussion followed on station locations, etc. (station 3, station 7, Newton Rd. Leary Rd.). In reply to Commissioner Postell, Chief Carswell stated that there are coverage gaps within the county because of the way neighborhoods are spread-out, however, depending on circumstance, all of their five mile radiuses overlap so that they share resources under certain conditions. He suggested that south Albany is short-changed pertaining to coverage and said his ward ends at the Airport and it becomes the county. He asked if he could recommend to the County that they need more protection for citizens in the southern part of Dougherty County. Chief Carswell said he did not include a lot of county information in his presentation, but they are looking at opportunities in SPLOST 7 to address some of these issues.

Commissioner Howard agreed with Commissioner Postell and suggested that E. Albany is also short of stations; Chief Carswell discussed stations that are in the area. Commissioner Howard mentioned that two of the fatalities last year were in his ward and asked if another fire station will be added in E. Albany. Chief Carswell explained the over-lapping of fire stations, adding that lives are saved through public education and communications.

Commissioner Marietta stated that someone in his Sunday school called 911 about a prowler; the operator stayed on the line the entire time and APD was quick in its response. Chief Carswell explained 911 call/dispatching.

Continuing with the presentation, Chief Carswell distributed additional information (coloring books) to assist in education of fire prevention. He discussed the dive team, which is made up of employees who volunteer additional time; construction of maintenance/warehouse training center; relocation of 911 for renovations; updating the CAD system; becoming state proxy site for testing/certifying; completion of design for service trucks/hose for County fire stations; hiring process (24 vacancies); records management and replacement of structurally unsound station 7. Regarding future issues, he discussed the radio system; renovations of fire stations; new equipment; protective clothing; outdoor weather warning sirens; providing 911 dispatching services to surrounding counties; providing fire services to Lee County.

Questions included: Commissioner Postell asked Chief Carswell to explain the regional aspects. Chief Carswell stated that the impact will be the fees other cities/counties will pay for our services that will come back to the City and help alleviate some of the tax burden on Albany's citizens. Commissioner Marietta asked about opportunities for Lee County helping us as we've helped them; Chief Carswell replied that this has not been an actual discussion and is a political issue; however, it is a discussion that needs to take place. He stated that the department's position is that they have a service to provide and they need to pay for that service just like everyone else. However, a great deal more information needs to be on the table before getting into the finer details. Commissioner Marietta countered that he remembers Chief Carswell stating that some homes, such as on Lover's Lane, is closer to Lee County and it would be in our best interest to have Lee County help us with those. Chief Carswell replied that he never said it would be in our best interest, but he might have said that it was viable.

In conclusion, Chief Carswell stated that regarding fire services, they should not be given away and the role that AFD should play needs to be discussed. Anyone wanting to enter into a contractual agreement should put it on the table. An issue that has been shied away from for years is staffing level. He discussed staffing adding that to be fully staffed, an additional 45 in personnel is needed to meet national standards, which indicates the department is 100% efficient and equates to ISO and property loss. He briefly discussed the effects that vacation/sick leave has on the department and mentioned that in the past, the City has permitted part-time employment to help back-fill, which has been beneficial. Commissioner Marietta asked the number of part-time employees on staff and if more full-time are hired, will less part-time be adequate. Chief Carswell replied that regardless of the number of full-time employees, they take leave and unless overtime is used to cover the slack, part-time is the only way to fill the position when someone is off. He briefly discussed the limitations of using part-time employees due to benefits. In response to Commissioner Marietta, Chief Carswell stated that there is a tremendous need for a volunteer/auxiliary fire department, but past efforts to train volunteers proved too labor-intensive to his department and they abandoned this idea ten years ago. He commended the volunteers of the Albany/Dougherty County Rescue Team, who have provided a tremendous service to our area.

Wes Smith, Asst. City Manager, reported that State Commissioners will be brought in to visit Albany to learn about our community/needs/wants; the Director of GEMA will be in Albany the third Tuesday in April. Following the work session a program is scheduled at AFD's Training Center and lunch will be served.

EXECUTIVE SESSION – property acquisition

Mayor Hubbard stated that executive session is needed to discuss property acquisition and a personnel matter. At 11:01 A.M., Commissioner Howard moved to enter into executive session, seconded by Commissioner Marietta, the motion carried 5-2 as follows:

Ward I	yes
Ward II	yes
Ward III	yes
Ward IV	yes
Ward V	stepped out of the room
Ward VI	stepped out of the room
Mayor	yes

At 12:10 P.M., Commissioner Howard moved to exit executive session, seconded by Commissioner Postell, the motion unanimously carried as follows:

Ward I	yes
Ward II	yes
Ward III	yes

MARCH 17, 2015
COMMITTEE OF THE WHOLE
GOVT. CTR. – ROOM 120

Ward IV	yes
Ward V	yes
Ward VI	yes
Mayor	yes

The meeting was called back to order at 12:11 p.m. Mayor Hubbard announced that she had appointed a 3 person committee to review applications for the City Manager's position, from which a decision will be made on interviews. The committee consists of Commissioners Howard, Langstaff and Postell.

There being no further business, the meeting adjourned at 12:15 p.m.

SONJA TOLBERT
CITY CLERK