

MAY 19, 2015  
COMMITTEE OF THE WHOLE  
GOVT. CENTER – 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.

SPEAKER APPEARANCE

1. Audrey Alfieri re: Sidewalks and Bus concerns – Absent

2. Alice Goseer-Jenkins discussed a house she co-owns with her son in which her family has resided there for approximately 60 years. The issue is parking, which arose subsequent to a business locating adjacent to their property. Because of the size of the trucks, they have hit cars parked in front of the home. This resulted in someone from the business getting the curb painted yellow, which has resulted in her son being ticketed. She contends that because the neighborhood is older with modest income residents, they are often taken advantage of and it is possible that the business and the recycling center, as well, are not suitable for a residentially zoned area and suggested they would be better located in an industrial park. She discussed a recent incident with one of the business owners and in spite of the family's efforts to be good neighbors, things seem to have taken a turn for the worse. She said the business purchased two houses on the street and at one time, the intent of the City was to remove the curb to give trucks turning the corner more room to maneuver, but that has not taken place. It is an unfair situation in which they continue to be harassed and she is asking for help in resolving this matter. She mentioned an alleyway, which gives the business another option and said she feels the business was allowed to be located there because it is an area no one cares about. She briefly discussed her family's long history at that property and entreated the Commission to not allow the business to try and force them out; they have no intention of going anywhere and need to be able to park.

Mayor Pro Tem Coleman stated that this is in his ward and he is familiar with the situation; there is an opportunity for the business to exist and the Goseer-Jenkins family to park because her house is the only one on that street. There are measures that can be taken to resolve this matter. He said it appears the business owner sees no reason to reach an amicable resolution adding that he spoke with ACM Phil Roberson who informed him that the City had a plan to do something with the vacant lot in front, but as Ms. Goseer-Jenkins stated, nothing has come of it. Ms. Goseer-Jenkins interjected that the alley provides an alternate option for the business.

Attorney Phil Cannon asked to be recognized and stated that two other business owners have been located in that vicinity longer than the current resident of the home. Regarding the yellow curb, he said it was yellow before either business owners moved there and agreed that it presents an issue because it is right in front of the house. However, he contended that there is ample

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parking for the three vehicles that park there, with the business owners requesting that they pull up about five feet. Mayor Hubbard interjected that she feels there is not going to be a solution today.

Discussion followed with Commissioner Postell stating that the Commission did not ask for controversy. Additional discussion followed with Mr. Cannon suggesting that it is unfair for the Commission to be asked to make a decision without hearing all of the facts. Mayor Hubbard stated that the Commission is not entertaining a debate today; all of the facts must be presented.

Mayor Pro Tem Coleman urged the Commission to visit the site and see for themselves.

Using PowerPoint, Engineering Director Bruce Maples displayed slides showing the home, business and mailbox/yellow curb (copy on file) and discussed the issues regarding the poultry business and recycling center making turns on the narrow street. In response to Mayor Pro Tem Coleman, Mr. Maples explained that Church Street is even narrower than Delta and making a turn at the end is almost impossible, without improvements being made there. Discussion followed about Mr. Sexton purchasing two homes on the street and having them demolished. Mr. Maples showed a proposed design, stating that improvements are estimated between \$15-20,000 to construct additional pavement and move the curb and pay for the value of the property. Mayor Pro Tem Coleman mentioned the \$1.5 million spent on the Trails and suggested that the City can spend \$20,000 to help resolve this matter. Mr. Cannon countered that they could be asked to park three feet further away from the corner; Mayor Hubbard declared that this is not a courtroom and a trial is not taking place here.

Commissioner Howard agreed that the residents could pull up to park, but because this is a depressed area, residents there are taken advantage of. He added that it does not seem right to paint the curb yellow to pacify one business owner, especially when considering that the house has been there for a long time. He mentioned city housing being built on Broadway and the need to keep the area as aesthetically pleasing as possible.

In response to Commissioner Postell, Mr. Maples discussed being asked four/five years ago to reevaluate the street, so they tracked the tractor-trailer coming out of the business, considered the yellow curb and then had additional discussion with Southeastern Recycling, which also had issues with vehicles leaving their scales and pulling onto Delta Street.

Mr. Berry interjected that the real problem stems from the fact that the City does not own the property and recommended two alternatives – condemn it or buy it, adding that the estimate to reconfigure the street is at \$20,000. He stated that at the Commission's direction, he will move forward with either of those two options. Commissioner Postell moved to approve Mr. Berry's recommendation, which ever one is most feasible, seconded by Commissioner Howard. In response to Commissioner Howard, Mr. Maples discussed reconfiguring the area. Mr. Roberson added that the \$20,000 will be reduced if the City self-performs the work; an accurate estimate will be provided before the night meeting. In response to Commissioner Howard, Mr. Cannon discussed the amount of traffic each business sees daily. Mr. Roberson added that the redesign

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will make the area safer, as well. Commissioner Howard thanked Ms. Goseer-Jenkins for bringing this matter to the Commission, and urged the Commission to be a voice for the ‘have nots’ when they are oppressed by the ‘haves’. Mr. Maples explained why option A, improve Delta Street, is most likely the preferred measure.

Commissioner Langstaff asked Ms. Goseer-Jenkins if she and her son are interested in selling their property; Ms. Goseer-Jenkins replied in the negative.

Hearing no further discussion, the motion unanimously carried.

#### ENERGY EFFICIENCY EDUCATION AND ASSISTANCE PLAN

Carolyn Mathis, Sr. Account Analysis, Special Services Department with the Albany Utility Board, stated that team members are present to provide background regarding the plan. She introduced Mary Petty, Director of Administrative Services; Stephanie Josey, Interim Billing Manager; Becky Bracken, Supervisor of Special Services Dept.; Mary Singleton, Business Development Manager; and Monique Broughton, Marketing Manager.

Using a PowerPoint presentation (copy on file), Ms. Broughton reviewed the advertisement aspect of the Energy Efficiency Education and Assistance Plan. She stated that in spite of the public’s perception, according to the PCS, Albany Utility is the lowest compared to other local providers and that they want to get that message out to customers. The goal is to also let customers know about cost saving services such as home audits and budget billing. She briefly discussed natural gas financing opportunities; a program which was initiated in September, 2014 that has made 185 loans totaling \$800,000 through Municipal Gas Authority of Georgia.

Commissioner Postell expressed dismay that Utility customers are being ‘awarded’ on the gas side, but not electricity and discussed customers being cut-off within the past two years not qualifying for the program. He asked if that was a federal or utility rule; Ms. Broughton replied that the Municipal Gas Authority requires that applicants be in good credit standing. Commissioner Postell discussed the incomes of those being cut-off who are assessed a late and reconnect fee. Those who can afford to pay their utility bill on time are being awarded while those who do not are being penalized. ACM of Utility Stephen Collier explained that the City is not utilizing its money; funding for the program comes from the Municipal Gas Authority of Georgia; however, he said he can speak to them about Commissioner Postell’s concern. Commissioner Postell mentioned that he can understand someone who is late every month not qualifying, but for a customer to be late once and maybe 24 months later, it is unfair. Mr. Berry interjected that in the future there may be more ideas that would address this issue.

Commissioner Marietta stated that he remembers that in the past the City was informed that being a MEAG city, it cannot advertise. Mr. Berry stated that there is nothing wrong with communicating with customers/citizens.

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Commissioner Howard mentioned that there are customers/citizens who do not read the local paper or watch local TV and asked to receive monthly cutoff data, broken down by ward. He mentioned constituents calling him to complain about their utility bill and alleging that utility bills are lower in the west side of town; however, he has tried to explain that older homes are not energy efficient. Additionally, when a customer's service has been disconnected it is asinine for the Utility department to collect late/reconnect fees; if someone cannot pay \$100, how can they pay \$120? Constituents do not understand nor care that City Commissioners have no control over utility rates, but it is something that needs to be looked at in the near future. Ms. Broughton stated that she will bring back the information on monthly cutoffs, adding that there are other things the Utility Department plans to do to help customers get the information being presented today.

Commissioner Fletcher stated that she reached out to constituents who have Georgia Power to compare their bills to the City's Utility Department and, based on square footage, Georgia Power bills are higher. She contended that usage is the culprit for customer's higher bills, as well as older homes not being insulated and energy efficient. She challenged the media to get this information out to the public and agreed that late fees are an added burden, but customers must be responsible; however, she asked to see an award program that incentivizes them to pay bills on time.

Mayor Hubbard asked if the rates of all services provided by the City have been compared to other providers; Ms. Broughton replied that they only compared the electric portion.

Ms. Mathis related their mission statement and continuing with the power point discussed public engagement, community involvement, and internal efforts. She mentioned that Mr. Berry will address the Energy Code. Mr. Berry said it is basically complete and Mr. Davis will fine tune it with the most important piece being a meeting with property owners; he recommended that this team meet with property owners to get feedback. He stated that \$200,000 has been allocated for the Energy Code and Weatherization program in the budget for next year. In response to Commissioner Postell, he said the funds, which will not go too far, most likely will be in Customer Service strictly for the weatherization program. The criteria being that it must be rental property because it is such a massive problem. In response to Commissioner Postell, Ms. Mathis stated that there are six individuals on the team. Mr. Collier interjected that there are six on the team; Ms. Petty's department has 45, so there are other resources, but the team needs to be small and focused and will include oversight with the ACM. He stated that the auditors will also provide input to the team.

Mayor Pro Tem Coleman expressed support for the program, agreeing that \$200,000 will not go a long way and suggested tracking those in the program as a means of showing the success of this program. Commissioner Howard asked Mr. Berry to elaborate on the Energy Code if renters are being targeted and ensure that property owners with 200 units must make improvements. Mr. Berry stated that the Code will have some teeth and the Commission will get pushback when it formally comes before them, but it has not been through Mr. Davis yet and that is why the meeting with property owners is so crucial. He said he will propose some type of penalty if the

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Energy Auditor makes a site visit and discovers the kinds of issues they often find in this community. The penalty might not be assessed if the weatherization program is taken advantage of; it could be a match – if the repairs are \$3000 the cost could be split between the owner and the City. But, there must be a way to help renters, who have no other way to help themselves. He said the draft should be ready by June/July, but nothing will move forward until after the meeting with property owners. In response to Mayor Hubbard, he said he prefers a cross-section meeting to provide input for the language of the code, adding that if this does not come before the Commission, it does not have to be open to everyone; a representative group would be much more effective. Commissioner Howard stated that this is a step in the right direction and if the Energy Code passes, his pet project jumped from trailer courts to Albany Homes, which needs to be demolished. Mr. Berry countered that the Energy Code will not address dilapidated housing – funds should not be put into something beyond repair. He added that it will be a partnership with Code Enforcement and Utilities and will be a good program provided it does not receive too much pushback to kill it. Commissioner Howard mentioned that a lot of rental property is owned by elected state officials who do not live in Albany – that is probably from where the pushback will come, since they set policies for the State of Georgia. Mr. Berry said it is possible Albany will set the tone in this matter since it has a higher percentage of rental stock than almost anywhere else in this locale.

PROPOSED CONTRACT WITH 340 CREATIVE GROUP RE: X LEAGUE INDOOR FOOTBALL

Recreation/Civic Center Director Joel Holmes referred to the packet (copy on file), stating that there has been work on a deal to bring arena football back to Albany and introduced Justin Andrews and Evan Barber, two members of the ownership team. He explained that a contract has been negotiated that he feels is very beneficial to the City of Albany and 340 Creative Group; the request is approval by the Commission to move forward with the contract, upon review by Commissioners.

Commissioner Howard asked for additional information, such as history of X League football, the teams in it, etc.

Mr. Andrews stated that he has been working with the City since January, 2015 on this project and briefly discussed the X League, one of the fastest growing sports nationwide, adding that the intent is to bring along a youth league with the X League. Fans had the opportunity to vote on a name for the team with South Georgia Heat being selected as the name, which was announced today. In response to Commissioner Howard he explained that there will be 13 teams in the conference, which includes teams from with Rome, Georgia; Birmingham, Alabama and as far north as Bloomington, Illinois, and as far south as Lakeland, Florida, adding that there is an expansion program for five additional teams, but the 340 Group will strictly be involved with the Heat here in Albany. He mentioned that the website [www.XLeague.com](http://www.XLeague.com) lists every team in the conference and briefly discussed the fairly new sport of X League Football and the factors that make X League different from regular arena football. Commissioner Howard asked Mr. Davis if he has reviewed the rough draft; Mr. Davis replied in the affirmative, adding that he has

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questions about 340's corporate structure. Mr. Andrews stated that teams in the past were subsidized by the City, but 340 is not requesting any funding; they are searching for a long-term deal to assure them they will be here for a long time.

Commissioner Langstaff asked for a copy of the lease agreement (copy on file). In response to Commissioner Langstaff, Mr. Holmes stated that he did the comparison document by using information from the Panthers contract; a review of the comparison document followed. Commissioner Langstaff asked if the City will receive a personal guarantee on the rent; Mr. Andrews replied that it will be no problem to provide a guarantee to the Commission. Commissioner Howard referred to the lease agreement - Food & Beverage Addendum - asking if the first paragraph contains typos/errors. ACM Wes Smith explained that only applies to the four games. Mr. Holmes added that the intent is that any alcohol sales or concession a renter has will come through the Civic Center first to ensure that the renter has appropriate licenses, insurance, etc. In essence, the Civic Center makes the final decision, but the renter is being allowed the right to do that part of it. A brief discussion followed regarding the Panther's contract regarding alcohol sales.

In response to Mayor Hubbard, Mr. Andrews stated that the timeframe was February, but because of various situations, here we are today, adding that there are a few errors within the contract, which are being hammered out by 340's attorney and Mr. Davis, but there are no major issues/amendments other than the one just referenced by Commissioner Howard. Mr. Berry asked if they have to have a settled contract or will a firm letter of commitment suffice. Mr. Andrews replied that they were supposed to have a settled contract by February and the sooner the better. He said the season begins March, 2016 and ends July, 2016 depending on playoffs.

Mayor Pro Tem Coleman stated that he knows many fans of arena football, and he intends to support it, but it seems that currently not everyone is on the same page. Mr. Holmes discussed the desire of not having to come before the Commission for every contract he negotiates. Mr. Smith asked that the Commission allow them to get information by Tuesday night and if not successful, table it and have a special called meeting next month. He agreed that there are things needing to be addressed.

Commissioner Postell asked how Mr. Andrews determined that this venture will not cost the City anything. Mr. Andrews explained that it will be just like Disney on Ice, wrestling shows, etc. – they will rent the Civic Center, which is at a higher rate than the previous teams – and they will still benefit from the arrangement. Commissioner Postell discussed the Panthers contract and subsequent renegotiations, with the City getting 'burned'. He asked Mr. Andrews to give the City more time, come back with the kinks ironed out and then the Commissioners can consider it. Mr. Andrews stated that his group is not asking the City for any funding; as private, businessmen, they are willing to write a check to the Civic Center for an agreed upon rate. They have been waiting since February to get this deal finalized and are already six months behind; they have been approached by other cities which are interested, but prefer to keep it here since Albany is their home. In response to Commissioner Postell, he said he does not consider it anyone's 'fault'; he understands the City's apprehension because of previous deals, but 340 is in

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a race against the clock now. At Commissioner Postell's request, Mr. Davis discussed the proposed contract, stating that on the surface, the cash flow looks substantially better. Regarding insurance, Mr. Davis stated that the City would like to see the declaration pages on the policy; if that is not possible, a certificate of insurance with additional insurance endorsement will suffice. Commissioner Postell asked that the additional information be provided since this is time-sensitive.

Commissioner Fletcher stated that 340 needs to provide history about the team, performance stats from the past three years, game attendance and anything else that will help them plead their case. Commissioner Marietta asked to see potential opponents and the cities they represent.

In response to Mayor Hubbard, Mr. Andrews said he will provide the names of opposing teams. She added that sponsors/businesses behind 340 Group are crucial in helping make them a success in this venture.

#### HILTON GARDEN INN\CHANGE OF COLLATERAL

Mr. Davis referred to page the MOU on page ten (copy on file) and discussed Albany Holdings, LLC desire to refinance the existing hotel. He explained that the lender has placed 'substantial new restriction on Owner' by prohibiting a second lien on the Hilton Garden Inn site. The property has been refinanced three times and each time the City retained its second secured position; they are asking the City to move its secured position over to the parking/hotel pad site – the site where the new structure will be built. The effect is that the City will be lien-less on the Hilton site and have a second position lien on the Home 2 site. Additionally, a \$600,000 lump sum principal payment would be the consideration for no longer having a lien on the HGI site and moving it to the adjacent site.

Commissioner Howard expressed concern especially in light of the concessions the City has given to the owners. He said he would have been more comfortable if Albany Holdings had provided a site plan for their proposed development and expressed the sentiment of his constituents, which is that the City should not be helping subsidize a hotel when the Section 108 loan could have been better used for another downtown project. In response to Mayor Pro Tem Coleman, Mr. Davis explained the original negotiated deal and the timeline of refinancing since then, adding that Finance Director Derrick Brown sent an email showing all payments that have been made, the loan balance. The question is – does the City want to work ten more years with this developer. The bottom line is, the City has a second position on the current hotel, and this proposal would negate that and result in the City having a second position on an 'idea'; however, there is a positive track record of payments. In response to Mayor Pro Tem Coleman, he explained that the con to the proposal is that the second hotel is not out of the ground, like the first one, but weighing the payments and having the Hilton flag downtown should be considered.

Mayor Hubbard expressed concern that they would be able to sell the hotel and leave the City with something less than the 'Hilton' name. Mr. Davis mentioned the configuration of the actual structure; if the Home 2 is attached to the Hilton or is extremely close with the City having a lien

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on the Home 2 they would not be able to sell that portion of the property. Mr. Berry interjected that the Hilton franchise may have some requirements about selling the existing hotel.

In response to Commissioner Postell, Mr. Davis explained that it is up to the City to determine how to allocate the \$600,000 and referred to the amortization schedule, which shows they are down to payment #114, with a principal that is just over \$3.1 million. Mayor Hubbard asked if the City needs to be concerned about losing its second place position. Mr. Davis replied in the affirmative, adding that their lender has made that non-negotiable.

Using the board to explain, Commissioner Langstaff illustrated why the City would basically be in no worse position to approve the proposal, should Albany Holdings default on the loan because the current second lien is not that valuable. He explained that the biggest issue is for the City Attorney to ensure that the City does not get hung out to dry, adding that it allows the City to free up equity for the Hilton in order for them to build the second property. He added that being in first position on a parking lot is more valuable than a second on a hotel that would not be worth much if sold on the courthouse steps. However, he said it needs to be clearly ascertained if the City will have second lien on the parking lot and/or the new hotel. He added that the one definite positive is that \$600,000 of the \$3.2 million will be paid down.

Commissioner Marietta stated that he feels the City should try to get more than \$600,000 and suggested that the best scenario is paying the entire loan amount off. Commissioner Fletcher explained the Hilton dropping to #4 in the market; price points of Homewood Suites, adding that they will have the \$84/night military charge at the Home 2. She suggested that they have paid their bills and have a good track record. Commissioner Langstaff asked Mr. Davis if he can negotiate with the Hilton and legally ensure that the City is in no worse position than it is now; Mr. Davis replied that he will get back in touch with them. He stated that the question is does the Commission want him to stay in contact (with the Hilton) to see if they are willing to come back with the schematic drawing and assure the City exactly where the second lien position will be. Commissioner Langstaff so moved, seconded by Commissioner Fletcher; the motion unanimously carried.

#### APPOINTMENT

1. Joint City/County appointment to Regional Commission to fill an unexpired term ending January, 2016

Commissioner Marietta moved to appoint Haryl Dabney, seconded by Mayor Pro Tem Coleman; the motion unanimously carried.



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## **PUBLIC SAFETY MATTERS**

### MODIFICATION OF CITY CODE SEC. 6-3(C) re: ALCOHOL LICENSE

Mr. Davis explained that the proximity rule in the alcohol code regulates the distance between churches/schools to an establishment that sells alcohol. Because small churches started locating in strip malls in which a business selling alcohol was already established the modification became necessary as it protects current property owners holding an alcohol license. The modification applies to property owners who has a new tenant who wants continue selling alcohol, it allows the new tenant to apply for a license and prohibits the proximity rule from standing in the way.

Commissioner Postell mentioned churches with only five-ten members who want to block people from obtaining alcohol license, etc., with Mr. Davis explaining that the definition of a church requires that it must be its own structure, which was designed to address that issue. He added that this allows for a new property owner to apply for a license and not be stymied by what Commissioner Postell just pointed out. It lets a new tenant come in and apply for a license; it does not change it. Commissioner Postell clarified that this allows a new tenant to apply and receive a license; Mr. Davis relied in the affirmative, adding that the impetus before was a church and school showing up should not stymy a business already in operation.

Commissioner Postell moved to approve, seconded by Commissioner Langstaff; the motion carried 6-0 with Commissioner Howard voting no.

### ALCOHOL LICENSE APPLICATIONS

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

1. Duttatrey, Inc., d/b/a AJAX Liquors, 1301 E. Broad Ave., S. Stokes/Agent; Package – WARD 1

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

2. Ganpati Bapa, LLC d/b/a D & D Food Mart, 1430 N. Jefferson St., T. Kubar/Agent; Beer/wine package – WARD 2

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## **PUBLIC FUNCTIONS MATTERS**

### 10 YEAR UPDATE TO COMPREHENSIVE PLAN

Planning Director Paul Forgey stated that item is for information only, which is a ten-year update required by the State (copy on file). He introduced Kerry Davis and Barbara Reddick with Southwest Georgia Regional Commission and explained that elected officials and the community are being asked to participate and provide input. A stakeholders meeting is scheduled for next week and a kick-off meeting scheduled for June 2<sup>nd</sup>. He asked as many participants as possible to attend this meeting because community input is vital.

Commissioner Postell mentioned being a member of the SWGRC and commended Mr. Forgey for bringing Ms. Davis and Ms. Reddick. In response to Mayor Hubbard, Mr. Forgey advised that a notice was put in *The Albany Herald*. Ms. Reddick added that emails were sent out to elected officials regarding the kick-off meeting; a flier was mailed to all 500 churches listed in Albany, it was posted on their website as well as conducting a social media campaign.

### TRANSIT & TRANSPORTATION PLANNING FUNDS

Mr. Forgey stated that this is an annual request for authorization for funding for the Albany/Dougherty area regional transportation study, known as DARTS, which provides transportation planning for Albany/Dougherty County and southern Lee County. The Planning Department manages the program, which receives annual funding from the federal Department of Transportation. While the state and local match varies, the federal portion remains constant at 80%. The Georgia Department of Transportation provides a 10% match for transit planning, with the City providing a 10% match. For transportation planning federal provides 80%, with the local match being 20%.

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

## **PUBLIC WORKS MATTERS**

### LIGHTING FOR ROUNDABOUT @ WESTOVER/LEDO CONNECTOR

Mr. Maples reminded Commissioners that in January they approved the roundabout with the Westover Extension; this is a requested agreement in which the City agrees to maintain and provide electricity for the lights that will be installed with the project.

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

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ALLEY CLOSING – 1520 W. THIRD AVE.

Mr. Maples stated that the property is the old First State Bank property in which the developer requested to close a 15-foot section of an unopened alley on the west side. Dr. Moss has an orthodontic office next door and is in agreement with the closing of the unopened alley. There is sanitary sewer, but an easement will be retained to have access. Commissioner Langstaff asked if they will pay all costs; Mr. Maples replied in the affirmative.

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

ADOPTION OF PROPOSED REVISIONS TO THE TREE ORDINANCE

Mr. Maples stated that the Tree Ordinance was presented for revisions; his department worked with the Tree Board in revising. The main issue his department was asked to look at was timber harvesting permits so that the City would be notified when individuals clear-cut property within the city limits; exemptions for clear-cutting were removed. He explained that the penalty was reduced from \$1,000 to \$500 and the appeal process was stream-lined.

Commissioner Langstaff moved to approve, seconded by Commissioner Postell.

Commissioner Howard asked to see a red-lined version in order to see any changes; Mr. Berry said a copy will be provided.

Commissioner Marietta expressed concern about residential areas which had clear-cutting right next to them and changes were made to protect them. Mr. Maples replied that they did everything that the 2002 state law allows.

Commissioner Langstaff withdrew his motion and moved to table until the night meeting, seconded by Commissioner Howard; the motion unanimously carried.

ITEMS FOR FUTURE AGENDA

Commissioner Howard commented on cuttings around holding ponds and asked that a method be implemented to keep weeping willow trees from growing in holding ponds. Mr. Berry said they will have discussion about this because the City does not own all of them. Mr. Roberson interjected that the City has an intergovernmental agreement with the County and he will get a schedule, adding that the City does the mowing and the County does the dredging/cleaning.

Commissioner Postell stated that the County does not perform its work as the City does; they cut the edges, but do not go into the trenches, which are being overgrown with all type of vegetation. He suggested that another intergovernmental agreement is needed.

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## **PUBLIC ADMINISTRATION AND FINANCE MATTERS**

### CURRENT BIDS

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

1. Transit Bus Cameras, Apollo Video Technology, Bothell, WA  
Total amount \$83,015.00

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

2. EPR Software Maintenance, Oracle USA, Inc., Palatine, IL  
Total expenditure \$128,345.90

Commissioner Langstaff stated that in the interest of time, it would be best to go into executive session now and hold the budget discussion afterward, seconded by Commissioner Howard; the motion unanimously carried.

### EXECUTIVE SESSION – personnel matter

At 11:16 a.m., Commissioner Postell moved to enter into executive session, seconded by Commissioner Langstaff; the motion unanimously carried as follows:

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

At 12:18 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
Ward IV	yes
Ward V	yes
Ward VI	yes
Mayor	yes

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Mayor Hubbard reconvened the meeting and announced that no votes were taken. She announced that County Attorney Spencer Lee submitted information about the County's action regarding the Sabal Trail issue. The City followed the County's lead and she wants to get an indication if the City wants to move forward. Mr. Davis interjected that the comment period is about to close. If nothing is done today, it will not make the filings with the Clerk.

Commissioner Postell moved to table budget discussion until the next meeting, seconded by Commissioner Fletcher; the motion unanimously carried.

There being no further business, the meeting adjourned at 12:20 p.m.

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SISSY KELLY  
ASST. CITY CLERK