

JUNE 3, 2014
COMMITTEE OF THE WHOLE
GOVT. CTR – RM 120

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

Mayor Hubbard called the meeting to order at 9:03 am.

SPEAKER APPEARANCE:

Josh Thomason, Principal with Peachtree Housing Communities, distributed information (copy on file) and discussed the construction of Point North Village/Phase II.

Mayor Pro Tem Howard clarified that this project is for senior citizens. Mr. Thomason agreed, adding that the age will be 55 and older. In reply to Mayor Hubbard, Mr. Thomason stated that there are income requirements.

In reply to Commissioner Marietta, Mr. Thomason stated that they have other projects/housing in the area. Commissioner Marietta questioned the construction of buildings in Albany vs. Lee County with Mr. Thomason stating that the cost of land affected the design.

Commissioner Langstaff asked if the age 55/over is forever or is there a sunset. Mr. Thomason stated that it is a deed restriction for 30 years; Phase II is not as restrictive.

In reply to Mayor Hubbard, Mr. Taylor stated that this is provided for information only.

APPOINTMENTS:

1. Appointments to Community Development Council for one-year term expiring June 2015

Commissioner Postell moved to approve the reappointments as listed (copy on file) and the appointment of Pinky Modeste, seconded by Mayor Pro Tem Howard; the motion unanimously carried.

2. One appointment to Stadium Authority for four-year term expiring June 2018

The Clerk advised that Jack Hall requested to be reappointed and that there were no new persons expressing interest. Commissioner Postell moved to approve the reappointment of Mr. Hall, seconded by Mayor Pro Tem Howard; the motion unanimously carried.

3. One appointment to Albany Housing Authority for five-year term expiring June 2020 (Mayor's appointment)

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The Clerk advised that this is the Mayor's appointment and Frank Wilson asked to be considered for reappointment. Mayor Hubbard stated that she had spoken with Mr. Wilson and she is reappointing him

ITEM FOR FUTURE AGENDA

Commissioner Fletcher mentioned the incident at Veterans Park; with July 4th coming up, she asked that something be in place for lighting/security in the area. She commended Judy Bowles for her accomplishments and dedication.

Commissioner Postell asked if the damage has been corrected. Commissioner Fletcher said it is approximately 90% completed.

Mr. Taylor stated that staff is working to address lighting and camera relocation, including a chemical that coats objects that prevents paint from adhering.

Commissioner Coleman stated that his item is to discuss a new SBA Program.

Commissioner Marietta stated that he supports Commissioner Fletcher and the City Manager's initiative, adding that damage was done to the eternal flame as well. Mr. Taylor stated that he will look at the cameras. Discussion followed on cameras in place.

PUBLIC WORKS MATTERS

REVISED SANITARY SEWER EASEMENT FOR 1000 N. SLAPPEY BLVD.

Bruce Maples, Engineering Director, discussed information as noted (copy on file). Commissioner Langstaff moved to approve, seconded by Commissioner Postell. In reply to Mayor Hubbard, Mr. Maples discussed the length of the sewer that varies from 12 to 14 feet. Hearing no further comments, the motion unanimously carried.

PUBLIC FUNCTION MATTERS

REQUEST TO INCREASE/ADD FEES FOR PLANNING & DEVELOPMENT SERVICES DEPT.

Paul Forgey, Planning Director, discussed information (copy on file) pertaining to the proposal to modify the fee structure. Discussing Albany's fees, he compared them to other cities, adding that fees are challenging to compare because of other factors, including the number of staff,

enterprise funds, cost of land, etc. Mayor Hubbard asked whether Planning should be considered as an Enterprise Fund. Mr. Taylor said this will be looked at and brought back.

Mayor Pro Tem Howard questioned raising fees according to the CPI; Mr. Taylor stated that it could be raised or not, based on the CPI. He explained that money collected is performance based.

Commissioner Marietta asked if costs for planning services are rising. Mr. Taylor stated that cost for staffing has reduced, but costs of services are increasing. Commissioner Marietta asked if Dougherty County will participate. Mr. Taylor stated that work done in the County is nominal, with fees being the same for the County. Commissioner Marietta asked if the County has to approve. Mr. Forgey stated that fees are set by the City.

Commissioner Postell clarified fee increases and those establishing businesses. Mr. Taylor said it will be a nominal change and discussed ISO ratings in Planning, quality of structure, etc., as it relates to paying insurance.

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

PUBLIC ADMINISTRATION AND FINANCE MATTERS

CURRENT BID:

Yvette Fields, Deputy Director Central Services, discussed the following (copy on file):

- | | | | |
|----|--|-----------------------|----------------|
| 1. | Building Construction – Broadway St. Sr. Duplex Development: Phase 1, LRA Constructors, Albany, GA | Estimated expenditure | \$1,089,860.00 |
|----|--|-----------------------|----------------|

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

CHARTER AMENDMENT RE: WG&L COMMISSION

Mr. Taylor distributed information (copy on file) and discussed regarding Charter changes related to WG&L. He stated that following discussion and recommendation, the last paragraph of Sec. 26, subsection 4, regarding the interview process to hire the City Manager was deleted. Commissioner Langstaff moved to approve, seconded by Commissioner Fletcher.

Commissioner Postell asked if other changes were made other than what was just discussed. Mr. Taylor replied in the negative, adding that highlights and red strike-outs in the new handout are

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changes the Commission had seen. Commissioner Postell questioned expansion of telecommunication, with Mr. Taylor stating that right-of-way acquisition is being looked at for natural gas, etc. Commissioner Postell asked if this will come before the Commission for approval. Mr. Taylor stated that it will only come back if it exceeds \$250,000, per approval of proposed changes. Commissioner Postell questioned how the \$250,000 came into play. Mr. Taylor explained that this provides opportunity to expand the utility as it relates to fiber and gas; commitments have to be received to move forward. Tom Berry, Interim General Manager added that this number will cover the need. Commissioner Postell discussed WG&L not having authority over the Commission, etc.

Mayor Hubbard mentioned property acquisition and the ability to negotiate as it ties into the amount requested.

Mayor Pro Tem Howard stated that he has questions with section 26; his personal opinion is that it will be difficult to get a good general manager if the WG&L Board does not have the authority to hire/fire the person in that position. He asked Mr. Berry if any other city does things in this manner. Mr. Berry replied that in some cities the utility reports directly to the city manager, some have a utility director/asst. city manager; there are many variations; Thomasville is similar to the proposal, which is better structured than the City of Marietta.

Mr. Davis discussed noted changes of in the handout in which the City Manager will be the General Manager of WG&L. Mr. Berry agreed that this is the intent. Mr. Davis noted pages 26-27 of the agenda packet.

Commissioner Coleman said his concern is giving WG&L Commissioners more power than they need. He said if they want to purchase beyond \$250,000, his suggestion is to report to the Commission as is normally done. Mr. Taylor explained that when land acquisitions go on the table, prices increase. The aim is to grow the utility without some of the constraints, etc., so that they can operate more like a business. Commissioner Coleman countered that the basis of his concern is what happened previously when WG&L was given more authority. Mr. Taylor advised that if they had more authority they would have operated more efficiently. He said members of the WG&L Commission can be removed with the City Manager being hired/fired by the Commission. The City Commission appoints WG&L Commissioners, giving them the ultimate authority.

Commissioner Langstaff stated that before the \$250,000 was added, there was no limit to the amount WG&L could negotiate. He stated that this clarifies that they are a department of the City and under the City Manager.

Commissioner Coleman stated that when he asks questions it is because he needs answers; those who sent him to office depend on him knowing and to not depend so much on the City Manager. He said he must be comfortable with his vote because he votes his conscience. Mayor Hubbard stated that this is expected and it is also expected that homework is done and due diligence exercised.

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Commissioner Marietta stated that a charter change has to be voted on two consecutive months, which gives time to discuss.

Commissioner Postell stated that there will be questions when there is a charter change. He questioned who has the authority to hire the general manager. Mr. Taylor stated that he is the general manager and the Commission hires him also as City Manager. Discussion followed with Commissioner Postell expressing his concern and Mr. Taylor advising that the attitude and focus of WG&L Commission members have changed and they want to do what is best for Albany. Mayor Hubbard encouraged the Commission to move forward along with WG&L which has a vision to improve and is looking at additional funds for the utilities, etc.

Discussion followed with Commissioner Marietta stating that he disputes the comment that the WG&L Commission lied to the City Commission or did anything illegal, adding that it is important that someone stand up and dispute it. Mayor Hubbard stated that there is no evidence of wrong doing, but the lack of communication between the two and the City Commission not providing direction to the WG&L Board created the problems/issues. Commissioner Fletcher agreed with Mayor Hubbard, stating that WG&L is a big part of the city and should be run as a business. Commissioner Coleman urged that the Commission not be hasty in its assessment that those who do not agree are against the City; they have concerns and it takes some longer to move on. He agreed there is a need to move forward, but to allow those who do not agree the right to their opinion....he suggested moving forward as a city. In response to Mayor Hubbard, he stated that criticizing one another is not calling them out. Commissioner Postell stated that there was a problem with WG&L that cannot be hidden; he is focused on doing right and moving forward. He stated that there was a dilemma with WG&L from the day they decided to purchase property on Lily Pond Road without the City's knowledge as well as the gas manufacturing plant, lying about insurance, etc.

Mayor Hubbard stated that each person has a right to an opinion and to express it, but when this is done we need to provide proof and have data to back it up. She said she respects all opinions, but encouraged everyone to move forward, adding that the current WG&L Board is looking to the future. She commented on the future of telecom, etc.

Commissioner Coleman agreed on the need to move forward, but suggested practicing the inclusion of everyone, not move forward with a selected few.

Commissioner Marietta asked if the WG&L Board is in favor of the proposed changes. Mr. Taylor and Mayor Hubbard replied in the affirmative, adding that it was discussed with them.

Mayor Hubbard stated that there will be two readings of the proposed charter change and encouraged the Commissioners to raise questions/getting answers. Hearing no further comments, the motion carried 5-2 with Mayor Pro Tem Howard and Commissioner Coleman voting no.

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SERVICE DELIVERY AGREEMENTS – FIRE/RECREATION RE: HB 489

Wes Smith, Asst. City Manager, discussed information (copy on file) pertaining to services provided to Dougherty County for Fire/Recreation as noted in HB 489. (Commissioner Fletcher left the meeting at 10:11)

Commissioner Marietta moved to approve, seconded by Commissioner Langstaff.

In reply to Commissioner Postell, Mr. Taylor stated that Dougherty County will be voting on it.

In reply to Mayor Hubbard, Mr. Taylor said he will be reviewing to make a recommendation on identifying persons from outside Albany/Dougherty County using City recreational services. Mayor Hubbard asked how many years this contract is in place. Mr. Smith stated that the recreation contract has not end date and fire is for five years.

Hearing no further comments, the motion unanimously carried.

Following a brief break, Mayor Hubbard stated that Commissioner Fletcher had to leave the meeting due to the critical illness of her sister. She asked the Commission to keep Commissioner Fletcher in their prayers.

BUDGET DISCUSSIONS:

Mayor Pro Tem Howard stated that the City Clerk reminded him of the upcoming Executive Session and two Commissioners stated that they have to leave. He asked if APD can be discussed next week. The consensus was to move APD to the special called work session on June 10.

1. Recreation Department – Interim Director Darrell Smith distributed and discussed information (copy on file) pertaining to the recreation department's budget. Mr. Smith advised that the recreation budget did not increase other than salary adjustments/insurance increase. Mr. Taylor advised that there are still unknowns (the impact of HB 60) that will be forthcoming.

Mayor Pro Tem Howard asked how many parks the City maintains and how many parks are in the county. Mr. Smith replied that the City maintains 76 parks and two in the County (Robert Cross and the park in Putney). Regarding the park on County Line Road, Mr. Smith stated that the County maintains it. He clarified what the city provides to Robert Cross Park with Mr. Taylor stating that nothing is done with Radium, Riverfront/Turtle Grove as these are County maintained. Mayor Pro Tem Howard asked if the budgeted amount for food is for retirement events; Mr. Smith explained that it is for programs for senior citizens. Regarding pg. E-172, Mr. Smith advised that this change was made two years ago and there are no changes this year.

Mayor Hubbard referenced pg. E-167 regarding personnel. Mr. Smith stated that the tree crew moved back to Public Works.

Commissioner Postell asked the number of those working at the Bill Miller Center and Carver. Mr. Smith said that Bill Miller has one full-time and Carver has two full-time; all other employees at both are part-time. He advised that inspections are currently being conducted at the Carver pool.

Mayor Hubbard questioned outsourcing the golf course with Mr. Taylor stating that there was no interest. He said the cost has to be managed and discussed the cost of running golf courses, the economic plight of private courses as well, etc. In reply to Mayor Hubbard regarding marketing, Mr. Taylor stated that the City needs a better marketing effort, not just with recreation, but all of Albany needs to be marketed.

Mayor Pro Tem Howard questioned the pool site in E. Albany and suggested site locations. Mr. Taylor stated that Paul Eames is challenging; the First Tee area has challenges and both are coming back for discussion later this year. He mentioned SPLOST and advised that revenue generations are not as robust as was hoped.

2. Code Enforcement – Director Mike Tilson stated there were no major changes to his budget; increases are related to COLA's and benefits, etc.

Mayor Pro Tem Howard clarified amounts as noted in the proposed budget book. He asked Mr. Davis about properties that are in court and out-of-town property owners. He mentioned that the City cuts the grass and asked if the charge will be placed on the tax bill. Mr. Davis explained the process, adding that some are liens and some costs for weed cutting is not collected. Discussion followed with Mayor Hubbard asking if the owner can be made to pay for weed cutting. Mr. Davis explained the process, adding that foreclosing on a lien is possible, but he said he thought the City chose not to use that option. Mayor Pro Tem Howard discussed issues of overgrown lots. Mr. Tilson stated that many lots are cut by bush hogs and are merely cut down and is not a finished cut – they will not look like a manicured lawn. Mayor Pro Tem Howard questioned the way weeds are being cut with Mr. Taylor stating that doing anything more will be an additional cost. The intent is to keep it mowed and run out snakes.

Commissioner Langstaff asked Mr. Davis about the foreclosure process. Mr. Davis explained the process of the sheriff levying the property, advertising for sale, prior recorded liens resulting in not having clear title, etc. Commissioner Langstaff suggested pursuing if the amount gets too high and asked if an ordinance can be passed that will tie the amount into the utility bill. Mr. Davis said he will check. Commissioner Langstaff questioned having an agreement with Dougherty County whereby they add lawn cutting fees to the property tax bill. Mr. Davis explained State law, recording liens, transmittal to Tax Director, etc., adding that he will see if this can be done with weed lots. Commissioner Langstaff suggested an ordinance that ties property owners together and putting the charge on the utility bill. Mr. Davis said he will check into this.

Commissioner Postell asked if bush hogs are being used to cut lots in flooded areas. Mr. Tilson advised that this is a different contract that is managed by recreation. Commissioner Postell said

that there are a large number of lots in the flooded area with some being cut and some are not cut. He asked who authorizes the cutting of these areas, specifically S. Washington where the elementary schools were located. After further discussion, Commissioner Postell stated that he will discuss this with Recreation. Stephen Collier, Central Services Director, interjected that it depends on the frequency of cut and condition of the lot. People will not use expensive mowers, but will knock it down with a bush hog, which is a rough cut. He suggested implementing a routine cut, which will cost more money rather than waiting for the public to complain. Mr. Taylor explained that lots the City own have a contract for cutting, adding that he will look into other properties that were questioned. He stated that a way must be found to hold property owners responsible for their properties through whatever legal method available.

Commissioner Postell asked Mr. Tilson the number of employees on his staff. Mr. Tilson said 17 full-time and two part-time; the part-time positions are a license administrator and false alarm administrator. Commissioner Postell asked the number of false alarm calls; Mr. Tilson stated that he will provide this information. Discussion followed on false alarm fines. Mr. Tilson stated that last calendar year 6,740 false alarm calls were processed, adding that a draft ordinance is being reviewed for the Commission's consideration. Commissioner Postell asked about clubs, parties, etc., where alcohol is sold and/or bootlegged and asked the number of complaints about the illegal sale of alcohol. Chief Investigator W. Norman said maybe two-four complaints a month are received. Discussion followed on the number of complaints being received, with Mr. Taylor stating that some are under review by enforcement. Commissioner Postell stated that his questions concern those who have been issued license to sell alcohol, but have violated the law in some manner. Chief Norman reported that they may have one/two a year, calls about this are very infrequent, but once they receive a call, they investigate the complaint. Commissioner Postell stated that there are some who are selling alcohol on Sunday under the table. Mr. Taylor asked that he share information that he has so that this can be checked into. APD Chief J. Proctor commented that remarks made by DA Greg Edwards at the last meeting are related to this issue, adding that they are working on this.

Mr. Taylor stated that there is legislation that was discussed in the five year plan that will be brought back for review, specifically as it pertains to policies for grass cutting.

ITEM FOR FUTURE AGENDA

Mayor Hubbard asked to have information and discussion about bills that were passed in the General Assembly that will affect the City.

EXECUTIVE SESSION – pending litigation

At 11:19 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

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Ward III	absent
Ward IV	yes
Ward V	yes
Ward VI	yes
Mayor	yes

At 11:44 a.m. Mayor Pro Tem Howard moved to exit executive session, seconded by Commissioner Langstaff; the motion unanimously carried as follows:

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

There being no further business, the meeting adjourned at 11:44 a.m.

SONJA TOLBERT
CITY CLERK