

JUNE 25, 2014

REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF
ALBANY, GEORGIA
GOVT. CENTER – RM 100

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: James Taylor
City Attorney: C. Nathan Davis

Mayor Hubbard called the meeting to order at 6:47 pm.

The Pledge of Allegiance followed the invocation given by Tom Hocutt, Director of Missions, Mallary Baptist Association.

Commissioner Postell moved to approve the minutes of the previous meeting, seconded by Commissioner Fletcher; the motion unanimously carried.

REPORT OF COMMITTEE OF THE WHOLE

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to approve the following Alcohol License Application, seconded by Commissioner Fletcher; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

1. Demetrius Love & Assoc., LLC; d/b/a Riverfront Entertainment District; D. Love/Agent; 105 W. Broad Ave. Transfer from Dale Saunders d/b/a Riverfront Bar-B-Q. Consumption

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to approve the following Alcohol License Application, seconded by Commissioner Fletcher; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

2. Eastside Pubs, Inc., d/b/a Benchwarmer Bar, PW Gepty/Agent; 2422 Sylvester Rd. Transfer from JB Pelham, III Consumption

APPOINTMENTS

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

Commissioner Marietta moved to appoint Pinky Modeste, Joyce Lane and Debra Lilly, seconded Mayor Pro Tem Howard; the motion unanimously carried.

Commissioner Postell moved to reappoint the following: Nasheka Culbreath, Gary Sanders, Michael Fowler, Ella Murray, Wylene Jones, Timothy Sweet-Holp, Louise Primrose, Eloise Moore, Johnetta LaMons and Njemile Ali, seconded by Mayor Pro Tem Howard, the motion unanimously carried.

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

Commissioner Marietta moved to reappoint Jack Hall, seconded by Mayor Pro Tem Howard; the motion unanimously carried.

3. One appointment to Albany Housing Authority for five-year term expiring June 2019 (Mayor's appointment)

Mayor Hubbard advised that she is reappointing W. Frank Wilson.

4. One appointment to Albany/Dougherty County Planning Commission to fill an unexpired term ending January, 2017

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Commissioner Postell moved to appoint Gloria Gaines, seconded by Commissioner Marietta; the motion unanimously carried.

5. One appointment to WG&L Commission to fill an unexpired term ending January, 2016

Commissioner Postell moved to appoint Jay Sharpe, seconded by Commissioner Langstaff; the motion unanimously carried.

ORDINANCES

Commissioner Langstaff introduced

AN ORDINANCE NO. 14-109

Amending Chapter 36 of the Code of Ordinances of the City of Albany to establish a process whereby neighborhood residents may request regulation as to the Parking of Vehicles or Equipment at improved single family residential lots

Commissioner Langstaff then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Postell; the motion unanimously carried.

The Clerk read for the first reading the following:

AN ORDINANCE NO.

Amending Sect. 4(d)(3) of the Charter of the City of Albany re: Certain Powers of the City Manager

AN ORDINANCE NO.

Amending Sect. 26 of the Charter of the City of Albany to provide that the City Manager will be the General Manager of the WG&L Commission, providing for a Budget Committee of WG&L Commission, provided for powers of the City Manager; Amending Sect. 34(13) to provide for extension of Water, Gas Distribution Service and Electricity Beyond the corporate limits of the City of Albany

In reply to Commissioner Langstaff on whether or not the vote will be taken tonight, Mr. Davis advised that the vote will be next month; however, the ordinances can be discussed.

In reply to Mayor Pro Tem Howard regarding the process of changing the City Charter, Mr. Davis discussed state law provisions, the General Assembly and amending the Charter under Home Rule. He advised that two readings are required and that the vote will be in July, adding that advertisements were put in the newspaper.

Commissioner Marietta noted an error in the first ordinance and asking to delete '*City Board of Education...*' as noted in section 1. Mr. Davis stated that this is considered 'housekeeping' and can be removed.

Commissioner Langstaff introduced

AN ORDINANCE NO. 14-110

Amending Appendix C – Schedule of Fees, Sec. 44-1000 Planning & Development Services re: Fees

Commissioner Langstaff then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Fletcher; the motion unanimously carried.

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Commissioner Langstaff introduced

AN ORDINANCE NO. 14-111

Amending the City of Albany's FY 2014 Budget

Commissioner Langstaff then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Fletcher.

Commissioner Postell questioned how this pertained to alley paving and the MOU with Darton College and ASU. Mayor Hubbard and Mr. Taylor explained that this ordinance has nothing to do with the MOUs.

Hearing no further comments, the motion unanimously carried.

Commissioner Postell introduced

AN ORDINANCE NO. 14-112

Adopting the City of Albany's Corporate Budget and Appropriations for the period July 1, 2014 through June 30, 2015

Commissioner Postell then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Marietta.

Mayor Pro Tem Howard expressed concern regarding fee increases in solid waste, sanitary sewer, etc. being included in the budget, which affects those on fixed incomes. He suggested that there is a better way to balance the budget, adding that for this reason he will vote no.

Commissioner Marietta shared the concerns of Mayor Pro Tem Howard, adding that his concerns also include WG&L's budget regarding efficiencies/inefficiencies to minimize rate increases and uncollectible debts, by using innovative strategies.

Commissioner Postell referred to both the City's and WG&L's budgets, etc., and asked the City Manager to exercise his authority in having control over WG&L.

Hearing no further comments, the motion carried 5-2 with Mayor Pro Tem Howard and Commissioner Coleman voting no.

Commissioner Postell asked to go back to Ordinance #1 (re: parking) and asked Planning Director Paul Forgey to explain how this would affect the rights of home owners and renters in his ward, adding that one model will not fit all of Albany.

Mr. Forgey agreed, adding that at this point, everyone can park anywhere they want on their own property. He explained that the ordinance applies only to single family neighborhoods and applies only if the neighborhood requests that it be brought back for administrative review by his office. He advised that 60% of the neighbors would have to agree and sign and present a petition to limit parking to only driveways, streets and designated parking areas, for submission of an administrative review.

In reply to Mayor Hubbard regarding the process, Mr. Forgey discussed information as noted in the ordinances as it pertains to 60% of property owners submitting information to his office for review.

RESOLUTIONS

Following the recommendation of the Committee of the Whole, Commissioner Marietta moved to adopt the following resolution, seconded by Commissioner Postell; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

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A RESOLUTION NO. 14-R138

Adopting the Albany Transit Fixed Route Base Fare Increase

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Commissioner Marietta; the motion unanimously carried.

A RESOLUTION NO. 14-R139

Approving Sanitary Sewer Easement from TRC Slappey, LLC re: Easement for 1000 N. Slappey Blvd.

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Commissioner Fletcher; the motion carried 6-0-1 with Commissioner Langstaff abstaining.

A RESOLUTION NO. 14-R140

Authorizing use of SPLOST VI Funds for pavement base repair on Stuart Ave

Discussion followed with Commissioner Postell stating that he recently took a Law course and asked whether a person should be excused before the vote is taken. Mr. Davis opined that a person does not have to be excused before the vote. Commissioner Langstaff explained that what Commissioner Postell is referring to is that the person abstaining cannot participate in deliberation, adding that some elected officials make the mistake of talking about the issue being considered and then abstain, which is not allowed.

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Commissioner Marietta; the motion unanimously carried.

A RESOLUTION NO. 14-R141

Approving Easement Agreement from Blackshear & Reese, LLC re: 4th Ave. Alley Paving Improvements and authorizing use of SPLOST VI Funds for project

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Commissioner Langstaff; the motion unanimously carried.

A RESOLUTION NO. 14-R142

Authorizing execution of a Mutual Aid Agreement between the City of Albany, Georgia and Darton State College to provide assistance to one another in cases of local emergencies

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Commissioner Langstaff; the motion unanimously carried.

A RESOLUTION NO. 14-R143

Authorizing execution of a Mutual Aid Agreement between the City of Albany, Georgia and Albany State University to provide assistance to one another in cases of local emergencies

Following the recommendation of the Committee of the Whole, Mayor Pro Tem Howard moved to adopt the following resolution, seconded by Commissioner Langstaff.

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A RESOLUTION NO. 14-R144

Authorizing execution of a Service Provider Contract with the Cason Group, LLC re: State Lobbyist

Commissioner Fletcher stated that Albany is one of a few Georgia governments paying for a state lobbyist. She said the lobbyist claimed that for every \$48.00 he brings to the City, the City is only spending \$1.00 and asked to see the proof of this. She explained that she cannot understand paying \$60,000 for services that should already be included in what our state representatives are elected to do for us and mentioned the uneasiness that followed her question about this in the work session. She added that the Chamber has a lobbyist and only pay when the legislature is in session and asked if any of the Commissioners can name any of the lobbyist's accomplishments.

Commissioner Marietta stated that he asked for written quarterly reports. Wes Smith, Asst., City Manager advised that the lobbyist assists in getting grants and helps other entities, i.e., ASU, DOCO School, etc., in obtaining grants. He stated that Rufus Montgomery has provided valuable services to the City and other community organizations.

Commissioner Langstaff stated that he also questioned this last year. After extensive research, he said he came to the conclusion that it is a good investment, adding that he spoke with Mr. Montgomery, Mr. Smith and Taylor; it is something that is needed.

Mayor Hubbard stated that with regard to the legislative delegation, often there are things the lobbyist can do that they cannot, even if they were authorized to do so.

Commissioner Postell agreed with the comments of Mayor Hubbard.

Commissioner Marietta asked if the reports can begin on July 31st. Mr. Smith stated that they will be quarterly and can start July 31st. He briefly reviewed some of the grants local entities have been awarded through the efforts of Mr. Montgomery, adding that this type of information will be included in his report.

Discussion continued regarding the reports and Commissioner Coleman asking Mr. Smith if part of the role of the lobbyist is for political gain. Mr. Smith agreed, adding that this is particularly true on the State level, providing influence in places the City did not used to have. Mr. Taylor added that the lobbyist provides the City access to things we may not have access to and used the example of rental property; he [Mr. Montgomery] can get those types of issues on the State's agenda. He commended the Chamber adding however that their agenda is not the same as the City's.

Hearing no further comments, the motion unanimously carried.

Following the recommendation of the Committee of the Whole, Commissioner Marietta moved to adopt the following resolution, seconded by Commissioner Postell; the motion unanimously carried.

A RESOLUTION NO. 14-R145

Authorizing Execution of a Memorandum of Agreement for housing abandoned and delinquent animals with the Albany Humane Society, Inc., for FY 2014-15

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Commissioner Langstaff; the motion unanimously carried.

A RESOLUTION NO. 14-R146

Approving execution of Service Delivery Agreement with Dougherty County re: Central Services

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Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Commissioner Langstaff; the motion unanimously carried.

A RESOLUTION NO. 14-R147

Approving execution of Service Delivery Agreement with Dougherty County re: Code Enforcement

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Commissioner Langstaff; the motion unanimously carried.

A RESOLUTION NO. 14-R148

Approving execution of Service Delivery Agreement with Dougherty County re: Fire services

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Commissioner Langstaff; the motion unanimously carried.

A RESOLUTION NO. 14-R149

Approving execution of Service Delivery Agreement with Dougherty County re: Recreation

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Commissioner Marietta.

A RESOLUTION NO. 14-R150

Providing for the execution of an Intergovernmental Agreement re: operating deficit of the RiverQuarium

Commissioner Fletcher mentioned that SPLOST V had \$3.0 million set aside for the Albany Museum of Arts, which ballooned to \$5.0 million subsequent to the State's allocation and private donor contribution. Later, another \$500,000 was added for the Mule Barn as long as it was used in connection with the Museum. However, the Museum turned down funding when deciding to not move. She said she spoke with County Administrator Richard Crowdis who said there is \$425,000 left in SPLOST V and asked if this can be put in a trust fund for the RiverQuarium. Mr. Davis advised that the ballot authorizes how the money is spent. Commissioner Fletcher asked if this item can be tabled to check. Mr. Davis advised that SPLOST money cannot be used for operating expenses.

Commissioner Marietta asked if ADICA can use money to fix sidewalks. Mr. Taylor stated that only if this is listed on the ballot and to his recollection, sidewalks were in SPLOST V.

Mayor Pro Tem Howard asked if a budget amendment is required. Mr. Taylor replied in the affirmative and explained the amendment process.

Commissioner Langstaff referred to a 2013 email in which he requested the RiverQuarium's funding history from the City and County; in August, 2007, Dougherty County contributed \$50,000 with the City contributing \$75,000 for a total of \$125,000. Now, the City finds itself contributing a full \$200,000 with no contribution from the County. He questioned why all of a sudden it seems the City has inherited responsibility for the RiverQuarium since 2010. He mentioned that it must fall under 'recreation', because otherwise it would be an illegal gratuity and if it is 'recreation' he said he does not understand why the County allocated funding for the three years that it did. He suggested putting pressure on the County to fund it at the same 2007 ratio and share in the cost to keeping it going.

Commissioner Marietta stated that he sees the RiverQuarium in connection with ADICA to provide economic development. With the tourism industry here last year at \$198.0 million,

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which has most likely been exceeded this year. The tourism industry is a vital asset as an economic developer and the RiverQuarium is a centerpiece. He mentioned that the Civil Rights Museum, Chehaw, Thronateeska draws tourists and are unique to Albany and commended the CVB for using a portion of the hotel/motel tax to entice visitors to Albany. He suggested that we should capitalize and strengthen our tourist attractions for the future.

Commissioner Langstaff interjected that he realizes the economic benefit of the RiverQuarium, but it does not benefit the City of Albany alone; it is a county-wide benefit. He mentioned the revised Service Delivery Agreement with Dougherty County that was just approved tonight, adding that the County will be paying \$600,000 more than last year – there is no telling how long they have been getting off the hook not paying what was due the City. The RiverQuarium is another instance in which Dougherty County is getting off the hook, with it all falling on city taxpayers.

Commissioner Postell stated that the RiverQuarium and Civil Rights Museum are vital to our community. He stated that in 2009/2010 the RiverQuarium did not receive City funds. There was an attempt to partner the RiverQuarium with Chehaw and the RiverQuarium did come around. Because of the changes and the growth, he said he supports funding them.

Commissioner Fletcher agreed that they are an important part of our community, but agreed with Commissioner Langstaff that the County needs to do its part. However, they will not do their part unless the City Commission forces their hand.

Hearing no further comments, the motion carried 4-3, with Mayor Pro Tem Howard and Commissioners Fletcher and Langstaff voting no

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Commissioner Marietta.

A RESOLUTION NO. 14-R151

Providing for the execution of an Intergovernmental Agreement re: operating deficit of the Albany Civil Rights Institute, Inc.

Commissioner Fletcher stated that she and Frank Wilson, from the Institute, spoke this morning and he informed her that he was out-of-town last week when this took place. In fact, he said he had not even asked for anything yet. She said she has been told that it is illegal to provide funds to a private organization and asked Mr. Davis if this is true. Mr. Davis replied in the affirmative, explaining that funds go to ADICA, a governmental body, for downtown development. He briefly explained the use of an intergovernmental agreement for such purposes/projects. Commissioner Postell interjected that funds were requested through him by the Board. Commissioner Marietta mentioned a letter he received from Mr. Wilson thanking him for his support, adding that Mr. Wilson obtained approval from the local high schools and colleges to educate the youth about the history the Civil Rights Movement. He mentioned a fund-raising gala the Museum hosted this year as well as the draw of the Freedom Singers, who travel nationwide, thus causing people to visit Albany to see them. He urged Commissioner Postell to talk to Mr. Wilson about doing a better job of touting the Institute's draw as a tourist attraction.

Commissioner Fletcher countered that this is not about race; it is about transparency and trying to get these organizations to run as a business. She stated that any lending organization requires a five-year business plan, and asked why the City does not require the same of those requesting taxpayers money in order to show that eventually they will be able to stand on their own. She questioned giving them \$50,000 more in a recession and asked how she can explain this to taxpayers/constituents.

Mayor Pro Tem Howard stated that he will vote no because of the amount being allocated to both of the organizations. He said he agrees that both have done an excellent job, but that he voted no on the budget and votes no to give additional funding.

Commissioner Coleman stated that the City has too much invested to cut it loose now. The RiverQuarium cannot be separated from downtown. He said he supports this now, and suggested

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that both the Civil Rights Museum and the RiverQuarium has to do a better job of promoting themselves; if it comes up again, he will not support it.

Mayor Hubbard stated that she supports both because of the education they provide. She said she has enjoyed some of the activities at both, and, the RiverQuarium has changed its focus and mission in order to attract young people coming into this community. Being tourist attractions and affecting the quality of life here and Albany being a hub city, she suggested that more responsibility is required of the City. When either entity goes out to garner private support, invariably they are asked the amount of public support they receive. For years there have been threats of cutting off Chehaw, but that has not happened because the Commission realizes the Park needs its support to remain as a primary tourist attraction in this community. She said she cannot be a part of cutting off the RiverQuarium at this point, especially with all the excitement and various groups involved in downtown Albany. She mentioned meeting a minister in Savannah this past weekend, who brings bus loads here to take in the attractions. He commented that now that he knows about the Civil Rights Museum, he will be bringing his groups here to visit it.

Commissioner Fletcher stated that the fact he did not know about the Civil Rights Museum is a prime example that these entities need to be taught how to build their business.

Hearing no further comments, the motion carried 5-2 with Mayor Pro Tem Howard and Commissioner Langstaff voting no.

CONSENT AGENDA

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

Recommendation of the Committee of the Whole to appoint Commissioner BJ Fletcher as a member to the Long Term Financial Planning Committee.

Current Bids:

- | | | | |
|----|--|-----------------------|----------------|
| 1. | Building Construction – Broadway St. Sr. Duplex Development: Phase 1, LRA Constructors, Albany, GA | Estimated expenditure | \$1,089,860.00 |
| 2. | Hardware, Interdev, Alpharetta, GA | Total expenditure | \$71,624.00 |

There being no further business, the meeting adjourned at 8:08 p.m.

MAYOR

ATTEST:

CITY CLERK