

REGULAR MEETING

**COMMISSION CHAMBER
JANUARY 2, 2007**

Augusta Richmond County Commission convened at 2:03 p.m., January 2, 2007, the Hon. Deke Copenhaver, Mayor, presiding.

PRESENT: Hons. Holland, Smith, Brown, Grantham, Hatney, Williams, Beard, Cheek, Bowles and Brigham, members of Augusta Richmond County Commission.

Also present: Steve Shepard, Attorney, Fred Russell, Administrator; Lena Bonner, Clerk of Commission.

The invocation was given by Dr. Gregory Fuller, Pastor, Macedonia Missionary Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was recited.

Mr. Mayor: Pastor Fuller, I've got a presentation to make to you. Office of the Mayor. By these presents be it known that Dr. Gregory Fuller, Pastor of Macedonia Missionary Baptist Church, is Chaplain of the Day for his civic and spiritual guidance demonstrated throughout the community, serves as an example for all of the faith community. Given unto my hand this 2nd day of January 2007.

The Mayor: Madame Clerk, if we can move on to the presentations?

The Clerk:

PRESENTATION(S)

**A. Dr. Daniel W. Rahn, President, Medical College of Georgia.
RE: Medical College of Georgia.**

Mr. Mayor: Welcome, Dr. Rahn.

Dr. Rahn. Thank you very much.

Mr. Mayor: And we generally keep it at five minutes. Is that okay for you?

Dr. Rahn. Sure. Thank you very much, Mr. Mayor, commission members. I really want to begin by thanking you for the opportunity to come and speak with you briefly and also in thanking you for your willingness to serve in this capacity and to place the interests of the people of this city and the state ahead of your own. Thank you very much. Medical College of Georgia is the only university in the state of Georgia that's devoted exclusively to health (INAUDIBLE). Bear that in mind that there are 3500 universities in the public university system and all private colleges and we're the only one devoted exclusively to health care. And over the past five years we've experienced really considerable growth in all components of our mission. We accomplish our purpose to improve the health of the people of the state and region by preparing health

professionals of the future, providing clinical services, engaging in innovation and care of patients, bringing new technology and techniques and talent to the care of patients and conditions involving human health. And also through the engagements in research in developing new knowledge relevant to health and disease and in all components of that mission we've experienced really significant growth over the past five years. Now with the increasing recognition of the complex issues facing the health system in the state and nation by the emergence of new scientific advances which will challenge the motive but also the opportunities to improve health and the issues that are increasingly becoming apparent with regards to health professionals work force, shortages in most health professions both in the state and the nation. Importance is only going to increase. The opportunity to rise to the challenges and maximize impact that we have on health is going to be determined by our ability to improve and attain support on a national caliber faculty, staff and students and by our ability to forge effective partnerships in this region, throughout Georgia and the Southeast. And I'd like to give you just a few statistics and talk about a couple of initiatives that impact on our activities and will impact on our activities here in Augusta in the months and years ahead. Over the past five years we have experienced an increase from 3,000 applicants to 4,000 applicants. That's a 30% increase. The number of students enrolled has gone 1900 to 2200 about a 15% increase. The number of residents has gone from 420 to 460, nearly a 10% increase. 90% are for our Georgia residents. That exceeds the average for the university system as a whole by a considerable amount. Our faculty has increased from 780 to 914, a 17% increase. Staff has increased from 3,300 to 3,500, about a 4% increase. During the same time the percent of out budget that comes from state appropriations has fallen, from 34% to 24%. That's not because of a decrease in state appropriation, that's because of an expansion and our other sources of revenue, from clinical services and research. And research in particular, research grant revenues have gone up 87% from 01 to 06, from \$34M to \$64M and a number of research grants has gone from 315 to 500, about a 60% increase. So according, by all dimensions we've expanded our impact. Our economic impact on the region in combination with MCG Health System is now about 1.6 billion dollars a year. We have a very considerable kind of impact, both by mission and also by direct economic impact. During this period of time, we've added 500,000 square feet of new space, to the campus of MCG in the form of inner disciplinary research building, a new student center, a cancer research center that I believe most of you are familiar with and a health sciences building that supports our schools of allied health and nursing. We're actually planning a much-needed facility for the 36-year School of Dentistry Building. That would be another 3,000 square feet. We're land locked. With these kinds of facilities and this kind of growth and programs, we are experiencing issues related to our ability to continue to grow in our mission. And we're currently engaged in updating our masters facilities plan to develop strategies for how to support future expansion in the years ahead in our academic and our research programs. And in that regard, I'd like to just mention a couple of things. Number one, we're actively involved in a master facility plan update right now that will enable us to chart our facilities strategy over the next five to eight years and we're going to involve many different constituencies from within the community in that process. Several specific issues, The Central Square shopping center on 15th Street is owned by the MCG foundation. We're developing a strategy for its development for university purposes over the intermediate to long term. The possible uses will in no small measure be determined by parking capacity, something that we're all familiar with. We're working with Mr. Russell right now to explore options to obtain or lease the Transit Maintenance facility adjacent to this property and would appreciate your support of the strategy if that

emerges as a viable option. The second issue that, the major property issue that many of you are, I've had conversations with in the past involve Gilbert Manor. We support the efforts of the Augusta Housing Authority to develop mixed income and mixed use housing developments to replace the Gilbert Manor units and we look forward to obtaining and redeveloping the Gilbert Manor property for university and community use in the future is this fits with the community reuse strategies that are under development. As I said earlier, we're working hard to recruit and retain faculty and staff who are constantly recruited elsewhere. This is something you may or may not be aware of. The faculty that we have here now are constantly contacted and recruited for other positions. One of our most significant challenges is to create the environment in which work can progress more smoothly and rapidly here than it can in other academic medical centers around the nation. That's the key, the key to recruit member retention of the best and the brightest and we need engaged partnership of both public and business sectors of this community if we are to reach our potential as one of the nation's preeminent academic medical centers. I would ask that you devote your attention as I know you do, but to devote your attention to the core issues that matter most to families as current and potential faculty and to staff decide whether to locate and or stay in Augusta as opposed to other metropolitan areas around the United States. We have tremendous assets available to us in this region and in this community, and I certainly share Mayor Copenhaver's belief that the best years for Augusta are ahead. The key issues, issues like public education, safety of the community, the environment, opportunities and venues for arts and athletics and for the kinds of issues that mean most to families have an enormous impact on our ability to recruit and retain the kind of faculty and staff that we need to advance the mission of the institution. Because of the issues related to producing the health professions work force needed to meet, to define health needs of everyone in Georgia in the future, we will be collaborating one minute, more and more in uh, around the state. This is inevitable. We do it now. We are outside Augusta now with many educational programs in nursing, allied health, medicine and dentistry and we will be doing more of that. But our opportunity to expand here is what matters to us the most and our ability to do that is going to hinge on our abilities to develop partnerships with you as we work, as we work toward a brighter future. So I want to thank you for your time and attention. I apologize for running over and I look forward to working with you in the future.

Mr. Mayor: Dr. Rahn, thank you for being here today and I think we all understand what a huge asset MCG is to this community. So I would like to personally thank you for all that you and your faculty and staff do. Thank you so much for what ya'll do for Augusta. (APPLAUSE).
Mr. Grantham.

Mr. Grantham: Mr. Mayor, I'd too like to thank Dr. Rahn and make a motion that we receive this as information and that we adhere to the two requests that he has made to us challenging he and Mr. Russell working together. We should continue to explore those ideas.

Mr. Cheek: Second.

Mr. Mayor: We have a motion and a second. Commissioner Smith.

Mr. Smith: Thank you Mr. Mayor. I'd also like Dr. Rahn to say that maybe he could use some of the property that's Regency Mall. (LAUGHTER)

Mr. Mayor: We have a motion and a second. Is there any further discussion? Commissioners will now vote by the usual sign.

Motions carries 10-0.

Mr. Mayor: Thank you again, Dr. Rahn.

Dr. Rahn: Thank you for the support that you provide to the institution and I look forward to working together in the future.

Mr. Mayor: Thank you. Alrighty, Madame Clerk, I believe we have discussed we're going to take "B" with item number ten.

The Clerk:

ELECTION OF OFFICER(S)

B. Appoint Legal Counsel for 2007.

SUBCOMMITTEE

Law Department/EEO Study Subcommittee

10. Motion to approve recommendations from the Law Study Subcommittee relative to filling the positions of General Counsel and Staff Attorney. (Deferred from the December 19, 2006 Commission meeting)

Mr. Mayor: Commissioner Williams.

Mr. Williams: Point of clarity, Mr. Mayor. I don't think we can do that. Maybe counsel can enlighten me but I think the item B is what we do the first of every year is appoint counsel uh, this Law Subcommittee um, is a whole different issue. When I say a whole different issue it meaning that, that's something we need to adopt, something we need to do, I think it's on the agenda to do it, had the votes to do it. But can we combine those two and, and, I think our first order is to elect counsel, where it be on the premises that we've had for the last twelve months or, and then go get the ten and then progress on from there, but I don't think, and I'm just asking a question, can we combine two or ten and, and, B together.

Mr. Mayor: Mr. Shepard.

Mr. Shepard: Well, I'm involved obviously in the candidacy of one. I would like to stand as a candidate for item B. I do not see why you cannot combine them. We've combined similar matters in the past, Mr. Mayor. If you feel I have an interest in the matter, I shouldn't rule on it, then I'll kneel to the counsel.

Mr. Mayor: Commissioner Hatney.

Mr. Hatney: Mr. Mayor, fellow commissioners. The reason I'm gonna ask that is possibly be combined is that there's a law department contingent on a transition period with the current attorney and to me those two things shouldn't be together. I don't want to do that.

Mr. Mayor: Commissioner Williams.

Mr. Williams: Thank you, Mr. Mayor. I'm just trying to get some clarity here with what Commissioner Hatney is saying and I agree. We're gonna appoint counsel with the premises of what we had before, thirty days or six months or a year. We need to appoint counsel and I think that's our first order, if we gonna do it on the same basis that we been had it, then we do it on the thirty days that we been had it. But I don't think you can appoint counsel combined with, with the Law Subcommittee study report and what we plan to do with that. That's a, that's a same type animal but I think it's different. I think there's a need to go in an appoint counsel whether it be the proceedings we had prior last year, I think Mr. Shepard's been on a thirty day uh, and now a years appointment but if for the 30 day deal. And if that's what we gonna do than that's fine, we ought to appoint that for this point and get down to number 10 then and do that if we're gonna do it. That doesn't change. It's still gonna have to have the transition period I think that we're speaking of. So I just don't want us to start mixing stuff up now, it's a new year ya'll, we wanna start this year right.

Mr. Mayor: On a good foot.

Mr. Williams: That's right, we wanna start on a good foot. And at least the right foot if it ain't so good. So lets uh, and that's just my thinking, if somebody got something different from that then that's fine, Mr. Mayor.

Mr. Mayor: Commissioner Cheek.

Mr. Cheek: Mr. Mayor, I think I hear the intent of the body here that on item 10 and item B that we do establish legal counsel for the coming year and rather than having a long discussion on item 10 at the same time, **I'm gonna make a proposal to the body that we move forward with the hiring of senior legal counsel an assign our current attorney one year of transitional period to bring our senior legal counsel up to speed uh, and then work as needed from then on to assist in the developing of the remainder of the department.** That the transitional period would be for senior counsel to come up to speed on the cases, pending litigation and so forth um, the turn over would occur between or legal department and um, Steve's office in some period of time um, and then that would give us one year to transition with the need for potential change um, or to readdress that in the future. I want to remind everyone that it's taken several years to transition from the former firm that represented us through Steve's firm and there is no small task in changing those things over. So I just wanted to offer that as a motion and a recommendation.

Mr. Mayor: Commissioner Beard.

Ms. Beard: Mr. Mayor, I second that.

Mr. Mayor: Commissioner Holland.

Mr. Holland: Um, before we vote on that Mr. Mayor, I would like to get Commissioner Hatney since he was the Chair of the subcommittee. Let him give us a complete explanation as to why, if we can make these particular changes and what is his recommendation in reference to this. Because he was the Chair of this subcommittee so we need to know exactly what we're voting on before we vote.

Mr. Mayor: Commissioner Hatney.

Mr. Hatney: Uh, thank you, Mr. Mayor. Commissioner Williams, I'm sorry, Commissioner Holland and the other commissioners. My thoughts were, when I saw item B and number 10 on the same agenda, realizing that when we made their representations under the motions at the last meeting to go ahead and hire a general and one staff that somebody said that they would not, should be done at the first of the year, so that's what the charter calls for. So if that's the case I'm still fumbling with the thoughts of why we need to do it twice because if we're going to talk about a transition period, that's no more than twelve months and in that period there will be a bi-monthly meeting with the general and the regular attorney that we have now to update the committee on the progress of the process. If that's the case then it's still my thought that we can do both at the same time. And that's all. But if we're talking about a twelve month transition period, and that's what we're talking about here, I could, I can vote for that but I don't want to go beyond the twelve month transition period and knowing what that's what that is. It needs, we need to know how it is.

Mr. Mayor: And I believe that's the motion stated that at twelve months. Mr. Cheek.

Mr. Cheek: That's the intent of the motion is to provide for senior counsel of the hiring of that person uh, in a transitional period which assures that Steve's office is not hanging out after such good and diligent service that they've done for us for that period of time but allows that transition to occur and those meetings and so forth with the committee to progress outlining the steps that have been taken and, or plan to be taken towards developing the law department.

Mr. Mayor: Commissioner Brigham and then ---

Mr. Brigham: Mr. Mayor, I understand the motion but I think it's two separate ideas and I think it requires two separate motions. I request you rule on that.

Mr. Mayor: Mr. Shepard.

Mr. Shepard: First of all, the county attorney appointment is a maximum one year appointment. It is not a bill or an ash appointment. It is from the County Attorneys Act. So whatever I want here it's controlled by one-year increments and therefore it would be only, you could only extend my status as county attorney for 2007. That would be the end of it and for today's vote. And it is related to the other you can call, Mr. Mayor the items in any order you

choose, um I understand Mr. Brigham has made an objection to the conjoiner of the two, you can call them one after the other for that matter. That would solve that

Mr. Mayor: Mr. Williams:

Mr. Williams: Mr. Mayor, and that brought the point right back to home on what I just brought up in the initial conversation was that the counsel can be appointed for a year or month to month. I think Mr. Shepard's been on a month to month because he didn't get appointed for a year. Now if you're talking about a year's transition, it could be six months. It could be a year, it could be twenty-four months. We don't know what the transition period is. Now if we gonna designate we might as well appoint a counsel for a year and not act like there's gonna be a transition period. Now we, you can't have them both. Either you gonna hire counsel and, and, do what the charter had demanded that we do, we hadn't done, we've been sued about everything else but we ain't been sued about that, but uh, if we're gonna do that, we need to do that. Now if you gonna appoint counsel, what the first order of business is, is to appoint counsel, for twelve months, a thirty day period at a time or a twelve month period at a time. We need to appoint a counselor. And the next item you get to you can go ahead and do what item ten says and counsel will be on for thirty days at a time and when the transition period gets here, we said last meeting that, between six months to twelve months. Whatever it takes. But you designated twelve months. You telling counsel you are hired for another year. You're here. Now either we, it's in or it's out. You can't have it both ways Mr. Mayor so, however you wanna do it but ---

Mr. Mayor: We have a motion on the floor. Reverend Hatney.

Mr. Hatney: Let me ask one other question because I think we need to do this like it ought to be done and do it whereas it looks like we intended to make this transition. And, when I say that uh, that's why I wanted to go right back to why I thought, I'm still thinking that ten this B item and be done together because one is dependent on the other. Then we don't have a transition period without a general counsel. We do not. We need to hire the general counsel and then put the transition period in with the attorney. Do we do that all at the same time, yes we can do that and that's what I think we ought to do.

Mr. Mayor: And that is what the motion effectively does so we have a motion and a second. If there's no further discussion I'm ---

Mr. Brigham: Mr. Mayor, I still ask for a ruling whether these be separated or not.

Mr. Hatney: It can be done.

Mr. Brigham: I have not heard an answer to that.

Mr. Mayor: Mr. Shepard, did you rule that it could be conjoined?

Mr. Shepard: I have ruled that it could be joined if you so desire to specify my name as the county attorney.

Mr. Mayor: Okay.

Mr. Shepard: --- the nomination for the county attorney. But I believe it could be joined, excuse me. It's my opinion that the two could be joined.

Mr. Mayor: And, Mr. Cheek, your motion was addressing them as joined.

Mr. Cheek: As joined in providing a transitional package that includes the hiring of senior general counsel and working with our current attorney through the year of transition plus or minus whatever months the committee and the attorney's come to agree upon.

Mr. Mayor: Commissioner Smith.

Mr. Smith: Thank you, Mr. Mayor. Madame Clerk, could you read that motion?

The Mayor: I was about to ask her to do the same thing.

The Clerk: The motion was to proceed with hiring the senior counsel and assign the current attorney to a one-year transition period and working with the law department as necessary in the development of the law department.

Mr. Mayor: Everybody good with that?

Mr. Williams: Mr. Mayor I ---

Mr. Mayor: Mr. Williams, I've recognized you twice.

Mr. Williams: Point of clarity then, Mr. Mayor. I need to get clear on what we voting on as Mr. Brigham asked for a ruling ---

Mr. Mayor: Mr. Williams, I've not recognized you yet.

Mr. Williams: Okay.

Mr. Mayor: Mr. Williams, and I believe that the Clerk read back the motion. I'm ---

Mr. Williams: I understand the motion. I have no problem with that. Mr. Brigham asked for a, a, ruling. If the attorney can't rule somebody ought to be able to rule whether it's downstairs, upstairs ---

Mr. Mayor: The Chair can rule and the Chair rules that we can join this. So we now, if there's no further discussion, commissioners will now vote by the usual sign.

Mr. Brigham votes No.

Mr. Williams abstains.

Motion carries 8-1-1.

Mr. Mayor: Madame Clerk, next item.

The Clerk:

ELECTION OF OFFICERS

C. Election of Mayor Pro Tempore for 2007.

Mr. Mayor: I would open the floor for nominations. Reverend Hatney.

Mr. Hatney: Mr. Mayor, I would like to put in the form of a nomination the name of Commissioner Betty Beard.

Mr. Mayor: Commissioner Harper.

Mr. Harper: I make in the form of a motion to nominate Mr. Andy Cheek.

Mr. Mayor: Do we have a second on that?

Mr. Williams: You don't need a second.

Mr. Mayor: Excuse me. Commissioner Holland.

Mr. Holland: I'd like to put in the form of a motion, Commissioner Marion Williams.

Mr. Mayor: Are there any further nominations?

Mr. Brigham: Move nominations be closed.

Mr. Mayor: Alrighty, we will vote on the candidates as nominated. We will now vote on, by the usual sign, on Ms. Beard.

**Mr. Harper, Mr. Cheek, Mr. Williams and Mr. Holland vote No.
Vote carries 6-4.**

Mr. Mayor: I would like to request that we re-vote just so that this can be unanimous. If that would be appropriate.

Mr. Speaker: Motion et al.

Mr. Speaker: Second.

Mr. Williams: Mr. Mayor, I need some clarity on why we're re-voting.

Mr. Mayor: Well, I just had heard it was tradition and maybe I'm wrong on this one, that when somebody gets the position to go back and vote unanimously for them, approve them unanimously but if that's not ---

Mr. Grantham: Mr. Mayor:

Mr. Mayor: Mr. Grantham.

Mr. Grantham: We've done that in the past Mr. Mayor. I make a motion that we approve Ms. Beard unanimously.

Mr. Williams: Mr. Mayor, we've done a lot of things like that in the past. My question to you is, I mean if there was a reason to go back and revote ---

Mr. Mayor: No, it's not.

Mr. Williams: Ms. Beard won the election with six votes.

Mr. Mayor: Exactly.

Mr. Williams: Six votes carries. Now that's all we need.

Mr. Mayor: Well, that's true. But I just thought that we could give her unanimous support as a commission.

Mr. Williams: I think that she would have unanimous support but I don't think she got unanimous votes, Mr. Mayor.

Mr. Mayor: Okay, that's fine but I would like to personally congratulate Ms. Beard on your ---

Mr. Grantham: Call the question, Mr. Mayor.

Mr. Mayor: There's a motion on the floor and a second. Repeat your motion, Mr. Grantham.

Mr. Grantham: The motion is that we unanimously approve Ms. Beard as our Mayor Pro Tem.

Mr. Mayor: Mr. Cheek.

Mr. Cheek: Point of clarity, Mr. Mayor.

Mr. Mayor: Mr. Cheek.

Mr. Cheek: Mr. Mayor, a ruling from the parliamentarian if this is an addition to the agenda.

Mr. Williams: You can't go back and vote on a motion that's been carried.

Mr. Mayor: Mr. Shepard.

Mr. Shepard: It's not an addition to the agenda. It's part of the election. But she has been elected by six votes. It is a courtesy, Mr. Cheek, more than anything else and if it's not voted on unanimously I would have to rule that it's not unanimous.

Mr. Mayor: Okay, we have a motion and a second. Mr. Williams.

Mr. Williams: Mr. Mayor, Mr. Cheek just asked a question and I don't think we got any clarity from the attorney. He said that it's not a new item, it's not a new agenda; so how can we go back and re-vote, vote unanimously on an issue that is already passed.

Mr. Mayor: Mr. Shepard.

Mr. Shepard: Mr. Williams, my explanation is, is she has won the election. This is simply a courtesy. If you do not wish to extend this to her, sir, then ---

Mr. Mayor: Then it will not be unanimous. We can vote on ---

Mr. Shepard: It will not be unanimous. Then the vote stands. This is not to change the vote.

Mr. Mayor: No.

Mr. Williams: I guess, Mr. Mayor, if this goes then can we do something else the same way and I'm just trying to keep the same level playing field and I think that's called for. Ms. Beard won the vote. She got the six votes. She's won the election.

Mr. Mayor: And Mr. Williams, all I was suggesting that out of courtesy to Ms. Beard that we try to get a unanimous approval. Just out of courtesy. Commissioner Cheek:

Mr. Cheek: Mr. Mayor, and I've already congratulated Commissioner Beard. I pledge my support to her 100%, but after the heartache and turmoil this city went through I think it's important for the public to see the record without the record being changed because of a lot of things being said in the past, and the way things were done in the past, I think a true read of the outcome of the votes today would be more reflective of what the public needs to see.

Mr. Mayor: Commissioner Beard.

Ms. Beard: Mr. Mayor, I'm honored. I'm deeply honored by this and I want you to know I will be working with everyone up here and I will also be working for every citizen in Augusta to the least of us to the most affluent and I urge you to just move on.

Mr. Mayor: Thank you, Ms. Beard. We will take Ms. Beard's recommendation and move along. I guess we do have a motion though and we would need a second ---

Mr. Grantham: At the request of Ms. Beard I withdraw my motion.

Mr. Mayor: Thank you, Mr. Grantham. And the seconder does as well? Delegations, Ms. Bonner.

The Clerk:

DELEGATIONS

D. Ms. Deb Hemingway. RE: First Friday Entertainment Committee plans for First Fridays 2007.

Ms. Hemingway: Good Afternoon, Mayor, Commissioners.

Mr. Mayor: And if you could keep it to five minutes, please, ma'am.

Ms. Hemingway: I'm shooting for two and a half minutes, sir. In order for first Friday to survive and thrive from a performance artists standpoint, First Friday must be inviting to the citizens of Augusta and the surrounding areas as well so we're trying something different for First Friday for January '07. For First Friday's talents, we will have auditioning talents from Richmond and Columbia County and they will sing performance tracts so people may be so bold to call that Karaoke. Those scheduled to appear, one would be a Columbia County official, we have performers coming in from Athens and Atlanta, Georgia, we have one of the winners from a local establishment here in Augusta and I would also like to take the time to invite Mr. Mayor and the commissioners to come out and sing at least one song or two as well.

Mr. Mayor: You haven't heard me sing, have you?

Ms. Hemingway: And we're in the process of issuing a press release and we are holding auditions for February and so forth 2007 and I thank you for your time.

Mr. Mayor: Thank you so much for coming in and thank you for making us aware of that.

Ms. Hemingway: Thank you.

(APPLAUSE)

Mr. Mayor: Madame Clerk, if we could move on to the consent agenda.

The Clerk: Yes, sir, the consent agenda consists of items one and two.

Mr. Grantham: Mr. Mayor?

Mr. Grantham: Under Public Services, I'd like to add agenda items three and four to the consent agenda. These items have been discussed on numerous occasions. We received funds from uh, the state, DOT in regards to agenda item four and the Apple Valley Park construction. One that's been out on bid and this has come in favorably and I'd like to see those two placed on the consent agenda.

Mr. Mayor: Is there anything further? And I would just like to ask that um, that the commission consider placing item nine as well. Are there any other items to be placed on the consent agenda?

Mr. Smith: Mr. Mayor?

Mr. Mayor: Mr. Smith.

Mr. Smith: I'd like to put number seven on there and also number six. And since we have not had the list from the delegation, or have we had a chance to review our talent bank as to see what we might want as well as what our sheriff's department might consider then I would like to postpone that to our next meeting so that the committee can get an opportunity to have dialogue in that regard.

Mr. Smith: I'd like to put number seven on there and also number six.

Mr. Mayor: Do we have any further items to be added to the consent agenda? Are there any items to be pulled for discussion? Mr. Williams.

Mr. Williams: Mr. Mayor, I'm trying to look this over. I think you got three and four and six and seven you want to add but I don't think we have time to determine whether we're supporting or not supporting it. Those items were mentioned, that was called out. If you give me a minute, I mean, I don't think we have a problem. I just need to know what we're adding before we ---

Mr. Mayor: Mr. Grantham.

Mr. Grantham: While the commission is reviewing those items may I address item number 11 and just ask Ms. Bonner to help me with this a little bit?

11. Appoint and/or reappoint members of the Richmond County Sheriff's Merit Board.

Mr. Mayor: You may.

Mr. Grantham: And the reason I ask, --- some discussion with her this morning as well as on the merit board and I look at the back up of all of the members of this particular board,

terms expired as much as a year and a half to three years ago and I don't know the activity that they've had but it calls for three members to be appointed by the Legislative Delegation, three members by our commission and one member by the commission based on the Legislative Delegation's recommendation. Is that right, Ms. Bonner?

Mr. Mayor: Do we need to get a motion to that effect?

Mr. Grantham: So moved.

Mr. Smith: Second.

Mr. Mayor: We have a motion and a second to postpone agenda item number eleven to our next meeting. Is there any further discussion on that? Commissioners will now vote by the usual sign.

Mr. Williams: Mr. Mayor I'd like to go back to number six ---

Mr. Mayor: Okay, Mr. Williams.

Mr. Williams: I think Mr. Smith wanted to put six and seven ---

The Clerk: (inaudible)

Mr. Harper out.
Motion carries 9-1.

Mr. Mayor: Mr. Smith.

Mr. Smith: Thank you, Mr. Mayor. I wanted to explain number six. There's something there and that's very important. Oscar Renda Construction who submitted an apparent low bid, was over \$1M low bid on and he had a 7% DBE and we feel like it's a good bid and it really needs to be done, and if I could while I'm talking, number seven as um, I-20/I-520 interchange where all the construction's going on there that we have to move some pipes that is also a very important and imperative thing that we do. And I'm gonna go to number eight too if I could while I'm talking, a project at 16th and Central Avenue. It's a federal project as well as a GDOT project and the only thing we have to do is buy the right-of-way. They're doing the construction and everything else. I wanted to go over that and if you need any further discussion, I imagine that our engineers can fill you in on it.

Mr. Mayor: Okay. Commissioner Williams, did you want Items 6, 7 and 8?

Mr. Williams: Item 6, I need some um, some more clarification on it. Thank you, Commissioner Smith, for his input but 8 is not one, Mr. Mayor. 6, 7 and 8 I got no problem with that one but I do need clarification on 6.

Mr. Mayor: Okay. Do we have any further additions to or items to be pulled for discussion?

Mr. Grantham: Was 8 added then?

Mr. Williams: 7 and 8 Jerry.

Mr. Grantham: I've lost count.

Mr. Mayor: Yeah, we did 11 too.

Mr. Williams: 10 has been taken care of, Mr. Mayor, is that right?

Mr. Mayor: Yes, sir. Okay, if there are no further additions to or items to be pulled for discussion I look for a motion to approve the consent agenda.

Mr. Smith: So moved.

Mr. Grantham: Second.

CONSENT AGENDA

PETITIONS AND COMMUNICATIONS

1. Motion to approve the minutes of the regular meeting of the Commission held December 19, 2006.

ATTORNEY

2. Ordinance to amend various Titles of the Augusta-Richmond County Code to provide for editorial and technical changes in the Augusta-Richmond County Code; to provide for severability; to provide an effective date and for other lawful purposes. (Approved by the Augusta Commission December 11, 2006 – second reading)

PUBLIC SERVICES

3. Motion to approve Bid Item #06-191, Apple Valley Park Construction to Ammar Construction for the base bid of \$337,000.

4. Motion to approve Bid Item 06-193, construction of a new entrance road into Diamond Lakes Regional Park off of Willis Foreman Road to Blair Construction in the amount of \$530,820.81.

ENGINEERING SERVICES

7. Approve the Contract Item Agreement between the Georgia Department of Transportation and the Augusta Utilities Department for the adjustment of water and sewer lines in conjunction with the I-20/I-520 Interchange project in the amount of \$874,426.00.

8. Approve \$102,050.00 of funds to be used for right-of-way acquisitions on the S.R. 4/15th Street @ CR2207/Central Avenue STP-0003-00 (790) Project (ARC Project Number 323-

04-203823122). The funds are available in the Special One Percent Sales Tax SPLOST Phase III Recaptured account.

PETITIONS AND COMMUNICATIONS

9. Resolution of Condolences for the Godfather of Soul James Brown.

Mr. Mayor: We have a motion and a second. Commissioners will now vote by the usual sign.

Motion carries 10-0. [Items 1-4, 7-9]

Mr. Mayor: And, Madame Clerk, I believe actually before we get into the regular commission agenda there was an addition to the agenda that had been submitted. Mr. Shepard.

Mr. Shepard: Yes, I talked to the chairman of that committee. I think we'll submit that through the regular committee channels. Is that correct, Mr. Smith?

Mr. Smith: Mr. Mayor?

Mr. Mayor: Commissioner Smith.

Mr. Smith: There's flooding at University Hospital. It is something that is there and very important that needs to be done and at the time we don't have the money in the SPLOST to do it. University has agreed to furnish the money and us to pay them back to get it done and I'd like to put this on our next committee agenda for Engineering Services.

Mr. Mayor: Okay. Thank you, Commissioner Smith. Alrighty, Madame Clerk, I guess we'll get into the regular agenda.

The Clerk:

ENGINEERING SERVICES

5. Approve Amendment No. 11 (Year 2007 Agreement Modifications) to Agreement with OMI for a 2007 Budget cost of \$6,729,681.00. (Funded by Account No. 506043310-5211110)

Mr. Mayor: Yes, sir.

Mr. Saxon: This item as you are aware, OMI has a contract for operating our waste water treatment facilities for Augusta and uh, I'm sorry, I'm Alan Saxon and for those of you who don't know me, I'm the assistant director for waste water treatment and Utilities. The contract calls for annually for us to negotiate budget with OMI and bring that to the commission for approval and that's what this amendment to the contract is for the 2007 budget. Also we made one small modification to include the operation of the new pump station that was placed in for the plant. It actually pumps to both facilities at that location so that will be included in their work.

Mr. Mayor: Commissioner Williams.

Mr. Williams: Thank you, Mr. Mayor. Alan, I think what you stated this was a budget you're bringing forth from a previous contract or an existing contract. Is that right?

Mr. Saxon: Existing, yes, sir.

Mr. Williams: So then that wasn't a bid process or anything this was a contract that the firm has had with this government and I'm trying to remember we did \$24M in contracts here a while back. This in conjunction with, I mean you all bring these numbers like this ---

Mr. Saxon: This is the contract with OMI for the operation of the treatment plant. The contract began in 1999, it ran for five years, the commission gave, had an option for a five-year renewal. They gave a one-year renewal and then during that next year they exercised the additional four-year option. So this is just a continuation of that agreement.

Mr. Williams: Where are we now with that, I mean what year are we in?

Mr. Saxon: This is a, I think this is year number seven or eight. It runs through the existing, the extension runs through December 31, 2009.

Mr. Williams: I mean, Mr. Mayor, I'm a little bit confused. I understand what Alan is saying but when you come up with a budget of \$6,729,681 and I didn't see where the bids or anything else went out, I got confused there for a minute. I just think that's something we got to be mindful of. We know whether the water department, where OMI have brought us what they're doing and what, what great work, there's not a complaint. But when you look at these figures that we sit here and vote on, and we don't understand and there ain't nobody on this board will tell you they understand Alan they just gonna vote on it. But that's uh, that's something I think we need to be mindful of. When somebody comes to us and bring us those, these type figures we talking about uh, disadvantaged business uh, opportunity everybody else have to heed to or we trying to get them to heed to where's that in this figure, how much are we spending how much have we done how much better how much worse. None of those things have been explained. Did this come to Engineering Services Committee as well?

Mr. Speaker: Uh, no, sir. There ---

Mr. Mayor: No, there were no committee meetings since the holidays.

Mr. Williams: Mr. Mayor, I would like to make a motion to send this back to Engineering Services Committee so we can at least talk about and not that we're gonna not support it but I think we will at least have a better fell for coming in and voting for six million, 720 something and just rubber stamp it. I mean I just ---

Mr. Bowles: Second.

Mr. Mayor: Okay, we have a motion and second. Commissioner Smith.

Mr. Smith: Yes, sir, thank you. Uh, this is uh, a very important part of our engineering services and uh, as already been mentioned it was approved in April of '05 and going through 2009 but this is just to approve the operating budget for this year and that's all, it's already been voted on. But this is just to approve it for this year and there's really no need to hold it up that I can see.

Mr. Mayor: Commissioner Grantham.

Mr. Grantham: Mr. Mayor, thank you and that's true. I feel like that since we passed this for five years, well really four years, cause we only passed it one year back in I guess '04 then we went ahead after that year and saw the fine work that these people have done and even the money savings that they have given us, then we look at approving something for four years and now we want to start questioning it. I don't understand. The thing I'm getting at is this is merely a budget proposal that has been presented to our, to our public utilities department and they have agreed with this company, based on this budget so I'm sure they've worked on, on making the proper decisions of spending the government's funds. **So I'm gonna make a substitute motion that we approve this agenda item number five and that we move on forward with that since this contract has already been approve for four years.**

Mr. Smith: Second.

Mr. Mayor: Okay, we have a substitute motion and a second. Commissioner Williams.

Mr. Williams: Mr. Mayor, I understand these commissioners, and I'm not opposed to what they're saying. I'm just thinking since they're already in the house then they close down, They ain't been able to stop any work, I thought it ought to come from engineering service like everything else we do in this government. Now if they in a rush, they in a hurry, then they should've went through the process before we go to this meeting, this day. I'm just thinking that we, we got no reason to complain about what they're doing. That's not what it is. I just think if we approve this kind of dollars we had least ought to have some kind of dialog among the committee if nothing else. Now folks even on the committee don't know so, I'm just saying we ought to send it back so we can at least get some understanding. We talk about disadvantaged business, local business being involved, how much have we done. This company's been with us for at least seven years that I've been here they've been here, you know when I came in so uh, they'll probably be here when I'm gone. But my point is at least we ought to know what we've been talking about \$6M dollars, what we're voting for. It's not to hold up the project, it's not to stop the project but we ought to have a handle on what we're voting on up here and not go ahead and pass something because --

Mr. Mayor: We have a substitute motion on the floor. Madame Clerk, could you read back the substitute motion?

The Clerk: The substitute motion was to approve the amendment number eleven.

Mr. Mayor: If there's not further discussion, commissioners will now vote by the substitute sign.

**Mr. Hatney, Mr. Williams and Mr. Holland vote no.
Mr. Harper abstains.
Motion carries 6-3-1.**

Mr. Mayor: Next agenda item, Madame Clerk.

The Clerk:

ENGINEERING SERVICES

6. Approve award for the construction of the Main Interceptor Upgrade Phase 1 to Oscar Renda Contracting Inc., who submitted an apparent low bid of \$15,619.620.

Mr. Byne: --- to replace the main interceptor which is -- I'm sorry, my name is Wes Byne, I'm the Assistant Director of Engineering for Utilities. This agenda item is to replace the main interceptor, which is a concrete through line, which serves Augusta north of Butler Creek. It picks up approximately 33 ½ million gallons a day on average of sewage, enough sewage to fill this room completely every fifteen minutes. It's a large line, it's got a lot of flow in it. On this project the conduit line is concrete, it's about 45 years old. It's suffering from hydrogen sulphide attack. The plate that you see at Laney Walker and Old Savannah Road covers one of the collapses. Has been on it for several months. We're designing this line and came up with a very good pipe. It's a very good pipe, a cobalt fiberglass pipe. To replace it would probably give it another fifteen years of service. The DBE on this project is approximately (INAUDIBLE) % or about a million dollars. Four (INAUDIBLE) pre-qualified on this project (INAUDIBLE) Oscar Renda submitted the apparent low bid of \$14.6M. They are from Dallas/Fort Worth, Texas. In the package I've included the pictures of some of the work they've done, laying (INAUDIBLE) tubes and 110" pipe. They're a large firm. They're capable of handling large diameter pipes like we're talking about for the city of Augusta. Additionally, I've included a picture of a failure in the pipe along Doug Barnard Parkway last year. You can see the condition of the pipe. It is deteriorating as we speak and we're currently working to replace both sections of the pipe, the second will follow in approximately six months.

Mr. Mayor: Commissioner Hatney.

Mr. Hatney: (INAUDIBLE).

Mr. Sachs: It's a fifty-year service. I'm sorry if I misspoke on that. The 60-day limit on this bid is up January 8th.

Mr. Mayor: Commissioner Williams.

Mr. Williams: Thank you, sir. I have no problem with this company or what they're capabilities are and how big the pipe is they're working with. I don't have any problem with that. Some times we get too much information and still get the wrong information. I want Ms.

Gentry to tell me, because we've been aggressively talking about the disadvantaged businesses, is she satisfied with the participation and how much we got.

Ms. Gentry: Mr. Mayor, members of the commission. The proposal was originally submitted with less than 1% if I remember correctly. We (INAUDIBLE) of what we originally had. I've worked with the contractor as well as the department and now we got it up to 7.8%, which is a little more than \$1M for the project. It's my understanding after speaking with the contractor along with speaking in terms of an astronomical amount would be utilized supplies this particular project. We looked at every opportunity in the trade just to make sure we were capitalizing on local small as well as minority.

Mr. Williams: So you're saying Ms. Gentry it did come from zero to somewhere it might not be where it needs to be but it's better than it was?

Ms. Gentry: That's correct, sir.

Mr. Williams: Okay, well, and that was my point, Mr. Mayor. We're sitting here talking is one thing but we don't always to what we say. I got no problem, I know what needs to be done. But if we're don't aggressively address this, address those issues it's gonna be like we did in the past. Nothing from nothing still does nothing. So that's all

Mr. Mayor: Commissioner Hatney.

Mr. Hatney: Mr. Mayor, my question is, these items with dollar amounts of this magnitude should never come directly to commission. If you've got something with that big of an emergency you'll committee that and charter that particular area need to be called into emergency session and this thing going through them cause this is just, this is just crazy to have, you just got through, just approved almost \$7M now you turn around and want \$15M more and none of this is going through committee and I've got a problem with that. If we keep on doing that (INAUDIBLE) make up my mind. Ms. Gentry said those figures would change, that means that I have no way of knowing these things (INAUDIBLE). This is just too much money. (INAUDIBLE) It's just a lot of money not to have any knowledge of what you're talking about, had not gone through committee and if you're going to circumvent the committee process, than the committee process (INAUDIBLE). I don't think that's fair.

Mr. Mayor: Commissioner Smith.

Mr. Smith: Thank you, Mr. Mayor. I think this probably happened during the holidays and when we had to change the meeting date to the committees and in one instance I know concerning this was the information was mailed to an engineer that is no longer is with us, the city, is that right? And was late getting to the right hands and that's the reason for it. It was not something that we planned or tried to sneak in, it was something that happened. It was, it really didn't have any control over and that it really needs to be done.

Mr. Mayor: Can we get a, Commissioner Hatney.

Mr. Hatney: When you say it needs to be done, I understand that but what's the dire need. You can't wait another two weeks?

Mr. Saxon: No, sir, the real, if it went back to committee and came back to commission, I just don't see how the agenda item would change the item itself.

Mr. Hatney: I'm not talking about whether it's changed or not, it's whether or not we had the opportunity to discuss it.

Mr. Saxon: Okay. The 60-day time limit on the prices does expire on January 8th.

Mr. Hatney: Then you've had it a long time then. You had 60 days ---

Mr. Saxon: We've gone across two holidays, yes.

Mr. Hatney: --- you had it a long time. So you've had it the past three meetings already.

Mr. Saxon: Yes, sir, and part of that was the negotiation. They, we're giving DBE percentages

Mr. Hatney: Yeah but, how ---

Mr. Saxon: That's something we work hard to do.

Mr. Hatney: --- but it's the same ball game though. It's the same ball game. You come in here five days before time for your expiration, but you had access to this almost 60 days.

Mr. Saxon: Yes, sir, this project's been a long term, ongoing project. The condition of the main interceptor's been known for a while. However, we are at the point now where we feel it needs to be repaired. And we've pre-qualified bidders, we have spoken with them, we have looked over the engineering, we have worked hard to make sure that this project can be constructed properly and Oscar Renda submitted the apparent low bid.

Mr. Hatney: But somewhere down the line, sir, this process has to change. Cause it keeps happening. You had exposure to this for 60 days. There's no excuse for it not coming before the committee. There's none whatsoever. That's all I'm saying. It's just a matter of way you do business. You talking about just throwing stuff up her, \$15M, \$16M at a time, and you know it's gotta be done in five days (INAUDIBLE) 55 days. I ain't gonna vote for it.

Mr. Mayor: Commissioner Bowles.

Mr. Bowles: Thank you, Mr. Mayor. It seems that this is the low bid and I have complete faith in their bidding process and RFP process so I'll go ahead and make a motion to approve this item.

Mr. Smith: Second.

Mr. Mayor: We have a motion and a second. Is there any further discussion?
Commissioners will now vote by the usual sign.

**Mr. Williams and Mr. Hatney vote No.
Motion carries 8-2.**

Mr. Mayor: Next agenda item, Madame Clerk.

The Clerk:

APPOINTMENT(S)

12. Consider nominations for appointment from the Richmond County Hospital Authority for a four-year term on the Authority. Member at Large William Badger, Warren A. Daniel, John S. Markwater. Member of Jewish faith Jeffery Foreman, Paul Graboff, Rabbi David Sirull.

Mr. Smith: Mr. Mayor?

Mr. Mayor: Mr. Smith.

Mr. Smith: Thank you, Mr. Mayor. I had contacted the hospital today and they sent the wrong information. They sent last year's information and we're recommending that we move that to our next meeting.

Mr. Mayor: Can I get a motion to that effect?

Mr. Smith: I'm making a motion to that effect.

Mr. Grantham: Second.

Mr. Mayor: We have a motion and a second. Is there any further discussion?
Commissioners will now vote by the usual sign.

**Mr. Hatney abstains.
Motion carries 9-1.**

The Clerk:

OTHER BUSINESS

13. Discuss the Richmond County Development Authority's proposed development plans in the next 12 months for the land located on Mike Padgett Highway. (Requested by Commissioner Holland.

Mr. Mayor: Commissioner Holland.

Mr. Holland: Yes, sir, Mr. Mayor. I asked for this to be placed on the agenda. I was very much concerned about this because I received a number of telephone calls in reference to this property and someone was asking me, a couple of businesses were asking me what was going to be done with this property since we spent a lot of money going up, taking uh, working on trying to find out whether or not the sound barrier was too much for the people in that particular community for the race track. You know of course we spent another \$25,000.00 on a study for the race track and we're still trying to find some land for the race track which is a project I think is really gonna hurt us in this city if we don't, you know, get that approved, get that taken care of. My concern is with the development authority here. Since they've withdrawn the approval of using this land for the racetrack, I would like for someone to come forward and let me know, what are their proposed plans. What do they plan to do within the next year, the next year or two with this land? Will the land just sit there or will they use it as a dump, will someone come by there and, has someone offered to purchase the land from them. I would like to know from them, what are their plans with this land, since we cannot use it for a project that was going to bring in considerable amount of revenue to this city.

Mr. Mayor: And, I would just ask is, is there anybody from the Development Authority here to represent the Development Authority? I don't see any, their staff or, Commissioner Williams.

Mr. Williams: I'd like to make a motion that we postpone this, put it back on the agenda, have the Development Authority come and have somebody to speak to it. They are the authority, they ought to have at least one person they can get to come over here and I agree with Commissioner Holland, I think there ought to be some proposal they got to do with it uh, versus not trying to support something that's gonna be that significant so, that's my motion. To put it back on the agenda.

Mr. Mayor: Okay. We have a motion. Is there a second?

Mr. Grantham: Second.

Mr. Mayor: We have a motion and a second. Mr. Cheek.

Mr. Cheek: Mr. Mayor, I'm gonna remind the body that we began the Economic Development Summit Process in bringing our economic development entities to the table to discuss and work together to formulate plans for the future. This and the Downtown Development Authority were the two groups that sent us blank sheets of paper back. So, to answer your question, and I hope it's not true, my concern is that while the property is a viable piece of property, it will be marketed in the same manner and we'll be sitting in the same situation a decade from now. And I too would like to hear a plan of action in marketing strategy and something that's gonna be different than the status quo that's existed in the property for twenty years.

Mr. Mayor: Okay, we have a motion and a second. Is there any further discussion? Commissioners will now vote by the usual sign.

Motion carries 10-0.

Mr. Cheek: Mr. Mayor?

Mr. Mayor: Commissioner Cheek.

Mr. Cheek: Mr. Mayor, request the body to add to the next commission, full commission agenda, a report back from the Judicial Center Committee on the status of the redesign after the budget approval, where are we with land acquisition and the timetable for completion of that project.

Mr. Mayor: Okay. If there's no further business to come before the body, we stand adjourned.

[MEETING ADJOURNED]

Lena Bonner
Clerk of Commission

CERTIFICATION:

I, Lena J. Bonner, Clerk of Commission, hereby certify that the above is a true and correct copy of the minutes of the Regular Meeting of the Augusta Richmond County Commission held on January 2, 2007.

Clerk of Commission