



Administrative Services Committee Meeting Commission Chamber- 2/22/2010- 12:45 PM

ADMINISTRATIVE SERVICES

1. Review and acceptance as Part I of preparing an Urban Redevelopment Plan, establishing the Laney Walker/Bethlehem neighborhoods as an Urban Redevelopment District, and as a condition of receiving Bond Financing for use in acquiring and developing property in the Laney Walker/Bethlehem Urban Redevelopment Area. ☐ [Attachments](#)
2. Motion to approve the retention of the Augusta Housing and Community Development Department Modified Contract Process. ☐ [Attachments](#)
3. Motion to discuss revisions to the Augusta-Richmond County Procurement Code. ☐ [Attachments](#)
4. Approve an Ordinance to amend the Augusta, GA Code Section 3 -4-11 relating to events held on public property. ☐ [Attachments](#)
5. Discuss, for informational purposes, amending the City's 2007, 2008 and 2009 Action Plans for the reprogramming of \$113,045 in CDBG funds and allow a change in beneficiaries for certain Homelessness Prevention and Rapid Re-Housing (HPRP) Projects. ☐ [Attachments](#)
6. Resolution of Settlement awarding a total settlement of forty thousand dollars (\$40,000.00) to Marilyn Brown and Terry Brown. ☐ [Attachments](#)

www.augustaga.gov



Administrative Services Committee Meeting
2/22/2010 12:45 PM
Laney

Department:	Augusta Housing and Community Development Department
Caption:	Review and acceptance as Part I of preparing an Urban Redevelopment Plan, establishing the Laney Walker/Bethlehem neighborhoods as an Urban Redevelopment District, and as a condition of receiving Bond Financing for use in acquiring and developing property in the Laney Walker/Bethlehem Urban Redevelopment Area.
Background:	This Blight Findings Report is for the Laney-Walker and Bethlehem neighborhoods, and indicates that the designation of a Laney-Walker/Bethlehem Urban Redevelopment Area will be a powerful tool to support significant housing and economic development and enhanced quality of life for the citizens of these communities. Over time, the once vibrant Laney Walker and Bethlehem neighborhoods became neglected and fell into disrepair. The desire to revitalize this historic area was initiated in 2008 when the Augusta City Council passed a \$1 dollar hotel-motel tax. This made approximately \$750,000 annually available over a 50-year period to finance future redevelopment projects. In order to pursue the issuance of bond financing for project development, an Urban Redevelopment Plan and this subsequent Blight Findings Report is required. This document encompasses and assessment of blight conducted by APD and identifies the slum and blight considerations as defined in the Georgia Statutes "Urban Redevelopment Act" to determine the feasibility of including the Laney-Walker and Bethlehem communities in an Urban Redevelopment Area.
Analysis:	If the Blight Findings Report is accepted and passed by resolution by the Augusta City Commission, the Housing and Community Development Department will authorize the consultant to proceed with the preparation of a Laney Walker/Bethlehem Urban Redevelopment Plan. A public meeting will be held on Feb. 1, 2010 to present the Blight Findings Report and a 2nd public meeting will be held prior to the submission of the Urban Redevelopment Plan to the Commission for adoption.
Financial Impact:	Not applicable until Part II, Urban Redevelopment Plan is submitted for Approval. Blight Findings Report is a condition for proceeding with the preparation of the Urban Redevelopment Plan.
Alternatives:	None Recommended.
Recommendation:	Accept the Blight Findings Report by resolution. The resolution will confirm the City's acknowledgement that the findings of the report necessitates the preparation of an Urban Redevelopment Plan(URP). The

URP will include actions needed to address the blighting conditions found in the report, and it will be used as part of the information package developed for Bond financing for the LW/B Redevelopment project.

**Funds are Available in
the Following
Accounts:**

Not Applicable.

REVIEWED AND APPROVED BY:

Finance.

Law.

Administrator.

Clerk of Commission



Administrative Services Committee Meeting
2/22/2010 12:45 PM
Modified Contract Process - AHCDD

Department:	Augusta Housing and Community Development Department
Caption:	Motion to approve the retention of the Augusta Housing and Community Development Department Modified Contract Process.
Background:	Each year the City receives Federal and Non-Federal funds that are used to fund agencies and projects to assist low income persons and revitalize low income neighborhoods. An Annual Action Plan is created and presented to the Commission for approval that recommends a budget for spending the annual funds. To carry out these projects, the City is required to have signed agreements in place with agencies to expend these funds. Getting the agreements and contracts executed by all parties is time consuming and can prevent the City from expending its funds in a timely manner. To facilitate the execution of agreements/contracts in a timely manner, we propose that the Modified Contract Process that was approved by the Commission on July 10, 2007 be retained. The Modified Contract Process that was approved is as follows: 1. Once the Consolidated/Annual Action Plan is approved by Commission the following process will be followed: a. The Mayor will be given authorization to execute all necessary Grant Agreements relative to the approved Consolidated Plan/Annual Action Plan; and b. The Mayor, City Administrator and Director of AHCDD will be given authorization to execute all the necessary agency grant agreements and construction contracts required to implement the Consolidated Plan/Annual Action Plan as approved by the Commission. All contracts will be in compliance with the Augusta-Richmond County Bidding Policies and Procurement Processes. All changes to the Action Plan because of reprogrammed funds will be approved by they Commission.
Analysis:	The Modified Contract Process approved by the Commission on July 10, 2007, delegates the authority to execute the contracts to the Mayor, City Administrator, and the AHCDD Director for all projects approved by the Commission in the Consolidated/Annual Action Plan.
Financial Impact:	The modified contract process allows AHCDD to facilitate expenditure of funds in a timely manner. The Department has been timely on its expenditures of funds since 2007. Prior to this process, the Department was in non-compliance for the years 2004 – 2006, with a potential consequence of reduced funding.
Alternatives:	None Recommended.
Recommendation:	Approval from the Commission to keep in place the Modified Contract

Process that delegates authority to execute contracts for all projects in the approved Action Plan by the Mayor, City Administrator and the AHCDD Director.

**Funds are Available in
the Following
Accounts:**

Not applicable.

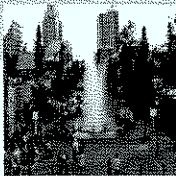
REVIEWED AND APPROVED BY:

Finance.

Law.

Administrator.

Clerk of Commission



City of Augusta, GA

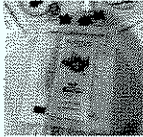
Contract Process

February 2010

Augusta Housing and Community
Development Department







Augusta-Richmond County Municipal Building

2/11/2010 530 Greene Street, 8th Floor, Augusta, GA 1

AHCDD Annual GRANT PROCESS

Why Our Process Works



2/11/2010 2

ACTION PLAN (AP) – Center of Process

What is the Annual Action Plan?

- The Action Plan spells out in detail what projects the City will carry out and how much money it will spend
- The Action Plan is presented to the Commission for Approval and presented to HUD by November 15th of each year
- When approved by the Commission and HUD, AHCDD is granted authority to issue subrecipient contracts for projects in the plan and present to Mayor for execution
- All changes to Action Plan because of reprogrammed funds are subject to Citizens Participation and Approval by Commission

2/11/2010

3

What are we Requesting?

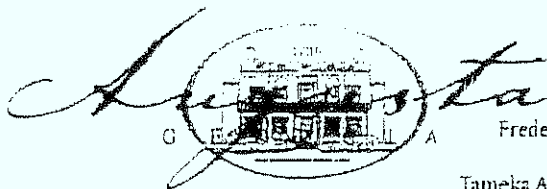
To Leave Approved
Modified Contract Process
In Place

Approved by Commission July 10, 2007

Attachment 1: Commission Approval Letter July 10, 2007

2/11/2010

4



Office Of The Administrator

Frederick L. Russell, Administrator

Tameka Allen, Interim Deputy Administrator
Robert Leverett, Interim Deputy Administrator

Room 801 - Municipal Building
530 Greene Street - AUGUSTA, GA. 30911
(706) 821-2400 - FAX (706) 821-2819
www.augustaga.gov

July 10, 2007

Mr. Chester Wheeler
Director - Housing & Community Development
925 Laney Walker Blvd.
Augusta, GA 30901

Dear Chester:

The Augusta-Richmond County Commission, at their regular meeting held on Tuesday, July 10, 2007, took action on the following items.

- ✓ 26. Approved Proposed Procedure for Authorization of Agreements/Contracts for the Housing and Community Development Department.
- 27. Approved the Reprogramming of \$1,032,392.14 in CDBG, HOME, ESG and HOPWA Funds and Change the Scope of Services for the Boys Club and Augusta Mini Theatre Projects; and that the Augusta Youth Center not be reprogrammed.

If you have any questions, please contact me.

Yours truly,

Tameka Allen
Interim Deputy Administrator

cc: Ms. Donna Williams

07-10-07: #26, #27



HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

Chester A. Wheeler, III
Director

DRAFT FOR MUNI-AGENDA

CAPTION: Consider Proposed Procedure for Authorization of Agreements/Contracts for the Housing and Community Development Department

BACKGROUND: Each year the City receives Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), HOME Investment Partnerships (HOME) and Housing Opportunities for Persons with AIDS (HOPWA) funds from HUD. These funds are used to fund agencies and projects to assist low income persons and revitalize low income neighborhoods.

The Housing and Community Development (HCD) Department annually solicits for proposals from agencies and develops CDBG, ESG, HOME and HOPWA budgets which are incorporated into the City's Annual Action Plan. For Year 2007, the Action Plan contains sixty-one (61) projects. To carry out these projects, HUD requires the City to have agreements with the agencies. In addition, if a project involves construction, a construction contract is required also. Getting these agreements and contracts executed by all parties is time consuming and prevents HCD from proceeding with the projects and expending the funds in a timely manner. As you are aware, HUD reviews our spenddown of funds each September 30.

To facilitate the execution of agreements/contracts process, we are proposing the following Agreement/Contract Execution Procedure for the Housing and Community Development Department:

Once the Consolidated Plan/Annual Action Plan is approved by Commission:

- Mayor will be given authorization to execute all necessary Grant Agreements relative to the approved Consolidated Plan/Annual Action Plan as required by HUD;
- The Mayor, City Administrator and Director of HCD will be given authorization to execute all the necessary agency grant agreements and construction contracts required to implement the Consolidated Plan/Annual Action Plan as approved by the Commission. All documents other than Forms HUD-7082, and HUD-40093 must require signatures by all (3) parties. All Augusta-Richmond County Bidding Policies will be complied with and acknowledgement given by the Director of Procurement; and

Housing and Community Development
925 Laney-Walker Boulevard, Augusta, GA 30901
(706) 821-1797 – Fax (706) 821-1784

www.augustarichmondcounty.gov



- Any construction contract that has a funding source not funded by HUD requires Commission approval.

ANALYSIS: The current procedure requires **all** agreements and contracts to be approved by the Commission and executed by the Mayor. This proposed procedure will allow the Commission to approve projects in the Annual Action Plan and delegate the authority to execute the contracts to the Mayor, City Administrator and HCD Director.

FINANCIAL IMPACT: Approval of the proposed procedure will facilitate the expenditure of funds in a timely manner.

ALTERNATIVES: None recommended.

RECOMMENDATION: Approve New Procedure for Authorization of Agreements/Contracts for the Housing and Community Development Department

FUNDS: HUD: CDBG, ESG, HOME & HOPWA funds

What is Modified Contract Process

- The **Modified Contract Process** allows the Commission to Approve Projects in the Annual Action Plan and delegates the authority to execute the contract to the City Attorney, Mayor, City Administrator or AHCDD Director
- Approved by Commission July 10, 2007

2/11/2010

5

Why Are We Requesting to Keep Modified Contract in Place

- ✓ We have a documented contract approval process in place that is effective and efficient, and facilitates us being in compliance with Federal Regulations.
- ✓ From 2004 – 2006, the Department was untimely on use of funds
- ✓ In October 2007, Department became timely in use of funds
- ✓ Grantees are Federally Mandated by 24 CFR 570.902 to manage funds in a timely manner.

Attachment 2: Report PR56 60 Day Ratio Report

2/11/2010

6

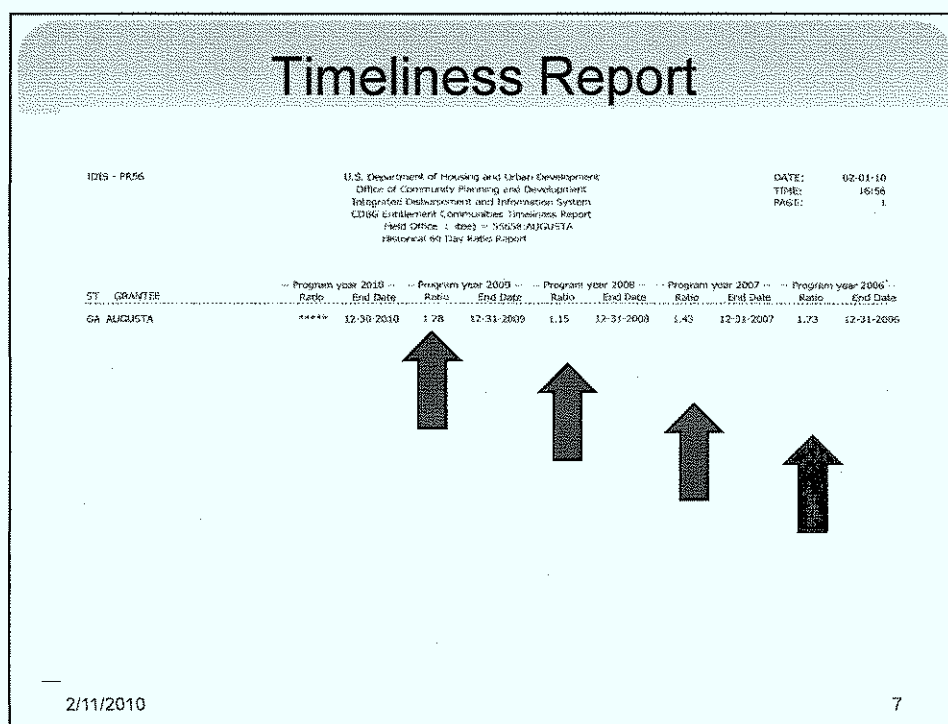
IDIS - PR56

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Integrated Disbursement and Information System
CDBG Entitlement Communities Timeliness Report
Field Office : itee} = 55658:AUGUSTA
Historical 60 Day Ratio Report

DATE: 02-01-10
TIME: 16:56
PAGE: 1

ST	GRANTEE	-- Program year 2010 --		-- Program year 2009 --		-- Program year 2008 --		-- Program year 2007 --		-- Program year 2006 --	
		Ratio	End Date	Ratio	End Date	Ratio	End Date	Ratio	End Date	Ratio	End Date
GA	AUGUSTA	*****	12-30-2010	1.28	12-31-2009	1.15	12-31-2008	1.43	12-31-2007	1.73	12-31-2006

Attachment 2: Report PR56 60 Day Ratio Report



Why Is Timeliness Important: Federal Mandate: Timeliness Test

24 CFR 570.902

**Review to determine if CDBG-funded activities are being
carried out in a timely manner**

- 60 days before the end of a grantee's year, November 1 for Augusta, HUD runs report PR 56 and determines "Grant Timeliness"
- Grantees are allowed under this regulation to have a balance NO GREATER than 1.5 times their annual grant remaining in their line of Credit 60 DAYS PRIOR to the end of their program.
- The failure to meet the 1.5 standard for a second consecutive year may result in the reduction of its FY grant by 100% of the amount of its Line of credit in excess of the 1.50.

2/11/2010

8

Historical Perspective

- ✓ The City was non-compliant for Timeliness from 2004 – 2006
- ✓ For 2004-2006, City was at risk of grant reduction for timeliness non-compliance
- ✓ 2007 Department Documents Grant Process
- ✓ Modified Contract Approval Process Approved July 10, 2007
- ✓ 2007 and 2008 City Compliant for Timeliness
- ✓ 2009 City is Compliant for Timeliness – Grant Funds Issued Mid July 2009 and **City is Compliant by November 2009!**

Attachment 3: HUD Letter to City about Timeliness Issue (11/25/05)

Attachment 4: HUD Follow Up Letter to City 2/24/06

Attachment 5: HUD Letter Acknowledging 2007 Compliance for Timeliness (10/26/07)

Attachment 6: 2009 Grant Agreement – Funds Issued Mid-July 2009

2/11/2010

9

2009 Quick Turnaround Process

- ✓ Federal Government Holds Release of Grant Money Because of Federal Stimulus Programs
- ✓ City receives Grant Funds in Mid-July 2009
- ✓ City Must Still Comply with 24 CFR 570.902 on Timeliness
- ✓ City Obtains Timeliness Compliance in 3.5 months



2009 City is Compliant for Timeliness by November 1, 2009 (1.28 ratio)

Attachment 6: 2009 Grant Agreement – Funds Issued Mid-July 2009

2/11/2010

10



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

NOV 25 2005

The Honorable Willie Mays III
Interim Mayor, Augusta-Richmond County
Consolidated Government
Municipal Building
530 Greene Street, Room 806
Augusta, GA 30911-4406

Dear Mayor Mays:

SUBJECT: Offer of Informal Consultation
Noncompliance with Timely Expenditure Requirements
Community Development Block Grant (CDBG) Program

Pursuant to a review, HUD has determined the Augusta-Richmond County Consolidated Government (herein after the consolidated government) is not carrying out its CDBG program in a timely manner. Grantees are allowed, under the CDBG regulations at 24 CFR part 570.902, to have a balance no greater than 1.50 times their annual grant remaining in their line-of-credit 60 days prior to the end of their program year. As the Department advised grantees in its letter of November 20, 2001, HUD has instituted a policy of reducing the future year's grant of a grantee that continues to be untimely.

The 60-day ratio for the consolidated government, as measured on November 2, 2004, was 1.63. The last 60-day test conducted for your community on November 2, 2005, indicated a balance remaining in its line-of-credit amounting to 1.95 times its Fiscal Year (FY) 2005 grant and, therefore, was again in non-compliance with the 1.50 performance standard. The consolidated government's failure to meet the 1.50 standard for the second consecutive year may result in a reduction of its FY 2006 grant by 100 percent of the amount in its line-of-credit in excess of 1.50. Based on the new drawdown ratio of 1.95, the amount of this reduction is calculated to be \$1,159,076, as shown in the enclosure. The consolidated government may avoid a sanction if it demonstrates to HUD's satisfaction that its untimeliness resulted from factors beyond the city's reasonable control.

Under the provisions of 24 CFR part 570.911, the consolidated government is entitled to an informal consultation prior to the actual reduction of its FY 2006 grant. Therefore, I am inviting you and members of your staff knowledgeable in this issue to attend a meeting at HUD Headquarters, 451 Seventh St., S.W., Washington, DC, at a date and time convenient for you and your staff. If you prefer, the meeting may be held by

Attachment 3: HUD Letter to City about Timeliness Issues (11/25/05)

teleconference. Please contact Ms. Valerie Browne, Community Planning and Development Specialist, Entitlement Communities Division, with the date and time the consolidated government would like the informal consultation to be held. Ms. Browne can be reached at (202) 708-1577.

The purpose of the consultation is to provide the consolidated government an opportunity to demonstrate that factors beyond its reasonable control caused delays in program implementation that affected timely performance or to demonstrate that HUD's finding of noncompliance is incorrect. Please be prepared to address in detail the factors related to the action(s)/activity(ies) that caused non-compliance or, if applicable, the factors that demonstrate compliance. These issues should include:

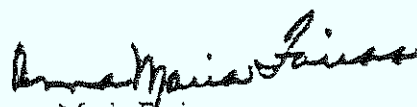
- The problem, as defined by the specific factor(s) beyond your control, why it was beyond your control, and how it caused untimely performance and/or affected the timeliness of expenditures for other parts of your CDBG program over the affected time period.
- The duration of the problem: when did it begin and when is it expected to end.
- The CDBG amount of each activity affected by the problem, explain, if applicable, why these funds were not reprogrammed after the problem occurred.
- Other actions implemented to ameliorate the effects this problem had on project specific and program-wide timely performance, when you undertook them, and what effect they have had and/or will have on timely performance (including the extent to which CDBG funds on hand have been obligated for specific activities).
- If the "factor(s) beyond your control" had not happened and funds were drawn down at the anticipated rate, would the consolidated government otherwise have met the 1.50 standard? Provide the calculation and the information the consolidated government used to reach that conclusion.

Please provide a written response to the factors that you deem relevant to the consolidated government's performance, no later than three business days before the requested teleconference date, with a copy to Mr. John Perry, Director, Community Planning and Development Division, HUD Atlanta Regional Office, so that we will be in a better position to discuss this matter with you. Please email your response to Valerie S. Browne@HUD.gov and John L. Perry@HUD.gov.

Following this informal consultation, HUD will advise you in writing of its decision. Should the consolidated government decline to participate in the consultation, the consolidated government's FY 2006 CDBG entitlement amount will be reduced by \$1,159,076 at the time of grant award. The amount of the city's FY 2006 entitlement award is not known as of the date of this letter because the U.S. Congress has not completed the appropriations process for the CDBG program.

Please feel free to contact Ms. Browne or Mr. Stanley Gimont, Director,
Entitlement Communities Division, at (202) 708-1577, if you have any questions
regarding the informal consultation.

Sincerely,


Anna Maria Farias
Deputy Assistant Secretary
for Grant Programs

Enclosure

AUGUSTA-RICHMOND COUNTY CONSOLIDATED GOVERNMENT
COMPLIANCE WITH 1.5 TIMELINESS STANDARD
60-DAY RATIO ON NOVEMBER 2, 2005

Line of Credit Balance as of November 2, 2005:

FY 2003 Grant Balance:	\$ 19,092.65
FY 2004 Grant Balance:	\$ 2,442,291.10
FY 2005 Grant Balance:	<u>+ 2,604,616.00</u>
Total Grant Balance	\$ 5,065,999.75

New 60-Day Ratio Calculation:

60-Day Ratio = $\frac{\text{Total Grant Balance}}{\text{FY 2005 Grant}} = \frac{\$ 5,065,999.75}{\$ 2,604,616.00} = 1.95$

Amount Over Timeliness Threshold:

Amount in Excess = (New 60-Day Ratio - 1.50) (FY 2004 Grant)
= $(1.95 - 1.50)(\$ 2,604,616.00) = \$ 1,159,075.75$

FY 2006 Potential Reduction: \$1,159,076.00



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

FEB 24 2006

MEMORANDUM FOR: John Perry, Director, Office of Community
Planning and Development, 4AD

FROM: Stanley Gimont, Director, Entitlement Communities
Division, DGBE

SUBJECT: Timeliness Issues, Augusta, Georgia
Community Development Block Grant Program

Attached is a copy of the letter to Augusta, Georgia regarding CPD's decision on the city's timeliness problem. The Department has determined that Augusta provided sufficient evidence demonstrating that factors beyond its reasonable control contributed to the untimely implementation of its CDBG program. Accordingly, Augusta's Fiscal Year 2006 CDBG entitlement grant of \$2,333,406 will not be reduced, and the entire grant should be made available to Augusta consistent with normal procedures.

Please be advised that as a result of Augusta's untimely performance in 2004 and 2005, a future grant may be reduced by 100 percent of the amount in excess of the 1.5 standard if Augusta's next 60-day ratio exceeds that standard. As such, the Department expects the grantee to be timely when its next 60-day ratio is measured in 2006.

If you have any questions regarding this decision, please contact me or Valerie Browne, CPD Specialist, at (202) 708-1577.

Attachment



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

FEB 24 2006

The Honorable Deke S. Copenhaver
Mayor of Augusta-Richmond County
Consolidated Government
Municipal Building
530 Greene Street, Room 806
Augusta, GA 30911-4406

Dear Mayor Copenhaver:

It was a pleasure meeting you on January 31, 2006, to discuss the city's expenditure performance for the Community Development Block Grant (CDBG) program. Please extend my thanks to Commissioner Richard Colclough, Commissioner Calvin Holland, and Paul DeCamp, Interim Director, Augusta Housing and Economic Development Department (AHEDD) for making the effort to attend the meeting.

The CDBG regulations at 24 CFR part 570.902 allow CDBG entitlement grantees, such as the city of Augusta, to have a balance no greater than 1.5 times their annual grant remaining in their line-of-credit 60 days prior to the end of their program year. In accordance with the CDBG program's timeliness policy, a grantee's future grant may be reduced when the grantee continues to be untimely. Augusta's 60-day ratio, as measured on November 2, 2004, was 1.63. The most recent 60-day test conducted for your community on November 2, 2005, indicated Augusta had a balance remaining in its line-of-credit amounting to 1.95 times its Fiscal Year (FY) 2005 grant. The city was, therefore, again in non-compliance with the 1.5 performance standard. This non-compliance has the potential to result in the reduction of the city's FY 2006 CDBG grant in the amount of \$1,159,076.

Under the provisions of 24 CFR 570.911 of the CDBG regulations, Augusta officials attended an informal consultation on January 31, 2006, to discuss reasons why the city might qualify for an exception to the Department's timeliness policy. According to the city, the following events negatively impacted its timely performance: (1) the loss of key AHEDD staff including the department's director, housing program administrator, and finance director; (2) conflicts concerning the mission and performance of AHEDD; and (3) an internal audit of AHEDD. The combined effect of the three factors resulted in AHEDD staff time being diverted from critical project management responsibilities to address those factors.

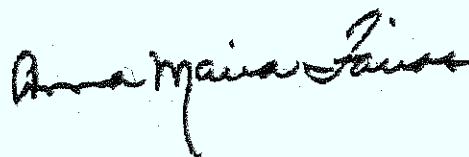
We have reviewed the written materials submitted by Augusta and evaluated your comments from the January 31 meeting. In consideration of the evidence provided by the city, the Department will grant Augusta an exception to the timeliness policy. Having made this determination, Augusta's FY 2006 grant will not be reduced.

However, the Department expects Augusta to be timely 60 days prior to the end of its FY 2006 program year. Since the city has been untimely for two consecutive years and has gone through the consultation process, the city should understand that a continued failure to perform with regard to the timely administration of CDBG program will place the city in a precarious situation for the future. The city has substantial ground to make up with regard to the expenditure of CDBG funds in order to be below the 1.5 threshold at the next computation date. HUD fully expects that actions proposed to close this gap, such as the acquisition of an existing multifamily property for use as senior housing and resolution of staffing issues, will be implemented. To be clear, failure to meet the 1.5 standard later this year will almost certainly result in a reduction of a future grant by 100 percent of the amount in excess of the 1.5 standard.

We appreciate your willingness to address HUD's concerns and in working with this office and HUD's Community Planning and Development (CPD) Division field staff in the Atlanta Regional Office. Please be assured that the Atlanta Regional Office staff is available to assist you in any way possible to meet the timeliness standard in the future, and we compliment you and your staff for the positive actions taken to improve program delivery.

Please feel free to contact Mr. Stanley Gimont, Director, Entitlement Communities Division, at (202) 708-1577 if you have questions regarding the contents of this letter. Please direct all other questions you may have to Mr. John Perry, CPD Director, in the Atlanta Regional Office. Mr. Perry can be reached at (404) 331-5001.

Sincerely,



Anna Maria Farias
Deputy Assistant Secretary
for Grant Programs



U. S. Department of Housing and Urban Development
Regional Director
Region IV

Attachment number 1
Page 17 of 20

October 26, 2007

The Honorable Deke Copenhaver
Mayor
Augusta-Richmond County Consolidated Government
Municipal Building
530 Greene Street, Room 806
Augusta, GA 30911

Dear Mayor Copenhaver:

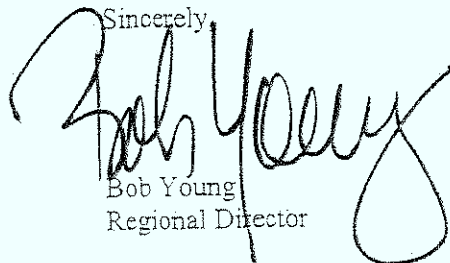
Congratulations! The Office of Community Planning and Development informed me that the City of Augusta has achieved compliance with the performance (timeliness) standard required by the Community Development Block Grant (CDBG) program. The timeliness standard requires that 60 days prior to the end of a grantee's current program year, the grantee may not have more than 1.5 times the amount of the current grant year funds available and undisbursed by the U.S. Treasury. The City has been non-compliant with this provision since November 2, 2004. The City's program year ends on December 31, 2007, and, as of October 18, 2007, the City's ratio was 1.47.

I commend your leadership and the diligent efforts of your staff in developing and implementing strategies that assisted the City in getting the CDBG program expenditures in compliance with the program requirements. Also, I encourage the City to maintain this expenditure rate, while continuing to improve efforts to develop viable, effective strategies that contribute to the overall revitalization of neighborhoods, particularly the provision of quality affordable housing.

We recognize that some of the factors that contributed to the timeliness situation were due to the lack of effective leadership in the Housing and Community Development Department, and the absence of a unified vision for neighborhood revitalization among the various community stakeholders. It appears that the City has taken actions to address these issues and is now in a position to move forward with the community development activities. The success of this effort will, to a large extent, depend on the ability of the City and its community stakeholders to jointly work together in carrying out comprehensive and coordinated revitalization efforts.

Again, I applaud your efforts and wish you continued success with all of the City's HUD-funded programs. If we can be of further assistance, please contact John Perry, Director, Office of Community Planning and Development, at (678) 732-2449.

Sincerely,



Bob Young
Regional Director

HUD's mission is to increase homeownership, support community development and increase access to affordable housing free from discrimination.

Attachment 5: HUD Letter Acknowledging 2007 Compliance for Timeliness (10/26/07)

Grant Consequences for Non-Compliance Calculation & Potential Funding Loss

AUGUSTA-RICHMOND COUNTY CONSOLIDATED GOVERNMENT
COMPLIANCE WITH 1.5 TIMELINESS STANDARD
60-DAY RATIO ON NOVEMBER 2, 2005

Line of Credit Balance as of November 2, 2005:

FY 2003 Grant Balance:	\$ 19,092.65
FY 2004 Grant Balance:	\$ 2,442,291.10
FY 2005 Grant Balance:	<u>2,604,616.00</u>
Total Grant Balance	\$ 5,065,999.75

New 60-Day Ratio Calculation:

60-Day Ratio = $\frac{\text{Total Grant Balance}}{\text{FY 2005 Grant}} = \frac{\$ 5,065,999.75}{\$ 2,604,616.00} = 1.95$

Amount Over Timeliness Threshold:

Amount in Excess = (New 60-Day Ratio - 1.50) (FY 2004 Grant)
= $(1.95 - 1.50)(\$ 2,604,616.00) = \$ 1,159,075.75$

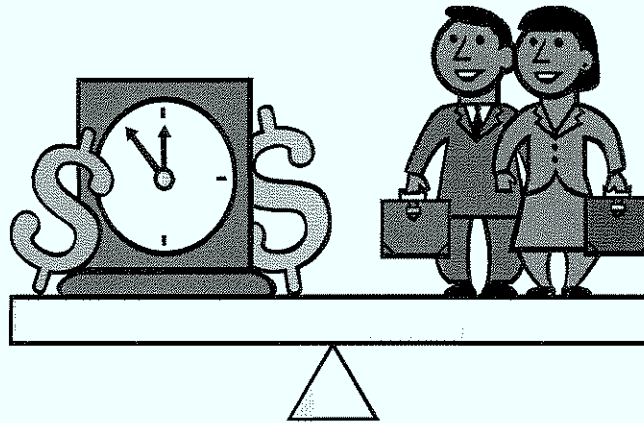
FY 2006 Potential Reduction: \$1,159,075.00

Recommendation

- Leave in Place Modified Contract Process approved January 7, 2010.

- ✓ Our Grant Process is documented and works
- ✓ We follow Richmond County Procurement Process
- ✓ Commission Approves Annual Action Plan and Budget
- ✓ We Have Been Timely in the Use of Funds Since 2007

QUESTIONS



2/11/2010

13



**Administrative Services Committee Meeting
2/22/2010 12:45 PM
Motion to Discuss Revisions to the Procurement Code**

Department: Procurement Department

Caption: Motion to discuss revisions to the Augusta-Richmond County Procurement Code.

Background:

Analysis:

Financial Impact:

Alternatives:

Recommendation:

**Funds are Available in
the Following
Accounts:**

REVIEWED AND APPROVED BY:

**Finance.
Law.
Administrator.
Clerk of Commission**



**Administrative Services Committee Meeting
2/22/2010 12:45 PM**

Ordinance to amend Code Section 3-4-11 relating to events held on public property

Department: Law

Caption: Approve an Ordinance to amend the Augusta, GA Code Section 3 -4-11 relating to events held on public property.

Background: Augusta-Richmond County desires to update and amend the Code as related to events held on public property and to update the Code to address public safety and First Amendment concerns.

Analysis: The updates are needed to address public safety and First Amendment concerns.

Financial Impact: None

Alternatives:

Recommendation: Approve amendment.

Funds are Available in the Following Accounts:

REVIEWED AND APPROVED BY:

**Finance.
Law.
Administrator.
Clerk of Commission**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE AUGUSTA, GA CODE TITLE THREE SECTION 3-4-11 RELATING TO EVENTS HELD ON PUBLIC PROPERTY; TO REPEAL ALL CODE SECTIONS AND ORDINANCES AND PARTS OF CODE SECTIONS AND ORDINANCES IN CONFLICT HERewith; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Augusta-Richmond County desires to update and amend the Code as related to events held on public property, to update the Code to address public safety and First Amendment concerns;

THE AUGUSTA-RICHMOND COUNTY COMMISSION ordains as follows:

SECTION 1. AUGUSTA, GA CODE Section 3-4-11 as set forth in the AUGUSTA, GA CODE, re-adopted July 10, 2007, is hereby amended by striking this section in its entirety as set forth in "Exhibit A" hereto. A new Code Section 3-4-11 is hereby inserted to replace the repealed Code Section as set forth in "Exhibit B" hereto.

SECTION 2. AUGUSTA, GA CODE Section 3-7-34 as set forth in the AUGUSTA, GA CODE, re-adopted July 10, 2007, is hereby amended by striking this section in their entirety as set forth in "Exhibit C" hereto. A new Code Section 3-7-34 is hereby inserted to replace the repealed Code Section as set forth in "Exhibit D" hereto.

SECTION 3. This ordinance shall become effective upon its adoption in accordance with applicable laws.

SECTION 4. All ordinances, parts of ordinances, policies, and procedures concerning events held on public property in conflict herewith are hereby repealed.

Adopted this _____ day of _____, 2010.

David S. Copenhaver
As its Mayor

Attest:

Lena J. Bonner, Clerk of Commission
Seal:

CERTIFICATION

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Ordinance was duly adopted by the Augusta-Richmond County Commission on _____, 2010 and that such Ordinance has not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Ordinance which was approved and adopted in the foregoing meeting(s).

Lena J. Bonner, Clerk of Commission

Published in the Augusta Chronicle.

Date: _____

First Reading _____

Second Reading _____

Exhibit A

~~Sec. 3-4-11. Events consisting of more than five persons on public property.~~

~~There shall be no public demonstration or protest, (herein after referred to collectively as "event") consisting of five (5) or more persons on any sidewalk, street, public right of way or other public property within Augusta unless a permit for same has been issued for such event by the Sheriff of Richmond County.~~

~~(a) *Application Process.* Application for said permit shall be made to the Sheriff of Richmond County and shall contain the following information for review by said Sheriff:~~

- ~~(1) The name and address of the applicant. If the applicant is an entity such as a corporation or partnership, the application shall contain the name of the person making the application on behalf of said entity, a description of the entity, the person's relationship to said entity, and the address of such representative.~~
- ~~(2) The application shall include a plan for review by the Sheriff, which plan will include the number of persons anticipated to participate in said event, the date or dates of said event, the hours anticipated that said event will encompass, the exact location of said event and the proposed methods to be utilized in said event including the use of amplifiers, bullhorns, megaphones or other types of amplification equipment. The plan shall also include provisions that will insure the safety of the applicant and others participating in said event, as well as the public at the location where the event shall take place.~~
- ~~(3) In addition to said plan, the applicant shall provide an indemnification and hold harmless agreement in favor of Augusta, Georgia and its elected officials, the Augusta Richmond County Commission, the Sheriff of Richmond County, and their officers, agents and employees in a form satisfactory to the attorney for Augusta, Georgia.~~
- ~~(4) The full and complete application including all requirements enumerated herein shall be submitted to the Sheriff of Richmond County at least twenty (20) days prior to the first day of the proposed event.~~

~~(5) Nothing herein shall be construed as precluding the filing of an application in less than twenty (20) days in the case of exigent or unanticipated circumstances; provided, however, if the event the permit is denied, the time limits hereinafter set forth in subparagraph (b) and (c) shall apply.~~

~~(b) Review of Application.~~

- ~~(1) In reviewing said application and the plan for said event submitted by the applicant, the Sheriff may consider the methods to be utilized in the proposed event, the plan for the safety of the applicant and others participating in the event as well as the public, the location where the event is being proposed, the hours of the proposed event, the expected or anticipated traffic or traffic congestion (motor vehicle or pedestrian) at the proposed location, prior requests by the applicant as well as prior experience of events by said applicant, and such other matters as may be important to assure the safety of the applicant and others participating in the event and the safety of the public at the time and place where the event is proposed to take place.~~
- ~~(2) The Sheriff shall have seven (7) calendar days to act on said application following receipt of the completed application for permit. The Sheriff may grant said application as submitted, grant said application provisionally, conditioned on certain revisions to the plan submitted by the applicant, or deny said application. If the Sheriff does not grant the permit as applied for, the Sheriff shall provide the reasons for such denial or provisional approval in writing to the applicant. The decision of the Sheriff must be communicated to the applicant by first class mail. Should the Sheriff fail to render a decision within seven (7) calendar days of receipt of the application, any required approvals are waived.~~
- ~~(3) The Sheriff may deny the application in whole or in part for any reason if the Sheriff determines that the plan submitted by the applicant will raise public safety concerns to those participating in the event or to the public and/or for the following reasons:~~
 - ~~a. the application for permit (including any required attachments and submissions) is not fully completed and properly executed;~~

- ~~b. the application for permit contains material falsehoods or misrepresentations;~~
- ~~c. the applicant is legally incompetent to contract or to sue and be sued;~~
- ~~d. the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged public property and has not paid in full for such damages or has other outstanding unpaid debts to Augusta or Richmond County or any outstanding fines assessed by any Richmond County court;~~
- ~~e. the proposed plan submitted by the applicant would present an unreasonable danger to the health or safety of the applicant, others participating in the event or other members of the public at large;~~
- ~~f. the plan submitted by the applicant would unduly restrict and/or congest traffic (motor vehicle or pedestrian) on any of the public roads, right of ways or sidewalks in the immediate vicinity of such event within Augusta;~~
- ~~g. the proposed plan would lead to an unreasonable disturbance of the peace in the area at the time of the proposed event;~~
- ~~h. the plan submitted by the applicant includes activities which are prohibited by laws of the State of Georgia, the United States, or any ordinances of Augusta, Georgia; and/or~~
- ~~i. the applicant or the person on whose behalf the application for permit has in the past violated this ordinance or any predecessor ordinances governing permits for similar events.~~

~~(c) Appeal and Judicial Review. Upon receipt of any decision by the Sheriff either denying an application in whole or in part, the applicant may within five (5) calendar days file an appeal of said denial with the Sheriff which appeal shall be in writing and be sent to the Sheriff by certified mail or hand delivery. Upon the receipt of any such appeal the Sheriff shall notify the attorney for Augusta who shall promptly (no later than seven (7) calendar days after receipt of the appeal) seek judicial review of the proposed denial of the application in a Court of competent jurisdiction. Augusta shall have the burden of demonstrating the validity~~

~~of the denial of the permit as applied for by the applicant. If no appeal is filed by the applicant, Augusta shall have no duty to seek judicial review of the Sheriff's decision. The applicant may seek judicial review of a denial in whole or in part of a permit in a court of competent jurisdiction at any time after notification of the Sheriff's decision on the application.~~

~~(d) *Intent.* It is the specific intent of the Commission in passing this ordinance to regulate only the time, place and manner of such events and not to regulate the specific content or message of any speech by any applicant hereunder. Only public safety and other concerns as stated herein shall be considered by the Sheriff in the decision to issue or deny a permit hereunder.~~

~~(e) *Revocation of Permit.* Notwithstanding the grant of any permit as provided herein, the Sheriff of Richmond County and/or his duly authorized deputies shall have the right to terminate the event at any time, either before or during the event, should traffic, weather, or other conditions develop which present an imminent and undue danger to the applicant, the applicant's representatives, those participating in the event pursuant to said permit, or to the public at large, should any other consideration enumerated herein arise or if those participating in the event violate the terms of the permit or the plan submitted by the applicant as approved by the Sheriff.~~

~~(f) *Private Property.* No such events regulated herein shall be held on any private property within Augusta, Georgia without the express consent of the owner or his authorized agent.~~

~~(Ord. No. 6591, § 1, 2-18-03)~~

Exhibit B

Sec. 3-4-11. Events on Public Property.

(a) Use of Public Spaces and Facilities. No person or private entity shall without first being permitted by the Sheriff after application made according to the requirements set out hereinafter:

- (1) Conduct a public assembly, meeting, march, parade, demonstration, or other like event, either fixed or processional, involving 50 or more attendees or participants in any public place, including but not limited to:
 - a. any Augusta-Richmond County Park, or
 - b. utilizing any Augusta-Richmond County building or structure, or
 - c. utilizing any Augusta-Richmond County baseball/softball field or tennis court, or
 - d. utilizing any Augusta-Richmond County property in a manner which has the effect, intent, purpose or substantial likelihood of obstructing motor vehicle or pedestrian traffic; or
- (2) Station or erect any building, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum or other structure on, over or upon the public properties of Augusta-Richmond County; or
- (3) Create or emit any electronically amplified sound (except from a radio, recorder or other device which is possessed and used by an individual for his/her own enjoyment and is operated in such a manner so as to not interfere with the use and enjoyment by any other person); or
- (4) Conduct any exhibit, fair, or circus over, or upon the public properties of Augusta-Richmond County; or station or use any electrical or electronic device or equipment that would require outdoor auxiliary power.

(b) Application.

- (1) Within no less than five (5) days prior to an event, the person or persons associated in fact, whether or not a legally recognized entity, who wish to

conduct an event requiring a permit, as set forth herein, shall apply to the Sheriff for such permit. Such application shall at a minimum include:

- a. The name, mailing and street address, gender, birth date and social security number of the Applicant. If the application is made by or for an association of persons or other organization, the application shall set forth as to each such entity, the legal form of the entity (e.g., corporation, unincorporated association, LLP, etc.); the name of said entity, if named; the registered or recognized address of the entity, if any; the federal tax identification number of the entity; the name, mailing and street address, date of birth, and social security number of the person making the application on behalf of or as a representative of said entity; such person's relationship to said entity; and some demonstration or recitation of the authority of the person making the application to act on behalf of the entity.
- b. A plan to be reviewed by the Sheriff, which plan will include:
 - 1) anticipated number of persons participating in the event;
 - 2) date or dates of the event, including whether the event will be held only once or will be held repeatedly on a weekly, semimonthly, monthly, semiannual, annual, or other regular schedule;
 - 3) hours of each day the event will be conducted;
 - 4) exact location of said event, or, if the event is processional or mobile, the specific route of the event;
 - 5) whether sound amplification equipment will be employed, and, if so, a description of what equipment will be used sufficient to allow the Sheriff to evaluate the plan;
 - 6) whether artificial lighting will be employed and, if so, a description of what equipment will be used sufficient to allow the Sheriff to evaluate the plan.

- 7) whether temporary static structures such as stages, bleachers, canopies, stands, towers, scaffolds, platforms, rostrums, podiums, portable toilets or other temporary static structures will be constructed or employed, whether vehicles will be employed, and if so, a description of same sufficient to permit the Sheriff to evaluate the plan;
- 8) a description of the anticipated need for safety, police, medical, sanitation, and other required personnel and equipment, with the anticipated needed numbers and suggested posting by location and time of such personnel and equipment, along with a listing of what such personnel and equipment will be provided by Applicant;
- 9) a description of provisions necessary to the safety and welfare of the participants in the event and members of the public in the area where the event will be conducted and routes of access thereto and therefrom;
- 10) whether the event will require that the public spaces or facilities to be used or burdened, or the routes and means of access thereto and therefrom, be temporarily diverted from their dedicated or customary uses, or the public or private users thereof be diverted or excluded from, or limited in their use or enjoyment of, or their access to or through, said spaces or facilities, before, during, or after the event;
- 11) whether any sign, display, flag, placard, or banner larger than two feet by three feet (2'x 3') or using any wooden, metal, or hard plastic material, support or other component will be used; and
- 12) The name, permanent street and mailing addresses, telephone numbers where the persons responsible for each of the following matters may be reached before, during and after the proposed event, and fax number and e-mail address if available: general communication with public safety and

other Augusta-Richmond County staff, security, peacekeeping, sanitary and toilet facilities, medical and healthcare, and trash clean-up.

c. A disclosure as to whether the Applicant, or any entity for whom the application is being made, is or has been a party to (whether or not then operating under the same or any other name) any legal action, civil, criminal, or administrative, arising out of any event of a nature substantially similar to the one proposed in the application, and, if so, identifying information as called for in the application;

d. A disclosure as to whether the Applicant or any entity for whom the application is being made has failed to satisfy or is in violation or contempt of or in arrears as to any civil, criminal, or administrative fine, penalty, judgment, order, or award (whether or not then operating under the same name) as a result of participation in any prior events(s) of a substantially similar nature to that which is the subject of the instant application, and if so, a description of said fine, penalty, award, judgment or order and an explanation for non-compliance.

(2)Untimely permit applications will be considered and may be granted if reasonably practicable and if appropriate under other provisions of this Code Section, but in such case the time limits for appeal of a denial, shall remain the same.

(3)Where an event conducted on, over, upon, or burdening public properties, or employing the facilities thereon, which is also to substantially involve or take place partly or wholly upon private property with the consent of the owner(s) thereof, such owner(s) or their authorized representatives must be identified in the application and proof of such consent provided for the event.

(c) Review by the Sheriff.

(1) Within five (5) working days of the receipt of a fully completed executed, and filed application, the Sheriff shall review the application in

light of all of the contents thereof and the goals, intentions, and presumptions of this Code Section, and render a decision and communicate same to Applicant either permitting the event as planned or denying a permit for same. If the permit is denied, the Sheriff shall provide the Applicant in writing a statement of the reasons why the application is not granted. First class mail to the address provided by Applicant, postmarked no more than five (5) days after receipt of the fully completed, executed, and filed application, shall be sufficient for this purpose, though not the exclusive means of notice.

(2) Nothing in this process shall prevent the Sheriff, at its sole option and within the five (5) day period for approval or denial, from conferring with Applicant with respect to modifications of Applicant's plan for the event, and amend the application to reflect such modifications if agreed to by Applicant. However, Applicant may neither supplement nor amend its application within said five (5) day period except at the invitation of the Sheriff. Any attempt to do so sua sponte shall require a separate and new application.

(3) The Sheriff may deny the application for permit upon any of the following reasons or combination of reasons.

- a. The application does not contain all required information or materials, or the information set out in the application is so incomplete, vague, or ambiguous as to prevent full and proper review by the Sheriff.
- b. The application contains material omissions, falsehoods, or misrepresentations;
- c. The Applicant, or any entity for which the permit is sought, is incompetent to contract, sue, or be sued;
- d. The person applying lacks authority to represent the entity for which the application is made;
- e. The Applicant or any entity for which the permit is sought has on prior occasions damaged public property, or has not paid in full for

such damages, or is in arrears as to any judgment (civil, criminal, or administrative) rendered against the applicant or entity, or is in violation of any injunction or restraining order entered against the applicant or entity, whether under the same name or another;

f. The Applicant or any entity for which the permit is sought has on prior occasions violated permitting ordinances in connection with events of a substantially similar nature;

g. The plan of the event as proposed is likely to present an unreasonable danger to the health or safety of participants in the event or other members of the public (though not through the agency of any predicted reaction by onlookers or members of the public);

h. The plan of the event as proposed is likely to substantially restrict and/or congest traffic (vehicular or pedestrian) on any of the public roads, right of ways, sidewalks, or waterways in the immediate vicinity of such event;

i. The plan of the event as proposed is likely to cause a substantial disturbance of the peace as defined in State law, or is likely to intrude upon the privacy or property of citizens in the area of the proposed event in a manner violative of State law, or is likely to unreasonably burden commerce in the area of the event by obstructing entrances or exits to any retail, wholesale, manufacturing, transportation, storage, office, or professional or personal service establishment, or by obstructing parking areas, loading docks, driveways, walkways or other methods of ingress or egress to any such establishment;

j. The plan of the event as proposed includes activities which are prohibited by laws of the United States, the State of Georgia, or ordinances of Augusta-Richmond County, or activities which constitute nuisance or tortuous conduct with respect to public or private property or person;

- k. The plan of the event as proposed would conflict with previously planned programs or events organized and conducted by Augusta-Richmond County and previously scheduled for the same time and place;
 - l. The plan of the event as proposed is prohibited by or is inconsistent with the zoning classifications and uses of the proposed or desired location; or
 - m. A fully executed prior application for permit has been or will be granted to a prior Applicant authorizing uses or activities which do not reasonably permit multiple occupancy of that particular space;
- (4) Signs, flags, placards, banners or displays (other than puppets) which exceed two feet by three feet (2'x 3') in size or which include any wooden, hard plastic, or metal material, support, or other component shall not be used or carried in the event unless the item is approved by the Augusta-Richmond County Sheriff's Department prior to commencement of the event (provided that evaluation of a sign may be based only upon its potential to endanger public safety, and may not be based upon content of the sign's message). No person may use or carry any firearm, spear, pointed or edged weapon, slingshot, club, bat, hammer, edged tool, or any piece of metal or hard plastic rod, pipe or tubing, or any piece of wood which is pointed or which is larger than two inches by two inches (2" by 2") in cross section or longer than six feet (6') regardless of cross sectional dimension, in any event for which a permit is required under this Code Section. No flag, sign, display, banner, rope, cable, wire, chain, or structure may be draped or affixed to any Augusta-Richmond County property, including, but not limited to, the streets, sidewalks, trees, buildings or other properties of Augusta-Richmond County.
- (5) It is the specific intent of Augusta-Richmond County in enacting this ordinance to regulate only the time, place and manner of events and not to regulate the content or message of any speech or expressive conduct. The factors enumerated above express and support the substantial and

compelling interests of this governing body in the preservation of the rights and liberties of its citizens and the safety, health, and good order of its society, are the only bases upon which the Sheriff shall decide to issue or deny a permit applied for hereunder and no such decision shall be made or justified based upon the anticipated or predicted content of the speech or expressive conduct of any Applicant.

(d) Revocation.

(1) For events that have been granted a permit or events that do not require a permit, the Augusta-Richmond County Sheriff's Department shall have the authority to terminate an event at any time, or prevent its initiation, should traffic, weather, or other conditions develop which present an imminent danger to those participating in the event or to the public at large, or if an evacuation is ordered or a curfew or state of emergency or disaster is lawfully declared. If an event is permitted and is terminated pursuant to this subsection, the permit shall be revoked for that day only except that the termination shall extend any such evacuation, curfew or state of disaster or emergency.

(2) The Augusta-Richmond County Sheriff's Department shall have the authority to terminate the event at any time or prevent its initiation should any consideration or combination of considerations enumerated herein as a ground for denial of a permit arise or first become apparent to the Augusta-Richmond County Sheriff's Department after the grant of a permit. If an event is terminated pursuant to this subsection, the permit shall be permanently revoked.

(3) If in preparation for or after the start of an event for which a permit has been issued, participants in said event violate the terms of the permit, or deviate in material fashion from the plan submitted in application for the permit, or violate any laws of the United States, State of Georgia or Augusta-Richmond County, the Sheriff's Department shall have the authority to terminate the event at any time or prevent its initiation. If an event is terminated pursuant to this subsection, the permit shall be permanently revoked. For purpose of this sub-section, exceeding the

number of projected attendees or participants shall not be considered a material deviation unless the number present exceeds the stated life safety or fire related capacity for an interior space or the maximum number of persons allowed for an exterior space as stated in the permit.

(4) It shall be unlawful for any person to violate the terms of the permit or to deviate from the plan submitted in the application for the permit.

(5) It shall be unlawful for any person or group of persons who have been permitted to conduct an event to remain on the permitted location or facility, after an event, permitted or otherwise, has been terminated pursuant to this Section.

(e) Appeals.

(1) Upon receipt of any decision by the Sheriff denying an application, an Applicant may, within five (5) business days, file an appeal of said denial with the Augusta-Richmond County Administrator, which appeal shall be in writing and sent to the Administrator by certified mail or hand delivery.

(2) The written appeal must state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of determination to which appeal is being made, and any other papers relevant to the denial. The written appeal shall set forth an address and day and night telephone numbers where Applicant can be reached regarding the appeal, including for notification of a hearing on the appeal.

(3) Within three (3) business days of the receipt of a written appeal, the Administrator shall schedule a hearing, which shall be set for a date and time certain not later than five (5) business days following the mailing of the notice. The Administrator shall cause notice of the hearing to be served upon the Applicant by certified U.S. mail directed to the address provided by Applicant in the appeal notice. Such notice shall include the date, time, and location of the hearing. Telephonic notice of the hearing

setting may also be given and will suffice if the written notice is mailed as required.

(4) At the hearing, all parties shall be provided a fair and impartial hearing and shall be allowed to produce any and all evidence concerning the appeal.

(5) Within five (5) business days after the conclusion of the hearing the Administrator shall make a written decision on the appeal, which shall affirm, modify, or reverse the decision being appealed. The notice of the decision shall be sent to the Applicant at the address set forth on the application for permit by certified U. S. mail and shall set forth the reasons for the decision.

(6) The decision of the Administrator shall be binding on all parties, subject to the right of appeal as provided by O.C.G.A. § 5-4-1, et seq.

(f) Time Allotment.

(1) In order to promote the public safety and other concerns provided for in this Code Section, and to coordinate multiple uses of limited space and to enlarge, rather than reduce, the utility of public spaces and facilities as a forum for events, permitted events shall be limited as follows: outdoor events may not commence before eight o'clock a.m. or continue past ten o'clock p.m.; parades or processions on streets may only be held during daylight between the hours of eight o'clock a.m. and eight p.m.; parades, processions, and the initial assembly and final disassembly thereof shall not block any street or intersection for more than two hours, and such parades or processions must be completed from initial assembly to procession to final disassembly within six consecutive hours; ballfields, interior spaces and park or square spaces may not be used earlier or later in the day than such hours of operation as may be established by the Augusta-Richmond County Commission. Issuance of an Augusta-Richmond County permit for an activity involving use of or presence upon any State or Federally owned or regulated roadway or property for which State or Federal permit or authorization is required is not intended

to constitute such State or Federal authorization in any way or at any hour of the day.

(2) At or prior to the expiration of the time allotted and permitted for an event, the permitted person or persons shall have completely vacated the permitted location or facility.

(3) Certain Augusta-Richmond County owned or operated facilities are subject to reasonable usage fees which shall be charged only in accordance with rate schedules established in writing and which shall be made available to an Applicant at the time an application form is obtained under this Code Section.

(g) Exceptions.

(1) Nothing in this Code Section shall be read to apply to public assemblies, meetings, marches, parades, demonstrations, or other like events which are organized or sponsored by any governmental entity of the State of Georgia or Augusta-Richmond County or any political subdivision of the State of Georgia or Augusta-Richmond County.

Exhibit C

~~Sec. 3-7-34. Parades~~ Commercially sponsored parades prohibited on Saturday; exception.

~~It shall be unlawful for any person to promote, stage or participate in any commercially sponsored parade on the streets of Augusta-Richmond County on Saturday, except with the prior approval of the Commission.~~

Exhibit D

Sec. 3-7-34. Reserved.



**Administrative Services Committee Meeting
2/22/2010 12:45 PM
Reprogram CDBG & HPRP**

Department: Housing and Community Development Department

Caption: Discuss, for informational purposes, amending the City's 2007, 2008 and 2009 Action Plans for the reprogramming of \$113,045 in CDBG funds and allow a change in beneficiaries for certain Homelessness Prevention and Rapid Re-Housing (HPRP) Projects.

Background: Because certain agencies are forfeiting the balance of their grant funds and certain non-profits would like to change the beneficiaries they intend to serve, it has become necessary to reprogram funds. We are proposing that funds be reprogrammed FROM the following projects: 1. ARC Planning Commission FY2007 - \$1,322.97 Justification: The Planning Commission was awarded a \$40,000 grant in Year 2007 to perform planning activities for the Housing and Community Development (HCD) and to assist the Department in carrying out its environmental assessments for federal projects. HCD has hired a planner; therefore there is no longer a need for the Planning Commission (PC) services. George Patty has been very kind in allowing his staff to train HCD's staff. We are requesting that the balance of the grant, \$1,322.97 be reprogrammed. 2. Walton Options FY2008 - \$1,385.72 Justification: This agency received a grant of \$25,000 in Year 2008 to provide job training and employment to persons with disabilities through the recycling and re-use of usable medical equipment such as wheelchairs, shower benches and walkers. Persons were trained to clean and repair the equipment for reuse by low income persons unable to purchase that type of equipment. The agency notified staff that they were not in need of the balance of the grant. Therefore, we are recommending that the balance, \$1,385.72 be reprogrammed. 3. Turpin Hill Neighborhood Cleanup – FY 2009 - \$5,000 Justification: Funds were designated for clean-up of the Turpin Hill Neighborhood this past April 2009. The clean-up has taken place and License and Inspection subsidized all the costs. Therefore, there is no longer a need for these funds. 4. Economic Development Loan Program FY2009 - \$26,836.31 Justification: The Economic Development Loan Program also known as the Small Business/Recruitment Program has approximately \$415,000 in the fund which will be used to provide loans to small businesses. HCD is in need of \$34,545 to continue its Homeless Transportation Program. We are recommending that \$26,836.31 of the ED Loan Program be reprogrammed to continue the Homeless Transportation Program. 5. Bethlehem Community Center Acquisition – FY2009 - \$78,500 Because of the methane gas problem at Carrie Mays Park, it was proposed that the basketball court and playground be moved. However, it has been determined by the Recreation Department staff that the greatest park needs are at the Henry Brigham Center. Staff is proposing the above funds (\$103,045) be reallocated to the following projects: 1. Homeless Transportation

Program - \$34,545 Last year, the City was awarded a Supportive Housing Program grant which was used to purchase a van which is being used to provide transportation to homeless persons. Transportation is provided to homeless persons through referrals from Continuum of Care partner agencies serving the homeless. This will be a one-time funding with CDBG funds for Year 2010. Staff has submitted an application to HUD for renewal of the grant which will be used in Year 2011.

2. Henry Brigham Community Center Tennis Improvements - \$78,500 The Henry Brigham Community Center is experiencing drainage problems and the tennis courts are in dire need of reconstruction. CDBG funds have already been allocated for the drainage problem. Therefore, we are proposing that the \$78,500 be used to reconstruct and resurface the tennis courts.

3. Change in Beneficiaries for Coordinated Health Services and Safe Homes

Additionally, two (2) agencies received recovery grant funds through the Homelessness Prevention and Rapid Re-Housing Program (HPRP) which was approved by Commission May 5, 2009. The purpose of HPR Program is to provide financial assistance for rent, utilities, moving costs, motel vouchers, case management, legal services and credit repair to persons at-risk of being homeless and persons who are actually homeless.

Coordinated Health Services (CHS) CHS received a HPRP grant for \$53,000 which was to be used for homeless prevention to serve “persons at-risk of being homeless” which would allow the clients to remain in their housing. After approval of the grant, CHS has decided to serve the “homeless” by providing assistance to homeless persons seeking housing. This has triggered a “substantial change” to the City’s Consolidated Action Plans. The substantial change being “a change in beneficiaries” from serving “persons at-risk” of being homeless to persons that are actually “homeless”.

Safe Homes of Augusta This agency received a HPRP grant for \$75,000 which was to be used for homeless prevention to serve “persons at-risk of being homeless”. This agency is requesting that they be allowed to serve both “persons at-risk of being homeless” and persons actually “homeless”. In accordance with the City’s Participation Policy, which is required by HUD, a “substantial change” is defined as a change that affects the purpose, scope, location, beneficiaries, or administrator of an activity or the transfer of \$50,000 or more from any activity identified in the Consolidated Plan. Because the above agencies are requesting a change in beneficiaries, we must amend the Consolidated Action Plan. The process involves presenting the change to the public for a 30-day comment period by publishing a notice in the newspaper. If any citizen comments are received, they must be presented to the Commission for consideration. Staff is requesting permission to seek citizen comments on the proposed change. If approved, a public notice will published February 26, 2010 in the Augusta Chronicle and March 10, 2010 in the Metro Courier with the 30-day comment period being February 26, 2010 through March 29, 2010. The deadline for comments will be March 29, 2010. If comments are received, they will be presented to Commission on April 6, 2010.

Analysis:

Reprogramming of these funds will allow the department to proceed with active projects and expend the funds in a timely manner.

Financial Impact:

This reprogramming of funds is a reallocation of existing funds.

Alternatives:

None recommended

Recommendation: : (1) Accept the Proposed Reprogramming of \$113,045 in CDBG funds and Allow a Change in Beneficiaries for Coordinated Health Services and Safe Homes; (2) Allow Staff to Solicit public comments and after the 30-day comment period (March 29, 2010), staff will return and present the comments to Commission for consideration and approval for amending the 2007, 2008 and 2009 Action Plans.

Funds are Available in the Following Accounts: Existing Community Development Block Grant - \$113,045 and Homelessness Prevention & Rapid Re-Housing.

REVIEWED AND APPROVED BY:

Finance.

Law.

Administrator.

Clerk of Commission

REPROGRAMMING OF FUNDS

Administrative Services Committee (Discussion)
Comment Period
Commission (final approval)

February 22, 2010
February 26, 2010 to March 29, 2010
April 6, 2010

CDBG - \$113,045

FROM	Amount	TO	Amount
ARC Planning Commission CDBG #07200/1526	-1,322.97	Homeless Transportation Program – Project involves providing transportation to homeless persons who are clients of agencies providing services to homeless. Funds will be used to pay salary of van driver, gas and supplies.	\$34,545
Walton Options CDBG #0805H/1671	-1,385.72		
Turpin Hill Neighborhood Cleanup CDBG#2009R/1781	-5,000		
Economic Development Loan Program CDBG #09182/1861	-26,836.31		
<i>Sub-Total</i>	<i>\$34,545</i>	<i>Sub-Total</i>	<i>\$34,545</i>
Bethlehem Community Center Acquisition #09010/1859	\$78,500	Henry Brigham Center Improvements – Funds will be used to reconstruct the tennis courts at the center	\$78,500
TOTAL	\$113,045	TOTAL	\$113,045

and

Homelessness Prevention and Rapid Re-Housing Program (HPRP): Change in Beneficiaries of Project

From	Present Beneficiaries	Change Beneficiaries To
Coordinated Health Services	Persons at-risk of being homeless (non-homeless)	Homeless Persons
Safe Homes	Persons at-risk of being homeless (non-homeless)	Homeless and non-homeless persons



**Administrative Services Committee Meeting
2/22/2010 12:45 PM
Resolution of Settlement regarding Marilyn Brown and Terry Brown**

Department: Law

Caption: Resolution of Settlement awarding a total settlement of forty thousand dollars (\$40,000.00) to Marilyn Brown and Terry Brown.

Background: This Resolution of Settlement confirms the total settlement amount of forty thousand dollars (\$40,000.00) to Marilyn Brown and Terry Brown which was approved in February, 2010.

Analysis:

Financial Impact:

Alternatives: Do not approve this Resolution of Settlement of forty thousand dollars (\$40,000.00) to Marilyn Brown and Terry Brown.

Recommendation: Approve this Resolution of Settlement to Marilyn Brown and Terry Brown.

Funds are Available in the Following Accounts: Funds to be transferred as necessary from contingency or general fund.

REVIEWED AND APPROVED BY:

**Finance.
Law.
Administrator.
Clerk of Commission**

RESOLUTION

RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS BY MARILYN BROWN AND TERRY BROWN, IN THE AGGREGATE AMOUNT OF FORTY THOUSAND DOLLARS (\$40,000); AUTHORIZING THE COUNTY ADMINISTRATOR TO DISBURSE THE AMOUNT OF FORTY THOUSAND DOLLARS (\$40,000.00); WAIVING AUGUSTA-RICHMOND COUNTY CODE OF ORDINANCES SECTIONS IN CONFLICT FOR THIS INSTANCE ONLY; AND FOR OTHER PURPOSES.

WHEREAS, Marilyn Brown and Terry Brown have a lawsuit now pending in the Richmond County Superior Court, Civil Action File No. 2004RCCV00446;

WHEREAS, both parties to said civil action desire to settle all claims; and

WHEREAS, Claimants have agreed to settle all claims against Augusta-Richmond County for the sum of forty thousand dollars (\$40,000.00);

WHEREAS, it is in the best interests of Augusta-Richmond County to resolve this matter and pay the amount of forty thousand dollars (\$40,000.00) to Claimants to settle all claims of Claimants against Augusta-Richmond County arising out of the alleged facts;

WHEREAS, Augusta-Richmond County acknowledges that the payment set forth herein does not constitute any admission of liability on the part of Augusta-Richmond County and liability is expressly denied;

NOW, THEREFORE, BE IT RESOLVED by the Augusta-Richmond County Commission,

- Section 1: The Augusta-Richmond County Commission will settle the claims of Marilyn Brown and Terry Brown for the aggregate amount of forty thousand dollars (\$40,000.00).
- Section 2: The County Administrator is authorized to pay a total sum of forty thousand dollars (\$40,000.00) to Marilyn Brown and Terry Brown at the direction of the Commission and payment shall be in the form of a check payable to Fowler & Wills, LLC on behalf of Marilyn Brown and Terry Brown.
- Section 3: To the extent that any section of the AUGUSTA, GA. CODE is in conflict herewith, that subsection is waived for this instance only.

Settlement Resolution
Marilyn Brown and Terry Brown
Page 2 of 2

Adopted this ____ day of _____, 2010.

David S. Copenhaver
As its Mayor

Attest:

Lena J. Bonner, Clerk of Commission

Seal:

CERTIFICATION

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Resolution was duly adopted by the Augusta-Richmond County Commission on _____, 2010 and that such Resolution has not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Resolution which was approved and adopted in the foregoing meeting(s).

Lena J. Bonner, Clerk of Commission