

JULY 20, 2021
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100 (Virtual and in-person Meeting)

PRESENT: Mayor Bo Dorough
Mayor Pro Tem Matt Fuller (virtual)
City Commissioners: Jon Howard, BJ Fletcher Chad Warbington and Demetrius
Young and (Bob Langstaff, Jr - virtual)
City Attorney: C. Nathan Davis
(Virtual participant: Bob Langstaff, Jr.)
Interim City Mgr.: Steven Carter

Mayor Dorough called the meeting to order at 8:48 a.m.

APPOINTMENT

Mayor Dorough discussed information (copy on file) and advised that a vote will be taken at the evening meeting next week.

1. Appointment to Chehaw Park Authority for three year-term ending June 2024

TRAVEL

Commissioner Howard moved to approve the following, seconded by Commissioner Fletcher and, following a roll call vote, the motion unanimously carried.

1. Steven Carter, Interim City Manager; 2021 GMA Annual Conference; Savannah, GA; Aug. 5-10, 2021; \$2,781.12
2. Sonja Tolbert, City Clerk; 2021 GMA Annual Conference; Savannah, GA; Aug. 6-9, 2021; \$1,854.22
3. Sissy Kelly, Asst. City Clerk; 2021 GMA Annual Conference; Savannah, GA; Aug. 6-8, 2021; \$1,109.34
4. Ralph Scoccimaro, Associate Judge; 2021 ICJE Training; Savannah, GA; June 22-25, 2021; \$1,080.50
5. Willie Weaver, Chief Judge; 2021 ICJE Training; Savannah, GA; June 22-25, 2021; \$1,343.79

2021 GMA ANNUAL CONVENTION VOTING DELEGATE & FLAG BEARER

A brief discussion followed with Commission Young volunteering to serve as the voting delegate and Mayor Dorough serving as the flag bearer.

PUBLIC SAFETY MATTERS

ALCOHOL LICENSE APPLICATIONS

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Marshal Walter Norman, License and Business Support Director/Interim Code Enforcement Director, discussed the following:

1. Tates Tavern LLC; 2422 Sylvester Road; C. Hubbard/Agent;
 Liquor, Beer and Wine Consumption; WARD 1

In reply to Commissioner Warbington, Marshal Norman advised that the location is currently vacant and explained why this is a new application (the prior owner closed in 2016).

In reply Commissioner Young regarding the number of alcohol outlets within the ½ mile radius. Marshal Norman stated that there are approximately seven-eight. In reply to Commissioner Young, Marshal Norman advised that all met the requirement, and that no consideration was given to proximity.

Marshal Norman discussed the following:

2. Crazy Gemini; 312 Thornton Drive; A. Walker/Agent; Beer and Wine
 Consumption; WARD 1

In reply to Commissioner Howard, Mr. Norman confirmed that proximity to the nearest church is not considered unless it is a stand-alone church, adding that a church in a strip mall is not considered a stand-alone and proximity is not considered.

Commissioner Young questioned if consideration was given to proximity to residential structures with this particular application; with Marshal Norman stated no and explained that as far as proximity to other establishments serving alcohol, d La Fuente, a Mexican restaurant met the criteria for approval.

Marshal Norman discussed the following:

3. Cracker Barrel Old Country Store Inc. #455; 1114 N. Westover Blvd; A.
 Howard/Agent; Beer and Wine Consumption; WARD 5

Commissioner Young questioned Cracker Barrel serving alcohol with Commissioner Fletcher stating that it started in Tennessee during COVID.

Marshall Norman discussed the following:

4. Love's Travel Stops & Country Store Inc; d/b/a Love's Travel Stop #808; 1737
 Clark Avenue; D. Melvin/Agent; Beer and Wine Package; WARD 1

In reply to Commissioner Howard regarding patrons drinking alcohol outside once purchased Marshal Norman explained that the merchant has been notified of the laws in Albany and it is his hope that the laws are followed.

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Marshal Norman discussed the following:

5. Los Amigos Mexican Restaurant LLC; 1514 N. Slappey Blvd; R. Feliz/Agent; Liquor, Beer and Wine Consumption; WARD 2

There were no questions/comments on this item.

MORATORIUM ON ALCOHOL LICENSES

Using a power point presentation (copy on file), Commissioner Young discussed information regarding the request to place a moratorium on alcohol licenses, adding that the reason for the request pertained to a prior license that was approved a few years ago in Ward 6 that generated concern of crime, poverty, blight and youth violence. He suggested reviewing the current ordinance i.e., location, alcohol density in proximity to residents, etc. He mentioned a CDC report that gives guidelines on alcohol density and asked for a 90-day moratorium to look at the policy before moving forward to determine the effect it has on citizens and suggested forming a committee to review the density to determine if a different way should be looked at in approving alcohol licenses. He asked Marshal Norman for the current number of current operating licenses including stores, convenient stores, etc., with Marshal Norman stating approximating 211.

Amna Farooqi, Interim President of NAACP, using power point presentation (copy on file) discussed: an out-line of a revised ordinance, reasons the NAACP supports the ordinance, public health crisis, the CDC guide for measuring alcohol density, economic development not an determination, impact on black neighborhoods, cities/counties with ordinances (Macon, Moultrie, Cleveland, Valdosta, Savannah) and, photos on the movement to stop the license on Johnny Williams Road.

Commissioner Howard commended the presentation and spoke in support of the request for a 90-day moratorium.

Commissioner Fletcher commented on past conversations regarding alcohol licenses and asked to see facts and statistics. Ms. Farooqi stated that she will provide additional information.

In reply to Commissioner Warbington, Ms. Farooqi commented on being at the Public Safety Committee meeting when she asked for a moratorium. Commissioner Warbington asked why a moratorium is needed to work on policy with Ms. Farooqi explaining the process of a committee being formed to work in the best interest within the community to determine a standard, i.e., distance between school/church and residency. She suggested that it makes sense to pause on current policy and to stop giving approvals for licenses. A brief discussion followed regarding having past discussions and penalizing citizens, etc., while a policy is being worked on, CDC guidelines, number of licenses that should be approved, a license being denied, burden on residents vs having a standard policy, having no discernment vs Commission getting legal counsel from the city attorney, not having cookie-cutter approvals, etc.

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Commissioner Young commented on the 211 licenses in the city vs CDC guidelines to have only one outlet for every 1000 people and being out of step with creating a stable community, community planning, trying to make Albany better, etc., including decisions based on guidelines which are not equitable, i.e., not considering residential distance which is not in the current policy. He suggested also looking at transfer of licenses as it pertains to the 211 current licenses within the city and asked Mr. Davis to add to the proposed resolution the establishment of a committee, adding that there is research on this item that should be looked at and taken into consideration.

Mayor Dorough thanked Ms. Farooqi and commented on Moultrie and Cleveland's law, which is different from what is being discussed. He noted that the City of Albany has a requirement based on census data that is not required by state law, adding that the highest number of establishments is in Ward 5 and suggested that a moratorium is not needed, however, he agreed that a committee could be beneficial, noting that the committee should be a cross-section, i.e., businesses, chamber, restaurants, etc. He stated that people will lose jobs and their rights to sell alcohol, adding that there are disadvantages to a moratorium. He said he will not support a moratorium; however, the ordinance should be reviewed equitability to address alcohol density. He asked to look at model ordinances in moving forward.

Ms. Farooqi stated that alcohol is not the sole reason for crime, etc., and agreed that having a committee to study this is beneficial and commented on the formation of a committee to include businesses and residents, adding that the moratorium is needed while the matter is being considered.

Mayor Pro Tem Fuller stated that in NW Albany, apartments are directly behind a new liquor store.

Commissioner Fletcher commented that other issues could also be pulling down neighborhoods including drugs, lottery tickets, etc., that is also doing damage and asked that this be looked at as well if a committee is formed.

Commissioner Warbington stated that he is online looking at the CDC report adding that he agrees with a lot that is in it and that he supports various criteria that is referenced. He questioned the need for a committee when considering an ordinance update and suggested that include APD, zoning, etc., are included if a committee is formed. He stated that extended stay hotels are also a consideration that should be looked at and said he will not support a moratorium while working on a new policy.

Commissioner Young asked to not get side-tracked and suggested taking a moment to look at statistics, information, etc., adding that he feels the moratorium is needed, not approve licenses while the committee is meeting to look at issues to determine changes that should be made. He agreed that the committee should be a cross section to include churches, etc.

Mayor Dorough asked if the City has an ordinance of a minimum distance with Mr. Davis agreeing that it is regarding bars. Mayor Dorough reiterated that the City of Albany has laws on the book in addition to what State Law requires and suggested that each Commissioner select someone to

serve on the committee. Mr. Davis stated that the ordinance gives the Commission the power to take into consideration the effect on a neighborhood. Mr. Carter stated that he will poll the Commission with Mayor Dorough stating that the objective should be developed first.

PUBLIC ADMINISTRATION AND FINANCE MATTERS

PURCHASES

Mike Trotter, Deputy Central Services Director, discussed the following with AFD Chief Burns adding the reason for the purchase is to deter students from adjacent school swimming in the pond.

1. Fencing (AFD Training Facility); Upchurch Fence, Inc., Jenkinsburg, GA
Total exp. \$83,187.00

In reply to Mayor Dorough regarding the holding pond, Mr. Burns discussed the use of the pond as it pertains to training. Mr. Trotter noted the funding sources which, according to Mr. Carter is FEMA reimbursed.

Mayor Dorough recognized William Wright to comment on the following:

2. Construction of Albany Transportation Center; LRA Constructors, Inc., Albany, GA
Estimated exp. \$11,545,271.00

Mr. Wright noted distributed information (copy on file) regarding not meeting federal requirements, filings to stop the project, not meeting DBA requirements, etc. He stated that if an agreement is not reached, he will take his concerns to federal agencies.

In reply to Commissioner Howard, Mr. Wright noted census bureau numbers, etc., regarding the City of Albany losing population, etc., and noted page 89 of his handout regarding what the EDC is requesting. Commissioner Howard asked if additional information on LRA's 16 DBEs can be provided. The consensus was to have the information distributed to the Commission before the evening meeting.

Mr. Trotter discussed additional information as noted (copy on file) regarding the transportation bid. David Hamilton, Transportation Director, was present to answer questions.

In reply to Commissioner Howard on having only one bid, Mr. Hamilton stated that it was re-bid at the recommendation of GDOT.

Mayor Pro Tem Fuller asked when construction will begin, with Mr. Hamilton discussing the process, adding that a revised schedule will be provided.

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Commissioner Warbington commented on funding and additional GDOT funding with Mr. Hamilton advising that there is a shortage of funding, adding that CARES ACT funds could be used and that the Commission will be informed on this. A brief discussion on the funding followed regarding moving forward, the extra funding needed and if the City will have to provide additional funding. Mr. Hamilton stated that he and GDOT are confident that additional funds will be located.

In reply to Commissioner Young, Mr. Hamilton advised that this is a separate project from the Harlem Revitalization. Mr. Carter stated that recently a grant award was received, and that staff is working to provide additional information once all information is available.

Mayor Dorough stated that his concern is the \$2 million shortfall, construction costs escalating, having additional funds within the next 60 days with Mr. Hamilton assuring that GDOT is working diligently to expedite funding. Mayor Dorough asked to have a contingency fund with Mr. Hamilton stating that the Commission asked to move forward with paying upfront and being reimbursed. Mayor Dorough reiterated the need for a contingency plan; Mr. Carter advised that there are several grant funding sources that can participate, adding that he cannot say that the City will have the funding in hand within the next 60 days, however, he stated that he will have an answer regarding funding in 60 days.

Mr. Trotter discussed the following (copy on file):

3. East Broad CSO Sewer Project; Jim Boyd Construction, Albany, GA
Estimated exp. \$1,069,232.00

Bruce Maples, Director of Engineering, added that the project was set up in the early '90's, but the railroad blocked it and would not issue a permit, which was a requirement. A good relationship with Omni Tracks was developed, and they were asked to reconsider and now are amenable with the City having gone through the permitting process. He advised that this completes the separation of storm drainage from the sanitary sewer on the East side.

In reply to Commissioner Howard, Mr. Maples discussed the perimeters and stated that he will provide a map of the location.

In reply to Commissioner Warbington, Mr. Maples stated that 40 acres of storm water on the eastside will be taken off sanitary sewer and the location as noted, adding that this is the last CSO on the eastside.

In reply to Commissioner Young, Mr. Maples noted rail-road right-of-way issues, permitting issues, adding that there will be no disruption to the railroad; it is merely in their right-of-way. Commissioner Young asked the funding source; Mr. Maples said SPLOST VII.

2021 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)
APPLICATION

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Asst. APD Chief Derrell Smith, discussed information (copy on file) regarding the JAG Grant that is split 80/20% with Dougherty County (20%).

In reply to Commissioner Young, Asst. Chief Smith, explained the use of the grant, i.e., at risk children, officer safety issues, etc., training/development programs.

ALBANY FIRE DEPARTMENT FIREHOUSE SUBS GRANT APPLICATION

AFD Deputy Chief Sebon Burns discussed information (copy on file) regarding the request to apply for the grant, which is to not exceed \$50,000, adding that the grant will be used to purchase dive-team equipment.

Commissioner Young asked the number of dive teams with Deputy Chief Burns explaining that they work with three teams including other areas (Lee County and Valdosta).

GRANT ACCEPTANCE RE: AFD EMPG PROGRAM

Deputy Chief Burns discussed information (copy on file) regarding the request to accept the grant as noted.

In reply to Commissioner Warbington, Chief Burns stated that additional information will be provided regarding the reimbursement.

JOB INVESTMENT FUND REQUEST RE: OUTDOOR NETWORK

Mayor Dorough recognized Mr. Wright to speak on this item.

Mr. Wright used information that was provided (copy on file), adding that the application is a 'joke' with the monies supposed to help mitigate a cost increase to the City; however, that did not happen with the funds placed in trust. He commented on public monies and having to be cautious in their use, adding that the applicant has not met any requirements and is not in compliance. He then referenced and commented on pages 7-10 of his handout.

Commissioner Fletcher noted that the EDC will be making a presentation that may answer questions/issues discussed by Mr. Wright.

Commissioner Young referenced the formula for using MEAG monies that was received, i.e., not getting the bang for the buck, etc. Mr. Wright noted an analysis and having an overload of information, adding that there are two standards, which he discussed and should be considered.

Mr. Brown discussed information (copy on file) regarding the request by the Albany/Dougherty Economic Development Commission to grant \$400,000 from the Job Investment Fund. He stated that Ms. Dyke is present to discuss information regarding the request.

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Jana Dyke, EDC President and CEO, discussed: the request of \$400,000 from the Job Investment Fund, tax abatement in which the company will be paying taxes after four years, total capital investment of \$22.0 million through formal MOU's outlining the 92 jobs to be created (\$32,000 per year in salary) for the 50 positions that are tied into the call center and manufacturing jobs paying \$50,000/year), assisting in eliminating blight in the area and, meeting thresholds within three years or monies will be returned.

In reply to Commissioner Howard, Ms. Dykes stated that there is not a requirement of hiring local citizens, however, they are working with Albany Tech to assist with hiring local. Commissioner Howard asked that when money is drawn from the investment fund that it is noted that local citizens should be hired.

Commissioner Fletcher commented on the 30 acres behind the building that is owned by the company with the potential of unlimited growth. She commended the process and thanked Ms. Dykes for EDC's assistance.

Commissioner Warbington asked if they currently have a call center, with Ms. Dykes agreeing, adding that the intent is to bring a lot into one building instead of being scattered throughout the city. Regarding the \$400,000, Commissioner Warbington noted that this is for investment with Ms. Dykes agreeing.

Commissioner Young agreed with Commissioner Howard regarding hiring locally as it pertains to job investment funds, benefits to the city, the Commission making sure monies are placed to get the most bang for the buck, producing workers who can work at these type facilities and focusing on developing opportunities with quality of life/taking advantages of opportunities for citizens. Ms. Dykes stated that the organization has sponsored several food drives with the Coca-Cola plant with the owner of the company coming to the food drive to distribute packages, adding that they are invested in the community and is a company we want in Albany.

Mayor Dorough commended Ms. Dykes and EDC for the project and having economic opportunity for people in the community. He commended the job investment fund which is helpful in assisting companies and mentioned the loss of population, crime, poverty and loss of businesses that Albany has had to contend with and referenced other companies/businesses that the job investment fund helped bring jobs to Albany.

FY 2022 MILLAGE RATE

Mr. Brown discussed information (copy on file) regarding the levying and assessing the rate of taxation for City purposes on all taxable property in the City of Albany, GA, adding that this is the seventh consecutive year of a roll back (3.6% reduction in the millage rate and adopting the roll back rate of 9.631). He explained the process (public hearings, etc.) if there is not a roll back this year.

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In reply to Commissioner Howard, Mr. Brown explained the seven-day advertising process prior to the vote if there is a roll-back. Mr. Davis explained the necessity of having three hearings and advertising more if the rates are not rolled back.

In reply to Mayor Pro Tem Fuller, Mr. Brown explained the reassessment process and/or any property tax increases (which are minimal).

Commissioner Young questioned a utility rollback. Mr. Carter explained that this is a discussion to have later to include options. A brief discussion ensued regarding not answering the question at this time since this has not been studied, however, information will be brought back.

Mayor Dorough commented on 0.5% percent of the millage rate being dedicated to recreation and asked that this be considered regarding revitalizing recreation and having funds for it. He asked how much money will be involved if the millage rate is increased to 9.75 or to 10 mills, adding that this was discussed as a possibility at the last retreat. Mr. Brown stated that if the consensus is to not roll back, we cannot move forward with the current process. Mayor Dorough stated that this is just his opinion and asked to have the numbers crunched.

Commissioner Warbington noted that the comments are worthy of consideration, adding that at this point we may want a consensus to move forward at this time and mentioned other considerations that can be reviewed. Mr. Brown explained the process of having an increase which will include three public hearings, etc., adding that it will be August before the process will move forward. Additional discussion followed on moving forward with Commissioner Young agreeing to look at options to assist with recreation, citizens with high utility bills, etc. Mayor Dorough stated that he will withdraw his recommendation, adding that this is a direction he would like to follow, adding that he wants the numbers crunched to see how funds can be dedicated if the rate is increased to 9.75 percent, etc.

CITY MANAGER'S UPDATE

Mr. Carter stated that the update will be shared electronically with the Commissioners to include initiatives, etc., that will be published on the website.

ITEMS FOR FUTURE AGENDA(S)

Commissioner Fletcher mentioned that Willie Williams, head of Putney Neighborhood Association, was at her restaurant and mentioned neighborhood watches not being very active including promoting COVID shots, etc. He asked if the Commission would pick an area, advertise that speakers will be on hand to encourage shots, etc., adding that in September, community neighborhood watch can begin. Mayor Dorough asked Mr. Carter to assist with neighborhood watches being re-established. Mr. Carter stated that KADB and Judy Bowles have information that may be helpful.

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Commissioner Warbington asked to look at the lack of security cameras downtown and suggested collaboration with the County on security of this building, parking lot, etc., regarding who is coming/going, etc. Mr. Carter stated that he has reached out to County Administrator Michael McCoy and will be discussing this issue.

Commissioner Young commented on transportation, i.e., bus stops that are not in compliance with ADA requirements, which has been going very slow due to the practice of using City staff/public work to re-do bus stops. He asked if this can be put out for bid to get the work done sooner due to concrete/construction costs and asked that this be reviewed, adding that Ward VI bus stops are not up to standards. Mr. Carter stated that this will be looked at via budget requirements, etc. Commissioner Young mentioned the opportunity from the American Rescue Plan to do more work regarding the food desert in his ward and on the east side.

Mayor Dorough asked to look at funding the CSO long-term, mentioning the \$10 million from the Rescue Fund, SPLOST, etc., which is financing the first year. He commented on the rate increase for the next five years, SPLOST proceeds, etc., and the need to pursue additional funds, suggesting making adjustments to raise funds to gradually increase rates rather than having large increases over the next five years. Mr. Carter stated that this is being looked at and that updates will be provided regarding the long-term plan. He mentioned the four-year goal and having the project completed before the five years. Mayor Dorough asked to have the information (bonds, etc). Mentioning funds, the City allocates to the Civil Rights Museum and RiverQuarium, he suggested talking to those institutions to allow the City to make appointments to their boards. He asked for a presentation regarding federal funds allocated for Driskill Parks and Ritz Theatre, to see what will be done with SPLOST since federal funding makes projects achievable. Mr. Carter agreed, adding that monies can be reallocated due to additional funds that are being provided.

OTHER BUSINESS

Commissioner Howard thanked Alan Mauldin (Albany Herald) for the article he wrote on his health and weight loss, mentioning the number of calls he received from citizens asking for information.

Mayor Dorough asked to put speaker appearances last on the agenda and asked the Clerk if this can be placed on the agenda. The Clerk stated that she will call him to discuss.

EXECUTIVE SESSION (Room 120)

DISCUSSIONS:

1. Worker's Comp Settlement
2. Pending Litigation
3. Real Estate Acquisition

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At 11:43 a.m., Commissioner Howard moved to enter executive session to discuss items as noted above, seconded by Commissioner Fletcher, and following a roll call vote the motion unanimously carried as follows:

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

At 12:28 p.m., Commissioner Howard moved to exit executive session, seconded by Commissioner Fletcher, and following a roll call vote the motion unanimously carried as follows:

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

There being no further business, the meeting adjourned at 12:29 p.m.

SONJA TOLBERT, CMC
CITY CLERK