

MAY 25, 2021

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

4PRESENT: Mayor Bo Dorough
Mayor Pro Tem Matt Fuller (attended virtually)
City Commissioners: Jon Howard, BJ Fletcher, and Chad Warbington
(Virtual participants: Bob Langstaff, and Demetrius Young)
Interim City Mgr.: Steven Carter
City Attorney: C. Nathan Davis

Mayor Dorough called the meeting to order at 6:01 p.m., and the invocation given by Dr. Joshua Nelson, Pastor of Emanuel Seventh-Day Adventist Church, was followed by the pledge of allegiance.

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

REPORT OF THE COMMITTEE OF THE WHOLE

1. Downtown Master Plan Consultant Selection

Lequrica Gaskins, Downtown Director, commented on previous information regarding the selection of the consultant for the Downtown Master Plan and advised that staff is requesting the decision of the Commission in selecting the firm. Mayor Dorough moved to select Lord Aeck Sargant, seconded by Commissioner Fletcher and, following a roll call vote, the motion unanimously carried.

2. Executive Recruitment Consultant Selection

Yvette Fields, Central Services Director, stated that the request is for the Commission to select the consultant for the City Manager search. Commissioner Howard moved to select GovHR, seconded by Commissioner Warbington. In reply to Commissioner Howard, Ms. Fields explained the process, including contacting the firm who will then contact the Mayor and Commissioners individually, the processing taking approximately 8-12 weeks, etc. Additional discussion followed regarding who will be the point of contact, the City Clerk, Mayor or Victoria Wright (Risk Manager) with the consensus being to make this decision later.

3. Gunshot Detection Technology

Ms. Fields briefly discussed Gunshot Technology with Mayor Dorough asking if there is a possibility of reviewing the contract in two years. Ms. Fields stated she did not have the information available with Mayor Dorough advising that this item will be revisited at the end of the meeting, which will give Ms. Fields time to retrieve the requested information.

Alcohol License Applications:

Following a review of the below Alcohol License Application by Marshal Walter Norman, Business License Director/Interim Code Director, Commissioner Fletcher moved to approve, seconded by Commissioner Warbington and, following a roll call vote, the motion carried 6-1 with Commissioner Howard voting no.

1. The Broken Heart Bakery, LLC; 230 W. Broad Ave., B. Wray/Agent; Beer & Wine consumption

Following a review of the below Alcohol License Application by Marshal Norman, Commissioner Fletcher moved to approve, seconded by Commissioner Warbington and, following a roll call vote, the motion carried 6-1 with Commissioner Howard voting no.

2. West Ave., Brunch Bar & Grill, 2820 Meredyth Dr., Suites 2&3; C. Hand, Jr./Agent; Liquor, Beer and Wine package

Following a review of the below Alcohol License Application (transfer of ownership) by Marshal Norman, Commissioner Fletcher moved to approve, seconded by Commissioner Warbington.

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3. R&M Grocery; 707 W. Highland Ave., L. Davis/Agent; Beer & Wine package

Commissioner Young expressed concern of the location as it pertains to the increase in crime in the area and stated that he will vote no. Hearing no further comments, and following a roll call vote, the motion carried 5-2 with Commissioners Howard and Young voting no.

Following a review of the below Alcohol License Application transfer of ownership by Marshal Norman, Commissioner Fletcher moved to approve, seconded by Commissioner Warbington.

4. S&P 2020 LLC, d/b/a Oasis Food Mart; 1608 W. Broad Ave., M. Brown/Agent; Beer & Wine package

Commissioner Warbington clarified that the last two licenses were transfers vs. new applications and that the vote is to approve the new ownership due to the transfer only. Marshal Norman agreed. Commissioner Young commented on the impact of the neighborhood when considering approvals and asked to decrease the alcohol license density as it relates to transfers as well.

Hearing no additional comments, and following a roll call vote, the motion carried 5-2 with Commissioners Howard and Young voting no

ORDINANCES

Commissioner Warbington introduced

AN ORDINANCE NO. 21-112

Establishing a General Noise and Sound Ordinance

Commissioner Warbington offered the motion (with the change noted by Mayor Dorough to paragraph 13, that it shall be lawful for any person, firm, corporation, association, partnership to use or ignite or cause to be ignited in consumer fireworks between the hours of 10:00 a.m. and 9:00 p.m. only) and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Howard.

Mr. Davis gave a summary of the purpose of the ordinance with Commissioner Howard clarifying the chart on page 3 of the ordinance regarding times. Commissioner Warbington stated that it was suggested by Commissioner Young to change the time to 9 pm rather than 8 pm [pg. 3 of the ordinance] and to change the time from 10 am to 9 pm rather than midnight [page 8 of the ordinance].

Regarding the River Front District as noted on page 4 of the ordinance, and whether the times are authorized by state law, Mr. Davis stated that he will verify.

Additional information followed regarding calling the APD non-emergency number if there are complaints, to post the updated information for the public via PSA and the fact that recognized holidays (December 31 - New Year's Eve, Memorial Day, July 3 & 4, Labor Day, and New Year's Day are exempt, with fireworks having until 12 midnight to cease.

Hearing no additional comments, and following a roll call vote, the motion unanimously carried.

Commissioner Warbington introduced

AN ORDINANCE NO. 21-113

Establishing the Albany Utility Board Power Supply Committee; Amending Chapter 2 of the City Code to add Article IV, Sec. 2-251. The Albany Utility Board Power Supply Committee

Commissioner Warbington offered the motion and asked for its adoption, seconded by Commissioner Fletcher.

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A discussion followed with Mayor Dorough commenting on Subsection C regarding the committee meeting two times annually and suggesting that it should be at least annually. Commissioner Warbington clarified that the committee will most likely meet more than two times yearly. Mayor Dorough mentioned having a Commission member on the Committee and stated that this can be addressed next month.

Hearing no additional comments, and following a roll call vote, the motion unanimously carried. Commissioner Warbington introduced for the second reading

AN ORDINANCE NO. 21-114

Pursuant to the provisions of Title 36, Chapter 35 of the Official Code of Georgia Annotated, as amended, amending Section 8A of the Charter of the City of Albany re: Director of Albany Code Enforcement Department

Commissioner Warbington offered the motion and asked for its adoption, seconded by Commissioner Fletcher.

Mr. Davis explained that the intent of the ordinance is to remove the requirement of being POST-certified.

Hearing no additional comments and following a roll call vote, the motion unanimously carried.

Commissioner Howard introduced for the second reading

AN ORDINANCE NO. 21-115

Pursuant to the provisions of Title 36, Chapter 35 of the Official Code of Georgia annotated, as amended, amending Section 3 of the Charter of the City of Albany mandating Appointments (re: appointed officials)

Commissioner Howard offered the ordinance and asked for its adoption, seconded by Commissioner Fletcher.

Mr. Davis advised that the next set of appointments will be in 2023 and every odd year thereafter.

Hearing no additional comments, and following a roll call vote, the motion unanimously carried.

Commissioner Howard introduced for the second reading

AN ORDINANCE NO. 21-116

Pursuant to the provisions of Title 36, Chapter 35 of the Official Code of Georgia Annotated, as amended, amending Section 4 of the Charter of the City of Albany re: The City Manager's purchasing authority; Establishing Limitations

Commissioner Howard offered the ordinance and asked for its adoption, seconded by Commissioner Warbington.

Mr. Davis advised that this reduces the spending authority of the City Manager from \$100,000 to \$40,000.

Hearing no additional comments, and following a roll call vote, the motion unanimously carried.

RESOLUTIONS

Regarding the Hotel Gordon, Lequrica Gaskins, Downtown Director, stated that representatives from J Car Development are on the [zoom call] to discuss.

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Mr. Davis gave a brief history beginning in 2019 with the transfer of the Gordon Hotel, the purchaser being 207 Pine, LLC with the developer being J Car Development. He discussed the \$3.0 million dollar loan, New Market tax credits, the Downtown Development Authority and the City of Albany initially having the first position on the lien; however, the City now has a subordinate position, which is secured, but no longer occupies the first position. He commented on compliance of the loan which requires obtaining a Certificate of Occupancy, and the end service date, described on page 72, etc.

Carryn Quibell (J Car Developers) stated that Jason Benedict and Stephen Counts were on the call and using a power point presentation (copy on file) discussed the following sections: 1) current environment due to Covid 19; 2) progress highlights; 3) request to update MOU; 4) project commitments/community impact; 5) project timeline update and 6) budget update. Carryn Quibell stated that Jason Benedict and Stephen Counts (J Car Developers) were also on the call and, using a power point presentation (copy on file) the following sections were discussed: 1) current environment due to Covid 19; 2) progress highlights; 3) request to update MOU; 4) project commitments/community impact; 5) project timeline update and 6) budget update.

Mayor Dorough stated that this project has been discussed for years, adding that it is an excellent opportunity to develop downtown.

Following the presentation, a brief question and answer session ensued. Commissioner Fletcher moved to adopt the following resolution, seconded by Commissioner Warbington and, following a roll call vote the motion carried 6-0-1, with Mayor Pro Tem Fuller abstaining.

RESOLUTION NO. 21-R134

Authorizing the Mayor to sign an amendment to the Memorandum of Understanding between the City of Albany, J Care Development LLC and the Downtown Development Authority of Albany, GA

Regarding the following resolution and in reply to Commissioner Howard, Mayor Dorough agreed that the American Rescue Plan Act Agreement will be for stormwater and sewer separations.

In reply to Commissioner Howard, Bruce Maples, Director of Engineering, gave brief comments regarding the breakdown of the \$20.0 million with Steven Carter, Interim City Manager, stating that this information will be on a future agenda item for Commission review.

In reply to Commissioner Warbington regarding the timeframe to spend the funds, i.e., two years. Mayor Dorough advised that he spoke with Dept. of Community Affairs Commissioner Christopher Nunn and asked that he provide additional information on this.

Commissioner Young asked the intent of the \$1.9 trillion dollars, adding that he thought it was for COVID-19 relief, stimulus funding, boosting the economy, use of money on minority communities, etc. He agreed that infrastructure is important, but due to the pandemic, he suggested that money needed to repair the sewer should come from elsewhere so that citizens can be taken care of and money is available to help them recover from the pandemic.

Commissioner Howard moved to adopt the following resolution, seconded by Commissioner Fletcher.

A RESOLUTION NO. 21-R135

Accepting the U.S. Department of the Treasury Coronavirus Local Fiscal Recovery Fund Award terms and conditions re: American Rescue Plan Act

Mayor Pro Tem Fuller commented on and clarified the use of funds that are set aside for infrastructure, etc., as noted in the agenda item with Commissioner Fletcher agreeing that the Commission should stay on track as discussed at the retreat and is on the agenda item. Commissioner Warbington agreed to move forward as we are meeting the requirements as set forth.

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Commissioner Young reiterated that he is not against infrastructure repairs, however, he noted lots of uses in the American Rescue Plan and asked to look at the impact on the citizens, etc.

Mayor Dorough commented on flooding in areas of Albany and funds allocated to these projects will reduce utility bills.

Responding to Commissioner Warbington's earlier question regarding the timeframe to spend the funds, Mr. Carter stated that he was advised that the funds must be obligated by 2024 and spent by December 2026.

Hearing no additional comments and following a roll call vote, the motion unanimously carried.

Regarding the following resolution, Mayor Dorough and Mr. Davis gave a summation of the nature of the proposed agreement between the City of Albany and Dougherty County Commission.

Commissioner Warbington asked if the agreement has been approved by the County with Mr. Davis explaining that he and the County Attorney discussed, with the County asking the City to vote first.

Commissioner Warbington moved to adopt the following resolution, seconded by Commissioner Fletcher, and following a roll call vote, the motion unanimously carried.

A RESOLUTION NO. 21-R136

Authorizing execution of Management/Operations and Maintenance Agreement for the Government Center Building (222 Pine Ave) with Dougherty County, Georgia

Commissioner Warbington moved to adopt the following resolution, seconded by Mayor Pro Tem Fuller.

A RESOLUTION NO. 21-R137

Approving Right of Way Easement Agreement with Verizon Wireless of the East, LP

Following a brief discussion regarding receiving payment on the easement, Mr. Davis stated that it is a permanent easement with Mr. Maples agreeing and stating that it will be a nominal fee.

Mayor Dorough stated that he does not support giving free easements, time limits should be imposed, etc., especially with advancing technology changes.

Commissioner Howard moved to adopt the following resolution, seconded by Commissioner Fletcher.

A RESOLUTION NO. 21-R138

Approving Right of Way Agreement with Windstream Georgia, LLC

Mr. Davis explained the process as it pertains to accessing charges at the Civic Center, etc.

Hearing no additional comments and following a roll call vote, the motion unanimously carried.

Commissioner Fletcher moved to adopt the following resolution, seconded by Commissioner Howard.

A RESOLUTION NO. 21-R139

Approving FY 2021-2022 Annual Action Plan

In reply to Commissioner Howard and Mayor Dorough, Phyllis Brown, Interim Community and Economic Director, stated that the MacGregor loan was paid off last year and there is only one Section 108 left, with it being the Hilton Garden Inn.

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Hearing no additional comments and following a roll call vote, the motion unanimously carried.

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

A RESOLUTION NO. 21-R140

Approving the 2021-2025 Consolidated Plan and 2021 Analysis of Impediments of Fair Housing Choice

Commissioner Fletcher moved to adopt the following resolution, seconded by Commissioner Howard.

A RESOLUTION NO. 21-R141

Accepting Grant Award from the GA Dept. Of Community Affairs re: Community Development Block Grant Mitigation

In reply to Mayor Dorough, Paul Forgey, Planning Director gave a summary of noted areas for which the grant can be used.

Commissioner Young reiterated that there should be another opportunity for funding for infrastructure, i.e., through CDBG grants, as well as money from the Biden administration for more infrastructure funds from the federal government. It is his contention that the same consideration should be given to put funds into the community. He suggested that the same consideration should be given to put funds into the community.

Mayor Dorough asked Mr. Forgey if there was an application process with the money requested for this specific project; Mr. Forgey agreed, adding that it was all requested for infrastructure repair.

Hearing no additional comments and following a roll call vote, the motion unanimously carried.

Commissioner Fletcher moved to adopt the following resolution, seconded by Commissioner Warbington, and following a roll call vote, the motion unanimously carried.

A RESOLUTION NO. 21-R142

Authorizing the use of SPLOST VII funds and TSPLOST funds for General Aviation Terminal Development & Corporate Hangar Complex Development at the SW GA Regional Airport

The Clerk reminded the Mayor that the vote on the Gunshot Technology is up for vote from earlier in the meeting.

Ms. Fields advised that the contract is for one year with options to review.

Commissioner Warbington moved to approve, seconded by Commissioner Fuller.

Commissioner Young stated that he does not support this item and gave reasons, i.e., having no results from other cities which have used this technology, not being set up to support the software, etc., and suggested that the \$200,000 be put in the budget in support of the youth program discussed at a prior work session.

Mayor Dorough agreed with Commissioner Young's concerns, adding that since it is only a one-year contract, an evaluation can be completed next year.

Hearing no additional discussion and following a roll call vote, the motion carried 5-2 with Commissioners Howard and Young voting no.

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CONSENT AGENDA – Commissioner Warbington asked to remove this item from consent to discuss.

1. Water Treatment Plant Roof Project; SE Roofing Solution, Inc., Statesboro GA;
Total Exp. \$293,000.00

Facilities Director Don Gray stated that he has no additional comments, however, consultant Jody Usry, from Edifice and the proposed Project Manager Mr. Swilley are available for questions.

Commissioner Warbington questioned the \$18,000 puncture resistant upgrade, adding that it is more for human error (dropping tools/equipment, etc.) than the normal exposure to weather/rain events. Mr. Gray explained that there are several air conditioners, people are on the roof every 30 days, and he is correct, they do drop things. Mr. Usry advised that the first thing they do when assessing and deciding what to recommend regarding a roof is to determine the cause of failure, adding that the roof's failure was caused by punctures that were not repaired in a timely manner and substrate became wet. He explained that to ensure the project came in at budget, they provided the \$18,000 for the upgrade to the additional and enhanced puncture resistance, with the Commission having discretion to put this in or not. In reply to Commissioner Warbington, said he believes that the damage pre-dates the hurricane based on the punctures they investigated, but the hurricane certainly did not help. Commissioner Warbington countered that he (Mr. Usry) does not know the source of the damages (tree limbs, debris, etc.), adding that being a fiduciary of City funds, he is obligated to be prudent regarding those funds and he looks out for and answers to the taxpayers. He discussed the roofs he has installed on his buildings and would not spend the additional \$18,000 and asked if Mr. Ursy is compensated on a percentage or hourly rate. Mr. Ursy agreed and stated that he is compensated by percentage. Commissioner Warbington stated that the upgrade would be to his advantage. In reply to Commissioner Warbington on whether the upgrade would be to his advantage, Mr. Ursy agreed that this could argued, however that is not his motivation.

Commissioner Warbington moved to accept the bid minus the alternate, (base bid of \$275,000), seconded by Mayor Pro Tem Fuller.

Commissioner Fletcher stated that she respects the taxpayer's money; however, she mentioned a time when an employee of hers dropped a tool on her roof while repairing and never said anything about it. Two years later, she wished she had the \$18,000 coverage due to the amount of repair work that had to be done.

Commissioner Warbington mentioned insurance with it being his experience that an upgrade would be beneficial if there is constant walking on the roof, adding that even with a TPO roof, a leak can quickly be mitigated with a weld.

Mayor Dorough stated that we should follow the recommendation of Mr. Ursy; he was paid for his expertise.

Hearing no additional comments and, a roll call vote, the motion carried 3-4 with Mayor Dorough and Commissioners Howard, Fletcher, Young voting no.

Mayor Dorough moved to approve the contract with the alternate of \$18,000, seconded by Commissioner Fletcher.

Commissioner Warbington again expressed his concern of the \$275,000 being inflated, etc. adding he believes that if bid with a different specifier and consultant, it could very well be much less than \$275,000 and the roof would be of the same quality as industry standards.

Hearing no further comments, the motion carried 4-3 with Mayor Pro Tem Fuller and Commissioners Warbington and Langstaff voting no.

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OTHER BUSINESS

Commissioner Fletcher stated that she is involved with the Code Department since her ward is plagued with issues and commended Marshal Norman for the way he is handling issues. She suggested combining Code and Business License.

Mayor Dorough stated that the time has come to discuss resuming in-person meetings. Regarding the concerns Commissioner Warbington presented, if there is a problem in the procurement/bidding process it needs to be addressed, adding that if there is something keeping qualified vendors from competing, that must be addressed. He stated that he was able to poll some Commissioners and suggested that going forward when we have speakers/presenters, we do not go around the table. The speaker/presenter and Commissioners can get together after the meeting for more in-depth discussion. If anyone has a strenuous objection to terminating the process of going around the table and asking questions of speakers to let him know.

Mr. Carter advised that notice was received last week regarding applying for a \$27,000.00 grant, which is time-sensitive for emergency management with the deadline to apply being May 27th.

Albany Fire Chief Cedric Scott discussed the \$27,931.28 Emergency Management Performance Grant, which will be used to support the Emergency Specialist's salary and as stated by Mr. Albany Fire Chief Cedric Scott briefly discussed the \$27,931.28 Emergency Management Performance Grant, which will be used to support the Emergency Specialist's salary and as stated that the request is for approval to apply, with the grant having to be submitted by May 27th. He added that the grant requires a 50% match from the City. Even though it is a matching grant, no additional funding required; the matching amount will be through personnel funding for a total of \$55,862.56.

Mayor Dorough moved to authorize staff to submit the application for the grant just described, seconded by Commissioner Fletcher and, following a roll call vote, the motion unanimously carried.

There being no further discussion, the meeting adjourned at 8:05 pm.

MAYOR

ATTEST

CITY CLERK