

JANUARY 18, 2022
COMMITTEE OF THE WHOLE
GOVT. CENTER – RM 100 (Virtual and in-person Meeting)

PRESENT: Mayor Bo Dorough
Mayor Pro Tem Vilnis Gaines
City Commissioners: Jon Howard, Jalen Johnson, Chad Warbington and Demetrius Young
Virtual Attendee: Bob Langstaff, Jr. virtual
City Manager: Steven Carter
City Attorney: C. Nathan Davis

Mayor Dorough called the meeting to order at 8:31 a.m., followed by the roll for attendance.

ADOPTION OF WORK SESSION AGENDA

Mayor Dorough recommended that the accountants, Mauldin and Jenkins, present the Annual Audit Report once they arrive from Macon.

Commissioner Warbington moved to approve the agenda per the recommendation of Mayor Dorough, seconded by Commissioner Howard and, following a roll call vote, the motion unanimously carried.

REPORT OF THE CITY CLERK

1. Travel - Steven Carter, City Manager – GMA 2022 Cities United Summit; Atlanta, GA; Jan. 20-24, 2021; \$1,877.04

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

REPORT OF THE CITY ATTORNEY

Mr. Davis gave a brief update of the two current pending lawsuits.

PUBLIC HEARINGS

1. Zoning Case # 21-075 - Ralph McKnight LLC/owner; Ralph McKnight/applicant; request Special Approval to operate an Indoor Self-Storage Facility at 1515 Dawson Rd. PC Approved 6-0 (WARD 3)

Using a power point presentation, Paul Forgey, Planning Director, reviewed the application, (copy on file) showed maps of the property adding that considerations discussed included traffic, ingress/egress, hours of operations, etc., and advised that the Planning Commission recommended approval.

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Commissioner Warbington noted a letter from 1994 and asked if conditions are still in affect with Mr. Forgey agreeing, adding that if conditions are changed it would go through the re-zoning process.

There was no one signed up to speak to this matter.

2. Zoning Case # 21-077 - Ervin Peterson/Owner; Ervin Peterson/Applicant, request Special Approval to operate a Group Daycare Facility for up to 18 clients at 1610 W. Oakridge Dr. PC Approved 6-0 (WARD 4)

Using a power point, Mr. Forgey reviewed the application, (copy on file) which included maps and planning considerations, i.e., transportation network, ingress/egress, parking, hours of operations, etc. He showed a surrounding land use and aerial view map, future land use map and advised that the Planning Commission recommended approval.

In reply to Commissioner Young, Mr. Forgey advised that it is an after-school program run by the Boys and Girls Club who are the recipients of State funding.
In reply to Mayor Dorough, he advised that they are operating the building that the church owns.

Rev. Ervin Peterson, New Hope Church, spoke in support of the application and said that this is a free program, adding that he did not know the Boys and Girls Club applied to be a group day care. He advised that this was a volunteer service on the part of the church, which has been helping the children with their studies. He expressed concern of the program failing if they are allowed only 18 children and explained that if the requirements are ten students per teacher, there will be a possibility of having to send a teacher home and asked that consideration be given to allowing 20/22 children.

Commissioner Warbington thanked the church for partnering with the Boys and Girls Club and suggested that the Commission will assist however possible.

In reply to Commissioner Young, Pastor Peterson stated that the Boys and Girls Club applied for the application on behalf of the church.

Mayor Dorough advised that 18 is the maximum number that is allowed by state law and stated that if the zoning needs to be changed due to the program growing, it can be considered at that time.

In reply to Commissioner Howard, Mr. Forgey advised that this regulation is per City ordinance and agreed that this can be brought back up as a rezoning should there be a request; however, it is his understanding that they do not want to request a rezoning.

In reply to Commissioner Warbington, Mr. Forgey advised that C-1 designation will allow more children with administrative approval. Regarding the process, Mr. Forgey stated that it will have to go back to the Planning Commission for rezoning, which will include a fee unless it is a City

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initiated application. Commissioner Warbington recommended approving as is and bringing it back up in the future if needed with the City paying the fee at that time.

There was no one else to speak on this matter

COMMITTEE OF THE WHOLE

1. 2022 Annual Appointments

Mayor Dorough briefly discussed each of the appointments (copy on file) and asked Mr. Davis to check whether appointments to the Citizens Advisory Board and Albany Police Civilian Review Board are ward specific. Regarding ADICA, he discussed options for making appointments, i.e., in order by nomination or alphabetically and asked for suggestions/direction before, asking that anyone with any questions or comments contact him before the night meeting. Regarding KADB, the Clerk advised that there is a Commission appointment (Commissioner Howard) and a citizen vacancy. The Clerk also advised that appointments on the SWGA Region Commission are; one Commissioner appointment (Commissioner Howard), one joint City/County appointment and one City citizen appointment.

In reply to Commissioner Howard regarding whether the Payroll Development Authority was created by the state legislature, Mr. Davis explained that it is the Albany/Dougherty Authority was created by home rule to do bond issuances for corporations locating in Albany or are already here.

Additional discussion followed regarding the appointment process with Commissioner Warbington stating that his option is for the Mayor to come up with a rotating process.

Commissioner Johnson agreed with the proposed process.

Commissioner Young asked Mr. Brooks if there are any suggestions regarding the process and examples to define/choose from. Mayor Dorough asked the Clerk to get with Mr. Brooks regarding a process.

Commissioner Johnson noted the vacancy on the Utility Board and asked if we are in violation of not filling the vacancy within 15 days, with Mr. Davis advising that we are in the process of filling the vacancy, adding that it is a technical violation. Additional discussion followed on having a special call meeting, possible penalties, keeping it on schedule with the rest of the appointments, this being a practical matter, fourteen days being a short turn-around, looking at updating the charter since there are various items that are outdated that are not being addressed, etc. Mayor Dorough asked for a consensus to move forward with appointments next Tuesday; the consensus was to continue with appointments on January 25.

FY 2021 AUDIT REPORT

Derrick Brown, Finance Director, discussed the audit process, including the length of time it takes to prepare the report which is finalized by the end of each year. He then introduced Miller Edwards, Partner with Mauldin & Jenkins, to discuss the report.

Using a power point presentation (copy on file), Mr. Edwards stated that the City of Albany is in a good financial place currently with no cash flow problems, etc. He discussed Mauldin and Jenkins engagement team, results of the 2021 audit, federal funds (some requiring a special audit), audit adjustments process, general fund resources & inflows (approx. \$74 million with approx. \$70 million expenditures), fund balances (short of \$35 million) which will cover almost seven months of expenditures, enterprise funds, emerging issues pertaining to GASB and continuing education for government clients.

In reply to Commissioner Howard, Mr. Edwards commented on challenges and/or changes, specifically as it pertains to the pension plan, which is not as well funded as most governments (approx. 60%) with most clients being around 80%. He suggested using reserves to better fund the plan and increase investments. In reply to Commissioner Howard, Mr. Edwards commented on urban communities as it pertains to applying for grants. Regarding the general fund balance, Mr. Edwards clarified information as noted on page 119, i.e., fund balance vs operational balance.

Commissioner Johnson thanked Mr. Edwards for the presentation and noted that the public needs to be aware that it has a fiscally responsible local government.

Commissioner Warbington agreed with Commissioner Johnson and promoting the positive information that was provided to the public (healthy reserves). Regarding the fund balance, Mr. Edwards agreed that less money was spent than received. Commissioner Warbington commented on not having increased taxes/utility rates and commended staff for the decisions that were made, inclusive of challenges due to the pandemic.

Commissioner Young thanked Mr. Edwards for the presentation and commented on public safety budget, crime, suffering due to the pandemic and quality-of-life issues with Community & Economic Development having funds to assist citizens who face challenges of that nature. He asked to see where funds can be utilized to offer a better quality of life to citizens

Mayor Dorough commented on the pie chart (pg. 7) regarding property/sale taxes. Mr. Edwards clarified that SPLOST and TSPLOST are in another fund; this is only the general fund and clarified what is inclusive. Mr. Edwards briefly discussed revenue from all sources. Additional comments regarding distribution of funds, MEAG rebates, etc., and if this goes to gas/light funds with Mr. Edwards agreeing, adding that the money can also go back into the general fund if not needed, which helps keep property taxes down. Mayor Dorough also commented on enterprise funds with Mr. Brown explaining the process including SPLOST Funds, airport funds, off-set of funds, stormwater operating at a deficit with Mr. Edwards explaining that this is no surprise but

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is typical, etc. Mayor Dorough commented on and gave a brief history of the pension plan, i.e., employees not paying into the plan, going back to contributions in 2006 and suggested ways to increase the funds by increasing contributions from public safety and other employees.

PUBLIC SAFETY

Dep. Chief Anthony Donaldson, discussed the following information (copy on file):

1. Alcohol License Approval - Southeastern Restaurant Group LLC; d/b/a My Pie; 2700 Dawson Rd. Suite 14; C. Baker/Agent; Beer and Wine Consumption; WARD 5

There were no questions/comments on this item.

Dep. Chief Donaldson discussed the following (copy on file):

2. Alcohol License Approval (Transfer of Ownership) - pg 54 Starlight 625 Inc; d/b/a Starlight Exon; 1817 N. Slappey Blvd; S. Ahmed/Agent; Beer Package; WARD 3

There were no questions/comments on this item.

PLANNING & ENGINEERING

Robert Griffin, Deputy Director of Engineering, discussed the following (copy on file):

1. Speed Tables re: 700 block of S. Shadowlawn Dr. (\$32,000)

Mayor Dorough noted that the cost has gone up with Mr. Griffin agreeing, adding that they are currently \$9-10,000; they were originally \$2,500 when the initiative began. Mayor Dorough mentioned being out of funds for speed tables and discussions that will follow.

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

2. Speed Tables re: 1300 block of W. Whitney Ave. (\$24,000)
3. Speed Tables re: 1100 block of Eager Ave. (\$32,000)

In reply to Commissioner Johnson regarding the deficit, Mayor Dorough advised that funding will come from another source. In reply to Commissioner Johnson, Mr. Griffin explained the speed study with Commissioner Johnson questioning being fiscally responsible and questioned the standard for being over the speed limit slightly. Mr. Griffin explained that the standard for speed tables is exceeding the speed limit by 5 mph.

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In reply to Mayor Pro Tem Gaines regarding the sole bidder contract, Mayor Dorough commented on not calculating inflation, exhaustion of the monies, installation of speed tables on fewer streets, etc. Discussion followed on looking at rubber speed bumps, with staff making an effort to get other people to bid on this item. Mr. Carter stated that other businesses are contacted with Bruce Maples, Interim Asst. City Manager/Director of Engineering, advising that many times there are no responses on this type bid.

Based on Commissioner Warbington's comments, discussion followed regarding the lack of funds to bid any additional speed table items. Commissioner Warbington asked for more information, increasing speed gradually and/or flashing signs, going back to rubber speed bumps, etc. Ken Breedlove, Traffic Engineering Manager reported the cost of rubber speed bumps (\$4500/each), etc. In reply to Commissioner Warbington, Mr. Griffin stated that staff can bring back options regarding funding. Mr. Carter added that he and Finance Director Derrick Brown are aware of the shortage and have been discussing moving SPLOST funds to cover it.

Commissioner Langstaff explained why he feels flashing signs are not nearly as effective and asked for a cost to do half-million- or million-dollar projects to gather more interest in bidding. Mr. Carter commented on doing a bulk bid and said this will be looked at. Commissioner Langstaff compared using concrete vs asphalt for speed bumps with Mr. Maples stating that all options were looked at with asphalt being more expensive.

Mayor Dorough stated that this is a constituent driven issue with some places having more problems than others and commented on the concern of neighborhoods with young children, etc., adding that people will take another route when speed bumps are put in place. Regarding bidding it as a large amount, as noted by Commissioner Langstaff, Mr. Maples stated that staff has never bid it out as a large contract with Mayor Dorough stating that this may be a better opportunity for small business to get City work.

Commissioner Johnson again commented on the threshold and asked to reevaluate the standard, suggesting that flashing lights makes a difference, with some cities using blue flashing lights, making it appear to be a police officer. He suggested that rather than installing three speed tables on a street, which is not cost effective, to have discussions on other options.

Commissioner Langstaff discussed the negative/positive effect that are often the result of speed humps causing traffic to move to other streets.

Commissioner Young commented on Lippett Drive, which is a school zone and considering elderly citizens who are concerned about speeding/safety. He suggested patrolling to catch speeders.

Scott Tennison, Sales Tax Projects Manager, stated that he is prepared to answer questions regarding the following:

4. Street Resurfacing List (Phase IV)

In reply to Commissioner Howard, Mr. Tennison stated that once approved a bid will be let with a sixty/ninety-day timeframe.

In reply to Commissioner Warbington regarding the workflow of projects and the bidding process, and whether there is a means to improve the timing from initiation of the project until it is completed. Don McCook, Deputy Utility Operations Director, stated that they will split the list into two separate contracts and try to do both within 180 days (six months. Yvette Fields, Interim City Manager, advised that schedules can be put in the bid at the will of the Commission and explained the current process.

ADMINISTRATION & FINANCE

Kimberly Allen, Buyer, and Mr. Maples discussed the following (copy on file):

1. Speed Tables re: Various Locations

Mr. Maples advised that the Commission approved this in a previous meeting and referred to Yorktown and additional speed tables for Lippitt Drive. Bids came in greater than the City Manager's limit; therefore, formal bids were necessary.

In reply to Commissioner Howard, Mr. Maples agreed that Zane Grace Construction is behind schedule, adding that Ms. Fields can update. Ms. Fields confirmed that they are behind on many projects; however, they are the only bidder. Mr. Maples mentioned efforts and conversations with Zane being behind schedule. Regarding a penalty clause, he advised that this can be looked at and explained the process of a performance bond and trying to get another contractor. Commissioner Howard said he will vote to approve, but expressed concern of the contractor being behind, continuing to bid on projects and the need to be held accountable. Additional discussion followed regarding the bidding process, sole bidder, etc.

Commissioner Warbington stated that 21 vendors were solicited, with only one response and commenting on the contractor, the current processes, including bidding, and recommended considering other options, etc.

Commissioner Langstaff agreed with Commissioner Warbington's comments, adding that he did not see Lippitt or Yorktown on the list.,

Commissioner Howard mentioned voting on SPLOST VIII this year and using City employees for sidewalks, suggesting that a city the size of Albany should have crews in Public Works that can perform those projects. He suggested discussing it at the retreat.

Joshua Williams, Interim Procurement Manager and David Hamilton, Director of Transportation, discussed the following (copy on file):

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2. Transit re: Bus Shelters – Toler Manufacturing; Expenditure of \$85,400.

Commissioner Howard asked for a hard copy of the information before the next meeting. Commissioner Warbington commented on the layout of the shelter, which is similar to other shelters. Mr. Hamilton stated they are ADA compliant, there are over 400 shelters throughout the city and that concrete is used.

In reply to Mayor Dorough, Mr. Hamilton stated that the total number of bus stops is ten, two are being replaced, with eight new installations, adding that he will verify the number of those being replaced before the meeting next week. He briefly discussed criteria used to decide where the shelters should be located.

Mayor Dorough recognized William Wright to speak on this matter. Instead of trying to undo what I did, I guess all you'll need to do is reject the changes.

Mr. Wright distributed information (copy on file), and referred to page 79, stating that it is another example funds that are covered by 49 C.F.R 26 - the DBE program). He mentioned speaking at the Utility Board meeting, where he accused the City of blowing money due to funds going outside of Georgia, suggesting that the procurement process is not operating correctly, discussing the metric of how funds and where they were used (New York, New Mexico). He noted information in the handout in support of his comments.

In reply to Commissioner Johnson, Mr. Wright discussed 'good faith efforts.' provided an example for Commissioner Johnson and advised that the City can expect a mandamus soon for not adhering to federal regulations/requirements.

Commissioner Young thanked Mr. Wright for his comments and stated that staff is looking at making changes to minority contracts.

Ms. Fields discussed information as noted (copy on file) regarding repairs at the cemetery.

3. Oakview & Riverside Cemetery Repairs - Contract - Richard Grubb & Associates; total estimated repairs of \$679,525.00.

Commissioner Langstaff expressed concern regarding the out-of-town vendor and the large amount being spent. In reply to Commissioner Langstaff, Ms. Fields stated that funerals homes, monuments companies, etc., looked at the project but did not want to participate; they– were not interested in doing the work since it involved concrete, marble, etc. Commissioner Langstaff asked Don Gray, Facilities Director ascertain what they charged other places before the night meeting.

In reply to Mayor Dorough, Ms. Fields noted that the requirement to be certified was inclusive in the RFP. A brief discussion followed regarding ownership of the cemetery plots; the City not owning the graves since deeds are conveyed to the families of the deceased, however, the City

wants to make it right. Mr. Davis stated that even though the property is not owned by the City, there are rules that govern, with the City controlling.

Ms. Fields discussed information as noted (copy on file) regarding tree-trimming, adding that the Utility Board recommends approval of the request.

4. Right-of-Way Tree Trimming - W.A. Kendall & Co & Trees Unlimited;
Estimated exp. \$776,000.00

In reply to Commissioner Johnson, Jimmy Norman, Director, Utility Construction explained the need to have two contractors.

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

Using the same information that was distributed earlier, Mr. Wright commented on due process, having a vendor coming from Atlanta to cut the trees with there being quite a few local tree trimming companies. He spoke to use of Electric Cities of GA, which is affiliated with MEAG.

Mayor Dorough apologized for his mistake and reminded Mr. Wright that there are no comments on citizen comments.

Christina Strassenberg, Buyer I, discussed information as noted (copy on file) pertaining to a contract with Cardno, Inc., of Norcross, GA for Brownfields Grant implementations for a not to exceed \$280,000. In reply to Commissioner Warbington, she confirmed that this is the company that was previously approved.

In reply to Mayor Dorough regarding the criteria, Ms. Strassenberg explained the process, qualifications, etc., regarding the scope of work, including quality of work on similar projects, etc. Ms. Fields commented on the process as well and agreed with Ms. Strassenberg's explanation and explained the scoring and fees process.

5. Consultant re: FY 2021 Brownfields Assessment Grant Implementation

MEMBER REQUESTS AND COMMENTS

Commissioner Howard asked if 500 Pinson Road, Apt. B, can be looked at regarding raw sewage flowing under the pavement into in the breezeway of homes.

Commissioner Young asked that the rules of comporment be reviewed and having dialog with citizens and affording them an opportunity to make comments. He asked that this be looked at during the upcoming retreat.

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Mayor Dorough commented on redistricting being discussed at the retreat with the Engineering Department being in charge of GIS. He asked to come up with maps regarding the 10%, i.e., same number for each ward and that three maps be provided to discuss redistricting – 1) close to the number 2) minimal to avoid disparity and 3) utilizing main thoroughfares, with an option to hire a consultant as was done ten years ago.

Commissioner Howard clarified that Engineering will be in charge of drawing the lines with Mr. Carter explaining that the GIS group will assist with drawing maps for the Commission to make the final decision. Mayor Dorough explained that if a consultant is used, the maps from Engineering will be used to draw lines and asked that the information be provided. Commissioner Howard said he is in favor of having outside help before finalizing. Mayor Dorough suggested having someone with experience in voting rights review it.

Commissioner Johnson commented on the process and having the right to look at all maps to give Engineering guidance and having dialog, suggesting seeking outside assistance if there is a deadlock.

In reply to Mayor Pro Tem Gaines, Mayor Dorough explained that the County and School Board are required to have something in place before the election with the City, per Mr. Davis opining that the City can draw lines under ‘home rule’. He also explained the process of not being on the same timeline as the County and School Board.

Commissioner Warbington asked to see the numbers before moving forward, i.e., breakdown by population per ward. Discussion continued on the proposed process with Mayor Dorough stating that he did not see the population shift being much pertaining to the options. He clarified that the maps from Engineering will be a starting point.

Commissioner Langstaff disagreed with the proposed process and stated that he feels a consultant with civil rights experience be inclusive of the process/discussions on the front end, mentioning challenges by groups that must be dealt with.

Commissioner Young suggested having discussions on the front end and encouraged that compliance is looked at in terms of populations.

Mayor Dorough advised that the Mayor is not affected by what the boundaries are. asked that the census numbers be provided as soon as possible and commented on diluting votes, voting rights, etc., and the need to approve a map that will withstand a legal challenge.

MANAGER'S COMMENTS

Mr. Carter congratulated and welcomed the new Commissioners. He reported the internal COVID numbers with 118 infected, one hospitalized and currently 50 confirmed cases. He congratulated the Finance Director and staff for the outstanding Audit Report.

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There being no further business, the meeting adjourned at 12:20 p.m.

SONJA TOLBERT, CMC
CITY CLERK