

JULY 13, 2022
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100 (Virtual and in-person Meeting)

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

Mayor Dorough called the meeting to order at 8:33 am, followed by attendance roll call.

AGENDA ADOPTION

Commissioner Howard moved to adopt the agenda, seconded by Mayor Pro Tem Gaines and following a roll call vote, the motion unanimously carried.

PUBLIC HEARING – ZONING MATTERS

1. Zoning Case #22-038: Debbie Carney and Shawn Skandamis/Owner/Applicants: request to rezone properties at 1002 and 1004 10th Ave. from C-R to C-5

Using a power point presentation (copy on file), Planning Director Paul Forgey provided information regarding the application to rezone property for a day care facility, showing a map, photos, and, aerial view of the properties and discussed the zoning history, including surrounding zoning and planning considerations.

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

In reply to Commissioner Johnson, Mr. Forgey stated that there was no opposition at the planning commission meeting,

In reply to Commissioner Warbington, Mr. Forgey stated that there would be 19+ students per building and advised that the applicant must also follow state laws. In reply to Mayor Dorough, Mr. Forgey explained zoning classifications to allow the number of students.

PUBLIC PARTICIPATION

SPEAKER APPEARANCE

1. William Wright: MBE Office Reopening

Mr. Wright provided information (copy on file) and discussed federal/statutory laws and the 5th amendment regarding discrimination (Title 7, etc.), adding that there will be a meeting on Monday with

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County Commissioners. He mentioned President Wilson regarding the 5th and 14th amendments and women rights and proceeded to discuss the awarding of contracts by the City/County/School Board with none embracing diversity, equity and inclusion. He briefly discussed President Clinton’s provocative, innovative reregulation for communities with high diversity and poverty and, providing inclusion.

2. William Wright: Million Dollars to Utility

Mr. Wright distributed information (copy on file) and discussed gratuity when giving and honoring contracts regarding Quality Plumber and Sewer. He also discussed investigations that were presented to the School Board and County Commission including data from various Georgia counties and what they are doing to be inclusive, i.e., City of Augusta, Valdosta, Henry and Muscogee County, Columbus and Macon, mentioning 94-R 165, which is a trigger that statutorily enables the DBE program. He stated that minority business offices fail due to not having enough funding and suggested setting a date to look at data and reiterated that timing is the essence of contracts.

In reply to Commissioner Howard, Mr. Davis commented on contracts from federal/state funds and having set-aside with the City mirroring this, adding that the projects are currently following laws regarding good faith efforts and without an MBE office. He explained that having a local office would afford additional information to/from proposed contractors.

Commissioner Young commented on minority participation and having an office that achieves a percentage of minority participation to comply with federal guidelines, adding that currently there is not an office that helps with connecting and providing opportunities for minority businesses.

REPORT OF THE CITY CLERK

Appointments:

The Clerk discussed the following:

1. Aviation Commission: Two appointments for three-year term
2. Albany/Dougherty County Land Bank: Two appointments to fill unexpired terms
3. Downtown Development Authority: One appointment to fill unexpired term

Mayor Dorough advised that the votes will be at the regular meeting and asked if the Mayor’s appointment to the Aviation Commission is included. The Clerk replied affirmatively.

Travel: (Commission)

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

1. Dorough, Mayor; GMA Annual Convention, Savannah, GA; June 24-27, 2022; \$2,783.60

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2. J. Johnson, Commissioner; GMA Annual Convention, Savannah, GA; June 24-27, 2022; \$1,815.76
3. C. Warbington, Commissioner; GMA Annual Convention, Savannah, GA; June 26-27, r 2022; \$816.39
4. V. Gaines, Commissioner; GMA Annual Convention, Savannah, GA; June 24-28, 2022; \$2,231.02

Travel: (Staff)

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

1. S. Carter, City Manager; MEAG Power 2022 Annual Meeting, Amelia Island, FL; July 17-20, 2022; \$1,443.50

REPORT OF THE CITY ATTORNEY

City Charter/Code of Ordinances Re-Codification

Mr. Davis discussed information as noted (copy on file) with the request to contract with Municipal Code to re-codify the ordinances to include the Charter.

In reply to Commissioner Warbington, Mr. Davis explained the process of updating the charter and proposed cost, adding that he will be the point of contact.

Mayor Dorough asked that information he provided a few years ago be provided to assist with the Charter review. The Clerk advised that she would research this.

In reply to Commissioner Johnson, discussion followed regarding items that will be addressed with the charter review and Mr. Davis explaining the process.

Driskell Park (Real Estate Acquisitions)

Mr. Davis discussed information (copy on file) regarding the purchase of lots and additional information that was provided to the Commission.

In reply to Commissioner Howard, Mr. Davis stated that he is not aware of the particular developments, adding that renovations will be made, etc., improvements. Commissioner Howard asked to look at the entire landscape of the area.

Mayor Pro Tem Gaines agreed with Commissioner Howard's comments and said he spoke with some in the ward.

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Commissioner Young stated that he has reservations about Commissioners picking real estate for projects the City wants to engage in and suggested thinking about the method/process to include Community Development to assist with picking projects for development.

Mayor Dorough commented on providing affordable housing and revitalizing neighborhoods, the decrease in population, loss of revenues, etc.

Commissioner Johnson agreed with Mayor Dorough's comments and offering solutions to problems, i.e., vacant properties, etc., revitalizing efforts.

Mayor Pro Tem Gaines stated that he is not fully convinced of the pricing of properties in the area.

Commissioner Warbington gave a brief history of the proposed development, including meeting with state level experts, expanding the area via SWGA Regional Commission, and having John Hawthorne, CED Director, applying for funds through Congressman Bishop. He agreed with Mayor Pro Tem Gaines regarding spending monies to develop specific properties and explained the process, which could include private investments.

Commissioner Langstaff said he is against this and does not believe this is a priority area, with funding having greater impact in a different neighborhood, adding that a smaller project should be looked at first.

Commissioner Young clarified his comments to use CED, Albany Housing, etc., to solve the housing crisis, use of City funds, plans Mr. Hawthorne is working on, use of the Land Bank and dealing with unintended consequences

COMMITTEE REPORTS

Public Safety:

Marshal Walter Norman, Code Enforcement Director, discussed the following (copy on file):

1. Alcohol License (Change of Location) - Request to relocate license from 2401 Dawson Rd., Suite H to 2820 Meredyth Dr., Suites 2 & 3.

Marshal Norman discussed the following (copy on file):

In reply to Commissioner Warbington, Marshal Norman explained the process of moving the license to another location.

In reply to Commissioner Langstaff, Marshal Norman stated that the closest license is Brother's Pizza, with there being no conflicts and all criteria being met.

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2. New License Approval - Bianca's Restaurant Group LLC, d/b/a Bianca's; 2401 Dawson Road Suite T-1; G. Contreras/Agent; Liquor, Beer and Wine Consumption.

There were no questions/comments on this item.

In reply to Commissioner Howard, Marshal Norman stated that he cannot provide information at this time regarding the Brother's Pizza location.

Utilities/Public Works:

1. Norfolk Southern Easements

Robert Griffin, Interim Director of Engineering, discussed information (copy on file) regarding easements for Norfolk Southern.

In reply to Mayor Dorough, Mr. Griffin clarified the easements, with no cost to the City.

Public Administration: Finance, Grants & HR Matters:

Corey Gamble, Buyer I, and Dale Henry, Asset Supervisor, provided information regarding the following (copy on file):

1. APD SWAT Van; Wade Ford, Smyrna GA – Total exp: \$60,610.00

In reply to Commissioner Warbington, Mr. Henry explained the replacing of the current van, adding that up-fitting will be done at no additional cost.

APD Chief Michael Persley and Joshua Williams, Interim Procurement Manager, discussed the following (copy on file):

2. Dell Tablets; Dell Marketing, Round Rock, GA - Total exp: \$110,400.00

In reply to Commissioner Johnson, Chief Persley asked the number of officers under the rank of Lieutenant with Chief Persley stating approximately 75-80 and explaining the process of having existing laptops, etc.

In reply to Mayor Dorough, Chief Persley stated that new vehicles and the equipment that goes with them were purchased together a few months ago. Discussion followed regarding the equipment and use by officers.

Commissioner Warbington spoke in support of the purchase and commented on officers who are equipped with cell phones with Chief Persley advising that this is a futuristic idea that is being considered.

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Using a power point presentation (copy on file), Jimmy Norman, Utility Construction Director, gave an AMI update and background including the advanced metering infrastructure, the benefits of use, Albany's architecture, the history dating back to 2018, where we are now, beginning the pilot program, obstacles (including increases).

3. AMI Contract Change Order; Core and Main – Total exp. \$886,371.50

In reply to Commissioner Howard, Mr. Norman stated that he can provide information regarding what other cities have done.

In reply to Commissioner Warbington, Mr. Norman explained that there is a change in the subcontractor's cost for installation and that the feedback from customers have been positive, adding that the full portal is not in place with information being delayed somewhat. He said internal employees are using it with no issues. In reply to Commissioner Warbington, it was noted that there will be 99,000 using with Commissioner Warbington asking that the Commission be notified before going live/meter change. Regarding the pilot, Mr. Norman stated the pilot will begin in August with information being available regarding the pilot by November.

In reply to Commissioner Langstaff, Mr. Davis stated that he will looking at the legality of the change order and provide an email to all.

Commissioner Young referred to Commissioner Warbington's comments regarding 'going live', the portal, etc., with Mr. Norman explaining the process regarding using the portal in 'real time', having an AMI team to provide updates to the City Manager, etc.

In reply to Mayor Dorough, Mr. Williams stated that procurement was given options and they verified the information.

In reply to Mayor Dorough, Mr. Norman discussed the request to approve the change order.

Commissioner Howard expressed concern on the large amount of the change order with Mr. Davis stating that he will review the contract and provide information before the business meeting.

Commissioner Warbington commented on delays due to COVID, etc., which constituted the change order with Mr. Norman explaining the delay to go with a new billing system, adding that it was not anticipated to take four years to get to this point; however, he explained the factors, cost of materials based on four years ago vs. today and the change order being understood.

Mayor Dorough stated that concerns will be looked at by the City Attorney, who will provide his comments re: review of the contract. He stated that while COVID was a huge factor, there were other [factors] that were internal adding to the delays.

Mr. Gamble and Jeff Hughes, Sewer Maintenance Engineer, discussed the following (copy on file):

4. Biosolids Removal and Disposal Contract; Synagro – Total exp. \$771,980.70

In reply to Mayor Dorough, it was noted that there was only one contractor, with Mr. Hughes explaining the process to dispose of biosolids, including EPD regulations that must be followed.

In reply to Commissioner Howard, Mr. Hughes explained that they allowed a CPI increase with an auto renewal, with Mr. Gamble discussing the renewal process which is sent to departments to review. Mr. Carter stated that it will not be brought back for the Commission to approve unless there are issues. Commissioner Howard expressed concern and suggested the Commission have input prior to renewals and asked who is liable if there are any accidents when removing biosolids. Mr. Hughes explained the process of cleanup with the responsibility being on the contractor, adding that the biosolids will be taken to a location near Dothan, AL.

5. Brownfield RLF Sub-Grant

Mr. Forgey discussed information (copy on file) regarding a sub-grant for environmental remediation to the Albany Museum of Art.

Commissioner Warbington asked if the \$350,000 the Museum received was a grant that will not be repaid; Mr. Forgey stated that they applied directly to the EPA for the grant, with the City not being involved and explained that due to there being additional items needing to be cleaned up, they are requesting additional funds to finish paying for the clean-up. Commissioner Warbington asked if the \$25,000 that is part of this agenda item is a loan or grant with Mr. Forgey advising that it is a grant. He explained the difference between loans (for-profit businesses) and grants (non-profits).

Mayor Dorough commented on the loan to the Gordon Hotel, etc.

Veronica Wright, Director HR/Risk Management, Dena Linkhorn-Jackson, Manager HR, and Tammi Stakey, Sr. VP, NFP, were available to discuss information (copy on file) regarding the following:

6. Employee Benefits Broker Extension

Mayor Dorough stated that some within the community asked to have an opportunity to bid on items of this nature and suggested a sunset on the contract. Ms. Wright stated that an RFP will be let in January 2023.

Derrick Brown, Chief Financial Officer, discussed information (copy on file) regarding the following and noted a change to the ordinance before adoption.

7. Employee Pension Contributions Increase

There were no questions/comments on this item.

CITY MANAGER'S COMMENTS

Mr. Carter discussed information regarding SPLOST Project Lists (copy on file) and asked for feedback regarding version 1 or 2.

Mayor Dorough asked for a preliminary schedule of the projects before meeting with the County.

Comments included saving transportation-related items for TSPLOST instead of SPLOST with Mr. Brown stating that the next TSPLOST referendum will be in two more years. Commissioner Howard expressed concern and suggested that more discussions with Commissioners regarding the projects are needed. Mr. Carter referred to Mayor Dorough's email asking Commissioners to provide input regarding projects. Additional comments followed on relocating TSPLOST funds, etc., using version #2 (Commissioner Johnson); version 2 with concerns of being inclusive of recreation (Mayor Pro Tem Gaines); version 2 to include use of monies in other SPLOSTs (Commissioner Warbington); (Commissioner Langstaff) suggested putting \$35 million in sewer and making sure of specifics when spending monies and an explanation of the last two items (disparity study and Albany Tech CJDC). Mr. Carter commented on both items and Mr. Davis agreed that the disparity study is not a capital item and does not qualify; (Commissioner Young) expressed concern regarding the process, i.e., recreational projects and being vague when listing projects, including speed tables, etc., projects needing to be funded if not funded by SPLOST VIII and County negotiations regarding LOST vs SPLOST. Mayor Dorough provided comments regarding discussions with the County, adding that they are not in agreement with negotiating on LOST. He stated that projected revenue is \$100 million with the City proposing a 70-30 split (City/County) and explained that there is a state statutory deadline for the City/County to meet with the County presenting their projects and City projects including CSS, recreation and downtown revitalization, which benefits the City and County. Commissioner Young expressed concern regarding the need for additional discussion on City projects with Mayor Dorough stating that he can go along with version 2, however he said he has concerns and suggested changes that can be made, i.e., downtown, reduction of monies and, regarding the Museum and Artesian Alliance, allocating more monies for those entities. He reminded the Commission that the dollar amounts are not listed on the referendum and commented on one Commission not binding another.

Commissioner Johnson questioned the version regarding category (version 1 or 2) with Mr. Carter stating that he only needs to know which version to present without having numbers set. Additional discussion continued regarding the process and listing projects as prescribed by law.

In reply to Commissioner Howard regarding the Arts Museum, Mr. Carter advised that their request is for \$9.0 million, adding that he will provide additional information.

Commissioner Johnson commented on the CSS amount with Mayor Dorough mentioning having the federal lobbyist involved in securing additional funding and additional ARP monies.

Commissioner Warbington commented on the CSS project to include other funding for categories and noted that the County is allocating monies to a new industrial park cite project.

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Commissioner Langstaff commented on the ballot and intergovernmental agreement with the County, adding that there was a resolution in 2016 regarding the ballot and the intergovernmental agreement (IGA, which provides for an additional year to collect the tax) with the projects and amounts listed. He stated that in 2016 projects were not prioritized and asked Mr. Davis to confirm the requirements with Mr. Davis explaining that LOST is not a ballot item and has a more flexible deadline. SPLOST ballot must be approved by the Secretary of State (SOS) with a deadline of early August for the Elections Supervisor to send to (SOS), adding that the IGA can be approved while waiting on the SOS to approve the ballot. Commissioner Langstaff clarified that the IGA was approved the end of July in 2016. Commissioner Young asked to make sure that what is on the list is truthfully represented to the voters.

MEMBERS REQUEST / ITEMS FOR FUTURE AGENDA

Commissioner Howard asked for a report from Chief Persley regarding the new law on handguns. Mayor Dorough asked the City Attorney to provide the information and to provide a policy if one is needed. Commissioner Howard asked to look at the Supreme Court ruling regarding the state of New York. He also commented on COVID numbers spiking and asked for updates from Phoebe. Mayor Dorough stated that COVID meetings are now quarterly and he provides numbers when he gets them. Mr. Carter stated that additional reports can be provided from Phoebe, adding that the significant impact is less even though numbers are rising.

Commissioner Johnson asked for three updates: 1) alcohol license ordinance, with Mr. Davis stating that this will be reviewed during the charter/code update, adding that he will review the email Commissioner Johnson sent; 2) pay study, with Mr. Carter stating that he does not have information at this time but will check and provide; 3) Drug Unit and Gang Task Force being joined with Mr. Carter stating that this is ongoing and Commissioner Johnson asking that he be included in discussions and/or emails.

Mayor Pro Tem Gaines thanked those who participated in the Ward 3 clean-up. He mentioned the \$40.0 million Phoebe project, which he opposed. He recommended looking at board members as that project would have a had a tremendous effect on our community.

Commissioner Warbington mentioned appointed boards and asked the process to remove appointees. Mr. Davis stated that he does not know of any formal process unless a criminal-type violation was committed. Discussion followed regarding the recent Historic Preservation Commission's (HPC) denial of a Phoebe project, the appointment process and prohibiting appointees from speaking on behalf of the City Commission. Referring to the Phoebe project, he said he feels that the decision to deny had been made before the public hearing had been held. Mr. Davis advised that the ordinance states that if the HPC abuses their discretion, the decision can be overturned.

Mayor Dorough disagreed with comments regarding removing people from boards and stated that he feels the Commission must live with it; when making appointments to boards, the Commission expects them [appointees] to use good judgment and be reasonable. He stated that we cannot have someone on a board, who will be the arbiter of an application and has already made up his/her mind, Additionally, if it is something that will come before this board, we cannot express our opinions, adding that it is

inappropriate for a board member to try and rally support or opposition for an issue coming before that board. He suggested that removing someone from a board, mid-term, is not the way to handle the issue, but rather when the time to reappoint board member is when consideration can be given to replace them, etc. He said he received a call from a citizen using paratransit, which was not responsive due to shortages and asked if the City can utilize private companies to help fill the void, with Mr. Carter stating that the legal aspects will be looked at.

EXECUTIVE SESSION – (Pending Litigation)

At 11:25 a.m., Commissioner Warbington moved to enter executive session to discuss pending litigation and real estate matters, seconded by Commissioner Howard. It was also mentioned that a worker’s compensation legal matter will be discussed and, following a roll call vote, the motion unanimously carried as follows:

Mayor Dorough advised that room 120 is unavailable and therefore the executive session is moving to 401 Pine Ave. Regarding the matter of adjourning the meeting, Mr. Davis opinioned that he has no problem with adjourning the meeting after executive session at the same location.

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

At 1:50 p.m. Commissioner Warbington moved to exit executive session, seconded by Mayor Dorough and following a roll call vote, the motion carried as follows:

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

At 1:51 p.m., Mayor Dorough reconvened the meeting, announcing that no action was taken in executive session and, there being no further discussion, the meeting adjourned at 1:51 p.m.

SONJA TOLBERT, CMC
CITY CLERK