

SEPTEMBER 20, 2022
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100 (Virtual and in-person Meeting)

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

Mayor Dorough called the meeting to order at 8:32 am, followed by attendance roll call.

AGENDA ADOPTION

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

PUBLIC HEARINGS

1. Zoning Case # 22-046 - Duvwon Robinson/Applicant; Naomi's Consultant, LLC/Owner; request to rezone 14 properties located on S. Van Buren from R-3 to C-R. PC Approved 8-0 (Ward 3)

Using a power point presentation, Paul Forgey, Planning Director discussed information (copy on file) and advised that the request to rezone 14 properties on Van Buren is to construct duplexes; showing an aerial photo and map of the properties, he also discussed the zoning history, surrounding land uses and planning considerations. He commented on traffic, road capacity, future land use map and advised that the Planning Commission recommended approval.

Commissioner Warbington suggested looking at the entire block and mentioned that the City, through the CED, owns the corner lot, Mt. Zion owns the center lot, which would leave oddball lots that do not meet the design of the plans for the block. Mr. Forgey advised that staff does not initiate rezoning and that the developer brought this forward. Additional comments continued regarding looking at the entire lot, purchasing other lots in the area, etc.

Ricky Shipp, Shipp's Contractor, stated that he works with Mr. Robinson, the developer on rebuilding the area and briefly discussed plans for 2,444 sq. ft. duplexes. He added that they intend to buy the lot Commissioner Warbington expressed concern about.

In reply to Commissioner Howard, Mr. Shipp stated that they were working on permits when they ran into problems, adding that they are ready to move forward.

Commissioner Warbington commented again on the City-owned and church-owned property, asking Mr. Shipp to have discussions with the City Attorney. Mr. Shipp stated that they would like to purchase those properties as well.

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Mayor Dorough commented on developing the entire block/properties and suggested that Mr. Shipp reach out to determine the possibility of purchasing. Additional comments continued regarding limitations on properties left after the development, etc., regarding the other six lots.

There was no one else desiring to speak and Mayor Dorough closed this hearing and opened the public hearing for the following item.

2. Road & Alley Closure re: Benjamin Ave.

Robert Griffin, Interim Engineering Director, discussed information as noted (copy on file) and provided additional information as follows: 1) if road/alley is closed, the owner, at no cost to the City, will grant an 80' utility easement along the existing street right-of-way and 20' utility easement along any existing alley; 2) property has combined tree penalty of \$61,850, (\$5,000 - removing trees on commercial property with no permit, \$56,850 - removal of public trees in the right-of-way along Mary Avenue) which occurred with the demo of Carmike Theatre and Mabry Hotel. He explained that only the City can move city trees and the \$61,850 owed must be paid before the closing can move forward, i.e., before development moves forward.

Commissioner Warbington commented on the easement the City will maintain, with Mr. Griffin explaining the process regarding city utilities and discussing with the developers. He explained that if this is approved, the project cannot move forward until the matter is resolved. Discussion continued regarding the trees.

Commissioner Young asked the effect on businesses in the area, with Mr. Griffin stating that the developer owns all the properties in the area.

Mayor Dorough commented on the \$56,000 fee for removing public trees on a public right-of-way with Mr. Griffin explaining the process/methodology and the \$5,000 for tree removal on commercial properties, adding that approximately nine trees were removed in total.

There being no one present desiring to speak to this matter, Mayor Dorough closed the public hearing.

REPORT OF THE CITY CLERK

STAFF TRAVEL:

1. S. Carter, City Manager; (GMA) Hub Cities Mayors Meeting; Athens, GA;
Sept. 28-29, 2022; \$465.30

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

APPOINTMENTS

1. Economic Development Commission Bylaws

Mr. Davis discussed information (copy on file) and commented on the two changes regarding membership and no annual meetings henceforth.

Jana Dyke, EDC President/CEO, explained the process, adding that this a revision to the existing bylaws regarding appointments.

Commissioner Warbington commented on the process, no longer having an annual meeting, the Chamber dropping out and having no bylaws, the formation of an executive committee, with Mr. Carter having a role in assisting EDC, etc.

Mayor Dorough commented on the previous bylaws and asked the justification of adding more appointments with Ms. Dyke explaining appointments to be made by the City, adding that there are no term limits on EDC appointments.

Mayor Dorough recognized William Wright to speak on this matter. Mr. Wright questioned accountability and oversight; 2) commented on the Chamber not doing a lot; 3) giving Ms. Dyke \$500,000 for Fiat, etc., 4) lack of transparency/accountability with no results.

2. Economic Development Commission Appointments

Ms. Dyke commented on the appointment process and number of members.

Mayor Dorough recognized Mr. Wright to speak on appointments. Mr. Wright asked again who provides oversight to these type organizations, i.e., providing reports on results and having accountability.

In reply to Mayor Dorough, Ms. Dyke stated that quarterly reports are submitted to the finance department, including meeting details. In reply to Mayor Dorough, Derrick Brown, CFO, stated that reports are not provided to the Commission, however this can be done moving forward.

REPORT OF THE CITY ATTORNEY

1. Elected Officials Retirement Plan
2. ACCG 401(a) DC Plan

Mr. Davis discussed information and deferred to Ron Rowe, ACCG Rep. Mr. Rowe commented on elected officials being part of the retirement plan, the senior management plan and defined benefit plan with options that he explained, adding that there are amendments to the plan. He also commented on retirement age (65), ten-year vesting schedule on both plans, employee contributions, explained that previous times [years] can be purchased and advised that there is a 30-day period to make a selection beginning in October.

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Mayor Dorough stated that this could be characterized as a pay increase and asked Mr. Davis to review this, with Mr. Rowe stating that he will provide information regarding this question. Mr. Rowe provided additional information regarding the 401(a) plan.

Commissioner Johnson spoke in opposition to this matter and gave his reasons suggesting that no one in office should serve more than two terms, etc., with Mr. Rowe explaining the tenure to receive benefits, either 10-year vesting or age 65, which is consistent with the current plan. In reply to Commissioner Johnson, Mr. Rowe continued to explain the process with Mr. Johnson asking that staff do a study regarding a pay increase for Commissioners instead of having a pension plan, which will benefit all commissioners.

Mayor Pro Tem Gaines questioned having a prior 401K and rolling in additional funds, with Mr. Rowe stating that he will check into this.

Commissioner Warbington stated that there is currently a 457 plan that commissioners participate in, with Mr. Rowe agreeing and explaining the percentages of Commission and City contributions. Commissioner Warbington commented on concerns pertaining to IRS contribution limits and questioned where the money comes from, which will require a budget amendment. Mr. Brown stated that budget amendment language is in the agenda item and explained that it will be based on the individual selection of the Mayor/Commissioners. Commissioner Warbington listed his concern, i.e., ‘mid-term increase’ type challenges, having seven equal votes, supporting this for the future with concerns of going backwards, i.e., having \$100,000 budget amendment. Mr. Rowe addressed elected officials being in a retirement plan, with the board designing the plan.

Commissioner Langstaff stated that he is not in favor of it.

Commissioner Young commented on having the option to participate or not, noting Commissioners who have served extensively, with this being a point of consideration, adding that he will support this moving forward.

Mayor Dorough stated that he feels this is an issue of fairness with one commissioner serving 20 years and one serving 28 years, with no option to have retirement and suggested that a person can opt out in being in a defined plan with Mr. Rowe explaining that employees have to make a selection with the 457 plan being optional. Discussion continued regarding pension contributions paid by the commissioner being refunded if someone leaves and the City’s contributions remaining with the plan, no vesting requirement for senior management.

In reply to Commissioner Warbington regarding adoption of the plan, Mr. Rowe explained information as noted in sec. 6.02 re: vesting table.

Marshal Walter Norman, Code Enforcement Director, discussed information (copy on file) regarding the following proposed change to authorize the City Manager to approve alcohol license transfer of owner applications.

3. Alcohol Transfer Applications

Mr. Davis noted page 70 of the agenda packet and draft ordinance regarding transfers.

Commissioner Howard asked for more details because of the rising number of transfers.

Commissioner Young expressed concern regarding the City Manager approving alcohol license transfer of ownership, stating that he does not see the point of this action.

Mayor Dorough stated that there is not an appeal process and asked Mr. Davis to add it in the revised code section.

COMMITTEE REPORTS

I. Public Safety

Chief Dep. Anthony Donaldson discussed information as noted (copy on file):

1. New Alcohol License: Shakil 786 LLC; d/b/a Neighborhood Grocery; 716 Johnson Road; M. Shakil/Agent; Beer Package; WARD 1

In reply to Commissioner Warbington, Dep. Donaldson stated that this is a convenience store that will sell beer.

In reply to Commissioner Young, Dep. Donaldson stated that there were issues in prior years, however no problems in over a year. Commissioner Young provided additional comments regarding the license, proximity, etc.

Deputy Donaldson discussed information as noted (copy on file):

2. New Alcohol License: SWG Enterprise Inc; d/b/a Warehouse Package; 1005 Pine Avenue; D. Moore/Agent; Liquor, Beer and Wine Package; WARD 3

It was noted that this license is a transfer and not a new license.

Deputy Donaldson discussed information as noted (copy on file):

3. Transfer Alcohol License: Rao Jee Exxon LLC; d/b/a Rao Exxon; 1701 E. Oglethorpe Blvd.; M. Naeem/Agent; Beer Package; WARD 1

In response to Commissioner Young, Deputy Donaldson explained that #2 was a typo; #2 & 3 are transfers.

4. BJA FY 22 Edward Byrne Memorial Justice Assistance Grant

Chief Michael Persley discussed information as noted (copy on file) regarding the agreement with APD and MCLB. In reply to Mayor Dorrough, Chief Persley commented on the process and the change in the agreement which is between the city and county police departments and excludes the Sheriff's Dept.

Mayor Dorrough noted page 97, with Mr. Davis advising that this is the standard agreement with Chief Persley agreeing.

II. Public Administration/Finance:

Corey Gamble, Buyer I, discussed the following (copy on file):

1. Police Body Cameras: Motorola Solutions – Total expenditure - \$75,780.00

In reply to Commissioner Johnson, Chief Persley advised that adds to existing cameras, compatibility of in-car cameras and other functions.

In reply to Commissioner Warbington, Chief Persley stated that this is not a policy and explained the process of having officers assigned cameras to be worn at all times, excluding certain circumstances as noted.

Chief Persley and Joshua Williams, Central Services Buyer II, were available to discuss the following:

2. Gunshot Detection Technology: Flock Safety in Atlanta, GA - Total expenditure: \$225,000.00

Geoff Bulpitt, Flock Rep., commented on the gunshot detection and explained the process. Mr. Richard McElwain gave additional comments regarding the product. In reply to Mayor Dorrough, Mr. McElwain discussed the number of licenses and answered additional questions.

In reply to Commissioner Howard, Mr. Bulpitt advised that the devices would determine what is/is not a gun shot and/or fireworks, adding that audio files are also received for officers to make a determination. In reply to Commissioner Howard regarding APD response time, Chief Persley explained the process including priority one calls, officers being sent, etc.

Discussion followed regarding the number of devices at no additional cost if there is an increase in the number of devices to cover areas. Maintenance, etc., are included in the initial costs and costs to relocate/move the cameras. Discussion continued on other cities using the devices (College Park, Atlanta; Wichita, Kansas; Flint, Michigan, etc.).

Commissioner Warbington noted that Flock provided the cameras. Mr. Bulpitt explained that the cameras were not included as part of the contract; however, Flock may be in a position to offer cameras on a trial basis. Chief Persley suggested approving the JAG grant for additional items associated with this product, adding that he is purchasing 29 additional Flock cameras and license plate recognition

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readers. He mentioned a vehicle stolen in Schley County that was recovered in Albany through the Flock camera system and discussed other equipment he would like to purchase that will enhance APD's capabilities, once funding is found. Commissioner Warbington asked if the proposal being reviewed is strictly gun fire detection; Mr. Bulpitt replied affirmatively. In reply to Commissioner Warbington, Mr. Bulpitt and Chief Persley explained the notification system when gun fire has been detected.

In reply to Commissioner Young, Chief Persley advised that this is part of building out a real-time crime center. He mentioned the Criminal Intelligence Analysis Unit, with two intel-analysts, who will make up the unit and are in training/looking at crime centers, etc.

Ken Breedlove, Traffic Engineering Manager and Mr. Williams were available to discuss the following (copy on file):

3. Striping and Marking Project: Peek Pavement Marking, LLC, Columbus, GA:
Est. expenditure - \$127,920.00

Mr. Breedlove commented on the location of the striping/markings as noted.

In reply to Commissioner Young, regarding bad spots in the road, Mr. Breedlove explained that Public Works can address paving and commented on the striping that has not been replaced in at least 10 -15 years, adding that funding and paving are expensive with striping not coinciding with paving projects.

4. Manufactured Gas Plant Remediation Project Change Order - \$872,500.00

Lee Daniel, Engineering Utility Superintendent and Robert Hall, representing Cardno, were present to discuss the following regarding the change order (copy on file) and presented a power point with locations of excavations, etc. Mr. Hall discussed photos (copy on file) regarding manufacturing plant cleanups:

Discussions followed regarding EPD cleanup, excavations, reporting to EPD and, monitoring for three year. Mr. Daniel reported savings the City realized as a result of the change order (\$125,000 contractor discount and approximately \$300,000 because the City provided its own back-fill dirt).

In reply to Commissioner Warbington, Mr. Daniel agreed that this segment of the project is complete. Mr. Hall added that the source materials have all been removed and the groundwater should naturally clean itself up. Commissioner Warbington asked if there are limitation on what can be done with the site. Mr. Daniel explained that it cannot be built on, it could be paved, or a park placed there. Mr. Hall interjected that the groundwater there cannot be ingested. Discussion continued regarding meeting risk reduction standards at the site and trying to meet industrial regulations. Mr. Hall discussed required regardless of what is done at the site. Commissioner Warbington noted that the City owns this property outright, with it being a very attractive piece of property for river development depending on regulations/restrictions. Mr. Daniel discussed needing to look at floodplain regulations, FEMA buyout program, etc. Mr. Carter discussed being prepared with funds that were set aside for this issue.

III. Other Finance Matters

5. Commission Discretionary Funds Request

Mayor Dorough discussed information (copy on file) regarding the \$2500 request for funds from Mayor’s discretionary accounts pertaining to a request from Albany State University to partner with an upcoming conference, adding that the request is to assist with funding a reception.

CITY MANAGER'S COMMENTS

Mr. Carter commented on the Government 101 sessions and asked that Commissioners participate. He announced that Angela Price (who worked in HR and in APD HR) passed this week and acknowledged her contributions to the City.

ITEMS FOR FUTURE AGENDA / MEMBER COMMENTS

Commissioner Howard referred to the grand jury report and asked that the DA give an update on October 4. He asked that Dr. Black from Phoebe make a presentation regarding the drug fentanyl. In reply to Mayor Dorough, Mr. Carter stated that he will reach out to both and ask if they can attend to provide updates.

Commissioner Warbington mentioned SPLOST VIII and asked if brochures/handouts will be provided. Mr. Carter explained that the City is working with the Chamber of Commerce to spread the word, adding that he will keep the Commission abreast. Commissioner Warbington asked to have information by October 1st.

Commissioner Young asked the process to rename a building/street and asked the status of using the civic center for early voting. Mr. Carter stated that he will provide the process for street/building naming and that the early voting matter has been resolved.

Mayor Dorough asked the 1) possibility of reallocating funds from N. Washington extension to the Board Avenue sidewalks; 2) requested the list of alleys, specifically if the Mayor’s alley has been selected/funded; 3) asked for a list of Commissioners who have alleys, but have not designated alleys, as well as Commissioners whose designated alleys have been paved and their location; 4) asked for info re: MEAG meetings/travel to be on an agenda to include future Commission travel and 5) stated that at a Chehaw meeting, the Authority requested that the City share the cost of running sewer to the campground, asking for documentation to include the plan and expenses.

EXECUTIVE SESSION (Real-Estate Acquisition and Pending Litigation Matters)

At 11:47 a.m., Commissioner Howard moved to enter executive session to discuss matters as noted, seconded by Commissioner Johnson, the motion unanimously carried as follows:

Ward I yes
Ward II yes

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Ward III	yes
Ward IV	yes
Ward V	yes
Ward VI	yes
Mayor	yes

At 12:25 p.m., Commissioner Howard moved to exit executive session, seconded by Commissioner Johnson, the motion unanimously carried as follows:

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

Mayor Dorough reconvened the meeting at 12:25 p.m., announcing that no action was taken in executive session and, there being no further business, the meeting adjourned at 12:25 p.m.

SONJA TOLBERT, CMC
CITY CLERK