

JULY 18, 2023
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100 (Virtual and in-person Meeting)

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

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

AGENDA ADOPTION

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

SPEAKER APPEARANCE

1. Jeffery Coleman, small business owner in the 800 block of W. Broad, spoke about road flooding and noted close of businesses, property value loss, reduction in business, hazards, i.e., sink holes, collisions, loss of life and corrosion of the road, which causes money and/or closure of businesses in the area which is also an unexpected financial expense for businesses. He showed a brief video of what happens when the road floods in the area.

Commissioner Howard stated that he feels the City is working on a remedy for this area.

Commissioner Gaines stated that he spoke with Asst. City Manager Bruce Maples to address the matter.

Commissioner Young spoke to the matter and gave comments on what the City is doing to correct the matter.

Mayor Dorough stated that a letter will be forthcoming regarding the questions, to include what actions are being taken soon.

Commissioner Young questioned whether there was a lawsuit some years ago regarding this matter.

2. Yaz Johnson spoke on behalf of the ‘Albany Good Life Semi-pro Basketball Team’ and discussed the teams’ win last year of the championship, the first semi-pro team to win a championship. He mentioned the ten games that are left, which include out-of-town games and because of expenses on the team, asking \$5,000 to assist with games and expenses.

In reply to Commissioner Young, Mr. Johnson stated that the funds will pay for the facilities they use, gas for out-of-town games, etc., advising that this year they had to pay a cost to use the City’s facility as well as securing other non-City facilities.

Mayor Dorough advised that the answer will be forthcoming, adding that the City cannot authorize this type of funding.

REPORT OF THE CITY CLERK

A. Appointments (various boards)

The Clerk discussed information as noted (copy on file) regarding the following appointments, advising of the two changes received after the agenda was completed and distributed to the Mayor and Commissioners:

1. Aviation Commission: Two appointments. One to fill term ending July 2025 and one to fill unexpired term ending July, 2024
2. Board of Health: One appointment to fill unexpired term ending December 2028
3. Chehaw Park Authority: Two appointments to fill term ending June 2026
4. Community Development Council: Two appointments to fill unexpired terms ending June 2025
5. Downtown Development Authority: Two appointments for four-year term ending April 2027
6. Land Bank Authority: Two appointments to fill term ending July 2025

COMMITTEE REPORTS

A. Public Safety – Alcohol License Applications (new)

Marshal Walter Norman, Code Enforcement Director, discussed the information (copy on file).

1. Kashey Clothing, Inc.; d/b/a Reflexions Lounge 312 Thornton Dr. Q. Pressley Jr. /Agent; Liquor Package/Consumption

Questions/Comments consisted of the establishment being close to Dougherty High/Middle School and selling liquor package/consumption with Marshal Norman advising of the status.

Marshal Norman discussed information (copy on file).

2. Viet Pho 717 N. Westover Blvd. Ste. A & B., T. L. Kim/Agent. Beer/Wine Consumption.

There were no questions/comments on this item.

B. Public Administration/Finance

Jeff Hughes, Sewer Project Engineer, and Derrick Brown, CFO, were present to discuss the following (copy on file)

1. Acceptance of \$25 Million GEFA Loan

Mr. Hughes stated this will fund CSS, 8th and 3rd Aves. Basin and that bids have been let. Mr. Brown

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discussed the loan, including what was required in the application and what the City has done financially to ensure qualification, advising that the City is solvent and able to make debt payments.

In reply to Commissioner Howard, Mr. Brown commented on monies that can be forgiven based on spending requirements.

In reply to Mayor Pro Tem Warbington, Mr. Brown gave an update on monies that will not be coming from the federal government, adding that the City is positioned to pay the loan without having the funds from the federal government, which is no longer on the table. Mayor Pro Tem Warbington commented on having bonds, etc., with Mr. Brown explaining the ten-year plan, costs, having additional grant funds and/or federal plans to reach the needed amount to complete the project.

Commissioner Young stated that that after speaking with federal reps, he was told that funding could be reconsidered. In reply to Commissioner Young, Mr. Hughes discussed federal funding options. Commissioner Young stated that he spoke with federal reps to see if the mandate could be released and/or given an extension, adding that this must be requested formally. He asked that a resolution be considered to send to federal reps asking to be released from the mandate.

Mayor Dorough commented on the loan agreement and asked that the Utility Board be provided with the information. He questioned collateral being the revenue/rates and suggested this is in lieu of a revenue bond; Mr. Brown agreed. Mayor Dorough discussed the three-phase project and exhausting borrowing capacity and having to come up with additional funding for phase 2&3.

Mayor Pro Tem Warbington suggested that the City Manager should be the one voice to address federal reps and not Commissioners. Commissioner Young countered that he said the City should make it known that we would like to be released from the deadline, adding that being a commissioner does not prevent him from speaking to state representatives, and as a citizen, he can speak with them whenever he needs/wants to, noting that a consensus is needed which is what he is asking to happen.

In reply to Mayor Dorough, Mr. Hughes agreed that EPD is a state agency that is regulated by the EPA, which is a federal agency. Mayor Dorough discussed federal allocations, needing more monies for the project, coordinating projects, meeting (or not) the deadlines (June 30, 2025) and moving forward to request an extension, suggesting it be six months before the deadline, as by that time, the City's efforts to comply with the deadline will be evident.

Commissioner Howard commented on the ESG contract and asked to have representatives speak on progress, issues and having quarterly updates to educate the public. In reply to Commissioner Howard, Mr. Carter stated that the decision was made to provide quarterly updates to this Board and the Utilities Board, adding that information is on the website and that the plan is to have updates for the Utility Board and media, etc.

Mayor Dorough asked for a detailed summary/executive report for the project with Mr. Hughes commenting on the process, the Constantine report, meeting criteria and what staff did to narrow down what can be done within the five-year plan.

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2. EECBG Local Government Funding

Mr. Carter discussed information (copy on file), regarding the \$131,480 funding that was allocated and asked to accept the grant (due July 31), and to determine which category will be used.

In reply to Mayor Pro Tem Warbington, Mr. Carter explained that this grant will further energy efficiency, has nothing to do with ratepayers and is not a loan, however, will make the system in place more efficient. Mayor Pro Tem Warbington asked which of the 15 eligible uses will be used, with Mr. Carter referencing the first eligible use – Develop and implement energy/efficiency conservation strategy. Mayor Pro Tem Warbington asked for more specific information regarding use of the grant. Mr. Carter stated that by next week, he will have a plan to use the funds.

Mayor Dorough stated that this is a grant and that the Utility Board should be considered in deciding, noting #13&14.

Mr. Carter, Rob Griffin, Interim Director of Engineering, and Lee Daniel, Utility Engineering Superintendent, were present to discuss information (copy on file).

3. Proposal re: TSPLOST II

Mr. Carter noted the 67/33% split with the County and referenced the list of projects.

In reply to Commissioner Howard, Mr. Carter discussed the Build Grant with Lequica Gaskins explaining the process, adding that this has been applied for, but was not approved. Commissioner Howard asked to staff a grant writer.

Commissioner Gaines asked for a list of alley paving.

Mayor Pro Tem Warbington questioned the current TSPLOST funds with the majority being spent on road resurfacing (\$9.0 million). Mr. Carter explained the complexity of projects requiring research, getting contracts let, and preparing for projects to begin. Discussion continued regarding having a transportation consultant, unpaved streets list, intersection improvements, etc., with Mr. Carter listing the unpaved streets on the list, adding that unless the Board decides to reallocate funds or reorganize the list, the first four will be the ones proposed for paving. SPLOST II projects were discussed with Commissioner Howard stating that there are streets listed on SPLOST II that was on SPLOST I; Stacy Rowe, Public Works Director, agreed with Commissioner Howard and noted that the projects will be on TSPLOST I and II.

Mr. Griffin discussed round-about intersections (Westover, Blaylock) which is an alternative to speed tables, which is another part of traffic calming. Palmyra and 7th were removed from the list per Mr. Carter. Mayor Pro Tem Warbington commented on other intersections within the city that citizens are looking at with staff not having the other intersections on the table at this time. State route areas needing improvements were discussed, with Mayor Pro Tem Warbington asking for additional information to include the cost of other intersections that need to be considered.

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In reply to Commissioner Howard regarding Eugene and Avery St., Mr. Carter stated that the streets are on TSPLOST 1 and 2 due to there not being enough money in TSPLOST 1. Commissioner Howard expressed concern and asked to have a project manager stay on track with projects. Commissioner Gaines asked for a copy of the unpaved streets list.

Mayor Pro Tem Warbington stated that he is not ready to vote on this next week and questioned deadlines. Mr. Davis provided the process which requires advance notice of the date of the City/County joint meeting.

In reply to Commissioner Young, Mr. Carter noted that curb/gutter is part of street improvements. Commissioner Young noted Waddell Ave., and the canal/sidewalk near Johnny Williams Road.

Discussion continued regarding the original TSPLOST with Mayor Dorough asking for a list of projects and allocations and what has been completed, is under construction and what is planned.

Mayor Pro Tem Warbington asked for confirmation of the City/County meeting, which conflicts with the meeting with CL Red. Ms. Gaskins stated that the reps will be in Albany throughout the day on July 31. Mayor Dorough suggested having the joint meeting at 2 pm.

Mr. Griffin and Mr. Daniel were available to discuss the following:

4. Utility relocation re: Oglethorpe Bridge

In reply to Commissioner Howard, Mayor Dorough advised that GDOT could reschedule, with the project being suspended until 2027. Discussion continued regarding the 60/40 split which is based on pricing and placing utilities under the bridge vs attaching utilities to the bridge.

Ricky Gladney, Buyer I; Trip Swilley, Superintendent, Facilities Maintenance; and Mr. Griffin were available to discuss the following (copy on file):

5. 401 Pine Parking Improvements: Jim Boyd Construction, Inc. of Albany, GA;
Total exp. \$374,859.00

Mayor Pro Tem Warbington asked to see drawings with Mr. Griffin advising that the photos will be re-sent. Discussion continued regarding what will be done at the 311 building and the City clinic area.

Mayor Dorough referred to TSPLOST and monies reserved for industries that may come to Albany to provide ingress/egress, etc. Mr. Carter stated that this is noted in the proposal as well.

Mr. Gladney, Mr. Swilley, David Hamilton, Transportation Director; and Don Gray, Facilities Maintenance Director; were present to discuss the following (copy on file):

6. Airport Janitorial Services: Public Works Industries, Inc. Columbus, GA - Total Exp. \$84,996.17

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In reply to Commissioner Howard, Mr. Gladney stated that the company has an office in Albany, but the main office is in Columbus.

In reply to Mayor Pro Tem Warbington, Mr. Gladney stated that this current contractor is Good Success Company. Mr. Gray stated that the current contractor's performance was unsatisfactory, adding that the company was not interested in remaining.

Commissioner Young asked how much the company will be paying employees, with Mr. Gladney explaining that it is minimum wage, adding that the Albany Office is located at 1406 Reed Street. In reply to Commissioner Young, Mr. Gladney noted places the new company has contracts, including MCLB, etc., and come highly recommended.

Mayor Dorough confirmed that the current contractor did not bid; Mr. Hamilton agreed. Discussion followed on LRL Ventures performing services at the airport, (cleaning the tower, etc.).

Mr. Gladney and Paul Forgey, Planning Director, were available to discuss the following (copy on file):

7. Brownfield Program Consultant

In reply to Mayor Dorough, Mr. Forgey provided a description of the process.

In reply to Mayor Pro Tem Warbington, Mr. Forgey advised that EPA was not happy with the former consultant and explained the reason. Discussion continued regarding CHA being based out of Albany, New York; however, they have field offices in Tallahassee, Columbus, etc. Mr. Gladney added that even TTL has a local office here, and would be conducting environmental testing, adding that they would be subcontracting the grant performance which is why they were not selected.

Mayor Dorough commented on Hotel Gordon, with Mr. Forgey explaining that we have the final report from the contractor, but we are waiting on EPA's approval, with Mayor Dorough asking for a copy of the report.

Mr. Gladney and APD Chief Persley were present to discuss the following (copy on file):

8. Cell Phone Forensics, Pen-Link, Lincoln, NE; Total exp. \$50,610.01

In reply to Mayor Pro Tem Warbington, Chief Persley stated that if the D.A. purchased this software, information from APD will be turned over to him if required/requested.

In reply to Commissioner Young, Chief Persley discussed the process of using the information when investigating crimes.

In reply to Commissioner Gaines, Chief Persley explained that this will not interfere with 4th Amendment rights and he is legally permitted to obtain the information if a person committed a crime, adding that for others, he would have to get a subpoena before accessing their information. Furthermore, most of

the information APD obtains is open-source data and is available to everyone and is not considered classified/confidential information.

Commissioner Young also expressed concerns regarding this technology with Chief Persley explaining safeguards in place that protects the public, reiterating that the person has to be the subject of a criminal investigation before their personal information can be accessed.

9. Henderson Park Design Services

Steve Belk, Recreation Director discussed information (copy on file) and stated that because of feedback circulating in the community, he is present to provide the pros/cons of Henderson's design for the Board to decide if it should be multipurpose or a baseball field. He provided the pros/cons of a multipurpose, adding that based on the input he has received, there was overwhelming support for the baseball fields.

Questions/Comments included baseball design, location of the gym, staff's recommendation to move forward with the baseball design, having access to ASU's two baseball fields, outdoor basketball court, baseball vs. multipurpose options and pages 71-72 were discussed, with Mayor Pro Tem Warbington asking Ron Huffman, consultant, (who was on the call) to provide additional comments.

Mr. Huffman referred to the master plan and a multipurpose field, adding that improving youth baseball was discussed; therefore, they looked at redesigning the master plan and changing the multipurpose field to include two youth baseball field, with the outcome being two options, which are very similar, as noted on the referenced pages. Cost difference was discussed with the cost being more for the two baseball fields due to lighting. Discussion continued regarding the two options with Mr. Huffman explaining the designs and costs of each design.

In reply to Commissioner Young, Mr. Belk confirmed that parents were involved in discussions regarding the status of projects and discussed collaboration with the school system, adding that a collaboration will also be with Albany State. He commented on use of football fields, use of multipurpose park, consideration to extend the size of the multipurpose rooms, the plan for the field near Highland middle school which has been demolished, putting tennis courts on Highland and looking at other locations.

Mr. Huffman interjected that he misspoke; the baseball field was in the 2021 master plan, with the option for multipurpose discussed six months ago. Commissioner Young asked about programs at the gym, with Mr. Belk providing information on both options. Commissioner Young suggested making a walking trail and using the drainage canal to connect recreational centers.

Mayor Dorough stated that there has been discussion to relocate and make significant improvements for youth baseball opportunities for kids in south Albany. He also suggested enlarging the multi-purpose room and walking tracks and providing adult fitness classes.

Commissioner Gaines stated that he supports option 2 (baseball field).

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Mayor Pro Tem Warbington asked how much money was allocated for Henderson, noted the benefit of a multipurpose facility, and said he would like to see two courts inside the gym vs. one in and one outside, which will provide more use for citizens in an airconditioned atmosphere.

Commissioner Young agreed with the need for two inside courts.

Mayor Dorough stated it is a community center and will serve 15-25,000 people and asked for additional numbers on how much it will cost to add another court and said he feels the baseball courts are the best option. He mentioned the noise level at multiple courts inside, adding that one court, if designed as a regulation court, has the potential for real character. He discussed the loss of leagues in Albany and suggested that improving the baseball program/facility will spark interest and cause it to grow to its former popularity.

Corey Gamble, Buyer 1 and Kendall Hodge, Deputy Director Utility Operations; were available to discuss the following (copy on file):

10. Substation Breakers; G&W Electric, Total exp. \$344,084

Using a power point, Mr. Hodge noted the upgrades, key deviations that were identified for substation #7 on E. Broad and Substation #3 on N. Madison; substation #3, circuit breakers vs. viper switches and new standards at the stations, etc.

There were no questions/comments on this item.

John Hawthorne, Director; April Mahone, DCED Deputy Director; discussed information (copy on file):

11. FY 23-24 Annual Action Plan (Year 3)

Using a power point presentation, Mr. Hawthorne noted HUD updates, CDBG Funds, determining how CDBG funds are allocated, eligible uses, HOME program, determining how funds are used and eligible uses for HOME funds with a focus on new construction and rehabbing, citizen input, CDBG proposed activities including amounts, results from the annual action plan survey, Fair Housing barriers, etc.

Commissioner Howard mentioned information he received at the recent GMA Convention in Savannah.

Commissioner Young noted that federal funds are received for that department and suggested allocating City funds to assist with programs that are helping citizens with their issues. In reply to Commissioner Young, Mr. Hawthorne provided a brief update regarding staff working with private investors.

Mayor Dorough mentioned vacant properties and asked for a map of properties the City owns. Discussion continued with Mr. Hawthorne noting that most properties in some areas are due to the flood and combining lots because they were too small; however, some that were combined were a little larger than expected/needed; Mayor Dorough stated that he feels this would give more character to the neighborhood and be attractive to developers. In reply to Mayor Dorough regarding residents being 'cost burdened', Mr. Hawthorne advised that utilities, taxes, insurance, etc. are additional expenses to the

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mortgage/rent that causes residents to be ‘cost burdened’. Information was also provided regarding the expenses to run the Incubator building, which currently has 95% occupancy with rent being paid by those occupying a suite (utilities are included in the rent), up to \$70,000 is budgeted for utilities and it was noted that rent will increase.

Mr. Griffin and Todd Kennedy, Planning Dept., were available to discuss the following (copy on file):

12. RTP Grant re: Downtown Connector Trail

Commissioner Howard asked about dirt bikes/4-wheelers using the trail, Mr. Griffin stated that signs will be posted prohibiting motorized vehicles on the trail.

Mayor Pro Tem Warbington noted that this is an annual program with DNR and asked if they will have a grant next year. Mr. Griffin explained that they will determine which trail project comes ext. Mayor Pro Tem Warbington discussed issues faced when trying to access the trail from downtown and suggested applying for a grant to provide a trailhead located near Third Avenue to be between Cox Landing and downtown.

Mayor Dorough reported that early on, a proposal to construct a deck over the Flint River at the RiverQuarium was made Mr. Kennedy stated that he will have to research the availability of grants for this. The amount of the grant was discussed, which may (or may not) be used for the changes Mayor Dorough discussed.

Ron Huffman, Consultant, Ms. Gaskins and Tanner Anderson, Planner I, were available to discuss the following (copy on file):

12. TAP Downtown Streetscape – Change Order

Mr. Huffman commented on GDOT funded projects and the need for extra funds, as noted, to use for additional surveying, right-of-way easements, mid-block crossing for pedestrian safety and the design variance report required by GDOT in order to offset the lights.

Mayor Pro Tem Warbington asked if the staff agrees with Mr. Huffman. Ms. Gaskin provided additional information regarding funds, deadlines, processes and keeping the project moving, advising that staff is 100% in agreement with Mr. Huffman. Discussion continued regarding the next step regarding the TAP grant and moving forward, downtown streetlights/maintaining historic presence and whether they will remain, with Mr. Huffman agreeing that the same look will be maintained. Regarding the completion of the design phase, it was noted that there are additional milestones to complete the design and that they are looking at September for the preliminary design. Mr. Huffman stated that they are following GDOT guidelines/calendar and processes. Ms. Gaskins stated that the designs will be provided.

MEMBER COMMENTS / ITEMS FOR FUTURE AGENDA

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Commissioner Howard asked to run PSAs regarding the weather/heat warnings. Mr. Carter discussed what is in place to notify citizens. AFD Chief Scott advised that non-profits are aware of what the City has in place.

Commissioner Gaines asked for an update on the pole that is down on Slappy and Oglethorpe. Mr. Carter advised that both are state routes, adding that the City has been in contact with GDOT numerous times and indicated that GDOT will be removing the pole either next week or the week after.

Mayor Pro Tem Warbington commented on City properties with liens and asked Mr. Davis to bring a foreclosure process to deal with the liens. He suggested involving outside council, specifically those dealing with foreclosures and collecting debts. He mentioned attending class at the GMA Convention and an ordinance change to come up with a ‘vice mart’ dealing with businesses which deal with lottery, coin operated machines, alcohol, suggesting this is a separate business if gas/food are not sold and, the merchandise vice marts are harmful to the community and there should be constraints on these establishments. He mentioned the Mayor slowing down meetings by going around the table for questions/comments/agenda items, suggesting shortening the meetings.

Commissioner Young referenced an article in the paper regarding City reserves monies. Derrick Brown, CFO, commented on the fund balance and the error that was made in the Albany Herald due to the reporter not fully grasping the meaning of ‘fund balance’.

Mayor Dorough commended Mayor Pro Tem Warbington for being elected to the MEAG Board and addressed comments of Mayor Pro Tem Warbington regarding the way meetings are run and asked that this be an item at the retreat in September. He asked to have an agenda item regarding the updating of the code pertaining to the solicitation situation per discussion with Mr. Merriam who is assisting with the code recodification. He mentioned the 100 block of Pine and Broad being closed downtown for the July 4th Holiday festivities, which he feels is a bad idea because of customers being blocked from businesses located in the vicinity. He asked for an update from Chief Persley regarding merging the Drug Unit and Gang Task Force and referred to the Davis Exchange Building, which he voted for; however, within six months he can move for reconsideration; Mr. Davis agreed. He asked Lequrica Gaskins, Downtown Manager whether the City has received anything from IPD, stating that he wants to see the funds they have in this project, which he suspects is little to none, other than the planning dollars they have received. We were supposed to get all the information as we have a contract negotiated by Commissioner Langstaff and a person in the audience, which he thinks is a bad decision; however, he wants the funding information/details from IDP. He also asked Ms. Gaskins for an update on the efforts to obtain a downtown Historic Designation. Ms. Gaskins explained the process and that an RFP was sent out, with two bids being received. Mayor Dorough asked for information outsource and/or create a project manager to manage TSPLOST projects because only 20% of the funds have been spent.

CITY MANAGER’S REPORT

Mr. Carter congratulated Mayor Pro Tem Warbington for being appointed to the MEAG Board;

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recognized Ms. Twyman, who is the Municipal Court Administrator and mentioned Government 101 for City employees. Ms. Tolber reminded the Board of the recreation committee’s Joint City/County meeting regarding the Tennis Center at 1:00 pm in Room 120

EXECUTIVE SESSION

At 1:15 p.m. Commissioner Howard moved to enter executive session to discuss litigation/potential litigation, seconded by Commissioner Gaines and, following a roll call vote the motion carried as follows:

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

At 2:50 p.m., Mayor Pro Tem Warbington moved to exit executive session, seconded by Commissioner Howard, and following a roll call vote, the motion carried as follows:

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

At 2:50 pm. Mayor Pro Tem Warbington reconveyed the meeting, announcing that no action was taken in executive session.

There being no further discussion, the meeting adjourned at 2:50 p.m.

SONJA TOLBERT
CITY CLERK