

JANUARY 24, 2017
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100

PRESENT Mayor Dorothy Hubbard
Mayor Pro Tem BJ Fletcher
City Commissioners: Jon Howard, Bobby Coleman, Roger Marietta,
Bob Langstaff, Jr., and Tommie Postell
City Manager: Sharon Subadan
City Attorney: CN Davis

Mayor Hubbard called the meeting to order at 6:03 p.m., stating that Ms. Subadan will give a storm update. She thanked staff, volunteers and others who have given a tremendous amount of time, work and energy assisting with storm damages.

Ms. Subadan asked Emergency Management Director (AFD Chief) Ron Rowe, Assistant City Manager Phil Roberson and APD Chief Michael Persley to provide updates.

EMD (Chief) Rowe stated that on January 2, and then January 22, 2017, Albany suffered two storms; using a map, he noted that the storms have been documented with damages plotted. He mentioned that there are three sections for search and rescue and, noted areas that have been searched and locations currently being searched, adding that the Emergency Operating Center (EOC) is fully staffed with resources being shared across the board. He mentioned teams that have been brought in, including donations based on need, the large number of volunteers, etc.

Mr. Roberson discussed power outages and the number of customers who have had power restored, adding that because of the extensive damage, a lot of subdivisions will have to be totally rebuilt power-wise and structurally. He mentioned the assistance provided by other utility companies to Albany.

Chief Persley stated that once notification was received that Albany would be impacted by the storm, personnel was put on standby starting Saturday morning and that a command post was set up in Radium Springs, which was heavily damaged. He said APD assisted Dougherty County with traffic, search/recovery/evacuation and mentioned that the Georgia State Patrol sent 24 troopers to assist, with 30 more sent on Monday morning to handle all accident calls.

Commissioner Howard commented on the number of fatalities in the area and asked for an update. Chief Rowe said that as of today, the Dougherty County coroner confirmed four fatalities. Commissioner Howard said his ward was a hard hit area and asked Mr. Roberson to confirm utility pole damages. Mr. Roberson gave a summary of areas with down/twisted poles. Commissioner Howard mentioned the mobile home park on Johnson Road and asked APD to patrol the area, especially since lights are out. Chief Persley said he will make note of this area. Commissioner Howard asked if there is a coordinated effort with the City Manager and the County, adding that he feels a joint effort is needed to calm concerned citizens and a coordinated effort should be made with the City and County due to mistrust and rumors that are circulating. Chief Rowe emphasized that it is a coordinated effort with resources being shared across all entities/boards.

JANUARY 24, 2017
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100

Mayor Hubbard thanked everyone for all they have done, continue to do and for providing update, which she encouraged to continue.

At this time, Mayor Hubbard asked citizens to complete the form in the back of the room should they desire to speak on any item on the agenda this evening, etc.

APPOINTMENTS

The Clerk read the following for vote at the regular meeting.

1. One appointment to EDC for two year term expiring December, 2018
2. Six appointments to ADICA for two year terms expiring January, 2018 & 2019 as noted
3. Mayor and Commission appointments to City Tree Board for two year term expiring August, 2018
4. One appointment to Joint City/County Plumbing Board for one year term expiring January, 2018 (rotating member)

There were no comments on this item

QUALIFYING FEES (Commissioner Postell entered the meeting at this time [6:21 pm])

The Clerk stated that the City will have an election this year on November 7, advising that qualifying fees have to be set and published.

There were no comments on this item.

MASTER DEVELOPMENT AGREEMENT

Latoya Cutts, Downtown Manager, read from the agenda item (copy on file) pertaining to the Master Development Agreement with Albany Development Partners (ADP). She explained that subproject B will include the Civic Center, Law Enforcement Center (LEC) and the Airport and, referenced the recommendation, adding that any projects (subproject A-B) will be brought back to the Commission for approval to include costs, specific terms of the agreements, etc., with the request now to move forward with the framework of the Master Development.

Commissioner Postell clarified the master plan, with Ms. Cutts referencing the presentation to the Commission in August of last year by ADP, which brought us to this point today which is for the Commission to consider the framework and independent projects. Commissioner Postell said he read things with which he does not agree and suggested tabling since there are so many parts (lighting, Civic Center, APD, etc) to this item. He stated that we are in a critical state in Albany because of recent destructive storm and discussed the investment of money and conversations he had with ADP. Ms. Cutts stated that representatives are at the meeting tonight and again explained that additional information will be brought back for Commission approval in the

JANUARY 24, 2017
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100

future, which also addresses LED lighting. Commissioner Postell said we are not ready for this now.

Commissioner Howard asked if the item is time sensitive. Ms. Subadan reminded the Commission that the information was brought to them in August and at that time she was asked to work with Albany Partners and bring back additional information; while not being time sensitive, the request was to bring it back. She explained that replacing the street light infrastructure will benefit public safety, especially in areas without lighting, which in essence makes the item time sensitive. She reiterated that additional information will be brought back to the Commission before any project begins. Commissioner Howard mentioned changes that were added, i.e., Civic, LEC, Airport, etc. Ms. Subadan explained that the LEC and Airport will be audited to maximize technology and use of energy efficient lighting. Projects have been identified that will be brought back, but the scope did not change as the presentation made in August was large scope in nature and was to be expanded and modified as needs evolved. Commissioner Howard stated that the airport was recently built and he said he finds it hard to believe they already have inefficiencies; he asked the contractors who were used and said he agrees with Commissioner Postell. He said he would also like to have discussions with the City Attorney regarding this matter, adding that he is not comfortable voting on this matter tonight.

Mayor Pro Tem Fletcher agreed that the storm changed things and showed that Albany is outdated, especially as it pertains to infrastructure. She clarified that the request is to approve the framework and recommended that we stop bringing people to town with projects/ideas and then stall, suggesting that eventually people will stop offering help.

Commissioner Langstaff stated that initially he agreed with Commissioners Postell and Howard regarding the timing, however, he said he spoke with the City Manager and this was planned to be on the agenda for quite some time. He said Sherman Goldman with Seyfarth and Shaw Law Firm is here from out-of-town and would like to speak tonight, especially since the City is paying him to be here. He mentioned problems at the airport, i.e., hanger intended for demolition was damaged, but must be patched first because it is still in use, etc., and asked that an LED plan be brought back for consideration as these are efficient and computer monitored for those that have burned out, etc. He asked Mr. Goldman to answer questions, i.e., the downside to signing the agreement. Mr. Goldman discussed the three components 1) allowing ADP to bring proposals to the table on projects that save and/or make money 2) if the proposal is approved, the implantation phase will be brought back to include a budget and schedule, responsibilities, etc.; and 3) if approved, lawyers get together to approve the agreements. This commits the City to review and look at proposals brought in good faith. Commissioner Langstaff confirmed that Mr. Goldman worked with the lawyers on bringing the Microbrewery to the table and is telling us there is not a downside. Discussion followed with Commissioner Postell questioning the hiring of attorneys since the City has an attorney; Commissioner Langstaff explained that attorneys with special knowledge are hired by the City of Albany all the time. Mr. Sherman briefly discussed his background/credentials (over 700 economic development transactions in his 35+ year economic development career, adding that he is very familiar with downtown development). Commissioner Postell asked who pays whom; Ms.

Subadan stated that she hired this company to work on this project; Commissioner Langstaff asked Mr. Davis how many law firms are currently hired by the City with Mr. Davis stating at least three. Mayor Hubbard agreed that the City of Albany hires outside counsel/personnel lawyers, etc. Mr. Davis explained that the City Manager can hire under professional services.

Commissioner Coleman expressed concern that no numbers or a hard copy provided on which to base approval and said he is uncertain on what the Commission is voting on. With that in mind, there is no one here tonight that can guarantee that taxpayers will not be on the hook for 20-30 years since this is a long term investment/commitment. He said he does not want to vote on something in which he has no numbers and cannot simply ‘trust’ someone. Mr. Goldman said the agreement does not obligate the City to spend money, but to consider proposals brought forward in good faith, at which point if proposals are approved, then there would be costs involved. Ms. Cutts explained the process again and clarified conducting energy audits to obtain and provide the numbers that are being asked for tonight. They would like the City to be willing to – in good faith - allow the audits to gather information for review; and, they are asking for an agreement for the City to consider information that is brought to the Commission. She explained that money is spent up front by them and they want to have an agreement in place for the audits to be performed, etc. Commissioner Coleman countered that new information was mentioned by the City Manager, i.e., inclusion of LEC and Airport. Ms. Cutts again explained that approval is not being asked for specific projects, but rather to move forward for additional information; the Commission can turn the projects down after the information is brought back. Commissioner Coleman again stated that he feels this will be a long term project.

Detailed discussion followed with Ms. Cutts reiterating the process of bringing projects one by one for Commission consideration. Commissioner Marietta mentioned a class he took at GMA Mayors’ Day, which included energy performance contracts/savings resulting from an audit. He asked the Commission to move forward with the proposal as a means to save money. Commissioner Coleman stated that Albany is unique as it is demographically and size-wise different from other areas. Mayor Hubbard recognized Rufus Montgomery, et al to make comments and mentioned that after reading the information, her recommendation is to move forward, review each project and then make decisions. She also commented on other developers who have come to the Commission proposing projects, but then did not follow through, suggesting that there are not many knocking on the door to help and she said she is in favor of the project and her responsibility as an elected official is to get all answers, etc. She agreed with Commissioner Marietta’s comments about the savings.

Commissioner Postell stated that he asked to table this for a future date due to the recent disastrous storms, adding that he had suggested cancelling the meeting tonight because of what Albany and its citizens have been through.

On behalf of Albany Development Partners, Erik Steavens stated that they are here to provide assistance, help the city, develop projects, etc. Regarding recovery efforts, ADP can help immediately on the lighting side of that issue. They have access to resources, which will allow them to strategically put up or replace lights around Albany starting this week if the agreement is

approved. He asked that the agreement move forward and explained that the agreement does not bind anyone, but allows creating a partnership, which cooperatively works together. Commissioner Postell said it boils down to money, which they are after. State lobbyist Rufus Montgomery mentioned the Performing Arts Center at Albany State University, with which he assisted in facilitating, adding that he has also worked for four Albany City Managers. He listed positive outcomes of his work with the City: securing stimulus money; a 48-1% of return on his services; assistance with the Broad Avenue Bridge, etc., which he feels indicate successful things he has accomplished. He mentioned a past conversation with Ms. Subadan about bringing major development to Albany and, regarding this project, he said they looked at other cities where it was successful. Referencing additional costs, he explained that he has invested money from his firm, etc., and stated reasons that specifics have not been given right now regarding costs and numbers. He said people were brought in and after review, they suggested that this could work in Albany. The Commission is being asked to look at the proposal with the City Manager, City Attorney and staff reviewing before it is up for approval by the Commission. He mentioned the City of Greenville, SC, which at one time was similarly situated where Albany is right now; 20 years later its downtown is bustling with 4-star hotels, hosting presidential debates, etc. He said that ADP is asking for the ability to come back with projects for the Commission to consider, adding that the process was followed that was laid out by the City Manager when they first came and presented the concept to the Commission in August. Commissioner Coleman asked to see numbers the next time they come to the table for discussion. Mr. Montgomery guaranteed that the next time they come, they will have numbers; however, without the agreement they cannot move forward. Mayor Hubbard clarified that numbers will be brought on each individual project, with Mr. Montgomery agreeing. Commissioner Coleman mentioned that Albany is divided into six wards with each representing vastly different types of constituents, and he finds the actions/reactions of some of his colleagues distasteful.

Mayor Pro Tem Fletcher clarified that if this is not approved tonight, no numbers will be brought back; Mr. Montgomery agreed.

Commissioner Postell stated that there are six Commissioners on the Board, with each one empowered with the same authority. Other than conducting meetings, the Mayor has the same authority as Commissioners; she has no more power than any of the Commissioners. He said that all he is asking is to table this item until storm damage issues are resolved. Mayor Hubbard told Commissioner Postell that he will have an opportunity in the regular meeting to table this discussion.

Willie Powell, ADP, mentioned that acts of God is a part of nature with no one having control over what happened, adding that they have the capabilities to assist Albany; people will be here tomorrow to assist with storm damage recovery if the agreement is approved. Referring to the document, he reminded the Commission that there is a possibility that when they audit they may find something to implement and if not, they walk away. Commissioner Postell again expressed concern on moving forward at this time.

There were no additional comments on this item.

PUBLIC SAFETY MATTERS

1. HVC Hospitality LLC, d/b/a Courtyard by Marriott, 3019 Kensington Ct. H. Patel/Agent; Liquor, beer and wine consumption – Transfer from LBAM Investor Group, LLC – WARD 5

Commissioner Postell asked for additional clarification on the transfer from/to and the location. Marshal Walter Norman discussed information as noted. In reply to Commissioner Postell, he advised that there is a current occupational license certificate and that the Commission approves the Alcohol License Transfer of Ownership.

There were no additional comments on this item.

PUBLIC ADMINISTRATION AND FINANCE MATTERS

PURCHASES

1. Disaster Debris removal and Disposal

Yvette Fields, Central Services Director, distributed and discussed the revised information (copy on file), adding that the recommendation is to contract with Ceres Environmental Services, Inc., from Sarasota FL for an estimated expenditure of \$10,693,500.

Discussion on the following included: Information received from FEMA/GEMA on what [assistance] will be given (Commissioner Postell) with Mayor Hubbard advising that this information is not part of this decision per law. Ms. Subadan interjected that this will be explained during the recess. She clarified that there is an estimate on cubic yards of the removal of debris and explained that if the actual amount removed is lower the cost will be lower, etc. She asked that this be considered for approval to move forward with clearing debris. Commissioner Postell asked who will supervise; Ms. Subadan stated that this is a broad piece with public works, finance, etc., having a role. She mentioned that they made a strong commitment to use local contractors. Commissioner Postell moved to approve.

Commissioner Howard questioned the landfill tipping fee, with Ms. Subadan stating that it is inclusive and/or will go to the biomass plant, etc., disposal. Commissioner Howard asked if any debris has been co-mingled. Ms. Subadan stated that she does not think this has happened. In reply to Commissioner Howard, Ms. Subadan stated that this bid provides for Ceres to do everything; they have proposed taking debris to the biomass plant and/or to recycle clean trees. The full cost has been included in the proposal. Commissioner Howard asked how they will separate debris from the two storms, and suggested that there has probably been comingling of debris. Ms. Subadan explained the careful staging of debris from the first storm, with sites

JANUARY 24, 2017
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100

already selected, adding that the path of the storms were very different. Care has been taken to ensure that debris is hauled to designated areas; individual contractors are taking debris to the landfill and private contractors are taking it to designated areas to ensure no co-mingling.

Commissioner Marietta mentioned the criteria for the fee and asked if Ceres offered the lowest fee. Ms. Fields agreed that it was the best proposal.

Commissioner Langstaff stated that this is a unit price contract and does not obligate the City to spend \$10.0 million; if there is a better offer, it is possible to work it out in the interim. He mentioned that these are estimated amounts because of not knowing how far contractors have to travel; it could cost the \$10.0 million, which will require adding funds to the budget next fiscal year. Ms. Subadan stated that it would also require a budget amendment this year.

There was no additional comments on this item

There being no further business, the meeting adjourned at 7:37 p.m. Mayor Hubbard stated that after a short break, the regular business meeting will convene.

SONJA TOLBERT
CITY CLERK