

AUGUST 28, 2018
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100

PRESENT: Mayor Dorothy Hubbard
Mayor Pro Tem Bob Langstaff, Jr.
City Commissioners: Jon Howard, Matt Fuller, BJ Fletcher, Roger Marietta and
Tommie Postell
City Manager: Sharon D. Subadan
City Attorney: C. Nathan Davis

Mayor Hubbard called the meeting to order at 6:03 p.m., and reminded the audience of the process to address the Commission (Citizen Comments/Speaker Appearance Forms).

SPEAKER APPEARANCE

1. Laureen Kelly, Law Library Manager/SWGA Legal Help Center Director, discussed information regarding the Justice GAP Pilot Report (copy on file) in Dougherty County regarding civil legal problems. She mentioned services they offer, which include: triage, diagnosis, referrals, access to legal services and commented on statistics from the first eight weeks of the program, adding that the next move in establishing the project is a long-term goal of stable funding for sustainability.

In reply to Commissioner Postell, Ms. Kelly explained the current source of funding for the Law Library and the project, which is funded by grants.

2. R. Chix Miller, Esq. stated that he is representing former APD Officer James Haywood and discussed the request of Mr. Haywood's reinstatement of certification and medical leave. He commented on an investigation that was conducted on tax returns because the W-2 form had been changed and incorrect information submitted. The DA's investigation resulted in pressure for Mr. Haywood to submit his resignation, which occurred in 2017; additionally, the DA agreed to drop the investigation based on his compliance, however, the Department of Revenue, IRS, or the DA never charged him with a crime. Today he is physically impaired, out of work and has no prospect for employment. Mr. Miller distributed information (copy on file) indicating that Mr. Haywood should receive a hearing with POST.

Mayor Hubbard stated that this is a personnel issue and asked Mr. Davis for his comments. Mr. Davis stated that he can be allowed to speak on behalf of his client. In reply to Mayor Hubbard he explained that Mr. Miller is exposing the issue, with no liability to the City. Mayor Hubbard said that she did not think we should be hearing this and asked that no questions be asked by the Commission. She advised Mr. Miller that he can give the information, but he should not be discussing and suggested that he wrap up his presentation. Mr. Miller asked that a letter be signed, similar to what he distributed, which will allow Mr. Haywood to have a hearing in Atlanta with the POST Board. He also asked for payment for a reasonable amount for his medical leave due to his medical condition. He said that he is representing Mr. Haywood and asked the Commission to assist.

Mayor Hubbard stated that the Commission will take Mr. Davis' legal advice regarding handling this item as a personnel issue

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APPOINTMENTS

The Clerk read the following information and there were no questions/comments.

1. Four appointments to Chehaw Park Authority for two-year terms expiring July 2020

TRAVEL

Commissioner Marietta moved to approve the following, seconded by Commissioner Howard the motion unanimously carried.

1. City Manager S. Subadan; Meeting with EPD; Atlanta, GA; August 30, 2018
2. City Clerk S. Tolbert; Georgia Clerks Education Institute Training; Athens, GA; Sept. 9-10, 2018
3. City Attorney C.N. Davis; Institute for City & County Attorneys; Athens, GA; Sept. 12-14, 2018

COMMISSION END OF THE YEAR EXPENSE REPORT

The Clerk advised that the information was provided in the notebooks for review. There were no questions/ comments on this item.

DRAFT GROWLER ORDINANCE

Mr. Davis discussed information (at the request of Commissioner Fletcher) regarding the proposed Growler Ordinance as noted (copy on file), including the definition, licensing, etc. He advised that the item will be listed on the September 11 meeting for vote.

Commissioner Marietta asked if there is a downside to this. Mr. Davis explained that the customer breaking the seal inside the restaurant/brewery would be an issue; however, he said he feels that this can be regulated. In reply to Commissioner Marietta, he explained that package stores/bars will not qualify; only restaurants meeting the minimum 51% food sales requirement, with the other being the micro-brewery.

Discussion followed with Mr. Davis explaining the difference in growlers and draft beer. Commissioner Fuller questioned having language regarding the type container to be used. Mr. Davis explained that the maximum amount is 64 oz., and the beverage has to be sealed on premises. Commissioner Howard questioned having the container opened in public, with Mr. Davis explaining that there are restrictions for open containers. Commissioner Fletcher explained that she asked this to be brought up due to calls she has been receiving from restaurant owners. She mentioned that patrons at the micro-brewery basically leave with a souvenir showcasing the brewery's name, and added that she would not want the City raising alcohol license fees, which are already high enough. She mentioned that the growlers could have a logo showcasing the

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business's name. In reply to Commissioner Postell, Mr. Davis stated that Pretoria Fields and large restaurants would want to be part of this.

60 DAY MORATORIUM ON ABATEMENT/DEMOLITIONS

Mr. Davis advised that this is for formal approval of the decision made on August 14, 2018, to begin a 60-day moratorium on abatement/demolitions of single family, multi-family and commercial properties in the historic district, etc. This will validate/memorialize action taken by the Commission at that meeting. Commissioner Fuller said that he has no problems with the proposed ordinance.

Commissioner Marietta stated that on Monroe, there are historical houses boarded up and asked how this applies. Commissioner Fuller said that they have 45 days to figure out what can be done.

PUBLIC SAFETY MATTERS

ALCOHOL LICENSE APPLICATIONS:

1. JLN Products, d/b/a Board & Brush Creative Studio Albany, 2603 Stuart Ave.; E. Newsome/Agent; Beer Consumption; WARD 5
2. APH 2 LLC, d/b/a Albany Dawg House, 703 S. Slappey Blvd.; A. Rowe/Agent; Beer Consumption; WARD 6

Commissioner Postell questioned if licenses are only granted to those who are at least 21 years old; Chief Deputy Anthony Donaldson replied in the affirmative. There were no additional questions/comments on this item.

ALCOHOL LICENSE APPLICATION- TRANSFER OF OWNERSHIP

1. Izzat LLC, d/b/a Neighborhood Grocery, 716 Johnson Road; M. Shafi/Agent; Beer Package, Transfer of Ownership from F. Haq; WARD 1

There were no questions/comments on this item.

APD UPDATES

APD Chief Michael Persley gave an update on activities of the Albany Police Department, including calls for service, crime stats, etc., (copy on file). He stressed the importance of help from the community in assisting to locate offenders. He asked officers who have been hired since January 2017 to stand, adding that many were not present due to schedules (approx. 30-35 stood). He briefly discussed recruitment efforts, community safety officer positions and retention of personnel.

Commissioner Howard asked the meaning of ‘a child is in need’ when the newspaper reports crimes. Chief Persley said it can be a number of reasons, i.e., being left along, assaulted, etc. Commissioner Howard commended Chief Persley for his comments at the recent Town Hall meeting; he expressed concern regarding young males speeding on dirt bikes with no helmets, concerns of senior citizens in the Turner Job Corps area, etc. Chief Persley stated that this is being addressed with his command staff and ‘zero tolerance’ is in place. Commissioner Howard commended Cpl. Stroud’s actions in handling a fire involving a senior citizen.

Commissioner Marietta expressed concern on regionally expanding the Gang Task Force and Drug Unit. Chief Persley explained that this was discussed and APD is now part of the FBI Gang Task Force for this region, etc. Other resources/assignments in the SWGA Region include one of his officers assigned to the Southeast Regional Fugitive Task Force, the potential to have one assigned to the DEA Task Force, as well as other state/federal resources.

Commissioner Postell asked how many people were hired; Chief Persley said that 47 were hired since January 2017, with 35 remaining (the others did not make it through the Academy, etc.). In reply to Commissioner Postell he advised that training is done mostly in Tifton.

Chief Persley stated that he gets commended; however, it’s not him, but the officers who are doing a great job. Ms. Subadan echoed comments from Chief Persley and mentioned those who go above and beyond; she asked Travis Smith to come forward and mentioned that he has earned the distinction of being Albany’s singing officer. She mentioned that his personal cause is providing car seats for babies, which has grown into a movement, adding that it is this positive attention that Albany needs; she commended and congratulated his work.

Mayor Hubbard extended her appreciation to APD officers for the well-done jobs that they do. She stated that 140 car seats have been bought as of today and asked that those who can, to be part of this movement.

In reply to Commissioner Postell, Chief Persley commented on the July law that was enacted regarding hands-free driving, adding that there is an educational movement being done to assist in getting people out of that habit and to become aware of the dangers of distracted driving.

PUBLIC WORKS MATTERS

2200 BLOCK OF GREENOCH AVE. SPEED TABLES

Bruce Maples, Director of Engineering, discussed information as noted (copy on file) regarding the request to purchase and install traffic speed tables in the 2200 block of Greenoch Avenue.

There were no questions/comments on this item.

COMMUNITY AND ECONOMIC DEVELOPMENT MATTERS

2018-2019 ESG AWARD

Shirley Ingram, Community Development Manager, discussed information as noted (copy on file) regarding the acceptance of the Emergency Solutions Grant Award from the Georgia Department of Community Affairs in the amount of \$33,750.00. There were no questions/comments on this item.

PUBLIC ADMINISTRATION AND FINANCE MATTERS

PURCHASE:

Mike Trotter, Procurement Manager, discussed information as noted (copy on file) regarding the following with the request to declare the old units surplus:

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|----|---|--------------|
| 1. | Tractors & Mowers - Deere & Co., Cary, NC | |
| | Total expenditure | \$171,229.35 |

In reply to Commissioner Fuller, Derrick Brown, Finance Director, stated that this is budgeted for capital expenditures for the airport.

Hunter Hines, Airport Superintendent of Operations, introduced himself adding that he has been employed since June 2017. He stated that he is from Alabama, but came to Albany from Macon.

CITY MANAGER'S UPDATE

Ms. Subadan stated that they are working with ASU to put up banners in the Radium Springs and Westover areas; working with ATC and the Fleet Dept. to have an intern agreement for students to get work experience and are working with the AMI contract, with a timeline forthcoming. She asked Phil Roberson, Asst. City Manager, Jeff Hughes, Sewer Maintenance Engineer, and Stacy Rowe, Interim Public Works Director, to give an update on sewer matters.

Mr. Roberson said improvements have been made to lift stations with upwards of half a million dollars being spent on new technology, increased staffing, monitoring all stations that are being upgraded, laptop computers issued to supervisors to monitor 24/7, upgrades to motor controls to monitor the wells, etc. Regarding funding (GEFA Loan/SPLOST funds) to upgrade/modernize stations, he explained the process and the intent to have stations running more at their designed capacity instead of having additional flow for which they are not designed, etc., including the potential study that will assist in the challenges.

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Commissioner Marietta suggested upgrading/expanding wastewater treatment facilities for long range planning and that a study look specifically at the east side of the river. Mr. Roberson explained that things have changed since the 1990's and the old CSO plans are being looked at again and encouraged all suggestions be looked at. He mentioned having to face the issues of biological solids (CSO) and non-biological solids (plastics, bottles, cans, etc.) that stormwater puts into the river every day and the challenges they present.

Commissioner Howard suggested doing a better job with public relations and avoid giving the impression that the City is hiding anything regarding the sewer spills; to be more forthcoming with local media outlets. Mr. Roberson discussed the process and the need to inform. In reply to Commissioner Howard, he advised that OMI has been monitoring since the 1990's.

Commissioner Fuller asked for an update on the pumps that were approved. Mr. Roberson replied that the pump was installed Friday and is fully functional; he discussed the process, adding that things are going better and explained what is being done with stations to take them off-line in cases of emergency.

In reply to Commissioner Postell, Ms. Subadan commented on the EPD/Federal Government coming down to do an assessment, reporting findings, etc. The City received a notice of violation and staff is going to Atlanta to address the concerns. Regarding sewer spills, she discussed capital improvements that have been done to a lot of the stations with old infrastructure, etc., and in reply to Commissioner Postell she advised that information is being distributed to the media and to the public.

Mr. Maples stated that the proposal is to put out an RFQ/RFP to get additional information/a study to consolidate and look at all issues, bring back recommendations for the Commission to review, etc., as it pertains to getting information to citizens. Commissioner Postell commented on flooded areas, cleaning up by wards, etc.

OTHER BUSINESS/ITEMS FOR FUTURE AGENDA

Commissioner Fletcher said that she continues to get calls on panhandling and asked Mr. Davis the status. Mr. Davis said that he will have a draft ready for review next month. Commissioner Fletcher asked to review open containers, specifically as it pertains to special holidays and entertainment in the downtown area. She suggested that with more restaurants coming downtown, this would entice and attract the public, adding that she feels concessions are needed in this matter; Mayor Hubbard agreed and suggested looking at how other cities handle.

Commissioner Howard mentioned events planned for this weekend, including Dougherty HS Alumni week starting tomorrow, as well as ASU fans traveling to Valdosta State, etc.

Commissioner Postell asked Commissioner Marietta to change his attitude about him and making statements he cannot support.

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In reply to Mayor Hubbard, Mr. Davis discussed Section 3.8 of the Charter, which discusses absences of Commissioners (and grounds to remove a Commissioner, etc., as noted. “Absence from five consecutive regular meetings, whether excused or unexcused, operates to vacate the office of a commissioner unless said cumulative absence is excused by the commission by resolution setting forth the reason therefor (for the excuse) and entered upon the minutes of the board.”

Mayor Hubbard acknowledged President Fedrick from ASU who is present tonight.

There being no further business, the meeting adjourned at 7:27 p.m.

SONJA TOLBERT
CITY CLERK