

SEPTEMBER 10, 2019
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100

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

Mayor Hubbard called the meeting to order at 8:30 a.m.

APPOINTMENT

1. One appointment to the Albany Utility Board to fill an unexpired term ending January 2020

The Clerk advised that there are two unexpired term appointments up for consideration at this time.

There were no questions/comments on this item.

PUBLIC SAFETY MATTERS

ALCOHOL LICENSE APPLICATION

1. Zamudio's Restaurant of Albany LLC; d/b/a Mi Casa Mexican Restaurant; 2610 Gillionville Rd; J. Lark/Agent; Liquor, Beer and Wine Consumption; WARD 4

ALCOHOL LICENSE APPLICATATION: - Transfer of Ownership

1. Mirsh Enterprises LLC; d/b/a Lighthouse Liquor; 2810 Old Dawson Road; J. Park/Agent; Liquor, Beer & Wine Package; WARD 5

There were no questions/comments on either of the above licenses.

ALBANY POLICE DEPARTMENT UPDATE

Using a power point presentation, (copy on file), APD Chief Michael Persley stated that the information presented today covers May 29 through September 8 and discussed the following: 2019 Focus Points, Operational update including number of calls, incident data and traffic accidents, recruitment status (38 total) including the recruitment summary and challenges to recruiting/retaining officers, Code Enforcement (demolitions, sign ordinance violations, cleanup of commercial properties, opportunities for development of demolished properties; additional things APD has worked on including: National Night Out returning to its original format of being neighborhood-focused, Project Safe Neighborhood Programs, Police Academy for middle school students, faith-based Conflict Resolution Center, etc., and, plans going forward include: encouraging community volunteers to support police operations, registering privately-owned

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alarm/surveillance systems for use in helping keep communities safe, and the Community Trust Initiative. He recognized GBI Special Agent, Joe Chestnut, to provide an overview of the GBI SWGA Regional Drug Enforcement Office that will be opening in Albany.

Special Agent Chestnut mentioned discussions between himself and Chief Persley that led to a proposal to establish an office in Albany, which is becoming a reality. He said that the Albany office will have eight Special Agents, who have jurisdiction in 42 counties (roughly all of Southwest Georgia) and will partner with other local law enforcement agencies, which will detach officers who will be sworn in as agents on the GBI Task Force. He added that the focus will not only be on drug enforcement, but gang activities as well.

Mayor Hubbard thanked Special Agent Chestnut for working to bring the office back to Albany.

In reply to Commissioner Howard, Mr. Chestnut gave the location of the office and commented on the seven other officers who will be working in the area, adding that they will cover all of SWGA, from Valdosta to the Alabama border. He advised that the office will open as soon as the lease agreement is signed and contact numbers will be provided once the office is open.

Mayor Hubbard asked if opening is October 1 with Mr. Chestnut stating that infrastructure needs will be assessed, etc., before moving in.

Commissioner Fuller questioned the registration form for citizens to register their alarms, etc. with Chief Persley explaining the process, adding that additional information will be forth coming.

Commissioner Fletcher asked the media to address information presented today so that citizens will know that the City is addressing these issues. She thanked everyone who worked on this process, as well as commending Chief Persley for improvements in Code Enforcement.

Commissioner Marietta mentioned mass shootings and hate groups on social media and asked if this is being monitored. Mr. Chestnut explained that the GBI has a unit assigned to address issues of this nature.

Ms. Subadan stated that the County approved the MOU, IGA and lease agreement concerning the GBI office at their meeting yesterday.

Mayor Hubbard also thanked Chief Persley and Special Agent Chestnut for the work that they do.

Commissioner Howard reminded the Commission of the next public safety forum on September 26 at 6:00 p.m. at the LEC and encouraged them to support this event.

PUBLIC WORKS MATTERS

LOWE ROAD RIGHT-OF-WAY AND EASEMENT SWAP

Bruce Maples, Director of Engineering, discussed information (copy on file) regarding the Lowe Road relocation, right-of-way and easement swap between the City and the State of Georgia. He gave a brief history and asked the Commission to approve the resolution authorizing the execution of the Limited Warranty Deed to the State of Georgia and to accept the quit claim deed from the State conveying new right of way for relocation of Lowe Road, which include maintenance of utilities, etc., adding that a future transaction will be Dougherty County deeding its portion of the existing Lowe Road to the City.

In reply to Commissioner Fuller, Mr. Maples explained that the purpose of the swap will cleanup ownership of the property. Albany Tech did not want a right-of-way running through the existing campus. Mr. Davis added that Lowe Road was relocated.

DRIVEWAY VARIANCES FOR WESTTOWN ROAD

The Clerk advised that this item was withdrawn per Mr. Maples.

PUBLIC FUNCTION MATTERS

REVISIONS TO OLD NORTHSIDE DISTRICT OVERLAY

Paul Forgey, Planning Director, discussed information (copy on file) and explained the process, adding that the request is for the Commission to request the Planning Commission to provide recommendations for potential revisions to the Old Northside Zoning Overlay District. He advised that the issue is that the Overlay District prohibits some uses that are desired in that district (specifically event centers). The intent is for the Planning Commission to conduct a study to determine if event centers should be allowed in that district; however, before the study can be conducted, the City Commission must grant approval.

Commissioner Marietta mentioned that St. Teresa wants to replace their sign that was damaged by Hurricane Michael, they asked for a variance, which was granted; however, the City's ordinance doesn't allow for a variance for signs. He asked that the Commission ask the Planning Commission to make a recommendation to rezone the property to allow for St. Teresa to replace the sign.

Discussion followed with Mr. Forgey advising that signs are allowed in residential areas, but the type of sign they want requires being rezoned to commercial.

Commissioner Langstaff stated that normally the property owner makes application to rezone, with Mr. Forgey explaining that there are two ways to rezone, either by 1) application or 2) the City Commission can ask the Planning Commission to take up an item. Commissioner Langstaff asked why is the City doing it and not St. Teresa. Commission Marietta explained that St. Teresa was approved for the variance; however, when it was determined that there are no variances for signs and to have the sign they want, the property must be rezoned, his request is to expedite the process.

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Commissioner Langstaff said he could not remember the City asking the Planning Commission to rezone property, with Commissioner Marietta stating that it happened a while back when the City took up a case to rezone Country Club Estates.

In reply to Mayor Hubbard, Mr. Forgey explained that this is legal.

Commissioner Langstaff suggested the City having a good reason to do a rezoning since the process is normally driven by the property owner and his concern for having specific reasons for taking up such matters. Commissioner Marietta gave additional information pertaining to the request for a variance, etc., which lead to where we are now in order to expedite the process. In reply to Commissioner Langstaff, Mr. Forgey stated that discussions started in the spring.

Commissioner Fuller clarified the remarks of Commissioner Langstaff in not getting involved in this, but allowing St. Teresa to go through the process. Commissioner Marietta stated that part of the problem is funding and paying [additional] fees (since they already paid for the variance), etc. Commissioner Fuller also expressed concern and asked that protocol be followed, etc., with Commissioner Marietta suggesting that the next fee can be waived.

Commissioner Fletcher agreed with Commissioners Langstaff and Fuller and suggested following the process and not allowing the Commission to get involved. Commissioner Marietta said he would get the application and hand deliver to St. Teresa.

CREATION OF A LOCAL COMPLETE COUNT COMMITTEE

Mr. Forgey discussed information (copy on file) requesting the adoption of a resolution creating the Albany/Dougherty Complete Count Committee for the 2020 census.

In reply to Mayor Hubbard, Mr. Forgey stated that the County has not approved the resolution, but will be asked to. Mayor Hubbard added that people were appointed to the Committee from both the City and County.

COMMUNITY AND ECONOMIC DEVELOPMENT MATTERS

2019-2020 EMERGENCY SOLUTIONS GRANT AWARD

Phyllis Brown, Deputy Director, discussed information (copy on file) regarding the acceptance of the Emergency Solutions Grant Award (ESG) from the Georgia Department of Community Affairs (DCA). She explained the purpose of the ESG Program and the partnership with agencies to assist with homelessness.

Mayor Hubbard mentioned the review and approval being due by August 31. Ms. Brown advised that she asked for an extension from DCA and there is no problem.

Commissioner Marietta thanked staff for coordinating the effort for the obtaining this grant.

PUBLIC ADMINISTRATION AND FINANCE MATTERS

PURCHASE:

Kimberly Allen, Buyer I, discussed information (copy on file) regarding the following:

1. Lift Station #81 and #83 Rehabilitation, POPCO - Sylvester, GA
Total expenditure \$759,364.00

Commissioner Howard asked if this was outside of the City Manager approvals. Ms. Subadan explained that her approval was for maintenance and that this is not maintenance; it is a Capital Expense in which the lift stations must be rebuilt. It is not something within the nature of what she was approved to spend without Commission approval, etc. She advised that this expense is replacing major components and not considered maintenance. Inspections revealed the need for valve replacement necessitating a separate scope of work and having to go out to bid for these two stations. A schedule has been created to periodically replace major components of the sewer system in order to keep it operating at an optimal level.

In reply to Commissioner Howard, Ms. Subadan discussed the process of prior lift stations approvals, etc., with Commissioner Howard clarifying that this type expense will be ongoing. Ms. Subadan stated that every year capital improvements will be needed to upgrade, replace/rebuild to keep systems running at optimal levels.

Commissioner Langstaff questioned why there was only one bidder. Ms. Allen explained that they normally receive bids from two contractors, with the other contractor already working on another City rehab project. Commissioner Langstaff asked if this bid was within the target number/amount, with Ms. Allen stating that it is within budget.

Phil Roberson, Asst. City Manager, interjected that the ten lift stations approved in September are substantially complete, adding that bond/indebtedness issues will be retiring (one this year and one next year) which will free up funds for the routine maintenance. Ms. Subadan explained that this is a case of capital replacement versus maintenance and is a higher level.

APPLICATIONS FOR GRANTS (FY20)

Barry Brooks, Asst., to the City Manager, discussed information (copy on file) regarding the request to authorize the City Manager to make applications for Grants in FY 20. He referenced the Grant Status List from 2019 indicating which grants were applied for and whether or not the grant was accepted.

In reply to Commissioner Marietta, Mr. Brooks referenced information regarding grants from last year, etc., information regarding the process and when notifications are received.

DBE PROGRAM 2019-2023

David Hamilton, Transportation Director, discussed information (copy on file) regarding the request to approve the Southwest Georgia Regional Airport Disadvantage Business Program for 2019 thru 2023 and introduced Keven Weeden, Sr. VP with Ken Weeden & Associates, the consulting firm providing the information.

Mr. Weeden gave a brief summary of himself and the company, discussed information as noted on the Fact Sheet and commented briefly on the overview of the program and highlights. Regarding information at the top of the form (grant assurances), he corrected the number of 38 to 37 regarding assurances and advised that the grant will run through 2021 instead of 2023 as noted. He briefly discussed: timeframe of payment to subcontractors, goal for three-year period (percentage of DBE participation), designed as a ‘good faith effort’ program and the Unified Certification Program.

Commissioner Howard referenced pg. 14 of the contract and questioned the 10% DBE awards. Mr. Weeden stated that the 10% is a national goal, with goals being aspirational; however, each recipient has their own goal with the goal for Albany being 13.5%, based on projects for the next three-year period. Commissioner Howard asked the difference between race neutral and race conscience. Mr. Weeden explained that race neutral basically means that a wide net has been cast to get participation by small businesses with race, ethnicity or gender not being a focus. While race conscious means that a goal is put within the contract and once the contract is awarded, the prime contractor is obligated to meet the goal specifically using DBE firms. Commissioner Howard asked Ms. Subadan if the City can do a model for procurement that will benefit the City. Ms. Subadan stated that this can be worked on, however, the key is good faith efforts, adding that she thinks that quotas and set-asides are not allowed. She mentioned opportunities that are in place for local disadvantaged and female businesses and that looking at what is legally allowed can be looked at. Mr. Weeden interjected that quotas are prohibited by law, however, set-asides are permitted. It must be an egregious case and is extremely rare based on discrimination.

Additional information followed on a disadvantaged program and going outside of Albany to find qualified people. Mr. Weeden stated that the projects funded by federal tax dollars are specific in requirements and are not specific to areas, adding that DBE goals only apply to the part of the project that is federally funded; therefore, not limited to local geographic restrictions.

Commissioner Langstaff noted page 11, sec. 26.43, which states that ‘the City does not use quotas in any way in administration of DBE program; however, attachment 4 states that set-asides were feasible and may establish a percentage of the total value of prime etc. Mr. Weeden explained that attachment four is small business participation plan, a component within the DBE program plan that is used to address deficiencies regarding the over-utilization of DBE firms as the expense of non-DBE firms. He stated that the goal, ultimately, is to have 100% race-neutral participation,

adding that having small business participation can be a goal with set-asides possible, but that is not the same as a DBE goal since small business set-asides do not take into consideration race and gender, only business size. He agreed with Commissioner Langstaff that set-asides are possible for small businesses.

William Wright, distributed information (copy on file) regarding the CFR-49 DBE information and commented on transportation projects, having a program narrowly tailored and setting goals, etc. Referencing the information, he suggested that the 13% is not reasonable for the City of Albany and noted page 27 of the report and other cities in Georgia that have a higher percentage. He questioned ‘good faith’ before the report was brought for Commission review and the making of adjustments in advance of approval and ways to get the percentages higher. He referenced page 6 regarding additional responsibilities that Mr. Hamilton is required to implement as noted.

Mayor Hubbard told Mr. Wright that his time is up and Mr. Wright asked that dollars not be jeopardized and said he will meet with staff to see whether the percentage can be increased in Albany.

Mayor Hubbard asked if DBE can be above 13%; Ms. Subadan agreed. Mayor Hubbard suggested that bids will be looked at, with Ms. Subadan stating that we will make sure we are meeting requirements.

Mr. Wright suggested that the problem is engineers do the hiring and small businesses are not given opportunities.

JOINT AGREEMENT WITH DOUGHERTY COUNTY re: GBI OFFICE SPACE

Chief Michael Persley discussed information (copy on file) regarding the request to consider approving a shared agreement with Dougherty County and JFT Public Properties, LP (JFT), for the provision of office space adjacent to the County Jail for the Georgia Bureau of Investigations (GBI). He advised that the location will be 1301 Evelyn Avenue and stated that the amount that will be evenly split between the City and County is \$4,120.00 per month.

Commissioner Fuller questioned the size of the office space, with Chief Persley stating that it is 5,000 sq. ft.

In reply to Mayor Hubbard, Chief Persley stated that the county has approved the resolution

CITY MANAGER'S UPDATE

Update: Successfully closed on the Transportation Center project at the agreed upon price, design elements are forthcoming; E/W side interceptor rehab – east side is complete, with the west side approaching 50% completion; traffic signal repairs from Hurricane Michael are moving forward and, LED street lights project is over 99% complete, including repairs to street lights for issues

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other than fixtures. She advised that Mayor Pro Tem Postell will be recognized at the next meeting on September 24 at 4:30 p.m.

Mayor Hubbard announced that the public forum on the sewer system is on September 17th.

OTHER BUSINESS/ITEMS FOR FUTURE AGENDA

Commissioner Howard said he has received calls regarding street signs in E. Albany and asked to make sure correct signs are being put up, as well on the correct side of the street. Ms. Subadan stated that there are challenges they are working through at this time and they will not be paid until everything is in order.

There being no further business, the meeting adjourned at 9:57 a.m.

SONJA TOLBERT
CITY CLERK