

MARCH 10, 2020

REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF ALBANY,
GEORGIA
GOVT. CENTER – RM 100

PRESENT: Mayor Bo Dorough
Mayor Pro Tem Jon Howard
City Commissioners: Matt Fuller, BJ Fletcher, Chad Warbington, Bob Langstaff,
Jr., and Demetrius Young
City Manager: Sharon D. Subadan
City Attorney: C. Nathan Davis

Mayor Dorough called the meeting to order at 12:30 p.m., followed by a moment of silence and the Pledge of Allegiance.

Mayor Pro Tem Howard moved to approve the minutes of the previous meeting, seconded by Commissioner Fletcher; the motion unanimously carried. Mayor Dorough referred to the February 25th minutes, stating that it was Ms. Brown, a citizen speaker, not a Commission member, who said that Phoebe Putney Hospital pays no taxes, as has been reported. He also mentioned a typo in the same minutes and noted that his remark was that Phoebe Putney Hospital has approximately \$700.0 million in reserves; however, the minutes reflected the amount as \$700,000.00, which is a great difference.

Commissioner Warbington moved to add Executive Session to the agenda following adjournment of the regular meeting in order to update Commissioners on a real estate matter, seconded by Commissioner Langstaff; the motion unanimously carried.

REPORT OF THE COMMITTEE OF THE WHOLE

Commissioner Langstaff moved to approve the following purchase, seconded by Commissioner Warbington; the motion unanimously carried.

1. 2020 Ford Interceptor Utility Vehicles - Sunbelt Ford; Albany, GA;
Total exp. \$416,592.00

Commissioner Langstaff moved to approve the following Alcohol License Application, seconded by Commissioner Fletcher; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

1. Caribe Solutions LLC, d/b/a El Caribe Restaurant; 425 W. Oglethorpe Blvd; J. Andujar/Agent; Beer Consumption

APPOINTMENTS

Commissioner Langstaff moved to approve and ratify the following appointments, seconded by Mayor Pro Tem Howard; the motion unanimously carried.

1. Mayor's appointment of Sondra Aikens to the Albany Housing Authority for unexpired term ending November 2020
2. Ratifying Mayor Dorough's appointment to the Joint Board of Health (tenure of office)

ORDINANCES

Mayor Dorough introduced

ORDINANCE NO.

Pursuant to the provisions of Title 36, Chapter 35 of the Official Code of Georgia Annotated, as amended, amending Section 4 of the Charter of the City of Albany so as to provide the City Manager with purchasing authority; establishing limitations

Mayor Dorough then offered the motion and asked for its adoption, seconded by Commissioner Warbington.

Detailed discussion followed on pros/cons of changing the ordinance as follows:

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Commissioner Langstaff stated that he researched the spending limit of City Managers in other Georgia cities, specifically Marietta and Lawrenceville, adding that both have lower spending limits, however, if items are approved when the budget is adopted, those items do not come back to the table for another vote. He suggested adopting what the City of Lawrenceville has in place and asked Commissioner Warbington if this could be an amendment to his motion, noting that this process would require more detailed budget meetings.

Commissioner Warbington stated that to include Commissioner Langstaff's suggestion, he would see that as phase 2 and the need for additional discussion.

Mayor Dorough stated that he takes issue with the suggestion, adding that allocating and spending money are two separate matters and suggested that the Commission to be informed and know what is being spent. He mentioned that when he was a City Commissioner, he had an idea about employing a Comptroller to work for the Commission, who would make certain that purchased items had been properly budgeted and monies were available prior to the purchase. He stated that the Commission, which is responsible for the expenditure of money, should know when and how it is spent, adding that he feels \$40,000 is a reasonable limit.

Additional discussion followed with Commissioner Fletcher stating that the spending limit was changed a few years ago with a unanimous vote by the Commission. She remembered this being changed due to the storms that came through Albany and the need to expeditiously move business forward and asked why we are considering changing the limit.

Mayor Dorough stated that staff could respond to questions.

Yvette Fields, Central Services Director, explained that the change allowed flexibility and decreased the length of time it took to approve agenda items, adding that in times of emergencies, responses/purchases are needed immediately. She suggested that any change is at the discretion of the Commission and that certain items could be carved out of the budget and voted on separately. In reply to Commissioner Fletcher, she advised that the change expedited the process, which allows purchases to be approved faster and discussed other factors affecting purchases.

Commissioner Fuller offered a substitute motion to continue the current practice for six months, with the City Manager providing monthly reports, which will allow for any Commission questions regarding purchases, seconded by Commissioner Langstaff.

Commissioner Warbington stated that the question pertains to accountability of purchases and transparency. He suggested that the Commission and citizens do not see what is going on and that he wants government to be open and transparent.

Mr. Davis verified with Commissioner Fuller that the request is to continue the spending limit practices of the City Manager at the current rate of \$100,000 per year for the next six months with monthly purchase reports provided to the Commission.

Continuing with discussions, Commissioner Fletcher asked Jimmy Norman if the Utility Department benefitted from the change. Mr. Norman replied in the affirmative, adding that the flexibility of purchasing items for repairs is invaluable and gave an example of a well pump failing and spending large amounts of money on small purchases to keep it running until approval of final repairs, etc.

Questions from Mayor Dorough: was the \$100,000 limit enacted subsequent to Hurricane Michael (replies 'after the tornadoes', Mayor Dorough 'after a disaster'); was Mr. Norman aware of discontinuation of regular maintenance for lift stations occurring during Interim City Manager Tom Barry's tenure (Mr. Norman 'I was not aware'); was there a memo to Jacobs reducing their scope of services in the middle of a fiscal year (Ms. Subadan 'a memo was sent regarding a reduction in the scope of services'). In response to Mayor Dorough, Ms. Fields asked Jeff Hughes, Sewer Maintenance Engineer, to discuss the reduction of Jacob's contract. Mr. Hughes explained force main inspections that two of Jacob's employees performed, as well as helping with lift station maintenance; the City took over that role; however, there was no reduction in primary maintenance. Mayor Dorough requested a copy of the memo and asked if the reduction in service was prior to the

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sewer system's 2017 malfunction, Ms. Fields and Mr. Hughes replied in the affirmative. Mayor Dorrough asked if it's possible the changes in scope of services contributed to the malfunction of the lift stations and sewage spill; Mr. Hughes replied that he does not believe that affected what happened. Commissioner Fletcher asked if the reduction in services by the company was due to the City assuming that responsibility. Mr. Hughes agreed that the City took over lift station maintenance for well cleaning. Commissioner Fletcher stated that the work continued but changed hands as to who did the work; Mr. Hughes agreed.

Mayor Dorrough stated that the Commission needs to be more, not less, involved in the operations of the City, adding that Commissioner Warbington brought attention to the Commission about vehicles that had been purchased, which seemed to be circumventing the \$100,000 limit. Even if that was not the case, hundreds of thousands of dollars in vehicles has been purchased, which never came before this Commission for approval and explains why he had this item brought forward.

Commissioner Young stated that no one on this Board is trying to do the job of staff, but the 'power of the purse' (as explained in Political Science courses) obligates this Commission in matters of expenditures. It seems some of the power is being abdicated, for which he sees justifications, i.e., emergencies created by natural disasters, and needing the authority to make purchases; however, we must be able to deliberate these issues and vote on them. He stated that he has yet to hear of such an emergency that justifies the Commission abdicating its powers in terms of approving purchases to that level.

Commissioner Fletcher asked that Mayor Dorrough share the email from Commissioner Warbington regarding the \$100,000 purchase of vehicles. Commissioner Warbington interjected that when the vote came up on the vehicles, there were four that were approved; however, a total of 20 were purchased; this was said in a public meeting with Ms. Fields providing the spreadsheet that contained that information.

Mayor Dorrough restated the substitute motion to continue the current practice and obtain monthly reports regarding the spending limits of the City Manager.

A brief discussion followed with Commissioner Young questioning the approval process that is lacking and Commissioner Fuller reiterating that the practice will remain for six months only and then changed, if it is the desire of the Commission.

At this time (1:00 p.m.), Commissioner Warbington moved to extend the meeting for an additional hour (to 2:00 p.m.), seconded by Commissioner Young, the motion unanimously carried.

Commissioner Warbington stated that the City Manager did provide reports from the time that the spending limit was changed, and the Commission already has the six months of reporting, adding that he wants to be more involved and informed on the process. Based on data the City Manager provided last night, he said there were no purchases that he would have wanted to stop and reiterated his intent to be more involved and informed.

Hearing no further comments, and after a roll call vote, the motion carried 4-3 with Mayor Dorrough, Commissioners Warbington and Young voting no.

Commissioner Langstaff moved to table the following until the next meeting, seconded by Commissioner Young:

AN ORDINANCE NO.

Amending Chapter 2, Article VI, Division 1 of the City Code so as to provide a process for consulting/retaining outside legal counsel

Commissioner Langstaff advised that the table includes that no additional outside counsel will be engaged, other than those already engaged, and authorizing the City Attorney and City Manager to continue using outside counsel as required by the insurance companies (regarding Risk Management).

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Hearing no further comments, the motion to table unanimously carried.

Commissioner Warbington introduced

AN ORDINANCE NO. 20-101

Closure of an unimproved city right-of-way adjacent to 3011 W. Oakridge Drive

Commissioner Warbington then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Langstaff; the motion unanimously carried.

Commissioner Langstaff introduced

AN ORDINANCE NO. 20-102

Establishing boundaries for the Downtown Entertainment District; Enacting an ordinance that will govern possession and consumption of alcohol in the Downtown Entertainment District; Repealing alcoholic beverage requirements in Article 10, Section 10.02 of the Albany/Dougherty Overlay Zoning Ordinance re: the Downtown Entertainment District; Abolishing proximity requirements for the Downtown Entertainment District; Exempting the Downtown Entertainment District from the proximity limitation in City Code 6-75(4)

Commissioner Langstaff then offered the motion and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Fuller.

Commissioner Langstaff advised that the original ordinance was revised to include two drinks instead of one drink and that the City Attorney distributed the revised ordinance during the break.

Mayor Pro Tem Howard stated that he is voting no because he feels this will take away from calls for service to APD by not having officers readily available due to being downtown monitoring events.

Mayor Dorough stated that he supports it being only one drink rather than two.

Commissioner Young commented on theme parks in Florida that only allow one drink and mentioned that Chief Persley had discussed being on the lookout for those who had consumed too much.

APD Chief M. Persley stated that downtown businesses were involved in the process and said they wanted the ordinance written this way. He suggested that the businesses will have to abide by the ordinance, and this will not create problems or be a drain on resources. Being brand new, they will see how it pans out, and he said he hopes it brings other businesses and interests to downtown. A downtown business community pulling together might be able to police their own.

Hearing no further comments and, after a roll call vote, the motion carried 5-2 with Mayor Dorough and Mayor Pro Tem Howard voting no.

OTHER BUSINESS

Commissioner Warbington moved to amend the agenda to include executive session at the end of the meeting to discuss real estate disposal, seconded by Commissioner Langstaff; the motion unanimously carried.

The Clerk advised that the travel was not voted on during the work session. Commissioner Warbington moved to approve the travel as listed on the work session agenda, seconded by Mayor Pro Tem Howard; the motion unanimously carried.

At 1:12 p.m., Commissioner Warbington moved to enter into executive session to discuss real estate disposal, seconded by Commissioner Langstaff, the motion unanimously carried as follows:

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

At 1:40 p.m., Mayor Pro Tem Howard moved to exit executive session, seconded by Commissioner Fuller and, following a roll call vote, the motion unanimously carried.

At 1:44 p.m., Mayor Dorrough reconvened the meeting and announced that no action was taken in executive session.

There being no further discussion, the meeting adjourned at 1:44 pm.

MAYOR

ATTEST

CITY CLERK