

APRIL 28, 2020
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100

PRESENT: Mayor Bo Dorough
Mayor Pro Tem Jon Howard
City Commissioners: Chad Warbington
City Manager: Sharon Subadan
City Attorney: C. Nathan Davis

Mayor Dorough called the meeting to order at 6:05 p.m., and after attendance confirmation, it was noted that Commissioners Langstaff and Young were on the virtual conference call and that Commissioners Fuller (approx. 8:25) and Fletcher (approx. 8:13) joined the meeting shortly thereafter.

AMENDING SECTION 22-32 OF THE CITY CODE

Mr. Davis discussed information as noted (copy on file) and asked for consideration to amend the qualification ordinance for Municipal Court Solicitor and Defender.

There were no questions/comments on this item and, Mayor Dorough stated that we are not voting on this tonight; it will be on the May regular Commission meeting.

AMEND SECTION 36-206 & 207 OF THE CITY CODE

Mr. Davis discussed information as noted (copy on file) regarding increasing the millage rate for blighted property and enforcement of tax collection. He discussed state law and explained the process of increasing the millage rate, processes in municipal court, etc.

Mayor Pro Tem Howard asked if this was done in the case of properties on N. Jackson, N. Slappey, etc., with Mr. Davis agreeing and explaining the process.

Commissioner Fletcher asked if we are doubling what is charged for blighted property. Mr. Davis replied in the affirmative, adding that the millage rate will be multiplied by six, if the court determines that the property is blighted.

Commissioner Warbington supported enforcing the tax regarding demolition to recoup costs, adding that properties near the blighted property are often affected and made worse. He mentioned the 25 properties that he checks on, adding that this is not a lot of money and the 6% as a good start. Blighted commercial properties, not only pose a safety hazard, but overall, also bring down real estate property. Properties owners need to either pay the fine or remedy the property as it is detrimental to all properties, suggesting that they need to comply or help solve the demolition problem by paying additional taxes.

Commissioner Langstaff asked if this was only used twice (the blight tax), Mr. Davis said he thinks that it was used three times in the past, but it has not been used recently. Commissioner Langstaff asked if municipal court must assess/fine and determine that the property is blighted, with Mr. Davis agreeing that an order is signed, and follows a process until the issue is resolved. Commissioner Langstaff asked if we routinely ask for the blight tax to be applied, with Mr. Davis stating no and explaining that abatement cases have received more attention. Discussion followed on using the blight tax more frequently as suggested by Commissioner Warbington, with Mr. Davis stating that the approval of the ordinance will be the poster child in moving forward. Commissioner Langstaff agreed with Commissioner Warbington and asked if there is a maximum multiplier, with Mr. Davis advising that, per his research, there is no maximum amount,

adding that there is a provision that the amount has to be reduced if the property is brought back into a ‘un-blighted’ state. Commissioner Langstaff asked if the Judge has discretion or will he do a 6x multiplier or if there is a sliding scale. Mr. Davis advised that the Judge is confined to the multiplier in the ordinance. In reply to Commissioner Langstaff, Ms. Subadan advised that this item will be up for vote on May 26. Commissioner Langstaff asked Mr. Davis to check with GMA on the limit that can be charged.

Commissioner Fletcher stated she was with Mr. Davis when he was speaking to the business owner on N. Slappey and it was determined that the fine was less than the cost to get it [the building] up to code, adding that if a time limit can be put on it, it will give an added incentive to move on this.

Regarding enforcement, Mayor Dorough stated that his concern is that it does not matter if the multiplier is ten if there is no enforcement, adding that the failure of the City to enforce the ordinance is one reason we have rampant slum and blight. He asked for a list of identified commercial properties that fall within the category of properties subject to the assessments, adding that he does not want to double it because people are not in compliance. He stated that regarding the City’s share of the millage rate, it is the smallest of the taxing authorities (County and School Board), adding that it is not the millage rate but rather 6x’s the City’s share of the millage rate.

Commissioner Warbington clarified that the blight tax is only for commercial properties and not for residential properties. He stated that the County and School Board can do this as well, but currently it will be on the City tax only. He asked Mr. Davis if it is assessed 6’x, can the property owner say they are ‘done’ or are we enforcing them to keep the grass cut, the property secure, etc. Mr. Davis explained that it will be outlined by the Judge’s order and, if it is found that they are violating other code provisions, they are subject to other court cases. He advised that the School Board cannot do this but joining in with the County is permissible.

In reply to Commissioner Fuller, Mr. Davis confirmed that it is a 6x’s the City’s tax rate. Commissioner Fuller asked where this is in the process as it pertains to moving forward toward additional demolitions and if the tax can be imposed before demo is done. Mr. Davis explained that as soon as standards are issued/listed in the ordinance, cases can be brought on vacant properties used for drug crimes, , those that pose public health and safety issues, unsanitary, etc..

Mayor Dorough asked the Commission to identify properties within the city that will fall under the category of blighted commercial properties and provide a list to move on it within the next 30 days. He insisted that the ordinance be enforced and encouraged the Commissioners to provide addresses.

RE-INSTITUTING STATE OF EMERGENCY

Mayor Dorough discussed the State of Emergency that was issued March 19 and the ensuing series of Declaration of Emergencies that were signed, adding that he has been keeping the Commission. He advised that he has updated and advised of what is going on with the task force, which helps them to answer questions from their constituents, adding that he is available for their questions or concerns. He said he does not want to internally extend the state of emergency and discussed state law allowing the Governor to declare a State of Emergency, however, the law requires that he gets permission from the General Assembly first. He mentioned the City Charter, which allows the Mayor with the consent of two commissioners, to declare a State of Emergency and that he is not familiar with it and his concern is that the Commission is not involved in the decision. Under state law the state of emergency cannot be for more than 30 days unless

it is extended by the General Assembly; however, the City's provision has no limit on how long it can last. He said that the ordinance needs to be amended and mentioned Savannah's being more detailed. He then asked Mr. Davis to give a brief overview of the ordinance and state law's understanding the Governor's Declaration of Emergencies and the provision for local leaders to declare emergencies in their jurisdiction.

Mr. Davis discussed the history of the Emergency Management Agency, which was established in 1992 with Ordinance # 92-111 and the amendment in 1998 by Ordinance #98-147. When it was amended in 1998 it listed who will participate, i.e., various functions/departments, the utility board furnishing utility services and transit providing transportation, including the American Red Cross. He explained that the Superintendent of the School Board was included in the original ordinance, but was later dropped from the City ordinance. He commented on emergency management under state law, which also refers to local governments having certain powers as noted (he read from the state code) and added that the City can issue the call for emergency if needed.

Commissioner Warbington asked Mr. Davis if the City and County have the Emergency Management Agreement Ordinance independent of each other; Mr. Davis advised that there is a joint City/County Ordinance.

Mayor Dorough stated that the County has a different ordinance that states that the Fire Chief will be the EMA Director; however, the City does not have that provision, adding that there are legal requirements for the EMA Director to have continuing education, adding that he is not sure if this is being enforced by the City.

A brief discussion followed with Mayor Dorough informing Commissioner Warbington that the Ordinance states 'the Chairman of the County Commission', etc., and Mr. Davis advising Commissioner Young that there have been no changes to the ordinance. Mayor Dorough stated that the last time action was taken was in 1998. Ms. Subadan confirmed that the EMA Director is the Fire Chief and is engaging in continuing education, with Mr. Davis adding that the statute requires 24 hours per year. Mayor Dorough stated that the Commission should be aware of the requirements and referenced the letter he wrote asking for responsibility of the EMA Director. He stated that the Governor's Order expires on May 13 and there may be a consideration to reinstate a State of Emergency, adding that he would like to encourage the Commissioners to contact him with suggestion or recommendations they may have.

RENAMING FACILITIES

Joel Holmes, Recreation Director, discussed information (copy on file) regarding the status of renaming Carver Park for Coach Charles Benjamin Driskell, Sr. He stated that the committee has not met yet and that Comm. Fletcher is the chair and can speak on this. Commissioner Fletcher stated that she has been in touch with Frank Wilson regarding the transit facility and will move forward when things improve. Judge Ingrid Driscoll is up to speed on the current status and both are aware this is being discussed tonight.

David Hamilton, Transportation Director, was not present on the call to discuss information (regarding the renaming the Transit Operations Center for Ms. Ola Mae Quartimon.

PUBLIC ADMINISTRATION AND FINANCE MATTERS

GYM RENOVATIONS – BILL MILLER & HENDERSON

Yvette Fields, Central Services Director, discussed information (copy on file) regarding the request to contract with LRA Constructors, Inc. of Albany, Georgia to perform the renovation of Bill Miller and Henderson Gyms, for the lump sum of \$470,068.55 each; total expenditure of \$940,137.10.

Discussion followed with Commissioner Young asking if the projects are in the budget phase and money allocated. Ms. Subadan stated these are SPLOST VII projects, with the expenditure being carried over to FY 21. Commissioner Young said that both gyms are heavily used and asked if input was sought from the community on what they wanted. Ms. Subadan advised that the gyms would be similar to Thornton Gym. Commissioner Young discussed issue and suggested removing the back fence at the Bill Miller Gym, to have a more open landscape in the area, etc. Regarding Henderson Gym and a request to have outdoor courts at the location, Ms. Subadan stated that this meeting is to talk about the overall recreation budget with funding being set aside from other projects for consideration, which will be discussed. Commissioner Young asked the timeframe for construction, when does it start. Ms. Field replied that the time for each project is 180 days.

Mayor Pro Tem Howard mentioned that the rubberized floors are prone to causing accidents when playing basketball due to no traction.

Commissioner Fuller questioned the painting on the block exterior and suggested employing the product provider i.e., Sherwin Williams or Lowes, to determine whether to prime first.

Mayor Dorough asked Ms. Fields to address the concerns of Commissioner Fuller regarding painting.

Commissioner Fletcher asked that the paint be guaranteed by whomever it's purchased from.

Commissioner Warbington asked what is happening at both facilities, i.e., after school program, etc. Ms. Subadan said both gyms are being used. Mr. Holmes said that they have a list of activities that can be provided again. Additional discussion followed with Commissioner Warbington stating that senior citizens also use the gyms and asking if both gyms/facilities will be completely heated/cooled. Ms. Subadan replied in the affirmative.

Mayor Dorough commented on the Bill Miller Gym and asked that ingress/egress is improved to make it more appealing for the neighborhood. He said that he was impressed with what goes on at Thornton Gym, asking if all three gyms have the same blueprints. Ms. Subadan commented on the blueprints and explained that the gyms will look similar to Thornton. Mayor Dorough asked about the extension/entry, with Ms. Subadan stating that she is not certain this is included for the other two gyms. Mayor Dorough asked the cost of the addition, with Ms. Subadan stating that it was significant; it was a requirement due to the way Boys/Girls clubs check students in, etc. Mayor Dorough asked for information on the extension and having community meetings because it is important for people to use the facility. He referenced the master plan from 2006 regarding use of gyms and asked that citizens get involved.

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TRANSIT AND TRANSPORTATION PLANNING FUNDS

Paul Forgey, Planning Director, discussed information (copy on file) regarding the annual request to approve the DARTS resolution to accept FTA (5303) and FHWA Transportation Planning Funds in order to receive federal/state funding.

There were no questions/comments on this item.

BUILD GRANT

Mr. Forgey discussed information as noted (copy on file) regarding the request to approve applying for the BUILD GRANT 2020 for sidewalk improvements in ten areas of the City - including Broad Avenue. He advised that the grant application deadline is May 18, 2020 and noted that the amount on the agenda is incorrect, advising that the total project is over \$12 million, requiring a 20% match (\$2,484,959.00) from the City.

Mayor Dorough interjected that Mayor Pro Tem Howard has a question regarding E. Broad Avenue. Mayor Pro Tem Howard referred to SPLOST VII funds for the school going back toward the river, and asked Ms. Subadan when the project will be let. Ms. Subadan replied that the project is in design, but has not yet been put out to bid. The last report indicated that the design of sidewalks is 80% complete of those previously approved by the Board.

Mr. Forgey added that the Broad Avenue project would go all the way to Walmart. In reply to Mayor Dorough, Mr. Forgey gave the list of the ten proposed projects: 1) Locket Station; 2) Radium Springs Road; 3) Broad Ave.; 4) N/S Mock Road; 5) Vick Street; 6) Meadowlark Drive; 7) Magnolia Street; 8) 14th Ave.; 9) Rosebrier Ave/Library Lane/Massey Dr./Thornton Dr; 10) Harlem Transportation Center.

Ms. Subadan stated that the answer to the question on the chances of receiving the grant is that this the 3rd time applying. She discussed the process and advised that last year there were no projects awarded in Georgia and discussed the process of making our grant stronger for consider when submitting the grant.

In reply to Mayor Pro Tem Howard, Ms. Subadan commented on the leveraging of local dollars to get \$12.0 million in sidewalks and discussed plans if the grant is not awarded, etc.

Commissioner Fuller said that leveraging \$2.4 million of City funds into a \$12.0 million project is great and asked to do the best to get it done.

Commissioner Langstaff asked if the grant is awarded by project. Ms. Subadan explained that most are on a reimbursement basis as work is done, adding that invoices are 80/20% reimbursed. Commissioner Langstaff asked if projects are numbered, which can be picked, while others are not. Ms. Subadan agreed that they could, but it would be unusual and gave examples explaining the latitude on grant awards. Commissioner Langstaff said that they could award a particular dollar amount and if so, will that be brought back to the Commission with Ms. Subadan agreeing that this will be brought back. Commissioner Langstaff commented on the projects not being in priority order. Mr. Forgey said it depends; however, there will be flexibility as with other funds. Commissioner Langstaff said his concern is not getting full funding for projects and suggested doing sidewalks for schools for safety reasons. Mr. Forgey stated that they will work with the Commission on this and this is a work in progress, agreeing that safety is a priority.

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Mayor Dorough that said this is speculations at this time and when the money is received those worries can be ironed out.

Commissioner Young asked if work has been done in the pedestrian areas and, figuring out where sidewalks can go vs. how much it will benefit the community. He asked if a study regarding pedestrian traffic has been done. Mr. Forgey explained that they have a bike and pedestrian plan, but it is not current, and they will re-do the plan in the future, however, there are good guesses on problem areas. Commissioner Young asked to work with Mr. Forgey on this as it is an issue in his community. Mayor Dorough asked Mr. Forgey to give him a call to go over questions

BUDGET WORKSHOP – RECREATION AND PARKS

Ms. Subadan discussed projects and asked for feedback from the Commission regarding recreation and parks, mentioning that there will be discussion also at the meeting next week regarding SPLOST funding reallocations. She advised that so far, identified projects are Carver Pool, Bill Miller and Henderson with Carver Pool consultant RFP being finalized, which will come to the table for review. She mentioned presentation of an outline at the next meeting of SPLOST and T-SPLOST to show accrued funds, expenditures, recommendations of FY' 21, and other areas where funding can be reallocated.

Mr. Holmes briefly discussed adding funding for programing, along with equipment (ping pong table, Foosball tables, computers, etc.), community input, Neighborhood Watch programs, etc. He stated that he is requesting Commission feedback.

Mayor Pro Tem Howard asked if there is an exact date to start on Carver Pool renovations, with Mr. Holmes stating that it has not been put out for bid.

Commissioner Fuller agreed that this is a good idea to get input from each ward to address issues, including outdated items that should not be rehabbed, but replaced something new, etc. Commissioner Fletcher agreed with Commissioner Fuller's comments and asked that attention be paid to the money so that they are getting what they need for each community.

Commissioner Warbington noted the breakdown of expenses, with wages being the largest increase; asking if staff's salaries will be increased. Mr. Holmes said new positions are not being added, but unfilled positions will be filled (staff will run programs); part-time positions will be added as well for weekend and evening coverage. Commissioner Warbington commented on after school programs and being inconsistent - with some being robust while others are not, adding that Robert Cross is a good example of partnership and asked for more opportunities for children/after school programs. Mr. Holmes explained that before the pandemic, they were negotiating and talking with the school system regarding expanding the program at Robert Cross into other facilities. He stated that renovations to the gym will be beneficial in attracting parents to look into after school programs. Commissioner Warbington asked if the Boys/Girls Club is the only entity that we partner with regarding afterschool programs and asked Ms. Subadan if this will be expanded to have more partnership with other entities. Ms. Subadan said the plan is to put together a working group with the school system and non-profits to inventory the needs, i.e., if there are gaps and where, adding that transportation is one area in particular. Commissioner Warbington mentioned recruiting teams with Ms. Subadan advising that the CVB has a sports marketing committee and we are working with them to bring outside teams to town, bid on tournaments, etc., as it pertains to use of Paul Eames Complex, etc.

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Commissioner Young asked the plans for marketing the programs/opportunities and asked that a wellness programs be added as those done by the YMCA. Mr. Holmes agreed that marketing needs improvements, adding that the recreation management team met with the PIO team at the golf course to come up with strategies to better market by use of videos, fliers and promotions, etc. Regarding Health/Wellness, he advised that they have a division in recreation currently, adding that they have been in discussion with the City Clinic's in prescribing times to walk, etc. He said that they have also worked with Phoebe in the past and suggested that their programs/wellness clinics to be used in the gyms, etc. Commissioner Young asked if they are working with ASU (human and physical performance department), Mr. Holmes said that he had reached out to ASU and is looking to grow that partnership.

In reply to Mayor Dorough, Mr. Holmes stated that he received the letter and will have all information by the end of the week. Mayor Dorough asked for the 2006 master plan with Mr. Holmes stating that he will present copies and clarified that he has a binder labeled *Recreation Master Plan*, which is not a draft and that his version is a complete set with all pages intact. Mayor Dorough commented on the divisions and asked if employees are reassigned from one division to another. Mr. Holmes explained the process of cross training and working as a team. Mayor Dorough asked to revitalize youths' sports, i.e. youth football, with Mr. Holmes stating that they reassign staff to work with the different divisions depending on the seasons, etc. Mayor Dorough asked to maximize efficiencies with departments throughout the City, adding that the gyms are resources and asked to work with the after school programs, etc., to have a City recreation league and suggested making this available to have a vibrant recreation program. He recommended an acid test to determine how many participants there are and measure that.

CITY MANAGER'S UPDATE

Ms. Subadan discussed things CARES Act and presented information (copy on file) on grants that they may be applying for. She commented on the difference in grants i.e., competitive, reimbursements, etc. She commented on transit improvements at the Airport, amending the CDBG plan to utilize, homeless assistance, etc., and mentioned that great care is given in spending grant funds, adding that inconsistencies results in the City having to repay the money.

Commissioner Fuller asked if there is other funding that may be coming to the City of Albany. Ms. Subadan said that all funds currently are federal and that the Governor is being asked to share the \$4.1 billion for cities under 500K in population. She briefly discussed no funding for lost revenue, adding that greatest loss is sales tax, Hotel/Motel and potentially utility revenue. She mentioned a call with the Dept. of Revenue regarding sales tax reductions statewide since the pandemic. Commissioner Fuller asked how things with MEAG are. Ms. Subadan stated that MEAG is status quo and no changes have been made and advised Commissioner Fuller that there has been a lot of discussions, but no concessions.

Commissioner Fletcher stated that as a business owner, she recognizes the hard hit re: sales tax being the gauge, adding that it is imperative to take into consideration customers who are in good standing and take care of them. She mentioned the executive order from the Governor with the possibility of restrictions lasting another 120 days, adding that they are almost 60% of the income with small businesses and there is a need to pay attention. She said that individuals have received monies from the Federal Government (\$1200, \$600, etc.) and mentioned that small businesses are on the brink of losing their livelihood.

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Commissioner Warbington commented on the positive news as shown in the graft that was presented. In reply to Commissioner Young regarding a Community Development meeting that is scheduled soon regarding Covid 19 DCED funding. Ms. Subadan referenced the agenda item to be discussed at the next meeting and advised that a DCED meeting is scheduled for 12-1:30 on April 30, adding that information will be on the website. Commissioner Young asked Mayor Dorough to clarify what he was tasked with as noted in a recent article in the newspaper, adding that he is not in charge of any monies. He also asked about monies for municipalities, with Ms. Subadan again restating the process of reimbursements, lobbying for municipal governments, etc. She also mentioned revenue losses, that we may not be successful in getting refunded for and briefly commented on the possibility of looking to increase fees/fines, utility rates, millage rate, etc. which are situations we are not in at this time. Commissioner Young questioned the funding and stipulations with the monies coming to state/local authorities and decreasing liability to businesses / risks people are taking. He asked for comments on what happens when businesses reopen and someone gets sick, are they [businesses] liable.

Commissioner Fletcher stated that as a business owner, she has been asked this question, adding that if she reopens and someone gets sick after eating at her restaurant, if she is okay with being hit with a lawsuit. She commented on attitudes of entitlement and the filing of lawsuits, adding that she has 64 families struggling to make ends meet and are doing everything she can to keep their heads above water. She said if people want to sue, that's on them and if people get the virus and blame it on her – she said she's ready.

Discussion followed on the legal risks businesses are taking when they reopen and Commissioner Fletcher's comments on people catching the virus with businesses having nothing to do with this, etc.

Using a PowerPoint, Ms. Subadan discussed the spreadsheet showing upcoming projects based on items requested by Commissioners, adding that with the current situation, the pandemic has resulted and priorities are being juggled, adding that prior to the virus, the proposed budget was balanced, but now contingency plans are necessary. She mentioned 'Masks of Albany' a grassroots initiative of the City, and referred to the email regarding the donation from Proctor & Gamble and asked approval to receive them, which be distributed to the community with zip codes most affected being a priority.

In reply to Ms. Subadan, the following comments were made:

Mayor Pro Tem Howard asked if they will be equally distributed citywide. Ms. Subadan replied in the affirmative, explaining that the City will be working with Sherwood, testing centers and SOWEGA Council on Aging to distribute them. As mentioned, the focus will be the most affected individuals who have the least opportunity to obtain masks.

Commissioner Fuller supported accepting the grant to be used in the most needed areas.

Commissioner Fletcher had left the call.

Commissioner Warbington said he supports, adding that P&G is a great partner for the community and, Commissioners Langstaff and Young also expressed support for this endeavor.

Mayor Dorough commended P&G for its contribution.

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OTHER BUSINESS/ITEMS FOR NEXT AGENDA

Mayor Dorough asked that all road construction be funded under T-SPLOST and asked Ms. Subadan if she received the letter regarding Code Enforcement. Ms. Subadan said she is responding to the letter and that T-SPLOST and SPLOST VII will be on the agenda next week.

Commissioner Fuller asked to look at everything before moving things to T-SPOST and asked to have discussion. Mayor Dorough stated that this will be discussed via an agenda item and he thinks the Commission should make the decision where the money comes from and it should be delineated, but if not the will of the Commission, there will be discussion for that. He said the charter says the head of Code Enforcement is a department head and unless there is a disagreement this is resolved.

Commissioner Langstaff said that he would like to speak to that (Code) and said he disagrees Mayor Dorough interjected that there would be no discussion at this point and stated that the meeting will adjourn for five minutes before the regular meeting begins. Commissioner Langstaff stated that it seems insane to ask for disagreement and then not entertain discussion.

There being no further business, the meeting adjourned at 8:12 pm.

SONJA TOLBERT
CITY CLERK