

MAY 5, 2020

SPECIAL CALLED MEETING OF THE BOARD OF CITY COMMISSIONERS OF THE
CITY OF ALBANY, GEORGIA
GOVT CENTER – ROOM 100

PRESENT Mayor Bo Dorough
Mayor Pro Tem Jon Howard
City Commissioners: Chad Warbington,
City Attorney: Nathan Davis

Mayor Dorough called the (virtual) meeting to order at 8:30 a.m., and after attendance confirmation, it was noted that City Manager Sharon Subadan, Commissioners Fuller, Fletcher, Langstaff and Young were on the virtual conference call.

The Asst. Clerk read the call as follows:

Mayor and Board of City Commissioners
P.O. Box 447
Albany, Georgia

Dear Mayor and Commissioners:

There will be a Special Called City Commission virtual meeting on Tuesday, May 5, at 8:30 a.m. The purpose of the meeting is for the Mayor and Board of Commissioners to discuss and approve the following:

1. Authorizing Approval for the City of Albany to apply for the BUILD GRANT
2. Approve FY 2020-2021 Annual Action Plan
3. Approve Substantial Amendment (FY2018-2019 Annual Action Plans and Substantial Amendment of 2016-2021 Consolidated Plan
4. Supporting Application of ACT!, Inc., to assist local minority & disadvantaged businesses with funds to combat the COVID-19 pandemic
5. Authorizing Intergovernmental Agreement between the City of Albany and Lee County, GA; re: Disposition of Real Property

Sincerely,

/s/ Sharon Subadan
SHARON SUBADAN,
CITY MANAGER

/s/ Bo Dorough
BO DOROUGH, MAYOR

Received email confirmation
JON HOWARD, WARD I
MAYOR PRO TEM

Received email confirmation
MATT FULLER, WARD II
CITY COMMISSIONER

Notified via email
BJ FLETCHER, WARD III
CITY COMMISSIONER

/s/ Chad Warbington
CHAD WARBINGTON, WARD IV
CITY COMMISSIONER

Notified via email
BOB LANGSTAFF, JR., WARD V
CITY COMMISSIONER

/s/ Demetrius Young
DEMETRIUS YOUNG, WARD VI
CITY COMMISSIONER

Mayor Dorough recognized Planning Director Paul Forgey to discuss the BUILD Grant.

Mr. Forgey reported that the grant covers ten areas in the city for construction of new sidewalks; the application is due May 18th. He referred to the table in the agenda packet, advising that the amount is slightly off; the total amount being requested is \$12,484,959.60, with a 20% City match, which is \$2,196,991.92.

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Commissioner Langstaff moved to authorize the City Manager to apply for the BUILD Grant, seconded by Commissioner Warbington and, following a roll call vote, the motion unanimously carried.

Ms. Subadan advised that the next two items were on the work session for discussion and that Ms. Hawkins and Ms. Gaskins would address the item before taking a vote.

A RESOLUTION NO. 20-R116

Approving FY 2020-2021 Annual Action Plan (HUD)

Community and Economic Director Shelena Hawkins stated that this item covers the FY '20-21 Annual Action Plan, which will be submitted to HUD by May 15th. Proposed projects through Community Development Block Grant (CDBG) and the HOME Grant have been identified; public notice was advertised twice in local newspapers to alert the public of the grants. A virtual public hearing was held April 30th with approximately 29 attendees; input was also provided by local agencies. The amount of the grants was: CDBG (\$890,731) and HOME (\$502,072), which will be paired with program income (residential/commercial loan repayments) with total allocations of \$1,316,992 (CDBG) and \$646,252 (HOME).

Commissioner Young referred to notification, asking if there are guidelines regarding the public receiving notification first as opposed to local agencies. Ms. Hawkins explained the citizen participation plan, as identified by HUD that requires advertisement in local newspapers, reaching out to stakeholders who serve low-moderate income individuals (Housing Authority, SOWEGA COA, Public Health Department, Recreation Department, etc). She advised that there is no particular order to notify the public, only that as much outreach as possible is conducted, adding that many meetings are conducted through her department, as well as staff attending other community meetings to provide information and receive input. Commissioner Young suggested that the information be shared with all interested parties before meeting with special interest groups, giving everyone a fair shot at available City resources.

Mayor Dorough referred to the estimated program income, asking the revenue source. Ms. Hawkins discussed the floods of 1994 & 1998 that resulted in the City building properties, entering mortgages through financing properties, as well as some Small Business loans. She explained that repayment of the loans (commercial/residential) whether through CDBG or HOME are calculated as program income coming back into the various programs. Mayor Dorough asked to see the itemized information and, in reply to Mayor Dorough, Ms. Hawkins explained items covered in the Administration line item (salaries, vehicle maintenance, supplies, training/travel, property insurance, etc.) Mayor Dorough again asked for additional information detailing what the City is doing regarding the homeless population and, referring to the Housing Rehabilitation line item, he suggested being more aggressive in locating homeowners to help them winterize and renovate their homes as opposed to making allocations to CHODO's (owners vs. renters).

Hearing no further comments, Mayor Pro Tem Howard moved to adopt the resolution, seconded by Commissioner Young, and following a roll call vote, the motion unanimously carried.

A RESOLUTION NO. 20-R117

Approving the Substantial Amendment of FY 2018 and 2019 Annual Action Plans; Approving Substantial Amendment of 2016-2021 Consolidated Plan

Ms. Hawkins discussed amendments to FYs 2018 and 2019 Action Plans and 2016-2021 as well as the 2016-2021 Consolidated Plan and advised that the Action Plan, requires necessary data, etc. She explained the resulting effect of the changes in the budget/budgeted items/proposed use of funds and advised that her department is required to go through a substantial amendment. Referring to her prior item she stated that the same requirements to this item, i.e., seeking citizen input through public hearings, other community meetings, the Recreation Department, etc. Referring to page 41 (copy on file), she noted activities resulting in modifying the budgets of

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CDBG and HOME. She advised that one of the public hearings dealt with the coronavirus outbreak, adding that the department was awarded \$523,987; these were special CDBG funds awarded to help carry out activities to address community needs related to businesses, renters, and other public service-related functions.

Regarding the Consolidated Plan, Ms. Hawkins explained the process of amendments, i.e., to add the special funding for the coronavirus, requirements to ensure that the Consolidated Plan has reflective language related to providing special assistance/urgent need/emergency type services; making the public aware that the City is in the process of updating its Enterprise Neighborhood Revitalization Strategy Plan, etc., adding that the Plan is being updated by the consulting group, Mosaic Community Planning. To expedite spending the funds and rolling out various programs to assist businesses and residents in this area, it must be presented to this Board for approval to meet the May 15th deadline.

In response to Mayor Pro Tem Howard regarding tenant-based rental assistance, she explained the HUD waiver process, i.e., to waive what they would have allocated to the CHODOs and put the funds toward the rental assistance program. She mentioned paying rent, utilities, etc., due to the virus that residents are facing and suggested using the CARES fund and TBRA rental assistance program funds to address those in need. In reply to Mayor Pro Tem Howard, she advised that there are 180 City-owned rental units, adding that the voucher from the tenant-based rental assistance program can be used by city residents to secure affordable housing inside city limits. She advised that they are prohibited from steering anyone to City-owned property, they can use the voucher anywhere within city limits as long as it is affordable housing.

In reply to Commissioner Fuller regarding the \$523,000.00, Ms. Hawkins replied that HUD has issued CED an award letter and, once the Commission approves the Action Plan of Substantial Amendments, it will be submitted. She discussed additional information regarding the process and, in reply to Commissioner Fuller regarding a breakdown of where the funds will be allocated, she said that feedback CED received was related to business assistance, as well as emergency assistance to residents and non-profits. She advised that the proposal is that \$350.00 will be targeted for small businesses as a grant for awards up to \$10,000.00, adding that \$150,000 will go to the CARES fund to assist residents struggling with rent/utility payments for a three-month period. Non-profits will receive \$23,000 to be used in conjunction with other funding at their disposal to serve low-moderate income citizens.

Downtown Manager Lequrica Gaskins discussed a small business relief program, with a three-prong approach using: CARES funds and tax credits to offer webinars to small businesses; Small Business Grant for qualified businesses to apply for funding of \$2500-10,000 and, Utility assistance. The full proposal will be presented at the next work session in which they will request approval to use CBDG for the small business grant portion and request that the City match the funding to maximize resources being provided to businesses. Mayor Dorough asked that staff reframe from speaking until they are recognized.

Referring to page 43, Commissioner Warbington noted that the most substantial item is the CARES Act funding. Ms. Hawkins agreed and explained that funding starts July 1 and ends June 30 of the following year; however, HUD is allowing them to process with substantial amendment for the current year to expedite getting the funding out to the community.

Commissioner Young mentioned Ms. Gaskins' comment regarding matching funds and asked if the City can match funds due to anticipated budget short falls for many governments nation-wide due to the virus. He briefly discussed funds allocated to Albany Primary and asked what the funding source of this money is and are there any funds available for other clinics/medical facilities in Albany. Ms. Hawkins replied that she is not certain of funding for Albany Primary Health Care; however, they made contact with the Health Department before the public hearing because HUD wanted to know if the Health Department had any priority needs, but none were identified and they did not request CDBG funding. In reply to Commissioner Young, Ms. Hawkins explained that they are in the process, have formulated the application and will submit it electronically no later than Monday, as well as submitting a hard copy and advertising the available funding to the general public. In reply to Commissioner Young regarding matching

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funds again, Ms. Subadan advised that reserves have been identified that can be used to help small businesses; however, that decision will be up to this Board and will be discussed at the next meeting.

Mayor Dorough referred to the Consolidated Plan and mentioned Mosaic Community Planning, asking to know the status at this stage, adding that he does not support hiring consultants only to receive a final report with no input from the Commission. He asked to be provided information regarding: Anti-poverty strategy – what has been accomplished, local community college providing additional classes, how many homes have been weatherized since the Plan was adopted in 2016, what the City doing in regarding homeless services, how many homes have been purchased through the program since 2016, how are we doing and can we do better?

Hearing no further comments, Mayor Dorough moved to adopt the resolution, seconded by Mayor Pro Tem Howard; and following a roll call vote, the motion unanimously carried.

Ms. Subadan commented on a letter to Mayor Dorough from Albany Community Together, Inc. Director Thelma Adams Johnson requesting support for their application for EDA funding for disadvantaged and minority owned businesses. She advised that the letter stated that no City funding or administrative support are being requested; however, a resolution is required to support their application affirming the City Commission's support of their activity.

A RESOLUTION NO. 20-R118

Supporting the application of ACT!, Inc. to assist local minority and disadvantaged businesses with funds to combat the COVID-19 pandemic

Commissioner Warbington asked the owner of the Albany Community Together corporation and their accountability structure (if they have a Board). Ms. Subadan explained that Ms. Johnson is the primary contact of the corporation, in which in the past Community and Economic Development had a relationship with ACT and deferred to Ms. Hawkins to provide more detail. Commissioner Warbington also asked if they are a non-profit.

Ms. Hawkins explained that they are certified CDFI (Certified Development Financial Institute) and able to provide some of the same services as that of CED (business loans, micro-loans/larger loans, applies for State/Federal funding (vehicles, small business, financial assistance) serving not only Albany/Dougherty County but surrounding communities as well. Regarding the board structure, she stated that she will provide this information. Commissioner Warbington asked if the City has partnered with them or endorsed them before. Ms. Hawkins advised that the City has worked with them since at least 2007 and partnered with the City, at one point managing the City's Microbusiness Center, which houses approximately 26 small businesses. They currently are housed in the Microbusiness Enterprise Center as a partner agency of CED to serve small businesses regardless if they are located inside or outside of the Center, adding that Banker Scott Tomlinson is the Board Chair and said she will provide additional information once available. Commissioner Warbington clarified that the City is giving its stamp of approval and will not be on the hook for any funding or liable; Ms. Hawkins replied that she 'anticipates yes'.

Commissioner Langstaff asked to confirm for the record that 'the City will not be required to expend its funds should the application be granted; there is no matching requirement; the City would have no liability in the event some of or all of the borrowers defaulted on the loans; ACT is responsible for all reporting; and the City would have no responsibility in the event ACT failed to comply with one or more of the Federal guidelines, which would apply to the program. Mayor Dorough explained that he put that in the letter because that is how Ms. Johnson explained it to him, adding that the City is not signing any document where it guarantees or otherwise assumes any obligation and is merely providing a resolution of support with ACT being a certified development/financial institute and can be a vehicle for loaning money to minority and disadvantaged businesses if it can access these funds.

Commissioner Young asked ACT's track record in funding small businesses. Ms. Hawkins stated that at one-point ACT was managing the City's Economic Development Administration

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portfolio, making loans to Cinnabon, Little Cesar's, and others, with many still in operation today and commented on loans being made to smaller operations, such as lawn care businesses. She said that at that time the funding threshold went up to \$100,000/200,000. Commissioner Young mentioned small businesses which are 'under-banked' and may lack all of the qualifications to receive loans at traditional lending institutions, adding that with the pandemic, guidelines for PPE and other things being required of small businesses and they do not have the funding, i.e., barber/beauty shops being in dire need of assistance especially now. Ms. Hawkins added that ACT provides micro-loans as small as \$5,000.00 and explained the newly proposed Small Business Relief Assistance Program that will assist small businesses with over 15 employees and providing grant assistance up to \$10,000. Additionally, while many regulatory requirements for funding may be a barrier to some small businesses, ACT serves the same population and qualifying for their funding may not be as restrictive. They make loans to beauty schools, local contractors, etc. and she expects that they will continue funding as they have in the past.

Mayor Dorough moved to adopt the resolution, seconded by Commissioner Warbington, after a roll call vote, the motion unanimously carried.

Mayor Dorough recognized Commissioner Warbington to discuss the following.

A RESOLUTION NO. 20-R119

Authorizing Intergovernmental Agreement between the City of Albany and Lee County re:
Disposition of Real Property

Discussion followed with Commissioner Warbington referring to the Rails to Trails that goes from Monroe Street in Albany to Sasser, Georgia, adding that this action will partner the City and Lee County. He explained that the City will deed property it owns located in Lee County where the trail will run and allow Lee County to develop the trail as they see fit mentioned that City utilities are buried below the trail and will retain an easement for utilities, even though Lee County will own the property. Taking this action reduces the amount of funding that Albany will expend on the trail in Lee County.

Mr. Davis noted changes to the agreement suggested by Commissioner Langstaff, adding that Mr. Currie of the Coleman Talley Firm, the principal who prepared and negotiated on the City's behalf, should be on the call now. He stated that the intent is for Lee County to complete their share/line of the trail, adding that due to Commissioner Langstaff's concern regarding the references of Terrell County in the agreement, he removed the references (5th Preamble).

Ms. Subadan reported that early bids to pave the Lee County section were close to \$4.0 million and advised that she is reluctant to say that this agreement will cost the City nothing, since the agreement calls for the City to make the crossings, install culverts and make them road-ready for Lee County construction which will provide the best traffic crossing for pedestrians for future development, etc. She stated that a ceiling of not to exceed \$600,000.00 is in the agreement.

Commissioner Warbington stated this action puts Lee County in control of their own destiny and is positive action for the region and shows the ability to cultivate a partnership between neighboring counties/cities.

Commissioner Langstaff referred to the Intergovernmental Agreement Mr. Davis circulated on Monday with two items of concern. Mr. Currie advised that the City needs to monitor what SGRT (South Georgia Rails to Trails) does with maintenance for Lee County to make it a valid IGA. He proposed adding the sentence at the end of 2.1.B "however, the City shall have no liability for any failure of SGRT to perform its duties". If they fail to do what they are supposed to do, the City could report them to the Surface Transportation Board(STB), adding that in 2.2.A the last sentence references an Exhibit 'B', which is not attached and is the part that concerns him by putting some burden on the City with respect to Terrell County. He asked that the last sentence in 2.2.A be stricken and asked if Mr. Currie has any problem with the two amendments he suggested.

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Detail discussion followed with Mr. Currie weighing in on the concerns of Commissioner Langstaff, resurfacing/maintenance of the trail. Commissioner Langstaff referred to the beginning of 2.2.A, which talks about the surface being completed to Lee County road specifications and suggested that the specification to be between ten and 12 feet is good enough. Mr. Currie said that as far as the issue of paving and the width of the road is consistent with what SGRT is looking for regarding maintenance issues when the trail is completed, he concurs that the last sentence can be struck.

Commissioner Warbington interjected that Lee County has seen designs completed by City Engineering and the statement meets/exceeds what was originally designed; therefore, it is at or above standard of what was designed.

Commissioner Young asked for a brief overview of how we got to where we are today due to receiving questions regarding why the City is giving land to Lee County, etc.,

Providing a brief history, Ms. Subadan stated that this project was initiated, and an agreement negotiated before she arrived five years ago. She briefly discussed: South Georgia Rails to Trails acquiring rail bank property between Albany and Sasser to be developed into a recreational trail for our region; the City expanding its utility offerings outside its current footprint through easements on the property; the agreement with and payment to SGRT; gas lines and some telecom lines being expanded out to Lee County, providing revenue for the City; the cost of paving the trail far exceeding what was described to this Board in 2014/15 when first presented and between that and natural disasters building the trail has been delayed; and Lee County being interested in the recreational feature of the trail and having their crossing complete in order to develop roads. She mentioned the City's interest in seeing the railbed transformed into a recreational trail, adding that we are not prepared to spend that kind of funding outside of our jurisdictional borders and do not have that type of resources. She mentioned funding from Dougherty County, etc., and advised that if this Board moves forward and Lee County concurs with the IGA, a contract for the building of the trail is ready to be presented.

Commissioner Warbington discussed the history since January when new Commissioners took office and the issue of Albany owning property in Lee County, with Lee County wanting to build roads across Albany's property. Commitments were made by the previous Board of City Commissioners and City Manager, with the issue stalling; now the issue is culverts, which the City wants for safety reasons versus Lee County wanting at grade crossings. He suggested that he feels the time is right to negotiate with Lee County and move this project forward to completion.

Commissioner Young mentioned the previous commitments (SGRT) with the portion to be developed in Lee County to be another \$7.0 million. He said that due to Commissioner Warbington's assistance, that amount was reduced to \$900,000 for the overpass in Lee County and is the best course of action for everyone involved.

Mayor Dorough asked if the current estimate to build the trail through Lee County is in the range of \$4.0 million. Ms. Subadan agreed, adding that it was the bid received last year; however, the City was advised that there would be escalations, and that culverts would be up to \$600,000. She explained that the \$4.0 million is for the Lee County portion only.

Mayor Dorough disagreed with Commissioner Langstaff's provision requiring the City to monitor SGRT maintenance of the trail in Lee County. It does not seem reasonable to undertake a duty and then disavow liability if the duty is negligently performed and will not protect the City. He then moved to adopt the resolution, seconded by Commissioner Warbington.

Commissioner Langstaff disagreed with the way that Mayor Dorough characterized his changes and asked if the offer of the resolution incorporate the two changes he discussed; Mayor Dorough replied in the affirmative. Commissioner Langstaff stated that he disagrees with Commissioner Young about the city's legal obligations with respect to the trail.

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A brief discussion followed with Commissioners Young and Langstaff questioning the city's obligation with Commissioner Langstaff opining that the statement in the letter does not obligate the City to agree with it; our lawyers have their own opinion on the issue. He said that by virtue of Commissioner Young's statement, the City is not conceding anything, adding that for the record the City is not conceding any legal positions.

Hearing no further comments, and following a roll call vote, the motion unanimously carried.

There being no further discussion, the meeting adjourned at 9:58 a.m.

MAYOR

ATTEST

ASST. CITY CLERK