

MAY 26, 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: Chad Warbington
City Attorney: C. Nathan Davis

Mayor Dorough called the (virtual) meeting to order at 6:04 p.m.

Pastor Hosea Miller, New True Fellowship Baptist Church, gave the invocation, which was followed by the Pledge of Allegiance.

Mayor Dorough confirmed the attendance of those on the virtual conference call: City Manager Sharon Subadan, Commissioners Fuller, Fletcher, Langstaff and Young.

Mayor Pro Tem Howard moved to approve the minutes of the previous meeting, seconded by Commissioner Warbington; the motion unanimously carried.

RECOGNITION/PRESENTATION

Commissioner Warbington moved to approve the following resolution, seconded by Mayor Pro Tem Howard; the motion unanimously carried.

A RESOLUTION NO. 20-R120

Recognizing City of Albany employees for their role in responding to COVID-19

REPORT OF COMMITTEE OF THE WHOLE

Because Marian Messer was not yet on the call, Mayor Dorough stated that the hearing scheduled for her alcohol license will be delayed until later in the meeting.

Alcohol License Applications:

Commissioner Fletcher moved to approve the following alcohol license application, seconded by Mayor Dorough.

1. 2 Chicks & A Team LLL, d/b/a Eastside Mini Mart; 1209 E. Residence Ave; L. Taylor/Agent; Beer Package

Ms. Taylor stated that selling alcohol, will make 10% of her business income. She added that the store is making a great impact in the community and is an asset since people are unable to travel much at this time.

Commissioner Young asked Ms. Taylor if she had considered any other additions to her business to make up the 10% loss of not selling alcohol. Ms. Taylor explained that she has considered everything that would allow her to make money, but she is competing with neighboring businesses and, since her business is regulated, she cannot see why she would not be permitted to sell what others offer in their stores, adding that she fears losing her investment. Commissioner Young stated that he applauds her enterprise and being a business owner; however, statics regarding alcohol sales/use, especially in minority communities, underscore its negative impact. Ms. Taylor mentioned the sale of boot-leg alcohol in the community; at least there is legal control over her business. Commissioner Young commented that the shot-houses are a police issue, is part of the crime in that area and contributes to the overall problem in poor, struggling communities. He encouraged business owners to find other options to make money instead of selling alcohol. Ms. Taylor discussed the steps she took to establish her business and said she cannot understand being unable to sell alcohol in this community, she has never had to go to such lengths in setting up a business as she has here. Commissioner Young offered to meet with her to look at other options and resources. Ms. Taylor said that she is open to meeting but cannot see a legitimate reason to being denied, adding that she is trying to survive, make a living and raise her children and be able to offer customers the same items they purchase in other stores. Commissioner Young countered that her business is in a residentially zoned area with high crime numbers.

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Commissioner Fletcher described Ms. Taylor as a hard worker, whose store has a clean environment and agreed with Commissioner Young about this Board needing to consider where certain businesses are located and to do so consistently. However, Ms. Taylor has invested a lot of hard-earned money, and no one warned her about the possibility of being denied the alcohol license and the Commission must get in front of that.

Mayor Pro Tem Howard sympathized with Ms. Taylor's situation and mentioned that there are several unlicensed businesses operating in that area. He agreed with Commissioner Young's assessment of the issue of alcohol in certain communities, which tends to be a drain on police resources due to the number of calls for service.

Mayor Dorough asked Ms. Taylor if she had anything to add. Ms. Taylor said that several young men who are customers see that there are different ways to survive and she is trying to make a positive impact in that community. She mentioned the money she has spent on improvements, equipment, etc., to operate her business and, if/when she goes out of business, there will be no one to reimburse her expenditures. Residents in the neighborhood have expressed how glad they are that her business is there, but not being allowed to sell alcohol is a huge loss of revenue for her. She said that it is a shame that she and her business are being judged without the benefit of those judging her coming by and seeing for themselves the positive impact the store has there.

Commissioner Fuller stated that he went to the store last week and was impressed with the improvements/inventory; however, his biggest concern is that the business is located between houses. He applauded Ms. Taylor being an entrepreneur and all the work that has been done there.

Hearing no further comments and, following a roll call vote the motion failed 2-5 with Mayor Dorough and Commissioner Fletcher voting yes. Mayor Dorough advised Ms. Taylor that a hearing will be scheduled.

Mayor Dorough stated that the following will be heard: City Code sec. 6-109 Application Hearing
2. Rusty Hook Bait & Tackle; 922 Radium Springs Road; D. Cannon/Agent; Beer Package

Mr. Davis advised that Marshal Nathaniel Walter Norman will speak first. He asked Marshal Norman if he is the Director of the Marshal's office; Marshal Norman replied in the affirmative. In response to Mr. Davis, Marshal Norman said that he is POST-certified and has been a sworn, certified officer by the State of Georgia for 24 years. Mr. Davis asked if the alcohol license application is for the location of the old Huggins Outboard shop on Radium Springs Road; Marshal Norman replied in the affirmative. Mr. Davis asked if his opinion about the issue is based on first-hand knowledge; Marshal Norman replied in the affirmative.

Marshal Norman stated that his assessment of the location began within the corridor beginning at Radium Springs Road from E. Broad Avenue to Oakridge Drive. Currently there are 24 active businesses within the corridor; six establishments sell alcohol (three on-premise/three off-premise consumption), with eight vacant establishments. He reported that the corridor also conforms with residential – 13 individual residents, with 12 occupied and one vacant; to the west and east there is low-income housing and a mobile home park, with most of the northern portion consisting of ASU. He explained that the establishment is surveyed for the type of traffic coming and out, with this location being a bait and tackle store, which repairs boats and sells fishing gear/equipment and bait for fishing.

Marian Messer, applicant, explained that she wanted to be able to sell alcohol to customers, to be one-stop shopping, adding that a bar is across the street from her.

In reply to Commissioner Warbington regarding whether an alcohol license would be in the best interest/welfare of the residents in that community, Marshal Norman advised that it conforms to all requirements of local and state law and he does not feel that it would be a drain on the neighborhood.

Commissioner Young named several establishments less than a quarter mile from this location that sell alcohol and said he does understand that her customers want the convenience of buying from

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her. However, convenience leads to other issues, i.e., crime issues in the neighborhood. He asked Ms. Messer if there are other items, she could sell to help replace the income that would be gained by selling alcohol. Ms. Messer stated that she already sells bait, fishing gear, ice, etc., but customers want one stop shopping and to be able to buy beer while at her store. She said that there will be no on-premise drinking and customers are aware of this. Store hours are from 7:00 am to 6:00 pm, Monday through Saturday. Commissioner Young asked if she remembers Mr. Clark on Moultrie Road who sold bait long ago; he kept his bait house separate from the beer; Ms. Messer replied that she was often a customer at Clark's. In reply to Ms. Messer on the difference of what she is asking, Commissioner Young explained that the difference is the location, with the location of her store being fully residential. He mentioned the higher rate of crime, juvenile delinquency, and domestic violence in condensed areas selling alcohol and there are six establishments selling alcohol within a mile radius from her. He made the offer to Ms. Messer that he made to Ms. Taylor – to sit down together and find other profitable items to sell other than alcohol, suggesting that she might qualify for a façade grant to improve her entrance and entice more customers. He asked Marshal Norman if businesspeople seeking an alcohol license are guaranteed a license when making application. Marshal Norman replied in the negative and explained that each applicant is made aware that the application is preliminary and must be approved by the Mayor and Board of Commissioners. Commissioner Young asked if they are aware that they are taking a business risk once they fill out the form and pay their fees. Marshal Norman replied that they are aware of that, adding that his office investigates and makes a recommendation to this Board.

In reply to Mayor Pro Tem Howard, Marshal Norman stated that the location is in Ward I. Mayor Pro Tem Howard stated that it is on the fringe of Ward VI with Marshal Norman explaining that wards are confirmed by Planning, as well as zoning information.

Commissioner Fletcher moved to approve, seconded by Commissioner Fuller.

Mayor Pro Tem Howard cited Section 6-74 (9) of the City Code for the record “for a location not suitable in the judgment and discretion of the Board of City Commissioners because of traffic congestion, general character of the neighborhood or by reason of the effect which such an establishment and surrounding properties, or on the neighborhood”.

In response to Commissioner Warbington, Marshal Norman provided the name and address of the eight vacant establishments and the current six establishments selling alcohol.

Mayor Dorough stated that his support of granting alcohol licenses should not be construed as disregard for individuals near these establishments. In fact, this application is for an off-premise consumption beer license - not the opening of another liquor store and this Board needs to do whatever it can to help businesses in their efforts to survive. Referring to the previous alcohol license application located on Residence, he suggested that is a location to begin demolishing dilapidated properties. He stated that he respectfully disagrees with some of his colleagues regarding the impact of granting a beer license to either or both businesses in their respective community.

Commissioner Fletcher thanked Mayor Dorough for his comments and suggested that sometimes actions are taken that are not business friendly. She mentioned The Savoy on Radium Springs owned by Rep. Winfred Dukes, which may open back up, adding that she feels that the alcohol license has elapsed, and another will be sought if it reopens as a nice restaurant. Everyone must bear that in mind when and if that happens - it is also close to these neighborhoods.

Hearing no further comments and, following a roll call vote, the motion carried 4-3 with Mayor Pro Tem Howard, Commissioners Warbington and Young voting no.

ORDINANCES

Mr. Davis mentioned several discussions regarding the strenuous requirement regarding the appointment of City Solicitor (age and years of experience). Mayor Dorough referred to the difficulty Judge Weaver encounters in securing attorneys to fill this position, who recommended reducing the age and years of experience.

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Commissioner Warbington introduced

ORDINANCE NO. 20-105

Amending sec. 22-32(b) of the City Code so as to revise Municipal Court Solicitor and Municipal Court Public Defender qualifications

Commissioner Warbington then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Mayor Pro Tem Howard.

Mayor Pro Tem Howard asked who screens applicants. Ms. Subadan explained that HR will screen for minimum qualifications, with applications being sent to this Board.

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

Commissioner Warbington introduced

ORDINANCE NO. 20-106

Amending Ordinance 08-140 so as to provide for an increase in City ad valorem taxation equal to six times the millage rate shall apply to real property maintained in a blighted condition; to provide the City may use the increase for community redevelopment purposes

Commissioner Warbington then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Mayor Pro Tem Howard.

Mr. Davis interjected that Commissioner Langstaff had asked him to check with Georgia Municipal Association; he spoke with a staff attorney, who felt comfortable with charging six times the millage rate, and even talked about seven, eight, nine.

Commissioner Warbington questioned Mr. Davis having the staff to pursue these properties, which he estimates that 20-25 can be started on immediately. Mr. Davis explained that it will be a challenge due to nuisance abatement cases, etc. Commissioner Warbington mentioned the list for demolition and recommended a list for those being assessed the blight tax.

Mayor Dorough stated that the number is irrelevant if it is not going to be enforced. He noted Commissioner Warbington identifying properties that qualifies for the blight tax; and asked all Commissioners to keep watch in their wards for properties which could be subject to the tax.

Mayor Pro Tem Howard asked if this applies to both residential and commercial property; Mr. Davis advised that it would not apply to a residential property used by a family; the ordinance defines it as ‘a dwelling house which is used as a primary residence is not eligible to be classified’ as such. Commissioner Warbington mentioned apartment units asking if it is multi-family, anything from a duplex and up; Mr. Davis replied in the affirmative.

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

Commissioner Langstaff introduced (for the first reading)

AN ORDINANCE

Pursuant to the provisions of Title 36, Chapter 35 of the Official Code of Georgia Annotated, as amended, amending Section 3(e) of the Charter of the City of Albany so as to reflect the current pay practice for the Mayor and Board of Commissioners

Finance Director Derrick Brown advised that the cost to implement the program is \$5300, with a reoccurring cost of \$732.00/annually. He added that there was discussion to pay Commissioners when retirees are paid.

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Commissioner Langstaff stated that he did not intend to set a particular date, putting Commissioners and retirees on the same pay schedule results in the change being automatic, in the event the date changed.

Commissioner Young asked Mr. Brown the need to make the change. Mr. Brown explained that Mayor Dorough brought it to the forefront that Finance was not paying Commissioners according to the Charter as it is currently written and after a review, he felt it more cost effective to change the Charter rather than adding an additional payroll. He advised that since 1993, the Board has not been paid on the first of the month.

Mayor Dorough stated that his concern is when the problem was identified, staff continued to make payroll as they had, with nothing being changed. He said he came off the Commission in 2008 and knows that being paid the first day of the month was in effect at that time.

Commissioner Langstaff asked Mr. Davis how the motion should be worded. Mr. Davis referred to the third line which states ‘monthly installments on the fourth Thursday of each month’ would be changed to read ‘monthly installments as the same schedule as retirees’ and advised that notice will be sent to the Superior Court Clerk and ads placed in the paper.

Commissioner Langstaff then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Fuller. Mayor Dorough noted that this being a Charter change a second reading is mandatory. Commissioner Langstaff revised his motion to include that the Mayor and Commissioners pay schedule will coincide with that of retirees and asked for adoption of the ordinance.

Commissioner Warbington asked Mr. Davis, if the ordinance does not pass tonight, would staff be advised to change the pay schedule as stipulated in the Charter or would they continue with the current practice. Mr. Davis replied that changing the Charter is appropriate, but if not approved there would be no action with the pay schedule as it is now, adding that the Charter is the basic document. Commissioner Warbington mentioned that there are other items in the Charter that are outdated; Mr. Davis agreed.

Hearing no further comments and, following a roll call vote; the motion carried 4-3 with Mayor Dorough, Mayor Pro Tem Howard and Commissioner Warbington voting no.

Commissioner Warbington introduced

ORDINANCE NO. 20-107

Amending the City of Albany’s Fiscal Year 2020 Budget

Commissioner Warbington then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Mayor Pro Tem Howard.

Chief Persley stated that the request was for an additional \$200,000 to complete projects in this fiscal year, advising that maps identifying blighted property was sent to Commissioners. Mayor Dorough asked Ms. Subadan if the funds will come from reserves; Ms. Subadan replied in the affirmative.

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

RESOLUTIONS

Commissioner Warbington moved to adopt the following resolutions (1-6), seconded Mayor Pro Tem Howard.

A RESOLUTION NO. 20-R121

Authorizing the use of SPLOST VII funds for renovation of Bill Miller and Henderson Gyms

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Mayor Dorough asked if mirroring the entrance at Thornton Gym can be accomplished as an add-on. Ms. Subadan discussed the anticipated cost and the possible need for re-engineering, advising that the bid for that will go out separately, but interior renovations can move forward. Mayor Dorough mentioned unrestricted access to gyms as a concern in the 2006 Master Plan and asked for a site plan for both properties; Ms. Subadan replied that landscape proposals will be included.

Commissioner Young stated that Henderson specifically needs signage, in addition to the landscaping; the entrance leaves a lot to be desired. Mayor Dorough added that the Master Plan recommended having attractive, consistent signage for Albany Parks and Recreation. Ms. Subadan interjected that new signage is always part of renovations as well as a landscape plan.

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

A RESOLUTION NO. 20-R122

Authorizing the filing of an application with the Department of Transportation, United States of America, and Georgia Department of Transportation, for a grant under Title 49 U.S.C., Section 5303

A RESOLUTION NO. 20-R123

Approving a Voting Delegate for the City of Albany to the Georgia Municipal Association's 2020 Annual (virtual) Convention on June 29-July 2, 2020

A RESOLUTION NO. 20-R124

To accept CARES Act Grant Award (hereinafter "CARES Grant") from the Georgia Department of Transportation (hereinafter "DOT") for Albany Transit

A RESOLUTION NO. 20-R125

To accept CARES Grant Act Award (hereinafter "CARES Grant") from the U.S. Department of Transportation Federal Aviation Administration for the Southwest Georgia Regional Airport

A RESOLUTION NO. 20-R126

Authorizing use of \$350,000 in CDBG funds and \$350,000 of fund balance to assist local independent businesses that have been adversely impacted by the COVID-19 Pandemic

Mayor Dorough moved to adopt the following resolution and, following a roll call vote, the motion unanimously carried.

A RESOLUTION NO. 20-R127

Encouraging the citizens of Albany Georgia and Dougherty County to wear face masks in public during the COVID-19 Public Health Emergency and Recovery.

Mayor Dorough explained that this resolution and the next one are conditional. The Dougherty County Commission enacted a resolution and asked to make it a joint resolution to encourage citizens of Albany/Dougherty County to wear face masks while in public. There is no question in the scientific community that one of the best ways to prevent community transmission of COVID-19 is for individuals to wear face masks while in public. He advised that it is not binding; it is a statement of support by joining our County colleagues in this action.

Mayor Pro Tem Howard asked if it can be enforced by law departments of the City and County. Mayor Dorough advised that it is just a recommendation.

Commissioner Young asked if it was confirmed that the City is unable to draft a binding ordinance or is it assumed that the Governor's Order supersedes ours. Mayor Dorough explained that the Executive Order basically states that local government cannot take any action that is inconsistent

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with the terms of the Executive Order. Mr. Davis agreed that the Governor has State statute behind him specifically stating that it is not enforceable if it is more than the Governor has set out. Mayor Dorough mentioned that at a press conference, the Governor expressly stated that no local government can take more stringent action than what is set out in his Executive Order.

RESOLUTION NO.

Requiring face coverings in City owned or operated buildings

Mayor Dorough noted that Commissioner Young alluded to the resolution earlier, which basically requires the public to wear face coverings in City-owned/operated building i.e. centers, gyms and other facilities. Mr. Davis advised that GMA (Georgia Municipal Association) sent out material indicating that it is appropriate and there is authority for local government-owned facilities to enforce and does not violate provisions giving the Governor certain powers.

Mayor Pro Tem Howard asked if it includes this building; Mr. Davis replied in the affirmative. Mayor Pro Tem Howard asked if it is a City or County building; Mr. Davis replied 'County' and advised that the Sheriff has been enforcing all the Executive Orders.

Commissioner Warbington asked if parks and outdoor areas owned by the City or County will be included and asked if, regarding the city golf course, on the course a mask would not be mandatory, but would be inside the golf club. Mr. Davis agreed. Commissioner Warbington asked about gyms; Mr. Davis stated that to him, that is a building.

Mayor Dorough mentioned the negative effect of physical activity while wearing a mask and stated that Governor Kemp, while adopting the recommendations of the CDC, did not make it a requirement to wear face coverings in public. He said that he supports the resolution, but businesses were relieved that it has not been made mandatory. While Dr. Toomey recommended that front-line local government employees wear masks, she was evasive about the public wearing masks. However, masks can be available to the public when entering buildings.

A discussion ensued regarding: (Commissioner Warbington): 1) the City/County offering face masks at all entrances to government-owned buildings, 2) how to enforce the resolution, 3) are employees expected to help enforce, 3) since City buildings are still closed, why the rush to take action, 4) when are City facilities reopening; (Commissioner Young): protecting our citizens is priority 2) options are available for those refusing to wear a mask; (Mayor Dorough): put sanctions in place for violations based on City Code; (Commissioner Fletcher): place notice on all City facilities, as well as public access channels, that masks will be provided to those without one when entering government facilities.

Ms. Subadan advised that: masks will be made available for people coming into City buildings; employees have not been asked to be enforcers and she will not encourage them to confront violators; a soft reopening of internal employees coming back to work after June 12 to ascertain the effectiveness of social distancing, she expects all facilities to be fully open by the end of June.

OTHER BUSINESS

Mayor Dorough asked Commissioner Young to address the video submitted by Pastor Joshua Nelson, Immanuel Seventh Day Adventist Church. Commissioner Young explained that the Commission's decision to reinstitute invocations at the regular business meetings prompted conversation between himself and Pastor Nelson, who created the video to share his thoughts on the subject. He discussed the importance and power of prayer but cautioned to need to be careful because of the separation of church and state.

ITEMS FOR FUTURE AGENDA

Mayor Dorough mentioned an email he sent last Friday, discussing a proposal that the City share in the cost of an antiviral test. He asked that it be on next Tuesday's work session for discussion to ascertain if the City wants to participate. He asked Ms. Subadan if any funds remain in SPLOST III and IV. Ms. Subadan explained that the County controlled those SPLOST funds, but she believes

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there are no funds left in them on the City side; she will confirm. Mayor Dorough asked the progress on his request for an RFP regarding consultants [lobbyist]. Ms. Subadan replied that one is being drafted as the contract expires at the end of this fiscal year, but she has not polled the Board. Mayor Dorough asked the reason for polling the Board; once it is on an agenda, they can vote it up or down. Ms. Subadan added that the City has the option to renew, but she has not moved forward with that option. Mayor Dorough asked if the consultant [lobbyist] submitted reports for the past 18 months, as he requested. Ms. Subadan replied that her email response explained that GMA and MEAG provide reports on the legislative session, so she has not required that he provide reports; however, he verbally reports to her. Mayor Dorough said that since the consultant [lobbyist] has a contract, he would like to see the benefits the City receives for his services.

There being no further business, the meeting adjourned at 8:25 p.m.

MAYOR

ATTEST

ASST. CITY CLERK