

OCTOBER 6, 2020

SPECIAL CALLED MEETING OF THE BOARD OF CITY COMMISSIONERS OF THE
CITY OF ALBANY, GEORGIA
GOVT. CTR. – RM. 100 (Virtual Meeting)

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

Mayor Dorough called the (virtual) meeting to order at 8:31 a.m. and confirmed the attendance of those on the virtual conference call as follows: City Manager Sharon Subadan, Commissioners Matt Fuller, Bob Langstaff and Demetrius Young.

September 30, 2020

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, October 6, 2020 at 8:30 a.m. The purpose of the meeting is for the Mayor and Board of Commissioners to discuss and/or approve the following:

1. Two interim appointments for Solicitor and Public Defender of the Municipal Court for a term expiring December 31, 2020.
2. Authorizing Pipeline Crossing License with Georgia & Florida Railway, LLC re: Broadway Street Storm Drainage Project.

Sincerely,

/s/Sharon Subadan
CITY MANAGER

/s/ Bo Dorough
MAYOR

Notified via email
JON HOWARD, WARD I
MAYOR PRO TEM

Notified via email
MATT FULLER, WARD II
CITY COMMISSIONER

/s/ BJ Fletcher
BJ FLETCHER, WARD III
CITY COMMISSIONER

Notified via email
CHAD WARBINGTON, WARD IV
CITY COMMISSIONER

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

Notified via email
DEMETRIUS YOUNG, WARD VI
CITY COMMISSIONER

A brief discussion followed regarding the City's Municipal Court Solicitor, a position currently held by Phil Cannon, who was appointed by Judge Willie Weaver with the appointment not coming before this Board. It was stated that Commissioners are responsible for appointing positions to Municipal Court and that appointees should report to Commissioners and not the Judge.

Commissioner Langstaff nominated City Attorney Nathan Davis to serve as Solicitor and Gary Lamar, who applied for the Public Defender position, assist Mr. Davis in his office, adding that Mr. Davis is familiar with the Charter and can help navigate Municipal Court. He referred to material he sent, which states that the Solicitor does not have to be an attorney, however, with

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Mr. Davis being an experienced attorney, he feels matters can move through court (more efficiently and effectively).

Commissioner Young recalled that sub-committees/Task Forces were just formed at the Retreat and suggested that making nominations now are putting the cart before the horse.

Mayor Dorough stated that a decision needs to be made and suggested making Mr. Lamar the Public Defender, adding that his research shows that cities with a Municipal Court face more potential liabilities.

In reply to Commissioner Warbington regarding the pay of the Public Defender, Mr. Davis stated that the person in that position would only have to appear in court if there is a trial, adding that every matter does not end up in a trial. Regarding the Public Defender submittal of an itemized time sheet per day, Commissioner Warbington asked who approves the time sheet; Ms. Subadan stated that she is clarifying with the Finance Director that Judge Weaver does. Referring to the use of a Public Defender four hours/week as opposed to 25 hours/week, Commissioner Warbington suggested that the rule becomes different, adding that the Solicitor must be in court and is probably the 25 hour/week position, with the Public Defender on an 'as needed' basis. Mr. Davis recommended setting a specific date for trials that are bunched together and all tried in one day. Commissioner Warbington asked that for follow-up, he would like clarification of who is accountable and approves time sheets.

Mayor Dorough recommended appointing a clerk to be responsible for the pay of the Solicitor and Public Defender, with it being put in the Charter. He advised that Municipal Court has many more moving parts and responsibilities.

A brief discussion regarding pay ensued, with the Solicitor position paying \$75/hr.

Commissioner Fletcher entered the meeting at this time (8:53 a.m.).

Commissioner Young reiterated his concern of not following the recommendation from the Retreat in that issues such as this are hashed out by the sub-committee, which makes recommendations to the full Board. Mayor Dorough emphasized that these are only three-month appointments and suggested that the committee can meet to consider all options and make recommendations. He then nominated Mr. Cannon to continue as Solicitor through the end of the year. Following a rollcall vote the nomination failed 2-5 with Commissioners Fuller, Fletcher, Warbington, Langstaff and Young voting no.

Commissioner Langstaff restated his motion to appoint the City Attorney's office to handle the functions of the Solicitor until the end of the year, with the ability to use Gary Lamar as well, either in Solicitor capacity or to assist with City Attorney functions. The motion carried 5-2 with Mayor Pro Tem Howard and Mayor Dorough voting no.

Mayor Dorough noted that Mr. Lamar is disqualified from serving as the Public Defender and asked for nominations for someone to serve in that position for three months. He advised that Attorney Valarie Brown-Williams notified Karen McWhite, Court Administrator, that she can no longer serve as Public Defender; she is out of her personal office, where she earns \$175/hr., for three days a week and wants to conclude her services.

Commissioner Langstaff noted the list of Public Defenders who applied and nominated Shantay Hightower. In reply to Commissioner Langstaff, Mr. Davis advised that he had spoken with Tony Jones; however, he has not heard back from him. Commissioner Langstaff explained that Mr. Jones could fill-in for Ms. Hightower when she is not available.

Commissioner Warbington stated that he believes we need to authorize the use of a Public Defender or multiple Public Defenders and nominated Shantay Hightower, Valarie Brown-Williams and Tony Jones to be used as needed, through the end of December. In response to Commissioner Warbington, Mr. Davis stated that the Judge would need to agree to the

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recommendation and reiterated holding all trials the same day as a measure to streamline court proceedings.

Commissioner Langstaff stated that Commissioner Warbington's idea regarding three Public Defenders would ensure that all bases are covered. He noted that Ms. Brown-Williams charges \$175, and stated in the motion that the rate of pay is \$75/hr. Commissioner Warbington modified his motion that the bill rate is \$75/hr. for all three.

Commissioner Young stated that the process is convoluted and suggested that staff should get details (driving distance, satisfied with the rate of pay, etc.) on issues while in a public meeting. He again mentioned the sub-committee and asked that we consider the process and staffing.

Mayor Dorough commented on the closing of Municipal Court in December of last year when the misappropriation of funds was disclosed, then COVID-19 hit. The Charter clearly contemplates the Commission appointing the Solicitor and Public Defender, which is why he takes issue with appointing three people to serve, as well as the need to get someone to fill these positions. The committee can make recommendations to the Commission, which will then decide on the future of Municipal Court.

Hearing no further comments, the question was called to appoint Ms. Hightower for three months. Following a rollcall vote the motion carried 4-3 with Commissioners Fuller, Fletcher and Warbington voting no. Mayor Dorough stated that Ms. Hightower is appointed for three months, we now have a Solicitor and Public Defender.

Calling for a point of order, Commissioner Langstaff stated that he believes we can have more than one Public Defender and that he thought the Commission would be voting on Commissioner Warbington's proposal; his nomination was only one and there were others. A brief discussion followed with Mr. Davis opining that the vote moots any further action. Commissioner Langstaff asked to withdraw his vote; Mr. Davis replied that he does not know the answer to that at this time. Commissioner Langstaff explained that he agrees with Commissioner Warbington that having three people will allow court to operate in the event someone is unavailable on a day court is in session. In reply to Mayor Dorough, Commissioner Langstaff said to let it ride.

A RESOLUTION NO. 20-R176

Authorizing Pipe Line Crossing License with Georgia & Florida Railway, LLC re: E. Broad Avenue Combined Sewer Overflow Separation Project

Engineering Director Bruce Maples stated that this connects to the CSO separation with this project including the East Broad Avenue/Clark Avenue separation. The pipeline agreement with Georgia and Florida is due to the City having to get into their right-of-way, adding that the original project stalled in 1996 due to not being able to get the agreement, but the railroad has now approved, with this being the last step before the project is bid. He advised that an annual license fee of \$5,500 is paid for the City to be allowed to be in their right-of-way.

In reply to Commissioner Warbington, Mr. Maples explained that the main portion of the project will be east of the underpass for approximately 1,320 feet on E. Broad Avenue.

Mayor Dorough asked Mr. Maples the percentage of separation this provides in E. Albany; Mr. Maples advised that it will finalize all the separation in E. Albany. Mayor Dorough stated that he would like to extend the sidewalk on Broad Avenue to the extent of the work as it is underway. Ms. Subadan reported that the Sidewalk Program will have to be brought back to Commissioners, which will be an opportunity to make a determination to extend the sidewalk on Broad.

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

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There being no further business, the meeting adjourned at 9:21 a.m.

MAYOR

ATTEST

ASST. CITY CLERK