

SEPTEMBER 1, 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  
Commissioner: Chad Warbington  
City Attorney: Nathan Davis

Mayor Dorough called the (virtual) meeting to order at 8:30 a.m. and confirmed the attendance of those on the virtual conference call as follows: City Manager Sharon Subadan, Commissioners Matt Fuller, BJ Fletcher, Bob Langstaff and Demetrius Young.

Triquenski Hicks, Legislative Liaison read the call as follows:

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

There will be a Special Called City Commission virtual meeting on Tuesday, September 1, 2020 at 8:30 a.m., in room 100 of the Government Center Building located at 222 Pine Ave., Albany, Georgia. The purpose of the meeting is for the Mayor and Board of Commissioners to discuss and approve the following ordinance & resolutions:

1. Masks/Face Coverings on City Property and in Public (Ordinance)
2. Masks/Face Coverings on City Property and in Public (Resolution)
3. Professional Services (Relocation of Server Room at 201 Pine Ave. to 211 N. Jefferson St.)

Sincerely,

/s/ Sharon Subadan  
SHARON SUBADAN,  
CITY MANAGER

/s/ Bo Dorough  
BO DOROUGH, MAYOR

/s/ Jon Howard  
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

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

Mayor Dorough noted that 12 speakers have signed up to speak and recognized Dr. Joseph Stubbs.

Dr. Stubbs, Albany Internal Medicine, stated that he is speaking from the perspective as a front-line physician in front of the proposed City ordinance mandating the wearing of mask in public facilities. He discussed current statics of the virus; its physical/psychological/emotional effects; measures to help combat contracting the virus, with wearing a mask being the most important; why CDC/WHO initially downplayed wearing masks; significant decline of virus in states/DC passing mask mandates. He said he supports adoption of the ordinance; however, he realizes that there will be those who will feel this is too authoritarian and infringes on their individual freedoms. This ordinance is not about restricting freedom, but about making our community safe and shows that leaders care about its citizens.

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In response to Commissioner Young regarding the effectiveness of masks, Dr. Stubbs advised that the virus is largely passed on through contact of air droplets whereby hundreds of the droplets are emitted, adding that singing and shouting can create thousands more droplets. Research has shown that masks are better at preventing the spread of the virus as well as hand washing and social distancing also being important.

Mayor Dorough recognized Dr. Steven Kitchens. Dr. Kitchens stated that his position is very similar to what Dr. Stubbs just conveyed regarding the effectiveness of wearing a cloth covering/mask in preventing the transmission of COVID-19. He discussed ‘combination therapy’ (wearing the cloth mask/covering, maintaining social distance of 6' apart, practicing good hand hygiene) is helping curve the transmission of the virus and briefly commented the characteristics of the virus that make wearing a cloth mask the most effective measure of protection. He referred to a recent editorial appearing July 14 in the Journal of American Medical Association regarding the CDC calling on all Americans to wear a mask to prevent COVID-19 spread and said he fully endorses the use of cloth masks.

Commissioner Warbington asked Dr. Kitchens’ perspective on the face shields and gaiters as optional face coverings. Dr. Kitchen replied that a plexiglass barrier is highly effective, as well as bandanas being used as a cloth shield.

Mayor Dorough recognized Heather Holton, RN. Ms. Holton discussed her background working as an RN and advised that she also worked in the H1N1 pandemic in 2009 in another facility, adding that he husband and son contracted H1N1. She said she is advocating against the proposal to mandate wearing masks and referred to letters she sent Commissioners stating her position. Wearing a mask is part of her profession; however, it is to protect staff, not the patient. She discussed the type and use of masks in a medical setting and commented on recommendations by medical experts on the benefits of wearing/not wearing masks and the resulting opinions and reactions of people regarding whether or not to wear masks, etc. She briefly discussed the controversy created by masks, people turning on each other and even being used as a weapon against others; fluctuation of local numbers; empower people to make personal choices, strengthen their immune system and taking personal responsibility for one’s own health. She stated that her opinion is that mandating masks will not result in compliance; the epidemic of fearing gripping this nation, with fear having a great effect on the brain; the need for truth; less governmental control and more individual responsibility.

Commissioner Fletcher thanked those in the medical profession, especially as they have worked through the last six months of the pandemic.

Mayor Dorough asked Ms. Holton if she is saying that since March, wearing a mask has done nothing to reduce the spread of the virus in Albany/Dougherty County. Ms. Holton replied in the affirmative.

Mayor Dorough recognized Reverend Lorenzo Heard. Reverend Heard mentioned hearing from Drs. Stubbs and Kitchens and another expert who has been on their radio show, Lane Rolling, who has been on the front line regarding infectious diseases, also advocates wearing masks. He mentioned friends and family of his who have died from the virus and recommended training on the correct use of masks and those who use personal freedom as a reason to not wear masks should not cause the Commission to discount those who are for it.

Mayor Pro Tem Howard stated that he, too, has lost family and friends to the virus, adding that the virus does not discriminate, and heeding expert’s advice is necessary to fight this disease.

In response to Commissioner Warbington, Reverend Heard stated that his church is still meeting virtually.

Commissioner Young asked Reverend Heard his thoughts on methods touted as helping slow the spread of the virus. Reverend Heard replied that he washes his hands, social distances himself and wears a mask. He said he does not know for certainty that wearing a mask works, but that he thinks it could be worse if people are not complying.

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Mayor Dorough recognized Reverend Edward Heath. Reverend Heath agreed with Drs. Stubbs, Kitchens and Reverend Heard, adding that he has suffered the loss of family and friends to the virus. Results of studies show that the virus is still spreading, and people are still dying. He stated that he supports making it a law to wear masks.

Commissioner Young mentioned Reverend Heath's background in law enforcement asking his thoughts on enforcing the mandate. Reverend Heath stated that law enforcement cannot be everywhere; it will take the entire community to make it work.

Mayor Dorough recognized Reverend John Severson. Reverend Severson agreed that wearing masks will help and we need to listen to experts in the medical field. He encouraged Commissioners to take a bold stand and make it mandatory to wear masks, as he, too, has lost family and friends to the virus.

Mayor Dorough recognized Robin Calhoun. Ms. Calhoun stated that she is an educator and commented on the division and hardships caused by the virus, impact on students; preventing infection and promoting good health being the best ways to attack the disease. She suggested that being a democratic nation, the Commission's decision affects the lives in this community including teachers who are infected with the virus, adding that we must protect ourselves and Commissioner's must protect the community and put aside their differences.

In response to Commissioner Young, Ms. Calhoun stated that not all have the same access to health care, food, vitamins, etc., and briefly discussed issues, besides the virus, that result in masks being worn.

Mayor Dorough recognized Bishop Jerry Cochran. Bishop Cochran stated that it is imperative to wear masks as they help slow the spread of the virus; he, too has lost a family member. This is not a political decision; it is medical and heeding the recommendations of the medical community is vital. He encouraged the Commission to vote yes.

Mayor Dorough recognized Michael White. Mr. White stated that he is a proponent of making masks mandatory; he has lost family members with a member still in the hospital after six months, adding that he is a survivor of this very serious disease. The economy can be rebuilt, but losing lives is not worth the cost. He urged the Commission to make the right decision and to do what is right for everyone.

Mayor Dorough recognized Pastor Michael Ephraim. Pastor Ephraim thanked the Commission for the opportunity given to speakers today to add their thoughts about this serious issue/health concern. He recommended that the Commission make face coverings mandatory.

Mayor Dorough recognized Dr. Harriet Gainer.

Mayor Dorough advised that the ordinance is a model provided by GMA (Georgia Municipal Association) and complies with the Governor's most recent order. Mr. Davis agreed and briefly discussed the ordinance.

Commissioner Fuller asked the current threshold number in Albany. Mayor Dorough stated that it has been fluctuating and there is another category when the number exceeds 300. Ms. Subadan stated that the report for the last 14 days has 298 positive cases per 3000 tests (10% positivity rate). Commissioner Fuller asked Chief Persley how this will impact officers, especially in light of the current workload they carry. Chief Persley stated it will be a challenge, but whatever the Board decides, he and staff will carry it out. He stated that they will pass out as many masks and do as much education as possible. People will not be taken to jail for not wearing a mask, but the public will be encouraged to mask up as often as they can.

Commissioner Fletcher asked the guidelines and how this will be enforced and asked that he further explain the hardship this will cause officers. Chief Persley stated that many calls are anticipated and if the ordinance is enacted, it is clear and direct so that staff understands what is allowed and what is not. If businesses call because of this issue with an irate customer and they

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cannot resolve it, APD will get involved and try to mediate as much as possible. Commissioner Fletcher noted that a vote will be taken on the ordinance and asked if he have a clear understanding of what the ordinance says, adding that there are businesses requiring masks and what the business wants should be respected. Chief Persley stated that it will be no different than having to mediate other situations, adding that there have been confrontations in other areas and fortunately it has not escalated to that point in Albany. The majority of citizens and businesses here are more apt to ensure that they are protecting themselves. He emphasized that the men and women in his department will be thoroughly clear on the ordinance and how to they are to enforce it.

Commissioner Warbington stated that his challenge with the current ordinance is that it is unenforceable and has issues with it. He stated that Mr. Davis spoke about the 100 thresholds being a lynchpin, which he agrees with; he referred to his information (copy on file) and discussed (new cases within the last 14 days), with the number today being 185. He asked what happens regarding the ordinance once we hit 99; will it still be in effect, invalid, will it have to be voted on again, or does it go in and out as we go above the threshold. Mr. Davis advised that the numbers will have to be given to the police department on a continuous basis. The ordinance does not go away, it is just will not be enforced. Commissioner Warbington stated that his issue is the number; we need to support wearing mask, but the number will create problems; he asked Mr. Davis to explain the clause allowing private businesses to opt out. Mr. Davis explained that they as those requiring a mask, post notice on their door, they could post one saying that they do not require masks. Commissioner Warbington asked if posting the notice, it is saying that the mandate cannot be enforced on the private property; Mr. Davis agreed. Commissioner Warbington asked about citizens with a health condition preventing them from wearing a mask and how is it enforced. Mr. Davis referred to page six of the agenda package and said that APD most likely would be ‘do you have a health condition that is aggravated by a mask, what is the condition, who is your doctor. For clarification, Commissioner Warbington asked if that means they would go on a verbal statement; Mr. Davis agreed. Commissioner Warbington asked about religious exemptions; Mr. Davis again referred to page six.

Mayor Dorough interjected that a person issued a citation, goes to court, proves to the judge that they have a medical problem or genuine religious objection; that decision is not made in the field unless someone does have that documentation.

Commissioner Langstaff asked if Governor Kemp could have set the threshold wherever he wanted to; Mr. Davis agreed. Commissioner Langstaff stated that he chose 100 per 100,000 residents for a 14-day period; Mr. Davis stated that it is in Governor Kemp’s Executive Order and is called the threshold requirement. Commissioner Langstaff noted that today, we are almost double that; Mr. Davis agreed.

Mayor Dorough introduced

#### AN ORDINANCE

Requiring the use of masks or face coverings in public during the COVID-19 outbreak.

Mayor Dorough 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 explained his reason for supporting the ordinance and urged the public to become educated and informed. While it will not be a cure-all, it is a step in the right direction to protect the public; he urged Commissioners to support the ordinance and vote yes.

Commissioner Fuller stated that he wears masks while out in public and many of his family members had/have the virus; his father is extremely sick with it. However, he has a hard time supporting something else they have to enforce and putting another strain on our police department and feels the City will encounter major problems by putting into effect something of this nature that will be enforced by law.

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Commissioner Fletcher noted that almost everyone has been touched in some way by this virus making it a very emotional subject. What has not been discussed is the hardship placed on businesses, an increase in crime, etc., and we must get this community together and inform them what is exactly in the ordinance. She stated that in her business, she cannot require customers to comply, but her staff wears masks and gloves. She said that she would like to make a motion to table this until more is known about the ordinance.

Commissioner Warbington stated that the bottom line is how to get more people to wear masks. Based on the calls he has received the ordinance creates more confusion and he thinks that it is not a position the City should take because of the unintended consequences that could result. He said he is for masks and that his vote is not against masks, but he does not support the ordinance and he will be voting no.

Commissioner Langstaff stated that his position is that some people want to make this a political issue, which it should not be; it is a health issue, which Dr. Stubbs explained very well. He briefly discussed the political side of the issue i.e. you are not a conservative if you pass a mask ordinance and said he understands those opposing mandating masks, but what they do not understand is: the governor recently signed an executive order giving cities the right to adopt a mask ordinance. His previous executive order preempted cities from adopting a mask ordinance and at that time had the City voted to adopt an ordinance ordering masks, he would have voted against it. However, the governor granted cities the authority to locally adopt a mask ordinance; this was not on a whim, but very reasonably thought out because he believes the science behind masks. He urged those wanting to know the science behind masks to Google Wallstreet Journal August 2020 Mask Science and advised why the Governor did not require masks state-wide (some areas have minimal cases). The ordinance provides flexibility regarding enforcement and can be repealed if the Commission ascertains it is not effective. He encouraged the public to read the ordinance, which is online and said that Republican Governor Kemp has given cities a tool to combat the virus; and suggested that we would be fools to not use it. If there is a resurgence of the virus and we call for Governor Kemp's help again, what would be our defense if he said that he 'gave you a tool, you fools, and you did not use it.

Commissioner Young stated that it is as simple as: the City needs to pass a law for the public to wear a mask and if they do not, they will have a penalty to pay because we want to keep our community safe. His discussion included: having to reduce the infection rate; this will not last forever; the intent is not to take anyone's rights/freedoms away; the public needs to pay attention to the numbers; our society/America not willing to make sacrifice to do what is needed to control virus and get back to normal, while the rest of the world has. He said he will be voting yes because we have lost too many lives – many were his family and friends. We need to mask up and the ordinance will help accomplish that.

Mayor Dorough mentioned calls/emails from friends and citizens supporting a mask ordinance and stated that in an early Executive Order by Governor Kemp, cities were not allowed to take action to protect its citizens; however, we now have that opportunity. He mentioned those who are indifferent to those who are most vulnerable and suffer the worst outcomes, declaring that they should address their underlying health issues. While it is true, we have to be responsible for our own health, those with diseases most affected by the virus are at risk; their health issues will not be corrected within the next few months and measures are needed to protect them now and, science confirms that wearing a mask helps curb the spread of the virus. He mentioned the sudden spike in July when Albany was over 300 cases per 100,000 people, adding that the ordinance will be suspended pursuant to the Governor's directive. He briefly discussed: younger people being as susceptible as others and infecting senior citizens; asymptomatic carriers and the thought of wishing we had been able to do this earlier.

Mr. Hicks noted that Commissioner Fletcher had moved to table the ordinance. Commissioner Warbington seconded the motion to table and called for a point of order, the date certain. Commissioner Fletcher asked to table until the next meeting (September 15). Hearing no further comments and, following a rollcall vote, the motion failed 3-4 with Mayor Pro Tem Howard, Commissioners Langstaff and Young and Mayor Dorough voting no.

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A rollcall vote was taken on Mayor Dorough's motion to adopt the ordinance, which carried 4-3 with Commissioners Fuller, Fletcher and Warbington voting no.

A brief discussion followed on whether a second reading of the ordinance is required with varying opinions on the part of the motion that states 'to dispense with the second reading'.

Mayor Dorough move to adopt the following resolution, seconded by Mayor Pro Tem Howard and, following a rollcall vote the motion unanimously carried.

A RESOLUTION NO. 20-R162

Requiring the use of face masks or face coverings in property owned or leased by the City during the COVID-19 outbreak

Central Services Director Yvette Fields discussed the request to contract with Engineering Associates, who will design the Server Room, which will be relocated from 201 Pine Avenue to 211 N. Jefferson Street; once the design is completed, they will manage the work. The recommendation is approval of the contract, the design and relocation of the Server Room for a total expenditure of \$96,560.00.

Commissioner Fuller asked what the firm will be doing. Director Steven Carter discussed the process and explained that the firm will evaluate the current situation and requirements to move into the new building.

Commissioner Warbington asked if the project has a budgeted or not to exceed amount; Mr. Carter stated that it is a not to exceed number and if the amount is exceeded it will come back to this Board for approval. They are not new vendors to the City and is the firm that designed a large portion of our current network.

Mayor Pro Tem Howard moved to adopt the following resolution; seconded by Commissioner Fuller.

A RESOLUTION NO. 20-R163

Authorizing the use of SPLOST VII funds to contract with Engineering Associates to design and manage a portion of the relocation of the Server Room at 201 Pine Ave. to 211 N. Jefferson St.

Mayor Dorough requested that Engineering Associates corporate information be provided. He referred to page 17 regarding a provision of limitation of liability and stated that the firm is being paid to design/coordinate/supervise the project, but the provision limits their liability to what they are paid under the contract. He said he has concerns regarding this provision but was advised in a Utility Board meeting that this is a typical provision in contracts the City has with consultants.

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

Commissioner Fuller asked if the City is postponing enacting the mask ordinance until receiving clarification. Mayor Dorough replied that he feels it would be prudent to postpone implementing it. Mr. Davis stated that he sent a text to GMA and will advise once he receives a response.

Ms. Subadan stated that in the past, when there is not unanimous consent on an ordinance, a second vote has been taken. She asked to take a five-minute break after adjourning the Special Called Meeting. Mayor Dorough countered that because it has been done that way in the past does not mean that it is right; the answer is in Roberts Rules of Order.

There being no further business, the meeting adjourned at 11:11 a.m.

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MAYOR

ATTEST

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ASST. CITY CLERK