

NOVEMBER 5, 2020
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100 (Virtual Meeting)

PRESENT: Mayor Bo Dorough
Mayor Pro Tem Jon Howard
City Commissioners: BJ Fletcher, Chad Warbington and Demetrius Young
City Attorney: C. 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 and Bob Langstaff.

HEARING RE: ALCOHOL LICENSE APPLICATION

Mayor Dorough stated that the alcohol license application hearing is for Club Frozen Bar & Lounge, adding that Kelvin Vamper is the agent and that the Board had previously considered the application. However, staff advised that the location was on a local street; therefore, it did not meet criteria for on-premises alcohol license and no vote was taken on the application.

Marshal Walter Norman, Business License Director, discussed the application for Club Frozen Bar & Lounge at 1020 Flint Ave., adding that the Planning Department identified the zoning classification as C-2 in Ward III. He cited Code section 6-75 (2) which states that new alcoholic beverage on-premise consumption license will only be issued to locations on an arterial or collector street.

Mayor Dorough referred to a map which shows that most of Flint Ave., would qualify as an arterial street; Marshal Norman agreed, adding that Flint Ave., from Washington St., to Pine Ave., classifies as a collector street; however, the portion of Flint Ave., from Pine Ave., toward Slappey Blvd., is classified as a local street.

Mr. Davis referred to the first slide, Exhibit “1”, which shows that Mr. Vamper was properly notified of the hearing; Mayor Dorough asked Mr. Davis if he will allow Kerrie Davis, Transportation Planner with Darts MPO, to present information ahead of him. Mr. Davis agreed and stated that he will skip to the exhibits pertinent to her testimony.

Ms. Davis stated that she is a member of the Planning staff and explained that the Metropolitan Planning Organization (MPO) develops transportation plans for any city/county/area with 50,000+ population and helps to address issues/problems. She advised that Mr. Vamper came to the Planning Department after Commissioners took no action on his application, to request a functional classification change on the area of the roadway where his business is located. In reviewing the history of the road, it was discovered that a portion of the road had been excluded from the remaining part of Flint Ave., based on part of the street being one-way and the traffic count did not support the change when the original functional classification was set and, a new traffic count did not support changing that portion of the road.

Mayor Dorough asked that Ms. Davis discuss Exhibit 3 (copy on file)

Ms. Davis reported that at this point it was sent to the Technical Committee (consisting of staff members - Engineering, Planning, APD), which only makes recommendations to the Policy Board, which holds all the authority to make policy decisions. The vote of the Technical Committee was not unanimous; however, it did have a majority vote and then passed to the Policy Committee. The Policy Committee did not pass a motion for the request to move forward and the motion died on the floor.

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She added that the minutes of the September meeting are only a draft that will not be adopted until January.

Mayor Dorough asked that Exhibit 4-A (copy on file) be discussed. Ms. Davis explained that these are the preliminary draft minutes of the Technical Committee, noting that Mr. Vamper's was the first request for Functional Classification Change. She advised that the bullet point stated that 'it passes the recommendation to Policy Committee', this did not mean that the functional classification request passed, only that it was recommended to be sent to the Policy Committee.

Mayor Dorough asked that Exhibit 4-B be pulled up and asked who serves on the Policy Committee. Ms. Davis reported that the Policy Commission is comprised of members of the City of Albany and Dougherty County Engineering staff; a representative from Lee County, who does their engineering report; Paul Forgey; Technical Committee Chair; representatives from Dougherty and Lee Counties Sheriff's Department; GDOT staff; and GDOT Planning Commission.

Mayor Pro Tem Howard asked Ms. Davis the members of the Policy Committee. Ms. Davis stated that there are nine members; the Mayor and City Manager of each city and the Chairman and Manager/Director of each County; the MPO covers the City of Albany, Dougherty County, the southern portion of Lee County and the City of Leesburg.

Commissioner Warbington referred to Ms. Davis' description of Flint Ave., being one-way at a certain section and asked her to explain the complexity of this; Ms. Davis deferred to Engineering Director Bruce Maples. Mr. Maples traced Flint Ave., from N. Slappey Blvd., to Harding St., (a one-way street) then go to Pine, which becomes a two-way street, with left turns being prohibited. Commissioner Warbington asked if the City has ever considered closing/creating a cul-de-sac in the area. Mr. Maples explained that this has not been a consideration during his tenure with the City, adding that the street is on a railroad right-of-way, with the City having an easement agreement with the railroad. Commissioner Warbington asked about limitations; Mr. Maples stated that there are a lot of considerations taken by DOT regarding the classification and any modifications i.e. total traffic, one-way and the restriction on turning movements, etc.

Mr. Davis referred to Exhibit 3 and asked Mr. Maples, if in addition to being the Engineering Director, is he also the Managing Director of Planning and Engineering; Mr. Maples agreed. Referring to the exhibit (GDOT Functional Classification Map) Mr. Maples stated that it is the one he provided to Mr. Davis and is used by his department and other departments as well. Mr. Davis asked if the map shows 1020 Flint Ave., as a local road; Mr. Maples agreed, adding that the gray area on the map indicates the portion of Flint Ave., under discussion. Mr. Davis asked if Mr. Maples is a P.E. recognized by the State and if he graduated from Georgia Tech with an engineering degree; Mr. Maples agreed.

Mr. Vamper asked if Flint Ave., has any characteristics of a minor or regular collector road. Mr. Maples advised that his opinion is that it does not, adding that the map has a lot of gray roads, some which collect minor/major arterials, etc., and have higher traffic counts and meet more qualifications than 1020 Flint Ave. Mr. Vamper stated that this part of Flint Ave., is connected to Slappey Blvd., and Pine Ave., and asked if that is one of the characteristics of a minor collector; Mr. Maples agreed that it is one of the characteristics and explained that there are several factors that DOT/GDOT must take into consideration, including the connection between Slappey Blvd., and Pine Ave.

Mr. Vamper referred to the Technical Committee meeting, stating that he heard Ms. Davis say that it passed; however, it was not unanimous. He stated that it was passed and there were more votes to have

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the road changed to a collector street rather than leaving it as a minor collector. There were seven votes, with six voting to approve. Ms. Davis explained that the Technical Committee has approximately 18 members, reiterating that the Technical Committee can only make recommendations to the Policy Committee. She stated that there was a majority vote to push the recommendation to the Policy Committee and, in response to Mr. Vamper, she advised that the recording can be pulled and provide a count of who voted and how they voted. Mr. Vamper stated that he wants to be treated properly and fairly. He discussed the establishment being a run-down, eyesore in the middle of town with him rehabbing/remodeling the building.

Mr. Davis referred to Exhibit 4-A, the Technical Committee, which forwarded the recommendation to the Policy Committee (Exhibit 4-B); Ms. Davis agreed. Mr. Davis asked if the Policy Committee is the one making the controlling decision; Ms. Davis agreed. Mr. Davis asked if it received a motion; Ms. Davis stated that it did not. Mr. Davis noted that it literally and figuratively died on the agenda; Ms. Davis replied that he is correct.

In reply to Commissioner Young regarding the location of the street, Mr. Vamper advised that there is one piece of evidence that has not been addressed; referring to a map he noted that Yesterday's 2.0, is around the corner and was licensed within the last 24 months, adding that it changed ownership and is also located on a local road. He stated that he does not want to see his \$30,000 investment slip down the drain, adding that he feels this matter could have been avoided if all the information had been gathered by the City before the Occupational License had been granted. At that point, they would have realized that an alcohol license would not be granted at that location and work would have stopped on the building. He added that the establishment would have employed at least 15 individuals and that he cannot understand all the negative feedback he has been getting and asked the reason it has been this difficult to obtain a license for the location. In response to Mayor Dorough, Mr. Vamper stated that his question was addressed to him. He stated that Mayor Dorough sits on the Policy Committee and claimed that Mayor Dorough spoke first, advising those in attendance that he (Mr. Vamper) was trying to get the classification changed because he was trying to maneuver a City ordinance, which is totally incorrect. Based on Mayor Dorough's statement, the others on the Board did not make a motion. He suggested that the classification of the street should be changed because it has the qualifications of a minor collector, which cannot be changed. He stated that this issue has lingered on for almost a year and half, adding that for 25 years, he has owned several businesses in Albany, is an ASU graduate and not sure if it is personal.

Mayor Dorough stated that he is sorry Mr. Vamper feels he has been treated unfairly, adding that others on the Commission have expressed concerns about citizens incurring substantial expense in their efforts to be granted an alcohol license, only to be denied. He stated that it is his understanding that applicants are informed at the initiation of the process that the final decision rests with City Commissioners to either grant or deny the license. He apologized for the money Mr. Vamper invested and asked Ms. Davis to pull the recording, adding that he feels Mr. Vamper's recollection of events is in error. He briefly recalled the meeting whereby Chairman Mathis asked his position and he explained that the issue had come before the City Commission; the extension of Flint Ave., was not a collector street and the license was denied. He advised that it was his opinion that it would not set a good precedence for the DARTS Board to revisit decisions of the City Commission and that he did not say that Mr. Vamper was trying to maneuver a City ordinance or ascribed any...Mr. Vamper interjected, telling Mayor Dorough that is exactly what he said. Regarding negative feedback, Mayor Dorough, advised that the Commission never reached the point to consider public support or opposition to the application for the license. He explained that, procedurally, this location did not qualify for an alcohol

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license and was a consideration that never came before the Commission. He assured Mr. Vamper that there was no improper motive on his or staff's part.

Mayor Pro Tem Howard mentioned Mr. Vamper's \$30,000 investment in the building and asked if he owns or rents it; Mr. Vamper said he would be leasing it. Mayor Pro Tem Howard asked if the owner of the building inquired of his plans for the building; Mr. Vamper stated that he did. Mayor Pro Tem Howard asked if Mr. Vamper will be able to recoup any of the money he invested; Mr. Vamper said not to his knowledge, adding that the owner of the building had the impression that there should be no problem with having a bar/lounge. When the property is pulled up in the Tax Assessor's office, it is listed as a 'bar/tavern', with several liquor licenses at that location in the past, which were subsequent to the ordinance being adopted. Mayor Pro Tem Howard asked who owns the property; Mr. Vamper stated that Phil Cannon owns it.

Commissioner Fletcher stated that she tries to never support actions in opposition to City laws/policies, etc., adding that neighbors have sent photos and alleged that he is doing something at the location in the evenings. She advised that often, those who are averse to an application can drum up opposition to defeat an applicant in their quest. If he is planning on staying at the location, she urged him to start off by being a good neighbor and building on that.

Commissioner Warbington asked if Mr. Vamper is open for business now; Mr. Vamper said yes. In reply to Commissioner Warbington, regarding operations at the location, Mr. Vamper stated that it is mainly a location playing music, with mostly no customers and suggested 'what is a bar without alcohol'. Commissioner Warbington asked if he is currently serving alcohol at this location; Mr. Vamper replied negatively, adding that he does not have an alcohol license. Commissioner Warbington stated that there is evidence of alcohol all around the location and he assumes customers are bringing it to the location. Mr. Vamper questioned that alcohol is around the location; Commissioner Warbington replied that he has seen it himself. Mr. Vamper stated that the location is in the middle of the city, with a lot of pedestrian traffic; it is possible the foot traffic is responsible for the bottles, adding that it is not true that he has sold any alcohol or knows of any alcohol being administered at the location. Commissioner Warbington asked if he is selling anything or is just providing a gathering location. Mr. Vamper explained that he is open one day a week; bills must be paid, but they have even stopped opening the one day because of losing (money) and not profiting at all. Reiterating that it is hard to run a bar without selling alcohol, which is the bottom line. Commissioner Warbington countered that currently he is trying to run a bar without alcohol. Mr. Vamper explained that it is classified as a bar, however, he is trying to transition the location into an event center, adding that the location will be leased out to individuals, which will help pay bills. In response to Mr. Vamper, Commissioner Warbington stated there are event centers throughout the city; however, it is the evidence of alcohol consumption going on at the location which is a problem, adding that on the weekends, it appears there is more activity than normal going on there.

Commissioner Young expressed concern for Mr. Vamper's investment, adding that he feels it does not fall on him and attributed it to the City's process, politics, stipulations and the approval process. He briefly commented on statements repeatedly being made regarding 'having to know before deciding to make an investment' and that 'the liquor license is not a given', adding that the message is not being conveyed to business owners who apply for alcohol licenses. As Mr. Vamper noted, seeking approval for an occupational business license, the applicant should be made aware of the approval process and the potential of not getting an alcohol license. He mentioned discussions of a moratorium that does not seem to generate enough support to hash out the issues and that it is not an issue of new

Commissioners on this Board; it is the process; we need a proper process that has proper policy/planning to let the public know what they are dealing with before making an investment which prevents it being a political decision, which creates the frustration Mr. Vamper is experiencing. He asked Marshal Norman if the location is zoned for commercial; Marshal Norman was not present. Mr. Vamper stated that it is zoned C-2 and is a commercial zone. Commissioner Young stated that he would like for Marshal Norman to answer that. Mr. Vamper stated that he understands and appreciates the need for the process to be reviewed, adding that if the process can be ironed out, the next applicant has a smoother process as opposed to what he has been through. Referring to the City code book, he stated that ‘all problems with inspections should be taken up and given to City Commissioners’, explaining that all issues that could arise with the address at the location, which he feels that the issue with the road would fall within that category, should have been addressed by the City Commission. He contended that if the process in place now had been followed in the proper manner, this hearing would not have taken place, adding that the problem is not with the process, but with the procedure. Commissioner Young interjected that the problem is politics; the location has had clubs for many years; some he used to frequent in his ‘clubbing days’. There were no issues then, however, now politics is playing a role - someone’s interest versus Mr. Vamper’s. This is not an abnormal circumstance, they try to comb through the details to prevent something from happening that they do not want to happen. He stated that the Commission must do better with its policy and procedure, adding that he, too, is sorry about Mr. Vamper’s investment and hopes that a satisfactory resolution can be reached.

Mayor Dorough asked to have the portion of that meeting typed verbatim; the Commission and Mr. Vamper need a copy; he feels Mr. Vamper’s recollection is not accurate. Ms. Davis agreed, adding that there were five ‘yeses’ one abstention, and three no’s. In response to Mayor Dorough, Mr. Davis advised that the matter is ripe for a vote at the November 24 regular meeting.

There being no further comments, Mayor Dorough closed the hearing.

SPEAKER APPEARANCE

1. James Finkelstein reported that this is his second appearance within four months, and basically with the same subject, police reform. He recalled that he is the attorney for a young man who was arrested three years ago and spent 61 days in the Dougherty County Jail for a crime he did not commit and that he is curious about the amount the City paid the Atlanta law firm, Freeman, Mathis and Gary, to defend that case. He submitted an Open Records Request to obtain copies of the bills and was shocked that, for a lawsuit yet to be in court, with no discovery, depositions/interrogatories, etc., the City has paid \$62,000 through May. He referred to an email he sent Commissioners, which had a copy of the bills attached, copy of the 11th Circuit opinion that the City’s attorneys lost, with the case being back in District Court again and ready to start – for the first time – as well as a letter explaining why he is addressing this Commission. He mentioned that if the City hired a consultant and asked the consultant the worst way to handle cases involving persons who were harmed by the actions of the police department’ the consultant might tell them when innocent people are arrested and jailed or physically injured, and facts come to light: don’t admit to doing anything wrong, take steps to find out what went wrong, apologize to people harmed, take steps to deal with personnel who caused the harm, take steps to change procedures/fix mistakes, if the harmed person request relief, ignore the request, hire the most expensive Atlanta law firm, etc., regarding the bill, fight to delay/dismiss the case on a technicality, etc. He stated that the most recent example is Joe Godfry, another suit involving someone else who was harmed by actions of the police department, adding that he is asking the City ‘what have you done and, what are you doing to prevent this from happening in the future’.

Mayor Dorough stated that he and his colleagues are concerned about keeping people safe and protecting their civil liberties, and that he realizes mistakes happen. The Commission will take the recommendations and reevaluate how the City responds, adding that since he became Mayor, he receives ante litem notices regularly.

EMERGENCY MANAGEMENT AGREEMENT

Mayor Dorough referenced the notebook he prepared which provides background info that was distributed by the City Clerk's office. The Commission discussed the Emergency Management Agency [EMA] and the process at the recent Commission retreat and a Task Force was established (Mayor Pro Tem Howard, Commissioner Fletcher and himself) and have met three/four times along with Chief Scott to consider ordinances from other cities. He stated that Commissioner Fletcher declared that there is a need to understand how HB 489 interplays with the Emergency Management Agreement, but he did not see any correlation of the two. However, his research revealed that every local government must have a State-approved Emergency Management Agency. Cities which forego this requirement are ineligible for reimbursement from the State, a law that was passed in 1991. The City and County passed a joint resolution (Tab 1) in 1992, which sets forth the understanding between Albany and Dougherty County whereby, the Mayor can individually, or jointly with the Chairman of the County Commission, declare a state of emergency. It further specifies that the Chairman, with the concurrence of the Mayor, can nominate the Fire Chief as head of the EMA for appointment by the Governor. The few amendments to the ordinance, originally adopted in 1992, have not been substantive in nature, adding that he reviewed deficiencies in Albany's EMA when compared to other cities. He advised that information was in the aforementioned notebook provided to Commissioner's and suggested it needs to be reviewed/amended and mentioned that he had discussed the possibility of the City having its own Emergency Management operation, which is a right municipalities have under State law; however, other members of the Commission wanted to see if we could improve on what we have before taking such drastic measures.

Mayor Pro Tem Howard stated that it is a step in the right direction since the bulk of Albany/Dougherty County residents reside within the corporate limits. He suggested that since this area is prone to various weather-based conditions, et., he supports the City having its own system.

Commissioner Fletcher advised that she just received back-to-back texts, which she will answer live "No, this is not anything that our Mayor is trying to do against Chairman Chris Cohilas". She stated that Hurricane Michael made her aware that the City did not have a say or seat at the table; the Commission received a document stating that it was the policy, adding that she is grateful to the Mayor and Chief Scott for the research and bringing things to light and agreed that the City and County need to discuss these issues and do what is in the best interest of the community.

Fire Chief Cedric Scott stated that it is critically important to clarify the roles and expectations of both the City and County governments to ensure that when the next incidence strikes, we will be able to respond in a coordinated way and that there will be a clear understanding of who is responsible for emergency management in Albany/Dougherty County. He discussed benefits of having a combined city/county approach to emergency management and commented on his letter to Mayor Dorough where he described how it can be effectively coordinated and allow for involvement and input from the County, adding that Mr. Davis worked with him on his proposal which provides the direction and defines the roles during a declared emergency of the EMA Director, the Mayor and Chairman. He

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explained the process of how an incident is handled, which provides oversight that can be tracked for the recovery period, suggesting that a new ordinance would be advantageous to have a clear line of communication.

Commissioner Warbington referred to the 1992 joint resolution, asking if the City and County are still working from that document. Chief Scott stated that there have been changes in other areas of the overall Service Delivery Agreement, but Emergency Management has continued with no changes. He explained that it is important to have an ordinance that is approved and that a local emergency operation plan needs to be formally approved, adding that in his research he could not find something of that nature having been adopted. In reply to Commissioner Young regarding collaboration with the County, Chief Scott advised that he has worked with the Task Force, under direction by the Mayor, and that is the level of anyone else being involved. Commissioner Young commended the joint leadership by the Mayor and Chairman adding that citizens want and need that collaboration to continue; disasters affect both city and county and we need a plan that reflects that we are all in this together. Chief Scott advised that he did not consult the County when making the presentation and referred to his remark regarding the advantage to have a City and County approach to emergency management.

Commissioner Warbington referred to Mayor Dorough's comment regarding some level of Commission involvement regarding inclusion and a sunset clause, which he feels should be a part of the agreement.

Commissioner Young asked Mayor Dorough if his concerns about the issue can be reduced to bullet points for the public to understand. Mayor Dorough stated that the committee is seeking direction from the Commission, adding that he was surprised when Chief Scott stated that the City is in charge of emergency management, however, he is not advocating changing the agreement and that, we need to stick with what was codified. He said he agrees with improving and updating the agreement since the City has the resources and is the reason it is in control of emergency management. He stated that throughout this, he has tried to provide weekly updates to the Commission; however, under the present arrangement, the City/County Commissions do not have a right to be involved (during emergencies) and other cities have updated their agreements to include Commissioners.

Commissioner Fuller asked if the Committee is proposing a separate emergency management or only updating what we have and continuing to work with the County. Mayor Dorough stated that was his initial inclination; however, Mayor Pro Tem Howard wanted to hear from Chief Scott first and Commissioner Fletcher wanted to try and repair what we already have. When Chief Scott brought it to his attention that the City controls emergency management, he realized that the last few disasters were misguided by incorrect assumptions, adding that the Committee is not making a recommendation, but rather seeking guidance. Commissioner Fuller agreed that clarification and a clear plan are needed in moving forward to include communications between the City and County, adding that he is unsure how to unravel the discrepancies between the two Commissions, however, he said he does not support the City having a separate emergency management system.

Commissioner Fletcher stated that clearly defining the roles of the City and County is important and, the fact that the City heads the EMA had to be looked at and from there, rules must be followed. She noted items that are governed by specific rules, i.e., reimbursement, etc., that needs to be clearly defined. The Committee needs to know if Commissioners want the Committee to get something in writing, to go further in defining the roles of the City and County.

Commissioner Warbington stated that he has no criticism for the past and appreciates everyone who stepped up, adding that citizens are the number one concern in times of disasters and that he also does not support a separate EMA. He noted that the 1992 document indicates that the intent was the City taking the lead, but also included 'joint' indicating that the County should be jointly involved, adding that he wants the agreement to include Commissioners involvement.

Mayor Dorough stated that the extent of joint involvement is superseded by the Service Delivery Strategy, which at that point, the County was saying that there is a single provider – the City – and joint authority was relinquished.

Commissioner Langstaff agreed with Commissioner Warbington in that there could be circumstances in which the City would not agree with the County and would have to do its own EMA, however, he stated that he generally agrees with the comments of Commissioner Warbington.

Commissioner Young agreed that he does not see the City having a separate EMA, however, he said he supports having roles clarified and the City having a seat at the table. He stated that it is important to reach out to the County to find areas of collaboration and understanding as this is in the best interest of our community.

Mayor Dorough stated that what he is hearing is no support for an independent EMA, there should be some Commission involvement during the state of emergency and the need to work with the County identifying the City's concerns with the aim of coming to an amicable resolution. He asked Commissioners to email him their thoughts and encouraged them to also look at ordinances of other cities, which have been extensively revised.

Ms. Subadan stated that she agrees that we should continue to be joint, which benefits citizens and that she feels what is written and practiced should match. The City has always known that this was its responsibility and always carried out its responsibilities, adding that she does not want the public to think that there was any confusion on the City's part about its role, and while she realizes there has been deviation, it was not due to the City being confused. The City has always controlled emergency management and will continue to do so as long as the Service Delivery Strategy requires that of the City.

PUBLIC SAFETY MATTERS

ALCOHOL LICENSE APPLICATIONS

Marshal Walter Norman, Business License Director, reviewed the following information (copy on file), noting that the application meets criteria for approval:

1. Shri Hari 21 #1 LLC; d/b/a Magnolia Grocery Store; 108 S. Magnolia Street; M. Patel/Agent; Beer and Wine Package; Ward 4

Commissioner Warbington asked if the intent is to transition the new store into a convenience store since there are no gas pumps and if groceries are being sold or only beer and wine. Marshal Norman explained that it will be a grocery store in a convenience store setting to include the sale of beer and wine, along with groceries. Commissioner Warbington asked if they are currently in operation or

waiting for the license before opening; Marshal Norman stated that they are waiting for approval from the Commission, explaining that they are doing modifications on the building.

Commissioner Young asked the distance between the store and any residential structures. Marshal Norman stated that there are duplexes on the opposite side of the street. Commissioner Young noted that there are two other convenience stores within less than a quarter mile and referenced both locations.

ALCOHOL LICENSE APPLICATIONS – TRANSFER OF OWNERSHIP

Marshal Norman reviewed the following information (copy on file) advising that the application meets criteria for approval:

1. Newton Road Package 2317 Inc; d/b/a Brothers Package; 1102 Newton Road; L. Davis/Agent; Liquor, Beer and Wine Package; Ward 3

There was no discussion of this item.

Marshal Norman reviewed the following information (copy on file) advising that the application meets criteria for approval:

2. Shree Deep Investments Inc; d/b/a Dixie Food Mart; 1400 E. Broad Avenue; S. Savage/Agent; Beer Package; Ward 1

In reply to Mayor Pro Tem Howard regarding the location of 2801 Spellman Drive; Marshal Norman stated that it is off Southgate subdivision in Dougherty County.

PUBLIC WORKS MATTERS

TRAFFIC CALMING PROGRAM DISCUSSION

Ms. Subadan referenced the presentation made on traffic calming last month; she asked staff to come up with suggestions based on Commissioners comments regarding how the policy might be modified, adding that it is a Commission policy.

Asst. City Manager Ken Stock advised that staff has received many requests for traffic calming measures with the issue being that many of the requests do not meet the initial criteria of the program, which he listed. This results in staff advising that the road does not meet the criteria; therefore, the issue has been brought forward for Commission input.

Engineering Director Bruce Maples discussed information (copy on file) and explained the current process, i.e., when conducting studies in accordance with the current traffic calming policy; if it meets the criteria, the person initiating the request is contacted and a petition is provided to them. He stated that at this point many go no further due to not having the required number of signatures on the petition, adding, that COVID-19 has further hampered the ability to obtain signatures.

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Commissioner Fuller discussed roadblocks in Ward II regarding traffic calming measures. He asked, as opposed to the present policy of a property owner circulating the petition, can the City mail out the petition and if nothing is received back within 30 days, allow tenants occupying the property, with proof of a lease, participate in the process. He mentioned four-five instances of this roadblock and suggested that this obstacle needs to be removed to provide relief to areas needing a traffic calming device.

Commissioner Fletcher said she also has this issue in her ward, adding that a device was put in one area, however, drivers have plenty of time to slow down. She said she appreciates the device, which slows traffic momentarily, but would like something else to capture speeders and those not stopping at stop signs, etc.

APD Chief Michael Persley advised that speed detection devices are to make the public aware since all locations do not allow for a good digital read for on-coming traffic. He discussed another device in the works, which captures the license plate of the vehicle, as well as the speed.

Commissioner Fletcher reiterated that with the current device, which can be seen a ‘mile away’, drivers slow down to that point and once past it, resume speeding. Drivers do not observe stop signs and, with all the speeding, she fears a fatality sooner or later.

Commissioner Warbington agreed with Commissioner Fuller’s recommendation regarding ‘owners vs tenants’, which would probably have to be limited to single-family residences as opposed to duplexes/quadrplexes. He mentioned another problem is large tracks of land, explaining the attempt to get speed tables in his ward near Lake Park Elementary and the school owning the entire left side of the street with residents on the right side of the street. He suggested that Lake Park should get as many votes as the residents across the street, and that a mechanism is needed to pro-rate factors of that nature. Regarding this matter, he asked if the City would have to approach the School Board to for approval and, what mechanism would be used regarding the petition. He referred to the middle bullet point and asked for details of the proposal.

Mr. Maples discussed Albany’s current graduated process and policies of other cities, which varies state-wide. Commissioner Warbington stated that he would like to see the City using a single speed number and a single percentage, which he is inclined to lower, rather than what is currently in place, adding that there are numerous options for speed control other than speed tables and recommended knowing which one is best for each area. He suggested that the number of speed tables needed in a certain area should be determined prior to circulating the petition. Mr. Maples advised that the biggest areas of failure in the program are education and enforcement.

Commissioner Langstaff stated that he can support both Commissioners Fuller and Warbington’s recommendations; however, when modifying the ordinance, he wants a change to the type of streets covered, by including collector streets to the list.

Commissioner Young recalled discussion regarding having staff be more involved in the process and asked the possibility of this. Ms. Subadan replied that citizen involvement is important; however, there are ways that staff can assist to make the process smoother. Because it is often difficult/impossible to reach the property owner, she suggested allowing the tenant to get a proxy from the owner. Her concern is that the tenant may want the traffic calming device, the owner may not; policy direction is needed

before that situation arises. Commissioner Young advised that his recommendation is to reduce the legwork for citizens and asked that this become part of the process.

Mayor Dorough stated that the City would not want to unwittingly get into a situation where it has assumed the responsibility for getting the petition circulated as it would appear the City is advocating one position over the other. The outcome of this needs to be thoroughly thought through and considered first; there is an advantage to an organic process, with the people in the community being primarily responsible, adding that he supports tenants having the opportunity to express support or opposition. Speeding cars do not differentiate between owners and renters and, the City cannot take the responsibility for something that may put it at risk.

Ms. Subadan recommended an agenda item with options for the Commission to vote up or down and based on the directions received, it can be incorporated into the policy. The agenda item can have bullet suggestions to help form a policy, adding that it would be a matter of amending the current policy or creating a new one.

In reply to Mayor Dorough, Mayor Pro Tem Howard recommended moving forward with the City Manager's recommendation. Commissioner Fuller agreed to look at the bullet points to be voted on at the regular meeting. Commissioner Fletcher agreed with Mayor Dorough's comment of it being the City's responsibility, etc., as it pertains to the areas being manned and the appropriate devices are used. She stated that she supports looking at bullet points to determine what is best for the community.

Commissioner Warbington agreed to put the specifics on paper for discussion and asked the possibility of an area needing a traffic calming device, and if there is consensus of the Commission and staff, is there a mechanism to override the petition in the event it does not meet criteria of the required percentage of signatures. Mr. Davis advised that can be a provision in a new ordinance that must have objective standards to support it, etc. Commissioner Warbington stated that objective criteria could be the number of wrecks, tickets issued, etc.

Commissioners Langstaff and Young concurred with the comments of Commissioner Warbington.

Mayor Dorough stated that Commissioner Fletcher notice something and asked Marshal Norman to revisit the item on page 22 regarding the property at 1102 Newton Road. Commissioner Fletcher stated that in 2018 a female was shot at that location and noted that the application does not reflect incidences of this kind. She recommended that incidences such as that be included, situations of this nature will influence her decision.

SOLID WASTE CONCRETE ENTERPRISES UPDATE

Mr. Stock stated that Concrete Enterprises took over the City's solid waste needs west of Slappey, beginning October 1; they are present to provide an update

Using PowerPoint (copy on file), Jason Wiggins, Owner/CEO, Concrete Enterprises stated that the update will cover the five weeks of service the company has provided, which has gone smoothly. Concrete Enterprises is local and local subcontractor, Legacy C+C, is providing the service; they are easy to contact (no pre-recorded messages, but live representatives); and having modern technology is a great asset. He introduced Marvin Laster, Legacy C+C owner.

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Mr. Laster advised that Legacy C+C did not happen overnight; it is a family venture that he and his son had been discussing for over two years. He added that the major focus of Legacy will be construction and consulting, adding that he is not giving up his position at the Boys and Girls Club at this point but is glad to be a part of Concrete Enterprises and is very excited about the technology being used by the company.

Craig Moye, Concrete Enterprises CFO, briefly discussed Wistar, the cloud-based solution, which allows them to monitor all their assets while performing route verifications and driver efficiencies. Another program, Samsara, is a video tracking software that monitors routes of vehicles; it allows the company to see what the driver sees, as well as monitor driver's performance. The comments from citizens show their satisfaction with services.

Mayor Pro Tem Howard mentioned the contract between the City and Concrete Enterprises, in which initially, A-1 Brantley was the subcontractor. Mr. Wiggins discussed factors that played into the ultimate outcome: GFL lacked the same technology as Concrete Enterprises; attorneys spent a few weeks negotiating the contract; a number of GFL employees came to work for Concrete Enterprises; GFL, fearful of losing more employees, pitched A-1 a better deal, weeks passed and A-1 had not committed to his company, he asked Don James to let him know his plans, but Mr. James did not give an indication that he was considering going with GFL; he found out about this from GFL. If there was any breakdown, it was at that point; and from a business point of view, A-1 was offered a more attractive deal and stayed with GFL. Mayor Pro Tem Howard asked why Mr. Wiggins did not come to the City to advise the City Manager or City Attorney that no agreement could be reached with A-1 Brantley. Mr. Wiggins stated that he received several emails/texts from GFL that A-1 had decided to move in a different direction. Knowing that the subcontractor needed to be in place, he went to work on his own, adding that he does not have to rely on the City to run his company; he wanted a sub that was qualified, held accountable and eager to do business with them and again, he didn't think it was his place to get permission regarding his subcontractor, as it was not a part of the contract that he bid on. Mayor Pro Tem Howard asked to see the contract between Concrete Enterprises and Legacy C+C; Mr. Wiggins said that he has no problem providing the contract; however, he will have to speak with his partner/subcontractor, adding that he has nothing to hide; however, he feels it is not anyone's business. He advised that he felt as though some City Commissioners were trying to negotiate for a subcontractor; that was not a part of initial bid process he went through. Mayor Pro Tem Howard countered that the City signed the contract, which included a renewal for up to one year; as a businessperson, Mr. Wiggins should have advised the City of the situation regarding minority participation.

Mr. Laster assured Mayor Pro Tem Howard that the contract he signed was the same one offered to A-1, adding that as a private citizen, he feels this is a slippery slope and that he thought that governmental entities had to remain neutral. The contract had a preference of minority participation, it was not a requirement. He expressed his offense as it appears Mayor Pro Tem Howard is not satisfied with the minority subcontract that was selected.

A brief discussion followed with Mayor Dorough asking to leave the matter as is for now as he can understand not having the contract on the street with Mayor Pro Tem Howard agreeing. Mayor Dorough added that this can be revisited at a later time. Commissioner Fletcher advised Mayor Pro Tem Howard that Mr. Wiggins' answer was nicer than hers would have been had she been in his position, agreeing that it is a slippery slope. She mentioned the positive feedback she has gotten from customers, who state that the service is much better. She apologized for the request.

Commissioner Warbington stated that before Concrete Enterprises took the contract, his number one call from constituents was debris/garbage pick-up and, within one month, those type calls have been drastically reduced. In reply to Commissioner Warbington, Mr. Wiggins stated that customers will notice a difference between the two entities and listed them. Commissioner Warbington commended Mr. Wiggins entrepreneurship adding that it was not a requirement, however, subcontracting with a minority entrepreneur and helping start-ups to grow and thrive is a plus.

Commissioner Young clarified that Mayor Pro Tem Howard takes minority contractors on government contracts as a serious matter. He is not casting dispersions on anyone, but he knows that when the contract was discussed that A-1 Brantley was touted as the subcontractor and that was the expectation. When it became apparent that A-1 would not be the subcontractor, it created concern and he feels that is the basis of Mayor Pro Tem Howard's expressions. When a commitment is made that does not materialize it makes one question what happened and why.

Mayor Dorough commented that it was not a requirement of the contract and Concrete Enterprises represented that they would make the best effort to have minority participation; that is what we are seeing today. It is understandable that Mayor Pro Tem Howard is an advocate for minority participation and, not going into the details, it appears that A-1 Brantley has a contract; it appears that while Concrete Enterprises was negotiating with A-1, GFL was also trying to retain their services on other projects. He commended Concrete Enterprises for the exceptional services that have been delivered, adding that he continues to be disappointed with GFL's intentional slow-down and citizen's frustration directed at this Commission.

Public Works Director Stacey Rowe stated that the City had fallen behind when Transwaste was still contracted and that he commends Concrete Enterprises team for getting things caught up in a month's time. The complaints he received have turned into compliments; at this point in the contract, things are going very well.

PUBLIC ADMINISTRATION AND FINANCE MATTERS

PURCHASES

Central Services Director Yvette Fields deferred to TAC Director Steven Carter to discuss information on the following (copy on file):

1. Hardware; Dell

Total expenditure \$249,839.30

Mr. Carter advised that the purchase of the storage device is to facilitate the move from 207 Pine to the new Pace Building. He reported that the reason for requesting this purchase ahead of everything else is due to the lead time required to get the devices in, which will put TAC far behind if waiting until everything else flows through, considerably delaying the project.

Commissioner Fuller asked if the storage units are just for the transfer or will they be used on a day-to-day basis once the transfer to the Pace Building is complete. Mr. Carter explained that they will become the primary devices as we move forward, storing daily information for the City and County.

Commissioner Warbington asked if we would be pursuing these devices if the move was not in place. Mr. Carter explained that it is facilitated by the fact of the move; however, storage must be purchased at some point in time, but without the move, not at this time. Commissioner Warbington asked if the County will be asked to contribute to this purchase. Mr. Carter explained the process re: the working agreement between the City and County, with the County paying approximately 36%. Commissioner Warbington questioned why this came through the Utility Board since it is more like an IT project, adding that he feels it is not appropriate for the Utility Board to make recommendations on SPLOST spending, when it is more of a government pot of money.

Ms. Subadan clarified that there are times when SPLOST is used for Utility Board functions; some were specifically voted on as they were on the referendum i.e. sewer projects, adding that the technology department also provides support for the Utility Dept. Commissioner Warbington agreed that utilities serve the majority of citizens, i.e., sewer is appropriate for SPLOST, but fiber optics primarily serve commercial customers. He cautioned that going forward, we are careful about what is SPLOST, Utility Board, enterprise, etc.

Mayor Dorough asked Mr. Carter to explain monitoring of the storage device. Mr. Carter stated that the City does the monitoring of the devices, with the manufacturer providing the services if there is ever a discrepancy with the product and will provide 24/7 and next day replacement for any discrepancies.

CITY MANAGER UPDATE

Ms. Subadan noted the change in the format of the City Manager's Update, with the report being modified, made mobile-friendly (link on email), and is mostly bullets. She advised that it is posted on the City Manager's page on the City's website to keep citizens informed about projects and asked for Commissioners feedback on the new format.

Commissioner Warbington stated that he receives many calls re: Oxford's street paving, and their methodology. He suggested to consider how to instruct them in the future. Ms. Subadan suggested bringing an explanation such as manholes are done last and raised at one time, etc.

ITEMS FOR FUTURE AGENDA

Mayor Pro Tem Howard asked Asst. City Manager Stephen Collier to pass onto Code Enforcement and Chief Persley that on the weekends, several streets are overtaken by dirt bikes throughout streets that lead to the sand dunes, adding that that semi-trucks unload their trailers overnight at the old Winn Dixie parking lot.

Commissioner Fletcher referred to a shooting in 2018, stating that she needs information like this as it gives her an opportunity to speak to constituents to get their feel about new businesses going into the area. She mentioned a recent incidence in which a reputable company called about illegal installation of an air conditioner (no license/permit); Mr. Carter answered his phone at 6:15 and caught them. Based on this, she suggested that employees in Code Enforcement work staggered hours to prevent illegal operations like this.

Mayor Dorough stated that the details can be worked out and Marshal Norman can discuss the process when bringing information. He asked how far back she wants Marshal Norman to go. Commissioner Fletcher stated that she dropped the ball on this because it is her area and her memory was triggered about the shooting on Madison. She asked to be advised of areas with problems and issues.

Commissioner Warbington mentioned that the Public Safety Committee is probably the most well-known, adding that next week they will be presenting things they would like to move forward, with the major issue being gun fire detection.

Commissioner Young stated that the Quality of Life subcommittee was scheduled to meet today at noon, which will have to be rescheduled. He asked about a report from Albany Utilities re: the new meter rollout. He commended the record number of voters who turned out, in spite of the pandemic, to exercise their right.

EXECUTIVE SESSION – Personnel issue/Pending Litigation

At 12:07 p.m. Commissioner Warbington moved to enter into Executive Session for discussion of job performance/personnel and pending litigation, seconded by Commissioner Fletcher; the motion unanimously carried as follows:

Ward I	yes
Ward II	yes
Ward III	yes
Ward IV	yes
Ward V	yes
Ward VI	yes
Mayor	yes

At 1:16 p.m., Mayor Pro Tem Howard moved to exit Executive Session, seconded by Commissioner Young; the motion unanimously carried as follows:

Ward I	yes
Ward II	yes
Ward III	yes
Ward IV	yes
Ward V	yes
Ward VI	yes
Mayor	yes

There being no further business, the meeting adjourned at 1:20 p.m.

SISSY KELLY
ASST. CITY CLERK