

NOVEMBER 17, 2020
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100 (Virtual Meeting)

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

GREG EDWARDS, DISTRICT ATTORNEY UPDATE

Mr. Edwards reported that since March this year, his office has been under an extended judicial emergency; however, they will be able to resume jury trials in January and, tomorrow a grand jury will be processed and empaneled, allowing them to get cases ready. He stated that he will assist with compliance checks regarding the consent order issued to the Palace Inn, as requested by this Board. He referred to a letter he received from the Chamber of Commerce offering their help, adding that he plans to donate funds to Crime Stoppers and challenge the Chamber to match his amount and, he said he is asking the Chamber to encourage business owner to install the latest cameras. He discussed other avenues to assist in his efforts as follows: if awarded a Federal grant, installing more pole cams and hopefully, engage private citizens in using security cameras due to information collected from videos (often witnesses); continue working with the Federal government and US Attorney Charlie Peeler to push for State legislation that will aid State prosecutors regarding gun violence, Albany's #1 issue. He discussed Federal laws that if the State adopts, are enforceable, the relationship of gangs, guns, and drugs, Georgia being a supporter of the 2nd Amendment and that anything related to guns will be fought hard by lobbyists and his focus, which is to not address gun rights, but rather keeping guns out of the wrong hands, especially convicted felons and gang members, who are very armed and are committing the majority crimes involving gun violence.

Mayor Pro Tem Howard asked how the City can help regarding extended stays, which are eyesores and where a lot of criminal activity goes on. Mr. Edwards stated that his office, as well as the Drug Unit, will be more involved in compliance checks. He mentioned that other extended stays contacted his office to ensure that they are already in compliance; the Palace Inn will be the model to provide guidance in eradicating the problem. Mayor Pro Tem Howard mentioned that within the next 60 days, the Commission will be meeting with the local delegation, which will be encouraged to help pass stricter legislation to fight against gun violence. Mr. Edwards discussed mandatory sentencing (what he calls 'Gun Time Law') that federal prosecutors have, adding that he also will be encouraging the local delegation to propose the same legislation for the State to adopt. He briefly discussed the number and types of crimes that are currently open.

Commissioner Fletcher asked Mr. Edwards to provide a list of the needs in his office and stated that she has also asked Chief Persley to submit one since she is aware that both departments are overloaded. She briefly discussed Crime Stoppers and the public's fear to contact them. Mr. Edwards advised that Judy Randell directs Crime Stoppers and the public is protected by being identified with numbers/code names. He mentioned the City making donations in the past and that he will also challenge the Dougherty County Commissioners. In reply to Commissioner Fletcher

regarding a corporate list of donors, Mr. Edwards advised that he is aware of an anonymous list of donors that Ms. Randell calls upon.

Commissioner Warbington commended Chief Persley and the DA's office working as a team. Mentioning the consent order, he stated that compliance checks do not have to be conducted by sworn officers and advised that City Commissioners will be discussing gunshot detection technology later in the meeting and encouraged the DA's office to support this. Mr. Edwards, acknowledging that Commissioner Warbington is correct because they are a civil matter, discussed compliance checks. Regarding gunshot detection technology, he suggested that it be supplemented with pole cams and placed in areas based on statistics. If awarded the Federal grant, plans include additional surveillance technology. Commissioner Warbington discussed criminals who are arrested and are back on the street almost immediately and asked who is responsible and how to stop it. Mr. Edwards discussed the bonding process, with judges making the decision to award bonds based on many factors.

Commissioner Langstaff mentioned recent discussion by the Commission to propose adding additional State/Superior Court judges and asked if this is something he would support. Mr. Edwards replied in the affirmative and mentioned a Dougherty County committee that was selected to assist with this; however, it is a very long process, and expensive (additional court employees/support and court room).

Commissioner Young asked who primarily is responsible for carrying out the consent order. Mr. Edwards advised that his office is responsible for any contempt action; therefore, he will claim it, adding that his staff will ensure compliance. Mentioning the gun industry, Commissioner Young stated that all crimes are not committed by criminals, and almost everyone has access to firearms. Mr. Edwards explained that unless a person has lost their right to carry a weapon, all citizens, with proper permits, are allowed to carry a gun; however, no permit is required if in their own home, vehicle or place of business, adding that also, convicted felons can petition to have their gun rights restored. He advised that he is starting small by dealing with those who should not be in possession of guns and plans to engage the Chamber in the quest to have the Legislature enact laws with teeth regarding gun violence.

Mayor Dorough compared sentencing of the same offense – in Superior/State Court a felon in possession of a shotgun would get probation, in Federal Court it is a mandatory 15 years; however, he feels that sentence is unjustifiable. He mentioned discussions he had with Mr. Tabarook, in Mr. Edwards office, regarding the consent order, etc. Encouraging a comprehensive approach, he suggested that someone from Mr. Edwards office submit a written proposal to the City Manager to determine the cost of a two-year program for the City to help address this issue.

Addressing Commissioner Fuller, Mayor Dorough advised that he had polled the other Commissioners yesterday, with there being no opposition to take Mr. Maschke's presentation off the agenda, which will be addressed in the December work session.

PUBLIC FUNCTION MATTERS

PUBLIC HEARINGS

Mayor Dorough opened the public hearing for the following:

1. Zoning Case #20-012 – ACG BBQ Realty Co., LLC/Owner; Lanier Engineering, Inc./Applicant; request to rezone property located at 1900 & 1904 N. Slappy Blvd. from C-1 to C-2

Using a power point presentation (copy on file) to review the application, Planning Director Paul Forgey, advised that a successful rezoning will allow the parcels to support a drive-thru service. Sonny's has a drive-thru window, but rezoning will change the status to a conforming use.

In reply to Commissioner Fuller, Tod Lanier, applicant, advised that the drive-thru window will be in the back. Commissioner Fuller noted that there are no residences behind the restaurant.

Commissioner Warbington asked what the screening on the southside will be made of. Mr. Forgey stated that this will be worked out to meet the requirement of the ordinance; it only needs to be a visual barrier.

Mr. Lanier explained that the action allows Sonny's to continue to use the drive-thru window they have used for many years. In response to Mayor Dorough, Mr. Lanier explained the location of the drive thru.

Hearing no further comments, Mayor Dorough closed the public hearing and opened the public hearing on the following:

2. Zoning Case #20-014 – Gethsemane Worship Center/Owner; Bishop Frederick Williams, Sr./Applicant; request to rezone property located at 608 11th Avenue from R-3 to C-5

Mr. Forgey reviewed the application using a power point presentation (copy on file).

Mayor Pro Tem Howard asked if a buffer will be put up; Mr. Forgey replied in the affirmative, it is a requirement, adding that most likely it will be a fence.

Commissioner Fuller asked if the daycare closes in the future what else is possible with that classification. Mr. Forgey explained that office type uses include: a clinic and smaller commercial uses, however, significant retail presence would not be allowed due to the size of the lot. He advised that this is a transitional zone, meaning it is a suitable zone for areas in-between commercial and residential areas.

Mayor Dorough recognized Bishop Frederick Williams, who advised that the property has a 5' fence.

The Commission commended the church and Bishop Williams for being good neighbors and the appearance of the property. Mayor Dorough advised that the Public Safety Task Force could use and would appreciate Bishop Williams' insight and recommendations on fighting crime.

Hearing no further comments, Mayor Dorough closed the public hearing and opened a public hearing for the following:

3. Zoning Case #20-017 - Kimberly Robertson-Thomas/Owner/Applicant; requests to rezone property located at 1141 Gillionville Rd. from C-6 to C-5

Using a power point presentation (copy on file), Mr. Forgey reviewed the application, advising that the current zoning does not allow over 18 children.

Commissioner Fuller asked the total number of children. Mr. Forgey explained that the State, the licensing facility, determines the number based on how many the structure can accommodate.

Commissioner Warbington asked if the size of the structure is taken into consideration. Mr. Forgey advised that the size is not a Planning consideration, adding that the State evaluates those types of factors. Commissioner Warbington asked if the ingress/egress of traffic is evaluated. Mr. Forgey stated that he does not specifically know; they do look at the general traffic patterns, adding that it will not be any more dangerous or burdensome than any other business on Gillionville Road but he expects that parents will use the alley as it will be safer. He explained the manual used by Planning to determine the number of trips.

Owner/Applicant Kimberly Robertson-Thomas spoke in support of the application and advised that she wants to add an addition to her center to be able to accept more children and, she thinks the total will be 28, but at least ten in addition to those she already keeps.

In response to Mayor Pro Tem Howard, Ms. Thomas said that currently she has 18 and wants to add ten; the property is fenced in; there eight rooms in the facility, with a 4 sq. feet addition at the back.

Commissioner Warbington mentioned the traffic pattern and asked if parents will be entering from Gillionville and existing through the alley; Ms. Thomas replied in the affirmative.

In reply to Mayor Dorough, Ms. Thomas stated that the State agency regulating the center is Bright From the Start.

Hearing no further comments, Mayor Dorough closed the public hearing on this application and opened the public hearing for the following:

4. Special Approval Case #20-013 – Oakview Circle, LLC/Owner; Patrena Patrick/Applicant; request Special Approval for property located at 1719 Parker Ave; to establish a Child Caring Institution (CCI) residence for up to six residents in the R-1 District

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Using power point presentation (copy on file), Mr. Forgey discussed the requested Special Approval.

Mayor Pro Tem Howard noted Planning Commission's 3-2 vote and referred to other applications with an 8-0 vote and asked if three people left or did not vote. Mr. Forgey advised that he is not sure it was the same meeting, but there were several members absent at a meeting.

Commissioner Warbington stated that a unanimous vote is clear direction, however a 3-2 vote requires the Commission to dig into the particulars. He asked Mr. Forgey to expound on his comment "this should not have a negative impact on neighboring properties". Mr. Forgey explained that even though it is a non-typical residential housing, it is not out of character in that neighborhood and though being a business, there will be no commercial/business operations out of the home. Commissioner Warbington asked if revenue will be generated through this facility. Mr. Forgey replied that he is sure the individuals operating the facility are not doing it out of their own pockets, but he does not really know the answer to that. Commissioner Warbington stated that in spite of no negative impact being anticipated, adjacent neighbors may not agree with that assessment, etc. Mr. Forgey discussed criteria for a room to be considered a bedroom, with a brief discussion ensuing regarding the garage being converted into a bedroom and the State making decisions in such matters. Commissioner Warbington asked if the property changes hands, sold, etc., does the special approval exist in perpetuity. Mr. Forgey advised that the special approval remains with the property, not the owner/applicant and until/unless another special approval request is made, it will remain if approved.

Mayor Dorough recognized Danita Lloyd. Ms. Lloyd spoke in support of the application and discussed the benefits young men realize from this type facility; positive environment with family being close enough to visit; and the help for them to reclaim their lives with opportunities for education, employment, etc.

In reply to Mayor Pro Tem Howard, Ms. Lloyd advised that the ages of these young men range between 13 and 18; she has another home located in Columbus, Georgia. Mayor Pro Tem Howard asked about the screening process, if the young men are mentally challenged or do they have juvenile issues in their community. Ms. Lloyd replied that she will have to defer to Director David Hughes, who works directly with the agencies and probation officers; however, the extensive process before accepting the placement of any young man helps to cull those they absolutely cannot accept.

Commissioner Fletcher asked where the other facility is located; Ms. Lloyd replied that it is in Columbus.

Commissioner Warbington noted that Patrena Patrick is the applicant and asked her role in the business or connection with Ms. Patrick. Ms. Lloyd explained working with Ms. Patrick for a number of years and that she specifically helps with the setup of the facility; works onsite as a caregiver and is part of the HR staff who hire/vet caregivers. Commissioner Warbington asked if they had looked at other properties and why this location was selected. Ms. Lloyd discussed the need in Albany for facilities of this kind and deferred to Ms. Patrick and Mr. Hughes regarding site selection. Commissioner Warbington advised that he spoke with Ms. Patrick recently and

understands that most of the children in the home will not be from Albany. Ms. Lloyd explained that their facilities accept young men from other regions within Georgia; with preference given to those from Albany. Commissioner Warbington noted that it would not be the facilities' decision, but rather the State's, where the young men are placed; Ms. Lloyd stated that the State can provide input, but the facility makes those decisions; it is not a mandated placement. In reply to Commissioner Warbington, she advised that the length of stay varies, it can be a few months (emergency placement) up to a number of years depending on various factors and there are penalties for violating house rules (up to being discharged).

Michael Yarborough spoke in opposition of the application and expressed the concern this special approval has created for him, adding that having worked with youth, especially those who are troubled, he is sympathetic to their needs. However, he is also concerned with the well-being of neighbors, as well as living three doors down from the proposed home. The neighborhood is very apprehensive and, as a rule, the negative ramifications of these type facilities greatly outweigh the benefits. He knows firsthand the mischief teenagers can get into, adding that the neighborhood has had its share of vandalism. His primary reason for opposing the application is for the sake of his senior/single neighbors. However, he commends the applicants for their good work, but for the reasons he mentioned he would ask that the request be denied.

Mayor Dorough recognized Patrena Patrick, applicant.

Mayor Pro Tem Howard asked about the other facilities of Ms. Patrick; she replied that she has another one in Columbus, Georgia, adding that the neighborhood has a lot of elderly residents. Mayor Pro Tem Howard asked if these young men are mandated/court ordered; Ms. Patrick stated that it can be either as well as DFCS placement. A brief discussion followed regarding Ms. Patrick: renting to own the home, etc., and having no problem living in a neighborhood with a facility like this, with Mayor Pro Tem commenting on his concerns and the impact of these type facilities, especially those with elderly residents.

Commissioner Warbington again asked if other location/sites were considered. Ms. Patrick explained that the reason for this site selection was due to it being in a nice neighborhood and its proximity to the YMCA/schools, making it an ideal location for the youths. She assured him that the young men are always supervised, and staff has had extensive training and are well-suited to work for the facility.

Ms. Lloyd asked to speak again and briefly discussed the program being a bright light for at risk youth who are under constant supervision by highly trained staff. Some of them are there because of criminal issues., however, most successfully graduate from the program and leave to live a productive life with many contacting her after they graduate to express their gratitude for the opportunities provided. She urged Commissioners to not group this facility in with others that have earned a notorious reputation.

Mayor Dorough recognized David Hughes, Director. Mr. Hughes advised that he is responsible for screening referrals by various State agencies, adding that they have the final say and the authority to discharge those who do not abide by the rules. He discussed the young men having

employment opportunities, something they previously lacked, and how that prospect makes a world of difference in their lives.

Commissioner Young noted other/similar applications to this one, adding that he feels the negative response is caused by the fear that they will be a detriment to the neighborhood; he sees that as being about a relationship with the neighborhood in which they want to locate. He mentioned a young man in his community with a similar goal, being from the community and having a relationship there gave him an advantage in his mission; he encouraged them to contact neighbors and establish a relationship.

Mayor Dorough recognized Robert McCoy, who stated that he has nothing to add.

Mayor Dorough recognized Lenora Hall. Ms. Hall spoke in opposition to the application and advised that this residence is too close for comfort, adding that it is a settled neighborhood, with residents living there between 20 and 40+ years. She discussed the adverse effect on her health since Planning posted the notice (not able to sleep, being a cancer survivor and the stress), being a senior widow, living alone. She stated that she is a retired educator and loves/cares about all children regardless of their background; however, she has worked with at-risk youth in a group home and knows from experience the kinds of issues/problems to expect. She and the neighbors worry about property values decreasing, increasing insurance rates and questions regarding property taxes being affected and mentioned incidences there are attributed to teenagers; she had her back door kicked in. She knows that residents do care for the youth, however, they have grave concerns about their safety and peace of mind.

Mayor Pro Tem Howard asked if this application is approved, would she likely move? Ms. Hall replied that she would have to, even though she has lived in her home for 20+ years; the strain of this would affect her health even further. Mayor Pro Tem Howard stated that he visited the neat, clean, well-kept neighborhood and he shares her pain.

Commissioner Fletcher assured Ms. Hall that by being here today, the Commission will take her comments and concerns under advisement.

Commissioner Warbington asked if she were to put up a 'For Sale' sign in her yard, what kind of response would she expect; Ms. Hall replied that without a doubt, it would not be good, adding that on-street parking is a concern since there will be family visiting the young men.

Mayor Dorough recognized McArthur Rouse. Mr. Rouse spoke in opposition to the application and stated that he and his wife have lived at 1722 Parker for 16 years, they are both retired and are happy there. All residents take pride in their homes, etc., adding that most are elderly, and it is not a good idea to put this facility in the community. As an elderly person, he commented on the young men walking with hoodies/faces obscured which is frightening due to not knowing their intent and, while he realizes these youths need help, and no one wants to deny them that, but that is not the community that can provide what they need.

Mayor Pro Tem Howard advised that he understands the fear of large groups of teenagers, male or female, and appreciates Mr. Rouse's honesty.

Mayor Dorough recognized Richard Williams. Mr. Williams spoke in opposition and advised that he lives in the neighborhood and has three teenage sons, adding that he feels, the neighborhood is not conducive to a group home; as a high school teacher at a local school and a former police officer, he has experience with juvenile delinquents and sees the potential for these young men being blamed, even though innocent, of things that may happen. He fears for the single, elderly females who cannot defend themselves and he may even consider moving if the application is approved.

In response to Commissioner Warbington, Mr. Williams advised that he knows of three group homes in Albany and because of his background, has been asked to help staff them when needed. Anticipating staffing issues there, and with young men needing 24/7 supervision, he has many fears.

Mayor Dorough recalled that the applicant assured Commissioners that there will be 24-hour supervision, and that all the young men do not have a background with juvenile court. Some will be placed by DFCS; they will be coming from environments in which they were neglected and/or abused; however, he does understand the legitimate concerns.

Hearing no further comments, Mayor Dorough closed the public hearing on this application and opened the public hearing for the following:

5. Special Approval Case #20-016 – Gloria Jackson/Owner; Rosa Green/Applicant; request Special Approval for property located at 2022 N. Harding St; to establish a Group Daycare Facility for up to 18 children within the R-2 District

Using power point presentation, Mr. Forgey reviewed the Special Approval Application (copy on file

Commissioner Fuller asked if a daycare is located directly behind the property; Mr. Forgey agreed. Commissioner Fuller noted the 18 children being dropped off/picked up and asked if there will be adequate parking. He discussed a past issue of someone illegally operating a car repair shop in that area, which caused a lot of congestion, but that was resolved by Code Enforcement, adding that this application has resulted in him receiving many calls recently from citizens expressing concern, asking that the Commission take the facility's parking; ingress/egress, and vehicles cutting through to get to the alley, into consideration.

In reply to Commissioner Warbington, Mr. Forgey stated that if the Commission did not approve the application, the Planning Commission's vote would be invalidated; City Commissioners have the final vote making their vote inconsequential. Noting that the Planning Commission is an advisory Board, Commissioner Warbington stated that removing the condition will make it difficult to take their recommendation into consideration; the condition may have resulted in more 'yes' votes. Mr. Forgey explained that from staff perspective, the road was redone and not a lot of cars park on the street. He advised that the condition came up in a meeting due to working off incorrect information, but yes it would invalidate their decision if the condition is removed. In reply to Commissioner Warbington, Mr. Forgey advised that all residents are allowed a certain

amount of signage and it is very limited; however home-based businesses are not allowed to have signs in the yard; a brief discussion followed with Mr. Forgey explaining regulations.

Rosa Green, applicant, stated that she was advised that she could have traffic come through the front and out the back to the alley, adding that there will not be 18 cars there. Some parking in the front is available and she plans to add another fence, resulting in a fence inside a fence so that areas can be sectioned off.

Mayor Pro Tem Howard asked if there will be 18 children at the facility; Ms. Green said she does not know and advised that the State makes that decision and she will not know until they complete their assessment. In reply to Mayor Pro Tem Howard she said that there are five rooms, including the living room area. Mayor Pro Tem Howard asked if she is approved, does she feel that the facility, with its close quarters, can adequately accommodate 18 children; Ms. Green agreed.

Commissioner Fuller asked Ms. Green if she also operates a daycare center at another location. Ms. Green stated that she does, and it is located at 1631 Sunnyside; currently she has 17 children there. Commissioner Fuller stated that the proposed facility is a three-bedroom, 1 bath with 1,029 sq. feet and asked Ms. Green if she feels that is adequate for 18 children; Ms. Green agreed. Commissioner Fuller asked if the current daycare she operates also has just one bath; Ms. Green agreed, adding that it has two toilets.

Commissioner Fletcher mentioned getting calls about issues within that neighborhood, even though it is not in her ward and referred to the illegal auto shop, stating that a lot of activity in that area should be curtailed.

Commissioner Warbington stated that it seems Ms. Green's proposal is for employees to park in front and children to be dropped off in the rear; Ms. Green agreed and discussed the area in the back to access the alley. Commissioner Warbington asked if she has a van that provides transportation; Ms. Green agreed.

Mayor Dorough noted the proposal from Planning Commission regarding pickup/drop-off, but now staff has determined that is not a viable option (entering the property from Harding and exiting via the driveway); Ms. Green agreed that this is her understanding. Mayor Dorough stated that today, her intentions are to have all children dropped off and picked up in the alley; Ms. Green stated that she is going to do what they recommend. Mayor Dorough clarified that it is still her intention to have parents enter the property off Harding and to exit through the alley; Ms. Green replied affirmatively.

Mayor Dorough recognized Lisa Smith. Ms. Smith spoke in opposition to this application and discussed being a resident of this neighborhood since 1975, where her parents raised her. She loves this neighborhood and in 2005 bought a home there. She advised that there are three for-profit daycares within a block of each other with a lot of traffic already, adding that residents want to maintain the character of the neighborhood. She mentioned the chaos in the alley with the other nursery's using it and trash is already a concern in the alley. She advised that she attended the Planning Commission meeting and feels that they did not look at all the facts before voting on it.

She mentioned pictures and a petition (copy on file), adding that they want to place the daycare in a former garage, and she knows that there is not adequate space to drive through.

In reply to Commissioner Warbington, Ms. Smith said that she has 17 signatures on the petition with approximately 99% being opposed. She refuted the statement Ms. Green made in the Planning Commission meeting regarding speaking with neighbors, adding that she did not speak with anyone. In reply to Commissioner Warbington, she stated that traffic is her biggest concern already and that she fears the worst. Commissioner Warbington asked how she feels about the hours of operation (6 am–6 pm). Ms. Smith stated that Mr. Epps, who has lived there 36 years does not sleep at night, sometimes he is watering his yard at 3 am, so he is just starting to settle in to sleep when drop-off begins

Mayor Dorough advised that the petition will be put in the record and referenced a letter and email from Mr. Epps, adding that the Clerk's office will make copies and distribute to the Commission. Ms. Smith stated that she loves children and they are not the issue, but it is the impact on the neighborhood. Mayor Dorough asked those in the audience opposing this application to stand and noted that there are seven in addition to Ms. Smith which will be noted in the record.

Ron Duckwork spoke in opposition and stated that he has the same amount of footage in his yard as Ms. Green's and that he cannot park four cars in his front yard and after the addition on the backyard, it will be impossible to park more than three cars. He advised that Miss Jan's has two outlets and the other nursery has an outlet, adding that he feels, no one will be able to pull in, park and get out in the afternoon; traffic will be a nightmare.

Hearing no further comments, Mayor Dorough closed the public hearing and opened the public hearing for the following:

6. Special Approval Case #20-019 – Tree Sap Holdings, LLC/Owner; Cameron Morris/Applicant; request for Special Approval for property located at 605 E. Oglethorpe Blvd; to construct self-storage facility in the C-3 District

Using power point presentation, Mr. Forgey reviewed the special approval application (copy on file).

In reply to Mayor Dorough, Mr. Forgey advised that it has been vacant since he has been with the City. In reply to Mayor Dorough, Ms. Subadan stated that she will get the information and distribute to the Commission after she finds out how much the Payroll Development Authority paid for the property and if it is being purchased from the PDA. Mayor Dorough asked if the purchase is subject to approval. Tod Lanier, Lanier Engineering, stated that it has already been purchased and advised that the other two signed up to speak are the owners/developers. He advised that originally Southern Concrete operated there for years and left jumbled, concrete slabs over most of the site and advised that it is ready for redevelopment and the developers now own the property.

Cameron Morris advised that he and his business partner, Clint Eudy, operate two self-storage facilities in Dougherty County, one on Radium Springs Rd. and one on Short St., (off Mock Road).

He advised that ASU accounts for 20-30% of their business and they need additional storage space in addition to expanding their office space. He discussed the plan to move from their current space on Radium to Oglethorpe and the amenities offered to customers who are in the process of moving.

In reply to Mayor Pro Tem Howard, Mr. Morris stated that they intend to fence the entire 4.25-acre lot, as well as the facility at the beginning of construction, adding that LED lighting and cameras will be installed on all the buildings.

Commissioner Warbington stated that he is happy to hear about this redevelopment and, the benefit to ASU is an added plus.

Mayor Dorough noted that Oglethorpe is a corridor and its appearance needs to be improved, adding that thousands of people drive through every day and he hopes that they will advance that objective. Mr. Morris mentioned finding a 1950 circa ‘Welcome to Albany’ mural and that a draft of it is planned to be placed on the office, which faces Oglethorpe.

Hearing no further comments, Mayor Dorough closed the public hearing portion of the meeting.

PUBLIC SAFETY MATTERS

2021 ALCOHOL LICENSE BLANKET RENEWALS

Marshal Walter Norman, Business License Director, advised that the blanket renewals were broken into three different parts (copy on file): 1) list of establishments currently operating in 2020; 2) list divided by wards and; 3) review of alcohol establishments. He stated that none of the establishments have been identified as being a strain on police resources and explained that Section B, which was requested, lists impacts on package store and evening entertainment establishments and identifies the number of incidences at the location. Section C lists establishments under review, which are participating in an interdiction program to reduce incidents at their location that is required prior to requesting revocation of an alcohol license. He discussed factors considered (violations, volume of calls, activities, etc.) and solutions recommended by the merchant and City staff to reduce calls and eliminating identified problems (additional lighting and security, education for staff and operating restrictions). The establishment is monitored at least a month over three months to determine the success/failure of the agreed upon measures. He briefly discussed; Section D, which lists special details, with there being eight this year; Section E lists alcohol license establishments in the last ten years; Section F is applications pending Commission decision, which he listed; Section G lists on-premise licenses based on the current census status – restaurants are exempted. He advised that recommendations will be made at the December 1 work session, with the request for a decision on December 15.

Mayor Pro Tem Howard referred to a conversation he and Marshal Norman recently had and asked him to discuss the evening entertainment establishments, with three under review. Marshal Norman reported the measures Legends Lounge and Big Daddy’s Lounge agreed to implement; a few more meetings are scheduled for the Sand Trap to finalize the agreed upon measures.

Regarding the dates, Commission Fuller asked if it was December 2019; Marshal Norman agreed, adding that due to the pandemic, no details were performed this year.

Commissioner Fletcher suggested that the Commission request quarterly reports, asking if it would put too much strain on his department; Marshal Norman stated that it would not.

Commissioner Warbington asked that Marshal Norman supply written detail of the information he just discussed with Mayor Pro Tem Howard. He would like to regularly know which establishments are under review and those facing probation.

PUBLIC SAFETY COMMISSION TASK FORCE UPDATE

Using power point, Commissioner Warbington reviewed actionable items discussed at the retreat (copy on file). While those on the Task Force (Mayor Pro Tem Howard, Commissioners Fletcher, Warbington and Young) do not anticipate any long-term activity, they discussed the idea of an on-going Public Safety Committee. He briefly discussed recommendations/proposals (utilizing new technology, gun buy-back program, etc.) coming from the Public Safety Task Force.

GUNSHOT DETECTION TECHNOLOGY

APD Chief Michael Persley discussed the proposal of implementing policy and gunshot detection technology and advised that this information, along with a map covering 3 sq. miles were included in their package (copy on file).

Mayor Pro Tem Howard asked if his research showed that crime has been deterred in cities using this technology; Chief Persley explained that it depends; overall research indicates that it does not necessarily reduce it, i.e. criminals know where the technology is being used and that police will always respond; therefore, they move from location to location.

Commissioner Fuller questioned moving the technology to other locations. Chief Persley stated that the technology is very expensive; Commissioner Fuller stated that it makes more sense that whatever location is chosen to make it permanent; Chief Persley agreed.

Commissioner Warbington advised that the accuracy of this technology is well-documented, which cannot be refuted. The issue is getting community buy-in, dispelling rumors, policies within the police department pertaining to responding (not a substitute for the public to report crimes). Chief Persley advised that adding cameras to this technology multiples its effectiveness and efficiency.

Mayor Dorough recommended getting proposals on the cost and moving forward.

Commissioner Warbington advised that the purchase price of the equipment is approximately \$50,000, with an annual expense of approximately \$250,000. He explained the process, i.e., company monitoring the program can differentiate gun shots and firecrackers, the type of gun fired, etc. They dispatch to our 911 and that local law enforcement knows the precise location to respond. The Public Safety Committee recommends this technology, but unless the entire Commission is on-board, they would not want staff wasting their time pursuing it.

Commissioner Fletcher stated that it was made clear in the presentation that this technology is not mobile; it cannot be picked up and moved. Mayor Dorough asked how devices are secured from vandalism. Commissioner Warbington advised that they are placed up in the air on poles, based on locations recommended by the company.

Mayor Dorough took a poll of Commissioners of whether to pursue this or not; there was unanimous consent to move forward; however, Mayor Pro Tem Howard advised that he has concerns. Commissioner Langstaff stated that he would also like to know about the use of drone technology and briefly discussed other cities using both technologies in conjunction with each other. Commissioner Young stated that with poverty and quality of life issues in Albany, he wants the same amount of energy and resources to be considered for those issues, as they are factors contributing to crime.

At this time Commissioners recessed for 15 minutes.

PUBLIC WORKS MATTERS

TRAFFIC CALMING PROGRAM DISCUSSION

Engineering Director Bruce Maples stated that eight issues were presented at the last meeting (copy on file), advising that staff presented options for each issue based on Commissioners requested information.

Mayor Dorough advised that a meeting he attended, Ward II constituents addressed Commissioner Fuller about the large number of tenants on a particular street; under the existing policy only the homeowner, not tenants, can support or oppose the measure. It had been suggested to allow homeowners to assign a proxy and allow the tenant to vote, but that presents issues.

Mayor Pro Tem Howard asked if the 85% is a State requirement or does the City have the latitude to reduce the percentage. Mr. Maples explained that the standard used to establish speed is the 85 percentile, adding that the City of Valdosta has one set of standards for determining the need for petitions/traffic calming measures with the traffic and speed studies determining an 11-mph excess over the established speed limit. Mayor Pro Tem Howard asked how to make a change that renters can sign a petition. Mr. Maples explained that in Valdosta, they use the utility bill to verify property owners/tenants, while the City goes to the Tax Office and deed records for verification. Mayor Pro Tem asked if the City can institute this into our policy, mentioning the number of renters in his ward; Mr. Maples stated that the policy the City Commission establishes will be carried out to the best of their ability.

Commissioner Fuller expressed support for a policy that uses utility bills to verify occupants.

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Commissioner Fletcher stated that she supports that and recalled that the last time this was discussed, the recommendation that Commissioners get involved with getting signatures is something she cannot support.

In reply to Commissioner Warbington, Mr. Maples stated that in Valdosta, the 85 percentile must be 11-mph over the posted speed limit. Commissioner Warbington advised that he cannot support that, adding that he feels staff has addressed all eight issues discussed with some having two choices, while a few have three choices. He stated that he favors the changes and commented on an issue he has with using the utility bill since we have fringe communities on EMC or Georgia Power, which will complicate the issue if only the utility bill is used, adding that he likes the idea of giving the owner 30 days to respond, if they do not, then Plan B would be used to verify occupants.

Mayor Dorough supported using an objective standard like Valdosta and mentioned Mayor Pro Tem Howard's comments that the majority of residents in Albany rent their homes, which raises an issue of equitability when only the owner is allowed to participate. An objective standard clearly indicates a problem that needs to be addressed; speeding in this case.

Commissioner Warbington stated that he wants staff's direction to be clear and reiterated that most of the eight have two options, while the others have three; he suggests moving forward with all eight.

Mayor Dorough stated that Mayor Pro Tem Howard and Commissioner Fuller favor allowing tenants to express their support or opposition. Commissioner Fletcher stated that she, too, favors the tenants.

Commissioner Warbington stated that his two issues are: lowering the percentage and the need for some mechanism when the owner cannot be located, to move forward with the renter/resident; he thinks all eight are needed.

Commissioner Langstaff stated that #8 is his primary issue of concern and that he is leaning toward Option B; however, he can go with option C if others have heartburn about it.

Commissioner Young expressed concern that the interests of tenants are not being considered. There are little to none of the devices in his ward simply because most residents are renters.

Mayor Dorough advised that his thoughts are that the required percentage stay the same and the City should not get involved and staff should not be responsible, adding that a matter like this should be initiated by members of the community. Once the obstacle of allowing only homeowners to participate is removed, he feels that the matter will be sufficiently resolved. He mentioned collector streets being a bigger problem than in residential blocks and should be expanded to allow speed tables to be installed on collector streets. Mr. Maples explained that local roads merges to collector streets, with traffic building to a bigger location/roadway. The idea is that collector roads are a higher level of the roadway system that allows for faster traffic. The policy is based on the guidebook which recommends local roads. Mayor Dorough asked for the

resource to which Mr. Maples referred that explains why collector streets are excluded from having speed tables.

Ms. Subadan and Mr. Maples advised that the policy was adopted via a resolution. Mayor Dorough stated that the consensus appears to be to revise the language of the policy to allow residents of the affected roadway to express their support or opposition, and a procedure that verifies the residence of individuals who are not the homeowners.

Mr. Maples asked to clarify what he understands to be the direction of Commissioners: #1 – Option B - 11 mph over the speed limit and C - change the required percentage on the petition; however, a percentage was not established; #2 - option C: allow legal residents to sign; #3 option B – automatic yes for government-owned property; #4 Option A no change to existing policy; #5 – Option B; #6 – B and C are basically the same; #7 – Option B, (Commissioner Warbington – vote must be unanimous; Commissioner Fuller – make an option available of 30% over the limit). He stated that additional language will be included to address concerns); #8 – Option B. Mayor Dorough countered that if he can see the proof that professional standards discourage speed tables on collector streets, he will just have to explain that to constituents. Commissioner Langstaff stated that #8 is the primary issue for him; if we do not choose Option B, he at least wants to see Option C. He also noted that going with Option B on # 7 addresses Option B on # 8; Commissioner Langstaff stated that he wants it clear in the policy, if going with Option B on #7, throw in Option C on #8.

2800 BLOCK OF WINTERWOOD AVE. SPEED TABLES

Mr. Maples discussed the request (copy on file) for a speed study with the staff recommending speed tables on the 2800 block of Winterwood; they are seeking the Commission's recommendation for its funding.

Mayor Dorough asked the T-SPLOST amount allocated for speed tables; Mr. Maples advised that \$500,000 was allocated for this fiscal year. Mayor Dorough questioned the \$32,000, additional funding to be allocated and the annual amount allocated; Mr. Maples stated that it is \$100,000. Ms. Subadan stated that it varies.

3100 BLOCK OF WINTERWOOD AVENUE SPEED TABLES

Mr. Maples stated that this mirrors the previous item (copy on file), adding that a speed study was conducted, which met the requirements; and the speed tables are recommended.

Commissioner Young asked to see a list of the streets with the highest volume of speeding. Mr. Maples said that he will provide him with the speed studies.

COMMUNITY AND ECONOMIC DEVELOPMENT MATTERS

ANNUAL ACTION PLAN/AMENDMENTS

Interim Director Phyllis Brown discussed the information (copy on file) regarding the action plan and amendments, explaining that subsequent to Commission approval of the Plan in May, an award of \$508,745 in CDBG CARES Act funding necessitates modification of the Plan with a Substantial Amendment. She briefly discussed HUD requirements, in which the City sought citizen participation through advertisements in the local papers, virtual townhall meetings and a virtual public hearing; the Public Comment period ended October 21 and citizens were encouraged to provide oral and written comments on the proposed changes.

There were no questions/comments regarding this item.

RECREATION MATTERS

MASCHKE ASSOCIATES BILL MILLER & HENDERSON GYM STUDY RESULTS

Mayor Dorough advised that this item is being postponed at this time.

PUBLIC ADMINISTRATION AND FINANCE MATTERS

PURCHASES

Municipal Court – Service Analysis

Commissioner Langstaff advised that their group [Municipal Task Force] met and decided to get some consulting advice regarding Municipal Court. The intent was to obtain input from all Commissioners, however, he stated that he does not know if this has been done.

Mayor Dorough stated that he thinks that has not happened and advised that this is an opportunity to look at the organization/operations of Municipal Court. He mentioned the misappropriation of funds in Municipal Court, with some feeling that the judge of that court is responsible for staff, some felt the City Manager is responsible, with it being determined that there is a great deal of uncertainty regarding the issue. He asserted that the judge should not be directly involved in the hiring of staff; a court administrative position could assume that responsibility, adding that doing an analysis provides Commissioners an opportunity to look at other municipalities courts to ascertain best practices. He stated that Commissioners can submit their input/recommendations to the Committee before the RFP is formulated.

Procurement Manager Mike Trotter discussed information on the following (copy on file):

- | | | | |
|----|-------------------------------------|-------------------|-------------|
| 1. | 4 Ford SUV's; Wade Ford; Smyrna, GA | Total expenditure | \$90,073.16 |
|----|-------------------------------------|-------------------|-------------|

Commissioner Warbington recalled discussion during the last purchase of vehicles in which the City decided to use hybrids and asked are these the hybrids. Fleet Director Peter Bednar explained that hybrids are available, however, only in the Titanium class at a cost of approximately \$32,000. He advised that they will be coming out with hybrid Escapes next year at a cost of approximately \$26,000, adding that with the lower cost, it would be difficult to justify the cost based on the fuel savings. In reply to Commissioner Warbington he discussed factors that are considered in making decisions. Commissioner Warbington asked to include options on items of this nature.

Mayor Dorough stated that he looked this up himself but cannot say that Mr. Bednar is correct. He admitted that he may have been looking at the 2021 models, but regardless, they were only \$3,000.00 more than the base model. He compared the gas mileage, with hybrids converting to the battery, gas stops burning when the vehicle is idling, resulting in better mileage as well as other benefits and advised that he will be voting against this since the hybrid was not an option. Commissioner Warbington noted that we have a week before taking a vote and a brief discussion followed on whether this will give Mr. Bednar time to get the data/comparisons. Mr. Bednar agreed and apologized if he was wrong, adding that the information is on the internet.

OTHER MATTERS

Mayor Dorough referenced a letter he sent Mr. Davis after finding out that Phoebe had requested to have seven of its properties demolished and the City Attorney filed a lawsuit on behalf of Phoebe. He said he is concerned, with the City Manager assuring him, that Code Enforcement does not exclude Phoebe from inspections/citations and noted that the petition indicates that the properties did not have plumbing/electricity, adding that he needs assurance from Code Enforcement that Phoebe will be treated like other property owners and cited when not in compliance. He recalled that it had been established at the first of the year that the City Attorney would not file a lawsuit without authorization from the Commission and stated that he does not think it appropriate that the City file this action if it was at the request of Phoebe. He advised that Mr. Davis has already filed the lawsuit; however, if four votes disagree with him, this action needs to be dismissed and Phoebe Putney must go through the Historic Preservation Commission [HPC] per the process.

Mr. Davis stated that these suits (abatement cases) are filed on behalf of the City and that he thought he was tasked to file those, adding that he misunderstood that he had to get prior approval for each abatement case. When these came over from Risk Management, they went on this month's abatement calendar, that is scheduled for a week from tomorrow, adding that he follows the Commissioners directives, did not realize he had done anything against their wishes and apologized. Mayor Dorough apologized if he is off-base; his primary concern is 1) Phoebe entities would allow these properties to get into such deplorable conditions, 2) speaking with Mr. Buchanan, he was informed that Phoebe did not go through the HPC, with the residences clearly within the historic district, causing him to believe that this action should be dismissed and Phoebe get a certificate of need from the HPC. However, if four Commissioners have no problem with it, we will move on.

Commissioner Fuller questioned whether the process was not followed and HPC not notified. Mr. Davis explained that after Code Enforcement inspects/reviews the property, the files come to his office and a lawsuit is filed and, this being commercial type property, sometimes the City is reimbursed. He discussed an example, advising that Phoebe will reimburse the City. Commissioner Fuller mentioned the complaint by HPC that they are not properly notified and asked if the process was followed as others in the historic district. Mr. Davis stated that as he understands it - Code Enforcement has a standard form letter that is sent to HPC when a vacate order has been signed by Municipal Court. Commissioner Fuller stated that the properties are in very poor condition, with the print shop presenting safety hazards, adding that the issue appears to be if the process was followed correctly.

Commissioner Fletcher read the following statement “the City of Albany Code Enforcement cited these properties and we were following the law of the City. We would like to take these properties down to enhance the appearance of the area; to secure the space for potential development of the area by Phoebe, or others, and to eliminate all of the structures which could potentially be dangerous or harbor vagrants”; she added that they are planning to do this ‘100% on their dime’.

Commissioner Warbington recommended removing Phoebe’s name and simply state that the owner has means. In most of these cases the owner claims to have no ‘means’, the property is dilapidated; taxes are not being collected and the City steps in because we are out of options. As stated by Commissioner Fletcher, Phoebe is willing to tear them down, with no City involvement. As he has stated to Mr. Davis, the City should not be in the contracting business and, if the owner has means, a time frame should be put in place and the owner given ‘x’ number of days to comply; it should be the last option for the City to step in if all else fails.

Commissioner Langstaff countered that Mr. Davis needs to move ahead on abatement cases; he does not need to slow that up.

Mayor Dorough stated that as he sees it, there are two issues 1) regarding Code Enforcement, how did we let these buildings get into this condition; most of them had no plumbing/electricity; when property is donated to an entity, they have an obligation to maintain the property. These properties have been neglected for years with the City doing absolutely nothing. The City Manager has assured him that: no one in Code Enforcement has been instructed to ignore any violations of the code by any property owner, including Phoebe entities; 2) the process was followed. Mr. Davis advised that routinely Code Enforcement will notify the HPC of an abatement after the order has been granted. Mayor Dorough noted that the procedure should have been that the owner goes through HPC, but for whatever reason, that process was circumvented. He stated that his concern is that HPC has a role to play, citizens do not get to select whether they go before HPC. Mr. Davis advised that Code Enforcement sent this directly to him (as City Attorney). Code Enforcement should have directed the property owner to HPC. The situation we are in now – a lawsuit has been filed seeking an order to authorize demolition of these properties.

Mayor Pro Tem Howard stated that Mr. Davis should go forward.

Commissioner Fuller stated that he thought that Mr. Davis would say that the HPC was notified and that the process was correctly followed; Mr. Davis advised that HPC is notified when the order is signed. Asking for clarification, Commissioner Fuller asked if the same process that is used to handle any property in the historic district was not handled in the same manner; is that what Mr. Davis is confirming. Mayor Dorough stated that he is correct. Mr. Davis advised that non-HPC properties do not get a notice from Code Enforcement, but it is in the order which is mailed by his office. Commissioner Fuller stated that his issue is the manner in which it was handled and, if the property was handled per policy, he agrees to move forward; however, if that is not the case he supports waiting and letting it go to HPC. Mr. Davis explained that he receives the finals from Code with the inspection report and that he relies on their accuracy and proceeds with action; that is the way all are handled regardless if it is HPC property or not. He advised that no advance notice is provided, as suggested by the Mayor. Commissioner Fuller stated that if that is the way we have been doing it and they were not treated any differently, he supports moving ahead. Mr. Davis stated that the only thing he can see ‘differently’ about this matter is that the owner is going to reimburse the cost.

A discussion ensued regarding whether Phoebe followed established, standard procedures; if the HPC was notified; HPC not being satisfied with current policies; if Phoebe was initially cited on these properties (the feeling is that they were not and did not follow established policy of going through HPC). Commissioner Fuller stated that he wants more information as he does not want his decision to be based on incorrect data.

Commissioner Fletcher stated that she, too, wants to know if Phoebe was cited and if so, were proper procedures followed and if Phoebe was treated the same as everyone else. She feels that they were cited if they agreed to bring the properties down. There should be records showing if policy was followed, adding that before she votes on an issue, she wants to know if it was done the correct way.

Commissioner Warbington asked Mr. Davis if we now have the demolition order from Municipal Court. Mr. Davis explained that all we have is the petition ready to be filed next week; he was advised by Mr. Carter (Code Enforcement) that Phoebe was cited. Commissioner Warbington stated that if it has not been filed, his direction would be to hold off until getting to the bottom of this. Mr. Davis advised that it has been filed. Commissioner Warbington noted that the owner can still go through the process if they wanted to and that the City can delay ‘cranking the bulldozer’ and see if Phoebe will go through the process of getting HPC approval.

Mayor Dorough stated that most likely Phoebe would need to go to an HPC meeting next month, but that would be superfluous if we have the order for demolition. Commissioner Warbington stated that he prefers to let Mr. Davis continue while giving Phoebe an opportunity to follow the process. Commissioner Langstaff stated that he supports proceeding as well. Commissioner Young stated that it has been discussed to ensure that HPC was a part of the process, with the process being clear.

Mayor Dorough announced that Mayor Pro Tem Howard, Commissioners Warbington and Langstaff are willing to proceed as it is; Commissioners Fuller, Fletcher, and Young want to verify the details. Ms. Subadan stated that she will contact Code Enforcement to have them provide their

information on this matter. Mayor Dorough stated that he would like letters, memo's, etc. sent from Phoebe and for a decision next Tuesday night.

CITY MANAGER UPDATE

Ms. Subadan stated that she will email Commissioners the report. She mentioned the clean-up program, 'Operation Clean Sweep', which will be initiated in S. Albany, will concentrate on trimming overgrown trees, especially those that block streetlights and traffic signals, with additional focus on street sweeping and alley repair. The intent is to move Operation Clean Sweep around the city and bringing extra resources on a regular basis. In response to Commissioner Young, she stated that the project started this week and will continue until mid-December.

ITEMS FOR FUTURE AGENDA

Mayor Pro Tem Howard asked Ms. Subadan if she plans to join them in the Community Walk this coming Thursday at 5:15; Ms. Subadan said no.

Mayor Dorough stated that he has two matters: the first being the December 1, 2020 work session and him having to be in court in Tifton on that day. He suggested rescheduling the work session for the third Tuesday in December or to the second Tuesday and asked the Commissioners to check their calendars; otherwise, he will have to miss the work session unless that court proceeding is continued. Regarding the second matter, he advised that it pertains to the amount of ante litem notices he receives per month and recommended ongoing safety training; the last one concerned an officer traveling at a high rate of speed and barely slowing down for a stop sign. He suggested that employees must be more conscientious in performing their duties. In addition to ongoing safety training, standards need to be in place to minimize traffic accidents and individuals being harmed as a result of the acts of City employees. Ms. Subadan advised that a report is being put together to let Commissioners know what they have been doing. However, it appears that there is a failure somewhere, and they will be enhancing the program.

There being no further business, the meeting adjourned at 2:42 p.m.

SISSY KELLY
ASST. CITY CLERK