

DECEMBER 1, 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 8:38 a.m. The attendance had been confirmed earlier in the Special Called Meeting with the following on the virtual conference call: City Manager Sharon Subadan, Commissioners Matt Fuller and Bob Langstaff.

SPEAKER APPEARANCE

Phil Cannon stated that he is present today to speak about Municipal Court, the judicial branch of our three-part democratic system. He recommended that the Court Administrator should be appointed by the Commission as opposed to being hired by the City Manager, advising that he is here to inform this Board that he would like to be the Administrator of Municipal Court. He is publicly making this announcement because he disagrees with this job being made by the City Manager as part of the Legislative branch and his reason for doing so is to bring information about governments and how they should work. He discussed the timeframe to fill the position, adding that he could have a court system projected, planned and set in stone. There are other equally pressing issues; the \$400,000 grant that is lingering out in limbo and being severely understaffed. Other departments (APD, DCP, Animal Control, Code Enforcement) affected by the court not operating smoothly/efficiently is an underlying issue. He discussed factors making him a good candidate for the job. He urged Commissioners to take his request into consideration and appoint him as the Court Administrator for six months.

Mayor Pro Tem Howard asked if Mr. Cannon is suggesting that the City Manager should not be overseeing Municipal Court. Mr. Cannon replied affirmatively, adding that while the City Manager must have some input/control, the City Manager should not be the person to hire that position; it should be an appointed position that this Board makes as a whole. In response to Mayor Pro Tem Howard regarding the grant, Mr. Cannon explained that in October an email was received that the \$400,000 had been granted, but it has not been accepted; he does not know the deadline to accept it and briefly discussed the federal grant. He has not spoken ‘eyeball to eyeball’ with the City Manager about his proposal.

Commissioner Warbington asked the credentials for this position i.e. law degree, state level requirements, etc. Mr. Cannon stated that he does not believe that a law degree is required; if the system with the policy/written procedures is set up right an administrator could run things through the policy. He explained that a lawyer is needed as the administrator of this court in order to correctly set up policy/procedures, as well as someone familiar with court proceedings, adding that he has built relationships with City staff which is an advantage in working through problems. He also has a high degree of integrity, which is an extremely important quality to setup the system. Commissioner Warbington asked if, for comparison, are there any cities using this system. Mr. Cannon advised that his research indicates that communities are struggling with it as there is no real foundation for municipal courts across the nation. He discussed Judge Weaver having worked on the grant for five years and that Debra McFadden, Business Process Improvement Specialist in

the Finance Department, has been a part of the studies and must be involved in setting up the system.

Clarifying the issue, Commissioner Young stated that Mr. Cannon is requesting to be appointed to a position that is already filled by Karen McWhite. Mr. Cannon stated that he does not see this as a replacement of Ms. McWhite; it is greater than her position. He discussed the lack of leadership in the court, his recommendations falling on deaf ears and receiving emails regarding things not getting done. Commissioner Young asked if he is suggesting there is no leadership from the bench; Mr. Cannon advised of Judge Weaver's dilemma is of being caught between ethical and moral obligations to manage an office versus meting out justice. Commissioner Young stated that if Mr. Cannon feels he should be the Court Administrator, maybe he should be hired. He discussed the City Manager being tasked to work with Municipal Court to establish processes to ensure things were getting done and avoid any resulting liabilities to the City, adding that someone should be responsible and make sure processes work as they are supposed to and holding employees accountable; he does not see appointing a Court Administrator as the way to go. Mr. Cannon advised that the Court Administrator must be someone who is strong enough that, when given directions by someone causing moral/ethical conflicts, has the tenacity to question the directions and follow procedures/policies and eliminate the conflict. Commissioner Young countered that the goal is to work together, avoid conflict with each at Municipal Court and holding people accountable. Mr. Cannon stated that he is throwing his hat in the ring if someone is to be hired as opposed to being appointed. Commissioner Young stated that the subcommittee is still in the process of getting a consultant to advise on this matter. Mr. Cannon stated that is one of his issues; by the time the consultant is hired and finds a prospective employee, he could have addressed issues and have processes set-up and going. Commissioner Young advised that he feels the subcommittee has addressed these issues and is making headway, but maybe there should be discussion and asked Ms. Subadan be allowed to weigh-in on this discussion.

Ms. Subadan stated that she is uncomfortable discussing what she considers a personnel matter at a Commission meeting, adding that she believes there is a lack of clarity regarding who is responsible for what. She stated that at the first retreat, the Commission determined that the Court Administrator should report to the City Manager, with Ms. McWhite being advised of that. She stated that she does not feel that the reconstitution of Municipal Court is going well, with a lot of time being wasted (closing of the Court prior to the pandemic, etc.) and the opportunity to revamp and institute new procedures has been missed. A lack of clarity resulted in the Task Force deciding to bring this to the Board for official action to clarify roles and responsibilities. Her perspective is that the Commission has the decision and discretion of whom to appoint.

BOARD APPOINTMENTS

1. One appointment to the Albany Housing Authority (Mayor's appointment) for one-year term ending November 2020

In response to Mayor Dorough, the Asst. City Clerk reported that the Housing Authority recommended Yvonne Jones. Mayor Dorough announced that he will follow the recommendation of the Housing Authority and appoint Yvonne Jones.

Commissioner Fletcher noted that the agenda item states Sharon Jones; Mayor Dorough instructed the Asst. Clerk to confirm the name with the Housing Authority.

2. One appointment to the Joint Elections Board for two-year term ending December 2022

Mayor Dorough noted that Bishop Frederick Williams requested to be reappointed.

Mayor Pro Tem Howard nominated Bishop Williams.

Commissioner Warbington asked if the City's appointee is required to live in the city limits, noting that Bishop Williams' address is in the county. Mr. Davis stated that he will ascertain if there is a residency requirement.

Commissioner Young asked that as the City appointee, Bishop Williams be asked to provide a report to the Commission regarding the Election Board due to issues reported by constituents. In response to Mayor Dorough, Mr. Davis stated that he will contact Bishop Williams. Mayor Dorough agreed that there have been issues and suggested that Ms. Nickerson also come before the Board. Mayor Pro Tem Howard asked to include the attorney for the Board, County Attorney Spencer Lee. Mayor Dorough asked Ms. Subadan if this can be scheduled for a work session in January. Ms. Subadan agreed and clarified that the City does not pay any part of Ms. Nickerson's salary; the City only pays for its elections through that Board.

Commissioner Warbington expressed opposition to this discussion, adding that the Elections Board is part of the County and it is their responsibility and as the City, we need to stay in our lane. From a governmental standpoint, he stated that we are asking for controversy by asking to bring people in front of us who do not answer to us. Bishop Williams could be put in a predicament by our questions and having to go against his Board. He feels it is inappropriate to bring this in front of the City Commission when we have no authority, as well as create more animosity between the City/County. He noted that meetings are now lasting six hours, Task Force/Committees are meeting, and our plate is already very full.

A brief discussion ensued with Commissioners Fuller, Fletcher, and Langstaff concurring with Commissioner Warbington's comments.

Commissioner Young noted that he did not ask that Ms. Nickerson nor the County Attorney to come before the Board. He asked that Bishop Williams, as the City appointee to that Board, report to the Commission what is going on with the Elections Board as there were many issues and has been for many years. When there is animosity/conflict, addressing issues is the way to move past those barriers and resolve the problem.

Mayor Dorough stated that he supports asking Ms. Nickerson and Bishop Williams, if he is reappointed.

ENCROACHMENT/GDOT PROPERTY

Mr. Davis stated that Oglethorpe is a four-lane highway with a turn lane in the middle, resulting in encroaching on State property. In order to provide better ingress/egress to the new site being constructed for Albany's Transportation Center, as well as being a safety matter, the City will improve ingress/egress.

Mayor Pro Tem Howard asked if approved, when construction is set to begin. Transit Director David Hamilton briefly discussed putting the project out for bid by the first of the year and anticipated that the 14-16 month project will be shovel-ready in February/March.

Mayor Dorough noted that the City must provide GDOT with indemnification and asked what potential liability is possible. Mr. Davis explained that improper construction of the ingress/egress would be a potential issue and that the design and construction would have to be up to standards. Mayor Dorough clarified that we are not being required to indemnify GDOT in the event of negligent construction design on their part, only on what the City has control of; Mr. Davis agreed.

MUNICIPAL COURT – TEMPORARY DELINEATION OF RESPONSIBILITIES

Mayor Dorough noted that the agenda item states that the Task Force made the recommendation regarding this item, but he does not recall that being the case. He recognized Asst. to the City Manager Barry Brooks.

Mr. Brooks stated that earlier Ms. Subadan raised the issue that the Commission had recommended the Court Administrator report to the City Manager for the time being. He was tasked with delineating between judicial responsibilities (Municipal Court Judge) and the administrator responsibilities (City Manager) and, with the creation of the Task Force, he brought it to their attention (Mayor Dorough, Commissioners Langstaff and Young) that the MOU contains what was agreed upon. The delineation of responsibilities is a decision of this Board, whether through an MOU or a resolution; Ms. Subadan wanted specifics in order to move forward with Municipal Court with clarity.

Mayor Pro Tem Howard asked if Judge Weaver agrees with the MOU; Mr. Brooks replied affirmatively, adding that he (Judge Weaver) is comfortable with it but does not want it to be a permanent fixture. Referring to the six-month termination period, he stated that Commissioners have the discretion to terminate earlier and it expires after six months unless Commissioners decide to reinstate it. Mayor Pro Tem Howard asked the cost. Mr. Brooks explained that through the delineation there is no cost; it will be done through existing resources, adding that it gives clarity of the decision-making and control of administration/judicial matters so that the Judge and City Manager clearly know their duties/responsibilities.

Commissioner Warbington asked the difference between what is in the MOU and what was discussed at the spring retreat. Mr. Brooks explained that that the MOU is more specific; the directions of the Commission were put in writing, as well as the six-month period being changed to accommodate the Task Force to make it a temporary MOU. Commissioner Warbington stated that it was his understanding that all employees were reporting to the City Manager, as well as all budget matters being under the City Manager and asked why is there still a question regarding

clarity Ms. Subadan advised that to her recollection, Commissioners did not take an official vote at the retreat; the information was verbally provided to the Judge and Court Administrator. As explained by Mr. Brooks, the MOU provides clarity and ensures that they are clear about their 'lane'. Commissioner Warbington explained his opposition to 'temporary' being in the MOU, adding that he does not support that. Mr. Brooks advised that discussion of the Task Force resulted in 'temporary' and suggests that the Task Force continues to work on the issue. Commissioner Warbington reiterated his opposition to 'temporary' and feels that merely stating 'here are your directions until further notice' would provide the specific intent of Commissioners direction.

Commissioner Langstaff stated that it is a matter of semantics, however, he said he supports Commissioner Warbington's request to remove 'temporary', adding that he thinks the consultant the City hires will advise of best practices. He recalled that the Task Force agreed that something needs to be in place i.e. MOU, to delineate who is responsible for what until getting a report back from the consultant. However, the Task Force did not envision an MOU, but rather a resolution. The Mayor had pointed out that it makes no sense to have an MOU between City employees/departments and that a resolution is the proper way to achieve the intent of the Task Force.

Commissioner Young agreed with the previous comments, explaining that it is what he tried to convey to Mr. Cannon; the City will be able to move forward once there is clarity about who is responsible for what. If removing the word 'temporary' makes people feel better, he has no problem.

Mayor Dorough stated that he feels no agreement is needed between the Municipal Court Judge and City Manager as both are appointed positions of this Board. He mentioned the revenue from Municipal Court, FY 2018/19, which had a sharp decline with some of it obviously connected to the malfeasance committed by staff of Municipal Court, adding that he also does not feel that the Municipal Court Judge should be the head of the administrative department. In his opinion, it should be an appointed position with the individual being responsible for supervision and hiring the Court Clerk/staff. He reiterated that a resolution, rather than an MOU, will accomplish the Task Force's intention.

In response to Mayor Pro Tem Howard, Mr. Brooks explained the process and advised that a cost has not yet been ascertained, adding that before releasing an RFP, it will be brought back as an agenda item for approval by the Commission. Mayor Pro Tem Howard briefly commented on his request for information re: GBI investigation, Ms. Subadan stating there is no timeframe, etc., adding that he would need more information before moving forward. Mr. Brooks stated that it is still an ongoing investigation and once complete, the information will be released to the City.

Commissioner Warbington recommended changing the document from a MOU to a resolution to further clarify roles/responsibilities, remove the term 'temporary' and having a report after six months.

RECREATION MATTERS

MASCHKE ASSOCIATES BILL MILLER & HENDERSON GYM STUDY RESULTS

Mayor Dorough advised that out of courtesy for Mr. Maschke, this item is being moved up.

Facilities Director Don Gray stated that Mr. Maschke has provided an evaluation, analysis and cost estimate regarding both gyms. The three scenarios 1) raising the existing first floor to comply with the Flood Ordinance; 2) flood-proofing or building a Flood Wall around the existing facility; and 3) demolition of the existing facility and construction of a replacement facility that complies with the Flood Ordinance which were analyzed by himself, Asst. City Manager Stephen Collier and Engineering Director Bruce Maples.

Mr. Maschke stated that he is present to review the Executive Summary of ‘Evaluation, Analysis and Cost Estimating Study for Bill Miller & Henderson Gym’ (copy on file) and to answer questions.

Mayor Pro Tem Howard noted the poor quality of the gyms when they were constructed, adding that these are state-of-the art facilities, with the possibility of having two new gyms at a cost of less than \$6.0 million which will breathe fresh air into the community. He mentioned MOU’s with DCSS, which most likely will allow the City use of school gyms until these are complete and commented on economic development, with recreation being a factor when businesses consider a new location.

Commissioner Fuller asked if there has been any water penetration into either gym during the last flood/major storm events. Mr. Gray explained that recent flooding and heavy rains did not penetrate either gym. In reply to Commissioner Fuller, Mr. Gray stated that the properties are insured; however, he does not know if they carry the separate flood insurance; this something he will confirm with Risk Management. Commissioner Fuller asked if we decide to renovate and build the flood wall, will we be able to get flood insurance at that point. Mr. Gray explained that the intent of this scenario is to ensure compliance with FEMA/GEMA Floodplain Management Standards and should they flood, the City files a claim and, as long as we are in those categories, he believes that it does not matter if flood insurance is carried. Commissioner Fuller asked for clarity regarding the flood wall to be certain that the City is covered should a catastrophic event occur. He asked Mr. Maschke if these two gyms will be constructed to the same standards as Thornton Gym; Mr. Maschke stated that they will not be to that level, adding that his analysis does not include upgrades of the systems (HVAC, plumbing fixtures) as done at Thornton Gym. His estimates were to get the buildings back to a useable condition which did not include any upgrades or frills. He discussed: 1) cost estimates for new facilities, which will have no mezzanine and is a one-floor plan, 2) both will have the same amount of square footage they currently have, 3) the benefits of the plans, 4) recommendations to construct with programs in mind, cautioning that when these buildings were built (1978), life and recreation were vastly different from now. He commended City Facilities for the job they have done maintaining these facilities, adding that they have kept the facilities together relatively well.

Mr. Gray stated that he received an answer to one of Commissioner Fuller’s question from Risk Management; Bill Miller is not covered by flood insurance, while Henderson is covered, adding that Mr. Maples has information regarding FEMA/GEMA requirements.

Mr. Maples explained that Mr. Maschke’s first scenario is deemed to be feasible; however, the scenario with the flood-proofing wall would have to comply with FEMA’s requirement that flood-proofing any non-residential structure must be certified by an architect/professional engineer licensed in the State of Georgia to qualify for flood insurance.

Mr. Maschke advised that former Engineering employee, John Hudgins and Mr. Maples, supplied him with the full set of requirement to evaluate flood-proofing, adding that the estimates for the flood wall are based on the requirements for the different levels/categories/etc. as required by FEMA.

Commissioner Fletcher stated that a game plan must be formulated i.e., who is going to use the gyms, how will they be used i.e. event center, etc., how many will be served by them, etc. She suggested that it is hard to plan based on estimates with no final number, especially how it will be funded.

Commissioner Warbington stated that these gyms, including Carver, are unacceptable for any age group. He stated that the estimates to rehab the facilities was a band-aid and that within five years the City will have more decisions to make. He said he cannot support the wall, suggesting that the esthetics and the message it sends to residents is objectionable. Additionally, he asked who would be responsible for putting the gate on the flood wall. Even with the gate, there will be water intrusion and a means of pumping out the water becomes necessary. He asked if Mr. Maschke has looked at Carver Gym; Mr. Maschke replied negatively. Commissioner Warbington stated that none of the options are viable in his opinion and asked to move on to scenario #4. Mr. Maschke explained the process, a water-proofing membrane, etc., adding that the flood wall would be constructed right against the existing exterior wall.

Commissioner Young advised that prior to the pandemic, these facilities were heavily utilized by the community and are landmarks/community anchors. He said he would have serious reservations if any consideration is given to moving from the current sites and asked the timeline once any scenario begins. Mr. Maschke stated that Bill Miller is not being used at all, with limited activities at Henderson. In terms of renovation, the second option to renovate existing facilities and installing a flood wall most likely will take 12-15 months, while new facilities might take 2-2.5 years. Commissioner Young reiterated the importance of these facilities and the need for them to remain where they currently are. Mr. Maschke stated that if the decision is to build new gyms, they could be constructed in a different location on the same sites, suggesting that the old gyms can continue to be used until the new ones are completed.

Mr. Gray stated that regarding Commissioner Young’s question re: renovations only, each facility was contracted for the project to be completed within 180 calendar days.

Mayor Dorough noted all the experts Mr. Maschke used for the assessments, adding that the buildings are not ADA compliant with each having several Code violations. He stated that he does

not feel that the first two options are viable and explained his opposition to flood-proofing the walls. He commented on the Bill Miller gym that is situated in a six-acre park and suggested that the best use there may be a community center like Driskell Park. He mentioned previous Recreation Master Plans, which is the approach we need to take with each recommending a site analysis of all City parks, which has never been done. He briefly discussed issues, i.e., runoff, low elevations, erosion, etc., adding that the recreational needs of the community cannot be addressed unless the facilities are located where people are. He recommended setting aside two hours at the retreat in February/March, to discuss this issue, adding that he feels that the two gyms have reached their useful life; the report's revelation of code violations, deficiencies and problems, as well as the City owning buildings, which do not comply with building codes, are improper.

Mr. Maschke thanked Commissioners, City Manager, and City administration on behalf of Maschke Associates and its consultants for the opportunity to conduct to the study.

Commissioner Warbington asked the issue with Carver Gym causing it to be closed. Mr. Gray explained that safety issues render it an unusable structure; the roof is damaged as well as no programs being conducted there. Currently, no repairs are scheduled for that facility and, he is waiting for guidance from executive leaders.

Mayor Dorough stated that Carver Gym has character that cannot be bought and recommended covering the roof to prevent more damage. Ms. Subadan advised that the building is unusable; it has mold with the estimate to remediate hazardous material in the hundreds of thousands.

Commissioner Young asked to use census data for those areas. Carver Gym is in a location that has lost a lot of population; a look is needed to determine who is being served by the facilities in those areas. It will guide the Commission in deciding programs and what to construct in those locations.

Ms. Subadan advised that: Miller/Henderson have been assessed and direction is needed, the study on Carver Park is underway; the old library has been demolished; the School Board has no need for additional programming, but more discussion is needed re: what programming is necessary; proposal to put baseball at Chehaw (rather than Eames); proposal by the YMCA to partner with the City, which has pitched property it owns; what should become of First Tee; Carver/Turner Gyms are both shuttered; programming and what citizens want/need; what is the right replacement for basketball in our community; should kickball be free or a fee charged; Tennis Center; a church group pitched a \$1.2 million building on the eastside; Rails to Trails; Chehaw has its own Master Plan underway; is the Skate Park needed or should it be replaced; the need for a Youth Council and recreation strategy to help engage today's youth and, an up-to-date Master Plan is needed. She stated that in moving forward, an organized approach with solid direction is vital and asked that the Commission provide direction to seek a Recreation Master Plan update, which would also include programming, suggesting that most of all the issues she touched on could be answered with an updated Master Plan.

PUBLIC SAFETY MATTERS

ALCOHOL LICENSE APPLICATION

Marshal Walter Norman, Business License Director, discussed the following, which meets the criteria for approval:

1. 7even Bar & Grille; 104 N. Washington Street; P. Ford and C. Ford/Agent; Liquor, Beer and Wine Consumption; Ward 3

There were no questions/comments regarding this item.

ALCOHOL LICENSE APPLICATIONS – TRANSFER OF OWNERSHIP

Marshal Norman discussed the following transfer of ownership to Mohammad F. Munir, which meets the criteria for approval:

1. Diamond 786 Enterprise Inc d/b/a Havmor; 2200 W. Gordon Avenue; M. Munir/Agent; Beer and Wine Package; Ward 4

Commissioner Warbington asked Marshal Norman to explain the police calls for building checks and escorts. Marshal Norman commented on establishments depositing a lot of money in the evening and calls APD for an escort, adding that building checks usually take place when the establishment is closed or during hours of increased capacity of patrons and APD will drive-by look for any unwanted behavior.

Commissioner Young asked if the business is closing; Marshal Norman stated that it is a transfer to a new owner.

ANNUAL ALCOHOL LICENSE BLANKET RENEWALS

Marshal Norman recalled his previous presentation in which he tried to make it clear that during the calendar year, there is a lot of activity regarding governmental regulations for these establishments. He advised that they are inspected by the Fire Department, ADDU, Sheriff's Department, APD, Code Enforcement and the Marshal's Division to ensure that the codes, as outlined by the City/State law, are being followed and that licenses are current/posted. He mentioned concerns expressed by Wards I and VI and listed the number and type of establishments with an alcohol license. He briefly discussed new proprietors looking at a building and trying to put the same kind of establishment there to reduce expenses.

Mayor Dorough clarified that everyone who has an alcohol license will be automatically renewed for the following calendar year; Marshal Norman agreed.

Mayor Pro Tem Howard referred to page 47 regarding entertainment establishments and questioned those still under review. Marshal Norman explained that the review of Club Legends and Big Daddy's Lounge have been completed; the Sand Trap's review was last month. He mentioned an agreement with the owner of the Sand Trap and listed conditions.

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In reply to Commissioner Warbington, Marshal Norman agreed that all licenses expire December 31; and agreed that action is needed between now and December 31. Commissioner Warbington asked if the Board does not take action is there something that automatically occurs; Marshal Norman stated that the City must take action. Referring to Legends, Sand Trap and Big Daddy's Lounge, Commissioner Warbington asked if they had been on probation during this year; Marshal Norman explained that they have not been under review until currently. Commissioner Warbington asked if the Commission wanted to suspend/revoke any license, is it the sole discretion of the Commission. Marshal Norman advised that the reason would have to fit under the standards outlined in the ordinance. Commissioner Warbington stated that one action item could be to renew every license listed except for the three (as noted), which would be an indication that the Board is proposing to revoke their license. Marshal Norman stated that his office would seek review from counsel to determine that the licenses should be revoked/not renewed. Commissioner Warbington asked why the Commission would not revoke the licenses of the three. Marshal Norman explained that they have not reached the threshold of being aggressively over with each one having some increase in calls/outside the norm, but at this point there is no problem, adding that it is a preventative measure and if they continue on the same course they will be presented for revocation. The City is interacting, trying to help the merchants correct/control the issues and making their foundation regarding establishments firmer. In response to Commissioner Warbington, Marshal Norman discussed the agreement, monitoring the establishments at least once a month over the course of the first three months and then throughout the year. If calls start to increase through the year, the procedure to revoke their license begins. Commissioner Warbington asked if Commissioners can renew their license for three months or the only option is to renew for 12 months. Marshal Norman advised that the length of time for a license is 12 months. Commissioner Warbington explained that his intent is to raise the bar of accountability and expectations to show that the Commission means business.

Commissioner Young recalled Marshal Norman's mention of Wards I and VI, especially in regard to older buildings, noting the #9 reason an alcohol license can be declined, 'the general character of the neighborhood'. He noted Marshal Norman's comment re: owners establishing the same business that had been located in a building previously to save money and maximize their profit, while not bringing something of quality to the neighborhood. He asked the consideration of those type businesses and requiring them to come up to standard. Marshal Norman advised that first and foremost is the safety of the general public, with inspections by Planning, Code, etc. to determine that the building is safe. He stated that before an application is brought to the Commission, it goes through Zoning, Planning and the Fire Department to ensure that the intended use for the structure is still capable according to the codes. He advised that only applications his office recommends for approval are brought to the Commission; those that are not recommended are taken back to the applicant; it is explained that what they intend to do in the structure is not allowed.

In reply to Mayor Dorough, Marshal Norman explained the types of crime within each of the four categories.

Mayor Pro Tem Howard mentioned the list of the four establishments on E. Residence that were grandfathered in subsequent to establishing zoning in the late 1970's and asked that the list be submitted by December 15.

FIRE DEPARTMENT UPDATE

AFD Chief Cedric Scott reported that the Annual Report will include a review from his arrival in 2018 to present; today he will provide a summary (copy on file) of the detailed report. He briefly discussed an assessment of the Fire Department by Public Safety Specialists (PSS), part of J.S. Held, LLC (copy on file) and stated that in addition to the review, he will discuss AFD's response to the PSS study/recommendations from early 2018.

Mayor Pro Tem Howard mentioned concern re: a disparity in pay equity within the Fire Department, advising that more information is needed regarding this. He stated that the 6% raise for APD, should have included AFD as they are also considered public safety and recommended that if there is a raise for public safety personnel next year, the Fire Department needs to be included.

Commissioner Warbington mentioned the 18 recruits, asking if it is a common practice to hire that many at once. Chief Scott advised that the number of people hired varies and depends on employees leaving or new positions, adding that there were six new positions in addition to vacancies. He briefly reviewed an issue that had to be addressed before filling any vacancies, which created a backlog. Working with HR, Finance and the City Manager, a process of hiring those without any experience/training, opened the door to anyone interested in becoming a firefighter. In reply to Commissioner Warbington, Chief Scott advised that there are still three vacancies. Commissioner Warbington referred to the issue of the pay raise, advising that from what he has heard, it was not so much the 6% raise, but rather it was the perceived inequities within all the ranks and that 40+ grievances were filed. Chief Scott reported that the Pay Equity Panel determined that there were no discrepancies. Chief Scott noted that the Pay Equity Panel, which included the Finance Director and HR Managing Director, could find no discrepancies. He mentioned the 6% raise, which did create issues within the Fire Department that will not go away until it is addressed simply because the Fire Department is a part of public safety. To resolve the issue, he feels that he needs to go to the City Manager for guidance on how to approach pay issues. As a department head, he does not make recommendations regarding pay/raises, but with the City Manager's leadership and guidance, he feels that a resolution can be achieved

Commissioner Young asked if the pay equity study will flush out the discrepancies in pay for supervisors/subordinates; Chief Scott advised that was not a part of the study, which only brings forth the facts, but did not bring a solution. Commissioner Young mentioned employees being promoted, which normally comes with an increase in pay; how would a lower ranking employee pass another employee in pay. Chief Scott stated that to get the details, Finance would have to walk him through the steps. He stated that it is untenable for a new person coming into a position and making more than someone more tenured in the same position or the scenario of a supervisor making less than a subordinate; it becomes a policy issue. As he and Commissioner Warbington discussed, the Fire Department, as well as 911 are also public safety personnel and giving one segment a raise and leaving out the others creates issues. Commissioner Young stated that he does not want to conflate the two issues; he thinks that there are differences between fire safety and police safety in terms of what they do that may have a bearing on the pay scales. However, he realizes that pay compression creates morale issues, with the City looking to resolve them. (SUMMARIZE)

Mayor Dorough commented on questions he received re: the 6% raise and that the Fire Dept., t is part of public safety, adding that the Police Dept., was significantly understaffed as well as having empirical information that showed police officers were making considerably less than officers in comparable agencies. He suggested a similar study be conducted for firefighters since the Pay Equity Panel found no discrepancies and asked if firefighters are certified by the State; Chief Scott agreed. Mayor Dorough asked the number of budgeted, certified firefighters in his department. Chief Scott advised that there are 157 allocated positions in operations (those who fight fires), adding that there are those who are certified, but not in the operations division; only administrative staff (three) are not certified. Mayor Dorough recommended a comparative study of the pay for our firefighters versus those of comparable cities, noting that along with pay, firefighters working conditions (mandatory overtime) adds to their frustrations/morale decline.

Ms. Subadan briefly discussed: a firm that has been retained to study the department, factors re: tenure, those climbing the ranks vs. those not interested in fast tracking, policy changes and in the past pay increases allocated to certifications, again with some opting to fast tract and others not, with this having an impact on long tenured employees vs new hires, etc. She stated that she feels that when Chief Scott stated that there were no discrepancies, there were viable reasons for the pay differences. She cautioned against opening a Pandora’s box.

Commissioner Warbington commended Chief Scott for leading the way as the EMA Director through the pandemic; expressing appreciation for his service.

Mayor Dorough echoed the sentiments of Commissioner Warbington in recognizing the work Chief Scott has done.

PUBLIC ADMINISTRATION AND FINANCE MATTERS

PURCHASES

Central Services Director Yvette Fields discussed information on the following (copy on file):

1. Wood Environmental & Infrastructure Solutions, Inc.; Alpharetta, GA

Total expenditure plus fixed fee \$714,498.00

Laqurica Gaskins advised of applying for a GDOT TAP grant to do streetscape improvements in the downtown area. She stated that Ron Huffman from the organization that is recommended for consideration is available for comments and questions.

Mr. Huffman stated that he has worked with Dougherty County for many years on Radium Springs and looks forward to the opportunity to work with the City again. He noted that the grant is a match with GDOT’s share at 80% and the City 20%. He advised that DBE subcontractors will be working on the project (Platinum Geomatics [surveying] and Edwards Pittman Environmental [historic preservation/environmental clearances]). He explained that TAP is a new program

through GDOT; they were asked to follow a 24-month schedule from now until bidding on the project.

Mayor Pro Tem Howard asked Ms. Fields if we have worked with the firm from Alpharetta; Ms. Fields stated that we have done work with Mr. Huffman, but have not worked with Woods; however, references provided positive feedback.

Commissioner Warbington asked the scope of work and if it includes new sidewalks, new trees planted, etc. Mr. Huffman replied in the affirmative and explained the process, i.e., any recent improvements will remain intact, attaining a consistent look for all the streets, etc. Commissioner Warbington questioned having public involvement, Q&A, input, etc. Mr. Huffman explained that they will hold public meetings, public open house and that they have developed a unique system for COVID related public meetings (virtual), adding that they will speak with merchants, one-on-one, who may be impacted by improvements outside their front door, which is also included in the scope. Commissioner Warbington asked Ms. Gaskins if the construction grant has been awarded. Ms. Gaskins stated that it has not and discussed the newly established TAP grant, with an application for a construction grant to be submitted. In response to Commissioner Warbington, she advised that no deviation from what has been approved in the grant is allowed; the City was awarded \$680,000.00, with a \$170,000 match. Since we did not go over the budget, in the next grant application, a proposal will be made to include Broad Avenue.

Mayor Dorough asked Ms. Subadan if downtown is within the area for which the City has federal funding to place utilities underground. Ms. Subadan explained that most of it is the Sandy Bottom circuit, little part of downtown is served, but it is mostly the area of the medical district. Mayor Dorough suggested it be coordinated with installing underground utilities downtown. Ms. Subadan advised that we already have some underground in downtown, but this portion of the grant is for design. She advised that Mr. Huffman will bring back their design element with community input and give us a plan; we then go to GDOT for approval. Mayor Dorough asked if electrical wires are also being installed at Sandy Bottom; Ms. Subadan replied affirmatively, adding that it is conduit for both. Mayor Dorough noted that soon, downtown will proceed with a Master Plan; Ms. Gaskins agreed, adding that the RFP has a deadline of December 30.

VEHICLES TITLE TRANSFER

Ms. Fields discussed the following (copy on file)

1. Approval Authority re: Title Transfers

Mayor Dorough asked the number of vehicles disposed of in a calendar year; Ms. Fields stated that she does not have the number, however, she signs a lot of titles during the year.

In reply to Commissioner Fuller, Ms. Fields stated that the vehicles are sold on Gov Deal.

OTHER PUBLIC ADMIN. AND FINANCE MATTERS

Transit Director David Hamilton discussed the following (copy on file):

1. Greyhound Lines Inc. Lease Agreement

In reply to Mayor Dorough, Mr. Davis stated that the agreement provides for a maximum of three years, then the new lease will come back for consideration.

CITY MANAGER UPDATE

In response to Ms. Subadan, Mayor Dorough noted items that should be on the consent agenda for December 15.

Ms. Subadan advised that she will be sending her report, adding that she would like to discuss the Task Force Initiative since yesterday was the suspend date for all but one of the six. She asked if each Task Force needs a 60/90-day extension or if a blanket extension is agreeable. Following a poll by Mayor Dorough, the consensus was that each Task Force decide how much of an extension they need. Mayor Dorough advised that all the Task Forces will let her know in two weeks.

ITEMS FOR FUTURE AGENDA

Mayor Pro Tem Howard mentioned the two killings taking place near Lockette Station and asked that Chief Persley come before Commissioners. He suggested a stakeholders meeting (interfaith ministers, business/community leaders, church/faith-based organizations, nonprofits) to find ways to help prevent these crimes.

Commissioner Warbington referred to the recreation item in which Ms. Subadan stated that staff needs to seek proposals for a Recreation Master Plan, asking if that is something the Commission needs to act on in December or January. Ms. Subadan stated that if there is a consensus, staff can draft an RFP with Commissioners determining the timing; however, she prefers sooner than later. She commented Bill Miller Gym, and having information brought back to the Commissioners re: agreement on the scope, etc and agreed with Mayor Dorough's suggestion of having time at the retreat to discuss along with setting priorities. Commissioner Warbington agreed that sooner than later is preferable. Mayor Dorough recommended a conditional item on the December 15 agenda.

Commissioner Young asked that Mr. Davis look at the process followed for the alcohol license application for the Jefferson Street business. Looking at the record, he made a motion to deny the alcohol license, with Commissioner Warbington seconding the motion; however, the vote was stopped and subsequently no hearing was held for that applicant. He asked to look at the rules/process due to the result disenfranchising residents because they are not allowed to voice their opinions. He briefly discussed the appeal process for the applicant if denied, causing the ordinance to be tipped in favor of business owners and residents not having this option when approval is granted despite their opposition. As Mayor Pro Tem Howard has brought up in the past, he agrees instituting a moratorium on alcohol licenses until a standard procedure/process is established that is equitable for both applicants and residents. He discussed crime/lawless

mindset/poverty in relation to communities where these alcohol outlets are located, adding that he will continue to bring this up until action is taken, adding that he would like an agenda item regarding an alcohol moratorium.

Mayor Dorough mentioned the 3x5 notices posted in neighborhoods when rezoning applications are filed, adding that he would support the same requirement for alcohol license applications suggesting that most citizens do not read the legal ads, etc. He asked to have a draft ordinance with that requirement. Mr. Davis stated that he is already working on increasing the size of the ad posted in the newspaper and suggested requiring both [posted notice and size of ad in the newspaper]. Mayor Dorough mentioned the two Recreation Master Plans, with a modification of one and asked Ms. Subadan to make the plans available to the Commission for the second work session in January.

Mayor Pro Tem Howard asked that Ms. Subadan provide a written update regarding apartments and 800+ tenants. Mayor Dorough explained that someone, who has a contract with the City, owns substantial rental property in town. One apartment complex has a ‘master meter’ with the owner paying the utilities, which is included in tenant’s rent. The owner is in substantial arrears and service was discontinued. Mayor Pro Tem Howard stressed the importance of this situation, several of the complexes are in his ward; it is dangerously dark at Hidden Oaks Apartments. A number of mental health patients live there; they are fearful of the dark and police, and he fears a tragic event being the outcome. Ms. Subadan advised that the lights are not cut off; the master meter is specific to water and the majority of the tenants have individual electric accounts. A letter was sent (November 24) giving the owner ten business days to respond along with notice that their tenants would be notified that they are in jeopardy of having their water cut-off. She briefly discussed the challenges of complexes having master meters. The owner has advised that they are having difficulty collecting rent, but a resolution is being work on. Ms. Subadan mentioned holidays within the ten days, which would not be counted, but she will email when the ten days expires.

EXECUTIVE SESSION – Pending Litigation

At 12:45 p.m., Commissioner Warbington moved to enter into Executive Session for discussion of pending litigation, seconded by Mayor Pro Tem Howard; the motion carried as follows:

| | |
|----------|---------|
| Ward I | yes |
| Ward II | yes |
| Ward III | excused |
| Ward IV | yes |
| Ward V | yes |
| Ward VI | yes |
| Mayor | yes |

DECEMBER 1, 2020
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100 (Virtual Meeting)

At 1:02 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 | absent |
| Ward IV | yes |
| Ward V | yes |
| Ward VI | yes |
| Mayor | yes |

At 1:02 p.m., the meeting reconvened with Mr. Davis advising that attorney Joe Godfry (attorney for Martin Montavious Jones), offered complete and full settlement of all claims in the amount of \$80,000; the plaintiff will execute a release. By unanimous decision, Commissioners accepted the offer, and the vote in Executive Session is hereby ratified.

There being no further business, the meeting adjourned at 1:03 p.m.

SISSY KELLY
ASST. CITY CLERK