

FEBRUARY 2, 2021  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100 (Virtual Meeting)

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

OPEN RECORDS POLICY AND RECORDS MANAGEMENT

Mr. Davis discussed information (copy on file) regarding the Open Records Act and advised that approval is requested to establish a formal policy in the two areas as noted. He stated that last year his office handled over 1200 Open Records Request, adding that the Clerk's office handles the storage of records, etc., adding that a formal policy will provide City employees a process (three-day business rule to respond, providing necessary documents, etc.) and enables his staff to continue staying in compliance. He mentioned a new software program which will help track inter-office/departmental contacts to obtain documents and briefly discussed the three-day rule. He commended Gwen Broughton for the great job she does.

In reply to Commissioner Howard regarding citizens making requests in person, Mr. Davis explained that the State of Georgia has the broadest, most expansive Open Records Act, adding that the public can go on the website and file a request electronically, send one through the mail or pick up a form in his office.

In reply to Commissioner Warbington, Mr. Davis stated that the City's website is still available for individuals filing a request and quite a few are received that way.

Commissioner Young asked if the software helps staff provide the records for frequently requested records so that his office does not have to physically provide the information i.e. copy of the minutes. Mr. Davis agreed that the Open Records Act allows a response to direct the person requesting the information where to find it on the website. He explained that the software's main function is to tract requests to ensure that his office complies with the three-day business requirement, as well as staying in contact with the department in which the requested information is maintained, adhering to timelines, production of records, etc.

Mayor Dorough commented on the second part regarding the storage of records being subject to the Open Records Act and noted that it states that the City's Record Manager is the Clerk. He asked if there were discussions with the office regarding this with Mr. Davis replied affirmatively and explaining that the Clerk's office was an integral part of putting the policy together. Additional discussion followed regarding who is responsible for incoming requests (City Attorney's office), who is responsible for storage of City documents (City Clerk for minutes, ordinances, resolutions) and each department being responsible for storage of records pertaining to their department.

SNAP-ED PROGRAM

Commissioner Howard stated that Ebonee Phinazee will address this item. Ms. Phinazee advised that she is the Chronic Disease Prevention Program Manager for the Southwest Health District. Using Power Point, she discussed the SNAP-ED Program (Supplemental Nutrition Assistance Program Education) (copy on file), a federally funded program offering complimentary nutrition and obesity prevention education. Commissioner Howard asked the possibility of her taking her program to churches for the middle-senior aged members, noting that individuals using a SNAP card tend to fill their buggies with non-healthy food items and suggesting that educating the public is vital. Ms. Phinazee agreed and explained that the program teaches a different mindset to help individuals make lifestyle changes, adding that she is willing to take the program wherever there is a need; the private audience targets adults between 18-64 and even those not at the poverty threshold can participate in the program.

Commissioner Young stated that this is a topic that has been given a lot of attention for the past two years and mentioned Albany State's and Georgia Tech' research. He discussed the need for leaders to educate the public regarding healthy food choices.

Mayor Dorough stated that the request is for a resolution of support from the Commission.

**PUBLIC WORKS MATTERS**

EAST BROAD SIDEWALK UPDATE

Engineering Director Bruce Maples briefly discussed information (copy on file) regarding the project's history as part of the 2011 bicycle/pedestrian plan created from the DARTS MPO and part of the 2035 Planning process, which includes an evaluation of pedestrian/bicycle areas that had a cost estimate of \$181.0 million to build everything out. He stated that sidewalks were included in the SPLOST VII referendum and in 2018 staff presented a list of sidewalks, with Palmyra Rd., E. Broad Ave., Old Dawson Rd., and Magnolia, approved to proceed with. Those plans are completed, and Zane Grace Construction was awarded the contract for the E. Broad, Magnolia and Old Dawson Road sidewalk projects. He noted the E. Broad's sidewalk path, with a total cost of \$3.3 million, adding that the City allocated \$2.48 million as its match. However, the City has been denied a BUILD grant twice and staff is waiting for direction from the Commission on how to proceed and what to do with the sidewalks.

Commissioner Howard mentioned the contract from East Road to School Road and questioned if funds for that project will be deducted from the \$3.3 million. Charles Clark, Civil Engineering Superintendent, agreed that it could be deducted from that amount and explained that most of the expense will be for storm drainage improvements. He suggested that the project be done in phases. In reply to Commissioner Howard, Mr. Clark briefly discussed the timeframe, potential permitting issues, etc., adding that if completely funded from today, the project would take 90-120 days for design, and for a project three miles long, the construction would extend over a year. If done in phases, it would depend on the funding, which could stretch a couple of years. Commissioner Howard asked Ms. Subadan if the project is done in phases from the bridge to Walmart, what

would be the timeframe and funding source. Ms. Subadan discussed identifying funds to match the Build Grant with the \$3.3 million estimate for the section to be done, adding that if the Commission decides to spend all the funding for this project, there will be a \$500,000 gap which can be made up in TSPLOST. A brief discussion followed on funding with Ms. Subadan advising that if this is the desire of the Commission, funding will be found by moving things around, adding that another factor regarding the timeframe is getting easements.

Mayor Pro Tem Fuller asked the total bid amount for E. Broad, Magnolia, and Old Dawson Road. Mr. Maples stated that it was \$561,161.50 for the three sidewalks. Mayor Pro Tem Fuller asked if they are waiting for a green light from the Commission to move forward with those projects. Mr. Maples explained that they have already moved on those projects; today, they are asking direction for other sidewalk projects.

Commissioner Warbington clarified that basically, Commissioners are being asked if they want to spend all the sidewalk funds on the one section. Mr. Maples stated that it would not be all of the funds and reiterated that a certain amount of funds is available altogether for sidewalks; they are asking for direction from the Commission on which sidewalks they want staff to work on. There were 77 sidewalk projects identified and if E. Broad is a priority, that is what they will move forward on. Commissioner Warbington noted that spending all funding on this section leaves other wards without any funds. A brief discussion followed regarding gap sidewalks, which were included in SPLOST VII. Commissioner Warbington asked the balance of sidewalk money with Ms. Subadan advising that a total of \$5.0 million is in TSPLOST for sidewalks, adding that the sidewalk projects that have been awarded, including the School Street section of Board, is coming out of SPLOST VII.

Commissioner Langstaff asked to see the POND study.

In reply to Mayor Dorough, Mr. Maples explained that there is existing storm drainage in Section G, and Mayor Dorough is correct that the area was picked due to being in a school zone. Mayor Dorough asked if Section G is done in phases, over four years rather than two, are additional funds anticipated, mentioning the BUILD grant. Ms. Subadan stated that she would like to apply for the BUILD grant again and recalled a DARTS pedestrian/bicycle study which will be helpful as the POND study is ten years old. Mayor Dorough reiterated the idea of constructing the project in phases, adding that it has been alluded to that curb and gutter storm drainage is required when someone is developing a neighborhood. Mr. Maples explained that in certain commercial zoning, sidewalks are considered part of the development and are required. Mayor Dorough noted that most of the expense is to bring this area up to comply with Code requirements for a new subdivision. Mr. Maples stated that if it was a new development and had the appropriate zoning, it would be required as part of the site development plan to put the sidewalk in. Mayor Dorough stated that he is specifically asking what percentage of the \$3.3 million is curb & gutter and storm drainage as opposed to sidewalk construction and property acquisition. Mr. Maples stated that he does not have the information with him but will submit it and explained that curb & gutter is quite an expensive portion of construction. Ms. Subadan stated she would prefer an engineering perspective be laid out in a way that allows the City to be more successful in bidding the project. Commissioner Howard asked if the City is eligible to apply for the BUILD grant again this year. Ms. Subadan explained that when the funding cycle opens again, we can, but we must identify the

match. Regarding the deadline to apply, she advised that usually it is later in the year, around December. Commissioner Howard suggested rubber-stamping last's year application with Ms. Subadan again discussing the City's match.

#### COMBINED SEWER OUTFALL (CSO) SOLUTION EVALUATION

Mayor Dorough recognized Dr. Joseph Threadcraft, who reviewed the *Engineering Review of CSO and Localized Flooding*, which was collaboratively prepared with his mentor, Ritchie Marbury. He briefly discussed his and Mr. Marbury's educational and professional backgrounds and then presented the report using Power Point (copy on file).

Commissioner Howard asked if it is Dr. Threadcraft's professional opinion that what Constantine submitted will take \$315.0 million and 30 years. Dr. Threadcraft replied negatively and explained that there are two items identified in staff's proposal that do not have to be done, the \$31.4 million for the CSO treatment facility and the \$3.32 million for the Phase II expansion of Joshua Street to hold stormwater drainage. Ritchie Marbury, Registered Land Surveyor, PE, discussed using Albany State's practice field as a temporary retention pond, which should only flood and be unusable once every 25 years, saving thousands of dollars as well as control flooding. Commissioner Howard asked Mr. Maples if his opinion is to move forward. Mr. Maples explained that the City has no other option; EPD issued the permit last year and, they have mandated specific requirements regarding what the City must achieve. Staff needs the Commission's direction and approval to move forward to meet the October 2025 deadline. In reply to Commissioner Howard regarding funding of the project, Ms. Subadan recalled discussion at the retreat, in which funding options were presented. The City will apply for grants, but it cannot wait on them to move the project forward; the first project (eastside separation) is budgeted in the current year and is ready to move forward with engineering. It will be a combination of leveraging SPLOST, rates, GEFA loans, and grants; the Commission is being requested to adopt the program to move forward as the deadline is soon.

Mayor Pro Tem Fuller noted that the Booker Ave., portion is 77% of the 85% that must be complete by 2025 and asked if there is an estimate on the cost of that portion. Ken Stock, Asst. City Manager, advised that this portion is approximately \$13.0 million. Mayor Pro Tem Fuller asked a projected start date. Mr. Stock explained that basically, we have already started; however, he suggested that the timeline for engineering would be up to the first 12 months, with another 12 - 18 months per section to install. In reply to Mayor Pro Tem Fuller, Mr. Stock explained that Booker Ave., is broken into three phases and including engineering, he estimates it will be 36 months total. Mayor Pro Tem Fuller supported moving forward.

Commissioner Warbington commended the approach of Dr. Threadcraft and Mr. Marbury's report with an emphasis on prioritizing all aspects of the project, employing Green Infrastructure, and improving quality of life is a win-win.

Commissioner Langstaff asked to clarify that Constantine developed a ten-year CIP forecast at \$135.0 million, this proposal puts the City at \$103.0 million, Constantine also had a 30-CIP of \$315.0 million, with this plan, the 30-year CIP is not being addressed and, we are only dealing

with the 10-year now. Ms. Subadan stated that he is correct. Commissioner Langstaff expressed support, suggesting starting ASAP.

Mayor Dorough referred to page 33 of the report, noting that the \$135.0 million is annual rehab/replacement/sustainability and asked if this is maintenance. Dr. Threadcraft discussed the process/requirement of a system being maintenance, wastewater treatment system lifecycle, adding that routine maintenance is vital to the lifecycle. Mayor Dorough referred to pages 16, 17 regarding the discharge points that are identified; on page 31, as mentioned by Mayor Pro Tem Fuller, Booker Ave., accounts for over  $\frac{3}{4}$  of the City's discharge. Dr. Threadcraft agreed and explained the process/cost and overflows, with population density possibly a factor. He stated that Jeffery Hughes', Sewer Maintenance Engineer, chart was evaluated for the City to obtain the greatest return on investment. Mayor Dorough asked if the \$30.0 million saving is through taking no action on the treatment plant. Dr. Threadcraft agreed that there will be a savings of \$3.3 million by eliminating expansion of the treatment plant. Mayor Dorough mentioned the possibility of the plant having to be expanded or replaced between years ten – 30 and asked Mr. Maples if he is correct in saying that our present permit requires 70% capture rate. Mr. Maples replied negatively, explaining that the current permit has no percentage rule. In reply to Mayor Dorough, Mr. Hughes briefly discussed the City's compliance with the permit since January 1. Mayor Dorough asked if staff is requesting Commissioners to authorize their alternate plan/Constantine's plans with the modifications identified by staff. Ms. Subadan replied affirmatively, adding that it is important that the Commission adopts the plan and begin the financial and engineering portions. The E. Broad separation is a priority, with many challenges, but she believes 36 months is a fair assessment. Reiterating the importance of Commissioners adopting the plan, she reminded them that clock is ticking on complying with EPD's mandates. In response to Mayor Dorough, Mr. Maples stated that broad-based alternatives will be incorporated into the RFP, it will be made clear to consultants to make it a part of the plan, if possible.

#### EASTSIDE/WESTSIDE INTERCEPTOR UPDATE PRESENTATION

Mr. Maples stated that the Eastside/Westside Interceptor is a major component of the combined sewer system, with the project initiating in 2015 when Ms. Subadan came on board, adding that in asking the city's needs, the most concern and the overwhelming response she received was the East/Westside interceptors. He briefly discussed the factors/dangers manifested by a 63-year-old system. Using Power Point, he reviewed the presentation (copy on file).

Commissioner Warbington asked if other benefits have been noted since all the debris was removed i.e., areas that formerly flooded no longer flooding. Mr. Maples explained that since it was just finished in December, no opportunity to analyze data has presented itself. However, with the new flow monitoring and rain gauges required by the permit, they will review the one-month data to determine what, if any, changes may be needed.

In reply to Mayor Dorough regarding funding and/or a rate increase, Ms. Subadan advised that the calculations have not been made yet. She briefly discussed determining how much SPLOST can be leveraged, adding that some of the improvements will likely require a rate increase. She commented on funding set aside in SPLOST V and VI for this project with not enough accumulated

and the option of using TSPLOST and accumulations in future SPLOSTs to pay the debt service. In reply to Mayor Dorough, she advised that this project has been funded and paid for.

## **PUBLIC FUNCTION MATTERS**

### BROWNFIELD REVOLVING LOAN FUND UPDATE

Mr. Forgey discussed information (copy on file) regarding the City being awarded \$800,000 for the five-year program and, if progress is shown, the City can apply for additional funding this year. He mentioned the ways they intend to market Albany and hopefully draw the public's attention to develop here.

In reply to Commissioner Howard, Mr. Forgey stated that at this point, the City can apply every year for the funding.

Mayor Pro Tem Fuller asked if interest will be charged on the loans that are issued. Mr. Forgey advised that it is up to the Loan Review Committee and, it is required to charge a minimum of 0.5%, but the terms are flexible. He explained that the point of the loan is to ensure it benefits the developers, with terms being made as favorable as possible to make projects work.

Commissioner Warbington mentioned other environmental concerns (asbestos, lead-based paint, etc.) and asked if the City can apply as an applicant. Mr. Forgey stated that he believes so, however, he will confirm. Commissioner Warbington mentioned properties that could go through the Land Bank with Mr. Forgey explaining that if the DDA owns the property, it can certainly be an applicant, however he cautioned that a loan/grant cannot be made solely for cleaning up the property, a project must be produced directly from the property.

Mayor Dorough noted that Albany has three Superfund sites, asking how many Brownfields we have. Mr. Forgey stated that the number 27 comes to mind, but he will resend the information.

## **PUBLIC ADMINISTRATION AND FINANCE MATTERS**

### FY 2020 AUDIT RESULTS

Meredith Lipson, Mauldin & Jenkins, Auditing Partner, presented the results of the June 30, 2020 audit for the City of Albany (copy on file), including a brief biography of the firm, founded in 1918; its growth to a large, regional, Southeastern firm, with Albany among cities located in Georgia, as well as the States of Tennessee, S. Carolina, and Florida.

Commissioner Howard asked Finance Director Derrick Brown, if based on the detailed report by Ms. Lipson, is it fair to say that the City's finances are in good shape; Mr. Brown agreed, adding that as presented today, the City's sewer issue and how to fund it is a primary concern, but with respect to the City's overall financial picture, he sees nothing to raise concerns. Commissioner Howard asked the effect of COVID-19 on the City's budget in the future. Mr. Brown discussed

the budget process, which starts next week, advising that some of the expenses will not be recurring in the future and there is hope that the City will be reimbursed.

Mayor Dorough noted the discrepancies between expenditures/revenues of the Airport and Transit funds, asking if most of the difference is being made up by Federal funding. Ms. Subadan explained that normally, the City supplements both Transit and Airport. With CARES Act funding the City receives, some of the subsidization of both the Airport and Transit can be reduced. Not knowing how long it will last, both entities took a major hit to revenue and the hope is a recovery in 2021. Mayor Dorough asked how the Federal funding was reflected in the two graphs, the Airport and Transit funds; Ms. Subadan deferred to Mr. Brown and Ms. Lipson as some of the funding was received later in the fiscal year.

Referring to pages with bar charts (pgs. 172-176), Mr. Brown explained that the charts look at actual operating revenue; money the City generates through Transit fares or operating revenue, such as the Airport. He noted that the paragraph below the charts show how much the City received in Federal funding, which is not considered operating revenue. In reply to Mayor Dorough, Mr. Brown explained that the intergovernmental agreements for the general fund is separate and includes money received from the County, as well as through indirect allocations. Mayor Dorough asked where the CARES Act funding is reflected in the budget. Mr. Brown replied that it would be at the bottom; cautioning that while we did get some, we did not get a lot. He noted that at the bottom in Transit, the City is shown to have received intergovernmental revenue of \$6.9 million, which includes CARES Act funding and is separate from operations, adding that Transit operations must be subsidized by either Federal funding or transferring to the general fund; there is not enough in operational revenue to support the expense and being dependent on City/State/Federal funds will be recurring. Mayor Dorough noted the generation of revenue in the Utility Department and asked the discrepancy in Stormwater between 2017-2020. Ms. Subadan explained taking the expense of hurricane/storm cleanup from Stormwater funds. Regarding Telecom, after depreciation/transfers, it continues to struggle and to some degree, Solid Waste struggles due to buying a significant amount of equipment, which impacted depreciation. Mayor Dorough stated that he understands everything but, the Storm Water fund and asked if there was \$14.0 million in expenses in FY 19, compared to \$5.5 million in 2020, because of Hurricane Michael. Ms. Subadan agreed, adding that it was the straight-line winds/tornados in 2017 and Hurricane Michael in FY 2019; expenses were primarily accounted for in Stormwater funding, debris made it was easier to track.

### **CITY MANAGER UPDATE**

Ms. Subadan commended Mr. Brown and staff for the phenomenal job they do, adding that it is uncommon for the City to have such a clean audit opinion. She stated that she will be sending out her regular updates this afternoon which can be viewed on any device, advising that basketball will most likely restart mid-month (February 15) unless some unforeseen situation arises.

## **ITEMS FOR FUTURE AGENDA**

Commissioner Howard mentioned the CDC's advice that masks be worn on public transportation, and asked if the City will issue this information in a PSA. Ms. Subadan stated this is a federal law and signage will be updated at the Airport to advise the public that masks are mandated in federally controlled transportation facilities, including transfer stations.

Commissioner Warbington mentioned the AMI project and asked for an update.

Commissioner Young stated that he wanted to follow up regarding the closing of Harvey's Grocery Store on Radium Springs on February 12 and the reopening on the 24<sup>th</sup> as Food Lion and the need to be cognizant of the impact this will have on the citizens who shop there. He mentioned that the airports in Albany and Valdosta have always had a direct route to Atlanta and currently, Valdosta is proceeding with adding a new route. Albany has often discussed adding a second carrier offering more routes or seeing if the current carrier will offer more routes to other cities. Lastly, he referred to the opinion Mr. Davis rendered regarding his concerns about Commissioner Fletcher's comments on the election to the media. It has not been back on the agenda and he is unsure if Mr. Davis' opinion is where the matter will be left, adding that he wants to move toward a resolution/closure and clarify that his concern had nothing to do with Commissioner Fletcher's 1<sup>st</sup> Amendment right to free speech; rather the issue was accountability for her comments. While the 1<sup>st</sup> Amendment does protect a person's right to say what they think, it does not protect them from the consequences in the form of some sort of reprimand. He stated that his 1<sup>st</sup> Amendment right was put at risk, because he was trying to make his point on the floor but was interrupted and was prohibited from expressing his concerns, adding that the concern is shared by a large portion of our citizens. He asked to bring this matter forward as an agenda item for clarity, adding that the charter provides that concerns of citizens can be brought to the table by Commissioners, which was his intention and, he wants it formally on an agenda.

Mayor Dorough stated that as the City Attorney, Mr. Davis' opinion addressed the issue, which is whether this body has any authority to reprimand a member because of statements he/she may have made. He added that no one is trying to limit Commissioner Young's 1<sup>st</sup> Amendment rights; a press conference was held immediately after the meeting, which was appropriate. A Commissioner has the right to express his/her opposition to something another Commissioner said/did in a public forum. Commissioners are concerned about publicly reprimanding another Commissioner at the table, however, the matter has been discussed and this should be the end of it. There is no censure policy and, it would not be appropriate, even if the City had such a policy, adding that he feels it is not something that is appropriate to be on the agenda. Commissioner Young stated that he respectfully disagrees and discussed upholding the integrity of elections, which needs to be spoken to. We need a provision to hold ourselves/colleagues accountable for what they say/do.

Commissioner Langstaff stated that the public needs a presentation from David Hamilton, Transit Director, regarding the Airport and having a second carrier which has not worked. He mentioned Valdosta getting another one and it should be put on a future agenda for Mr. Hamilton to provide



an update. Mayor Dorough and Commissioner Langstaff suggested the presentation includes the history of Albany’s attempts at this.

EXECUTIVE SESSION

At 11:30 a.m., Commissioner Howard moved to go into Executive Session to discuss a personnel issue, pending litigation and real estate matters, seconded by Commissioner Warbington; the motion carried as follows:

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

At 1:14 p.m. Commissioner Howard moved to exit Executive Session, seconded by Commissioner Warbington, the motion carried as follows:

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

There being no further business, the meeting adjourned at 1:15 p.m.

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SISSY KELLY  
ASST. CITY CLERK