

MARCH 16, 2021
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100 (Virtual Meeting)

PRESENT: Mayor Bo Dorough
Mayor Pro Tem Matt Fuller (attended virtually)
City Commissioners: Jon Howard and Chad Warbington
City Attorney: C. Nathan Davis
(Virtual participants: BJ Fletcher, Bob Langstaff, Demetrius Young, and City Manager Sharon Subadan

Mayor Dorough called the (virtual) meeting to order at 8:37 a.m. and confirmed the attendance of those on the virtual conference call. He advised that there are two speakers signed up via Citizen Comment Form and recognized William Wright.

Mr. Wright mentioned the information that had been distributed (copy on file) stating that the issue he will be addressing is SWGA Air Service Development. He asserted that the School Board and City of Albany spent \$1.0 billion in a year and half and explained the economic principle of ‘equilibrium’. With the prices so high, anyone who claims that the City can increase air service has a misconception and urged the Commission to be realistic. He then reviewed the information.

Mayor Dorough recognized Henry Mathis.

Mr. Mathis stated that he is addressing Solid Waste Collection Services, contract service expansion, adding that most likely his being here today is in vain and suggested that there are four votes in place to make this happen. He questioned the Utility Board making the recommendation, their spending authority limit of \$200,000, and lacking the authority to make purchases and, asked why this matter was not brought to the Commission first. He briefly discussed: tracking devices to be installed on trucks, increasing the cost; the bid going to a company with no experience, the bid from the one with experience being only \$1.40 more, asked why Procurement recommended the vendor and, the \$300,000 balloon payment at the end of the year. He suggested that rather than awarding the contract now, let the company work until the end of the current contract, explaining that if they fail, the City loses its equipment and would have to reinvest. He mentioned the GMA Lease Pool, asking why it was not considered.

Commissioner Young asked Mr. Mathis if he recalls any time that garbage collection did not perform to a certain standard of the City’s when he was a Commissioner. Mr. Mathis recalled a subcontractor and the concerns about their experience, resulting in Transwaste coming onboard, adding that during his tenure, a contract of this magnitude was never awarded to a company with zero experience. Commissioner Young mentioned the City’s issues with trash collection, especially in his ward; however, the City’s solid waste department managed to offset the deficiencies of subcontractors. He expressed his concern of the public health/sanitation issue surrounding garbage collection and certain standards that are expected and agreed with Mr. Mathis that the City does not need to lose total control over garbage collection; government needs to be in control of it for the safety of its citizens. Additionally, the City needs to take into consideration the employees who will be impacted by this move (loss of pay/benefits, working conditions).

Mr. Mathis stated that city government is not in the business of making a profit; one of its primary functions is to provide services. On the other hand, private contractors are in business to make a profit and they *will* make a profit. Public Works’ employees have done an excellent job since the

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City has had that department. He mentioned seeing equipment lined up on Foster Road and wondered why invest in all this equipment if there are no potential opportunities for it. He asserted that conversations between the private contractor and someone on this body has taken place and that someone has been lining up the ducks to make this decision.

ZONING PUBLIC HEARING

Mayor Dorough opened the public hearing for the following:

1. Zoning Case #21-013 – Forest Park Subdivision, Inc./Owner; Piedmont Housing Group/Applicant; request to rezone property located at 3007 Old Dawson Road from R-3c to C-R.

Using Power Point (copy on file), Planning Director Paul Forgey, reviewed the zoning application and advised that the Planning Commission recommended approval with the condition that access is prohibited from Old Dawson Road.

Commissioner Howard asked the distance from Old Dawson Road to the retention/detention pond. Mr. Forgey stated that setbacks are 30', so it is at least 30' and the retention pond would be approximately 40', making it well set off Dawson Road. Commissioner Howard asked if driving down Old Dawson Road, the retention pond would be visible. Mr. Forgey stated that it is lower than the road, but it might possibly be visible, adding that if landscaped, it would be concealed.

Mayor Pro Tem Fuller stated that part of his question was also about landscaping on the southside of the retention. Mr. Forgey explained that there is no detailed site plan, but he imagines that they would landscape it to some degree.

Commissioner Warbington asked if a buffer is required between the pond and Old Dawson i.e., fencing, vegetative buffer. Mr. Forgey explained that if the slope is steep enough, a fence could be required, but he is unsure of the engineering details; however, there is no requirement of landscaping or a buffer. Commissioner Warbington asked if a buffer is being required between them and ARC. Mr. Forgey replied negatively and advised that it is residential/commercial with commercial usually being responsible for a buffer, adding that there may be a requirement, but it would not be on the apartment complex to provide. Commissioner Warbington noted that the map has something that appears to be sidewalk accessing Old Dawson. Mr. Forgey agreed, explaining that a lot of the seniors do not drive, and a sidewalk would provide easy access to places they may walk, adding that long-term plans are to improve Old Dawson Road and sidewalks may be planned.

Mayor Dorough recognized Bobby Donley.

Mr. Donley stated that he is with Lanier Engineering and is a C.E. for the developer. Regarding sidewalks, he advised that there will be a sidewalk connection back to the existing sidewalk in Phase I and II, adding that the project will have landscaping.

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Commissioner Howard question whether the State requires a retention pond at this type of development. Mr. Donley advised that the City’s stormwater ordinance requires a detention pond with water quality requirements as part of the development to mitigate runoff, adding that regarding a fence, they do not typically install them and that they try to keep slopes as flat as possible.

Commissioner Warbington noted the community garden, i.e., the amenities; Mr. Donley stated that in Phase II amenities are in a separate building; however, the amenities will be in the primary entryway of all other units.

Mayor Dorough also noted the detention pond being visible from Old Dawson Road, and suggested that a vegetative barrier might be more appealing, even if it is not required.

Mayor Dorough recognized Josh Thomasen.

Mr. Thomasen stated that they are open to making the development appealing and mentioned adding evergreens between Old Dawson and the detention pond. He advised that they developed Pointe North Senior Village, Phase I and II, which are completely filled; this will be the third phase, and no problems are anticipated to completely lease all units in this phase, adding that all three phases have different amenities. In this phase amenities include a business/computer center/fitness center along with a general all-purpose area.

In reply to Commissioner Howard, Mr. Thomasen advised that typically in a development, the sidewalk is brought out to the right-of-way, with sidewalks being installed from one side of the property to the other and eventually future development ties them all together.

In reply to Commissioner Warbington, Mr. Thomasen stated that there will be 80 units in the three-story building; 60 will be two-bedroom, one bath, and 20 one bedroom, one bath, with an age requirement of 55+.

Mayor Dorough reiterated the need for some type of barrier/buffer to conceal the pond.

SWGA AIR SERVICE DEVELOPMENT

Transit Director David Hamilton advised that this is for information only regarding a study that Sixel Consulting Group conducted in 2018. He recalled that Commissioner Langstaff had asked that he make a presentation on previous efforts to attract another air carrier to the airport; he reviewed the results of the study (copy on file).

Mayor Pro Tem Fuller asked if 2021 has seen an increase in flights. Mr. Hamilton advised that currently planes are at 60% capacity, approximately 30 passengers per flight.

Commissioner Langstaff referred to page four, noting that we did not apply for the grant. Mr. Hamilton agreed, explaining that American Airlines did not want to come into this area; therefore, a grant application was not submitted. Commissioner Langstaff reported that he is looking online, and Valdosta partnered with American Airlines to get service to Charlotte; as part of the grant

application, American submitted a letter of intent for the route. He suggested reopening the channel with American as they seem to be shopping around.

Commissioner Young asked the process in selecting routes and if any other airports in our region/size have routes other than Atlanta, with a focus on Valdosta. He recalled a news story regarding Valdosta's airport expanding their service to other areas besides Atlanta. Mr. Hamilton explained that typically airports do contact other airlines to look at other routes besides Atlanta and, when Sixel conducted the study in 2018, they recommended American Airlines. He advised that Delta does not fly into Albany; they have a connecting flight with Endeavor, adding that smaller jets typically fly routes within a 500-mile range. When soliciting other air carriers, they consider where their regional jets can fly to when determining routes. He stated that airlines solicit the carriers and look at the location of the airport in proximity to other preferred destinations by travelers.

Mayor Dorough referred to the second page of the presentation (passenger enplanement since 2010) and asked Mr. Hamilton to provide graphs/statistics on arrival/departures dating back to 1970. Mr. Hamilton stated he is unsure if there are records available going back that far, but it will be researched. Mayor Dorough stated that he does not agree with the catchment area methodology; he feels it would be safer to take a 45-mile circumference of Albany. Referring to the graph on page 3, he asked if it means that 74% of passengers taking flights from the catchment area flew out of Atlanta as opposed to Albany. Mr. Hamilton agreed, explaining that it is called 'leakage'.

PUBLIC SAFETY MATTER

ALCOHOL LICENSE APPLICATION(S)

Marshal Walter Norman, Business License Director, reviewed the following alcohol license application (copy on file) and advised that it meets the criteria for approval:

1. Jay Keshave Inc; d/b/d J & J Liquor Store: 2801 N. Slapppy Blvd; O. Moton/Agent; Liquor, Beer and Wine Package

Mayor Pro Tem Fuller asked if there are plans to renovate this building or demolish and build a new building. Marshal Norman said he does not know their intentions; however, there were conversations about utilizing the drive thru.

Commissioner Young asked Marshal Norman if he has data on the number of other alcohol outlets located in the general vicinity of this establishment and the proximity. Marshal Norman listed ten establishments with alcohol licenses with six-seven being within a range of 1500-2000', including restaurants with on-premises consumption. Commissioner Young noted that the City still does not have an ordinance/conditions in the approval process based on proximity when licenses are

considered. Marshal Norman explained the process, adding that it is not considered for package sales; that criteria is only considered for on-premise consumption.

In response to Mayor Dorough, Marshal Norman explained that when applying for a license, applicants pay a processing fee of \$50.00 and are required to pay the entire amount (processing fee and license application) with a cashier's check or money order; if the license is denied that portion of the fee is returned to the applicant. Mayor Dorough suggested that the processing fee and the license application be separate so that applicants clearly understand the cost.

Commissioner Young asked Marshal Norman to get with Mr. Forgey in the Planning Department so that GIS data can be used to create maps for his presentations.

ALCOHOL LICENSE APPLICATION(S) – Transfer of Ownership

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

1. Food Lion LLC; d/b/a Food Lion #2818; 2310 N. Slappey Blvd; R. Kruse/Agent; Beer and Wine Package

There were no questions/comments on this item.

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

2. Food Lion LLC; d/b/a Food Lion #2819; 1511 Radium Springs Road; R. Kruse/Agent; Beer and Wine Package

In reply to Commissioner Warbington, Marshal Norman stated that the agent must reside within Dougherty County.

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

3. SMP Vienna Inc.; d/b/a Slappey Smoke Shop; 211 N. Slappey Blvd; J. Breen/Agent; Beer and Wine Package

There were no comments/questions regarding this item.

Marshal Norman advised that as a convenience to the applicant, staff requests that the following application (copy on file) be postponed until next month.

4. Albany Convenience LLC; d/b/a Albany Convenience Store; 2400 Clark Avenue; S. Ahmad/Agent; Beer and Wine Package

PUBLIC ADMINISTRATION AND FINANCE MATTERS

PURCHASE(S)

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

1. Recreation Master Plan; Lose Design; Lawrenceville, GA
Total cost \$113,000.00

Commissioner Warbington asked the price in the proposal from Wood with Ms. Fields advising that it was \$84,000. Noting that it was \$30,000 less, Commissioner Warbington asked if the evaluators had the opinion that the quality of the two responses is worth \$30,000 more, noting that they had two more points. Ms. Fields agreed, explaining that the price is not the sole determining factor; it was the feeling that Lose brought a little more to the table than Wood, adding that no interviews were conducted due to having experience with both firms.

Mayor Dorough noted the importance of this undertaking, which will be discussed at the retreat this weekend and suggested that plans of this significance should have the Commission, or at least a committee, meet with the top proposers to conduct interviews. Despite being impressed with what Lose has done, there are less than two points separating the top two proposals, and it is his opinion that the City Commission should conduct interviews before the contract is awarded. He mentioned other recent purchases which had similar factors and said he prefers that the entire Commission participate, but if there is no interest, a committee will suffice. Polling the Commissioners, the response was: Commissioner Howard – yes; Mayor Pro Tem Fuller – no; Commissioner Fletcher – no; Commissioner Warbington – yes; Commissioner Langstaff – no; Commissioner Young – yes; Mayor – yes. Mayor Dorough asked to line up interviews for the top two proposers for the Downtown Master Plan and the Recreation Master Plan.

Commissioner Fletcher recalled Mr. Mathis' comments earlier this morning, 'I already know that there are four votes' followed by a comment that implied a Commissioner is on the inside directing matters. She suggested that Mr. Davis provide an opinion on whether the Commission should engage in this; we need to protect ourselves. Mayor Dorough countered that he does not feel we should be asking Mr. Davis something we should do, but if it is a matter of legality, he can agree to that. Mayor Dorough asked Mr. Davis if he sees an issue with Commissioners evaluating someone they will be hiring, with Mr. Davis advising that his office sees no issue on that. Based on Commissioner Warbington's comment, Mayor Dorough advised that the Commission will not be able to vote on the two Master Plans at Tuesday's monthly meeting.

Asst. City Manager Steven Carter asked if the Commission has a list of those they want to interview or do they want to interview all of them. Mayor Dorough explained that they will only interview the top two proposers.

SOLID WASTE COLLECTION SERVICES (CONTRACT SERVICE EXPANSION)

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Mayor Dorough advised that this item was previously discussed by the Utility Board and explained that the City provides sanitation collection east of Slappey Boulevard and since the 1990's, a private contractor has collected household garbage west of Slappey Boulevard. This is a proposal to contract with a private vendor for the service city-wide.

Asst. City Manager Ken Stock stated that this matter was discussed and recommended by the Utility Board at their February 25th meeting. Using PowerPoint (copy on file) he reviewed the information and advised that the GMA Lease Plan would have been higher and was not considered, as mentioned by a speaker earlier this morning.

Commissioner Howard noted that the vendor started service October 1, 2020, asking who suggested that within six months to contract with them on the eastside of Slappey. Mr. Stock stated that it was the recommendation of the Utility Board. In reply to Commissioner Howard regarding the timeframe of this recommendation, Mr. Stock explained that it came in December, when the equipment issue was brought forward. In reply to Commissioner Howard, Mr. Stock stated that regarding the lease pool, the financial analysis includes a 0% interest, with leasing not having a 0% option, most likely making leasing higher. However, if the Commission instructs them to look at that, they can. Commissioner Howard asked if this would create a morale/performance issue for senior employees who would have to adjust to a private contractor. Mr. Stock stated that was not a consideration; the only consideration was retaining the jobs of all employees.

Mayor Pro Tem Fuller asked for clarification on the net loss of -0- jobs; Mr. Stock agreed, adding that it was imperative that no current employee be impacted because of this decision. A discussion ensued regarding tracking chips on the cans to help locate them if they are stolen.

Commissioner Fletcher mentioned the benefit of the chips and briefly discussed an irate constituent of hers that declared that his trash was not being picked up. She and Public Works Director Stacey Rowe met with him; they showed him the chip's data and, he could not deny the facts. She mentioned this being her third week of Operation Clean Sweep, which has been an outstanding success. She suggested that any employee who stands to be reassigned could temporarily work with demolition crews in the cleanup.

In response to Commissioner Warbington, Mr. Stock explained that the technology was not a requirement when the project was bid but was a consideration of what staff was looking for. Commissioner Warbington reported that comparing calls/complaints/messages pre/post-Concrete Enterprises, it is almost zero now, which he attributes to the contractor and their technology. He suggested that Commissioners on the eastside should also benefit from the same services/technology. In reply to Commissioner Warbington, Mr. Stock stated that the \$1.0 million worth of equipment had been budgeted and discussed the toll the multiple storms had on grapple trucks. Additionally, the cost to maintain them has significantly increased and it is time to replace them. Commissioner Warbington stated that it was not inappropriate for the Utility Board to initiate discussion and make a recommendation to purchase new trucks; Mr. Stock agreed.

Commissioner Young discussed complaints regarding the previous contractor, City employees stepping up and providing excellent service that never faltered and computers not needed to alert

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someone that trash has not been picked up. He said he does not feel that the technology enhances the service; we just need trash to be picked up, with City employees having done this for several years. Referring to the agenda item, he stated that Commissioners are looking for objectivity and for the information to make an ‘apple to apple’ comparison.

Mayor Dorough stated that as the only member on the Utility Board to vote against this proposal, he had many reasons for doing so, despite Ms. Subadan’s discussion of benefits costing between 30-40% above each employee’s salary and the savings/efficiencies of a private contractor serving in this capacity. His concern is the impact on those employees who have made this their career, eliminating 17 full-time positions and the City facing the same situation when it contracted with Transwaste. He stated that there have been no complaints about the City’s service/employees on the eastside and he was surprised when this subject was broached by the Utility Board, but that is their prerogative, and it is only their recommendation. He discussed the City rejecting this opportunity last year, adding that he is not criticizing Concrete Enterprise, and he is pleased with the service they have delivered. However, he sees this as giving them a ‘no bid contract’ as the other vendors were not afforded the opportunity to make a proposal to serve the eastside of this community.

Commissioner Young agreed with Mayor Dorough that this is basically a ‘no bid’ contract; it should go out for bid and the issue of privatization needs further study/discussion. He reiterated that sanitation/garbage are health issues and as a municipality, it is something that should be under the City’s control, as well as having oversight over unsatisfactory performance. He also expressed concern regarding the impact this move will have on employees. He briefly discussed the Utility Department being an enterprise and the affect this will have on customers’ bills and asked if the savings of contracting with Concrete Enterprise will be passed on to them.

Ms. Fields referred to statements made by Mayor Dorough and advised that when the RFP was put out, it asked for pricing on the westside only and a price for the entire city, so it has been bid; this would not be the award of a ‘no bid contract’. Additionally, the lowest price submitted for everything came from Concrete Enterprises by \$2-3.00 per barrel over all the other proposers. Mayor Dorough asked to see the data, as that was not his understanding; he thought that another firm had agreed to do it cheaper throughout the entire city. Ms. Fields disagreed; Mayor Dorough said that if he is wrong, he stands corrected.

Commissioner Howard referred to the purchase of equipment, asking Ms. Fields if the City could have leased this equipment as we have in the past. Ms. Fields agreed that the City used the GMA Lease Pool in the past but had stopped using their services due to a financing issue. She said she cannot say if in the long-term it would save money to lease, but when leasing, there are rigid restrictions on use of the equipment; however, that would be a decision of the Commission. Commissioner Howard asked Mayor Dorough if he sees it being ironic that Concrete Enterprise being only two months into their contract and this recommendation coming from the Utility Board, as well as the one-year trial period not expiring before they take over the eastside. Mayor Dorough stated that Concrete Enterprise did not initiate that conversation; Board members had reservation about the \$2.0 million expenditure and staff members had discussed this in the past. As far as contracting with them for the eastside, he felt that the Commission had made the decision last year when rejecting extending service to the eastside of Slappeg, but yes, he was surprised. He

respectfully disagreed with Ms. Fields regarding this being a ‘no bid contract’ as this is basically a third option to provide service east of Slappey.

Commissioner Warbington mentioned the technology asking if bid out today, would it be a requirement. Mr. Stock stated that staff considers it necessary for more efficient operations and explained the additional cost to run trucks outside their normal route. Concrete Enterprise has been in operation six months, not two, and since then, missing cans have been returned; their technology is enviable. Public Works Director Stacey Rowe interjected that before contracting with them, he used to receive 3-15 calls daily; recently there has been only four issues that rose to the level of his involvement and three were handled immediately by the contractor. He stated that the eastside continues to have missing cans, which cost approximately \$50/each and having the technology to recover them is a big plus. He asserted that the calls/complaints from the westside have virtually stopped and agreed with Mr. Stock that the technology is a necessity. Commissioner Warbington noted that basically we are doubling Concrete Enterprises’ business and asked if there have been any red flags indicating that they are not yet ready to cover a larger area of the city. Mr. Stock replied negatively, adding that if that had been the case, it would have been included in their analysis. Commissioner Warbington asked the reason vacant positions have not been filled with Mr. Stock explaining that the vacant positions have been posted; the City struggles to fill positions, not just in this department, but in all the departments he manages, with approximately 100 vacancies among all of them.

Commissioner Young credited the service of the contractor, not their technology, being better than the last contractor, adding that his calls have also stopped from the area that the former contractor served. He commended Mr. Rowe and the employees in that department and continues to feel that the City should maintain its role in being able to offer jobs. He asked if the City continues as it has, will that affect the profits of the Utility Department. Mr. Stock explained that each enterprise fund must be looked at independently and it would have to be viewed only from Solid Waste. Purchasing the vehicles will dip into the profitability of the enterprise.

Mayor Dorough asked Mr. Stock to email Commissioners his presentation and suggested it being unwise for the City to relinquish service on the eastside, adding that as far as the technology, when the City replaces future equipment, that can be considered.

CITY MANAGER UPDATE

Ms. Subadan stated that her bi-weekly update will go out today to provide a status of projects. She mentioned the American Rescue Plan Act being a hot topic, and information has been sent in several emails. The sewer/CSO funding plan has been updated with a suggestion that the Commission consider allocating funding to that plan. She said there will be an update at the retreat this weekend and reminded the Commission that when spending federal funding we must follow guidelines regarding eligible expenses, cautioning that if federal funding is improperly spent, there will be an audit and the funds paid back. She advised that there will be a conditional item on next week’s regular agenda, which is an MOU for a joint City/County/Albany Tech agreement to provide career and technical education to military personnel who are transitioning. Albany Tech has 12 months to spend \$60,000 in grants, with there being an in-kind match and paid internships

available for those leaving the military. The Technical College received short notice of this; it was passed by the County yesterday and will be considered by Commissioners at next week’s regular meeting.

Commissioner Young asked the amount the City will receive from the new COVID stimulus package. Ms. Subadan advised that the American Rescue Plan outlines \$22.2 million for Albany and discussed details.

ITEMS FOR FUTURE AGENDA

Commissioner Young stated that at the second work session in April, there will be another presentation from the Food Fight Coalition regarding Albany’s food desert as there has been a study and updated information.

Mayor Dorough mentioned the \$34.0 million allocated to east Albany arising from the 2017 storms and, while this is a County project, the City needs a presentation on it so that he can provide accurate information when questioned by the public. He mentioned that at Chehaw’s meeting last night, the subject again arose of extending City sewer into the RV area/park and the cost.

OTHER BUSINESS

Mayor Dorough mentioned recent discussion regarding a summer work program and asked that staff look into it and bring information. During the budget process, he asked that consideration be given to assigning two City employees to the recycling centers rather than contract workers.

Commissioner Howard announced that he has a doctor’s appointment and is unable to attend the executive session.

EXECUTIVE SESSION (Real Estate Matters and pending litigation)

At 11:23 a.m. Commissioner Warbington moved to enter executive session to discuss real estate matters and pending litigation, seconded by Mayor Pro Tem Fuller, and following a roll call vote the motion carried as follows:

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

At 12:17 a.m. Commissioner Warbington moved to exit executive session, seconded by Mayor Dorough and, following a roll call vote the motion carried as follows:

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

Mayor Dorough advised that no votes were taken during executive session and, there being no further discussions, the meeting adjourned at 12:23 p.m.

SISSY KELLY
ASST. CITY CLERK