

APRIL 20, 2021
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 100 (Virtual Meeting)

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

Mayor Dorough called the (virtual) meeting to order at 8:31 a.m. and confirmed the attendance of those on the virtual conference call.

SPEAKER APPEARANCE

1. Derrell Scott discussed owning a home in Albany; even though he does not reside in Albany; he keeps his electric/water services turned on to maintain the security system and to prevent deterioration of the home. He discussed an ordinance which requires all single-family residential units to use the solid waste collection service of the City and stated that he does not have refuse as defined in the ordinance; he does not generate nor need to dispose of refuse at his Albany property. He explained that the ordinance does not state that customers with water/electricity services, would be charged this as part of the bill, adding that he is being charged for a service he does not want/use and has advised of this. He asked that the City consider that property owners with vacant properties, regardless of being a customer of other services, not be charged the residential garbage fee. If that is not possible, he asked that consideration be given to charge a base fee for vacant property, adding that the charge is a large portion of the bill.

In response to Commissioner Warbington, Mr. Scott stated that he may come to Albany once every two-three months to check on the property and stays no longer than a day and half.

Commissioner Young asked how he disposes of the yard debris; Mr. Scott explained that he obtains a permit and burns leaves, adding that the fee should not be applicable to him and others in the same situation. In response to Commissioner Young, he explained that he maintains the water and electricity to prevent the home from falling into disrepair, as well as needing power for his security system, adding that his plans are to rent the property or reside there on a permanent basis. Commissioner Young asked Mr. Davis if the intent of the ordinance is to look at solid waste as a collective service for the community and not based on usage: Mr. Davis agreed and explained that individuals would take their waste to the landfill. However, Federal regulations require being able to trace where garbage is being dumped; therefore, everyone is issued a garbage can and must pay for the service.

Mayor Dorough asked Mr. Davis to draft a short memo with background information on the change within the last year. He recalled a Utility Board member, and a City Commissioner, asking the City Manager if exemptions are possible. A realistic proposal is a base charge, as suggested by Mr. Scott, for demonstrated vacant homes.

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Commissioner Howard stated that a constituent in his ward has almost the same issue, except she lives in Albany, has vacant property and is being billed twice.

2. William Wright advised that his presentation addresses equal opportunities and what the law requires (copy on file) regarding DBE/Minority Procurement Office, etc.

Commissioner Howard reported that the issue was on the retreat's agenda and Mayor Dorough was authorized to write a letter to the School Board and Dougherty County Commission to suggest that in FY 2021/22 the three entities work together to establish a minority procurement office.

Commissioner Fletcher mentioned construction going on in Albany for the past few weeks and noting those doing the work. Referring to page 12, she mentioned that the stats show the percentage of local minority or women-owned companies being 34.7%, not 27%. Contacting Central Services Director Yvette Fields, she said she asked if minority firms are bidding on City projects and was told that they are however, they are from other areas. One of the largest, projects is the bus station, which was delayed based on a complaint he (Mr. Wright) submitted, with the City being found compliant. She also mentioned that the minority business office was discussed at the retreat and asked Mr. Wright if he gets a commission from minority-owned businesses that are awarded the contracts, she also asked the focus of that office for him/the community. In reply to Mr. Wright's question of clarification, Commissioner Fletcher asked how that office would help local minority business owners get to the table. Mr. Wright discussed the BBC study (eliminating all acronyms/labels and focus on economic disadvantage [someone with a personal net worth of \$750,000 or less and an average annual income of less than \$500,000 over a three-year period]) and compared the dollars retained in Albany when a local firm is awarded a contract as opposed to those outside our area. He countered that while Albany may have been cleared by the Georgia Department of Transportation, the Federal Department did not (Airport, multimodal/bus station). He continued to discuss the BBC study; roadblocks/intentional discrimination faced by minority businesses, etc. Commissioner Fletcher noted that, as Mr. Wright is aware, DBE's must be certified, with there being no local preference required when Federal funds are used, adding that her research has not identified any local minority-owned companies in this community which could bid on these contracts; she asked Mr. Wright to help her identify 34.7% of local, minority-owned businesses out of the 7,000 businesses in Albany. She stated that she will use resources available to her to ascertain why they have not been able to get to the table. Mr. Wright mentioned workshops he has conducted over the last two months throughout the city/county, adding that the DBE program requires certification. This, he explained, means that once certified, the individual is licensed to practice anywhere in the US with the certification. He discussed regulations that keep it local (market study); what the City does is not legal and GDOT cannot exonerate the City.

Commissioner Warbington asked Mr. Wright if he believes that Albany has successful businesses, both minority-/non-minority-owned businesses which chose to not do business with the City of Albany. Mr. Wright replied affirmatively. Commissioner Warbington stated that in Albany's economy, the City of Albany is a small sliver of the pie; there are other companies here in which a good wage/living can be earned. He mentioned a speed table on today's agenda; asking if he can get local, minority concrete companies to bid on that project. Mr. Wright stated that small

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businesses favor government contracts because they do not expect systemic discrimination with the government as that encountered with private companies. Commissioner Warbington asked if he would commit to helping obtain minority participation on the bid. Mr. Wright stated that more than lip-service is needed, and no one has given him a nickel to conduct the workshops.

Commissioner Young reiterated Commissioner Howard's comments regarding the City making moves to put things in place for the office. He recalled Commissioner Warbington's suggestion to break contracts into smaller projects to help facilitate more minority participation and discussed efforts to help minority businesses become qualified for the jobs they want, declaring that it is the City's responsibilities to do this. He stated that he is not casting shade on anyone's race, but that the 77% of black citizens pay the bulk of taxes in Albany.

Mayor Dorough corrected the statement by Commissioner Howard regarding the letter to reopen the DBE office and explained that the letter will be requesting participation in a disparity study. He asked that the BBC report be retrieved, and the entire report be submitted to Commissioners. Mr. Wright advised that the study is 300 pages, with 150 of it being BS. Mayor Dorough asked that the executive summary be submitted.

3. James Pratt stated that he will piggy-back on some of Mr. Wright's comments dealing with systemic and systematic racism in the City government. Using PowerPoint (copy on file) he discussed 'blackness' and the stigma created by the perception of those outside the black community.

Commissioner Warbington asked for a copy of Dr. Pratt's PowerPoint.

Commissioner Young stated that these are not easy conversations and may be the biggest part of the issue, especially in this day and time. He asked Dr. Pratt if he is doing a class on this. Dr. Pratt replied that he would be glad to, but he teaches research method at Albany State and mentioned an initiative to get a center here to provide better insight on culture and violence in this region. Commissioner Young expressed support adding that it is greatly needed.

Dr. Pratt stated that these type conversations/questions, with notable silence by white people on this Commission, is evidence of being complicit in maintaining systematic racism, adding that these conversations provide opportunities to ask critical questions, to delve into the issue and gain an understanding, in an effort to find solutions.

ZONING PUBLIC HEARING

Mayor Dorough opened the public hearing for the following:

1. Zoning Case # 21-015; Kathia Collins/Applicant/Refugio de Salvacion, Inc./Haven of Hope, Inc./Owner; request to rezone property located at 525 W. 5th Avenue from C-5 to C-R

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Using PowerPoint, Planning Director Paul Forgey reviewed the application (copy on file) and advised that the Planning Commission recommends approval.

In reply to Commissioner Howard regarding the last time the property was occupied, Mr. Forgey advised that records show it was used as housing for single mothers. Commissioner Howard asked if the number of residents would present problems. Mr. Forgey explained that the proposal now is to allow for the use and briefly discussed the criteria the State uses to decide the number of residents, adding that the applicant has applied for eight residents.

Mayor Pro Tem Fuller noted that the C-R designation is not consistent with the Future Land Map; Mr. Forgey agreed.

Commissioner Warbington asked if the rezoning is approved, the applicant will still have to get special approval; Mr. Forgey agreed, adding that it would go to the Planning Commission and then back to this Commission. Commissioner Warbington stated that it is confusing and mentioned that if approved for C-R, there is a potential the property could be used for another purpose. Mr. Forgey agreed, stating that if this is a concern, it could be restricted to the existing use as well as the proposed use. Commissioner Warbington cautioned having multiple possible uses. Mr. Forgey reiterated placing restrictions to eliminate this possibility.

Commissioner Young noted the slide, which stated that ‘staff did not identify any additional existing or changing conditions that support the approval or disapproval of the rezoning’ and asked for clarification. Mr. Forgey advised that in the review there was not much evidence to support approval or denial; therefore, Planning did not see any additional information to aid this Commission in making its decision.

Mayor Dorough advised that 17 have signed up to speak and that the consensus was to allow speakers five minutes.

In-person opposition: Brenda Battle; Scott Marcus; Stan Logue; Verdell Griffin; Stephen Brimberry

Call-in/remote opposition: Will Geer, Gloria Evans-Ford; Pat Guin; Julie Miller

In-person support: Nkiruka Alex; Tracy Coleman, Kathia Collins (applicant; discussed establishment/mission of Haven of Hope).

Mayor Dorough noted that Daniel Smith and Arthur Medrano had signed-up but elected not to speak.

Mayor Dorough recognized Dr. Pratt, who stated that he is neither supports nor opposes the rezoning, he wants to provide information to help Commissioners make a wise decision.

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Using PowerPoint (copy on file), Mr. Forgey reviewed the following rezoning application; advising that the Planning Commission recommends approval:

2. Zoning Case #21-016; ARMJ Investments, LLC/Owner/Applicant; requests to rezone property located at 223 Philema Rd. from C-7c to C-5

Commissioner Warbington asked the reason for going from a C-7 to C-5, and whether apartments are allowed under a C-7. Mr. Forgey explained that C-7 is a Mixed-Use District, requiring commercial and residential, a mix of the two, with there being no commercial to this application. Regarding a sidewalk on Philema Rd Mr. Forgey advised that it is a requirement.

Mayor Dorough noted that this will be apartments and asked if it will be part of Marsh Landing or is it a separate complex owned by a different owner. Mr. Forgey stated that it will be separate, adding that he is unaware of an agreement or any ownership overlap; they will share parking and, an assessment agreement will be needed.

Mayor Dorough announced that no one signed-up to speak on this application. He asked Mr. Carter to provide a presentation on the background and history of Liberty House property on Pine, as well as the St. Nicholas Hotel on Washington Street, which was a transitional center for several years, with the Department of Justice moving all the inmates out in the past year or so. Mr. Carter stated that the research on Liberty House is almost complete and will be brought in May; research on the St. Nicholas Hotel will begin immediately.

TRAVEL

Commissioner Howard moved to approve the following, seconded by Mayor Pro Tem Fuller and, following a roll call vote the motion unanimously carried.

1. Commissioner C. Warbington; Albany/Dougherty Day at Capitol; Atlanta, GA; Feb. 23-24, 2021; \$485.83

Commissioner Howard moved to approve the following, seconded by Commissioner Young and, following a roll call vote the motion unanimously carried.

2. Sonja Tolbert, City Clerk; IIMC Annual Conference; Grand Rapids, MI; May 8-13, 2021; \$1,759.4

At this time (11:30 a.m.) Mayor Dorough called for a ten-minute recess.

PUBLIC SAFETY MATTERS

ALCOHOL LICENSE APPLICATION

Marshal Walter Norman, Business License Director/Interim Code Enforcement Director reviewed information on the following (copy on file) advising that it meets criteria for approval.

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

In response to Commissioner Young, Marshal Norman advised that this is an existing building on the corner of Mock and Clark, adding that it is not a transfer; the agreement between the prior and new owner was cancelled, making this a new application. He explained that the State removed the alcohol from the location and the City rescinded the license of the last owner. He explained that the two entered into an agreement in October; however, there was a lag with the new owner; three weeks ago, the previous owner stated that he was removing the alcohol license there and notified the State as well as his (Marshal Norman) office, and the license for both were rescinded.

In response to Mayor Dorough, Marshal Norman explained that the previous owner was unwilling to allow the new owner to operate under his license and surrendered it.

PUBLIC WORKS MATTERS

2300 BLOCK OF E. DOUBLEGATE DRIVE SPEED TABLES

Engineering Director Bruce Maples discussed information (copy on file) regarding the speed study, which met the criteria for speed tables, adding that East Doublegate Drive is a collector street. He mentioned the policy for Traffic Calming Measure being amended in November last year, allowing the City Commission to determine whether to install traffic calming measures on a collector street. However, he advised that word came this morning of the price increase for concrete causing a need to revise the cost of the three speed tables from \$18,300.00 to approximately \$21,000.

Commissioner Warbington referred to his discussion this morning, with this being a project for smaller concrete businesses.

Commissioner Young asked if the installation of these speed tables will follow the new guidelines or was it under the previous system. Mr. Maples explained that it is under the new Traffic Calming policy, which allows a majority of Commissioners the discretion to determine if they want to install the speed tables along collector streets. In response to Commissioner Young, Mr. Maples stated that four other tables were approved under the new policy.

PUBLIC FUNCTION MATTERS

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CITY INITIATED ZONING REQUEST

Mayor Dorough deferred to Commissioner Fletcher regarding this request regarding property at 1004 Newton Rd.

Commissioner Fletcher explained that Mariam Jones, has had this property since 2006 and purchased it from the City last year, adding that Ms. Jones wants to rehab/restore the property and open it back up. When she bought it, she was not advised that if a piece of property is closed for a year it loses its rezoning. She stated that Ms. Jones contacted her to see if it can be rezoned and rehabbed to sale or open a business herself.

Mr. Forgey reported that tax records show that Ms. Jones and/or her family has owned the property since 1986, adding that when searching Occupational Sales Tax history, there was no business license to show that it had been operated as a business at least since 2005. As Commissioner Fletcher noted, if a building is used for a purpose that is not compliant with the zoning, but has been that way historically, it can continue the non-conforming use, unless it goes out of business a year or more, which is the case with this property. It is zoned residentially with a commercial building that was constructed in the '40's; when zoning was implemented in the 70's, it was residentially zoned. There is nothing in the records to indicate if this was a mistake or the City, at that time, intentionally wanted the area to be residential in character rather than commercial. It cannot be used as a business unless it is rezoned.

Commissioner Warbington briefly discussed Ms. Jones' family owning and operating a business at that location since the 1940's. Even though residentially zoned, the building is not suitable to be inhabited; it may have a restroom, but no kitchen or shower to even qualify as a residential building, correct. Mr. Forgey said that without going inside he could not say, but he is correct, it would need extensive work to be occupied in any fashion. Commissioner Warbington reasoned that when zoning was implemented in 1972, being a new function for the City, some things may not have been fully thought through and issues created that would eventually need to be rectified.

Commissioner Young stated that he is familiar with this property as he lived two blocks from that location; it was Jackson's Chicken Box and is a well-known, legitimate business/building. He mentioned other businesses there, asking how the rezoning reverted to residential. Mr. Forgey stated that Planning's records show that since the City initiated zoning, it has been residential. It is somewhat spotty, but it is the last residential zoning moving south, with everything south of it zoned commercial. There is no way to know what the City's intentions were at that time.

Mayor Dorough noted that it obviously not a residence and is on a collector street; this proposal seems appropriate.

COMMUNITY AND ECONOMIC DEVELOPMENT MATTERS

CDBG FUNDING

Interim Director Phyllis Brown reviewed the information (copy on file) and discussed the \$100,000 made available in the City’s 2021-2022 Action Plan for CDBG Public Service Grants. She advised that four agencies (Liberty House, Dougherty County Family Literacy, Albany Housing Authority and Albany Area YMCA) each received \$25,000, advising that Community & Economic Development recommends approval of the Community Development Council recommendations for the FY 2022 grant award.

In reply to Commissioner Howard, Ms. Brown advised that her department keeps a close eye on the number of times that an agency has been granted an award and none have exceeded the five-year limit.

In reply to Mayor Dorough, Ms. Brown advised that the maximum amount for which an applicant may apply is \$25,000.

PUBLIC ADMINISTRATION AND FINANCE MATTERS

PURCHASES

Central Services Director Yvette Fields reviewed information on the following (copy on file); advising the Fleet Director Peter Bednar recommends the gas option:

1. Replacement trucks; Sunbelt Ford; Albany, GA
Expenditure (gas option) \$410,712.00
Expenditure (hybrid option) \$501,141.00

Mr. Bednar advised that they compared what the City normally uses, standard pickup, and the hybrid pickup, stating that the hybrid pickup is not a fleet style pickup and discussed the differences and pros/cons.

Commissioner Warbington recalled choosing the hybrid option the last time vehicles were purchased and a brief discussion followed on the difference in four-door sedans versus work trucks when opting for a hybrid with Mr. Bednar explaining the use, idle-time, and cost difference as factors when considered, adding that the maintenance cost is a major concern.

Mayor Dorough conceded that the hybrid option is not the best choice in this purchase; however, his concern is the number of ante litem notices the City receives monthly regarding employees involved in accidents, with at least two individuals sustaining serious injuries caused by a City employee. Regarding horsepower, excessive speeding, etc., and asked Mr. Mr. Bedner to explain the drawback of the V6. Mr. Bedner explained that the torque is the major factor rather than horsepower. Mayor Dorough questioned the need of V8 engines in City trucks. Mr. Bednar

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advised that standardization helps cut costs and discussed the added cost when replacing parts. Mayor Dorough asked why the City's standard vehicle could not be a smaller V6. Mr. Bednar explained that a heavy workload on a V6 as opposed to a V8 creates engine issues.

Ms. Fields reviewed information on the following (copy on file):

2. Utility Tractors; Flint Equipment Co.; Albany, GA
Expenditure \$226,891.44

There were no comments/questions regarding this item.

Ms. Fields reviewed information on the following (copy on file):

3. Trucks for Utilities; Sunbelt Ford, Albany, GA
Expenditure \$256,804.00

There were no comments/questions regarding this item.

Ms. Fields reviewed information on the following (copy on file):

4. Professional Services (Driskell Park) Lose Design, Lawrenceville, GA
Est. fee \$192,500.00

Commissioner Warbington asked if they can provide other services, i.e., construction bid/management. Ms. Fields agreed, adding that with pricing being provided for particular services, the City has capable staff to perform those duties (the bid, construction management, engineering).

Mayor Dorough noted that the estimated fee is a percentage of the projected construction cost and can fluctuate up or down; Ms. Fields agreed and, in reply to Mayor Dorough, she advised that the City did not get a 'maximum not to exceed' but can if so desired. Mayor Dorough asked that this be included in the cost, as well as having the architect involved during construction. If they are not involved on Task 6, he asked that they be involved on Task 7 and 8; Ms. Fields agreed to this and to request a 'maximum not to exceed'.

5307 AND 5339 ANNUAL TRANSPORTATION GRANT AWARD

Transportation Director David Hamilton reviewed information (copy on file) and explained the grants.

Mayor Dorough mentioned the Diesel Emissions Reduction Act, with there being FTA grants and questioned if this can be used to purchase electric buses and/or whether it has been researched. Mr. Hamilton stated that he is aware of what Mayor Dorough is talking about and briefly commented on the CNG (Compressed Natural Gas) stations that have been purchased, adding

that there have been conversations with the Georgia Department of Transportation about electric buses and it is on the radar. Mayor Dorough asked if the City can use these funds to purchase an electric bus to start transitioning even though the City committed to the CNG. Mr. Hamilton agreed that this is worthwhile researching. Mayor Dorough noted that Gillig's buses have the lowest emissions and asked to look at those; Mr. Hamilton advised that that is the make of buses the City uses.

CITY MANAGER'S UPDATE

Mr. Carter advised that notice of a grant award was received from the Georgia Department of Community Affairs for a Community Development Block Grant for disaster recovery in the amount of \$855,000 and does not require a match. He briefly discussed the purpose of the grant (community-wide property assessment and establishing a resiliency plan) and the short notice and pending deadline. The request is that Commissioners consider discussing today and adding it to the April 27 meeting for approval. Mayor Dorough advised that he was going to ask for a special called meeting next Tuesday at 5:00 pm to discuss the City Manager search process and asked to put this on as well so that background information can be provided. Mr. Carter mentioned the number of questions/concerns from customers about the delay in utility bills, even though it was announced in every available means to the public. Adding that no one will be assessed any fees/disconnect due to the City's delay and that all customers waiting on invoices can expect them to arrive within the next seven-ten business days, explaining that the new billing system caused the delay due to having to scrutinize every bill to ensure accuracy.

Commissioner Warbington stated that the new billing is one of his top concerns based on the number of calls/emails, even receiving two texts during this meeting. Despite the hard work on this project it might be a good idea to evaluate how this could have been done differently; he worries that, the confidence level of citizens will suffer when change is not as smooth as anticipated and, budget billing is a top complaint. If converting to the new system had been in phases (5,000 customers a month) there would have been a smoother transition. Mr. Carter stated that they will always do an after-action report to ascertain pros/cons and make changes accordingly. He is aware of the budget billing issue, advising that they reached out to all customers on budget billing prior to the change prior to alert them to what was happening. Rather than rushing through, they are doing things slower to ensure that statements are accurate.

Commissioner Young agreed with Commissioner Warbington regarding the calls/emails and he, too, hopes that it is resolved soon.

Mayor Dorough advised that he received a call from Judge Weaver yesterday regarding the water damages caused by the leak at the Courthouse, and urged the City Commission consider authorizing Municipal Court to be held at another location during the next six weeks to prevent adding to the backlogs and asked Mr. Carter to identify alternate locations. Mr. Carter reported that they have looked at locations and will provide a list to Judge Weaver and then bring it to Commissioners. Mayor Dorough asked if an assessment for the cost to rehabilitate Carver Gym has been started? Mr. Carter replied affirmatively, adding that all gyms are open except for Bill

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Miller and Carver; he will provide an update soon. Mayor Dorough mentioned that Commissioner Warbington had asked about moving forward with the City Manager selection process; he proposed a special called meeting at 5:00 pm Tuesday for discussion, to include Ms. Fields on firms that submitted proposals, and have another special called meeting the following Tuesday at 8:30 am to select one of the firms. No objections were voiced on the recommendation.

OTHER BUSINESS/ITEMS FOR FUTURE AGENDAS

Commissioner Howard mentioned that work is underway on the 5th floor and with the anticipated verdict in the George Floyd case, he asked APD to make periodic stops in this building. Chief Michael Persley stated that he will discuss this with the Sheriff.

Commissioner Young asked that Mr. Carter report on the status of the Bill Miller Gym.

Mayor Dorough recalled Code changes he had requested; Mr. Davis stated that the first reading will be at the next meeting.

There being no further business, the meeting adjourned at 12:37 pm.

SISSY KELLY
ASST. CITY CLERK