

MARCH 23, 2021

REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF ALBANY,
GEORGIA
GOVT. CENTER – RM 100

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

Mayor Dorough called the meeting to order at 6:02 p.m., and the invocation that was given by Pastor Gary Sanders, Sr., First Mount Olive Missionary Baptist Church, was followed by the pledge of allegiance.

Commissioner Howard moved to approve the minutes of the previous meeting, seconded by Commissioner Fletcher and, following a roll call vote, the motion unanimously carried.

REPORT OF THE COMMITTEE OF THE WHOLE

Mayor Dorough recognized former City Commissioner Henry Mathis to give comments regarding the solid waste resolution that is on the agenda for vote.

Mr. Mathis spoke in opposition of the proposed resolution, adding that there is a new law that states cities with less than 100K population are no longer considered metropolitan cities, with Albany being designated as a small town/city. He stated that his comments pertain to the bid that was awarded last year for a one-year contract, plus a \$300,000 balloon payment to Concrete Enterprises for trash pickup for the west side of town and now, the City wants to give the entire contract to them for all of the city. He suggested that there are concerns with Concrete Enterprise, i.e., city workers being let go and not being able to keep their retirement/benefits even though they were told that they will be absorbed into other departments. He added that if there are four votes to give the contract to Concrete Enterprises, he will applaud, cautioning that the political environment will change eventually.

Commissioner Howard asked Mr. Mathis whether he voted for the contract originally when he came on as a City Commissioner. Mr. Mathis stated that he came on in the late 1980's and that he felt he did not vote for it at that time.

Commissioner Young questioned the awarding of contracts and expressed concern of City services being outsourced, especially as quickly as this occurred without discussion. Mr. Mathis stated that he served with three Mayors and no department was outsourced during that time; there was an open process for bidding and the process was not rushed. He reiterated that the political landscape will be changing in the future. Commissioner Young asked Mr. Mathis if he had spoken with city residents regarding the new technology and/or whether they felt left out. Mr. Mathis stated that he has spoken with citizens in north, east, south, and west Albany and citizens are satisfied with employees picking up their trash.

Commissioner Howard asked Mayor Dorough to explain details of how this item came about for the record so that citizens will have a detailed knowledge of this contract.

ALCOHOL LICENSE APPLICATIONS

Marshal Walter Norman, Business License Director, briefly reviewed information on the following Alcohol License Application, which meets criteria for approval:

1. Jay Keshav Inc., d/b/a J&J Liquor Store; 2801 N. Slappey Blvd; O. Moton/Agent; Liquor, beer and wine package

In reply to Commissioner Howard, Marshal Norman clarified the location which is on N. Slappy where the old Renasant Bank used to be.

Commissioner Young commented on the number of alcohol establishments in the area which includes convenience stores and restaurants as well as excessive trash, etc., which contributes to

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blight. He suggested that the Commission has a responsibility when planning what is put in the city to prevent blighted areas having a liquor store/outlet on every corner. We must consider the research that shows the density of alcohol outlets in areas contributes to crime, violence, and an unsightly appearance.

Commissioner Fletcher moved to approve the application, seconded by Commissioner Warbington and, following a roll call vote, the motion carried 5-2 with Commissioners Howard and Young voting no.

Marshal Norman briefly reviewed information on the following Alcohol License Application Transfer of Ownership, which meets criteria for approval:

2. Food Lion, LLC; d/b/a Food Lion #2818; 2310 N. Slappey Blvd; R. Kruse/Agent; Beer and wine package

Commissioner Howard questioned why this is not considered a new license with Marshal Norman explaining the process of the prior tenant's submission of the license through December 31, 2021. Commissioner Young clarified the transfer process, adding that the license was renewed by the prior owner, etc.

Commissioner Warbington moved to approve the application, seconded by Commissioner Fletcher and, following a roll call vote, the motion carried 6-1- with Commissioner Howard voting no.

Marshal Norman briefly reviewed information on the following Alcohol License Application Transfer of Ownership, which meets criteria for approval:

3. Food Lion, LLC; d/b/a Food Lion #2819; 1511 Radium Springs Rd; R. Kruse/Agent; Beer and wine package

In reply to Mayor Dorough regarding the prior location being closed for a while, Marshal Norman explained that both stores were closed for renovations.

Commissioner Warbington moved to approve the application, seconded by Commissioner Fletcher and, following a roll call vote, the motion carried 6-1- with Commissioner Howard voting no.

Marshal Norman briefly reviewed information on the following Alcohol License Application Transfer of Ownership, which meets criteria for approval:

4. SMP Vienna Inc., d/b/a Slappey Smoke Shop; 2211 N. Slappey Blvd., J. Breen/Agent; Beer and wine package

Commissioner Howard recommended that in the future, due to concerns some Commissioners have, that the police and zoning departments be involved in discussions regarding the approval of alcohol licenses in neighborhoods.

Commissioner Warbington moved to approve the application, seconded by Commissioner Fletcher and, following a roll call vote, the motion carried 6-1 with Commissioner Howard voting no.

ORDINANCES

Mayor Dorough advised that he is abstaining from discussion/vote due to a conflict of interest and asked Mayor Pro Tem Fuller to conduct this portion of the meeting.

Planning Director Paul Forgey briefly discussed information regarding Zoning Case #21-013 and a brief discussion followed. He answered questions regarding the number of ft. from Dawson Road to the sidewalk, DARTS/road widening, vehicular access, age limit of residents (55+) and the Planning Commission vote.

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Commissioner Warbington introduced:

AN ORDINANCE NO. 21-109

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 3700 Old Dawson Rd., from R-3c to C-R (**conditional**)

Commissioner Warbington stated that his motion will include approving the conditions as listed. He then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Fletcher, and following a roll call vote the motion carried 6-0-1 with Mayor Dorough abstaining.

RESOLUTIONS

Barry Brooks, Asst. to the City Manager, discussed information (copy on file) regarding the following resolution and advised that Albany Technical College asked for a revised MOU between the College, the City of Albany and Dougherty County for the internship stipends in the amount of \$15,000 each for qualifying students (military members/spouses) who are transitioning out of the military.

Commissioner Howard moved to adopt the following resolution, seconded by Commissioner Fletcher, and following a roll call vote, the motion unanimously carried.

A RESOLUTION NO. 21-R119

Authorizing a Memorandum of Understanding between the City of Albany, Albany Technical College and Dougherty County regarding participation in the Defense Community Economic Development Fund Program

Tommy Gregors, Executive Director of the Parks at Chehaw, briefly discussed the following resolution and asked for approval.

Commissioner Howard moved to adopt the following resolution, seconded by Commissioner Fletcher, and following a roll call vote, the motion unanimously carried.

A RESOLUTION NO. 21-R119

Authorizing a new One Year Management Agreement regarding the Parks at Chehaw between the City of Albany, Georgia, the Albany Convention & Visitors Bureau and the Chehaw Park Authority

Mayor Dorough briefly discussed the history of the following resolution, including the original agenda item which proposed to buy a grapple truck and other equipment needed by the Solid Waste Division, with the cost being slightly less than \$2.8 million. The Utility Board was satisfied with Concrete Enterprise and recommended, rather than purchasing trucks, to contract with Concrete Enterprises to collect trash on the eastside of Albany, resulting in them collecting solid waste for the entire city.

Commissioner Howard asked the Utility Board vote; Mayor Dorough replied that it was 3-1-1.

Commissioner Fletcher moved to adopt the resolution, seconded by Mayor Pro Tem Fuller.

A RESOLUTION NO. 21-R120

Amending Resolution 20-R150 to expand the contract service area for residential solid waste;
Authorizing the City Manager to execute such contract with Concrete Enterprises, LLC

Commissioner Howard questioned why this item originated with the Utility Board and stated that in good faith and conscience, he will vote no, adding that public works has picked up trash for over fifty years and should continue to do so. He disagrees with outsourcing and losing control when there are concerns, suggesting that this is not a step in the right direction.

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Mayor Pro Tem Fuller stated that in good faith and good conscience he will be voting ‘yes’.

Commissioner Fletcher agreed with Commission Howard regarding the \$2.8 million not being a factor and stated that she spoke with Finance Director Derrick Brown to ascertain the financial impact of this decision and whether the City made or lost money. Mr. Brown replied that last year we lost \$496,000 in Solid Waste. Commissioner Fletcher mentioned discussions regarding employees losing their jobs/benefits, and asked Ken Stock, Asst. City Manager, how many employees will lose anything if this contract is awarded. Mr. Stock stated that he met with Public Works and Solid Waste employees last week and assured them that there will be zero layoffs/terminations and, no one will lose any of their salary/seniority/benefits. He explained that of the 17 positions, nine are already vacant, meaning eight employees will be reassigned, adding that there are 42 vacancies in Public Works alone. Commissioner Fletcher asked Mr. Brown if there is a possibility that the City could make revenue from this contract, rather than losing \$0.5 million a year. Mr. Brown explained that he and staff pulled the numbers for Mr. Stock’s presentation and the expectation is that it will be profitable for the City. Commissioner Fletcher discussed Federal grants in which the City must have reserves funds to qualify for grants, etc.

Commissioner Warbington stated that he has heard the term ‘illegal’ over the past few weeks and asked for additional information on the purchasing aspect of what the City is doing, how it was bid last year and how we are moving forward in extending the service. Mr. Stock advised that the original RFP was put out with both scenarios (1) half the city, (2) the entire city with it affecting only residential collection; the City will retain/operate the commercial portion. He stated that the City elected to go with half (west of Slappey Blvd.); however, due to excessive retirements and the vehicle issues, the Utility Board recommended that it be brought to the Commission. Commissioner Warbington asked the next time that this will again be bid. Mr. Stock explained that overall, the contract is for five years. Commissioner Warbington asked if it is renewable every year, up to five years before it is rebid; Mr. Stock agreed and, in reply to Commissioner Warbington, he advised that with appropriate notice, at the one-year mark, the City can decide not to renew, with the contract being effective October 1, 2020.

Commissioner Young noted that it is not the full division of Public Works being outsourced, expressing concern regarding the process. He stated that his vote is based on staff’s recommendation, adding that his understanding is that the City was giving a new contractor a shot at what the old contractor had; there was no information that indicated to him that the bid also included bidding on the entire city.

Mayor Dorough stated that Concrete Enterprises has done an excellent job and hopes they are the exception, explaining that poor performance does not occur on the front-end of the contract, but rather the last year or two, adding that he opposes this. He explained his concern for City employees (benefits, a pension, etc.) and agreed with Mr. Stock that employees can be reassigned; however, we are eliminating 17 positions from the City workforce. He commented on the attacks about decisions being made with insidious motivations and said he feels there is nothing sinister going on here and mentioned the contractor realizing savings regarding personnel costs; adding that the technology would not be cost prohibitive for the City to add it to our equipment. He suggested letting the contract run its course and then look at it. Regarding discussion that if the contract proves unsatisfactory, the City can get back into garbage service, he explained why that is not realistic. In the last few months of the contact with the previous vendor, the City had to repeatedly call on Public Works to collect in areas the private contractor covered, as they were not performing. He stated that he does not support this action.

Commissioner Warbington stated that there have been allegations that what the City is doing is illegal and asked Yvette Fields, Central Services Director, to explain why that is not the case. Ms. Fields explained that when the RFP was put out both, pricing for the westside only and for the entire city, were solicited, which was also done the last two times the City put out an RFP. She stated that it is not unusual and gives the Commission options to consider, adding that if the Commission decided to award a contract for the eastside to another contractor, *that* would have required another bid because it was separate from the RFP that had been put out. When presenting the information for Concrete Enterprises, all pricing from the entire RFP was discussed and, the accepted proposal gave Concrete Enterprise a trial period at the same price as the current contractor. It is not an illegal purchase and she would not bring an illegal purchase. Commissioner Warbington referenced the

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balloon payment, which is basically the City holding back some money since it was the first year of the contract; is it a bonus or extra payment or their actual bid from the beginning. Ms. Fields agreed, explaining that it makes them whole, as the trial period has them doing the work for approximately \$3.00/per barrel less than the bid amount they submitted. The balloon payment only came into play if the City renewed their contract; she explained that if not renewed, the City could have gone with the next bidder or put out another RFP.

Commissioner Howard referred to the Utility Board meeting in 2020 and the loss of \$496,000 was discussed before the Utility Board vote. Mayor Dorough stated that the minutes discussed a cost to the City, which was the primary consideration. Commissioner Howard asked Mr. Davis if the contract that was approved last year was a year trial basis and if approved tonight, how would it be put into the contract if renewed next year. Mr. Davis agreed that the original contract was a year trial basis and there would be nothing to add; if there is reason to terminate on/before the anniversary date then it would be over. However, if nothing happens by the anniversary date, the four years are renewed. Ms. Fields advised that if the vote is to extend this for the entire city, it would be renewed in June to begin on July 1. If it stays as it is, with no changes, the original contract would renew in October. If the decision is to award them the entire city, the balloon payment goes down to nine months instead of 12 months and the contract for the entire city begins July 1. In reply to Commissioner Howard, she advised that if the contract is renewed, Concrete Enterprises will go up to the price in their bid, which is still lower than the other two bidders, going to \$26.48/per household.

Commissioner Fletcher referred to Mayor Dorough's comments regarding the City losing 17 jobs; the 42 vacancies, the 17 being reassigned, reducing vacancies to 25 with no one losing their benefits/pay. Mr. Stock advised that of the 17, nine are already vacant, with eight employees being reassigned, adding that he is currently struggling to fill 93 vacancies within the departments under his management.

Mayor Dorough countered that he did not say 17 people would lose their job, but rather that 17 positions will be eliminated. In reply to Mayor Dorough, Stacey Rowe, Public Works Director, advised that there are 160 positions in his department, with 42 vacancies and, of all the positions, 90% hold CDL licenses.

Commissioner Young asked Ms. Fields if Commissioners were given a choice to award the full contract or as he remembers awarding the same contractor as the previous vendor. Ms. Fields explained that the recommendation was made to award as a trial period; however, all the pricings were provided with the history, including information for all the other bidders. Commissioner Young stated that when it was on the agenda and presented to the Commission, consideration was for the contract for the westside and not for the entire city; Ms. Field agreed that was the recommendation. Commissioner Young reiterated that when given a choice, he bases his decision on staff's recommendation. He mentioned the \$0.50 million that the City will stop losing with the contract and asked if the savings will be seen by the ratepayers. Mr. Stock explained that it will go into the fund and it will be the decision of the Commission and Utility Board regarding what is done with the savings. Commissioner Young stated that the citizens should know that there is a great amount of savings anticipated and a benefit from it as well.

Hearing no further comments and, following a roll call vote the motion carried 4-3 with Mayor Dorough and Commissioners Howard and Young voting no.

OTHER BUSINESS

Mayor Dorough discussed information at the retreat and his request to add the following items to the next work session: 1) amending Sec 3(i) of the Charter re: appointments, 2) amending Sec. 8A of the Code re: The Director of Code Enforcement being a APD Officer, 3) Sec. 2(649) of the Code re: \$40,000 spending limit of the City Manager.

Mayor Dorough stated that this is the last meeting for City Manager Sharon Subadan and asked if there were any comments. The Commissioners thanked Ms. Subadan for her service and wished her luck in her future endeavors. Mayor Dorough read from a statement acknowledging the

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accomplishments of Ms. Subadan and wished her well. Ms. Subadan thanked all for their support and comments.

EXECUTIVE SESSION

Mayor Dorough stated that an executive session is needed to discuss a personnel matter (re: Interim City Manager) and advised that the Commission will meet in room 120.

At 7:40 p.m., Commissioner Warbington moved to enter into executive session to discuss a personnel matter and the process for interviewing applicants for the Interim City Manager, seconded by Commissioner Fletcher and, following a roll call vote, the motion unanimously carried as follows:

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

At 8:02 p.m. Commissioner Howard moved to exit executive session, seconded by Mayor Dorough and, following a roll call vote, the motion unanimously 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 discussion, the meeting adjourned at 8:05 pm.

MAYOR

ATTEST

CITY CLERK