

APRIL 27, 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
City Manager: Sharon Subadan (virtual)
City Attorney: C. Nathan Davis

Mayor Dorough called the meeting to order at 6:03 p.m., and the invocation given by Pastor John Spence, Sherwood Baptist Church, was followed by the pledge of allegiance.

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

ALBANY POLICE DEPARTMENT ANNUAL AWARDS

Presenting the 2020 Albany Police Department Annual Awards, Chief Michael Persley briefly advised that the following are being recognized: Command-in-Chief: Lt. William Dowdell; Civilian of the Year: Latasha Sloan; Citizen of the Year: Makeba Wright and, Officer of the Year: Cpl. Lataevia Jackson. He thanked the Mayor and Commissioners for their support.

Mayor Dorough and Commissioners congratulated and thanked all awardees.

REPORT OF THE COMMITTEE OF THE WHOLE

Alcohol License Applications:

Marshal Walter Norman, Business License Director/Interim Code Director, briefly reviewed information on the following Alcohol License Application:

1. Albany Convenience Store LLC; d/b/a Albany Convenience Store; 2400 Clark Avenue; S. Ahmad/Agent; Beer and Wine Package; Jay Keshav Inc., d/b/a J&J Liquor Store; 2801 N. Slappey Blvd; O. Moton/Agent; Liquor, beer and wine package

Commissioner Young asked to clarify that this is not a transfer, is an existing business and a new license for a new owner at this location; Marshal Norman replied affirmatively.

Commissioner Warbington moved to approve, seconded by Mayor Pro Tem Fuller; the motion carried 6-1 with Commissioner Howard voting no.

Purchases:

Central Services Director Yvette Fields discussed information on the following purchase, adding that the difference in the gas option versus the hybrid option was explained at the last meeting by Peter Bednar, Fleet Director, regarding the detriments of the hybrid option and advised that the recommendation is the gas option for \$409,162.00.

1. Trucks for various departments; Sunbelt Ford, Albany, GA
Exp: \$410,712.00 Gas option
Exp: \$501,040.00 Hybrid option

Commissioner Warbington moved to approve the gas option, seconded by Commissioner Fletcher.

In reply to Commissioner Young regarding cost savings, Ms. Fields explained that the difference in the gas and hybrid options was a total of \$100,000.00. Commissioner Young mentioned discussion on wear/tear, breakdowns, etc., with Mr. Bednar advising that the initial cost was \$7,000 for the twin-turbo hybrid; therefore, there was not a lot of data for cost projections. He briefly discussed fuel differences, additional maintenance requirements (heat from the twin-turbos), and parts for hybrid increasing their inventory.

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Hearing no further comments and following a roll call vote, the motion unanimously carried.

APPOINTMENT

1. Appointment to fill unexpired term of Public Defender

Mayor Dorough noted the resignation of Ms. Hightower and the need to replace her. City Clerk Sonja Tolbert stated that it is on the agenda to have a record of those appointed to Municipal Court, as five positions are appointed. She advised that Nija Bridges has expressed interest as the Interim Public Defender for the unexpired term ending January 2022, unless Commissioners have a specific person in mind.

Commissioner Warbington stated that he does not recall discussing Ms. Bridges at the last meeting; Mayor Dorough agreed that it was not discussed. Commissioner Warbington asked if she submitted a resume or are there any details about her practice.

Assistant to the City Manager Barry Brooks stated that the resume' of Ms. Bridges will be provided, noting that the instructions from the Commission was to have Ms. Wright and/or the HR Department, on an interim basis, vet some of the ones who had applied in the past when Ms. Hightower was selected. It is his understanding that Ms. Bridges has had a background check and agreed to serve on an interim basis through January, adding that it is the Commissioners prerogative to appoint her or someone else. In reply to Commissioner Warbington, Mr. Brooks advised that Ms. Bridges practices law in Albany.

Veronica Wright, Risk and HR Managing Director, advised that Ms. Bridges' resume' was sent to Commissioners earlier and that she will resend it. She advised that Ms. Bridges is local, adding that when the position originally opened, Ms. Bridges applied at that time.

Mayor Dorough noted that people are entitled to be represented and someone needs to fill the position as soon as possible, adding that he had reservations about Ms. Hightower due to her commute from Valdosta. He recommended appointing Ms. Bridges for 30-days and allow those interested to apply, including Ms. Bridges, to fill the interim appointment until January.

Commissioner Young stated that appointing her for 30 days makes the offer less appealing and suggested to appoint her until the term ends in January.

Commissioner Howard agreed with Commissioner Young.

Mayor Dorough asked Mr. Davis if he is appearing in Municipal Court later this week; Mr. Davis stated that the abatement cases are tomorrow and are being heard at the Civic Center.

Commissioner Young moved to appoint Ms. Bridges for the duration of the current term, seconded by Commissioner Howard and, following a roll call vote the motion unanimously carried.

ORDINANCES

Commissioner Howard mentioned that within the past year there have been three-four of these cases and asked if a means is available to help the applicant before money is spent to open a group/personal care home only to have the rezoning denied and/or whether the code should be modified/ amended. Paul Forgey, Planning and Development Director explained that in most of the cases the applicant waits until they are approved/denied before moving forward and have not spent significant amounts of money. He explained that it is a 'buyer beware' situation and the applicant must do due diligence and not get ahead of themselves; however, there are always improvements that can be made, and they can review it.

Commissioner Young stated that looking at the map, it appears that the applicant is on an island between the park and Rawson Circle residential proper, making it a buffer zone. He asked the number of commercial properties that are around the island. Mr. Forgey said he does not know the specific number, but there are very few owner-occupied residential structures right there.

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Mayor Pro Tem Fuller moved to deny the following ordinance, seconded by Commissioner Fletcher.

AN ORDINANCE NO.

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 525 W. 5th Avenue from C-5 to C-R

Commissioner Young stated that there is a lack of understanding that this is not quite the same situation as past requests as referred to by Commissioner Howard, noting that those requests came from outside our area to locate group homes. Ms. Collins has been at that location since 2006, serving the same clientele; however, he acknowledged that wanting to have others reside at the residence creates a different issue. Ms. Collins neighbors stated that they have never had any issues with her, and this is a unique situation.

Hearing no further comments and, following a roll call vote the motion to deny carried 6-1 with Commissioner Young voting no.

Commissioner Warbington introduced:

AN ORDINANCE NO. 21-110

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 223 Philema Rd. from C-7c to C-5

Commissioner Warbington 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 unanimously carried.

Mayor Dorough stated that the next is a first reading for a proposed amendment to the City Charter, eliminating the requirement that the Code Enforcement Director be POST-certified.

AN ORDINANCE
(FIRST READING)

Pursuant to the provisions of Title 36, Chapter 35 of the Official Code of Georgia Annotated, as amended, amending Section 8A of the Charter of the City of Albany re: Director of Albany Code Enforcement Department

Mr. Davis explained that a POST-certified Code Enforcement Director can prosecute 'higher grade ordinance' type offenses, doing more investigative work. However, eliminating the requirement does not prevent the department to move forward on City ordinances, zoning, environmental, Occupation Tax Certificates, false alarms, etc.

Commissioner Howard asked if the Director is POST-certified, can they carry a gun. Mr. Davis agreed, adding that the main issue is the difficulty of filling the position with the POST-certified requirement. Commissioner Howard asked the status of filling the position with Interim City Manager Steven Carter advising that they are waiting on direction of the Commission to determine how to move forward.

Commissioner Warbington asked if this means others in the department are not required to be POST-certified as well; Mr. Davis agreed and explained that this action moves the requirement off the books. If someone who is POST-certified fills the position, it moves their enforcement authority up a notch.

Commissioner Langstaff noted that this is in line with the preliminary information from the consultant regarding the police department, adding that there is a need to have more civilians in different positions because of the difficulty in attaining POST-certified individuals.

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Commissioner Young asked if removing some of the enforcement authority makes his job as City Prosecutor harder in Municipal Court. Mr. Davis stated no and explained that the skill set for the main function of Municipal Court is a great distance from having to be POST-certified. He briefly discussed the experience/background Code employees need. Commissioner Young clarified that the only matter that would be hampered would be the ability to investigate and operate within the parameters of law enforcement; Mr. Davis agreed.

Mayor Dorough advised that there is nothing prohibiting the Code Director from being POST-certified, which would be an advantage to the position.

Mr. Carter interjected that the original intent was the change at the Director level and not at the department level. Recruitment at the department level will be for POST-certified employees. In response to Mayor Dorough, Marshal Walter Norman, Business License/Interim Code Enforcement Director, stated that currently there are 15 positions in Code Enforcement with two sworn officers, with one vacant sworn officer position.

Commissioner Howard explained his reasoning that the position should be filled by a POST-certified officer.

Hearing no further comments, Commissioner Warbington offered the ordinance and asked for its adoption, seconded by Commissioner Younger and, following a roll call vote the motion unanimously carried.

Mayor Dorough noted that next on the agenda is the second proposed Charter amendment eliminating the requirement of appointed officials (City Manager, City Attorney, City/Assistant City Clerk, Municipal Court Judge, Assoc. Judge, Prosecutor and Public Defender) be appointed at the organization meeting following elections.

Mr. Davis added that Commissioners will continue to make those appointments; however, they are no longer required on a certain date/term, all appointments are at-will.

Commissioner Fletcher asked when the votes on appointed officials take place.

Commissioner Warbington stated that these positions need to be evaluated as it is making them full-time employees.

Commissioner Langstaff stated that he supports moving the date (i.e., to July), but does not want to eliminate the provision, creating other problems.

Commissioner Young agreed with Commissioner Warbington as the positions will be like regular hires and evaluations are needed and asked if any information on best practices had been received from GMA.

Mayor Dorough referred to Commissioner Fletcher's question regarding the need to beset some type of term for the appointments. He asked Commissioner Langstaff if he is agreeable to making the appointments in January of even numbered years and serve one year. Ms. Tolbert interjected that currently they are already on even numbered years. Mayor Dorough agreed that it would be odd numbered, non-election years. Ms. Tolbert added that she served as President of the Georgia Clerks Association, with discussion showing that clerks are either appointed by the Council or are hired by the City Manager, according to what is in their charter. She advised that sent an email showing that Albany's appointment process dates to 1912 for every two years, but this can be amended.

A brief discussion followed regarding changing from two to four-year terms to be in line with elected officials, making appointments on non-election years, having Commissioners familiar with the appointed officials before making appointments rather than newly elected officials; 2023 to be the next appointment year on the fourth Tuesday in January [starting January 2023].

Ms. Tolbert asked if the annual appointments is on even numbered years on the second Monday, will the organizational meeting be moved to the fourth Tuesday. Mayor Dorough countered that

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there would no longer be an organizational meeting, stating that ‘The Board of City Commissioners shall on the fourth Tuesday in January of 2023 and on the fourth Tuesday in January every two years thereafter....’ In reply to Mayor Dorough, Mr. Davis stated that he sees no reason to table this, there is time to amend the document and provide notice to the Superior Court Clerk.

Ms. Tolbert asked if all other board appointments will continue as they are currently; Mayor Dorough agreed.

Hearing no further comments, Mayor Dorough introduced

AN ORDINANCE
(FIRST READING)

Pursuant to the provisions of Title 36, Chapter 35 of the Official Code of Georgia annotated, as amended, amending Section 3 of the Charter of the City of Albany mandating Appointments

He then offered the ordinance and asked for its adoption, seconded by Commissioner Howard and, following a roll call vote the motion unanimously carried.

Mayor Dorough stated that the next item is a proposed Charter amendment returning the City Manager’s spending limit to \$40,000.00

Mr. Davis stated that the cap would drop from \$100,000 to \$40,000 with a provision in the Code capping it at \$40,000 which will make the Charter and Code consistent.

Commissioner Warbington asked if the Utility Board remains at \$200,000; Mr. Davis agreed.

Mayor Dorough introduced

AN ORDINANCE
(FIRST READING)

Pursuant to the provision of Title 36, Chapter 35 of the Official Code of Georgia Annotated, as amended, amending Section 4 of the Charter of the City of Albany re: The City Manager’s purchasing authority; Establishing Limitations

He then offered the ordinance and asked for its adoption, seconded by Commissioner Howard and, following a roll call vote the motion carried 4-3 with Mayor Pro Tem Fuller and Commissioners Fletcher and Langstaff voting no.

RESOLUTIONS

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

A RESOLUTION NO. 21-R126

Accepting Grant Award from the Georgia Department of Community Affairs re: Harlem Revitalization Plan; Authorizing use of funds for the local match

Commissioner Howard asked if the pickleball courts are something the City requested; Mayor Dorough stated that he was not involved in, nor notified, of any discussions regarding pickleball courts.

Interim Recreation Director Craig Potter advised that discussions regarding the pickleball courts have been underway for some time, adding that when the County made their proposal, the pickleball courts were added in and is the area the City was looking to put the courts; the old tennis courts at Tift Park and it is very popular everywhere.

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Mayor Pro Tem Fuller noted that pickleball in Albany has been discussed for some time and Tift Park is a centralized spot with the tennis courts already there. It is an Economic Development Project, and one Albany can benefit from (i.e., tournaments) and being centrally located makes it a great location. site.

Commissioner Fletcher agreed, it is very popular with a diverse population of enthusiasts.

Commissioner Young asked when SPLOST VII was approved. Commissioner Howard said that it was 2016. Commissioner Young asked about it being on the referendum and voted on by citizens. Mayor Dorough stated that the referendum stated 'Recreation Improvements', adding that Commissioner Young's point is that other projects were approved in a prior administration (Bill Miller and Henderson Gyms) yet pickleball has surpassed them in being addressed. Residents have been waiting approximately a decade for those projects to be carried out; he would like for them to get back on track.

In reply to Major Dorough, Mr. Potter advised that the County brought the projects to Ms. Subadan; however, the City had already been searching locations to put pickleball courts. Mayor Dorough reiterated his lack of involvement in discussions and agreed with Commissioner Young about priority projects needing to be addressed. He mentioned the \$400,000 estimate stated at the work session, which should be invested in Henderson and Bill Miller Gyms, adding that we should wait until we have the Master Plan.

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

A RESOLUTION NO. 21-R127

Authorizing the use of SPLOST VII funds for Professional Survey and Engineering Services for proposed Pickleball Courts at Tift Park

Commissioner Warbington noted that it appears we are partnering with the County on this project. Mr. Carter advised that tonight the vote only covers the engineering of the project, adding that the County will be responsible for the tennis courts and the City for the racquetball courts, working together in concept on the two separate projects. Commissioner Warbington expressed concern regarding City funds invested on pickleball courts and asked what happens if the County decides to make changes, suggesting that the City needs a seat at the table. Mr. Carter stated that if Commissioners want a committee formed, he can take this to the County to form a partnership.

Commissioner Young conceded that pickleball is popular; however, the gyms are a priority, and he wants them considered again and moved forward.

In reply to Mayor Dorough regarding restroom facilities being needed, Mr. Potter advised that restrooms are already located where the pickleball courts will be built.

Hearing no further comments and, following a roll call vote, the motion carried 6-1 with Mayor Dorough voting no.

Mayor Dorough recognized Engineering Director Bruce Maples to address the next item.

Mr. Maples advised that after the work session, notice was received of the significant increase in material costs, with the request to modify the \$18,300 amount in Section 2 of the resolution and authorizing the Finance Director to use up to \$25,000 in case bids come in higher than the \$18,300, which is the amount the City has been paying.

In reply to Commissioner Warbington regarding the top speed in the speed study, Mr. Maples stated that he will supply the information.

Commissioner Langstaff advised that he used to live on this street, which was virtually a racetrack. He thanked Ken Stock, Assistant City Manager, for his work on this and the Commission's support

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

A RESOLUTION NO. 21-R128

Approving installation of Traffic Calming Measures in the 2300 block of E. Doublegate Dr.;
Authorizing use of TSPLOST for such measures

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

A RESOLUTION NO. 21-R129

Accepting the recommendation from the Community Development Council to fund Public Service Grants through Community Development Block Grant Funds

Transit Director Hamilton advised that the next item, 5307 is an annual award and 5339 is a special award for the purchase of buses.

Mayor Dorough asked if it is possible to use the funds to purchase electric buses; Mr. Hamilton agree, adding that currently they are looking at the smaller paratransit buses.

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

A RESOLUTION NO. 21-R130

Authorizing the filing of an application with the Department of Transportation, United States of America, and the Georgia Department of Transportation for a grant under Title 49 U.S.C. Sections 5307 and 5339

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

A RESOLUTION NO. 21-R131

Granting approval for the City to file with the Albany Dougherty Planning Commission an application to rezone 1004 Newton Road

Ms. Fields stated that Commissioners asked for a not to exceed price, which she was able to obtain, with the revised proposal having a not-to-exceed price of \$294,000.00. She advised that Mark Bond is on the phone for discussion.

Mayor Dorough stated that it is his understanding that if the City chooses Lose Designs, that which has been broken out into tasks, the price will be no more than \$294,000; Mr. Bond agreed. Mayor Dorough asked if construction cost after being designed was considerably higher than the projected \$294,000 will still be the maximum fee; Mr. Bond agreed adding that if everything they do is outlined within the scope attached to the fee. Mayor Dorough asked if the City opts not to use Lose Design for one or more of the tasks, the price would be reduced; Mr. Bond agreed.

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

A RESOLUTION NO. 21-R132

Authorizing the use of SPLOST VII funds to provide the Design and Construction Document Services to implement the Master Plan for Driskell Park

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Mayor Dorough stated that the next agenda item was voted on earlier in the Special Called Meeting; however, it should have only been discussed. He apologized that the matter was prematurely voted on and since there is a resolution, it will be discussed now also.

Mr. Forgey advised that it is to approve acceptance of a grant from the Georgia Department of Community Affairs. It is a Community Development Block Grant for disaster recovery, specifically for Planning, in the amount of \$855,000.00 which does not require a match. He stated that it will create a database of property throughout the city, primarily looking at remaining damage from storms over the past few years. A resiliency plan of several different components will be developed and, a stakeholder's group of City/County departments and other stakeholders will help develop what the survey/database/resiliency plan will include.

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

A RESOLUTION NO. 21-R133

Accepting Grant Award from the Georgia Department of Community Affairs re: Community Development Block Grant, Disaster Recovery

CONSENT AGENDA

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

1. Utility Tractors; Flint Equipment Co., Albany, GA
Exp: \$226,891.44
2. Trucks for Utilities; Sunbelt Ford, Albany, GA
Total exp: \$256,804.00
3. Self-Contained Breathing Apparatus; Ten-8, Bradenton, FL
Total exp: \$197,342.42.

ITEMS FOR FUTURE AGENDA/OTHER BUSINESS

Commissioner Howard advised that his recent visit to the J.C. Odom Wellness Center revealed a leak in the building and there is mold creating a safety issue. Mr. Potter stated that he has not been informed of this but will have it checked out.

Regarding the zoning case on 5th Avenue, Commissioner Warbington advised that it came to light that there is a resolution authorizing the City Manager to execute any/all documents regarding acquisition/disposition of real property. He asked to repeal the resolution as it is not appropriate for such matters not to be brought to Commissioners for approval. Mr. Davis advised that this resolution only concerns federally funded projects through Community and Economic Development. Commissioner Warbington stated that anything in connection to real property needs to be brought before Commissioners and commented on an email from the County Administrator requesting to come before this body regarding delinquent tax. He briefly mentioned discussions with Mr. Davis regarding delinquent taxes, properties not going to auction, etc., with the County making decisions to not bring properties to auction; however, the City is a one-third party to that (City, County, School Board) and recommended that before the City aggressively goes to court regarding these properties, we should look at the taxes. He mentioned a property listed as having delinquent taxes dating to 2009 and we are now getting ready to take it to court to be demolished. He was informed that the City is in the range of \$12.0 million regarding delinquent taxes. Since Mr. McCoy has offered to come and discuss the issue, he asked that he be invited to discuss.

Commissioner Young reiterated the need to get Bill Miller and Henderson Gyms back on track and asked for information from previous administrations regarding funds/allocations for both gyms, including votes and resolutions. He asked that the City Manager investigate this; Mr. Carter agreed,

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adding that they have already been gathering information to put this on an agenda in May. Commissioner Young stated that the issue of slumlords should be a concern for Commissioners and mentioned the citizen who appeared in a recent meeting regarding the condition of the apartments where she resides on Gordon Ave. Subsequently, the company posted a letter threatening residents for coming forward regarding concerns. He said that this is the same complex in which feces has backed up into resident's bathtubs, adding that one resident was injured this weekend by her ceiling falling on her, but they are afraid to come forward with their concerns. He recommended that the City investigate this matter and take whatever action is available to stop the owner from making threats and to correct all code violations.

In reply to Mayor Dorough, Mr. Carter advised that now Marshal Norman is the Interim Director of Code Enforcement, adding that this issue will be reviewed with a report being brought to the Commission.

Referring to Commissioner Warbington's comments, Mayor Dorough discussed his belief that the matter goes back to not having an elected tax commissioner. He said that it seems some representative of the County make the decision that 'this property is not going to sell on the courthouse steps', which financially impacts the City, as well as compounding the slum/blight issue. Regarding the resolution Commissioner Warbington brought up, he was surprised to learn that the City Manager can dispose of real property. Even if there is pressure from the federal government regarding funds/disposing of property, those matters still need to be approved by this Commission and he supports its repeal.

Commissioner Young interjected that CED manages property and would have the authority to purchase/sell it without having to come to the City Commission for every piece of property they manage, under that program. Mayor Dorough disagreed and suggested that it can be discussed when it is on an agenda, adding that any property in the name of the City should have Commission involvement regarding purchasing and/or selling.

Mayor Dorough noted that he serves as the Chairman of the Utility Board but has never seen the documents delineating the authority of that Board, (i.e., the \$200,000 purchasing cap for City Manager) and asked if this is an ordinance. Mr. Davis advised that Section 26 of the City's Charter discusses those and other items. Mayor Dorough asked if the only provisions are what is in the Charter; Mr. Davis agreed.

There being no further discussion, the meeting adjourned at 8:05 pm.

MAYOR

ATTEST

CITY CLERK