

PRE-COMMISSION ACTING AS COMMITTEE OF THE WHOLE

MINUTES

February 1, 2022

The Committee of the Whole was called to order by Mayor Lester M. Miller.

COMMISSIONERS PRESENT:

Mayor Lester M. Miller
Mayor Pro Tem Seth Clark (by phone)
Commissioner Valerie Wynn
Commissioner Paul Bronson
Commissioner Mallory Jones
Commissioner Raymond Wilder
Commissioner Bill Howell
Commissioner Virgil Watkins
Commissioner Al Tillman

OTHERS PRESENT:

Duke Groover, Interim County Attorney
Michael McNeill, Sr. Assistant County Attorney
Adrianna Beavers, Assistant County Attorney
Frank Howard, Assistant County Attorney
Sara Davis, Assistant County Attorney
Keith Moffett, County Manager
Janice Ross, Clerk of Commission
Julie Moore, Budget and Strategic Planning
Dr. Henry Ficklin
Chris Floore, Public Affairs
Olivia Walter, Communications
Edna Ruiz, Communications
Wanzina Jackson, Director, Economic & Community Dev.
Erica Woodford, Clerk of Superior Court

1. APPROVAL OF MINUTES

A. Minutes of the Committee of the Whole from January 11, 2022

On motion of Mayor Miller, seconded by Commissioner Bronson and carried unanimously, the minutes of January 11, 2022 was approved.

2. **ANNOUNCEMENTS**

3. **APPOINTMENTS / REAPPOINTMENTS TO AUTHORITIES, BOARDS, COMMITTEES**

A. A Resolution submitting Monique Davis-Smith, Steve Kruger and Bill Tift as a slate of nominees to succeed Joyce Schafer on the Macon-Bibb County Hospital Authority Board (Sponsored by Mayor Lester M. Miller)

On motion of Commissioner Lucas, seconded by Commissioner Howell and carried unanimously, the slate of appointees to the Macon Hospital Authority was approved

B. A Resolution appointing Brenda Williams to the Board of the Bibb County Department of Family and Children Services (Sponsored by Mayor Lester M. Miller)

On motion of Commissioner Lucas, seconded by Commissioner Bronson and carried unanimously, the appointment of Brenda Williams to the Department of Family and Children Services was approved.

C. A Resolution appointing Cassandra Washington to the Macon-Bibb County Industrial Authority (Sponsored by Mayor Lester M. Miller)

On motion of Mayor Millers, seconded by Commissioner Bronson and carried unanimously, the appointment of Cassandra Washington to the Industrial Authority was approved.

- D. A Resolution to appoint Delitshu Hamm to serve as a member of the Retirement Board of the Macon Pension and Retirement Systems Division A Plan to complete the unexpired term of Narender Bhardwaj (Sponsored by Mayor Lester M. Miller)

On motion of Mayor Millers, seconded by Commissioner Bronson and carried unanimously, the appointment of Delishu Hamm to the Retirement Board of the Macon Pension Plan was approved.

- E. A Resolution reappointing Kesia Stafford to serve as Alternate Post Two of the Construction Board of Appeals (Sponsored by Mayor Lester M. Miller)

On motion of Mayor Millers, seconded by Commissioner Lucas and carried unanimously, the reappointment of Kesia Stafford to serve on the Construction Board of Appeals was approved.

- F. A Resolution reappointing Jeff Battcher on the Macon Housing Authority Board of Commissioners (Sponsored by Mayor Lester M. Miller)

On motion of Mayor Miller, seconded by Mayor Pro Tem Clark and carried unanimously, the reappointment of Jeff Battcher to the Macon Housing Authority was approved.

- G. A Resolution reappointing Judge Sarah Harris to the Region Two Department of Behavioral Health and Developmental Disabilities Advisory Board (Sponsored by Mayor Lester M. Miller)

On motion of Mayor Miller, seconded by Commissioner Jones and carried unanimously, the reappointment of Judge Sarah Harris to the Regional Two Department of Behavioral Health Board was approved.

- H. A Resolution appointing Andrea Cooke to the Region Two Department of Behavioral Health and Developmental Disabilities Advisory Board (Sponsored by Mayor Lester M. Miller)

On motion of Mayor Millers, seconded by Commissioner Lucas and carried unanimously, the appointment of Andrea Cooke to the Region Two Department of Behavioral Health was approved.

- I. A Resolution reappointing Darrin V. Ford and Justin S. Hollingsworth to serve as members of the Keep Macon-Bibb Beautiful Board (Sponsored by Mayor Lester M. Miller)

On motion of Mayor Miller, seconded by Commissioner Howell and carried unanimously, the appointment of Darrin V. Ford and Justin S. Hollingsworth to the KMBB was approved.

- J. A Resolution reappointing Judy Gordon to serve as a Member of the Keep Macon-Bibb Beautiful Board (Sponsored by Mayor Lester M. Miller)

On motion of Mayor Miller, seconded by Commissioner Bronson and carried unanimously, the reappointment of Judy Gordon to the KMBB was approved.

- K. A Resolution reappointing Elaine Lucas, Myrtle Habersham, Greg Brown and Michael Ryan to the Macon-Bibb County Pedestrian Safety Review Board (Sponsored by Mayor Lester M. Miller)

On motion of Commissioner Wynn, seconded by Commissioner Howell and carried unanimously, the reappointment of Elaine Lucas, Myrtle Habersham, Greg Brown and Michael Ryan was approved.

- L. A Resolution to reappoint Karen Collier, Christy Iuliucci, Christopher Patterson, and Jimmy Allen to the Pension Trustee Board of the Macon-Bibb County Pension Plan (Sponsored by Mayor Lester M. Miller)

On motion of Commissioner Wynn, seconded by Commissioner Bronson and carried unanimously, the reappointment of Karen Collier, Christy Iuliucci, Christopher Patterson and Jimmy Allen to the Pension Trustee Board of the Macon-Bibb County Pension Plan was approved.

- M. A Resolution reappointing Commissioner Virgil Watkins as a Member of the Macon Arts Alliance Board (Sponsored by Mayor Lester M. Miller)

On motion of Commissioner Jones, seconded by Mayor Pro Tem Clark and carried unanimously, the reappointment of Commissioner Virgil Watkins to the Macon Arts Alliance was approved.

Commissioner Tillman arrived at the meeting.

- N. A Resolution reappointing Walt Miller to the Central Georgia Joint Development Authority (Sponsored by Mayor Lester M. Miller)

On motion of Commissioner Lucas, seconded by Commissioner Jones and carried unanimously, the reappointment of Walt Miller to the Central Georgia Joint Development Authority was approved.

4. NEW ALCOHOL BEVERAGE LICENSES

- A. New Alcohol Beverage License for EZ Mart located at 3253 Mercer University Drive, Macon, GA 31204

On motion of Commissioner Watkins, seconded by Mayor Pro Tem Clark and carried unanimously, the license for EZ Mart located at 3253 Mercer University Drive was denied based on Agent claimed in application's Business Identification Form that the business is a food mart. Site inspection of the business location on January 27, 2022 revealed the business did not sell cow's milk, eggs, fresh produce or meat. Business is a vice mart in violation of Macon-Bibb County Code Sec. 4-56 (g) and is not eligible for the licensure sought in application.

- B. New Alcohol Beverage License for Jade Shark Pub located at 6351 Zebulon Road, Macon, GA

On motion of Commissioner Watkins, seconded by Commissioner Wynn and carried unanimously, the License for Jade Shark Pub was approved.

- C. New Alcohol Beverage License for Marie's Lounge located 4561 Forsyth Road, Suite A, Macon, Ga

On motion of Commissioner Wynn, seconded by Commissioner Jones and carried unanimously, the license for Marie's Lounge was approved.

- D. New Alcohol Beverage License for Quick Zip located at 3518 Jeffersonville Road, Macon, GA 31217

On motion of Commissioner Jones, seconded by Commissioner Lucas and carried unanimously, the license for Quick Zip was approved.

- E. New Alcohol Beverage License for MAR Investments d.b.a. Shell located at 627 Shurling Drive, Macon, GA

On motion of Commissioner Jones, seconded by Commissioner Lucas and carried by a vote of seven to two with Commissioners Wynn, Lucas, Jones, Clark, Wilder, Howell and Tillman casting the affirmative votes and Commissioners Bronson and Watkins casting the dissenting votes, the license for Shell located on Shurling Drive was approved.

- F. New Alcohol Beverage License for MAIRA Investments d.b.a. Chevron Food Mart located at 1179 Eisenhower Parkway, Macon, GA

On motion of Commissioner Jones, seconded by Commissioner Wynn and carried by a vote of seven to two with Commissioners Wynn, Bronson, Lucas, Jones Clark, Wilder and Tillman casting the affirmative votes and Commissioners Howell and Watkins casting the dissenting votes, the license for Chevron Food Mart located on Eisenhower Parkway was approved.

- G. New Alcohol Beverage License for Mobile Food Mart located at 3224 Vineville Avenue, Macon, GA

On motion of Commissioner Wynn, seconded by Commissioner Jones and carried unanimously, the license for Mobile Food Mart was approved.

- H. New Alcohol Beverage License for Macon Business LLC located at 2700 Riverside Drive, Macon, Ga

On motion of Commissioner Howell, seconded by Commissioner Jones and carried unanimously, the license for Macon Business on Riverside Drive was approved.

- I. New Alcohol Beverage License for R & D Food Mart located at 36 Spring Street, Macon, GA

On motion of Commissioner Watkins, seconded by Commissioner Jones and carried eight to one with Commissioners Wynn, Lucas, Jones, Clark, Wilder, Howell, Watkins and Tillman casting the affirmative votes and Commissioner Bronson casting the dissenting vote, the license for R&D Food Mart located on Spring Street was approved.

5. BLACK HISTORY MONTH

- A. A Resolution to recognize the Month of February 2022 as Black History Month (Sponsored by Commissioner Elaine Lucas)

On motion on Commissioner Lucas, seconded by Commissioner Bronson and carried unanimously, the Resolution recognizing February as Black History Month was approved.

6. 401(A) DEFINED CONTRIBUTION PLAN

- A. A Resolution to amend the Macon-Bibb County 401(A) Defined Contribution Plan (Sponsored by Mayor Lester M. Miller)

On motion of Mayor Miller, seconded by Commissioner Wynn and carried unanimously, the Resolution to amend the 401(A) Plan was approved.

7. SPLOST PROJECTS

- A. An Ordinance to authorize the appropriation of up to \$21,951,280 from the 2018 SPLOST Proceeds, as provided for herein, for the payment of costs related to various capital improvements (Sponsored by Mayor Lester M. Miller)

On motion of Mayor Pro Tem Clark, seconded by Commissioner Wynn and carried unanimously, the Appropriation of up to \$21,951,280 for payment of costs related to various capital projects was approved.

- B. A Resolution to approve the Thirty-Third Amendment to the 2018 SPLOST Project Timeline and Budget as presented by the SPLOST Project Manager (Sponsored by Mayor Lester M. Miller)

On motion of Mayor Miller, seconded by Commissioner Howell and carried unanimously, the thirty third amendment of the SPLOST timeline was approved.

8. ACCEPTANCE OF GRANTS

- A. A Resolution authorizing the acceptance of a Concessions Rent Relief Airport Rescue Grant Award from the Federal Aviation Administration, in the amount of \$14,657 with no local match, to be used to provide economic relief from rent and minimum annual guarantees for in-terminal concessions at the Middle Georgia Regional Airport (Sponsored by Mayor Lester M. Miller)

On motion of Commissioner Lucas, seconded by Commissioner Wynn and carried unanimously, the Concessions Rent Relief Airport Rescue Grant from the FAA was approved.

- B. A Resolution authorizing the acceptance of the Airport Rescue Grant Program Award from the Federal Aviation Administration, in the amount of \$1,084,325 with no local match, to be used for Operational Expenses and Debt Service payments at the Middle Georgia Regional Airport (Sponsored by Mayor Lester M. Miller)

On motion of Commissioner Howell, seconded by Commissioner Wilder and carried unanimously, the acceptance of the Airport Rescue Grant Program from the FAA was approved.

9. CONTRACTS FOR IMPLEMENTATION OR RENEWAL

- A. A Resolution authorizing the Mayor to execute a Purchase Agreement with Apparel Authority, LLC for the purchase of uniforms for the Macon-Bibb County Fire Department in the initial amount of \$205,586.00 with additional guaranteed pricing for a term of three years, to be paid from the Fire Department budget, Fire Suppression, Other Supplies Uniforms Line Item (Sponsored by Mayor Lester M. Miller)

On motion of Mayor Miller, seconded by Commissioner Bronson and carried unanimously, the Agreement with Apparel Authority to purchase uniforms for the Fire Department was approved.

10. PREMIUM PAY FOR SUPERIOR COURT CLERK'S OFFICE

- A. An Ordinance to authorize the appropriate of up to \$50,000 in American Rescue Plan Act Funds for the payment of Premium Pay to members of the Superior Court Clerk's Office (Sponsored by Commissioner Virgil Watkins)

Discussion

Commissioner Watkins stated that he was presenting an amendment that would add all Clerks, Courts. This would now include 70 employees rather than the original 37 employees and changes the financial amount from \$50,000 to \$100,000. This funding will come from American Recovery Act Funds. He continued that the public safety employees have recently received increase in funds as well as some employees being moved to \$14.00 an hour. He stated that the Superior Court Clerk's Office has been dealing with Covid.

On motion of Commissioner Watkins, seconded by Commissioner Lucas to add the amendment to the agenda.

Mayor Pro Tem Clark asked if the American Recovery Act Funds are available to employees and want equitable distribution among the departments.

Michael McNeill addressed the using of funds. He stated that the regulations state that you must be an eligible worker doing eligible work, if you do that then you are eligible to receive back premium pay to the date that COVID was declared a State of Emergency which was January 1, 2020. This would be effective until the State of Emergency is declared over and that is still in effect today. The definition of eligible worker includes all government employees. Eligible work is defined as work where you have contact with other people and it includes both face to face contact and common touching of documents. It specifically excludes time when employees have teleworked from home, those hours would not be included in premium pay. The limits that are specified in the rules are that anyone that is FSLA non-exempt is eligible to receive premium pay and anyone who is making less than \$77,900 a year which includes the premium pay is eligible for premium pay. Premium pay can be a one time distribution or a hourly distribution up to \$13 an hour or a total of \$25,000 of premium pay.

On the vote to add the amendment to the agenda the following Commissioners casting the dissenting vote, Commissioners Wynn, Jones, Clark, Wilder and Howell with Commissioners Bronson, Lucas, Watkins and Tillman casting the affirmative votes. The motion to add the amendment to the agenda failed.

Ms. Erica Woodford addressed the history of the actions of Clerk of Superior Court's office. Ms. Woodford stated that she has had her office closed two weeks last year and two weeks this year due to Covid. She stated that she has had to work from home because she has had Covid. All but seven or eight of her office has had Covid. She is asking that the Commission consider giving her employees \$1,000 which she feels is a small price to pay. She stated that her upper level staff would not get the premium pay.

Commissioner Howell stated that with all due respect to this Clerk or to the other courts and other courts that ask for the money. Before we open this pandora's box to all employees of this government, he respectfully asked that the ordinance be tabled and just as we used to do as budget time, let's talk to each department to see how they feel about this. I am asking to table this before we open pandora's box and we have to back up. I know what different counties and cities have paid. He continued that if we pay this one then we will have first responders here asking for their fair share. I am respectfully asking that we table this and figure out where we go from here.

On motion of Commissioner Howell, seconded by Commissioner Howell the vote was as follows: Casting the dissenting votes were Commissioners Tillman, Watkins, Jones, Lucas and Bronson with Commissioners Howell, Wilder, Clark and Wynn casting the affirmative votes. The motion to table failed by a vote of five to four.

Commissioner Bronson stated that he understood the concept of the pandora's box but that law enforcement just received premium pay. He stated that everyone is looking to assist the employees. He wanted to see that the Commissioners do what they need to do to assist all employees before moving forward.

Commissioner Jones stated that he sympathized with Ms. Woodford on how Covid has affected her office. He continued to pray that no one else will get Covid. On May 18th the Board passed unanimously an Ordinance for a supplemental to your department \$36,000 in funds to hire an outside contractor to help you with real estate indexing services. On November 2nd an ordinance for a supplemental appropriation unanimously passed again \$63,840 to hire two additional people to help with real estate positions. Everyone seems to be a little behind but when you check around with the surrounding counties, Jones County is good through January 26, Monroe County is good through January 26, Houston County is good through January 27. Bibb County is good through October 26, 2021. The big deal is that you have buyers and sellers trying to close transactions who are not able to because the documents have not been filed. Commissioner Jones read an email from a real estate attorney who stated this is what they are facing. "What this means to me and my staff over the last 15 months when we talk to lenders why our effective dates are 90 days behind. Our title companies will now cover the gap. I now have a lender who will not close the loan in Bibb County because our Clerk's office is so far behind". Being behind has a ripple effect with buyers, sellers, lenders and real estate attorneys. "We have buyers and sellers who have not received their documents from August and September of last year. Further emails from attorneys stated that they receive 15 to 20 emails a day asking why the documents have not been filed and we explain that our Clerk's Office is behind due to Covid. It impacts us all". The attorneys and lenders responded "that other counties are not behind." One attorney stated that "we closed a loan December 29th in Spalding County and got them back yesterday which was a two week turn around." Solid Waste bills were sent out to the wrong owners which is causing a mess at the Tax Commissioners Office. It is really an embarrassment to Commissioner Jones and Macon-Bibb County. Commissioner Jones stated that his research is that he was closed for 19 days. It is embarrassing that we are more than 90 days behind while all other counties are two weeks behind. There is no way he can support this.

Ms. Woodford stated that real estate paperwork has been up by three times. She stated that she had a person was hired a week ago and the next person starts on next Monday. She stated that her office manages court hearings, jury pool and other areas. She states that the staff need the incentive. She appreciates her staff.

Commissioner Tillman stated that this was not a good moral booster to point out the inequalities of the Clerk's Office. More people and organizations are affected not just real estate. Commissioner Tillman continued that most of us do not have any suggestions or ideas on how to resolve the issues. He stated that it was not person with Clerk Woodford, Judge Hanson or Judge Colbert.

Commissioner Howell stated that this was not against a particular office. He continued that by your own admission that the office was closed for 28 days. Ms. Woodford stated that the doors were closed but they were working electronically. By definition by what the attorney stated you were not face to face with the public. He continued that the Sheriff's Office and the Fire Department have not been closed any days and have been on the front line every day. They are going to state they were closed and not on the front line every day like they were. He continued that it does not matter to him that the money is sitting there but what the policy is for everyone. He continued that he wanted to make sure everyone was on the same page and

there was a policy that should be followed. He stated that social media was a wonderful thing but sometimes it shows the other side of the problem. He stated that just this week, he received a call from a citizen who closed in August 4, 2021 and has not received a solid waste bill. He understood that there was a process to get a deed recorded. He stated that as of 3:00 p.m. today, the Tax Commissioner has sent the bill to the previous owner of the house. So if there is one how many people are going to get late due notices. He stated that we (Commissioners) as elected officials are going to hear from citizens about how did we let this happen. He continued that he appreciates the fact that Clerk Woodford was passionate about her employees but he could not in good faith, rubber stamp the checks for anyone who walks up to the podium.

Mayor Pro Tem Clark stated that the process of allocation by request does concern him. The fact of the matter is that we don't have a universal policy. He continued that he was not prepared to support an allocation without a policy. He stated that all the staff, if it fits within the criteria of what Attorney McNeill stated, should receive premium pay. He continued that he was very anxious and hopeful that the Commission have a policy for premium pay. He continued that the Commission did not need to piecemeal this.

Commissioner Lucas stated that she supported tabling because she saw there was some resistance to approving. She stated that now folks were speaking out for what is good for some. She would like to hear the same talk about the trash and the problem with water fees. She apologized to Clerk Woodford if she felt slighted by what had been said.

Commissioner Wynn stated that the Commissioners gave \$36,000 to catch them up. Clerk Woodford stated that it caught them up around three weeks. Commissioner Wynn stated that couldn't hire them again. Commissioner Wynn asked Attorney McNeill if people were working from home were they eligible for premium pay. Mr. McNeill stated that if you were teleworking and not in contact with people, during the time you were teleworking you were not eligible for premium pay. Commissioner Wynn stated that she would like to see the department caught back up.

Mayor Miller stated that this was not on the table.

Commissioner Wilder stated what we did for Public Safety was for COVID from the state and federal government and not from MBC. He continued that he wants to see it for all employees.

Commissioner Watkins stated that he wanted to make sure that the amendment was for all employees. He agreed that he could create policy. He moved to table the Ordinance.

Mayor Miller stated you are not going to make a standard policy that fits all employees.

Attorney Groover stated that the motion to table could not be made again. Commissioner Watkins could make a motion to reconsider the motion to table.

Commissioner Watkins moved to reconsider the motion to table. It was seconded by Commissioner Howell and passed by a vote of eight to one with Commissioners Wynn, Bronson, Lucas, Jones, Clark, Wilder, Howell, Watkins casting the affirmative votes to reconsider the motion to table and Commissioner Tillman casting the dissenting vote.

Commissioner Watkins moved to table, Commissioner Howell seconded and the motion passed by a vote of eight to one with . Commissioners Wynn, Bronson, Lucas, Jones, Clark, Wilder, Howell, Watkins casting the affirmative votes to reconsider the motion to table and Commissioner Tillman casting the dissenting vote

11. EXECUTIVE SESSION

- A. Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against Macon-Bibb County or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1); Entering into an option to purchase, dispose of, or lease property as provided in O.C.G.A. § 50-14-3(b)(1)(E); and Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. §50-14-3(b)(2);

Mayor Miller stated that there was no need for an Executive Session.

Respectfully submitted:

Janice S. Ross, CMC
Clerk of the Macon-Bibb County Commission