

APRIL 26, 2022

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

PRESENT: Mayor Bo Dorough
Mayor Pro Tem Vilnis Gaines
City Commissioners: Jon Howard, Jalen Johnson, and Demetrius Young
Virtual Attendee: Chad Warbington and Bob Langstaff, Jr.
City Manager: Steven Carter (virtual)
City Attorney: C. Nathan Davis

Mayor Dorough called the meeting to order at 6:02 p.m. and, the invocation, was given by Reverend Gary Sanders, Sr. Mayor Dorough announced that the celebration recognizing the Westover Patriots Boys Highschool Basketball team, which played in the 2022 State championship had just concluded and asked that Principal William Chung, Head coach Dallas Smith, Player Anthony Milton lead 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.

ADOPTION OF THE AGENDA

Commissioner Johnson moved to adopt the agenda as presented, seconded by Commissioner Howard and following a roll call vote, the motion unanimously carried.

Mayor Dorough recognized APD Chief Michael Persley, who advised that this is APD's annual awards recognition of officers and citizens with the following being acknowledged: the staff and members of Grace City Church, 2021 Citizens of the Year; Crime Scene Technicians Fontashia Thurmond and Deandra Francis, 2021 Civilians of the Year; Cpl. Darryl Jones, 2021 Commander-in-Chief; Patrolman Christopher Oaks, 2021 Officer of the Year. Chief Persley expressed appreciation to the award recipients, and all other staff/officers in his department as everyone is an integral part of the Albany Police Department.

The Mayor and Commissioners expressed appreciation to APD for the service provided and protecting our community.

CONSENT AGENDA

Mayor Dorough noted the items on the consent agenda as follows:

Commissioner Warbington moved to approve the consent agenda as reviewed by Mayor Dorough, seconded by Mayor Pro Tem Gaines, and following a roll care vote, unanimously carried.

A. Resolutions:

A RESOLUTION NO. 22-R120

Providing for only one Work Session in July 2022

A RESOLUTION NO. 22-R121

Approving Right-of-Way Easement Agreement with Verizon Wireless of the East LP d/b/a Verizon Wireless re: 801 Gaines Ave.

A RESOLUTION NO. 22-R122

Authorizing submission of a grant application to the Dept. of Community Affairs for the 2022 Emergency Solutions Grant; Should the Grant be awarded to the City, such Grant is accepted

A RESOLUTION NO. 22-R123

Authorizing a Memorandum of Agreement between the City of Albany and Albany Technical College re: Law Enforcement Services

A RESOLUTION NO. 22-R124

Approving the Substantial Amendment of FYs 3030 & 2021 Annual Action Plans re: CDBG and Home Funding

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A RESOLUTION NO. 22-R125

Approving the Substantial Amendment of FYs 2020 & 2021 Annual Action Plans to include CARES Act Funding

A RESOLUTION NO. 22-R126

Approving FY 2022-2023 Annual Action Plan

A RESOLUTION NO. 22-R127

Approving Amendment and Restatement of previously adopted ACCG 401(a) Defined Contribution Plan for Senior Management

A RESOLUTION NO. 22-R128

Authorizing the use of SPLOST VII funds for Greenwood Alley Paving

A RESOLUTION NO. 22-R129

Approving GA Power Franchise Agreement Amendment

B. Purchases:

- | | | | |
|----|---|------------|--------------|
| 1. | Internet Services; SyncGlobal; Bremen, GA | Total Exp. | \$214,200.00 |
|----|---|------------|--------------|

GENERAL BUSINESS

A. Alcohol Licenses:

Chief Deputy Anthony Donaldson briefly discussed the following alcohol license application (copy on file):

- | | |
|----|--|
| 1. | J&J Cajun Seafood & Steaks, LLC; d/b/a J&J Cajun Seafood & Steaks; 1906 N. Slappey Blvd; C. Bourg/Agent; Beer/wine consumption |
|----|--|

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

Chief Deputy Donaldson discussed the following application (copy on file):

- | | |
|----|---|
| 2. | 625 Starlite, Incl; d/b/a Slappey Chill Point; 1200 N. Slappey Blvd; S. Ahmed/Agent; Beer Package |
|----|---|

Commissioner Johnson 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.

Chief Deputy Donaldson discussed the following application (copy on file):

- | | |
|----|--|
| 3. | Family Dollar Store of GA, LLC; d/b/a Family Dollar Store #31463; 1505 N. Maple St; P. Sawyer/Agent; Beer/Wine Package |
|----|--|

Commissioner Young moved to deny, seconded by Commissioner Howard.

Commissioner Howard asked the proximity to the church and school with Deputy Chief Donaldson stating that it is 100 yards.

Commissioner Young commented on the request for the license as being a detriment to the neighborhood and affecting its integrity. He mentioned Albany having many food deserts and discussed their drain on poor neighborhoods, adding that this needs to be stopped now to protect neighborhoods.

Hearing no additional comments, the motion to deny carried 5-2 with Mayor Dorough and Commissioner Langstaff voting negatively.

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In reply to Mayor Dorough regarding the Commission giving reasons for their vote, Mr. Davis stated that ‘it would not hurt’. The following reasons were noted: Commissioner Howard read from Sec. 6-76(a) of the Code regarding density requirements; Commissioner Johnson suggested looking at licenses on a case-by-case basis; Mayor Pro Tem Gaines agreed with the earlier comments from Commissioner Young; Commissioner Warbington noted the effects on the neighborhood. Commissioner Young stated that he had given his comments earlier, adding that he feels businesses target areas, resulting in harmful effects to the community and that the integrity of all neighborhoods should be protected.

A heated discussion followed between Commissioners Johnson and Young regarding comments that were made, i.e., Commissioner Johnson stating that the application cannot be denied based on the name of the business due to this being discrimination which is why he suggested looking at licenses on a case-by-case basis and Commissioner Young countering that the justification to deny should be defined, adding that some business models harm communities. He agreed that the licenses should be handled on a case-by-case basis.

Chief Deputy Donaldson discussed the following transfer of ownership license application (copy on file):

4. SP Brands, Inc.; d/b/a Apple Express; 418 N. Slappey Blvd; O.
Martin/Agent; Beer/Wine Package

Commissioner Warbington moved to approve the transfer of ownership license, seconded by Commissioner Johnson and following a roll call vote, the motion carried 6-1 with Commissioner Howard voting no.

ORDINANCES

Commissioner Warbington introduced

AN ORDINANCE NO. 222-100

Changing Regular Meeting Date in June 2022

Commissioner Warbington then offered ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Howard and, following a roll call vote, the motion unanimously carried.

Commissioner Warbington introduced

AN ORDINANCE

Amending the Zoning Ordinance and Map of the City of Albany so as to change the status of property located at 1820 Dawson Rd., from C-6 to C-5

Commissioner Warbington moved to deny the, seconded by Commissioner Johnson.

In reply to Commissioner Howard, Paul Forgey, Planning Director stated that if it is denied, the business can continue its operation, as it is currently zoned, without seeking approval.

Discussion followed with Commissioner Young questioning the request to approve with Mr. Forgey explaining current zoning uses and the generation of more traffic. In reply to Commissioner Young, Mr. Forgey explained that approval was recommended because currently, the property is zoned for a number of uses, i.e., daycare (up to 18 children) restaurant, retail store, professional offices, dentist/optometrists, and no further action would be required based on those uses. He advised that this particular request would generate more traffic, adding that the future land use map projects that strip too eventually be all commercial; while more traffic will be generated, the daycare would generate less traffic than other allowable uses, especially a restaurant. He stated that the traffic count conducted in the 600 block of Forrest Glen indicated a daily average of 654 trips. Commissioner Young suggested that all the data should be considered when making decisions.

Mayor Dorough clarified that the C-6 designation is more restrictive; Mr. Forgey agreed. Mayor Dorough asked if all of the property on this segment of Dawson Rd., is currently C-6 with Mr. Forgey stating that in the immediate vicinity it is. Mayor Dorough noted that if it is rezoned to C-5, other businesses in the area can request the C-5 designation as well. Mr. Forgey clarified that they have the right to come in and

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seek any zone they want right now, such as M-1; however, it does not mean the Commission would have to grant it, adding that it is considered on a case-by-case basis. He explained that the corner lots are more intensive than the other lots.

In reply to Commissioner Young regarding mitigating traffic problems, Mr. Forgey mentioned the App that the applicant will be using to assist with checking clients in, which will help traffic move along,

Commissioner Johnson questioned the use of the alley, with Mr. Forgey advising that the alley will be in use, i.e., entering the alley and exiting on Forest Glenn.

Commissioner Warbington commented on the traffic count (654) which is 15% higher and is important when considering the application, i.e., commercial zoning vs intensity, adding that a restaurant, hotel, etc., could be put in the C-5 designation and suggested that the intensity of a commercial use is the crux of this issue.

Commissioner Young again commented on the prior traffic count discussion and stated that the 654 number is less than the 900 previously indicated and should be considered.

Hearing no additional comments, and following a roll call vote, the motion to deny carried 4-1-2 with Commissioner Howard abstaining and Mayor Pro Tem Gaines and Commissioner Young voting negatively.

Mr. Davis provided comments regarding the intent of the following ordinance.

Commissioner Warbington introduced

AN ORDINANCE NO. 22-101

Amending the Code of Albany, GA to provide for the continued availability of Quality Transient Lodging within the City of Albany, proper maintenance of hotels, Motels and Extended Stay Hotels

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 Johnson.

In reply to Commissioner Howard, Mr. Davis stated that the document, if adopted, will be made public and applicants should check the rules, adding that the burden falls on the businesses [hotels/motels/extended stays].

Commissioner Johnson agreed with the burden being on the businesses and that consideration be given to adopt the ordinance.

Mayor Pro Tem Gaines cautioned that the City should be consistent with monitoring once the rules are in place, with Mr. Davis advising that Code Enforcement and APD are in charge of enforcement.

Commissioner Warbington encouraged the public to report issues if businesses are not abiding by the rules.

Commissioner Young expressed concern of the overall policy, i.e., enforcement in particular and asked how the law will be implemented. He agreed with Mayor Pro Tem Gaines on being accountable and suggested that the Commission needs more time to review the ordinance before it is adopted.

Mayor Dorough commented on having a summary provided regarding bookkeeping, surveillance cameras being needed and agreed that more discussion should have been held for all to have a better understanding. He mentioned APD being short staffed, human trafficking that goes on in Albany and the need to deploy resources to work together in solving the issues.

Commissioner Johnson noted that Sec. 25-25 provides that the police, fire and code enforcement departments, including civilian employees, are inclusive in reporting and handling the issues. Mayor Dorough commented on the police department being short-staffed, over-burdened and having more than enough to deal with and suggested that adding to their responsibilities with monitoring this issue needs more thought. Commissioner Johnson explained that he wanted attention brought to the statement of civilian employees also being responsible for monitoring.

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At this time, Mayor Pro Tem Gaines stated that he feels discussions on this matter should end and that the vote is taken with Mayor Dorough countering that everyone should have an opportunity to speak on the matter. Mayor Pro Tem Gaines stated that everyone had already spoken and the vote should be taken. In reply to Mayor Dorough, Mayor Pro Tem Gaines moved to close discussion on this issue, seconded by Commissioner Warbington and, following a roll call vote, the motion carried 6-1 with Mayor Dorough voting no.

Hearing no additional comments, the motion to approve carried 6-1 with Commissioner Young voting no.

RESOLUTIONS

Discussion followed regarding the Three Oaks Stormwater Improvement Resolution with Commissioner Warbington commenting on the alternate to provide for a walking track, etc. In reply to Mayor Dorough, Civil Engineering Superintendent Charlie Clark discussed the options and amounts. Commissioner Howard voiced his reasons for not voting in support of this item. Commissioner Warbington stated that this was discussed in the work session advising that there are two resolutions, one including alternates and one excluding them, with one being adopted tonight. Commissioner Langstaff agreed with the revised resolution. Commissioner Young noted concerns of using stormwater funds for other things and gave examples of recreation projects that have been started on, the issue of changing and using SPLOST for a walking trail, etc., adding that he will not support the resolution. Mayor Dorough discussed the dry lake in the area and the City making it a holding pond with a walking trail being beneficial for the community and asked that this be addressed separately. Mr. Davis stated that he does not look at it as an amendment, but it could come back later as a separate item.

Commissioner Warbington stated that they (the contractor) must move dirt fast as it is the growing season. Mayor Dorough clarified that he meant to go forward with the excavation, with construction of the trail coming at a much later date. Commissioner Warbington countered that we do not know that with the contractor bidding in a way that, while the equipment is on site, dirt being moved, etc., making changes may result in having to go back to the contractor with an offer of giving so much now and so much later. He advocated for approving it tonight.

Bruce Maples, Interim City Manager/Director of Engineering, agreed with Commissioner Warbington's comments. Yvette Fields, Interim City Manager, also agreed that this can be voted on separately.

Additional discussion followed with Commissioner Howard stating that his concern is regarding the process.

At this time, Commissioner Johnson moved to discontinue discussion, seconded by Commissioner Warbington and following a roll call vote, the motion to discontinue discussion failed 5-2 with Commissioners Johnson and Warbington voting affirmatively.

Continuing with discussion, Commissioner Young expressed additional concerns regarding about projects getting out of turn which causes residents in one ward to feel as though they do not matter when another ward moves ahead with a project at the last minute.

Mayor Dorough asked Commissioner Warbington to consider voting on the resolution and to consider the alternate at another meeting.

Hearing no additional comments, Commissioner Warbington moved to adopt the following resolution with the base bid and to include the alternates 2-5, seconded by Commissioner Johnson. Following a roll call vote, the motion carried 4-3 with Mayor Pro Tem Gaines, Commissioners Howard and Young voting no

A RESOLUTION NO. 22-R130

Authorizing use of SPLOST VII Funds for the Three Oaks Stormwater Improvements Project;
Authorizing execution of contract with Jim Boyd Construction, Inc.

Deputy Director Don McCook, Utility Operations, briefly discussed the following two resolutions:

Commissioner Warbington moved to adopt the following resolution for the base bid and to not accept the alternates, seconded by Mayor Pro Tem Gaines and, following a roll call vote, the motion unanimously carried

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A RESOLUTION NO. 22-R131

Approving contract with Reeves Construction, Inc., for Phase A – street resurfacing improvements;
Authorizing use of LMIG and TSPLOST Funds

Commissioner Warbington moved to adopt the following resolution for the base bid and to not accept the alternates, seconded by Commissioner Johnson, and following a roll call vote, the motion unanimously carried.

A RESOLUTION NO. 22-R132

Authorizing contract with Oxford Construction, Inc., for Phase B – Street Resurfacing Improvements;
Authorizing use of LMIG and TSPLOST Funds

MEMBER COMMENTS

Mayor Pro Tem Gaines asked to have an update on Driskell Park and the Carver Gym project.

Commissioner Warbington thanked staff for the Westover HS event held earlier this evening.

Commissioner Young commented on the recreation master plan, money budgeted for it and renovating other buildings and asked that decisions be made fairly and justly.

Mayor Dorough asked the Clerk to move forward with agenda items for Carver Gym (May 3rd agenda) and Henderson Gym (May 17th agenda). Referring to Driskell Park, he stated that the City is positioned to go out for construction. Mr. Carter advised that it will be bid out next week. The Clerk interjected that she cannot put Carver Gym on the agenda until the City Manager/staff are ready to proceed. Mayor Dorough instructed Mr. Carter to prepare an agenda item for this matter.

There being no further business, the meeting adjourned at 7:58 p.m.

MAYOR

ATTEST

CITY CLERK