

JULY 28, 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 Commissioners: Jon Howard, BJ Fletcher, Chad Warbington and Demetrius
Young
(Virtual participant: (Bob Langstaff, Jr.)
Interim City Mgr.: Steven Carter
City Attorney: C. Nathan Davis

Mayor Dorough called the meeting to order at 6:02 p.m., and the invocation given by Rev. Marcus Glass, New Season's 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

Alcohol License Applications:

Commissioner Fletcher moved to approve the following Alcohol License Application, seconded by Commissioner Warbington.

1. Tates Tavern, LLC; d/b/a Tates Tavern; 2422 Sylvester Rd., C. Hubbard/agent; Liquor, beer, and wine consumption

In reply to Commissioner Young, Marshal Walter Norman, Business License Director/Interim Code Enforcement Director, stated that residency proximity is not a requirement and advised that he did not have the information on the number of licenses per square mile.

Commissioner Howard stated that the establishment is 75 yards from a residence on Cherokee.

Commissioner Young stated that in light of Commissioner Howard's comment, he will vote no, adding that he does not feel the establishment should be that close to a neighborhood. He suggested that Marshal Norman should have to consider this and that it be in the code, etc.

Hearing no additional comments and, following a roll call vote, the motion carried 5-2 with Commissioners Howard and Young voting no.

Mayor Pro Tem Fuller moved to approve the following Alcohol License Application, seconded by Commissioner Fletcher.

2. Crazy Gemini; 312 Thornton Dr., A. Walker/Agent; Beer and wine consumption

Discussion followed with Commissioner Howard commenting on churches in the area. Commissioner Warbington questioned the food trucks with Marshal Norman explaining the food truck and restaurants requirements. Referring to the map, Commissioner Warbington noted the school, library, baseball park, Thornton Gym, etc., all which draws children and families within proximity, adding that he spoke with the agent and would recommend the Commissioners do the same on some of the requests for licenses. Marshal Norman briefly discussed the commercial zoning, which is not an impact or prohibits him from recommending approval.

Commissioner Young thanked Commissioner Warbington for the information which reflects his comments that this should be considered before approving.

In reply to Commissioner Warbington, Mr. Davis advised that subsection 9 of the ordinances provides grounds for voting no. Commissioner Warbington again mentioned the food truck at the location which can be an asset, adding that he decided that he can support the application after speaking with the agent.

Commissioner Young expressed his concerns again and commented on crime, being near a problematic hotel and other alcohol outlets, etc.

Hearing no additional comments and, following a roll call vote, the motion carried 6-2 with Commissioners Howard and Young voting no.

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Commissioner Fletcher moved to approve the following Alcohol License Application, seconded by Commissioner Warbington.

3. Cracker Barrell Old Country Store, Inc., #455, 1114 N. Westover Blvd., A. Howard/agent; Beer and wine consumption

Commissioner Howard stated that the agent is not related to him and Commissioner Young stated that this area is commercial, is not near a residential area, with minimal reports of crime.

Hearing no additional comments and, following a roll call vote, the motion carried 6-1 with Commissioner Howard voting no.

Commissioner Fletcher moved to approve the following Alcohol License Application, seconded by Commissioner Warbington.

4. Love's Travel Stops & Country Store, Inc., d/b/a Love's Travel Stop #808, 1737 Clark Ave., D. Melvin/agent; Beer and wine package

Commissioner Young stated that there is a housing complex across the street with pedestrians walking in the area. Commissioner Howard stated that there is a fence requiring pedestrians to cross at the light.

Hearing no additional comments and, following a roll call vote, the motion carried 6-1 with Commissioner Howard voting no.

Mayor Pro Tem Fuller moved to approve the following Alcohol License Application, seconded by Commissioner Fletcher and, following a roll call vote, the motion carried 6-1 with Commissioner Howard voting no.

5. Los Amigos Mexican Restaurant, LLC; 1514 N. Slappey Blvd., R. Eliz/agent; Liquor, beer and wine consumption

APPOINTMENT:

1. One appointment for three-year term ending June 2024 to Chehaw Park Authority.

Commissioner Howard nominated David Daniels and Commissioner Langstaff nominated Carrie Hutchinson. Following a brief discussion, and following a roll call vote, the motion to appoint Mr. Daniels carried 5-2 with Mayor Pro Tem Fuller and Commissioner Langstaff voting no.

ORDINANCES

Commissioner Howard introduced

AN ORDINANCE NO. 21-122

Levy and Assessing the Rate of Taxation for City purposes on all Taxable Property in the City of Albany, GA, for Fiscal Year 2022

Commissioner Howard then offered the ordinance and asked for 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.

RESOLUTIONS

A brief discussion followed Mr. Carter's explanation of the request to add the Juneteenth Holiday to the list of City-observed holidays. In reply to Commissioner Warbington, he explained that there is no need to amend the budget and that public safety employees will get the holiday, adding that those who work on a holiday are given another day off.

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

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A RESOLUTION NO. 21-R152

Establishing Juneteenth as an additional paid City of Albany Holiday

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-R153

Accepting an Easement from F&W Beaver Run properties, LLC (re: sidewalk easement at Dawson Rd., and Forest Glenn Dr.)

Commissioner Warbington thanked staff for their efforts in working with the owners in resolving their issues.

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

Mayor Dorough stated that he failed to provide Mr. Carter with oversights he identified as promised, but will provide information regarding his concerns which may require a budget amendment.

A RESOLUTION NO. 21-R154

Amending the Financial Management Policy

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

A RESOLUTION NO. 21-R155

Approving Voting Delegate and Flag Bearer for the City of Albany to the Georgia Municipal Association's 2021 Annual Convention on August 6-9, 2021

Commissioner Howard asked the Clerk to contact the Mayor of Savannah to provide update information regarding their mask ordinance for indoors.

Mr. Davis gave a brief summary of the following resolution regarding the proposed temporary stoppage of issuing alcohol licenses (re: moratorium).

A RESOLUTION NO.

Establishing a Temporary 90-day Moratorium on the acceptance of any and all applications for Alcohol Licenses whether 'new' or 'transfer' of Alcohol Licenses; Providing for Extension(s) of the Moratorium

Commissioner Young commented on previous discussions to stop approving licenses and looking at making changes to the current ordinance as it pertains to density, increased crime, youth violence, etc. He suggested bringing interested parties to the table to discuss/provide necessary tools to Marshal Walter Norman after a good policy has been developed/adopted.

Additional discussion followed with Commission Howard stating that his ward in E. Albany has 50% poverty rate with 80% receiving SNAP Program funds for food. He mentioned the environment of clubs which often results in people being killed and suggested that the number of these establishments in poor neighborhoods will have a negative effect on economic development.

In reply to Commissioner Warbington regarding the process, Mr. Davis explained the exception in Sect. 4 allowing approval if the standards are met, adding that there is not a complete, automatic prohibition. Discussion followed on alcohol licenses being approved by the Commission, the moratorium, reduction in night club hours, having a policy change without having a moratorium, exceptions to the rules on approvals, etc., with Commissioner Warbington thanking Marshal Norman for his research, measuring and vetting the licenses. Commissioner Young countered that the moratorium would allow an opportunity to look at the issues and develop a policy that provides equity, fairness and the same

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standard of living for all sides of town. This is why a study is needed which will consider the effects on the community. He then moved to adopt the resolution, seconded by Commissioner Howard.

Mayor Pro Tem Fuller commented on the distance from homes in this area and the number of establishments on Slappey Blvd. Commissioner Warbington noted that he cannot find the number in the CDC report that was mentioned. Mayor Dorough asked Mr. Davis to check with the CDC for the guideline regarding the number of establishments/licenses per population as discussed. Regarding the CDC information, Commissioner Young stated that the guideline is one alcohol license per one thousand people.

Mayor Dorough stated that the City of Albany complies with state law and goes above by having a maximum number of licenses per ward and a proximity standard from one to another licensed establishment. He asked to look at other cities to review their policies in addressing this type problem, adding that ward 5 has the most licenses issued. He stated that he does not think a moratorium is needed.

Hearing no additional comments, and following a roll call vote, the motion failed 2-5 with Mayor Dorough, Mayor Pro Tem Fuller and Commissioners Fletcher, Warbington and Langstaff voting no.

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

Regarding the following resolution, Yvette Fields, Central Services Director, discussed information (copy on file) and recommended approval.

A RESOLUTION NO. 21-R156

Authorizing use of SPLOST VII Funds for new Albany Transportation Center; Authorizing contract with LRA Constructors, Inc.

Commissioner Howard asked if the shortfall is approximately \$2.0 million with David Hamilton, Transportation Director, agreeing and explaining the GDOT process regarding a grant application, adding that he has no timeline at the moment. Mr. Hamilton and Mr. Carter stated that alternative funds can be identified with Mr. Carter advising that before seeking alternative funding, the intent is to allow the process to play out with GDOT as the primary source. Regarding LRA, Ms. Fields stated that the quote is good for 60 days and that construction will not begin until the City awards the project and is fully funded; at which time a Notice of Award and Notice to Proceed will be issued, adding that several steps in the process must take place before construction begins. She stated that voting tonight will make LRA aware that they have a contract coming; then there are several steps on their end (bond performance, etc.) before a Notice to Proceed is issued. She mentioned the rising cost of materials and having the bid locked in as soon as possible.

In response to Commissioner Howard, Ben Barrow (LRA) stated that LRA has 60 days to honor its bid; after 60 days they are no longer obligated to build the job for the quoted price. He mentioned the bonding process, adding that they would like to get ahead of future price increases. In reply to Commissioner Howard regarding DBE participation, Mr. Barrow stated that they exceeded DBE percentages.

In reply to Commissioner Fletcher, Mr. Hamilton advised that this project has been on the table for over twenty years.

Commissioner Warbington verified that information will be brought back to the Commission for funding if the shortfall is an issue and mentioned options and having the cost locked in due to escalation of prices.

In reply to Commissioner Young regarding other funding, Mr. Carter advised that the item will be brought back for review regarding reallocation of funds.

Mayor Dorough expressed concerns of using reserves, SPLOST, etc., with Mr. Carter advising that the project will be constructed as presented.

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Hearing no additional comments, Commissioner Fletcher moved to adopt the resolution, seconded by Commissioner Warbington.

Commissioner Warbington mentioned that property next door and across the street are going up for auction Tuesday. He explained that the significance of this is the impact of what happens on adjacent property.

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

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-R157

Authorizing use of SPLOST VII Funds for E. Broad Ave., CSO Sewer Separation Project; Authorizing Execution of contract with Jim Boyd Construction, Inc.

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-R158

Authorizing approval of 2021 Edward Byrne Memorial Justice Assistance (JAG) Grant; Authorizing execution of Intergovernmental Memorandum of Understanding Agreement between the City of Albany and Dougherty County

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-R159

Authorizing submission of a Grant Application to the Firehouse Subs Public Safety Foundation re: Firehouse Subs Grant to purchase new Dive Equipment

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-R160

Accepting Grant Award from Georgia Emergency Management and Homeland Security Agency re: Emergency Management Performance Grant

Regarding the following resolution, Derrick Brown, Finance Director, stated that this item will be brought back as a budget amendment.

A RESOLUTION NO. 21-R161

Approving request by the Albany/Dougherty Economic Development Commission to grant \$400,000 from the Job Investment Fund to Outdoor Network Distributions, LLC for upgrades to its Distribution Center

In reply to Mr. Davis, Jana Dyke, EDC President/CEO, stated that there are six-seven subsidiaries with Mr. Davis advising that all parties must sign the agreement.

A brief discussion ensued regarding workers being recruited within Albany/Dougherty County with Ms. Dyke advising that the agreement cannot legally stipulate this, however, they are working with local agencies to hire locally. She advised that jobs would include manufacturing, call center employees, administration, research/development, etc.

Commissioner Howard moved to adopt the resolution, seconded by Commissioner Fletcher.

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A brief discussion followed regarding the product (outdoor boat motors), which is a federal contract with the product previously manufactured in Sweden; they are now solely manufactured in Albany. They are the number one diesel outdoor motor in the US and have an exclusive contract with the DOD.

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

CONSENT AGENDA

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

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|----|---|-------------------|--------------|
| 1. | Fencing – Upchurch Fence, Jenkinsburg, GA | | |
| | | Total expenditure | \$83,187.00 |
| 2. | Well 27 Rehab, Donald Smith Co. | | |
| | | Total expenditure | \$268,609.00 |

ITEM FOR FUTURE AGENDA

Mayor Dorough asked to compare the ordinance and compile a chart of what Albany has in place vs other cities regarding number of alcohol licenses, etc., to suggest ways to improve the city's ordinance and to establish a committee to review.

OTHER BUSINESS

Commissioner Howard mentioned a situation at the apartment complex on Pinson Road with Bruce Maples, Director of Engineering, explaining that the situation goes back to the 1970's as it pertains to the sanitary sewer, pump failing, etc., sewage discharge, adding that it is a private system and EPD was contacted. A brief discussion followed regarding the number of other private properties with these type issues, legal options, putting a lien on the property, it being a public safety issue and whether there are options.

Commissioner Young announced upcoming Town Hall meetings for Ward 6 and gave the locations and times.

Mayor Dorough advised that the Covid task force is scheduling meetings due to the delta variant. He commented on the apartment situation as noted and suggested making sure landowners follow laws/ordinance, adding that apartment managers do not have the authority to do what is legally required.

There being no further discussion, the meeting adjourned at 8:08 p.m.

MAYOR

ATTEST

CITY CLERK