

NOVEMBER 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 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 6:01 p.m., and the invocation given by Pastor Ken Bevel, Sherwood Baptist Church was followed by the pledge of allegiance.

RECOGNITION

Mayor Dorough recognized and congratulated the Dougherty High Trojans, who will be playing against Carver High in Columbus in the State Quarter Finals this Friday. He recognized principal, Eddie Johnson, head coach, Johnny Gilbert, the players who were present and encouraged everyone to wear Dougherty's colors Friday in support of the Trojans.

Commissioner Howard asked Commissioners and the School Board representative to join him for a photo with those from Dougherty High. As an alumnus of Dougherty High, Commissioner Howard spoke of the pride he has in the high school and East Albany and thanked Principal Johnson, and Coach Gilbert for their example and support of students at Dougherty High.

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

1. Special Approval Case #21-060 – Lanier Engineering/Applicant; Sawtooth Farms, Inc./ Owner: request Special Approval to construct a self-storage facility at 2212 Gillionville Rd.

In reply to Mayor Dorough, Tod Lanier, applicant stated that he is present to answer questions.

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

2. Special Approval Case #21-061 – LaShave Lamar/Applicant; Tomeka Hardaway/Owner; request Special Approval to operate a childcare facility at 958 South St.

Angel Gray, Planning Manager was present to answer questions.

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

Deputy Chief Anthony Anderson discussed the following alcohol license application:

1. NYSE Hookah Bar; 2203 E. Broad Ave; M. Daniels/Agent; Liquor, Beer and Wine Consumption

Commissioner Young asked the number of other alcohol establishments within the vicinity of this location. Chief Donaldson replied that there are 14, including convenience and liquor stores.

Mayor Dorough moved to approve the application, seconded by Mayor Pro Tem Fuller. Commissioner Young discussed the density issue of establishments selling alcohol, which breeds crime; increase of alcoholism during the pandemic and being a detriment to the community.

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

Fleet Director Peter Bednar discussed the following purchase:

1. CONDITIONAL - Service Trucks; Houston Freightliner;
Exp. \$429,914

Commissioner Howard move to approve the purchase, seconded by Commissioner Fletcher and, following a roll call vote, the motion unanimously carried.

APPOINTMENT

1. Joint City/County/School Board Redistricting Committee

Commissioner Warbington recalled discussion to join the County and School Board, with each having appointed three of their Commissioners, adding that he and Commissioners Howard and Langstaff volunteered to serve on the City's committee.

In reply to Mayor Dorough, Commissioner Howard agreed to serve; Commissioner Langstaff stated that at the last work session, he recommended that someone who has never had the opportunity to participate in the redistricting process be appointed. Commissioner Young agreed to serve.

Commissioner Warbington moved to appoint Commissioners Howard, Young and himself to serve on the committee, seconded by Mayor Dorough and, following a roll call vote, the motion unanimously carried.

ORDINANCE(S)

Barry Brooks, Asst. to the City Manager, advised that Commissioner Langstaff proposed an amendment and asked that the amendment be considered first. If the ordinance is approved, it can be adopted as amended.

Commissioner Howard asked if issues will be discussed at the next retreat. Mr. Brooks stated that this is his understanding, adding that it is up to Commissioners. He explained that it is a living document which can be amended as desired. Commissioner Howard asked to be allowed to make changes and vote on it at the retreat.

Commissioner Langstaff advised that the amendment he proposed is on page 19 of the packet, which states that, rather than outlining all of the details for virtual meetings, the Commission will comply with State law.

Commissioner Young agreed with Commissioner Howard that the rules require further discussion/deliberation.

Mayor Dorough thanked Mr. Brook for the time he spent drafting the documents; however, he stated that he has problems and will vote against it. The first problem is having a time limitation on speakers which should be a rule, there should be no ability to waive the rule. Secondly, the provision that the Mayor's ruling of someone being out of order or not, the Commission can overrule his ruling adding that he feels that onus should not be on the Mayor. He suggested spending half a day at the retreat discussing this; it can be changed even after being included in the City Code Book.

Commissioner Young stated that the rules of comportment give him pause; he feels that the rules came about due to contentious meetings during the budget hearing. Stating that rules should not be used to silence the public and the Commission should not hide behind ordinances/laws that limit certain people from speaking, he briefly discussed hostility toward certain individuals who appear before the Commission and taking many of the rules personally. He commented on live streaming the meeting on Facebook (as he is doing at this very moment), and asked if he will be escorted out

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by the police for it and stated that he is willing to look at the information, but there are some things that he is not willing to consider. He discussed the chaos at the mask mandate meeting versus the budget hearing and the number of police officers at both. While there are rules within the document that can be utilized, it should not be a way to stymie the voices of the community.

Mayor Dorough took issue with Commissioner Young's assertion that there is an intent to silence the public, adding that there is the right to address the Commission under these rules. He mentioned a couple of meetings in which citizens were unruly and disruptive. Commissioner Young interjected that the rules were only brought up one time. Mayor Dorough again took issue with the comment. Commissioner Young countered that it is a fact. Mayor Dorough agreed that the public has a right to be here, but not the right to shout, threaten and conduct themselves in that manner.

Mr. Brooks asked that Commissioner Langstaff's amendment be handled first.

Commissioner Langstaff moved to incorporate the amendment, seconded by Commissioner Warbington. Mayor Dorough added that the amendment addresses any language that conflicts with State law, with Commissioner Langstaff inserting language that the City will comply with State law.

Commissioner Young moved to table the matter until it can be discussed at the retreat, seconded by Commissioner Howard. Following a roll call vote, the motion failed 3-4 with Mayor Pro Tem Fuller, Commissioners Fletcher, Warbington and Langstaff voting no.

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

Commissioner Warbington introduced (for the first reading)

AN ORDINANCE NO.

Amending Chapter 2, Article II, Division 2 of the Code of Ordinance of the City of Albany, Georgia, to provide for Rules of Procedure and Comportment.

Commissioner Warbington then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption to include the amendment recommended by Commissioner Langstaff, seconded by Commissioner Fletcher.

Commissioner Young asked if there are any provisions for penalties. Mr. Brooks replied that the Commission makes the rules and likewise, impose the penalties. In reply to Commissioner Young, Mr. Brooks explained that it is mostly a censure issue. Commissioner Young stated that he does not agree to waive the second reading.

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

Mr. Brooks announced that he sent an email to Commissioners today with a form to list priorities, which needs to be returned ASAP so that they can be sent to the City's lobbyist in Atlanta.

APD Chief Persley briefly discussed the following ordinance, which must be adopted every four years, and gives the City the right to run radar and ensures compliance with State law.

Commissioner Warbington introduced

AN ORDINANCE NO. 21-136

Amending Sec. 32-42 of Article II, Chapter 34 so as to update the speed limit of streets within the City of Albany

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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 Howard. Following a roll call vote, the motion unanimously carried

RESOLUTIONS

Commissioner Howard moved to adopt the following resolutions (1-10), seconded by Commissioner Fletcher.

In response to Mayor Dorough, Mayor Pro Tem Fuller stated that he is abstaining on items five and ten. Commissioner Langstaff stated that he is also abstaining on item five. Mayor Dorough explained each resolution, with Mr. Brooks advising that item six is a policy that connects to the Rules of Procedure/Comportment ordinance.

In reply to Commissioner Young, Mr. Brooks explained that these items (ordinance and resolution) were considered in tandem, adding that when he worked with Commissioners, both issues were addressed, with the policy being addressed first. Mayor Dorough stated that the vote will be on Items 1, 2, 3, 4, 7, 8, 9.

Commissioner Young asked for an explanation of the resolutions (as noted) so that the public is aware of the details. Mayor Dorough agreed and asked that departments provide a summation.

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

A RESOLUTION NO. 21-R194

Declaring 0.78 acres of City's Lily Pond Site to be Surplus Property and authorizing its disposition per O.C.G.A § 36-37-6(a)

A RESOLUTION NO. 21-R195

Authorizing Conditional Acceptance of Donation of S. Van Buren Properties by Equinox Properties, LLC

A RESOLUTION NO. 21-R196

Authorizing a Memorandum of Understanding between the Georgia Department of Public Health and the City of Albany re: Data Sharing Agreement

A RESOLUTION NO. 21-R197

Authorizing Initiation of Procedures to Close the 400 Block of W. 4th Ave. between N. Monroe St. and N. Jefferson St

A RESOLUTION NO. 21-R198

Authorizing the Use of SPLOST VII funds for sidewalk improvements in various locations

A RESOLUTION NO. 21-R199

Authorizing the use of TSPLOST funds for Striping and Marking at various roadways

A RESOLUTION NO. 21-R200

Authorizing submission of Grant Application to Local Government Risk Management Services for the Firefighter Cancer Awareness Incentive Program; Should the Grant be awarded to City, such Grant is accepted

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Engineering Director Bruce Maples discussed the following resolution, which is a request to advertise the closing of an alley on Sixth Avenue. In reply to Mayor Dorough, Mr. Maples stated that one property owner does not want that portion of the property. Mr. Davis explained State law regarding property when an alley is closed the property owners between the alley can be deeded the property. Mr. Maples added that the City will retain an easement.

Commissioner Warbington moved to adopt the following resolution, seconded by Commissioner Howard and, following a roll call vote the motion carried 5-0-2 with Mayor Pro Tem Fuller and Commissioner Langstaff abstaining.

A RESOLUTION NO. 21-R201

Authorizing Initiation of Procedures to Close an Alley between 709 and 711 W. Sixth Ave.

Commissioner Warbington moved to adopt the following resolution, seconded by Commissioner Fletcher.

A RESOLUTION NO. 21-R202

Authorizing Brownfield Cleanup Loan Agreement between the City of Albany and 207 Pine, LLC.
Re: Abatement of Hazardous Materials at 207 Pine Ave. (Gordon Hotel)

Mr. Davis advised that it is a loan of \$265,000 under brownfield requirements at 207 Pine and discussed the provisions.

Hearing no additional comments and, following a roll call vote, the motion carried 6-0-1 with Mayor Pro Tem Fuller abstaining.

CONSENT AGENDA

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

| | | | |
|----|--|------------|--------------|
| 1. | Fire Dept. Uniforms; Galls, Inc., Lexington KY | | |
| | | Total exp. | \$40,360.75 |
| 2. | Annual Licenses/support service renewals (TAC) | | |
| | | Est. exp. | \$98,837.66 |
| 3. | Temporary Labor Services; Global SCR; Albany, GA | | |
| | | Total exp. | \$145,584.00 |
| 4. | Rental Work Uniforms; Cintas of Albany, GA | | |
| | | Total exp. | \$92,406.60 |
| 5. | Pay Equity Study; Payscale, Inc. | Total exp. | \$49,000.00 |

Following a brief discussion, Commissioner Warbington moved to adopt the following resolution, seconded by Commissioner Fletcher and, following a roll call vote the motion carried 5-2 with Mayor Dorough and Commissioner Young voting no.

A RESOLUTION NO. 21-R203

Adopting Public Participation Policy

ITEMS FOR FUTURE AGENDA

Commissioner Warbington mentioned a Special Called Meeting next week regarding the opioid litigation, adding that he would like to add the second reading of the ordinance regarding Rules of Procedure/Compartment.

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OTHER BUSINESS

Commissioner Howard mentioned that Ken Stock is leaving the City next month and thanked him for the job he has done here, wishing him well. He asked all to be safe during the Thanksgiving Holidays and noted that Hanukah begins November 28th.

Mayor Pro Tem Fuller also thanked Mr. Stock and wished him well. Commissioners Langstaff and Young also thanked him.

Mayor Dorough mentioned a letter he received from Alcade and Fay, in which he was advised of available funding. He asked that staff draft a list that is workable and once approved to get it to our federal lobbyists. He added that Broad Ave., is a big project, but we need sidewalks from the river to Five Points, directing Mr. Carter to look at that.

In response to Mr. Davis, Mayor Dorough noted that Commissioner Warbington mentioned a Special Called Meeting next week to include opioid litigation, MGAG issue and the second reading of Rules of Comportment. The consensus was to hold the Special Called meeting, Thursday, December 2nd at 8:30 a.m. Commissioner Warbington added that he would also like to add a personnel matter to the agenda.

Commissioner Howard announced that City Clerk Sonja Tolbert was absent tonight due to a death in her family.

Mayor Dorough wished everyone a Happy Thanksgiving, closing with ‘Go Trojans’.

There being no further discussion, the meeting adjourned at 7:12 p.m.

MAYOR

ATTEST

ASST. CITY CLERK