

APRIL 1, 2022

SPECIAL CALLED MEETING OF THE BOARD OF CITY COMMISSIONERS OF THE
CITY OF ALBANY, GEORGIA
GOVT. CTR. – RM. 100 (Virtual and in-person)

PRESENT Mayor Bo Dorough
Commissioners: Jon Howard, Jalen Johnson,
Virtual Attendees: Chad Warbington, Bob Langstaff, Jr and Demetrius Young
City Attorney: Nathan Davis

Mayor Dorough called the meeting to order at 8:31 a.m.

The Asst. Clerk read the call as follows:

Mayor and Board of City Commissioners
P.O. Box 447
Albany, Georgia

Dear Mayor and Commissioners:

There will be a Special Called Meeting (virtual meeting and in person) on Friday, April 1, 2022, at 9:00 a.m., in room 100 of the Government Center Building located at 222 Pine Ave., Albany, Georgia. The purpose of the meeting is to discuss and adopt a resolution directing staff to apply for a RAISE Grant to fund Rails to Trails.

Sincerely,

/s/ Bo Dorough
MAYOR

/s/ Jon Howard
JON HOWARD, WARD I
CITY COMMISSIONER

/s/ Jalen Johnson
CITY COMMISSIONER, WARD II

/s/ Vilnis Gaines, WARD III
MAYOR PRO TEM

/s/ Chad Warbington,
CITY COMMISSIONER

Notified via email
BOB LANGSTAFF, JR., WARD V
CITY COMMISSIONER

/s/ Demetrius Young, Ward VI
CITY COMMISSIONER

Commissioner Langstaff called for a point of order stating that this matter is under pending litigation, suggesting it would be more appropriate to discuss in executive session. He added that it centers around having a Tolling Agreement with a lawsuit.

Mayor Dorough replied that he was not going to discuss the Tolling Agreement or the lawsuit, other than Rails to Trails...

Commissioner Langstaff interjected that the subject of the lawsuit is the trails, so any discussion about them in an open meeting is problematic.

Mayor Dorough deferred to Mr. Davis, who advised that there is no legal issue preventing an executive session, stating that per Open Meetings Law, the group would then come back and announce its decision regarding applying for the grant.

A discussion ensued on whether to continue with the open meeting or to go into executive session.

Commissioner Langstaff moved to go into executive session, seconded by Commissioner Young.

Mayor Dorough called the question, which failed 3-3.

APRIL 1, 2022

SPECIAL CALLED MEETING OF THE BOARD OF CITY COMMISSIONERS OF THE
CITY OF ALBANY, GEORGIA
GOVT. CTR. – RM. 100 (Virtual and in-person)

Mayor Dorough discussed the agenda item he prepared and recalled that last year information came to the Commission about possible funding through the State, Transportation Alternative Program, for construction of the trail. He stated that DOT advised the City that no funding would come from the State unless the design is approved and financed by DOT. The problem is that the project was designed in-house, leaving the City ineligible for TAP funds.

Commissioner Warbington interjected that the statements made by Mayor Dorough are incorrect and are pouring fuel on the other sides' fire by insinuating that there is a plan, when there is no plan. He recommended that they go into executive session. Mayor Dorough stated that his statements are based on his understanding that there is some type of plan. He stated that the State offered funds for the design of the trail.

Engineering Director/Asst. City Manager Bruce Maples explained that the City received the TAP grant, with the original application being for the construction of the trail; however, the amount of \$700,000 was received for Preliminary Engineering Funds. He briefly discussed the Planned Development Process, in which the City has to follow certain design criteria, which includes a Public Comment Period requirement so that residents in the area who will benefit from the project are allowed to provide input. Since the \$700,000 TAP grant would not supply sufficient funding to complete the process and the City would have to apply for construction money. The processes would take, depending on environmental/historic preservation issues, four – six years.

Mayor Dorough stated that today the discussion is an alternate funding source, the Federal RAISE program, which is basically for surface transportation infrastructure. Because of the recent expansion of the program's scope, a project like the Rails to Trails would be eligible for funding and the resolution authorizes submission of an application under the RAISE program.

In reply to Commissioner Howard, Mr. Maples provided further detail about the project taking four – six years, which is DOT's, not the City's, timeline.

Responding to Commissioner Johnson, Mr. Maples explained that the RAISE grant is similar to a TAP grant and has been expanded to include other transportation type projects. It would be his recommendation to ask for preliminary engineering, R-o-W acquisition, and construction funding. Commissioner Johnson asked if the City will have a 20% match; Mr. Maples agreed, which he has heard that the match is 25%. Commissioner Johnson stated that it seems this is a political/pet project someone wants done, mentioning other projects the City has, but lacks the funding to do them. He asked if the City will be obligated to perpetually maintain the trail. Mr. Maples stated that delves into the legal question and the original agreement with South Georgia Rails to Trails. Commissioner Johnson stated that there are too many unknowns regarding the project and he is not ready to approve it.

Commissioner Warbington made his presentation (copy on file) and discussed the RAISE grant, advising that the project will be in the \$12.0 million range and the City will be fortunate to receive half of that. He discussed being sued for \$7.0 million; having to raise \$6.0 million; another possible lawsuit filed by Rails to Trails; asphalt surface from N. Monroe to Sasser; unsafe bridge needing to be replaced in Lee County; pass-thru tunnel, which was designed, but never approved and goes under a road that does not exist; trailheads, etc. One major impediment is a section in Sasser that Rails to Trail was supposed to obtain, but never was.

Mr. Maples discussed Lee County applying for two DNR grants for trailheads; however, because of the location of railroads, that plan had to be altered with Lee County having to spend their own funds to purchase property for the trailheads with DNR revoking the grant funds. Commissioner Warbington asked Mr. Carter if there was discussion at the spring retreat regarding developing/building the trail; Mr. Carter replied that it was not discussed.

Commissioner Langstaff stated that even though he feels this discussion should have been in executive session, but now that it is out there, he clarified that the City has never adopted a formal trail plan. From the beginning, he has advocated for a natural trail for the major portion

APRIL 1, 2022

SPECIAL CALLED MEETING OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF ALBANY, GEORGIA
GOVT. CTR. – RM. 100 (Virtual and in-person)

of it, adding that most of the Rails to Trails nationwide are natural. Against his advice, the City put out bids on a paved surface with asphalt/crushed asphalt, with some wanting a concrete trail. He advised that we need Terrell to buy into this as well. He discussed requirements by Lee County, which causes consternation, but Lee County needs to be a part this and their agreement needs to be in writing.

Commissioner Young expressed concern, especially regarding anything that is not factual and backed up by evidence, as well as lacking the information to make a decision. He did not get the answers he was seeking and mentioned that the talk about ‘buy-in’; giving away what we own; maintenance of the trails, priorities, funding through grants/matches, etc., gives him pause. He stated that he heard DOT gave the City 30 days to make a decision. Mr. Maples explained that if he is referring to the TAP grant, it is his understanding, based on conversations with the Program Manager, that there is no deadline to accept that grant. He advised that April 14 is the Federal application deadline discussed by Mayor Dorough, which connects to the RAISE grant. Mr. Maples stated that the word ‘plan’ is used interchangeably and explained the difference between ‘plan’ (a concept document) and engineering construction/design documents (drawings), with the drawings being complete. In reply to Commissioner Young, Mr. Maples advised that once the City accepts DOT funds, DOT will hire an engineering consultant, who will not put his stamp on a drawing prepared by another professional engineer and group of surveyors, with the process starting from scratch.

Mayor Dorough stated that the confusion stems from conflating the two grants (TAP – Federal funds directed through the State; RAISE – Federal funds). Mr. Maples discussed using Federal funds associated with transportation and if the City will have to follow the same criteria as it would for the TAP grant; the general answer is ‘yes’.

Mayor Dorough recommended pursuing the available funding; if the application is granted at a lower percentage, the City is not obligated to accept the grant funds. He recommended going into executive session to discuss the proposal form the attorney representing Rails to Trails.

At 9:57 a.m., Commissioner Howard moved to go into executive session for further discussion, seconded by Mayor Dorough, the motion unanimously carried as follows:

Ward I	yes
Ward II	yes
Ward II	absent
Ward IV	yes
Ward V	yes
Ward VI	yes
Mayor	yes

At 10:54 a.m., Commissioner Johnson move to exit executive session, seconded by Commissioner Warbington, the motion unanimously carried as follows:

Ward I	yes
Ward II	yes
Ward II	absent
Ward IV	yes
Ward V	yes
Ward VI	yes
Mayor	yes

Mayor Dorough reconvened the meeting at 10:55 a.m., announcing that pending litigation was discussed with no decisions made.

There being no further business, the meeting adjourned at 10:55 a.m.

APRIL 1, 2022

SPECIAL CALLED MEETING OF THE BOARD OF CITY COMMISSIONERS OF THE
CITY OF ALBANY, GEORGIA
GOVT. CTR. – RM. 100 (Virtual and in-person)

MAYOR

ATTEST:

ASST. CITY CLERK