

AUGUST 16, 2022  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100 (Virtual and in-person Meeting)

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

Mayor Dorough called the meeting to order at 8:33 am, followed by attendance roll call. He discussed the order of the appeal hearing with each side, Phoebe Putney and Historic Preservation, having 30 minutes. Discussion followed with Mr. Davis stating that all five were rejected and it is noted that there were separate appeals for both sides. Mayor Dorough explained that there are five separate applications, with there being two separate denials and Historic Preservation Commission (HPC) arguing only one appeal. Bryant Harden, HPC Chairman, agreed and added that there is different language in each. Dawn Benson, ESQ representing Phoebe Putney Memorial Hospital advised that both the Hospital Authority and Phoebe filed separate appeals.

## **AGENDA ADOPTION**

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

## **APPEAL HEARING: HISTORIC PRESERVATION COMMISSION MATTERS**

Mr. Harden stated that the Historic Preservation Commission (HPC) does not have an attorney representing them, and discussed details regarding the appeal letters, etc.

Glenn Singfield, Chairman of the Phoebe Putney Hospital Authority, stated that the hospital was authorized to speak on the Authority's behalf and, it is their contention that the issues are one and the same.

Phoebe Putney Hospital President/CEO Scott Steiner, using a power point presentation (copy on file) listed reasons why they are appealing the decision of the HPC, which amounts to an abuse of their discretion, adding that they intend to maintain the integrity of buildings. He commented on the plans to develop properties for the nursing program working in conjunction with Albany Tech College (ATC) and a state-of-the art Living and Learning Center. He noted Sec. 2-475(a) not showing reasonable use of the properties, adding that the investment is upward of \$40 million which is needed for the community's health. He displayed a rendering of the project (living and learning center) which is across from the hospital and showed the existing structure, noting what will be preserved (doors/windows); location and design of the living/learning/athletic field/tract, which fits well with existing structures and healthcare teaching organizations. He noted renderings of the entryway with use of existing bricks and showed photos of the interior (apartments/academics) and referenced projects in Philadelphia and Charleston when projects were renovated with the façade being kept in place. He spoke to the urgency of the nursing crisis with Phoebe being short 300 nurses, as well as 200 other positions and the list of

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entities supporting the project and a map of areas in the state of Georgia where graduating students currently work. He discussed the \$40.0 million investment, partners including Albany Tech which began with the late President Dr. Anthony Parker, noting nursing degrees that are offered at ATC. Regarding outcomes, he commented on the ability to attract top talent on a permanent basis to become part of this community/neighbors which helps to transform Georgia's communities.

Mr. Harden stated that they object to comments (HPC abusing its discretion), pointing out the email that the City Attorney sent and read the part of arguments being 15 minutes rather than 30 minutes. He noted that the City Commission denied legal representation on behalf of HPC, continuances that were denied by the Commission and discussed the 1980 Historic Preservation Act that was adopted by the Georgia Legislature. He commented on the City's Ordinance put in place in 1996 regarding certificates of appropriateness and read excerpts from the ordinance, which outlines standards for consideration when reviewing applications, noting that HPC is to adopt rules and standards for business for certificates of appropriates, etc. He stated that the decision rests with HPC to adopt rules and standards, adding that design guides were adopted in 2000 and amended in 2017 and commented on meetings held with HPC and Phoebe, which agreed to the information that was presented, specifically to properties on Jefferson and Harding. He gave information regarding the properties that were up for decision and voted on by HPC resulting in denial with City staff support (Planning) with consensus that the property could be preserved which could result in an appeal from the applicant and commented on the memo sent by HPC (copy on file). He referenced the standard of review used by the HPC and the authority granted to it in the ordinance and explained the process set forth and noted areas that should not be considered today per the process as discussed and items not in the record. He commented on the request to consider 'hardship' and stated that the guidelines were followed by HPC as per the ordinance. He also noted areas that are not in agreement with preserving vs. mimicking; use vs. re-use of the property i.e., preserving the façade and commented on slides that were shown today that were seen for the first time. He stated that the HPC supports Phoebe and does not want the integrity [of the building] to be destroyed but rather restored to the original integrity. He asked that a decision be made regarding the email sent by the City Attorney stating that each party had 15 minutes.

Discussion followed regarding the 15 vs 30 minutes for presentations and questions followed regarding the façade of the building (Commissioner Johnson); who Mr. Harden is speaking on behalf of, himself or as Chair of HPC, standards used to make decisions, definition of historic, issuance of certificates of appropriateness and allowing various demolitions, what, if any, applications for demolitions, reasons for denial (Commissioner Warbington). Mr. Harden provided answers to the questions and discussed the guidelines used to deny the certificates of appropriateness.

Mr. Steiner addressed Mr. Harden's comments, stating that he does not know the meaning of the word 'facadism' and discussed the character of the neighborhood, which is 'world class healthcare/medicine'. He advised that the building materials will be retained and put back in place, adding that six months ago the Chair and Vice-Chair were invited to the hospital to discuss upcoming projects, with many of the issues not being brought up. Regarding hardship, he noted the nursing crisis, finding medical providers, etc., to live in SWGA. In closing, he stated that the project is in keeping with the spirit of the Historical Preservation ordinance.

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Question raised: the nursing shortage/housing/contracts (Commissioner Howard); not being approached about the property, Phoebe's investment re: housing, consideration of property tax options, housing only for Georgia students (Commissioner Johnson). Mr. Steiner and Dr. Griswold (Interim ATC President) addressed the questions, with Dr. Griswold advising that they have students, not just from Georgia, but other states as well with the hope that they will become residents of Albany and employees of Phoebe. Mr. Steiner stated that he feels redevelopment of the area will be a plus for the community, not a detriment. Commissioner Warbington addressed mimicking vs. re-use of the property with Mr. Steiner reassuring that the front of the building will be restored and salvageable bricks will be used. He addressed questions regarding having other options, i.e., being in another county/area, etc., adding that the current building has not garnered interest in redevelopment and that location will be a plus for the area as well as providing convenience, safety/security if located there, adding that the intent is to maintain the historical nature of the building intact for future generations.

In reply to Commissioner Young regarding hardships/statutory regulations, Mr. Steiner explained that the hardship is to have healthcare workers who want to live and work this community. He stated that they are unable to do that to full capacity because of the nursing shortage, adding that the other hardship would be created for the students if located elsewhere. If the building/property can never be touched (altered or demolished), what can the City do with it.

Mr. Harden commented on the power granted to the HPC to consider/determine if there are any hardships and read from the ordinance noting that demolition is not considered a hardship.

Mr. Davis provided the exhibits (appeal letters and minutes of the meeting) for the record (copy on file).

Mayor Dorough referenced comments he received and suggested that currently there being no use of the property. He mentioned a GMA meeting he attended and discussions regarding shortages of nurses increasing, adding that this is an opportunity to address the local and regional situation.

Commissioner Langstaff moved to overturn the HPC's decision on the five applications and to approve them on the grounds that HPC abused their discretion in denying, seconded by Commissioner Warbington.

Commissioner Young said he understands the concern of both Phoebe and HPC, adding that he has questions regarding use of 'hardship' and justifying use of the term hardship, adding that he feels Phoebe and ATC are undertaking a monumental endeavor and denying them this opportunity would be a hardship for Phoebe, Albany Tech and this community.

Hearing no additional comments, and following a roll call vote, the motion carried 6-0-1 with Commissioner Johnson abstaining. (later in the meeting Commissioner Johnson changed his vote to yes with the motion unanimously carrying.)

In reply to Mayor Dorough regarding the decision being overturned and sending out notices, Mr. Davis agreed that the motion was for the HPC to issue the certificates of appropriateness for the five applications.

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Hearing no further comments, Mayor Dorough closed the appeal hearing.

At 10:00 a.m., Mayor Dorough announced a ten-minute break and at 10:16 the meeting continued.

## **PUBLIC PARTICIPATION**

### **Speaker Appearances:**

1. Bob Washington: Dangerous Dog/Code Enforcement matters

Mr. Washington discussed a concern regarding dangerous dogs in his neighborhood, adding that he notified the police department and was told that Animal Control does not work on Sundays and was referred back to the police department. He said he called the Police Chief and could not get in touch with him. Regarding Code Enforcement, he gave the location of the house that he rents and commented on concerns i.e., painting, etc. with the landlord refusing to paint, adding that he contacted Code Enforcement and spoke with Nathaniel Norman, who informed him that he would talk with the landlord and would get back with him; that is was 2021 and nothing has been done. He said he also spoke with the Ward 2 commissioner, but there still has been no action taken.

In reply to Commissioner Young regarding animal control with APD Chief Michael Persley advised that there is a staff shortage. Discussion continued regarding staffing levels, with Chief Persley stating that it was probably 2017 when that department was fully staffed.

2. Will Geer: Historic Preservation Commission (was not present)

## **REPORT OF THE CITY CLERK**

Appointments: Various - AHA, Chehaw, HPC, Tree

The Clerk provided a summary of the boards that will be on the July 27 agenda for consideration as follows:

1. Albany Housing Authority: One appt. for five-year term
2. Chehaw Park Authority: Two appts. for unexpired terms
3. Historic Preservation Commission: Four appt for two-year term
4. Tree Board: Seven appts (by Mayor and Commissioners) for two-year term

## **REPORT OF THE CITY ATTORNEY**

Elected Officials Retirement Plan

Mr. Davis summarized the proposed plan (copy on file) regarding elected officials participating.

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In reply to Mayor Dorough regarding funding, Derrick Brown, CFO, discussed the process and costs as noted with 4.5% contribution from elected officials. Regarding retro pay, there is no contribution from the commission.

Commissioner Howard discussed the process and thanked Mr. Brown and Mr. Davis for their research and bringing this forward.

Commissioner Warbington asked if the policy/summary of details can be provided, with Mr. Brown stating that Mr. Davis can provide the details. Commissioner Warbington stated that the minutes from the retreat was to only look at options, with Mr. Brown advising that a proposal/breakdown was provided regarding mimicking of what is currently in place. He explained that GMA was involved in providing information as well the pension actuary. Commissioner Warbington commented on the executive plan having an option to opt out and to contribute to a 457 plan with Mr. Carter agreeing and explaining the process. Discussion followed with Commissioner Warbington suggesting that the plan mimic what is currently in place for all staff to give the Commissioners options. Mr. Brown continued to answer questions and discuss the process regarding 12% contribution by the City on behalf of elected officials for the remaining nine months of the fiscal year, with the City paying \$109,000 in arrears to the pension fund.

Mayor Dorough expressed his concerns and suggested changes to the recommendations: elected officials contributing 6% and the City contributing 12%, retroactive to 2017 and establishing a minimum age. He said he feels this should be retro-ed to January 2020, a ten-year minimum and, Commissioners who are not re-elected will be refunded their contributions. He asked for additional information and recommended changes, with Commissioner Warbington asking again for information summarizing the options/changes, etc., and asked that this information be on the second work session in September. Commissioner Howard asked if the item can be put on the meeting for vote next week instead of waiting. Mr. Brown stated he feels he can provide the information timely for vote next week.

License Agreement re: Fencing (518 Willard Ave.)

Mr. Davis discussed information (copy on file) regarding the license agreement for fencing at 518 Willard Ave.

Willie Williams, property owner of 516 Willard Ave., discussed the concern of people being in the alley and going through his yard which is a safety matter. He asked for a 6' fence in the back and 4' fence in the front, adding that he will pay the costs.

In reply to Commissioner Young Mr. Williams said that this will close city property, adding that there was a fence before, which no longer exists. He said he has been cutting the City's property for 20 years and asked if the City will allow him to take care of it and purchase the property. Commissioner Young agreed and asked if this can be an option through the Land Bank Authority. Discussion followed regarding the amount of land and value (\$4200 paid by the City). Commissioner Young stated that he agrees with the fencing if the property owner can purchase the property.

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Mayor Dorough expressed concern regarding putting a fence on city property and if he wants to purchase the property, that option should be pursued. He asked Mr. Williams to pursue the option to purchase, with Commissioner Young asking that the Land Bank be involved pertaining to the expenses being paid over the years.

Commissioner Warbington explained that the Land Bank would not be involved in this type purchase since the City owns the property and asked that Mr. Williams and Mr. Davis come to an agreement. In reply to Mr. Williams, Mayor Dorough stated that the fence cannot be put up until the agreement is in place.

## COMMITTEE REPORTS

### Public Safety:

Anthony Donaldson, Chief Deputy/License Inspector discussed the following:

1. New Alcohol License - Cru Restaurant Albany LLC; d/b/a Cru Restaurant; 2800 Old Dawson Rd. Suite 5; S. Mays/Agent; Liquor, Beer, Wine Consumption; WARD 5

There were no questions/comments on this item.

Mr. Donaldson discussed the following:

2. New Alcohol License - ALDI Inc; d/b/a Aldi #140; 2816 Nottingham Way; J. Wilson/Agent; Beer and Wine Package; WARD 2

In reply to Commissioner Howard, Mr. Donaldson commented on proximity to churches in the area.

Mr. Donaldson discussed the following:

3. (Transfer of Ownership) Jay Dolo 1982 LLC; d/b/a Discount Liquors; 1342 Mobile Ave., Suite 6; D. Patel/Agent; Liquor, Beer and Wine Package; WARD 1

In reply to Commissioner Howard, Mr. Donaldson discussed calls for service in the area.

In reply to Commissioner Young, Mr. Donaldson stated that there is no problem with having this item and the next in the same area.

Mr. Donaldson discussed the following:

4. (Transfer of Ownership) - Jay Umiya 1982 LLC; d/b/a A & S Food; 1342 Mobile Ave. Suite 7; D. Patel/Agent; Beer and Wine Package; WARD 1
5. (Transfer of Ownership) - SWG Enterprise Inc; d/b/a Lighthouse Liquor; 2810 Old Dawson Rd; D. Moore/Agent; Liquor, Beer and Wine Package; WARD 5

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There were no questions/comments on these items.

Mr. Donaldson discussed the following:

6. (Transfer of Ownership) - FCTG investment LLC; d/b/a Warehouse Package; 1005 Pine Ave; O. Martin/Agent; Liquor, Beer & Wine Package; WARD 3

There were no questions/comments on this item.

Public Administration/Finance:

Joshua Williams, Interim Procurement Manger, and Charlie Clark, Civil Engineering Superintendent, were available to discuss and answer questions regarding the following (copy on file):

1. Pine Alley Reconstruction (400 Block) - HTS Construction, Inc., Albany, GA., estimated exp. \$243,140.41

In reply to Commissioner Warbington, Mr. Clark explained the deterioration of the alleys as noted. Commissioner Langstaff asked if any construction/renovation is planned on nearby alleys that could damage the alley if it is repaved now. Mr. Clark mentioned proposed construction on city parking lots, but the two project are being designed in coordination with each other. In reply to Mayor Dorough, Mr. Clark explained the process regarding removing pavement and reinstalling to make repairs, adding that reconstruction is more expensive than resurfacing.

Mayor Dorough stated that he is taking the next item off for discussion due to previous discussions.

2. \$4.4 Million MEAG Reimbursement

Mayor Dorough recognized William Wright to discuss.

3. Allocation of Second Tranche of ARPA Funds

Mr. Wright distributed information (copy on file) and discussed being accountable for ARPA funds, which should not be spent to help the wealthy.

Mayor Dorough proceeded to discussion information (copy on file) regarding the funding of ACRI, CSS, remediation of the Herald Bldg., Broad Ave., sidewalks and to allocate the \$10.2 million ARPA funds for distribution as noted in the agenda item.

Discussion followed regarding ARCI's leaks, adding installation, replacing tiles and the roof. Commissioner Howard commented on expanding the ARCI by adding properties to expand as in other cities with civil rights museums. Commissioner Warbington referenced the information he submitted and expressed concern regarding the ARCI not in operation and not having an executive director to implement any changes at this time. He commented on preserving artifacts since there is a leak and, regarding repairing sidewalks, he suggested this may be challenging because all wards are in need of

sidewalk improvements, etc. He also mentioned items he had listed using ARPA funding. Commissioners Langstaff and Young agreed with some comments of Commissioners Howard and Warbington's comments, with Commissioner Langstaff stating that he reserves his comments for vote at the night meeting and Commissioner Young expressing additional concerns regarding the current condition of the building [ACRI] and discussed recreational gyms, setting priorities and, evenly distributing monies, etc.

Mayor Dorough agreed with Commissioner Warbington in having an orderly process to spend monies; however, he said he feels this is being worked on and that the intent is to go ahead and allocate funds. Discussion continued with Mayor Dorough suggesting that Commissioners put in an agenda item to discuss options. Commissioner Howard thanked Mayor Dorough for opening up optional agenda items regarding projects.

Commissioner Johnson expressed concern, stating that he agrees with the City Manager that the entire amount should go toward the CSS project; however, he thinks some of the other Commissioners are moving the needle and are discussing violence/crime, increasing the quality of life here, etc. He suggested that he could agree to use some of the funds (possibly \$3.0 million) on shovel-ready projects but does not agree with giving the ARCI \$4.0 million since it is not a shovel-ready project, nor the sidewalks, as those are a TSPLOST project.

Mayor Pro Tem Gaines agreed with comments regarding recommendations and recommended pushing to get gyms open to curtail crime.

Commissioner Warbington suggested that Mr. Carter come up with a proposal and add options instead of having names of elected officials on the agenda item which will be forwarded to Mr. Carter for ideas with the intent of gaining consensus.

Commissioner Langstaff agreed with Commissioner Johnson's comments.

Commissioner Young stated that consideration should be given to bond financing to assist with projects. He briefly discussed using MEAG funds for the CSS project, which he sees as a more appropriate funding source and mentioned Congressman Bishop advocating for the City to receive \$105.0 million from the Federal government to completely fund the project. He agreed with Commissioner Johnson that there is a great need to improve the quality of life here.

Mayor Dorough encouraged Commissioners to review the master plan re: ARCI as he sees it as a draw for visitors. He mentioned Commissioner Young's proposal of \$5.0 million for four facilities, adding that Turner may not need \$5.0 million. He stated that the City's goal of excellence in recreation will have to be reached incrementally.

#### 4. Funding for Driskell Park

Mayor Dorough recognized Mr. Wright to speak to this matter. Mr. Wright asked that a matrix be put together (referring to page four of his handout) regarding distribution of funds so that it circulates throughout the entire community. He suggested that there must be a continuous flow of money coming



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in since getting large sums every ten years will not produce the desired effect. He advised that a minority business plan was developed to create jobs in this community, stating that the City sent \$80.0 million to New York and New Mexico, with one or two black businesses being awarded small contracts.

Mayor Dorough discussed information as noted (copy on file) regarding funding for Driskill Park.

Mayor Pro Tem Gaines asked the total to fund with Yvette Fields, Asst. City Manager, advising that construction on Driskill is being finalized (approx. \$6.2 million). Mayor Pro Tem Gaines expressed concern regarding the project with Mayor Dorough asking if the revised plans can be sent to Mayor Pro Tem Gaines.

In reply to Commissioner Warbington regarding top priorities, Steve Belk, Recreation Director, introduced and thanked the recreation staff, adding that they had a meeting and prioritized projects with Turner being first and Henderson second. He discussed costs of each and reasons for the rankings. In reply to Commissioner Warbington, Mr. Belk stated that he feels the project priority that he presented will answer many of the concerns being discussed.

In reply to Commissioner Langstaff regarding minutes, which showed an estimate for Driskell (\$3.8 million) to the current \$6.2 million being requested, which was never approved, asking what changed, Yvette Fields, Asst. City Manager advised that the design (dimensions of the building, natural grass vs turf, etc.) changed and ideas were considered, including increased cost. Commissioner Langstaff stated that he can provide the agenda item from April 2021 regarding the cost of Driskill and asked that Ms. Fields provide the changes. He mentioned prioritizing what we do and using funds in wards needing the most attention.

Additional discussion followed with Commissioner Young providing comments regarding the plans, equitable distribution when allocating funds and using staff's recommendations regarding priorities.

Mayor Dorough disagreed with the priorities and explained his opinions/suggestions, advising that he attended meetings and sent a lengthy letter to Commissioners about the discussions. The building size was reduced to contain cost, as well as discussion regarding natural grass vs. synthetic turf (which will increase cost because of run-off). He recommended sticking with the plan as Driskell Park will be replaced, not repaired, and will be an extraordinary venue with one of the nicest fields in the city. He urged going forward with Driskell.

#### 5. Funding for Henderson Gym/Park

Mayor Dorough recognized Mr. Wright to discuss funding for Henderson Gym. Mr. Wright stated that there needs to be a standard for all projects and a way to ensure more of the funds stay here.

Mayor Dorough discussed information (copy on file) regarding funding for Henderson Gym.

Commissioner Warbington commented on funding sources and the order in which to consider gyms. He stated that he supports Henderson, but there are other things to consider

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In reply to Commissioner Langstaff regarding Bill Miller, Mr. Carter discussed the modifications to the flood plain, adding that a variance can be applied for to renovate both gyms. Discussion continued regarding rebuilding vs. renovation of both, including Henderson and the costs.

Commissioner Young again suggested reallocating monies per staff's recommendations, adding that the programs planned at the gyms will not be the former programs and suggested \$5.0 million allocated to each gym with his focus being on the youth and having programs available.

Mayor Dorough stated that when he ran for Mayor, his platform was recreation and discussed his concerns of various gyms not being used, not being ADA compliant and moving the projects forward. He suggested that Bill Miller would be better suited as a community center and that there should be buy-in by the citizens who will be using the facilities.

Commissioner Johnson asked to change his vote to yes re: HPC appeal hearing. Commissioner Langstaff moved to allow Commissioner Johnson to amend his vote, seconded Commissioner Young and following a roll call vote, the motion unanimously carried.

## **CITY MANAGER'S COMMENTS**

Mr. Carter asked employees from the Department of Community and Economic Development, Orson Burton, Jr., Development Coordinator and Kimberly Brooks, Community Development Planner, to share comments regarding the event that was held last weekend (August 12). Using a power point presentation (copy on file) information regarding the report was reviewed including, 47 tables at the event with 426 residents attending, 22 City departments, 15 local non-profits, and ten small businesses; feedback surveys from 133; HR received 84 applications, 27 interviews and 12 job offers; feedback surveys taken by residents and, City employees and community partners was discussed.

## **ITEMS FOR FUTURE AGENDA / MEMBER COMMENTS**

Commissioner Howard asked for a list of monies left in SPLOST IV-VII and, mentioned calls he received regarding contractors who cut grass. He asked for a presentation from Marshal Walter Norman to discuss the process regarding private contractors who cut grass.

Mayor Pro Tem Gaines stated that he has been receiving complaints on high utility bills, adding that customers could use some relief.

Commissioner Warbington suggested authorizing Mr. Davis to address the HPC appeal that was received today. Mr. Davis stated that he will provide information this afternoon. Discussion continued with Mr. Davis giving a summary of the process, signing the certificate of appropriateness, etc.

Commissioner Young asked to have meetings put back on Facebook, adding that FB put in place an option to turn off public comments. John Dawson, Interim TAC Director, stated that he will follow-up on this request.

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Mayor Dorough suggested that mediation on the LOST should take place soon and discussed the recent increase to the Mayor and Commission travel budget. He suggested that MEAG travel should come from their travel and not from Albany Utilities. He mentioned feral cats in the Merry Acres area and asked if the City can trap cats. Mr. Carter stated that he will check on this.

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

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SONJA TOLBERT, CMC  
CITY CLERK