

MAY 31, 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
Mayor Pro Tem Vilnis Gaines (virtual)
Commissioners: Jon Howard, Jalen Johnson and Demetrius Young
Virtual Attendees: Chad Warbington and Bob Langstaff, Jr.
City Attorney: Nathan Davis

Mayor Dorough called the meeting to order at 9:05 a.m., followed by a roll call for attendance.

The 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 call City Commission meeting on Tuesday, May 31, 2022, beginning at 9:00 a.m., in Room 100 of the Government Center Building, located at 222 Pine Avenue to discuss and/or approve the following:

1. Alcohol License Application Denial Hearing re: Family Dollar Store of GA, LLC d/b/a Family Dollar Store #31463; 1505 N. Maple St; P. Sawyer/Agent; Beer/wine package
2. Ratifying appointment of the City Manager’s selection of K. Bruce Maples and Yvette Fields as Asst. City Managers

Sincerely,

/s/ Steven Carter
STEVEN CARTER,
CITY MANAGER

/s/ Bo Dorough
BO DOROUGH, MAYOR

Notified via email
JON HOWARD, WARD I
CITY COMMISSIONER

Notified via email
JALEN JOHNSON, WARD II
CITY COMMISSIONER

Notified via email
VILNIS GAINES, WARD III
MAYOR PRO TEM

Notified via email
CHAD WARBINGTON, WARD IV
CITY COMMISSIONER

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

Notified via email
DEMETRIUS YOUNG, WARD VI
CITY COMMISSIONER

DENIAL HEARING RE: Family Dollar Alcohol License

At the request of Mayor Dorough, Mr. Davis introduced opposing attorney, Dan Weigel, (Taylor English and Duma, Atlanta law firm) and advised that the law does not have a process regarding hearings, which is similar to an appeal, with evidence/witnesses being presented and a vote taken at the end of the meeting.

Mr. Weigel introduced himself and stated that his firm represents all Family Dollar Stores. He mentioned providing background information regarding Family Dollar locations, their clientele and mission, noting a letter sent from the firm to the City Attorney (copy on file), which was distributed to the Commission. He read from internal procedures for stores selling alcohol, including training, i.e., having identification presented, compliance with rules and regulations regarding zero tolerance for violations being strictly enforced. He noted the City’s ordinances pertaining to off- premises sales etc., and advised that no sales are permitted to persons who appear to be intoxicated, adding that the hours of operations will be complied with. He said they are providing safe options for people

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wanting to purchase from the store and explained that cameras are at all stores to monitor the cash register, front doors and stock rooms with at least one dedicated camera focusing on the beer/wine section. He noted that from 2019-2021 the percentage rate of locations of violations received nationally, is less than .400 of 1%. Referring to Sect. 6.74 of the City Code, he addressed the adverse effect another alcohol establishments would have on adjacent/surrounding properties in the area and, regarding alcohol outlet density, he noted information from the US Dept. of Justice and said concerns do not apply, i.e., no consumption onsite. He stated that they do research prior to establishing stores to ensure that they are complying with local law, i.e., proximity rule, etc., with research showing no density or concerns. In summary he asked that the vote be affirmative for the license.

Commissioner Young clarified the study for the Urban Institute, with Mr. Weigel stating that it is exhibit 3 (copy on file), which was provided by the City Attorney. Commissioner Young asked if the CDC citations regarding the alcohol density study were considered; Mr. Davis replied affirmatively referencing exhibit 5 (copy on file). Commissioner Young referenced the CDC study regarding alcohol outlet density, which did not make a distinction between liquor stores, bars, grocery/convenience stores, or any store that sells alcohol and density in terms of the number of outlets per population. He explained that Albany has a population of approximately 70,000, with the CDC recommending one alcohol outlet per 1,000 people, which would be a total of 70, with Albany currently having close to 200. He asked if Family Dollar has a responsibility to the community for the effect's alcohol outlets have, noting that at this location a lot of customers will be pedestrians. He commented on citizens speaking to the Commission regarding broken glass in the area, etc., exacerbating situations.

Mr. Weigel explained that his point was regarding quantitative concerns, which is in the guidelines as noted with Family Dollar having teams ascertaining locations that comply with local laws. He commented on proximity requirements, with Family Dollar working with law enforcement/community leaders on those type issues. All Family Dollar stores seek to address any infractions, but it cannot extend its powers beyond its own premises. He reiterated that they would work with law enforcement, community leaders, elected officials, etc., to resolve issues of this nature.

Mr. Davis presented information and asked Pastor Green, (who spoke at an earlier meeting and presented the effects of alcohol in the community) to speak to this matter. Donnie Green, Pastor of Bibleway Missionary Baptist Church in E. Albany stated that he measured the distance from the church as .8 (less than a mile) from the Family Dollar Store and suggested that it is closer to the jail, adding that many who have been released from jail are able to walk to the Dollar Store to purchase cheap wine. He referenced the loss of family members due to alcohol, including increased crime and trash in the area and suggested that allowing the license will have a domino effect in the community with alcohol being a major contributor to crime in the city. Speaking for the community, he said he walks every day and pick up trash and suggested that corporate come into communities to see the effects and evaluate them, mentioning that there are also beggars in the store area. Regarding Brooks Plaza, he commented on the trash and high grass that are eyesores.

Mr. Davis asked for information regarding N. Maple/Clark Ave with Pastor Green explaining that people have continued access to drink to the point of being drunk. In reply to Mr. Davis, he noted that the vacant store (that was Rubos) and a convenience store, the Stop-n-Go selling alcohol and the store at the end of Maple. On north Maple, he stated that Dixie Store sells alcohol, with a club applying for an alcohol license, adding that there are residential areas on Maple with Cromartie Beach where there are beer cans, at the boat ramp, old base houses, lots of residents in the area with the effects of bringing down property value, etc., suggesting that the Family Dollar name is not being family oriented.

Commissioner Young asked Mr. Weigel if Family Dollar currently intends to pursue other licenses in Albany, with Mr. Weigel stating that he is unaware of that at this time, adding that at each location team ensures compliance with local ordinances; there is an individual focus at each location. He mentioned working on an application a few months ago, leaving his card with a city councilman, who contacted him directly regarding trash, etc., concerns and that he immediately called corporate. This illustrates the lengths Family Dollar goes to in order to address and ensure compliance. He noted that Family Dollar wants to offer its customers the same items they can purchase at grocery stores. Commissioner Young referred to Mr. Weigel's statement about Family Dollar not going into areas that are heavily saturated with alcohol licenses, dealing on a case-by-case basis and asked why

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this location was selected. Mr. Weigel stated he can only speak to this specific area and cannot address commercial/other areas, adding that the nearest liquor store is 1.8 miles from the location being discussed.

Mr. Davis referenced his memo (copy on file) Augusta v Richmond County whereby the application did not satisfy the proximity rule, with the point of reference being that the government body has not abused its discretion as referenced in state law.

Hearing no additional comments, Commissioner Howard moved to deny the appeal, seconded by Commissioner Young.

Discussion followed with Commissioner Warbington asking if reasons are needed with Mr. Davis stating that reasons can be noted during the vote.

Commissioner Howard voted yes, to deny based on Sec. 6.74 (9) of the City Charter regarding proximity, which he read.

Commissioner Johnson voted yes, citing reasons as noted in the City Attorney's memo.

Mayor Pro Tem Gaines voted yes due to citizens not wanting the store in their neighborhood.

Commissioner Warbington voted yes due to maintaining the integrity of the neighborhoods.

Commissioner Langstaff voted no.

Commissioner Young voted yes due to effects on the general character of the neighborhood.

Mayor Dorough voted yes.

The motion to deny carried 6-1 with Commissioner Langstaff voting no. Mr. Davis stated that the vote to deny is finalized and rests in the hands of Mr. Weigel.

In reply to Commissioner Howard, regarding the judicial process, Mr. Davis explained that Superior Court is the outlet for appeals and noted that the three presiding Judges rotate hearing cases (Deriso, Marshall and the Chief Judge).

At 9:51 a.m., Commissioner Howard moved to enter executive session to discuss a personnel matter, seconded by Mayor Dorough and, following a roll call vote, the motion unanimously carried as follows:

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

At 10:39 a.m., Commissioner Howard moved to exit executive session, seconded by Commissioner Young and, following a roll call vote, the motion unanimously carried as follows:

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

At 10:43 a.m., Mayor Dorough stated that no action was taken in executive session. An attendance roll call was taken; Mayor Pro Tem Gaines was muted and not heard.

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Mr. Carter introduced Steve Belk as the new Recreation Director. Mr. Belk said he is excited to be home and working with the Recreation Department. The Mayor and Commissioners welcomed Mr. Belk to the Recreation Department with many commenting on future projects, etc.

Mr. Carter introduced Yvette Fields as the next Asst. City Manager and briefly discussed her credentials during her tenure with the City of Albany, adding what responsibilities and departments will fall under her management.

Commissioner Warbington moved to adopt the following resolution, seconded by Commissioner Johnson and following a roll call vote, the motion carried 5-2 with Commissioners Howard and Young voting no. Commissioner Young gave his comments regarding his vote adding that it is pertaining to the process that was followed.

A RESOLUTION NO. 22-R137

Authorizing appointment and approval of the City Manager’s appointment of Yvette Fields as Asst. City Manager

Mayor Dorough and the Commissioners congratulating Ms. Fields for her years of service and the promotion to Asst. City Manager

Mr. Carter introduced Bruce Maples as the next Asst. City Manager and briefly discussed his credentials during his tenure with the city of Albany, adding what responsibilities and departments will fall under his management.

Commissioner Johnson moved to adopt the following resolution, seconded by Commissioner Warbington and, following a roll call vote, the motion carried 5-2 with Commissioners Howard and Young voting no. Commissioners Howard and Young stated that the no vote is due to discussions held in executive session.

A RESOLUTION NO. 22-R138

Authorizing the appointment and approval of the City Manager’s appointment of K. Bruce Maples as Asst. City Manager

Mayor Dorough and the Commissioners congratulating Mr. Maples for his years of service and the promotion to Asst. City Manager.

There being no further business, the meeting adjourned at 11:02 a.m.

MAYOR

ATTEST:

CITY CLERK