

AUGUST 11, 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, Chad Warbington and Demetrius Young
Virtual Attendees: Jalen Johnson and Bob Langstaff, Jr.
City Attorney: Nathan Davis
City Manager: Steven Carter

Mayor Dorough called the meeting to order at 9:54 a.m., which was followed by a roll call for attendance.

Legislative Asst., Triquenski Hicks read the call as follows:

Mayor and Board of Commissioners
P.O. Box 447
Albany, GA 31702

Mayor and Commissioners:

There will be a special call City Commission meeting on Thursday, August 11, 2022, at 9:45 a.m., in room 100 of the Government Center Building located at 222 Pine Ave. The purpose of the meeting is to discuss and/or approve the following:

- 1. Resolution: Declining MEAG Tender
- 2. Recommendation to fund Historic Preservation Commission Appeal Hearing
- 3. SPLOST VIII and related matters

Sincerely,

/s/ Steven Carter
City Manager

/s/Bo Dorough
BO DOROUGH, MAYOR

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

/s/ Jalen Johnson Notified via email
JALEN JOHNSON, WARD II
CITY COMMISSIONER

/s/ Vilnis Gaines
VILNIS GAINES, WARD III
MAYOR PRO TEM

Notified via email
CHAD WARBINGTON, WARD IV
CITY COMMISSIONER

Notified via email
BOB LANGSTAFF, WARD V
CITY COMMISSIONER

Notified via email
DEMETRIUS YOUNG, WARD VI
CITY COMMISSIONER

RESOLUTIONS

Mayor Dorough stated that the following information this was discussed earlier this week.

Commissioner Warbington moved to adopt the following resolutions, seconded by Commissioner Howard.

A RESOLUTION NO. 22-R157

Declining to exercise the Tender Option by SPV J

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A RESOLUTION NO. 22-R158

Declining to exercise the Tender Option by SPV P

In reply to Commissioner Howard, Mr. Carter gave a brief summary regarding MEAG's 22% ownership of Vogtle III and Vogtle IV, with MEAG transferring its ownership into three different projects. A 2018 agreement capped the cost at \$19.2 billion and they are asking the City to decide if it is willing to pay beyond the \$19.2 billion. He advised that if the City decides to tender, we will give up our responsibility for the cost overrun above \$19.2 billion and will also be giving up a portion of the output when Georgia Power took on the full cost. He explained that to not tender, which is his recommendation, is because future projections predict the City to be short on power, adding that this is a protection to the City. He noted the dispute of the cap between MEAG (\$19.2 billion) and Georgia Power (\$20.9 billion) and explained that there must be a unanimous vote or the practice in place will continue as it currently is structured. Commissioner Howard asked if the 48/49 MEAG member cities reject this, what response is expected from MEAG. Mr. Carter stated that the cities he spoke with intended to not tender. Because we are in the contract now, there will be no discernible affect if we decide to not tender and everything remains as it is. Commissioner Howard asked that following the vote, the City's history with MEAG be disbursed to the public.

Commissioner Warbington moved to withdraw his previous motion, and based on information by MEAG Power staff concerning the tender option, regarding Vogtle III and IV, and after consultation with internal staff concerning the potential benefits and cost associated with the tender option, he moved that MEAG Power be notified that the City does not support exercising the tender option for SPV J and does not support the option supporting the exercising the tender option for SPV P, seconded by Commissioner Howard, and following a roll call vote, the motion unanimously carried.

HISTORIC PRESERVATION FUNDING

Mayor Dorough advised that this item (copy on file) is due to a request from the HPC for funding to contest the appeal.

In reply to Commissioner Howard, Mayor Dorough stated that the monies will be used from budgeted monies, in the amount of \$7,500.00 allocated in the budget for HPC.

Commissioner Johnson disagreed with the funding source and explained his position.

In reply to Commissioner Howard, Mr. Davis discussed the process for the hearing on August 16, advising that he will send an email to all regarding the matter. Commissioner Howard asked if the minutes can be distributed with Mr. Davis stating that there will not be a vote by HPC, adding that he will send the vote and minutes of the HPC with his email. He explained that the Commission can vote to over-rule the HPC's vote.

Commissioner Johnson stated his reasons for disagreeing with this item and asked why this is on the agenda due to miscommunication. He noted the intent of the [budgeted] \$200,000 monies with there being no mention of using the monies for legal defense, which he feels is irresponsible. Mayor Dorough explained that he put this on the agenda, with Mr. Carter asking him where the money will come from and that it can be voted up or down.

Commissioner Warbington stated that when the budget was approved, items for policies were discussed, i.e., Plant Vogtle, Commissioner discretionary funds and HPC, adding that a policy has not been developed, and that he does not feel the City should pay for the legal matter. Mr. Carter has up to \$40,000 that he can allocate without Commission approval and can authorize payment at his discretion. He questioned who will be hired, adding that these are his reasons for not supporting and setting a precedent.

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Commissioner Langstaff agreed with not providing funds and commented on HPC's decision, with the applicant having the discretion to appeal the decision or not. He said that he asked Mr. Carter to get an opinion from GMA's attorney, with Mr. Carter stating that he has not heard back from GMA.

Commissioner Young agreed with Commissioner Langstaff's statements, with this being another arm of the City with the ultimate decision resting with the City Commission.

Mayor Dorough noted HPC's participation in the appeal, with Mr. Davis explaining that they and the applicant will have an opportunity to speak. Mayor Dorough agreed that HPC makes the decision and once the applicant appeals, HPC comes before the Commission and give reasons for their decision, which is why he feels they need an attorney. He said if the \$7500 is a deal breaker for the Commission, then he would ask Mr. Carter to use his contingency, with Mr. Carter stating that his discretionary funds do not include HPC. Mayor Dorough moved to allocate the \$7500 to retain an attorney for HPC for the hearing next week. Hearing no second, the motion failed.

SPLOST VIII

Mr. Carter gave an update of meetings with the County and the options that they would agree to 1) CSS - allocate funding in two years with ½ the first year and ½ the second year; agreeing with the 36-64 allocation which brings it back to the 30-67% that was initially asked for by the City; 2) consolidation - declined to put this on the ballot. He said the Election Board will be meeting today to get the ballot in by the August 12 original deadline and asked that he be given a discretion to provide the project list to the County.

In reply to Commissioner Howard, Mr. Carter explained that the City based its project list on \$70.0 million, adding that amounts are estimates and no modifications will be made to the original project list. Mayor Dorough noted that it is \$70.2 million and mentioned that there are three lists and discussed. Mr. Carter advised that the list is based on \$70.2 million, adding that he will address numbers and ensure Commissioners agree before sending to the County.

Commissioner Warbington stated that he is good with the compromise that was presented, adding that there was somewhat of a consensus for version 2, with Mr. Carter having discretion to move funds.

Commissioner Langstaff stated that the Intergovernmental Agreement (IGA) must be specific and that the list should be voted on now. He asked if Attorney Dan Lee was on the call (Mr. Lee was not on the call) and stated that Mr. Lee's answer regarding the list is that it needs to be approved, otherwise the IGA would be incomplete. He mentioned an email from the County, sent today, with a place to insert the City's list and suggested that at least four Commissioners support version two. The list was reviewed at this time with additional comments ensuing regarding the extra \$272,000 on the CSS. Commissioner Langstaff so moved to add the extra funds, seconded by Commissioner Warbington.

Commissioner Young stated that alley paving and sidewalks, etc., are not being discussed at this time, which will have an effect on community support if those items are not included (to also include gyms, speed tables, etc.).

Mayor Dorough stated that his statement was that he would go along with the list, which was presented and noted the list he submitted. Discussion continued with the consensus being to take a five-minute break before discussion of the project list to be submitted.

The chart for version 2 was discussed (copy on file), SPLOST VIII - \$109.9 million projects. Mayor Dorough said he will vote yes on this option and made a substitute motion to adopt the option, (SPLOST VIII \$109.8 million) seconded by Commissioner Howard. Mayor Dorough stated that this option provides more money for recreation and \$20.0 million as opposed to \$20.5 million for the stormwater separation project.

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A brief discussion followed regarding a point of order by Commissioner Langstaff regarding Mayor Dorough's substitute motion with Mr. Davis opining that a substitute motion is voted on first.

Regarding the substitute motion, comments included Commissioner Howard – yes, Commissioner Johnson no (cannot see the screen), Mayor Pro Tem Gaines yes, Commissioner Warbington no, Commissioner Langstaff said he had not seen this before and will vote no, Commissioner Young abstained (projects not specific), Mayor Dorough voted yes and advised that the motion failed 3-1-3 with Commissioners Johnson, Warbington and Langstaff voting no and Commissioner Young abstaining.

Version 2 was shown on the screen before a vote was taken on the primary motion.

Commissioner Langstaff clarified that his motion accounts for the additional \$272,000 the City was not expecting when version 2 was presented, adding that his motion is to put that amount into sanitary and stormwater sewer, with it becoming \$25,272,000 for that project.

Hearing no additional comments, the original motion carried 5-1-1 with Commissioner Howard voting no and Commissioner Young abstaining.

There being no further business, the meeting adjourned at 3:39 pm.

MAYOR

ATTEST

SONJA TOLBERT
CITY CLERK