

SEPTEMBER 27, 2022

REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF
ALBANY, GEORGIA
GOVT. CENTER – RM 100

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

Mayor Dorough called the meeting to order at 6:01 p.m., and, the invocation given by Retired US Army Chaplain Leroy James, was followed by the pledge of allegiance.

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Commissioner Howard moved to approve the minutes, seconded by Mayor Pro Tem Gaines and, following a roll call vote, the motion unanimously carried.

OBJECTION TO CONSENT AGENDA

Commissioner Howard asked to remove Item #2 (re: Benjamin Ave. Closure) for discussion.

In reply to Commissioner Warbington regarding concerns expressed at the work session, Commissioner Young asked to table item #1 (re: fencing at 518 Willard Ave), advising that Mr. Williams is not agreeable to purchasing the property and that other options are being discussed; seconded by Commissioner Howard, and following a roll call vote, the motion to table unanimously carried.

Mayor Dorough confirmed that Items # 1 and 2 have been removed from the consent agenda.

AGENDA ADOPTION

Commissioner Young moved to approve the agenda and asked that the purchase items be read out loud for the public's benefit, seconded by Commissioner Howard and following a roll call vote, the motion unanimously carried.

CONSENT AGENDA ADOPTION

Commissioner Howard moved the consent agenda (with two items removed as noted) seconded by Mayor Pro Tem Gaines and, following a roll call vote, the motion unanimously carried.

A. Resolutions

A RESOLUTION NO. 22-R165

Approving the 2023 Public Employees Group Health Plan

A RESOLUTION NO. 22-R166

Approving latest Bylaws of the Albany-Dougherty Economic Development Commission

A RESOLUTION NO. 22-R167

Recognizing that the Albany-Dougherty Economic Development Commission, Inc. has increased from four to six the number of appointments that can be made by the City of Albany

A RESOLUTION NO. 22-168

Authorizing Approval of 2022 Edward Byrne Memorial Justice Assistance Grant (JAG); Authorizing execution of Intergovernmental Agreement between the City of Albany and Dougherty County

SEPTEMBER 27, 2022

REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF
ALBANY, GEORGIA
GOVT. CENTER – RM 100

A RESOLUTION NO. 22-169

Authorizing use of SPLOST VI Funds to purchase Police Body Cameras

A RESOLUTION NO. 22-170

Approving Agreement with Peek Pavement Marking, LLC; Authorizing use of TSPLOST Funds

B. Purchases:

1. Padmount Transformers: Tri-State Utility Products, Marietta, GA
Total exp: \$1,613,516.00
2. Billing Software Maintenance Agreement: Tyler Technologies, Dallas, TX
Total expenditure: \$277,457.82
3. Upgrade Substations 3&7 Breakers: G&W Electric Co., Total
expenditure: \$302,652.00
4. Boring Machine and Trailer: Ditch Witch, Albany, GA, Total annual
expenditure: \$245,668.81
5. Patrol Car Change Order: Wade Ford, total increase: \$113,100.00
6. Gunshot Detection Technology: Flock Safety in Atlanta, GA - Total
expenditure: \$225,000.00

Discussion followed with Mayor Dorough commenting on the two items removed from the consent agenda, specifically property located at 518 Willard Avenue. Commissioner Young advised that he spoke with Mr. Williams, who is not interested in purchasing the property and recommended tabling the matter to look at other options; he moved to table this matter, seconded by Commissioner Howard. Following a roll call vote, the motion unanimously carried.

Mayor Dorough stated that Commissioner Howard requested to remove the next item from the consent agenda (page 50), which calls for advertising. The Clerk advised that the item was left off the agenda last month and that this sets the record straight that the item was advertised. She stated that the vote (to close the street/alley) is under Ordinances. Mr. Carter interjected that this cleans up a situation that transpired a few weeks ago. Commissioner Howard explained his reason for asking to remove the item with Mayor Dorough explaining that the item is under ordinances for vote, which is the time to express any concerns.

Commissioner Warbington stated that the item had previously been advertised and moved to adopt the following resolution that authorizes the initiation of the process to allow staff to advertise the closing of the avenue, seconded by Commissioner Johnson. Mr. Carter advised that the Board has already given authorization to take this action; however, there was paperwork that did not get included in the process and the Clerk wanted to put this back on the agenda for the record. Hearing no additional comments and, following a roll call vote, the motion unanimously carried.

A RESOLUTION NO. 22-R171

Authorizing initiation of procedures to close Benjamin Ave. and alleys in the vicinity of 315-375 Slappey Blvd.

GENERAL BUSINESS

A. Appointments:

Mayor Dorough noted that Board appointments and stating that he will start from the bottom with the Stadium Authority.

1. Stadium Authority: one appointment to the Stadium Authority for a four-year term expiring June 2026

Commissioner Howard nominated Octavia Jones, Sr., seconded by Commissioner Warbington and following a roll call vote, the motion unanimously carried.

SEPTEMBER 27, 2022

REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF
ALBANY, GEORGIA
GOVT. CENTER – RM 100

2. Land Bank Authority: one appointment for a two-year term expiring July 2024.

Commissioner Johnson nominated Erick Williams, seconded by Commissioner Howard and following a roll call vote, the motion unanimously carried.

3. Community Development Council: 19 appointments for three-year term expiring June 2025

Commissioner Howard nominated the nine members requesting to be reappointed and the person seeking appointment, seconded by Commissioner Young. Following a roll call vote the motion unanimously carried to reappoint: Tracy Taylor, Clara Knight, Demetrius Love, Daa'iyah Salaam, Colette Jenkins, Timothy Sweet-Holp, Alma Noble and Willie Simmons, with Joanna Jackson, the new appointee, also being appointed for a three-year term ending June 2025.

B. Alcohol License Applications:

Deputy Marshal Anthony Donaldson, Code Enforcement Director, reviewed the following application:

1. Shakil 786 LLC; d/b/a Neighborhood Grocery; 716 Johnson Road; M. Shakil/Agent; Beer Package

Commissioner Young commented on the location of the establishment that is in a neighborhood with the convenience store not offering much food, adding that it is a poor neighborhood and other reasons as to why he will vote no.

Commissioner Johnson moved to approve, seconded by Commissioner Warbington and following a roll call vote, the motion carried 5-2 with Commissioners Howard and Young voting no.

Dep. Donaldson reviewed the following application:

2. SWG Enterprise Inc; d/b/a Warehouse Package; 1005 Pine Avenue; D. Moore/Agent; Liquor, Beer and Wine Package

Mayor Dorough noted that this was a transfer of ownership license with Dep. Donaldson agreeing.

Commissioner Johnson moved to approve, seconded by Mayor Pro Tem Gaines, and following a roll call vote, the motion carried 6-1 with Commissioner Howard voting no.

Dep. Donaldson reviewed the following application:

3. (Transfer of Ownership): Rao Jee Exxon LLC; d/b/a Rao Exxon; 1701 E. Oglethorpe Blvd.; M. Naeem/Agent; Beer Package

Commissioner Warbington moved to approve, seconded by Commissioner Johnson and following a roll call vote, the motion carried 6-1 with Commissioner Howard voting no.

ORDINANCES

Paul Forgey, Planning Director, gave a brief summary of the zoning application. In reply to Commissioner Johnson, Mr. Forgey discussed the other three lots that are not included and the process to rezone the property if desired later.

Commission Howard introduced

AN ORDINANCE NO. 22-108

Amending the zoning ordinance and map of the City of Albany so as to change the status of the property located at 1103, 1105, 1106, 1107, 1108, 1110, 1111, 1112, 1113, 1114, 1115, 1116,

SEPTEMBER 27, 2022

REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF
ALBANY, GEORGIA
GOVT. CENTER – RM 100

1117, 1118 S. Van Buren St. from R-3 to C-R

Commissioner Howard then offered the motion and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Young.

Discussion followed with Commissioner Warbington asking if the property can be broken up instead of having one approval for all. Mr. Forgey explained the zoning process, with Mr. Davis opining that it is all or nothing. Commissioner Warbington commented on the City-owned corner lot, a lot owned by the church and a lot owned by a citizen, which he feels will be detrimental for the owners, with Mr. Forgey explaining that lots are considered single for development.

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

Commissioner Warbington introduced

AN ORDINANCE NO. 22-109

Amending the Code of Ordinances of the City of Albany, Georgia, by inserting a new Sec. 22-33 establishing a policy for the creation of a Speed Photo Enforcement Administrative Hearing Forum; subordinating the Ordinance to Georgia Law; providing for subordination and severability; authorizing the Promulgation of Policy as necessary; providing an effective date

Commissioner Warbington then offered the motion and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Howard.

In reply to Commissioner Warbington regarding who will be the qualified officer, Barry Brooks, Director of Administration of Municipal Court, explained that based on the policy, it will be a hearing officer who can also be a judge, adding that more than likely, Municipal Court will use a Judge from Camilla. Discussion continued with Commissioner Warbington suggesting adding a section to explain with Mr. Brooks referencing the judicial process for Municipal Court.

In reply to Commissioner Young regarding an appeal process, Mr. Brooks stated that there is a process in place and explained that the next appeal process will be with Dougherty County Superior Court.

Mayor Dorough referred to the Director of Municipal Court Administration as the person who would have had those duties had the position been approved; we do not need two different people in that capacity. He questioned why the Municipal Court Judge would serve as a hearing officer and suggested the Associate Judge before considering someone from outside Albany. Commissioner Warbington modified his motion to include that the Associate Judge/Judges of Municipal Court will serve as the hearing officer. Commissioner Howard seconded the modified motion and following a roll call vote, the motion unanimously carried.

Marshal Walter Norman summarized the following regarding the City Manager approving/denying alcohol license transfer of ownership applications.

Discussion included: Commissioner Howard suggested the Commission continue to approve all alcohol licenses; Commissioner Johnson clarified that only the transfers of ownership will be approved by the City Manager with all other licenses continuing to be approved by the Commission with Marshal Norman agreeing; Commissioner Warbington clarifying that this is for transfer of ownership only with the annual renewals continuing to be approved by the Commission, with Marshal Norman agreeing. Discussion continued regarding the [license] revocation process. Commissioner Young disagreed and suggested that approvals remain with the Commission and not the City Manager, etc., and explained his no vote.

Mayor Dorough noted that 90% of transfers are normal course of business. Mr. Davis addressed his issue by including language providing an appeal process for denials.

SEPTEMBER 27, 2022

REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF
ALBANY, GEORGIA
GOVT. CENTER – RM 100

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

Commissioner Warbington introduced

AN ORDINANCE NO. 22-110

Providing the City Manager, as well as his/her designee, with authority to approve or deny requests for Transfer of Alcohol License, amending Sec. 6-97 of the City Code so as to authorize same

Commissioner Warbington then offered the motion and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Johnson and following a roll call vote, the motion carried 5-2 with Commissioners and Howard voting no.

Robert Griffin, Interim Director of Engineering, discussed information regarding City right-of-way, easements and fines that the property owner still owes, adding that the City Manager has been in discussions with the property owner regarding the fines. Mr. Carter added that the [fine] issue should be resolved before closing the road/alley.

In reply to Commissioner Johnson regarding how the fines are pertinent to the road/alley closure, Mr. Carter explained that the Tree Ordinance was violated, i.e., trees were cut and fines are imposed per the ordinance.

Commissioner Warbington suggested approving the ordinance pending the fines being paid with Mr. Carter advising that he will report when the fines are paid.

Mayor Dorough suggested tabling the item since it is an ordinance and should not be adopted as 'pending'. Commissioner Howard moved to table the following ordinance, seconded by Commissioner Young and following a roll call vote, the motion carried 4-3 with Commissioners Johnson, Warbington and Langstaff voting no.

AN ORDINANCE

Closing Benjamin Ave. and alleys in the vicinity of 315-375 Slappey Blvd., more particularly described herein with certain reservations, authorizing the execution of quit claim deed

RESOLUTIONS

Commissioner Johnson moved to table the following resolution, seconded by Commissioner Warbington.

A RESOLUTION NO.

Amending ACCG 401(a) Defined Contribution Plan for Senior Management Employees for the City of Albany and the City of Albany Retirement Plan

Discussion followed on providing clarification to staff with Commissioner Warbington questioning what other cities offer, i.e., Colquitt/Grady County, etc., and asked for a summary of each item and other additional information, as well as making the information public. Mayor Dorough stated that his preference is the City contributing 12%, Commissioners contribute 6% with consideration for Commissioners to opt in; being vested at ten years and the 6% refunded if the person [Commissioner] does not retire, with the City's contributions going back into the plan.

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

Commissioner Howard moved to adopt the following resolution, seconded by Commissioner Johnson.

SEPTEMBER 27, 2022

REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF
ALBANY, GEORGIA
GOVT. CENTER – RM 100

A RESOLUTION NO. 22-R172

Approving change order for the Manufactured Gas Plant Remediation Project

Comments included: Mayor Pro Tem Gaines asking that items of this nature come to the Commission before the project goes over budget. Mayor Dorough agreed, adding that extenuating circumstances resulted in having to dig deeper to remove all contaminated soil, thus increasing the cost. He provided additional comments on the process, which included EPD's directive.

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

Yvette Fields, Asst. City Manager, discussed information regarding Commissioner's discretionary fund policy and advised that there is \$50K for each Commissioner and \$100K for the Mayor. She explained that the resolution authorizes approval of the policy.

Commissioner Warbington clarified that this money is to be used for items outside of their 'expense account', with Ms. Fields agreeing.

Commissioner Howard moved to adopt the following resolution, seconded by Commissioner Johnson.

A RESOLUTION NO.

Adopting a Commission Discretionary Fund Spending Policy

Following a roll call vote the motion failed 3-4 with Mayor Pro Tem Gaines and Commissioners Warbington, Langstaff and Young voting no.

Mr. Carter asked if Commissioners want to abandon the fund or revise the policy.

Mayor Dorough asked for comments regarding the possibility of editing the policy. Comments included: Commissioner Howard asked to revise the amount; Mayor Pro Tem Gaines stated that citizens are getting property tax notices and he has been receiving complaint calls with City Commissioners being blamed for the property tax increase, adding that he feels the timing is off; Commissioner Johnson agreed to revisit and reduce the amount to be fair/equitable for all; Commissioner Warbington suggested that staff initiate the process and for the City Manager to run the day to day business of the City; Commissioner Langstaff asked for the policy of other cities, suggested narrowing the scope of the expense account and prohibiting the money being used for travel; Commissioner Young commented on having specific projects, adding that he does not support this; Commissioner Warbington suggested that brick/mortar items are a viable expense, adding that money cannot be used for maintenance/repairs, however, it can be used for new improvements.

Mr. Carter said that he will refine the policy; Commissioner Warbington suggested using funds for speed tables; Commissioner Young agreed that speed-tables should be addressed; however, speed tables should be solidly allocated, mentioning SPLOST funds. Discussion continued regarding the spending power of the City Manager and the authority for him to address special projects. Mr. Carter explained that he suggested the discretionary fund to address unfunded mandates. Commissioner Young recommended increasing the amount in the City Manager's discretionary funds for Commissioner's special projects to fall under his authority.

Mayor Dorough stated that the following item is being removed from the agenda:

1. Commissioner Discretionary Funds request

Mayor Dorough advised that wording should be changed from 'request' to 'submit and request', and that the requested amount listed as \$25M.

2. Recommendation to submit a loan in the amount of \$25M from GEFA regarding the combined sewer separation project

SEPTEMBER 27, 2022

REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF
ALBANY, GEORGIA
GOVT. CENTER – RM 100

Commissioner Warbington moved to authorize staff to apply for a \$25,0 million GEFA loan seconded by Commissioner Young, and following a roll call vote, the motion unanimously carried.

MEMBER COMMENTS / ITEM FOR FUTURE AGENDA

Commissioner Howard mentioned that Senator Warnock will be at Thronateeska on Monday, November 7th. He also noted that there needs to be more discussion regarding the redistricting maps.

Commissioner Warbington commented on the pre-bid for Driskell Park, with Mr. Carter noting that it will likely be on a November agenda.

Commissioner Young asked for updates on the hurricane, with Mr. Carter advising that staff met with Chief Scott and other agencies today to discuss scenarios, adding that the storm has shifted and Albany is not currently in the danger zone.

Mayor Dorough asked to look at the travel policy to add MEAG meetings as part of the ordinance and that an agenda item be prepared to update the ordinance. He commented on having a list of ally paving by ward, with Mr. Carter stating that the list was established during the prior Commission, adding that there is a pre-bid on September 29 with the bid opening date of October 21st. Discussion continued regarding the bidding process.

Commissioner Howard mentioned Mayor Dorough's suggestion at the last meeting to relocate monies from the N. Washington project to Board Ave., sidewalks. Mayor Dorough asked for a report, adding that he thinks the answer was affirmative.

There being no further business, the meeting adjourned at 7:41 pm.

MAYOR

ATTEST:

CITY CLERK