

NOVEMBER 15, 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 (arrived at 8:33 am)  
and Chad Warbington  
Virtual Attendee: Demetrius Young and Bob Langstaff, Jr. (virtual)  
City Manager: Steven Carter  
City Attorney: C. Nathan Davis

Mayor Dorough called the meeting to order at 8:31 am, followed by attendance roll call.

## **AGENDA ADOPTION**

Discussion followed regarding removal of item #4 under legal (514 Willard Ave., fencing) and items # 4-5 under Public Admin and Finance regarding purchases. Mr. Carter advised that the public functions items did not need to be removed and explained. Commissioner Warbington moved to adopt the agenda, seconded by Mayor Pro Tem Gaines, and following a roll call vote, the motion unanimously carried.

Mayor Dorough opened the public hearings for the following:

## **PUBLIC HEARING**

1. Zoning Case # 22-078 - Pace Newcomb Properties, LLC; Owner/ Applicant; request to rezone property at 527 Fifteenth Ave. from M-1 to R-2.

Using a power point presentation, Paul Forgey, Planning Director, reviewed the application, including a map of the location, plans to develop single family homes, requirements to meet flood plain regulations, zoning history, adding that the rezoning will not conflict with surrounding zoning. He discussed the traffic impact, DARTS information, future land use map and advised that the Planning Commission recommended approval.

Commissioner Warbington questioned the flood plain map, with Mr. Forgey advising that the property can be built on, however, structures must be elevated one foot above flood level to meet standards.

Commissioner Young asked if there are environmental issues, with Mr. Forgey explaining that the property has never been developed.

Mayor Dorough also commented on the flood plain with the developer understanding the restrictions. Mr. Forgey agreed, adding that an engineering survey is required. In reply to Mayor Dorough, Mr. Forgey stated that the applicant is looking for acceptance of the idea with the plan possibly changing.

Owner/applicant Burton Newcomb spoke in support of the application and discussed design phases, including complying with flood plain requirements.

In reply to Commissioner Howard, discussion followed with Mr. Newcomb explaining meeting MLS requirements, speaking with neighbors before filing the application and most lots being single-family houses.

In reply to Mayor Pro Tem Gaines, Mr. Newcomb discussed cost to build and rent being between \$12-1,350. In reply to Commissioner Warbington, Mr. Newcome discussed selling the properties in the future and mentioned energy efficiency measures to be used in building the new homes.

2. Zoning Case # 22-090 - Kesha Myles & Lydia Scott/Applicants; John Martin/Owner requests Special Approval to operate an educational center for certification of Clinical Nursing Assistants located at 1108 N Jefferson Street.

Using a power point presentation, Mr. Forgey reviewed the application, including maps of the location/surrounding properties, street/aerial view of the property, trip generations, parking, hours of operations, future land use map, and planning considerations. He explained that the special approval request is to develop a residential structure for nursing training and advised that the Planning Commission recommended approval.

In reply to Commissioner Johnson, Mr. Forgey explained the special approval process.

Mayor Dorough asked if Albany Tech offers the same type of training program with Mr. Forgey stating that he is not aware, adding that this is a private investor and that certification by the state is required to run the program. He discussed local approval followed by obtaining certification. Mayor Dorough suggested granting the application subject to the applicant obtaining certification. Mr. Forgey stated that the condition can be added and explained the process.

There being no one else signed up to speak, the public hearing was closed.

## **PUBLIC PARTICIPATION/ SPEAKER APPEARANCE**

1. Eddie Hall – cancelled due to health issues.
2. Latoya Cutts discussed the Harlem Renaissance Corporation and said she is 1) introducing the corporation to the Commission and, 2) explaining two revitalization efforts that are being worked on. She advised that the corporation, created by Mt. Zion Senior Pastor Daniel Simmons, is a for-profit corporation and discussed their goals and mission, etc. She provided an overview of the Harlem Renaissance project which is the initial focus/road map for the redevelopment of Carter Grill's restaurant property and advised that the second project will be the Albany Civil Rights Institute explaining the three phases

Commissioner Howard asked for a copy of the mission statement and names of the Board of Directors for the Corporation with Ms. Cutts stating that she will provide the information. She explained the process of reviewing plans with the Planning Department., as well as providing additional information to the Commission.

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In reply to Mayor Pro Tem Gaines, Ms. Cutts stated that a public presentation will be forthcoming.

In reply to Commissioner Warbington, Ms. Cutts stated that she has been a part of all past meetings with the Harlem District and feels this aligns with proposed projects in the City's Downtown Master Plan.

Mayor Dorough commented on being part of discussions regarding the Civil Rights Institute and applauded the efforts as noted/being a partner to bring the projects to fruition, adding that private involvement/investments are necessary.

Commissioner Howard asked if Pastor Simmons can explain the involvement of Mt. Zion. Pastor Simmons explained the process of developing the corporation, providing funding, purchasing properties/deeding it to the corporation, etc., with Ms. Cutts noting providing services for design, etc., which is paid for by Mt. Zion. Discussion continued regarding the involvement of Mt. Zion, the future/success of the proposed projects, increasing revenues, seeking opportunities.

## **REPORT OF THE CITY CLERK**

Mayor Dorough discussed the following and advised that this will be on the meeting on November 29 for vote.

1. Various Board Appointments (CDC & DDA)
  - 1 appt. to DDA to fill unexpired term ending April 2023
  - 3 appts to CDC to fill vacancies - term ending June 2025

Mayor Dorough discussed information (copy on file) for the following item and asked that the payment be made from the Utility's fund with the consensus being to charge the travel to that account. In reply to Mayor Dorough, the Clerk advised that the amount was preliminary charged to the correct account.

2. Travel
  - Commission Travel - C. Warbington; MEAG Power 2022 Summit; Braselton, GA; Nov. 4-6, 2022 - \$1,930.27

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

Staff Travel

- S. Carter, City Manager; ECG Annual Mtg.; Dec. 4-6, 2022; Greensboro, GA \$1,546.76

Mayor Dorough advised that this is for informational purposes only.

3. Fourth Quarter Expense Report (FY 2021-22)

## **REPORT OF THE CITY ATTORNEY**

Mayor Dorough recognized William Wright to speak to the following:

1. Charter Amendment re: Municipal Court

Mr. Wright discussed municipal court, the process, the appointment of the public defender, giving monies to the administrative side with no regard of funding for legal representation of defendants.

Mayor Dorough discussed information (copy on file) regarding the process of the charter amendment that was approved previously which was not in line with state law per running the ad in the newspaper.

Commissioner Young suggested that there is a need for the administrative director, who can assist the court with being properly organized per Mr. Wright's comments.

Mayor Dorough recognized William Wright to speak to the following:

2. Acquisition of 901, 903, 905 & 907 N. Jackson St.

Mr. Wright commented on what is wrong with this item, which has to do with Commissioner Warbington, who does not own the properties.... Commissioner Warbington called a point of order for this personal attack. Mr. Wright stated that the City has a system to handle items of this nature and explained the process regarding this transaction, adding that Community Development should be involved in the acquisition.

Commissioner Warbington stated that he has no personal gain or involvement, adding that he only put the concept together. He noted the properties (copy on file), liens that are on the properties, no one bidding on them at tax delinquent auction and, commented on Phoebe-owned properties that will involve Planning and the Land Bank. He explained the concept and process for the City to eventually put the properties out for bid, adding that should the properties not be developed within two years, a reverted clause returns Phoebe's two lots back to them.

Commissioner Howard questioned whether Community Development should have been involved, with Mr. Davis opining that they are the City's arm which looks at federally funded projects; this is private properties. Commissioner Howard questioned whether the Land Bank was involved. with Mr. Davis replying affirmatively. Commissioner Howard asked for a list of City-owned properties from Community Development, suggesting that the City should take care of property it already owns rather than purchasing more.

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Commissioner Young expressed concerns and compared this to what was happening with Driskell Park, with the City being able to count on developers showing more interest, which he feels will also happen at Phoebe. However, he said he does, not like the concept of jumping ahead of the market and recommended waiting for private investors to reach out as they did at Driskell Park. Mayor Dorough countered that if the owners had been confident in the value of their property, it would not have become tax delinquent, suggesting that this is a problem within the community, i.e., how much property does Phoebe own (millions of dollars that have come off the tax roll); they are not interested in owning/developing these properties and someone needs to take title to them. He said this is a potential for development with the City being more engaged and reversing the trend by taking advantage of this opportunity.

Commissioner Johnson said he agrees with the concept, being proactive, dealing with tax delinquent properties and this being an opportunity to position potential investors/developers to look at properties.

Commissioner Young commented on the proper channels as was taken with Driskell Park, which should be the same course taken with this project, etc. Now that Phoebe is investing in this area, it will be more attractive and will not require any further action/funding from the government.; under-developed areas need the attention/funding.

Mayor Dorough recognized Mr. Wright to speak on this item.

### 3. Review of Redistricting Maps

Mr. Wright discussed information and suggested that a public hearing should have been held, which without one violates the constitution. He suggested that the School Board and County did not hold public hearings, which also violates law.

Mayor Dorough discussed information (copy on file) and asked for comments.

Commissioner Howard – V1

Commissioner Johnson – V1

Mayor Pro Tem – V4

Commissioner Warbington – ok with all three since they meet the criteria (V1 or V4)

Commissioner Langstaff - V1, V4

Commissioner Young – V4 and provided his reasons and suggested scheduling public hearings to make maps available to the public and asked to vote on this at the December 13 meeting.

Mayor Dorough asked that maps are posted in the foyer of the building, put on the website and vote in December. He also addressed concerns from Commissioner Young. Discussion continued regarding putting the maps in various locations and having a public hearing. Commissioner Howard asked Mr. Davis to explain that the court ruled that public hearings are not required, and the information does not have to go to the Dept. of Justice. Mr. Davis agreed that pre-clearance is no longer in effect, with the matter being left to local governments.

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Commissioner Warbington suggested having January as the deadline and addressed the time of a public hearing with Mayor Dorough stating it should be at 6:00 pm so that people will have an opportunity to voice their opinion. Commissioner Warbington suggested having an ad in the newspaper, social media, etc., to get the word out. He suggested having a hearing on the December 6 work session and a session one evening.

10:05 a.m., at this time, Commissioner Johnson advised (via text) that he is leaving the meeting.

4. 518 Willard Ave. (item pulled from agenda)

## **COMMITTEE REPORTS**

### **I. Public Safety**

Chief Deputy Anthony Donaldson discussed information (copy on file) as follows:

1. New Alcohol License - Wings 2 Go; 1415 N. Slappey Blvd; C. Ross/Agent; Liquor, Beer and Wine Consumption

Dep. Donaldson discussed the following (copy on file):

2. 2023 Annual Alcohol License Renewals

In reply to Commissioner Howard, Dep. Donaldson (716 Johnson Rd.) stated that he will check to see if this was overlooked and that a correction will be made if needed.

In reply to Commissioner Warbington, Mr. Donaldson stated that there are no concerns with any of those requesting to renew their license.

Commissioner Young commented on reports about stores that do not have tobacco signs posted (notice about the age limit to purchase tobacco products) and asked if this is monitored. Mr. Donaldson stated that this is with the State Department of Revenue and does not fall under alcohol license applications.

### **II. Planning/Engineering**

Mr. Forgey discussed information (copy on file) regarding the following being placed on City property. He explained the process, including an easement agreement and asked for approval.

1. Historic Marker

Commissioner Warbington suggested approving the text and that language be added to the resolution. Mayor Dorough also requested to approve the content of the marker to ensure everything is correct.

In reply to Commissioner Young, Mr. Forgey stated that the marker is similar to what is posted in the city currently; it is a state-sponsored program.

III. Public Administration/Finance

Mayor Dorough recognized Mr. Wright to speak to the following:

1. Sewer Separation (400 Block Broad Ave); Jim Boyd Construction - estimated exp. \$268,021.70

Mr. Wright expressed concern on the dollar amount of the purchases that are on the agenda, adding that \$50 million has been spent since July; not one Black Business has been involved. He compared this to the Voting Rights Act.

Ricky Gladney, Central Services Materials Specialist, discussed information as noted (copy on file) regarding the sewer separation in the 400 block of Broad Ave.

Jeff Hughes, Sewer Maintenance Engineer, stated that this is not the complete project, it is the first contract for Booker Basin.

In reply to Commissioner Young regarding minority subcontractors participating, Mr. Gladney explained the process and the good faith effort to get minority subcontractors involved.

Mr. Gladney discussed the following (copy on file):

2. CDBG 8th Ave Basin Phase 1; HTS Construction – est. total ex. \$905,000.10

Discussion followed regarding starting construction, the process being messy for residents and the plan to inform those who are inconvenienced. Mr. Carter advised that signage will be put in place and advertisements on social media, etc., with discussion continuing regarding sanitary lines, the alley, residents being without sewer (for a day) and providing notice of the inconvenience. Mr. Carter stated that the webpage will be updated so that citizens are aware and can follow along with the progress being made.

Commissioner Young asked if communications were to come from the consultant, which was his understanding, with Mr. Carter advising that they assist with the communication plan; discussion today is mainly general information for citizens, especially to let them know the day that they will be personally affected.

Mayor Dorough recognized Mr. Wright to speak to the following:

3. Transformers; Larson Electronics - total ex. \$2,803,393.58

Mr. Wright commented on technical funds used for outside of Albany and not following accounting practices.

Corey Gamble, Buyer I, discussed information as noted (copy on file).

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Elylyn Mitchell, Interim Central Services Director, provided additional information regarding the urgency of the purchase.

In reply to Commissioner Howard, Ms. Mitchell provided the number of transformers on Moultrie Rd., and Holly Drive.

In reply to Commissioner Warbington, Mr. Gamble discussed the increased costs as noted and the reason for using Larson.

Mayor Dorough commented on the advantage and the immediate need for the transformers, the concern of confronting this in the future and if there is a way to accelerate the approval process, suggesting saving monies by expediting contracts while prices are volatile. Mr. Carter agreed that items going to two boards delays the approval process. Discussion continued regarding the process and the need to consider options to prevent being hit with such drastic price increases in the matter of a month/two.

Mr. Gamble discussed the following (copy on file):

4. Ford Maverick Pickups; Wade Ford of Smyrna, GA - total ex. \$103,520.00

Dale Henry, Asset Supervisor, and Peter Bednar, Facilities Maintenance Director, provided additional input regarding making decisions expeditiously regarding purchases that are approved in the budget and having the items approved only by the Utility Board due to pricing.

Commissioner Young commented on Mr. Bednar's discussion and questioned the purchases with Mr. Bednar explaining that vehicles are old, unsafe and are failing and past their life cycle, specifically for first responders/public safety vehicles. He noted that parts are harder to find for older equipment. Commissioner Young asked for a definitive idea and having something to look at regarding inventory, i.e., trucks. Discussion continued regarding purchases, failures, value of the vehicle vs. cost to repair, criteria, etc.. Mayor Dorough suggested that the Commission visit the site to see work in progress, vehicles not in service due to waiting on parts, to help understand the challenges Fleet faces, which have been exponentially compounded in the past couple of years, etc.

Mr. Gamble discussed the following (copy on file):

5. Forklift; G&W Equipment – total exp. \$87,299.54

There were no questions/comments on this item.

Mr. Gamble discussed the following (copy on file):

6. Facilities Management F-150s; Wade Ford – total exp. \$78,898.00

There were no questions/comments on this item.



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Mr. Gamble discussed the following (copy on file) with Mr. Bednar providing additional information regarding the status of the trucks:

7. Kenworth Vactor Trucks; MHC Georgia Kenworth - total exp. \$1,267,680.00

There were no questions/comments on this item.

Mr. Gamble discussed the following (copy on file):

8. Ready-Mix Concrete; Lee Redi Mix - total exp. \$424,000.00

There were no questions/comments on this item.

## **CITY MANAGER'S COMMENTS**

Mr. Carter commented on the information he received from Rep. Gerald Greene regarding the upcoming meeting with state representatives on the afternoon of November 29 in room 120 and mentioned Plant Vogtle 3-4 opening, adding that a head count is required of those who will be attending the event next year.

Commissioner Warbington commented on the meeting with state representatives and asked to get information from the other entities (if possible) and to provide information to the Commission in advance of the City's meeting.

Commissioner Young asked the status of Risk Management; outstanding claims regarding issues, i.e., tree fell on property, etc., need to be addressed. Mr. Carter stated that information can be provided.

Mayor Dorough asked for the time on November 29 (meeting with state delegation).

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

Commissioner Howard asked Mr. Carter if he and Code/Light Division will walk through Roses Plaza to view potholes, broken windows, the lumber yard with utility poles knocked down.

Mayor Pro Tem Gaines asked that consideration be given to comments from Mr. Wright regarding not using minority subcontractors. He added that minority contractors are not putting in bids and he does not want Mr. Wright to think that the City is not listening.

Commissioner Warbington commented on recreation grants with the deadline of Friday. Mr. Carter said they are considering, i.e., bid for Driskell Park and making sure things in progress get done. Mayor Dorough stated he sent an email yesterday regarding this. Commissioner Warbington verified that Driskell will have a grant and Henderson, with Mr. Carter stating that the others have not been decided. Discussion continued regarding the grant process. Commissioner Warbington commented on

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the calls he gets regarding the speed camera on Slappey and Whispering Pines and asked if this was left off the flasher/school zone list.

Commissioner Young commented on an email issue regarding a property manager and the concern of evictions that will happen in apartment complexes near the mall, rent increases, etc., that are stressing citizens. He asked that this be looked at to see what the City can do to assist as it pertains to ARPA monies, , COVID related concerns, etc. He asked for an agenda item regarding rental/utility assistance.

Mayor Dorough said he wrote a letter awhile back regarding the Roses Shopping Center and asked for a report from Code to show what has been done. Regarding the infrastructure bill, he asked to see some correspondence with Alcade & Fay requesting an explanation regarding what funds are available to meet the City's needs and mentioned the ongoing discussion with Dougherty County regarding LOST and the Commission deciding to proceed with mediation. Commissioner Young asked when this happened, with Mayor Dorough stating that he sent an email last week with four/five Commissioners agreeing to mediation, except Commissioners Langstaff and Young.

There being no further business, the meeting adjourned at 11:31 a.m.

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SONJA TOLBERT, CMC  
CITY CLERK