

JANUARY 24, 2023

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 6:02 p.m. and advised that the invocation will be given by Pastor Gary Sanders, First Mt. Olive Missionary Baptist Church, which 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.

AGENDA ADOPTION

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

APPROVE CONSENT AGENDA

Commissioner Warbington moved to adopt the consent agenda (Items 1-12), seconded by Commissioner Howard and, following a roll call vote, the motion unanimously carried.

RESOLUTIONS

RESOLUTION NO. 23-R100

Fixing and publishing 2023 Qualifying Fees in the City of Albany

RESOLUTION NO. 23-R101

Authorizing the City Manager or his Designee to Transfer Title to Vehicles

RESOLUTION NO. 23-R102

Authorizing a Memorandum of Understanding between the City of Albany and ASPIRE Behavioral Health & Developmental Disability re: Co-Responder Program

RESOLUTION NO. 23-R103

Accepting grant award from the GA Dept. of Transportation re: LMIG Grant; Authorizing use of TSPLOST funds

RESOLUTION NO. 23-R104

Accepting the \$6,940,470 bid of Inliner Solutions, LLC for Albany Pipe Rehabilitation Project; Authorizing City to enter into a written contract with Inliner Solutions, LLC; Authorizing use of ARPA funds and SPLOST VII funds

RESOLUTION NO. 23-R105

Accepting the \$695,250 bid of U-Tec Construction, Inc. for 33,500 ft. of Directional Boring Services; Authorizing City to enter into a written contract with U-Tec Construction, Inc.

RESOLUTION NO. 23-R106

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Accepting the \$498,576 bid of Lade Electric Supply for 1,248 Evolve LED Post Top Lights;
Authorizing City to enter into a written contract with Lade Electric Supply

RESOLUTION NO. 23-R107

Accepting the \$3,007,926.96 bid of HTS Construction Inc. for Jefferson Street / 3rd Avenue Basin
Sewer Separation Project; Authorizing City to enter into a written contract with HTS Construction,
Inc; Authorizing use of ARPA funds

RESOLUTION NO. 23-R108

Accepting the \$4,015,321 bid of HTS Construction Inc. for Jefferson Street / Booker Basin Sewer
Separation Project; Authorizing City to enter into a written contract with HTS Construction Inc;
Authorizing use of ARPA funds

RESOLUTION NO. 23-R109

Adopting a Historic Preservation Emergency Maintenance Fund Policy

RESOLUTION NO. 23-R110

Authorizing the sale of excess power to Evergreen, Alabama, and Hartford, Alabama

RESOLUTION NO. 23-R111

Adopting certain measures so as to potentially lower electric bills

RESOLUTION NO. 23-R112

Approving one-year contract between the City of Albany and W. A. Kendall and Company, LLC re:
right-of-way trimming for \$790,757

GENERAL BUSINESS

A. Appointments

1. One appointment to Aviation Commission for one-year term ending January 2024.

Commissioner Johnson moved to close nominations on said name of Commissioner Langstaff and
following a roll call vote, Commissioner Langstaff was unanimously reappointed.

2. One appointment to Flood Plain Management Review Board for three-year term ending
October 2025.

Commissioner Howard moved to close nominations on said name of Commissioner Young and
following a roll call vote, Commissioner Young was unanimously reappointed.

3. One appointment to Pension Board of Trustees for two-year term ending January 2025.

Commissioner Young moved to close nominations on said name of Commissioner Howard and
following a roll call vote, Commissioner Howard was unanimously reappointed.

4. One appointment to the SWGA Regional Commission for one-year term ending January
2024

Mayor Pro Tem Gaines moved to close nominations on said name of Commissioner Howard and
following a roll call vote, Commissioner Howard was reappointed.

Mayor Dorough reappointed the following:

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5. Yvonne Jones to Albany Housing Authority for one-year term ending November 2023
6. Dontravious Simmons to Aviation Commission for one-year term ending January 2024
7. Ryshari Burley to Joint Board of Adjustments and Appeals for three-year term ending October 2025
8. Three appointments to ADICA for two-year term ending January 2025

Following the closing of nominations and roll call votes, William Myles was duly reappointed (unanimously) and Mark Johnson and Commissioner Warbington were appointed (unanimously).

9. Three appointments to Citizens Transportation Committee for three-year term ending January 2026

Following the closing of nominations and roll call votes, Larry McClain (unanimously) and Bruce Capps (6-1 with Commissioner Langstaff voting no) were reappointed and the vacant position will continue to be advertised.

10. Community Development Council appointments for three-year term ending June 2025

Following the closing of nominations and roll call votes, Dontravious Simmons (unanimously reappointed) and Kenny Florence (6-1 with Commissioner Johnson voting no) and Clinton Vicks (unanimously), were appointed.

11. Two appointments to Joint Flood Plain Management Board for three-year term ending October 2025

Following the closing of nominations and roll call votes, Bill Swan and Tommy Padgett were reappointed (unanimously).

12. Two appointments to Joint Board of Adjustments and Appeals for three-year term ending October 2025

Following the closing of nominations and roll call votes, the Commission ratified reappointment Arwena Jones (unanimously) and the appointment of Ula Peterson (unanimously) by the Dougherty County Commission.

13. Five appointments to KADB for three-year term ending January 2026 and two appointments to fill unexpired terms ending January 2024

Following the closing of nominations and roll call votes, Willie Wingfield, Jeanette Henderson, Alex McClendon and Jackie Dixon were (unanimously) reappointed, Nathaniel Cooper and Ed Lemon (unanimously) appointed and the vacancy will continue to be advertised.

14. One appointment to Planning Commission for three-year term ending January 2026

Following the closing of nomination and roll call vote, Charles Ochie was (unanimously) reappointed.

15. Two appointments to Utility Board for two-year term ending January 2025

Following the closing of nominations and roll call votes, Ryshari Burley and Jim Deal were (unanimously) reappointed.

16. One appointment and one Dougherty County ratification to SWGA Regional Commission for one-year term ending January 2024

Following the closing of nominations and roll call votes, Charles Ochie was reappointed (unanimously) and Haryl Dabney's appointment was (unanimously) ratified.

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Calling for a point of order, Commissioner Langstaff noted a vacancy on ADICA, stating that this is an important board and considering the nature of business by this board all positions should be filled, nominating Commissioner Warbington (see ADICA appointments), with Commissioner Warbington unanimously appointed.

The Clerk noted that the following Joint Board appointments do not meet and that this will be discussed on a future agenda: Electrical Board, Gas Board, Heating/Air Conditioning Board and Plumbing Board.

B. Appointed Officials for two-year term ending January 2025

Following nominations and roll call votes, the following individuals were reappointed:

City Attorney	C. Nathan Davis (unanimous)
City Clerk	Sonja Tolbert (unanimous)
Asst. City Clerk	Sissy Kelly (unanimous)
City Manager	Steven Carter (unanimous)
Municipal Court Judge	Willie Weaver (unanimous)
Assoc. Municipal Court Judge	Ralph Scoccimaro (unanimous)
Solicitor	Gary Lamar (unanimous)

Commissioner Howard discussed the city manager's evaluation and asked Mr. Lamar to provide his bio.

Mayor Dorough advised that a resignation letter was received from the public defender and that this position is now vacant.

Regarding the public defender position, Commission Langstaff asked whether to appoint a temporary person to fill the vacancy; Mr. Davis advised that Attorney Phil Cannon is currently helping. Commissioner Langstaff suggested that this position be voted on separately since Municipal Court cannot be in operation if there is no public defender, due to the potential for a person to be incarcerated up to a year, with the consensus to vote on each separately.

Discussion continued regarding the process and whether to hire a firm to review applications, etc. Discussion continued with Commissioner Howard commenting on having a succession plan for the City Attorney, City Clerk, Municipal Court Judge, etc.

C. 2023 Mayor Pro Tem

In reply to Mayor Dorough, the Clerk advised that the Mayor Pro Tem is not voted on via ordinance and that the charter states that it is rotated. Mayor Dorough advised that Commissioner Warbington is this year's Mayor Pro Tem.

D. Alcohol License Renewals

Mayor Dorough commented on having the moratorium before discussing the following alcohol applications. Discussion followed with Mayor Pro Tem Warbington asking for clarification on not voting on the licenses before the moratorium. Mr. Davis explained the process with Mr. Carter asking for clarification with Mr. Davis opining that the moratorium will take precedence. The consensus was to move forward with voting on the moratorium first [alcohol applications as noted on the agenda were not discussed].

CONDITIONAL: Alcohol License Moratorium

Mr. Davis discussed information (copy on file) and asked the number of days the moratorium will be enforced, commenting on hardship claims, etc.

In reply to Commissioner Howard regarding the number of days, Mr. Davis advised that this is a matter for the Commission to decide. Discussion continued on the number of days with Commissioner

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Howard suggesting 90 days and commenting on information that Mr. Davis provided regarding elected officials controlling the issue. Commissioner Howard reiterated that 90 days are sufficient.

Commissioner Johnson stated that he feels the moratorium should not be voted on due to the ordinance providing discretion and suggested that this is not a good business practice and asking that a moratorium not be approved.

Commissioner Gaines stated that he questioned this at the GMA conference and will be voting according to the information he received.

Mayor Pro Tem Warbington stated that information was brought forward from a study by ASU; Mr. Carter agreed noting that the information was provided at the request of the Commission. Discussion continued with Mr. Carter stating that the Commission makes the decision on what should be done and staff evaluates based on what is in the ordinance. Mayor Pro Tem Warbington agreed that the responsibility is that of the Commission, adding that he agrees that a moratorium is not needed to work on policy. He questioned the number of blanks in the current draft ordinance with Mr. Davis explaining that the blanks are for the Commission to decide on the length of the moratorium.

Commissioner Langstaff stated that he agrees with Mayor Pro Tem Warbington and Commission Johnson regarding businesses not being allowed to do business, adding that he is opposed to the moratorium. He stated that he questions Mr. Davis's call to put a moratorium in place with active applications.

Commissioner Young provided comments regarding the current ordinance being problematic and not looking at the information that the ASU students provided, which was not a study. He suggested that the moratorium is about protecting the community and suggested that crime will continue due to decisions being made by the Commission, which is why a study is needed.

Commissioner Howard moved to adopt the following resolution allowing for a 90-day moratorium, seconded by Commissioner Young.

A RESOLUTION NO. 23-R113

Establishing a temporary day moratorium on the issuance, processing and acceptance of any and all Alcohol Licenses whether "New" or "Transfer" of alcohol licenses; Providing for extensions(s) of the moratorium; Providing for an exception from the moratorium due to a claim of extraordinary hardship

Commissioner Howard provided extensive comments regarding why he will vote in favor of the resolution requiring a moratorium and provided data.

Commissioner Johnson again stated that he is not in favor of the resolution and suggested that the moratorium will not stop people from drinking and read from Sec. 6, 74 from the current ordinance which provides objective standards for Commissioners to base decisions regarding the location of alcohol licenses, i.e., traffic congestion, general character of the neighborhood or the effect such an establishment would have on adjacent/surrounding properties/neighborhoods. He agreed with Mayor Pro Tem Warbington that a moratorium is not needed for a policy to be structured/adopted.

Commissioner Gaines had no additional comments and suggested taking the vote.

Mayor Pro Tem Warbington discussed various items that the Public Safety Task Force presented and policy was adopted. He said that he is willing and ready to continue to work on policy and will continue to do so.

Commissioner Langstaff again stated that he thinks a moratorium is a terrible idea.

Commissioner Young reiterated his concerns of increased crime as it relates to alcohol consumption, etc., and studying to determine what the issues are by using CDC guidelines. He commented on an email that was sent by a concerned citizen who had a drinking problem in the past and points that were made supporting the moratorium.

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Mayor Dorough's comments included his opinions, stating that he is in support of businesses, adding that he cannot support the moratorium for 90 days, but will agree to 45 days with the understanding that if a Commissioner has a certain city with regulations to bring the information forward for discussion. He asked to identify cities and ordinances and making corrections to the City's current ordinance.

Commissioner Howard withdrew the 90-day moratorium and moved for 45 days with the stipulation to reach out to other cities regarding their rules, seconded by Commissioner Gaines.

Discussion continued regarding what will be accomplished within the 45 days with Mayor Dorough explaining the process and Commissioner Young expressing concern of not having a study and true data. Mayor Pro Tem Commissioner Warbington asked if there is an extension with Mayor Dorough stating that he cannot support an extension with section 2 being deleted. Commissioner Howard added the omission of section 2 to his motion., seconded by Commissioner Gaines. Mr. Davis stated that he will make the changes.

Hearing no additional comments and following a roll call vote, the motion carried 4-3 with Mayor Pro Tem Warbington and Commissioners Johnson and Langstaff voting no.

OTHER BUSINESS

A. Appointed Officials Job Description and Salary

Discussion followed regarding the advertising of Asst. City Attorney, Director of Administration for Municipal Court and Public Defender, with the Clerk explaining the process. Discussion continued regarding when this goes into effect, salaries and whether to revise job descriptions with the suggestion from Mayor Pro Tem Warbington that it be on a work session agenda with no discussions; therefore, staff recommendations should be taken into consideration with the advertisements being for thirty days with it being back on a March agenda.

Commissioner Young moved to table, seconded by Commissioner Gaines, and following a roll call vote, the motion failed 1-6 with Mayor Dorough, Mayor Pro Tem Warbington and Commissioners Howard, Johnson, Gaines and Langstaff voting no.

Mayor Pro Tem Warbington moved to advertise the Public Defender position for 30 days, seconded by Commissioner Howard, and following a roll call vote, the motion carried 6-1 with Commissioner Young voting no.

Mayor Pro Tem Warbington moved to approve the Municipal Court Director of Administration and advertise for 30 days, seconded by Commissioner Howard, and following a roll call vote the motion carried 4-3 with Commissioner Johnson, Langstaff and Young voting no.

Mayor Pro Tem Warbington moved to approve and advertise the position of Asst. City Attorney for 30 days, seconded by Commissioner Howard.

Mayor Pro Tem Warbington asked if the posting of Asst. City Attorney allows a firm to apply for the position or must an individual be appointed. Mr. Carter suggested that of all the positions, this one could qualify for a firm to apply. In reply to Commissioner Young, Mr. Carter explained that a firm could apply, be hired and the firm would decide who fills the position.

Hearing no additional comments, the motion carried 4-3 with Commissioners Johnson, Langstaff and Young voting no.

B. Zoning Matters: Special Approval

Mr. Forgey provided information (copy on file) and advised that the Planning Commission conditionally approved the transportation study, which is a report to be reviewed by the engineering department.

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1. Zoning Case # 22-076 - Recommendation to approve the following Special Approval application: Lanier Engineering, Inc./Applicant; Phoebe Putney Memorial Hospital, Inc./Owner; requests Special Approval to construct a living and learning center (educational space/dorms for nursing program associated with Albany Tech) located at 1000 N. Jefferson St

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

ORDINANCES

Discussion followed regarding redistricting and the concern of split votes among students at Albany State University East Campus.

Mayor Pro Tem Warbington introduced

AN ORDINANCE NO. 23-100

Providing for the adoption of a Redistricting Plan Map to be effective beginning with the 2023 election for seats on the Board of Commissioners of Albany, Georgia

Mayor Pro Tem Warbington then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Howard and following a roll call vote, the motion unanimously carried.

The Clerk advised that the next item is incorrectly listed as a resolution; it is an ordinance.

Mayor Pro Tem Warbington introduced

AN ORDINANCE NO. 23-101

Amending the City of Albany's Fiscal Year 2023 budget so as to provide for 5% raise for POST-certified Albany Police Department personnel captains and down

Mayor Pro Tem Warbington then offered the ordinance 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 4-3 with Mayor Dorough and Commissioners Howard and Young voting no.

RESOLUTIONS

Mayor Pro Tem Warbington moved to adopt the following resolution, seconded by Commissioner Johnson and following a roll call vote, the motion carried 6-1 with Commissioner Young voting no.

A RESOLUTION NO. 23-114

Establishing a Community Improvement District as City of Albany priority for the 2023 Local Legislative Delegation

MEMBER COMMENTS

Commissioner Howard commented on the City of Albany receiving an award from GMA at the Cities Summit held in Atlanta.

Commissioner Johnson noted that the vote was not unanimous for public safety raises.

Commissioner Gaines noted that caution should be taken regarding alcohol sales, adding that Molson Coors will be laying off people.

Commissioner Young asked to look at a long-term solution to have the police department fully staffed.

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EXECUTIVE SESSION (Potential litigation)

At 8:16 p.m., Mayor Pro Tem Warbington moved to enter executive session, 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 8:35 p.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 8:36 p.m., Mayor Dorough reconvened the meeting, reporting that the City Attorney is authorized to retain outside council regarding the matter that was discussed.

There being no further business, the meeting adjourned at 8:36 pm.

MAYOR

ATTEST:

CITY CLERK