

MARCH 28, 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 Chad Warbington
City Commissioners: Jon Howard, Jalen Johnson and Vilnis Gaines
Virtual Attendees: Bob Langstaff, Jr., and Demetrius Young
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 is being given by Dr. Paul Gotthardt, Sr., Pastor, Sherwood 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 Warbington, following a roll call vote, the motion unanimously carried.

OBJECTION TO CONSENT AGENDA

Commissioner Langstaff asked to move the resolution re: Albany to Sasser Rails to Trails.

AGENDA ADOPTION

Commissioner Gaines moved to adopt the agenda, seconded by Commissioner Howard. It was noted that the aforementioned resolution would be moved from the consent agenda and voted on separately). Hearing no additional comments and following a roll call vote, the motion carried 6-1 with Commissioner Langstaff voting no.

CONSENT AGENDA ADOPTION

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

A. Resolutions:

A RESOLUTION NO. 23-R120

Authorizing City of Albany to join in five new Opioid Settlements (New National Opioid Settlements) with TEVA, Allergen, CVS, Walgreens, and Walmart

A RESOLUTION NO. 23-R121

Approving Right of Entry Agreement and Grant of Communications Systems right-of-way and easement with Bellsouth Telecommunications, LLC d/b/a AT&T Georgia re: Veterans Park

A RESOLUTION NO. 23-R122

Authorizing the abandonment of an existing Utility Easement re: 1336 Mercantile Drive

B. Purchases:

1. Insurance Broker Services: NFP, Marietta, GA; Est. annual total \$75,096.00
2. Roof Replacement: Richter Contracting Co., LLC, Albany, GA; total amount \$59,890.00
3. JC Odom Fitness Center Roof Replacement: Richter Contracting Co., LLC, Albany, GA; total amount \$169,890.00

GENERAL BUSINESS

A. Utility Board Profile Page

Commissioner Young moved to approve the request, seconded by Mayor Dorough.

Commissioner Howard questioned what the page would consist of with Mayor Dorough explaining that some have city cell phones, which will be made public. Mr. Carter advised that a decision will be made on what goes on the website. Hearing no additional comments, the motion carried 6-1 with Commissioner Johnson voting no.

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RESOLUTION

Robert Griffin, Interim Director of Engineering, discussed information (copy on file) with Mr. Davis commenting on the Tolling Agreement. In reply to Mayor Dorough on whether this item is time sensitive, Mr. Griffin explained that it causes problems when pushed back. Discussion continued regarding the trails project, the current lawsuit, applying for funds, and having a Tolling Agreement in place. Mr. Davis advised that by the regular meeting next month there should be a new Tolling Agreement and suggested this item be on the next agenda. Mr. Carter stated that there will be a special call meeting next week if this item is ready.

Commissioner Young moved to adopt the following resolution, seconded by Mayor Dorough.

A RESOLUTION ENTITLED

Authorizing Project Framework Agreement with Georgia Department of Transportation re: Albany to Sasser Rails to Trails

Commissioner Howard asked if entering into this agreement, the City is giving up its rights. Mayor Dorough said he does not know, adding that there are significant concerns. Regarding the lawsuit, he explained that the City is applying for funds from the State to design the trail and that the Tolling Agreement would ensure that the Rails to Trails group will not prosecute the pending lawsuit as long as the funds are being pursued. Mr. Davis agreed; however, he recommended waiting until next month to approve it to be sure we have the Agreement.

In reply to Commissioner Gaines regarding his request that someone from the Trails group attend the meeting. Mayor Dorough advised that due to the pending lawsuit only their attorney can meet with the City. Mr. Carter discussed the upcoming special call meeting regarding a transit grant opportunity and suggested if ready, this item could be on the agenda for approval as well.

In reply to Mayor Pro Tem Warbington, Mr. Davis agreed that information from this meeting can be used in the lawsuit against the City; Mr. Davis agreed. In reply to Mayor Pro Tem Warbington regarding approving this item and still do the Tolling Agreement, Mr. Davis agreed that a vote can be taken this evening.

Commissioner Langstaff suggested that due to the lawsuit, this discussion should be in executive session, and that the resolution should not be adopted without the Tolling Agreement, which protects the City should there be litigation, with the need for the same provisions applying to this action.

Commissioner Young commented on the funding and suggested moving forward with voting on the resolution.

Mayor Dorough agreed that a Tolling Agreement is needed; however, he also agreed on voting on the resolution in order to access the funds. If not time sensitive, he recommended securing another Agreement.

Commissioner Langstaff moved to table until a Tolling Agreement is in place, seconded by Commissioner Johnson, and following a roll call vote, the motion unanimously carried.

ORDINANCE

Paul Forgey, Planning Director, discussed the following:

AN ORDINANCE NO.

Amending the Zoning ordinance and Map of the City of Albany to change the status of property located at University Steet from CR, R-2 and R-3 to AG

Mayor Dorough commented on chemicals applied to the trees and asked how frequently they are treated and whether conditions can be put on this item. Mr. Forgey advised that staff recommended the condition of a 50-foot buffer and with the 25-foot right-of-way between the two properties increases it to a 75-foot buffer. Mayor Dorough asked what chemicals will be used and how frequently they are applied and commented on calls he received with questions i.e., if rezoned to AG, what will prevent someone from planting a pecan orchard there, hog farm, etc. He suggested tabling so that more information can be provided. Mr. Forgey stated that he will do more research on State regulations regarding drifting of the

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chemicals. Mayor Pro Tem Warbington moved to table for 30 days, seconded by Mayor Dorough and following a roll call vote, the motion unanimously carried.

Mr. Forgey discussed the request to rezone property at 1014 Holloway Ave.

Commissioner Howard introduced

AN ORDINANCE NO. 23-103

Amending the Zoning ordinance and Map of the City of Albany to change the status of property located at 1014 Holloway Ave., from C-7 to C-3

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

RESOLUTIONS

Mayor Dorough discussed the new amount of \$7,342,348. and moved to adopt the following resolution, seconded by Commissioner Gaines.

A RESOLUTION NO. 23-R123

Amending Resolution No. 22-R160 to further identify and allocate \$7,342,348 of SPLOST VI, SPLOST VII, SPLOST VIII and Congressional Earmark funds to the Driskill Park Project

Discussion followed regarding the increase of \$500,000 and Commissioner Howard expressing concern regarding public safety in the area.

Commissioner Johnson agreed with Commission Howard's comments.

Commissioner Gaines recommended moving forward.

Commissioner Langstaff stated that he will vote no, stating his concern of the cost, adding that he is a proponent of spending the bulk of the funds in a centralized facility, which will serve citizens better and the fact that other facilities are waiting to be updated.

Commissioner Young stated that he will also vote no and commented on his concerns of the need to improve other facilities, adding that often more funds are put into some projects than are needed, resulting in the detriment to other projects. He explained his objection to a centralized facility; playing shell games with the money and waiting until now to make this decision rather than holding more discussions in work sessions because of the significant increase in cost. This implies that some areas matter more than others.

Mayor Dorough commented on the history and stated that COVID impacted the original costs, increasing them by 25%, adding that this is the first stage of transforming recreation centers. He stated that this action tonight will not result in him deserting his commitment to making every improvement discussed at Henderson Park.

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

At this time, Mayor Dorough advised that Mr. Carter will be traveling this week (to Atlanta to attend a meeting) and needs to have his travel (copy on file) approved. Mayor Pro Tem Warbington moved to approve the travel, seconded by Commissioner Gaines and following a roll call vote, the motion unanimously carried.

Discussion followed regarding Three Oaks Storm Water Improvements with staff explaining the reason for and amount of the change order. In reply to Commissioner Howard, Mr. Carter advised that the item will be on the next utility board meeting agenda.

Mayor Pro Tem Warbington moved to adopt the following resolution, seconded by Commissioner Langstaff.

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A RESOLUTION NO. 23-R124

Authorizing the use of SPLOST VII Funds for the Three Oaks Stormwater Improvements Project, authorizing execution of contract with Jim Boyd Construction, Inc.

Commissioner Young expressed his concerns of taking advantage of the process, items being padded into projects and not being fair and equitable. He suggested that as a stormwater project, this should be the sole purpose of this contract. He then offered a substitute motion to approve the cost for the stormwater project without the sidewalks, seconded by Commissioner Gaines.

A lengthy discussion followed with Mayor Pro Tem Warbington commenting on other projects, which are not in his ward that he has supported. He said his reason for wanting the sidewalks is due to cost savings of doing the sidewalks along with the stormwater improvements, etc.

Commissioner Langstaff stated that when he and Mayor Pro Tem Warbington discussed the sidewalks, he was advised that there would be a cost savings of \$60,000 as the roads will already be torn up. In addition to savings, it is a matter of efficiency, and he supports this idea.

Commissioner Young disagreed with the comments and mentioned speed tables as an example of something some wards get while others do not have any. Mayor Dorough disagreed with Commissioner Young, suggesting moving forward with the complete project. He referred to the \$6.0 million just voted on for Driskell Park, with Commissioner Young voting against it, adding that while it is a stormwater project, the holding pond on Gordon is disgraceful and supports the reason to do better in the future, adding that a policy is being developed and will be coming forward.

Commissioner Young countered Mayor Dorough's comments and stated that he supports recreation projects in all neighborhoods. He explained that his no vote indicated his position on the way business is conducted. He discussed needing sidewalks on MLK for over ten years, but Mayor Pro Tem Warbington obtained funding, approval and drawings in less than a month for a sidewalk at Lake Park which shows an unfairness with the process. The sidewalk should be handled in another way.

Hearing no further comments and following a roll call vote, the substitute motion to not include the sidewalk failed 3-4 with Mayor Dorough, Mayor Pro Tem Warbington and Commissioners Johnson and Langstaff voting no.

Following a roll call vote, the original motion carried 4-3 with Commissioners Howard, Gaines and Young voting no.

MEMBER COMMENTS

Commissioner Howard asked if discretionary funds can be used to purchase cameras citywide with Mr. Carter advising that the funds are available and Commissioners decide how they are spent. Discussion continued as follows: Commissioner Howard advocated for cameras; Commissioner Gaines asked for speed tables in his ward, with Mr. Carter stating that he will provide an agenda item to allocate \$1.0 million for speed tables; Commissioner Young mentioned surveillance cameras and looking comprehensively across the city, etc., public safety concerns to consider in the upcoming budget. Mayor Dorough asked for funding and a policy regarding speed bumps and to consider options i.e., concrete vs. rubber. He mentioned using TSPLOST for alley paving and asked for an update on: Carver and Turner Gyms, option for renovation of the Ritz Theatre without the Cultural Center, the need of sidewalks on E. Broad Avenue and reallocating funds from the N. Washington Extension. Commissioner Howard asked Mr. Carter to get with APD Chief Michael Persley regarding use of Commissioner's \$400,000 discretionary funds for cameras.

There being no further business, the meeting adjourned at 7:24 pm.

MAYOR

ATTEST:

CITY CLERK