

APRIL 25, 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, Vilnis Gaines 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 advised that the invocation is being given by Bishop John Burr, Christian Movement Church of God in Christ, 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

Mayor Pro Tem Warbington asked to remove the resolution re: TSPLOST Funding Reallocation re: Traffic Calming devices.

AGENDA ADOPTION

Mayor Pro Tem Warbington moved to adopt the agenda, seconded by Commissioner Johnson and following a roll call vote, the motion unanimously carried.

CONSENT AGENDA ADOPTION

Commissioner Johnson 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-R129

Approving contract with GA Dept. of Transportation for raising and lowering City valves and manholes on a portion of SR 234; authorizing use of TSPLOST Funds

A RESOLUTION NO. 23-R130

Approving use of Red Speed Camera Funds to purchase hardware and implement cameras from LFOC Group, Inc.

A RESOLUTION NO. 23-R131

Authorizing use of Red Speed Camera Funds to purchase software from FUSUS, Inc.

B. Purchases:

1. Motorola Software and Hosting; Watchguard Video/Motorola Solutions
Total exp. \$89,100.00
2. Firefighting Turnout Gear; Fire & Rescue Supply, Holly Springs, GA
Total exp. \$98,575.00
3. Contract Renewal for Chlorine Cylinders; Allied Universal Corporation
Total exp. \$223,800.00
4. Generator Maintenance Contract Renewal; Generator & ATS Maintenance
Contract Renewal - Total exp. \$46,630.00
5. John Deere 5065E Utility Tractor; Deere & Company – Total exp. \$45,597.64
6. Purchase of one John Deere ProGator 2020A and one HD200 Select Spray:
Deere & Co. – Total exp. \$53,218.92
7. ALTEC Digger Derrick Truck 24 - 24 ALTEC Industries, Inc. – Total est. exp.
not to exceed \$347,850.00

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RESOLUTIONS

Commissioner Young asked if the commemorative signage re: 500 block of Corn Ave., could be moved up on the agenda. Following a brief discussion, the consensus was to move the resolution ahead on the agenda.

Planning Director Paul Forgey was present to answer questions. Commissioner Johnson asked for an explanation of the process. Mr. Forgey stated that as of now, there is no exact wording for the sign, however the size is 2 x 1.5' and will be placed on each end of the street. Discussion continued regarding the urgency of this item with Commissioner Young explaining that the committee wanted it in place for Ms. Anderson's birthday, which is May 12. Mayor Pro Tem Warbington expressed concern of setting a precedence and piquing an interest in naming more streets, etc. Commissioner Young stated that this was discussed in a work session and the intent is to change the name of the entire Corn Ave., to Ruth Hall Anderson, however due to not having proper procedures, the committee asked if the commemorative sign could be put in place at this time. Commissioner Langstaff asked the difference in naming buildings vs. streets and if a committee should be formed. Mr. Forgey stated that he has the street naming process information and was not sure of naming buildings.

Commissioner Young moved to adopt the following Resolution, seconded by Commissioner Howard.

A RESOLUTION NO. 23-R132

Adding commemorative signage for Ruth Hall Anderson ("Mama Ruth") to the 500 Block of Corn Ave.

Discussion followed with Commissioner Langstaff agreeing with Mayor Pro Tem Warbington and referenced the February 2009 minutes the Clerk emailed to all regarding the Street Naming Ordinance and suggested having discussions to have a committee and procedure in place for future reference.

Commissioner Young stated that since the ordinance does not allow name changes, he again wanted to move forward with the commemorative signage and agreed that future discussions and a policy should be in place. Mayor Dorough also commented on the 2009 ordinance and mentioned confusion from streets being similarly named, ex. Willie Pitts Parkway and Willie Pitts Road. He also commented on naming parks, etc.

Hearing no additional comments, and following a roll call vote, the motion carried 6-1 with Commissioner Langstaff voting no.

Mayor Dorough discussed the following resolution:

A RESOLUTION NO. 23-R133

Approving reallocation of TSPLOST Funds re: Traffic Calming Devices; authorizing the Chief Financial Officer to make appropriate adjustments in TSPLOST Budget

Mr. Carter reminded all that the resolution is to decide on funding reallocations, and does not include which streets will have traffic calming devices, adding that this information will be brought back to discuss.

A detailed discussion followed with Bruce Maples, Asst. City Manager, explaining various funding sources (per an email he sent earlier in the day – copy on file). He discussed suggestions on various reallocation of funds, i.e., TSPLOST, SPLOST VI, monies from the Broad Avenue Bridge, resurfacing, crush asphalt, the pedestrian bridge, pending projects, current projects, projects that were halted or have been completed, etc.

Mayor Pro Tem Warbington moved to adopt the resolution and amend the amounts as follows: \$380,000 from TSPLOST and \$620,000 from SPLOST VI, seconded by Commissioner Young.

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Commissioner Langstaff also suggested amending to include the twelve ready to bid [streets] being the first in the order received. Mayor Pro Tem Warbington stated that he would accept the friendly amendment.

Commissioner Young disagreed with adding the twelve that are ready for bid and suggested this be an item for future discussion.

Commissioner Langstaff offered a substitute motion to include the twelve ready to bid being the first in the order received, seconded by Mayor Pro Tem Warbington and following a roll call vote, the substitute motion carried 6-1 with Mayor Dorrough voting no.

GENERAL BUSINESS

A. Alcohol License Applications (new)

Anthony Donaldson, Chief Deputy/License Inspector discussed the following:

1. Family Dollar Stores of Georgia LLC; d/b/a Family Dollar #31047; 1000 N. Slappey Blvd. P. Sawyer/Agent; Beer/Wine Package

In reply to Mayor Pro Tem Warbington, Mr. Donaldson stated that the total number of alcohol licenses in the city is 209. Mayor Pro Tem Warbington referenced the map that he received yesterday and asked if the licenses that are being voted on are inclusive of the 209 with Mr. Donaldson stating that they are not.

Commissioner Langstaff moved to approve the application and, hearing no second, Mayor Dorrough advised that the motion died for lack of a second.

Commissioner Howard moved to deny the application, seconded by Commissioner Young.

Commissioner Howard stated that he feels that as noted in Sec 6-74(9) of the Code of Ordinances, the license does not meet the criteria and is not suitable for the location, will increase traffic congestion and will have a negative effect on the neighborhood and adjacent property.

Commissioner Langstaff cautioned that the alcohol license applicants should be treated equally, adding that there are convenience stores near these facilities selling alcohol and they should not be treated differently.

Commissioner Young countered that not all situations are equal and that density contributes to the decline of communities and represents a danger to the neighborhood.

Hearing no additional comments, and following a roll call vote, the motion to deny carried 6-1 with Commissioner Langstaff voting no.

Mr. Donaldson discussed the following:

2. Family Dollar Stores of Georgia LLC; d/b/a Family Dollar #26111 1031 W. Gordon Ave. P. Sawyer/Agent; Beer/Wine Package

Mayor Pro Tem Warbington commented on the Food For Less grocery store next door which has the same type of license and mentioned other establishments in the area. He then moved to approve the license, seconded by Commissioner Langstaff.

Mayor Pro Tem Warbington mentioned the City incentivizing Food For Less by paying \$200,000 to put a grocery store there, knowing that an alcohol license came with the grocery store. He referenced the map which shows this as a high crime area and is also the same location of the gas station that will be discussed later; however, he stated that he does not want to penalize businesses when they spend money rehabbing buildings, etc. Commissioner Langstaff agreed with Mayor Pro Tem Warbington's comments, stating that he cannot imagine denying this alcohol license when granting one to the grocery store two/three doors down.

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Commissioner Young commented on density and there being over eight establishments already in the area from S. Slappey to Oglethorpe, adding that the grocery store was asked not to sell alcohol, however eventually they applied for a license and was approved. Mentioning density, he referred to other establishments in the area selling alcohol, reiterating the high crime rate and recommended denial based on those factors. He suggested conducting a density study of the area.

Mayor Dorough also referenced the map and the two applications that fall within the high crime area.

Hearing no additional comments, and following a roll call vote, the motion to approved failed 5-2 with Mayor Pro Tem Warbington and Commissioner Langstaff voting affirmatively.

Commissioner Young moved to deny the application, seconded by Commissioner Howard and following a roll call vote, the motion to deny carried, with Mayor Pro Tem Warbington and Commissioner Langstaff voting no.

Mr. Donaldson discussed the following:

3. Family Dollar Stores of Georgia LLC; d/b/a Family Dollar #24873; 110 Cordele Rd., P. Sawyer/Agent; Beer/Wine Package

In reply to Commissioner Young regarding the number of establishments selling alcohol in the area, Mr. Donaldson reported that there are 12.

Commissioner Langstaff moved to approve, seconded by Mayor Dorough.

Mayor Pro Tem Warbington commented on the Walmart in the area with an alcohol license and other establishments, adding that he will support the request.

Commissioner Young stated that the location is in a high crime area with lots of foot traffic, suggesting that the ordinance should be updated to provide guidance on package sales. He stated that Family Dollar is in the business of making money rather than being concerned about the effect on neighborhoods.

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

Mr. Donaldson discussed the following:

4. Family Dollar Stores of GA, LLC; d/b/a Family Dollar #26485; 1502 Radium Springs Rd., P. Sawyer/Agent; Beer/Wine Package

In reply to Commissioner Howard regarding the distance from the school, Mr. Donaldson stated the school is over 1,000 feet from the property line of the store. Commissioner Howard mentioned other establishments selling alcohol in that vicinity.

Commissioner Langstaff moved to approve, seconded by Mayor Dorough.

Commissioner Howard mentioned the 'economic boom' and referred to the 2014 GMA conference in Savannah. With the concern of supporting local businesses, the state chairman of the Chamber of Commerce compared the percentage of revenue that stays within a community when buying local (70%) or buying from national chain stores (15%). He advised that Dollar Tree purchased the Family Dollar chain (18,000 stores nationwide in 50 states); therefore, he feels certain that the Commission will encounter this same situation next year.

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

Mr. Donaldson discussed the following:

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5. Family Dollar Stores of GA, LLC; d/b/a Family Dollar #2039; 211 S. Slappey Blvd, P. Sawyer/Agent; Beer/Wine Package

Commissioner Langstaff moved to approve, seconded by Mayor Dorough.

Mayor Pro Tem Warbington commented on the negative effect the license will have in the area and stated that he will vote no.

Commissioner Young commented on the foot traffic in the area and the lack of standards within the current ordinance.

Hearing no additional comments, the motion to approve failed 5-2 with Mayor Dorough and Commissioner Langstaff voting yes.

Commissioner Johnson moved to deny the application, seconded by Commissioner Howard.

Mayor Pro Tem Warbington agreed with Commissioner Young's comments regarding standards.

Commissioner Young mentioned that he has been providing information on the need for alcohol license standards since 2021 and asking for research and consideration, but the concern for business owners outweighs concerns for citizens.

Hearing no additional comments, the motion to deny carried 5-2 with Mayor Dorough and Commissioner Langstaff voting no.

Mr. Donaldson discussed the following:

6. Family Dollar Stores of GA, LLC; d/b/b Family Dollar #20427; 301 E. Oglethorpe Blvd., P. Sawyer/Agent; Beer/Wine Package

In reply to Commissioner Howard regarding the number of establishments selling alcohol in the area, Mr. Donaldson reported that there are 11.

Commissioner Langstaff moved to approve, seconded by Mayor Dorough.

Commissioner Young stated that this is near the ASU campus and student housing, in addition to being in a high crime area.

Hearing no additional comments, the motion to approve carried 4-3 with Commissioners Howard, Gaines and Young voting no.

Mr. Donaldson discussed the following:

7. J. Lane Theater LLC; d/b/a J Lane Theater, 303 Pine Ave; J. Lane/Agent; Liquor, Beer & Wine Consumption

Mayor Dorough stated that this application is in the downtown district and has different rules; Mr. Donaldson agreed.

Mayor Pro Tem Warbington moved to approve, seconded by Commissioner Johnson.

Commissioner Johnson stated that he has expressed his concerns since last year regarding the Commission granting or denying licenses. His recommended solution last year was to put a process in place, adding that if there are social concerns, he feels that everyone has a responsibility and should be part of discussions.

Commissioner Young suggested that the health and safety of the community should be considered when making decisions regarding alcohol licenses.

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Hearing no additional comments, the motion to approve carried 6-1 with Commissioner Howard voting no.

Mr. Donaldson discussed the following:

8. Los Reyes Mexican Restaurant LLC d/b/a Los Reyes Mexican Restaurant, 2427 Sylvester Rd., Suite 6: Doris Ruth Hernandez de Martinez/Agenda; Liquor, Beer and Wine consumption

In reply to Commissioner Howard regarding the number of establishments in the area selling alcohol, Mr. Donaldson reported that there are 12.

Mayor Pro Tem Warbington discussed the building being vacant and now rehabbed, with Mr. Donaldson agreeing. Mayor Pro Tem Warbington moved to approve the license, seconded by Commissioner Gaines.

Commissioner Howard commented on a booklet that John Hawthorne, Community Development Director provided him regarding economic development in E. Albany. He briefly discussed the statistics, reporting that health-wise, Dougherty County ranks 153, with Lee County ranking 29. He commented on issues in East Albany, which he feels have a domino effect on the rest of Albany, resulting in Albany no longer being the Good Life City, adding that the time to act is now to prevent further decline here.

Mayor Pro Tem Warbington stated that there are good things happening in E. Albany, i.e., a new hardware store and Mexican Restaurant with sales tax up in Albany in general, however, he agreed that crime is a factor that needs to be worked on.

Commissioner Young commented on the issue of package stores being in close proximity to each other and the need for specific zones from one establishment to the next.

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

Mr. Donaldson discussed the following:

9. Rubina and Parul LLC; d/b/a Whistle, 713 S. Slappey Blvd, Abdul Rauf Aslam/Agent; Beer Package

In reply to Commissioner Young, Mr. Donaldson advised that this is a new establishment and the total number of establishments selling alcohol in the area is ten. Commissioner Young commented on this being a new store; however, the area is saturated with alcohol outlets, which is problematic.

Mayor Pro Tem Warbington moved to approve, seconded by Commissioner Gaines and following a roll call vote, the motion failed 4-3 with Mayor Pro Tem Warbington and Commissioner Gaines and Langstaff voting affirmatively.

Commissioner Young moved to deny the application, seconded by Commissioner Howard and following a roll call vote, the motion failed 4-3 with Mayor Dorough, Commissioners Howard and Young voting yes.

Discussion followed regarding the two votes with confusion on whether the vote carried to deny or approve the application. In reply to Mayor Pro Tem Warbington, Mr. Davis advised that a third vote be taken.

Mayor Pro Tem Warbington moved to approve the license, seconded by Commissioner Gaines and following a roll call vote, the motion carried 4-3 with Mayor Dorough, Commissioners Howard and Young voting no.

Mr. Donaldson discussed the following:

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10. The Vault 1783 LLC d/b/a The Vault, 2238 Palmyra Rd. Marlo & Marsharika Newbill/Agents; Liquor, Beer and Wine consumption

In reply to Mayor Pro Tem Warbington, Mr. Donaldson discussed calls for service for the last 12 months and provided information regarding the opening/closing of the establishments (prior license holders).

Commissioner Johnson moved to approve, seconded by Commissioner Gaines.

Mayor Pro Tem Warbington mentioned the harmful effects of a night club in communities and stated that he cannot support the application for the reasons stated.

Hearing no additional comments, and following a roll call vote, the motion carried 5-2 with Mayor Pro Tem Warbington and Commissioner Howard voting no.

In reply to Commissioner Howard regarding the process of the licenses that were denied, Mr. Davis discussed the process to include sending notices of denial within five business days to ascertain whether any would want a denial hearing, which will be heard by the City Commission.

ORDINANCE

Paul Forgey, Planning Director, commented on the rezoning application on University Street.

Mayor Pro Tem Warbington verified that the Planning Commission recommended two conditions; 1) regarding ingress/egress and 2) having a 50' buffer; Mr. Forgey agreed and advised that the Commission could require additional conditions. Mayor Pro Tem Warbington suggested having two more conditions added; 1) the property can only be used for a tree farm and 2) chicken litter cannot be used. Discussion continued regarding spraying insecticide, pesticide, the density of the property, and the possible number of units that could be constructed on the property, etc.

Mayor Pro Tem Warbington introduced

AN ORDINANCE NO.

Amending the Zoning Ordinance and map of the City of Albany to change the status of property located at University Street from CR, R-2 and R-3 to AG

Mayor Pro Tem Warbington then offered the motion and asked for unanimous consent to dispense with the second reading and asked for its adoption, adding that he is incorporating the four conditions just discussed, seconded by Commissioner Langstaff.

Commissioner Young interjected that he is waiving to dispense with the second reading.

Commissioner Gaines stated that he had family members who lived in/near tree farms die from spraying, adding that he will vote no.

Additional discussion followed regarding chestnut trees being less intrusive; the prior application to rezone to have a solar farm, which failed to pass; the potential of housing development; whether there are AG (agriculture) designations within the city limits in proximity to schools or if all are in Dougherty County and the Country Club and Westtown subdivisions being torn on whether to approve this matter.

Hearing no additional comments, the motion failed 5-2 with Mayor Pro Tem Warbington and Commissioner Langstaff voting in the affirmative.

Mr. Forgey asked if the next item can be tabled due to adding additional verbiage, etc.

Mayor Pro Tem Warbington moved to table the following for 30 days, seconded by Commissioner Howard.

AN ORDINANCE NO.

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Relating to mortgages, conveyances to secure debt, and liens; To provide for Vacant and Foreclosed Property Registries; To provide for definitions; To provide for guidelines for Vacant and Foreclosed Property Registries; To provide for exemptions; To provide for maximum fees and penalties for registration and failure to register; To provide for appellate rights; To provide for severability; To provide an effective date

Replying to additional questions, Mr. Forgey advised that there was inconsistent wording and state law verbiage that needed to be revised in the draft ordinance.

Hearing no further comments, the motion to table carried 6-1 with Commissioner Johnson voting no.

Mr. Forgey briefly discussed the removal of 245 E. Broad from the Riverfront Overlay District.

Commissioner Johnson introduced

AN ORDINANCE NO. 23-104

Amending the map of the Riverfront Overlay District such that 245 E. Broad Ave., is no longer part of the Riverfront Overlay District

Commissioner Johnson then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Mayor Pro Tem Warbington and following a roll call vote, the motion carried 6-1 with Mayor Dorough voting no.

MEMBER COMMENTS

Commissioner Howard stated that if three or more Commissioners agree, he would ask that Mr. Carter provide an agenda item for a work session, to pave E. Broad from the river down to Five Points. Mr. Carter stated that Commissioner Howard has been talking about E. Broad sidewalks for some time, and he provided Commissioner Howard with options that will be on the May 16 work session agenda.

Commissioner Johnson mentioned an email he sent Mr. Carter today regarding the Trail.

Commissioner Gaines urged improving neighborhoods to prevent residents from moving away. He advised that he retired from Miller Coors (Molson Coors) and he would hate for [people/businesses] to be driven away from Albany.

Mayor Pro Tem Warbington asked that Mr. Davis provide options at the next meeting regarding Hotel Gordon, asking for an executive session, and approval to retain Dan McCrae or another attorney to move toward acquisition. A brief discussion ensued, with Mr. Davis advising that McCrae does not litigate; the consensus was to retain Mr. McCrae. Mayor Pro Tem Warbington quoted the statement “I wish that we could all see the same things, the same way”, which he does not advocate and noted the hot topics that are discussed and that the diversity of this group helps the Commission make good decisions and encouraged that everyone’s opinion be respected. He mentioned Mr. Carter’s email regarding GMA’s City of Civility, asking that this also be an agenda item next month to adopt the resolution.

Commissioner Young mentioned talking past each other and taking comments out of context leading to discussions getting off (track), adding that his point regarding not seeing things the same was an acknowledgement of having discussions at the Commission level. His comment was directed at Commissioner Johnson, who wanted to take those issues and give them to staff, suggesting talking about context and truthfulness when arguments arise. Decisions need to be based on facts, not personal attacks/agendas. He mentioned his concern is for discussion regarding Henderson not being pushed to the back burner.

Mayor Dorough mentioned the presentation on Henderson, and a proposed MOU from the County regarding the Tennis Center. Mr. Carter stated that it will be on the next agenda. Mayor Dorough asked to have a recommendation for renovating only the Ritz Theatre by June, adding that moving forward with the education and Cultural Center is prohibitive at this time. He mentioned the response regarding the bid for Turner Gym (\$6.0 million) with hard decisions needed, adding that Carver can be

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up and running with \$2.0 million and recommended shifting ARPA funds to start moving forward. Mr. Carter advised that the City is at the doorstep with Turner.

Regarding Turner, Commissioner Young asked if the bid is out, where are we with Henderson. Asst. City Manager Yvette Fields advised that a company was approved to start the design process with Henderson.

Commissioner Howard noted a request from Albany Coming Together regarding Pretoria Fields, asking when it will be discussed; Mayor Dorrough recommended next Tuesday.

There being no further business, the meeting was adjourned at 8:30 pm.

MAYOR

ATTEST:

CITY CLERK

DRAFT