

FEBRUARY 21, 2023  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100 (Virtual and in-person Meeting)

PRESENT: Mayor Bo Dorough  
Mayor Pro Tem: Chad Warbington  
City Commissioners: Jon Howard, Vilnis Gaines and Demetrius Young  
City Manager: Steven Carter  
City Attorney: C. Nathan Davis

Mayor Dorough called the meeting to order at 8:32 am, followed by attendance roll call. He asked for a moment of silence for President J. Carter, who is now in hospice. Commissioner Howard recalled the three times he met President Carter, expressing admiration for him and concern for his health.

## **AGENDA ADOPTION**

Commissioner Howard noted a typo on page 54 of the agenda. Mayor Pro Tem Warbington suggested an Executive Session for a pending legal matter and then moved to adopt the agenda as presented, seconded by Commissioner Howard and following a roll call vote, the motion unanimously carried,

Mayor Dorough opened the public hearings for the following:

## **PUBLIC HEARING**

1. Zoning Case # 23-005 – Drake Properties of SWGA/Owner; Sherry Smith/Applicant – request to rezone 13.802 acres from R-3 (single Family & Two Family Residential Dist.) to C-3 (Commercial District).

Using a power point presentation, Paul Forgey, Planning Director, discussed the request to rezone 13 acres on Ledo Rd., and showed a map of the location with the request for a smaller portion of the parcel to be subdivided. He commented on the property not being in the flood zone, adjacent properties and zoning, the original zoning, a map of the current zoning, land use map, trip generation on Ledo Rd., future land use map and advised that the Planning Commission recommends approval.

In reply to Commissioner Howard regarding city sewer in the area, Mr. Forgey advised that he cannot answer that at this time, however; he will find out if sewer services are in the future for this area before the night meeting.

In reply to Mayor Pro Tem Warbington, Mr. Forgey explained that the property will be separately developed enterprises.

In reply to Commissioner Young, Mr. Forgey showed the rezoning location to be subdivided, explaining that once subdivided, there will be two separate owners.

Bobby Donley, Lanier Engineering, stated that they will work with the City and advised that there will not be a great use of sewer in the areas of development.

FEBRUARY 21, 2023  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100 (Virtual and in-person Meeting)

Commissioner Young questioned the dividing area of residences on Schley Ave., with Mr. Donley commenting on the buffering.

Mayor Dorough closed the public hearing on this item and opened the following hearing.

2. Zoning Case #23-003 – Abundant Life Investments Holdings, LLE/Owner; Todd Davis/Applicant; request Special Approval to operate a self-storage facility (indoor) on the property located at 2425 Sylvester Highway.

Using a power point presentation, Mr. Forgey advised that the request is for special approval to operate an indoor self-storage facility and showed a map of surrounding zoning, photos of the property, aerial view, advised that the property is not in the flood plain and discussed special approval criteria. He should a map of surrounding land uses, future land use map and discussed planning considerations advising that the Planning Commission recommended approval.

Todd Davis, Applicant, was available to answer questions. Commissioner Howard asked how customers will access the storage unit with Mr. Davis advising they can come in the front or back.

Commissioner Young questioned the façade with Mr. Davis explaining that they will make changes to it.

Mayor Dorough closed the public hearing on this item and opened the following hearing.

3. Zoning Case #22-097 – Whitehill International, LLC/Owner; Complete Resource Management/Applicant; request special approval to operate a Composting and Recycling Facility at 1701 N. Washington St.

Using a power point presentation, Mr. Forgey discussed the request to upgrade the existing composting facility which needs approval from the Commission, showed a map of current surrounding zoning, photos of the property, aerial view of the property, advised that the property is located in the floodplain (showing the overlay of the property/floodplain), commented on special approval criteria, surrounding use map, future land use map and commented on planning considerations, advising that Planning Commission recommended approval.

Butler Stoudamire and Whitcomb Barnhill signed up to speak to this item.

Mr. Barnhill gave a brief history of the recycling location, items currently being brought to the center, and what it will take to get to a class four designation.

In reply to Commissioner Gaines, Mr. Barnhill commented on the ingress/egress at the highway that not affect traffic.

In reply to Commissioner Young regarding class four designation, Mr. Barnhill explained that no hazardous materials are handled, including no fumes, which are within EPD regulations; advising that EPD regulates regularly.

FEBRUARY 21, 2023  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100 (Virtual and in-person Meeting)

Mayor Dorough asked for a list of categories for class 2 and 4, and closed this portion of the public hearings and opened the next hearing.

4. Zoning Case #23-002 – Michael Meyer von Bremen/Owner; Danielle Wetherald/Applicant; request special approval to operate a private school for special needs children on property at 2427 Westgate Dr., from C-5 (office-institutional-residential District to Private School.

Mr. Forgey discussed information advising that the request is to develop an existing area to operate a private school for special needs children. He showed a map of existing zoning, photos of the property including an aerial view, advised that the parcel is not in the floodplain and discussed special approval criteria. He advised that there were comments regarding the ingress/egress with the applicant proposing to widen to allow adequate ingress/egress including widening the driveway as shown on the map, commenting on land use maps, etc., planning considerations and advised that the Planning Commission recommended approval.

Discussion included whether an alcohol establishment can be put in the area, foot traffic on Westgate with Mr. Forgey stating that he thinks parents will drop the children off.

Mrs. Meyer von Bremen spoke in support of the application, which will provide schooling for autistic children, discussing barriers in the back.

Danielle Wetherald, applicant, was present to answer questions and commented on the driveway and current use of the property and discussed that they operate by referrals, explaining the process including number of students, academics, etc. She said the children come from all areas, not just Albany.

Mayor Pro Tem Warbington asked if this doubles the number of currently served students, with Ms. Wetherald explaining the ratio of current/future students to teacher, adding that they may have an increase in students with the maximum of 32 being able to be served at the new location.

Carla Taylor, Anita Donzel, Cindy Martin, Ivy Herington, Haven Sholar and Victor Landy signed up to speak, but did not provide comments.

Jessica Zurhid spoke in support of the application and provided positive comments on Ms. Wetherald.

Amanda Higginbotham signed up to speak but did not provide comments.

William Hancock spoke in support of the application and briefly discussed the traffic situation.

Wesley McMillan signed up to speak but did not provide comments.

Mayor Dorough closed the public hearing

OTHER ZONING MATTERS

1. 245 E. Broad Ave.

Mayor Dorough briefly discussed information (copy on file). In reply to Mayor Dorough, Mr. Forgey advised that the Commission must request the Planning to consider the rezoning, adding that the request will be to revise the ordinance to allow the use by removing the property from the Overlay District.

Commissioner Howard noted that this is only a request for the Planning Commission to make a recommendation and concurred.

Commissioner Young clarified that this item will be voted to move forward with a Planning Commission recommendation with Mr. Forgey stating that it will be brought back to the Commission for a vote in April. Discussion continued with Mayor Dorough advising that discussions will be after the Planning Commission makes a recommendation. Commissioner Young suggested a separate solution rather than changing the ordinance.

Ms. Jenkins advised that she owns the lot and wants to put a ice machine on the property and does not see the issue. Commissioner Young asked if anyone has engaged with her from Downtown Authority and/or asking her whether she wants to sell (to which she indicated no one contacted her). Commissioner Young asked Downtown Director L. Gaskins for her comments. Ms. Gaskins referenced the downtown master plan that was adopted and development opportunities are there and noted that they are governed by the overlay of the ordinance. Discussion continued regarding recommendations in the master plan with Ms. Gaskins stating that the ordinance in place prohibits it, adding that she can provide the master plan which has target points for development in the area.

Commissioner Howard commented on the master plan and property the City owns, with Ms. Gaskins stating that they own Rabbit Man's property. Discussion continued on other parcels the City owns. Commissioner Howard stated that next year the Oglethorpe Bridge will be refurbished, and this item needs to be moved on.

Mayor Pro Tem Warbington clarified that the request is to ask the Planning Commission to provide a recommendation. Mayor Dorough agreed.

## **REPORT OF THE CITY CLERK**

### **A. Appointment(s)**

The Clerk discussed the following that will be voted on at the January 24 meeting.

1. Citizens Transportation Committee: one appointment for three-year term ending January 2026
2. KADB: one appointment for three-year term ending January 2026

FEBRUARY 21, 2023  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100 (Virtual and in-person Meeting)

B. Travel

1. Commission Travel

- Commissioner J. Howard; GMA Cities United Summit; Atlanta, GA; Jan. 20 – 23, 2023; \$1,752.63
- Commissioner J. Johnson; GMA Cities United Summit; Atlanta, GA; Jan. 19 – 23, 2023; \$2,218.06
- Commissioner J. Johnson; Albany-Dougherty Day at the Capitol; Atlanta, GA; Feb. 15- 16, 2023; \$623.56
- Commissioner V. Gaines; GMA Cities United Summit; Atlanta, GA; Jan. 20 – 23, 2023; \$1,904.35
- Mayor Pro Tem C. Warbington; GMA Cities United Summit; Atlanta, GA; Jan. 20 – 23, 2023; \$1,966.32

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

2. Staff Travel

- S. Tolbert, City Clerk; IIMC Annual Conference; Minneapolis, MN; May 13-17, 2023; \$2,385.52

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

## **OTHER COMMITTEE MATTERS**

### **Federal Lobbyist Presentation:**

Marion Turner, Partner with Alcalde & Fay, presented information (copy on file) regarding the contract with the City by providing updates, identifying federal grant/funding (which is the primary goal), successes in funding projects, (FY 22), suggested projects, i.e., bridge, planning/capital projects, safe streets/roads, buses/bus facilities, resilient operations, transportation protection program, railroad/school bus/healthy streets, charging/fueling infrastructure re: electric vehicles, Raise/Brownfields Grants, FEMA BRIC, drinking clean water and airport infrastructure. He briefly commented on congress, house/senate representatives, the appropriation process, mid-term election ramifications, and the need to continue making appropriation requests for the CSS project, which is now an authorized project and should not run into any problems, adding that HUD projects may face funding cuts.

Commissioner Howard asked for the DC definition of appropriations vs. authorizations with Mr. Turner explaining the process with congress ‘blessing’ a project and giving appropriations authority to spend monies. In reply to Commissioner Howard, Mr. Turner explained that the CSS funds will go to the Army Corps of Engineers, who will implement the project. Discussion continued regarding state grants/funds, CSS project/corps of engineering implementation of projects with Mayor Dorough

commenting on ARPA Funds., Bruce Maples, Asst. City Manager explained that the APRA funds have already been allocated (\$15.0 million) for the combined sewer separation to meet the 2025 deadline. He discussed the \$12.226 million in CARES ACT funding and funding the consultant through WRDA funds (\$105. Million); however, he cautioned that there is a match of approximately \$27.0 million for the \$105.0 million. Commissioner Howard suggested meeting regularly on this project, with Mayor Dorough suggesting this be on the retreat's agenda for continued discussions.

Commissioner Gaines asked if charging stations were recommended to be placed in parks. Mr. Turner explained that the location of stations is at the discretion of the Commission.

In reply to Mayor Pro Tem Warbington, Mr. Turner explained that the Corps of Engineers work with those running the project, with a debate about going with the current consultants or to take a different route. However, the Corps of Engineer come up with a number, which is conveyed to the appropriations committee with the representatives/senator deciding whether to ask for more appropriations, making alternative recommendations, etc., adding that the House is slow to start and appropriations are not up to speed. Discussion continued regarding appropriations over the next two years, etc., with Mr. Turner advising the \$105.0 million will be spent over the life of the CSS project.

Commissioner Young commented on funding coming from the Corps of Engineering, with Mr. Turner explaining the process, the upcoming deadline and waiting for funding.

At this time a ten-minute recess was taken; the meeting reconvened at 11:00 am

## **COMMITTEE REPORTS**

### **I. Public Administration/Finance:**

Following a brief discussion, the consensus was to move this item up on the agenda at this time.

Steve Belk, Recreation Director was present to discuss the following:

1. Renewal of Venue Management Agreement – Oak View Group - \$133,824.00

Mr. Belk introduced Trent Merritt, Sr. VP of Oak View Group and Victor Landry, Flint River Entertainment Complex (f/k/a James Gray Civic Center) General Manager, with both providing a brief history with the facility. Mr. Merritt discussed the acquisition/merger of Spectra by the Oak View Group, and helping the Civic Center grow and bring in revenue, post-COVID. Mr. Landry discussed upcoming shows, sponsorships at the Civic Center, being a civic-minded partner of the City, by participating in local activities and providing select entertainment at no cost to the community. Mr. Merritt discussed investing \$200,000 in mostly food/beverage operations with approximately \$70,000 for use on projects, revenue brought in through sponsorships; the ripple-effects of COVID on touring cycles; ten years remaining on the contract, with a proposal that in exchange for the \$350,000 capital investment a \$40/50,000 cost (food/beverage point-of-sale upgrade) on top of the \$350,000 investment.

FEBRUARY 21, 2023  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100 (Virtual and in-person Meeting)

In reply to Commissioner Howard, Mr. Carter explained that OVG took over Spectra's company, a new contract was not executed, with the one in place still in effect. Regarding the ten-year renewal, Mr. Carter explained the two five-year extension with OVG requesting a ten-year extension.

In reply to Mayor Pro Tem Warbington's mention of Albany hosting athletic competitions in the past; Mr. Landry agreed that it has been considered with plans to aggressively bid these events. Mayor Pro Tem Warbington questioned ways to improve event attendance with Mr. Merritt discussing premium seating/hospitality/club boxes with higher cost/revenue, particularly the arena; adding digital signage to incentivize promoters. Mayor Pro Tem Warbington clarified that the contract covers the Civic Center, Municipal Auditorium and Amphitheatre that OVG will manage with Mr. Merritt agreeing.

Commissioner Young asked the relationship with local promoters and needing shows geared toward African American demographics. Mr. Merritt mentioned working with a number of local promoters; being flexible with pricing in making shows work, etc., and referred to upcoming events (Gladys Knight, Rickey Smiley, etc.), with Mr. Merritt asking that Commissioner Young refer local promoters to them. Commissioner Young mentioned complaints about various conditions at the Civic Center, Mr. Merritt stated that the City still owns the Civic Center, but they work on the City's behalf and make recommendations regarding needed repairs/capital improvements. Mr. Landry reviewed work that has been done on the City Center.

Mayor Dorough expressed concerns regarding the ten-year contract, asking to first see the contract, adding that the City Attorney provide a summary of the contract and exhibits to the contract. He asked Mr. Merritt the reason for requesting the ten-year contract. Mr. Merritt advised that it allows them the opportunity to make the upfront, additional \$350,000 investment and re-earn the return on the capital over time, etc.

In reply to Commissioner Young regarding ARPA funds, Mr. Merritt stated that they worked with CEO Derrick Brown, but the City, as the owner, was required to apply for funding. Asst. City Manager Yvette Fields advised that the City received \$1.2 million. Discussion continued regarding two, five-year extensions vs. one, ten-year extension.

Ricky Gladney, Buyer I; Robert Griffin, Asst. Engineering Director; and Todd Kennedy, Planner II, were available to discuss the following (copy on file):

2. Recreational Trail Improvements: Concrete Enterprises, LLC - \$410,385.00

Mr. Griffin cautioned that a portion of the river's spur trail is within the vicinity of where some CSO work is underway, with the possibility that any work being done will have to be demolished and rebuilt. Reaching out to DNR to request delaying that portion, they were denied due to the 105-day timeframe once a project is bid, with staff recommending conditional approval of an extension if the project is awarded as the May 1 deadline is not feasible.

Mayor Pro Tem Warbington commented on the cracked concrete being replaced with discussion continuing on the location, adding brick, etc., the Tift Park area railing to be in place as it pertains to the Rails to Trail project (that is in litigation), DNR funding and deadline of the project (2022 vs. 2023).

FEBRUARY 21, 2023  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100 (Virtual and in-person Meeting)

Mayor Pro Tem Warbington expressed concern regarding having a trail head because of the litigation and asked the possibility of cutting it off if bid as a separate item.

Commissioner Young also questioned the trail head with discussion continuing.

Mayor Dorough noted cons, with Mr. Gladney commenting on the process and reasons as listed.

Corey Gamble, Buyer 1, APD Chief M. Persley and John Dawson, Interim TAC Director, were available to discuss the following:

3. APD Central Square Computer License: ONESolution - \$108,000

There were no questions/comments on this item.

Mr. Gladney and Paul Forgey, Planning Director was present to discuss the following (copy on file):

4. Building Permit Consultant: Charles Abbot Assoc., Viejo, CA - \$669,000.00

In reply to Mayor Pro Tem Warbington, Mr. Forgey explained the contract/permit fees with the City getting 11-21% of permit fees with the new structure based on a flat fee He compared the structure of both - flat fee vs percentage and explained that the contract expired in December and if the fee structure is changed it will take some time; the intent was to maintain what is in place to get the company back onboard with the City.

Discussion continued regarding changing fees and the process with Mayor Dorough agreeing that this should be looked at.

Mr. Belk; Joshua Williams, Central Services Buyer II; and Ron Huff, WSP Rep were present to discuss the following (copy on file):

5. Henderson Park Design Services: WSP, Kennesaw, GA - \$553,900.00

Mayor Pro Tem Warbington questioned the master plan and this being the start of design with Mr. Huff agreeing, adding that the information was in place via community input and needs to be revisited. Discussion followed regarding Driskell Park, costs, with this being a 17500 sq. ft. structure (community center) that includes a gym, athletic fields projects or single multi-purpose field, etc.

Representing HR were Towanna Howard, Deputy Director and Angela Calhoun, Interim Director, Josh Williams, Central Services Buyer II, Dan Ripberger, Bolton Rep., were present to discuss the following (copy on file):

6. Pay Study: Bolton, Cincinnati, OH - \$51,500.00

In reply to Commissioner Howard, Mr. Ripberger provided information regarding the firm.



FEBRUARY 21, 2023  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100 (Virtual and in-person Meeting)

Mayor Pro Tem Warbington commented on another company from last year and asked the difference between that company and what is presented today. Ms. Calhoun and Mr. Ripberger explained why the information from the other firm was not used, with Mr. Ripberger advising that the other firm is not actually a consulting firm, but rather a basic data-house of general information. Discussion continued regarding the process and getting what is needed, with Mr. Carter providing additional information.

Mayor Dorough commented on the other study and the methodology; some employees being surprised that they were overpaid, which resulted in him questioning their approach.

## **ITEMS FOR FUTURE AGENDA**

Commissioner Howard stated that he would like to make a brief Black History Month presentation recognizing local black elected officials at the next meeting.

Commissioner Gaines mentioned the need to add speed tables to an agenda.....

Mayor Dorough advised that he sent out information regarding speed tables, noting concrete speed tables and advising that there are other options that should be considered.

## **ITEMS FOR COMMISSION RETREAT**

Mayor Dorough commented on responses received from Mayor Pro Tem Warbington, Commissioners Johnson and Langstaff and noted items he sent to discuss at the retreat (Combined Sewer Separation project, Recreation Master Plan, City's relationship with non-profits, Downtown/Ritz Theatre, which he thinks did not receive any support from the rest of the Commissioners.

Discussion followed with Mr. Carter noting comments/items as follows:

Commissioner Howard -will email Mr. Carter

Commissioner Gaines- paved roads/alleys in his ward

Commissioner Langstaff - public safety, freezing the Pension Plan

Commissioner Johnson - funding for public safety, panhandling ordinance, housing.

Mayor Pro Tem Warbington - City Manager's evaluation, increase Code Enforcement, CSS, increased technology for APD

Commissioner Young - asked to remain with the process in place with the facilitators and mentioned comments made by Mayor Dorough regarding the CSS project and stated that he would like to pursue this as well to include discussions regarding funding sources, etc.

The consensus was to send the list of topics to the facilitator.

## **CITY MANAGER'S COMMENTS**

Mr. Carter thanked those who traveled to Albany/Dougherty Day in Atlanta last week, mentioned that the CVB convention was hosted in Albany last week and reminded the Commission of the Combos (f/k/a Snickers) Marathon on March 4<sup>th</sup>.

FEBRUARY 21, 2023  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100 (Virtual and in-person Meeting)

**EXECUTIVE SESSION** (Pending litigation)

At 12:45 p.m., Commissioner Warbington moved to enter executive session, seconded by Commissioner Howard and following a roll call vote, the motion unanimously carried as follows:

Ward I	yes
Ward II	Absent
Ward III	yes
Ward IV	yes
Ward V	absent
Ward VI	yes
Mayor	yes

At 1:15 p.m., Commissioner Howard moved to exit executive session, seconded by Mayor Pro Tem Warbington, and following a roll call vote, the motion unanimously carried as follows:

Ward I	yes
Ward II	Absent
Ward III	yes
Ward IV	yes
Ward V	absent
Ward VI	yes
Mayor	yes

There being no further business, the meeting adjourned at 1:10 p.m.

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SONJA TOLBERT, CMC  
CITY CLERK