

MARCH 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, 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 8:33 am, followed by attendance roll call.

AGENDA ADOPTION

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

PUBLIC HEARING

1. Zoning Case #23-015 – ALWLAW, LLC/Owner; Down Home Plantation, LLC/Applicant; request to rezone property at University Street from CR, R-2 & R-3 to AG.

Using PowerPoint, Planning Director Paul Forgey reviewed the rezoning application (copy on file), with the applicant seeking rezoning to develop a chestnut orchard. He advised that the initial access was from University Street; however, the Planning Commission recommended accessing the property from more than one location. He briefly discussed prior zoning designations, with the previous classification of R-6 being changed to C-R. Using the zoning map, he reviewed adjacent zoning designations, advising that the agricultural development should not adversely affect the use of adjacent properties and will have a low impact on those properties. He stated that chestnuts, unlike pecans, require fewer chemical applications, with the requirement of following all agricultural regulations. He briefly recalled two previous proposals, which were either withdrawn or denied. The Planning Commission recommended the following **conditions**: 1) The property cannot be accessed solely from University Street; and staff recommended 1) a 50-foot buffer around the perimeter.

In reply to Commission Howard, Mr. Forgey explained that the three current zonings allow apartments/single family and calculated that over 350 homes could be developed there, with the number increasing if apartments are developed, which would have an impact on transportation. In reply to Commissioner Howard regarding an M-1 designation, Mr. Forgey replied that anything could go there except residential since it is over 100 acres.

Mayor Pro Tem Warbington referred to the previous rezoning attempts, which had significant neighborhood opposition; Mr. Forgey agreed. In reply to Mayor Pro Tem Warbington, Mr. Forgey stated that the applicant did agree to the conditions, adding that he intends to leave the current tree line along the edge as a buffer.

Commissioner Young asked if he is harvesting nuts or growing trees to be harvested. Mr. Forgey stated that he is growing trees to harvest nuts; it is an orchard and discussed the be four points of access on the property, with all four going through the residential area. He stated that farm equipment could be in the neighborhood which was a consideration. In reply to Commissioner Young, Mr. Forgey said there is no direct access from Oakridge.

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Trey Pippin, representing the applicant, stated that he grew up as a pecan farmer, explaining the reason chestnuts are being grown. Owing another orchard on Willie Pitts, Jr. Road, the intent was to increase the extension in that area. Regarding Commissioner Young's question pertaining to equipment, he advised that chestnuts are unlike pecans and are harvested piece-meal, i.e., they are picked up every day. They are smaller than pecan trees and the equipment used in the operation is smaller and only one application of chemical fertilizer is applied a year. He stated that he met with residents of County Club Estates to field questions/concerns because two previous attempts to rezone the property failed. Regarding chicken litter, he advised that is not an issue as there are no plans to apply chicken litter.

Commissioner Warbington asked if he is comfortable with the recommended conditions. Mr. Pippin stated that he is ok with both (50' buffer and various access points).

In reply to Commissioner Young, Mr. Pippin discussed the type of equipment that will be used in the orchard and explained that big equipment uses too much fuel.

Mattie Wright, resident of Westtown Subdivision, advised that she attended the Planning Commission meeting to share the viewpoint of her neighborhood about the tree farm. She discussed the assumption they held, thinking it would be an operation of growing timber like P&G and Georgia Pacific for their products. Concerns she expressed include - spaying insecticides/fungicides near the school, farm equipment and its effect on roads, creating dust, dangerous for kids playing near streets and dense population in the area.

Commissioner Johnson asked if an operation of this type is common. Mr. Forgey explained that this property and an adjacent parcel, while being in the middle of development, are undeveloped. Currently zoned for manufacturing, it will be difficult to prevent impacting the neighborhood if a manufacturer decides to locate there. He stated that the proposal to develop residentially was met with resistance, as was the one to develop a solar farm, adding that it is not uncommon to locate the farm operation near the one already established.

Ms. Wright explained the concern for the C-R designation (crime, violence).

In reply to Commissioner Warbington, Ms. Wright stated that the neighborhood decided that a solar farm might be the best option. Commissioner Warbington mentioned a 500-acre parcel behind Alice Coachman Elementary, which will soon be a manufacturing location according to sources. As Mr. Forgey stated, a tree farm would provide a buffer for the adjacent properties and cautioned that if a manufacturing operation goes in, that application would not have to come before the Commission since it is zoned for manufacturing.

Commissioner Young asked the possibility of the community discussing what it finds acceptable to be located there. Ms. Wright stated that after speaking with the Planning Commission and Mr. Pippin, the community felt that either residential or a solar farm, but definitely no C-R. She commented on noise from a solar farm vs that on a farm, as well as the dust, chemicals, etc., with the solar farm being preferred to any development.

Commissioner Howard mentioned two bills, one already signed into law, which will impact property (run-off from adjacent farming enterprises) and the State's roadways (semi-trucks weight limited increasing from 80,000 to 90,000).

Aaron Favors, County Club Estates Homeowners Association President, advised that County Club Estates agree with Mr. Pippin about the chestnuts, adding that a solar farm causes concern about its impact on the value of the neighborhood's property and explained their support of the chestnut farm.

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Commissioner Young asked if Ms. Wright is a member of the association with Mr. Favors advising that she lives in the Westtown Subdivision.

Hearing no additional comments, Mayor Dorough closed this public hearing and opened the next for:

2. Zoning Case #23-016 – Byan Investments, LLC/Owner; Ashton Nahai/Applicant; request to rezone property at 1014 Holloway Ave. from C-7 to C-3.

Using PowerPoint, Mr. Forgey reviewed the application (copy on file), stating that it involves a little over half an acre for a warehouse to store catering equipment, adding that buffering is not required. The proposed use should not adversely affect the existing uses or surrounding adjacent properties as the property was previously used as a tire warehouse. He stated that it is a Mixed-Use Planned Development district that requires special approval and has a residential component, adding that a C-7 cannot be solely residential or commercial. If rezoned to C-3, the applicant will not have to seek special approval. He reported that the Planning Commission approved the rezoning of the .51-acre property to C-3.

Mike Everett, South Core Real Estate, stated that he is representing Ashton Nahai, who is an out-of-state investor who purchased the building for rental/commercial leasing income. He stated that the proposed tenant, Daphne Wood, with Woods Events, using the building for her catering business as storage is a better use than the prior tire warehouse.

Commissioner Young noted that the building is located next to the Girls & Boys Club; Mr. Everett stated that a vacant lot separates the two properties. Commissioner Young asked if the C-3 allows storage of chemicals. Mr. Forgey stated that it is unknown what will be stored; however, certain chemicals are strictly regulated by EPA.

Hearing no additional comments, Mayor Dorough closed the public hearing.

SPEAKER APPEARANCE

1. Valarie Overstreet-Thomas recognized members in the audience who supports the request she is making and asked them to stand. She stated that she is representing the Hall and Boone families, the Ladies of the Albany Chapter of LINKS, Inc., and the many hundreds of the Hansel and Gretel Kindergarten graduates, members of Mt. Pilgrim Church and citizens of Albany who support recognizing a legend. She referred to the handout she distributed (copy on file) stating that it is a brief background of Mrs. Ruth Hall Anderson, affectionately and better known as “Mamma Ruth”; and reviewed the information. Mamma Ruth instituted Hansel and Gretel Pre-School for African American children in Albany, Georgia with graduates not only from Albany and Georgia, but nationwide, adding that Commissioner Young is a graduate of Hansel and Gretel. The building was located on Corn Avenue, but is now a church. The request is to rename Corn Avenue in her honor – Ms. Ruth Hall.

Commissioner Young shared a memory of Mamma Ruth and encouraged support of the request to honor her legacy. He asked Mr. Forgey to discuss the process to make the name change.

Mr. Forgey advised that he spoke with the City Attorney yesterday because the Street Naming ordinance is not 100% clear. The process includes the Street Naming Committee, which will ensure that it does not duplicate another named street in Albany and rules covering the process (person must be deceased at least

ten years). He explained that the ordinance states that it only applies to the unincorporated area of the county and asked if the request is for only one block of Corn. Commissioner Young stated that he proposed that it be the entire length of Corn Avenue, and discussed his proposal to incorporate Driskell Park, Mary Young Cummings Park and the trail connecting the River Front to properties north of there. Mr. Forgey assured him that the Committee will study the information and make a recommendation.

Mayor Dorough mentioned previous instances of renaming streets and that often it became very confusing (Willie Pitts Road / Willie Pitts Parkway).

REPORT OF THE CITY CLERK

1. Recognition of High School Sports

Mayor Dorough stated that in the past, the City recognized State champions and more recently have recognized regional winners, who make it to the State playoff. He recognized Commissioner Howard and Mayor Pro Tem Warbington to discuss.

Commissioner Howard stated that he feels the academic and athletic successes of students should be recognized, regardless of the level.

Mayor Pro Tem Warbington stated that he completely agrees with Commissioner Howard; however, his concern is the risk of overlooking the success of one of the schools and creating hard feeling. He recommended a standard policy, with the City Clerk communicating with the principals. To prevent feelings of being slighted, he also recommended that any team making it to the Final 4 be recognized.

Commissioner Gaines agreed that a standard is needed and should include academics, which is just as important.

Mayor Pro Tem Warbington suggested including the school system in setting a standard, so that the policy is understood by everyone.

Commissioner Young agreed that a standard is needed and agreed with Commissioner Howard that the successes of our local schools should be shared and recognized.

Mayor Dorough discussed his concern of a school, which after a long period reaches the regional championship only to be told they will not be recognized until making it to the Final 4. While there is a need for a policy, it presents a disadvantage for teams that do not make it all the way to the championship, in spite of having won regionally.

Commissioner Young agreed that seeking input from the school system for guidance will help in making a policy.

Mayor Dorough noted that students are recognized at School Board meetings; however, it is appropriate to recognize local students. In reply to Mayor Dorough, Mr. Carter stated that he will handle this.

REPORT OF THE CITY ATTORNEY

1. Abandon easement at 1336 Mercantile Drive

Mr. Davis advised that DCED previously owned this property, which now has structures on it and is the reason for the easement agreement. It was sold and the new owner requested to remove the easement.

Robert Griffin, Engineering Asst. Director, discussed the details of the property and advised that with the easement being discovered, it indicates that the City has not abandoned the easement. The issue is that the easement runs between two structures (apartment complex) creating problems for insurance and that the owner asked for the easement to be abandoned to resolve the insurance issue.

In reply to Commissioner Howard, Mr. Griffin explained the easement running between the two structures and tying into the pump station, which is one of those being considered for improvements, adding that the easement has no active utilities or sanitary line inside of it. Commissioner Howard mentioned a new development going in that will have 118 mobile homes located off of Moultrie Road.

Mayor Dorough noted that there is no reason to not relinquish an easement the City is not using. Mr. Griffin agreed and advised that two pieces of property were combined, but the easement was not abandoned.

COMMITTEE REPORTS

1. Planning/Engineering

a. Right of Entry Agreement / Future Utility Easement – AT&T

Utility Engineer Superintendent Lee Daniel stated, in addition to providing information, he is requesting approval of a Right-of-Way Agreement requested by AT&T for entering City property known as Veterans Park. He explained the project, which will be boring the river to install/relocate new utilities in advance of construction of the new Oglethorpe Bridge. The Park will not be disturbed by the project, but there will be an easement requested in the future.

Questions included where the boring begins (ASU side of Front Street) and the equipment on the right-of-way (no).

Mayor Dorough expressed concern that the public is not aware of the project and recommended that it be promoted. He asked the date GDOT anticipates starting construction on the project. Mr. Daniel advised that designs are almost complete, with the plan being to let the project in September of this year. Mayor Dorough mentioned amenities on the design of the bridge that GDOT did not approve, and the potential of accessing funds from the Infrastructure Bill. He asked if AT&T lines are under the bridge; Mr. Daniel agreed and advised that the City has gas and water lines there. Mayor Dorough recalled that the City is trying to get GDOT to let it reattach the lines, and asked for an update. Mr. Daniel advised that at this point, they are allowing the City to reattach to the new bridge.

A brief discussion followed regarding the trail being demolished with the work being done at the old Radiator Shop with Mayor Dorough explaining that the trail will come off like a berm at ASU and go under the bridge.

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Commissioner Howard agreed with Mayor Dorough in alerting citizens to the project. A brief discussion ensued on the magnitude of the impact demolishing/rebuilding the bridge will have on traffic patterns.

2. Public Administration/Finance

a. Insurance Broker Services

Josh Williams, Buyer II, discussed information (copy on file) regarding the RFP and response to it, with NFP being the most responsive proposer. He introduced Tammy Starkey, representing NFP, to provide an overview.

Using PowerPoint (copy on file), Ms. Starkey reviewed NFP's relationship with the City for the past 14 years and discussed the wellness clinic and the savings the City has realized over the years and its benefits to employees. Agreeing with Commissioner Howard regarding 200 new patients being diagnosed with diabetes, high cholesterol and hypertension last year, she stated that she does not have a breakdown of those who developed these conditions.

b. Roof Replacement – Water Treatment Plant

Ricky Gladney, Buyer I, reviewed the information (copy on file), with staff recommending Ritcher Contracting Co.

Mayor Dorough asked if this will be a metal roof over an existing shingle roof. Mr. Gladney advised that the current roof is metal.

Mayor Pro Tem Warbington referred to the R3M fund, asking if utilities input into that. Mr. Carter agreed, adding that all departments participate in contributing to the building fund.

c. Driskell Park Renovation

Mr. Gladney discussed information (copy on file).

Mayor Dorough stated that an ornamental fence would be a 'Cadillac' with the bid base being a modified chain-link fence which is not the image the City wants to project. He commented on the deducts, which are the money savers (removing the goal post, electric scoreboard, and pavilion), which will eliminate the football field, leaving him to believe the City is not getting enough return on its investment. He also commented on the trails that are approximately \$663,000 and suggested if deciding on the upgrade with the fence, (not the ornamental fence) and keep the other deducts the cost would be \$7,342,384 and taking out the \$663,000 would get closer to the budget at \$6.6 million. In reply to Mayor Dorough, Asst, City Manager Yvette Fields stated that the budget is \$6.2 million. Mayor Dorough noted that this project has been discussed for three years, and cautioned against scaling it back, recommending that the City should move forward. Referring to the handout (copy on file), which indicates the recommended value engineering options, Mayor Dorough stated that it provides additional savings on the project.

Will Reese, LRA Constructors, Inc., clarified that the \$460,000 includes all the trails, with the \$203,000 being the perimeter trail which is part of the \$460,000. He briefly discussed the alternate fence and other deducts.

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Discussion included: Price of the ornamental fence and alternate fence (ornamental bid as an add-on is \$524,000, alternate is approximately \$275,000) – Commissioner Howard); agreed with Mayor Dorough to move on and add back in the pavilion (Commissioner Gaines); asked staff about recommended changes and agreeing to LRA’s proposal (Commissioner Warbington) and the holding pond on southeast corner (Commissioner Young)

Mayor Dorough reiterated that the City needs to move forward. Mayor Pro Tem Warbington asked for a breakdown of the proposal on the table and to also include Lose’s costs. Commissioner Young asked when discussions began regarding Henderson to include citizen/community input.

d. J.C. Odom Fitness Center Roof Replacement

Mr. Gladney reviewed the information (copy on file).

In reply to Commissioner Johnson, Mr. Gladney stated that the business has not been dissolved.

In reply to Commissioner Young, Facilities Director Donald Gray advised that Dougherty County participated in the fitness center by supplying the playground equipment.

e. 3 Oaks Storm Water Improvements

Mr. Gladney reviewed the information (copy on file). Mr. Griffin added that this addresses the drainage problem on Meadowlark, by diverting water from the 3 Oaks pond to the dry lake, Lake Cornelia.

Commissioner Howard asked the status of his and Mayor Dorough’s request regarding sidewalk on East Board Avenue with Mr. Carter stating that he will provide the information.

Mayor Pro Tem Warbington asked when the project was designed with Mr. Gladney advising more than six years ago.

In reply to Commissioner Young, Mr. Gladney explained that the sidewalk is an alternative on the bid, adding that the Commission can approve the \$1,090,203 stormwater project without including the walking path, which is a separate item on the bid.

Mayor Dorough mentioned localized flooding in the Meadowlark area (a/k/a 3 Oaks Pond) and questioned if the streets and sidewalks will be constructed. Mr. Griffin explained that they will go on the south side of Summit Drive. Mr. Gladney added that they will start at Lakeridge and go to Pheasant Drive on the south side of Summit Drive. Mayor Dorough discussed ways to entice contractors to bid if they knew that the scope of a project was bigger than they thought.

Mayor Pro Tem Warbington referred to the recreation master plan and the inclusion of walking trails/sidewalks, stating that one of his goals is to provide more access to safe walking areas. He explained that even though this is a stormwater project, he is making a pitch to include the sidewalk while the equipment is already on-site and immobilized.

Commissioner Young stated that while he supports walking trails/sidewalks, priorities must be kept in focus, adding that this is a stormwater project, not a recreational nor a sidewalk project and is not in the recreation

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master plan. He suggested that this type of political maneuvering results in having to set priorities (‘who comes first’) for there to be equity. Even though there may be opportunities to do it now, it appears that some neighborhoods are more favored than others.

Mayor Dorough agreed with Mayor Pro Tem Warbington that now is the time to install the sidewalk around the dry lake, which results in making it a recreational location in the city.

CITY MANAGER COMMENTS

Mr. Carter congratulated the Transportation Department and thanked everyone who supported the grand opening of the new Transportation Center, which has been years in the making.

MEMBER COMMENTS

Commissioner Howard referred to the resolution read on the floor of the Georgia House of Representatives, recognizing his service to the City of Albany and the citizens of Ward 1. He asked that the minutes reflect the reading of the resolution and read as follows:

A RESOLUTION

Recognizing and commending Jon B. Howard; and for other purposes

- WHEREAS:** *Jon B Howard was born in the unincorporated Capps community in Jefferson County, Florida, to the late Boysie and Rosa Howard; and*
- WHEREAS:** *He received his secondary education in the Dougherty County School System, graduating from Dougherty High School in 1974 and receiving a political science degree from Albany State University; and*
- WHEREAS:** *Jon has tirelessly worked for more than 45 years in voter registration and voter education and has assisted candidates running for political office on the local, state, and federal levels; and*
- WHEREAS:** *Jon had political aspirations for himself starting at age ten, and on August 10, 1993, he was elected as the city commissioner for Ward 1 in a run-off election, being sworn in on January 10, 1994; and*
- WHEREAS:** *He has served as Ward I’s city commissioner for 29 years, making him the longest serving member of the Albany Board of City Commissioners; and*
- WHEREAS:** *He has regularly hosted Town Hall Meetings, often introducing his constituents to candidates seeking local, state, and federal offices; and*
- WHEREAS:** *He has served on many boards and committees, including the Albany Board of Pension Trust/since 1997, the Keep Albany/Dougherty Beautiful Board since 2013, and the Southwest Georgia Regional Commission since 2019; and*
- WHEREAS:** *He had continually strived to improve the quality of life for his constituents by addressing the problems of crime, poverty, and unemployment; and*
- WHEREAS:** *His accomplishments include organizing monthly meetings of the Albany/Dougherty County Gang Task Force, recognizing the achievements of students enrolled in the Dougherty County School System, and successfully recruiting Walmart to East Albany; NOW*

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THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that the members of this body recognize Jon B. Howard, Ward 1, city commissioner, for his contributions to the citizens of Albany and specifically the citizens of Ward 1. ***BE IT FURTHER RESOLVED BY THE HOUSE OF REPRESENTATIVES*** that the members of this body encourage all citizens to join in congratulating Jon B. Howard for his more than 29 years of exemplary public service. ***BE IT FURTHER RESOLVED*** that the Clerk of the House of is authorized and directed to make an appropriate copy of this resolution available for distribution to Jon B. Howard.

IN HOUSE Read and Adopted March 06, 2023. /s/ William L. Reilly, Clerk

Commissioner Johnson mentioned the discussion of the Historical District from the previous work session and asked for an update on what was found.

Commissioner Gaines congratulated Commissioner Howard, adding that he still wants a list of alleys to be paved and speed bumps.

Commissioner Young referred to the request to rename Corn Avenue, advising that he received a text from Ms. Overstreet and would like to vote on it. He asked that this be prepared before her birthday (in April). Mayor Dorough asked the legality of scooters being ridden on streets/roads. He recommended renovating the First Tee Program now that the Transit Center is open. He had asked for a presentation on the difference between speed bumps/speed humps/speed tables and also recommended a policy regarding traffic controlling devices, mentioning issues he has encountered.

Commissioner Howard mentioned discretionary funds voted on last year, asking if the funds are still available; Mr. Carter agreed. Commissioner Howard mentioned the murder of an individual in his ward and these areas need to be looked at. Each Commissioner has \$50,000 and the Mayor \$100,000; he recommended that cameras be purchased and installed throughout the entire city ASAP.

Commissioner Johnson asked for a follow-up regarding the Public Defender and City Attorney to determine the next steps.

At 11:12 a.m., Commissioner Johnson moved to enter executive session to discuss property acquisition and litigation, seconded by Mayor Pro Tem Warbington; 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 (stepped out of the meeting)
- Mayor yes

At 12:35 p.m., Commissioner Howard moved to exit executive session, seconded by Commissioner Young; following a roll call vote, the motion unanimously carried as follows:

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

Reconvening the meeting, Mayor Dorough advised that in executive session, pending litigation and the possible acquisition of real estate were discussed.

Mr. Davis announced that approval was granted regarding a personal injury matter of Johnnie Demond Jackson v. Jamal Baisden and advised that a lump sum settlement of \$52,000 was approved, with the City receiving a complete release and being indemnified. The lawsuit was dismissed with prejudice.

There being no further discussion, the meeting adjourned at 12:36 p.m.

SISSY KELLY
ASST. CITY CLERK