

JANUARY 23, 2024
REGULAR MEETING
BOARD OF CITY COMMISSIONERS
GOVT. CENTER – RM 100

PRESENT: Mayor Bo Dorough
Mayor Pro Tem Bob Langstaff, Jr. (virtual
City Commissioners: Jon Howard, Jalen Johnson, Vilnis Gaines, Chad Warbington
and Demetrius Young
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 Pastor Ken Bevel, 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 Commissioner Young, the roll call vote unanimously carried.

PRESENTATIONS (Retirement Certificates)

Mayor Dorough and Mr. Carter presented retirement certificates to Anthony Jordan (31 years of service with the Fire Dept.) and Betty Jo Tellis (35 years of service with Albany Utilities).

OBJECTION TO CONSENT AGENDA

There were no objections to the consent agenda.

CONSENT AGENDA ADOPTION

Commissioner Warbington moved to adopt the consent agenda, seconded by Commissioner Johnson, the roll call vote unanimously carried.

A. Resolutions:

A RESOLUTION NO. 24-R101

Accepting Grant Award from the Georgia Dept. of Transportation re: LMIG Grant; authorizing use of TSPLOST II Funds

A RESOLUTION NO. 24-102

Authorizing Mayor to sign cancellation of deed to secure debt, Assignment of Rents and Leases and Security Agreement and, notice filing for real estate related collateral re: MacGregor Golf

A RESOLUTION NO. 24-103

Authorizing use of SPLOST VIII Funds for lighting at the Civic Center Complex

A RESOLUTION NO. 24-104

Authorizing the extension of sanitary sewer for Dougherty County to serve Redevelopment Project formally known as Willow Nook Mobile Home Park

B. Purchases:

1. Lift Station 66 and 88 Rehabilitation, Inc., Sylvester, GA - \$2,056,080.00
2. Warehouse Forklift, G&W Equipment, Inc. - Total exp. \$41,642.80
3. Engineering Truck, Wade Ford, Inc. - Total exp. \$61,496.00
4. Computer Hardware Dell Marketing, Round Rock, TX. Total Exp. - \$116,705.19
5. Demolition Services, Shipp's Building Contractors, Albany, GA - Total exp. \$51,500.29
6. Electric Right of Way Trimming, W.A. Kendall & Company, Inc. – Total exp. \$1,339,853.00

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AGENDA ADOPTION

Commissioner Warbington moved to adopt the agenda with the following changes: 1) removal of engineering services; 2) add the two conditional items, and 3) add executive session, seconded by Commissioner Johnson, the roll call vote unanimously carried.

GENERAL BUSINESS

Annual Appointments:

A. Mayor Appointments:

1. Mayor's appointments: Dontravious Simmons reappointed to serve one year appointment on Aviation Commission expiring January 2026
2. Yvonne Jones reappointed to serve one year term on Albany Housing Authority expiring November 2024

B. Commission Appointments:

Commissioner Johnson moved to approve the following Commission appointments, seconded by Commissioner Howard, following a roll call vote the motion unanimously carried.

1. Commissioner Warbington reappointed to serve a three-year term on the EDC ending December 2026
2. Mayor Pro Tem Langstaff reappointed to serve a one-year term on the Aviation Commission ending January 2025
3. Commissioner Warbington reappointed to serve a two-year term on the Pension Board ending February 2026
4. Commissioner Howard reappointed to serve a one-term term on the Southwest Georgia Regional Commission ending December 2025

C. Annual Board Appointments:

1. Four appointments to ADICA for two-year term ending January 2026

Commissioner Johnson nominated Colette Jenkins, seconded by Commissioner Gaines, the roll call vote carried 6-1 with Mayor Dorough voting no.

Commissioner Johnson nominated Rachelle Scott, seconded by Commissioner Warbington; following a roll call vote, Ms. Scott was unanimously reappointed.

Commissioner Warbington nominated RyShari Burley, seconded by Commissioner Johnson, the roll call vote carried 6-1 with Commissioner Young voting no.

Commissioner Johnson nominated Matt Trice, seconded by Commissioner Warbington; following a roll call vote Mr. Trice was appointed by a vote of 6-1 with Commissioner Young voting no.

2. One appointment to the Animal Control Board for two-year term ending June 2025

Commissioner Johnson moved to reappoint Dr. Steve Whatley, seconded by Commissioner Warbington, following a roll call vote Dr. Whately was unanimously reappointed.

3. Two appointments to the EDC for a three-year term ending December 2026

Commissioner Young nominated Cassandra McKinney, seconded by Commissioner Gaines. Commissioner Johnson nominated Milan Patel for reappointment, seconded by Commissioner Warbington, the foll call vote carried 5-2 with Commissioners Gaines and Young voting no. Commissioner Howard nominated Orland Rambo, seconded by Commissioner Gaines, the foll call carried 6-1 with Mayor Dorough voting no.

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4. Four appointments to KADB for three-year term ending January 2027

Commissioner Young moved to reappoint Nathaniel Cooper, Edward Lemon and Janet Puckett and to appoint Alexis King, seconded by Commissioner Johnson, the roll call vote unanimously carried.

5. Two appointments to the Planning Commission for three-year term ending January 2027

Commissioner Johnson moved to reappoint Helen Young and Aaron Johnson, seconded by Commissioner Warbington, the roll call vote unanimously carried.

6. Two appointments to the Southwest Georgia Regional Commission for a one-year term ending January 2025

Commissioner Howard nominated Charles Ochie for reappointment as the City appointee, seconded by Commissioner Johnson, the roll call vote unanimously carried.

Commissioner Warbington nominated Haryl Dabney for the Joint appointment, seconded by Commissioner Johnson, the roll call vote unanimously carried.

7. Two appointments to the Utility Board for a two-year term ending January 2026

Commissioner Gaines moved to reappoint Orlando Rambo, seconded by Commissioner Howard; the motion failed 5-2 with Mayor Dorough, Mayor Pro Tem Langstaff, Commissioners Johnson and Warbington voting no.

Commissioner Warbington moved to reappoint Brenda Battle, seconded by Commissioner Johnson, the roll call vote carried 5-2 with Commissioners Gaines and Young voting no.

Commissioner Johnson moved to appoint Kisa Collier, seconded by Commissioner Warbington, the roll call vote unanimously carried.

C. Alcohol License Applications:

Deputy Chief Anthony Donaldson discussed the following application (copy on file):

1. VMP Gifts LLC; d/b/a Gifted Creations, 2610 Dawson Rd., Ste. 16; V. Patel/Agent; Liquor, Beer and Wine Package

Commissioner Johnson moved to approve the application, seconded by Commissioner Warbington.

Commissioner Young asked Dep. Donaldson if he contacted the owner to ascertain what they will be doing with the alcohol license, as it is a gift shop, the City Attorney opined that there is no way to mitigate them from selling any other type of alcohol if they desire to do so. Deputy Donaldson agreed, advising that the applicant said it will be a gift shop and will provide those type services. Commissioner Young noted that lacking a category that would keep this in a box, the store could potentially become a full liquor outlet; Deputy Donaldson agreed. Commissioner Young explained the reason he will be voting no, asking his fellow Commissioners to also look at the application this way.

In reply to Commissioner Young, Viral Patel, applicant, explained that as a gift shop, alcohol is the basis for a gift. He explained that, i.e., if someone purchases a bottle of alcohol for Father's Day, he will personalize the bottle and put it in a gift basket, adding that it will not be a full-fledged liquor store. He said he is not aware of this concept being used anywhere else, and decided he would see if it worked, adding that he wants to be able to provide his services in-house and did not want to procure alcohol from another source. Commissioner Young stated that if the store is primarily a gift shop, customers can purchase the alcohol from another source and have the bottle engraved at the gift shop, suggesting this could be referred to as a "backdoor" way to sell alcohol, but the fact remains that alcohol will be for sale at this shop.

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

ORDINANCES

Planning Director Paul Forgey discussed the request to rezone property at 104 Logan Court, which has two conditions.

Commissioner Warbington asked if the first condition can stipulate that the opaque fence is not constructed of wood; Mr. Forgey agreed, adding that if it were a chain-link fence, it would require additional approval by him, as the administrator, unless approved by the Commission. He explained that the term opaque means it will have slats.

Commissioner Howard mentioned Dollar General stores regarding the piling up empty boxes in dumpsters behind their stores and the requirement to keep stores tidy/presentable inside and out. He asked if that could be a condition when they dispose trash. Mr. Forgey explained that this is a Code violation.

Commissioner Warbington introduced

AN ORDINANCE NO. 23-100

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 104 Logan Court from C-5 to C-2 (**conditional**)

Commissioner Warbington then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, with the first condition being that wood will be excluded as a material for the opaque fence and the second condition is regarding planting a vegetative buffer, seconded by Commissioner Johnson, the roll call vote unanimously carried.

Mr. Forgey discussed the request to rezone property at property located at 2828 Nottingham Way & Ledo Road, which has a condition that no carwashes are allowed.

Commissioner Johnson introduced

AN ORDINANCE NO. 23-101

Amending the Zoning Ordinance and Map of the City of Albany to change the status of the property located at 2828 Nottingham Way and Ledo Rd. from C-7 to C-2 (**conditional**)

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

Mr. Forgey discussed the request to rezone property located at 2406 Westgate Drive, which has the following conditions; 1) Only uses permitted in C- 2 are allowed, except for a car wash; 2) Outside storage over 1, 000 square feet is permitted; 3) The screening fence is to be six- foot- tall, black chain link with black slabs; 4) Barbed or razor wire is not allowed; 5) the crepe myrtles on the property' s north side along Westgate shall be maintained. Additional landscape buffering shall be provided on the street side of the fence; 6) Materials stored outdoors cannot exceed the height of the fence.

Commissioner Johnson introduced

AN ORDINANCE NO. 23-102

Amending the Zoning Ordinance and Map of the City of Albany so as to change the status of the property located at 2406 Westgate Dr. from C-7 to C-3 (**conditional**)

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Commissioner Johnson then offered the ordinance with the conditions Mr. Forgey listed and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Warbington, the roll call vote carried 6-1 with Mayor Pro Tem Langstaff voting no.

RESOLUTIONS

Robert Griffin, Asst. Engineering Director, discussed temporary construction easements across the entire property to provide drainage and installation of utilities and the right-of-way for Gillionville Court.

Commissioner Warbington moved to adopt the following resolution, seconded by Commissioner Johnson, the roll call vote unanimously carried.

A RESOLUTION NO. 24-R105

Approving temporary construction easements associated with the DCA Rural Workforce Housing Grant for Gillionville Woods and accepting Warranty Deed to the City of Albany for road right of way

John Hawthorne, Community and Economic Development Director, stated that this item (City-owned property) has previously been before the Commission, advising that it was purchased through flood recovery after the flood of 1994. Approximately 60 homes were constructed in the subdivision that was developed, leaving approximately 125 lots, some of which have been sold; 114 lots remain, Innovative Housing Initiatives (IHI) requested to construct single-family homes in the subdivision.

Commissioner Young referred to the extensions related to this item, asking if all the questions have been fully answered. Mr. Hawthorne stated that the City Manager's questions were answered and provided to Commissioners.

In reply to Commissioner Howard, Mr. Hawthorne agreed that 114 lots are being disposed of, with most of them adjacent to each other, but some are scattered throughout the subdivision, with the project to start in six months and completed within 30 months. He advised that there are no built-in extensions for weather-related delays and explained the process of how this is addressed with the developer. Discussion continued regarding establishing a homeowner's association versus a neighborhood association regarding covenants/restrictions.

Commissioner Warbington questioned how appraisals are being conducted. Mr. Hawthorne explained that his department does not handle this type of transaction, adding that their only interest is providing the properties; however, once the properties start to sell, CED provides counseling and some down payment support. Commissioner Warbington mentioned construction costs and asked if the company CED has proposed to provide an appraisal and estimate of construction costs, to ascertain if they line up. Mr. Hawthorne discussed underwriting, forecasting, and developed pro forma; however, at this time, the price point is approximately \$219,000 and if that has changed a revised amount has not been provided. Commissioner Warbington asked about the property selling and a mortgage being underwritten. Mr. Hawthorne explained that down payment assistance is provided, and, any subsidies that reduce the mortgage will be used. For low-moderate income owners, CED can be involved in the process; however, these properties will go through a private lender, who sets the criteria for purchasing the homes and discussing means to get the price to an affordable cost.

Commissioner Gaines asked if potential homeowners would have to qualify for a home with Mr. Hawthorne explaining the process and advising that they have to qualify for a home from a private lender.

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

A RESOLUTION NO.

Declaring 114 DCED-Owned Vacant Parcels to be surplus properties and authorizing donation of the parcels to Innovation Housing Initiatives, Inc.

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Commissioner Young discussed the opportunity the City has to develop affordable housing, specifically in S. Albany and mentioned other unfinished projects the City has had on the backburner for a number of years, with this being a part of that situation. He discussed IHI being a non-profit under Albany Housing Authority who will be underwriting costs and stated that for two decades, the property has not been developed and this opportunity allows the City to move forward and finish what it neglected to do; this is needed for Albany's citizens and cannot wait any longer.

Hearing no additional comments, the motion failed 3-4 with Mayor Dorough, Mayor Pro Tem Langstaff and Commissioners Johnson and Warbington voting no.

The following resolution was removed from the agenda

A RESOLUTION NO.

Approving TSPLOST I and II funds for Engineering Services

Recreation Director Steven Belk discussed information (copy on file and recommended the purchase from Lanier Plans Inc. d/b/a KorKat, with the shade options.

In reply to Mayor Dorough, Joshua Williams, Procurement Manager, advised that the additional shade option increases the cost \$26,000 (the difference between \$363,000 and \$389,000), adding that the vendor gave the City a deep discount due to the City being on the bi-board cooperative purchasing agreement. Mayor Dorough asked if one shade structure would cover the entire playground; Mr. Belk replied negatively and noted the shaded areas. Mayor Dorough asked if the shade will be made of synthetic material. Commissioner Warbington noted shading at various parks that is synthetic, has holes for drainage, but provides complete shade and are very durable.

Commissioner Gaines moved to adopt the following resolution, seconded by Commissioner Johnson, the roll call vote unanimously carried.

A RESOLUTION NO. 24-R106

Authorizing use of SPLOST VII funds for playground equipment for Driskell Park

Mayor Dorough noted that the next two items are conditional and discussed the first one regarding the Okefenokee Swamp.

Commissioner Young asked why the Commission is being asked to weigh-in on a matter outside our border as a city. Mayor Dorough explained that two paragraphs were removed as he found them inappropriate and advised that the resolution has been presented in the General Assembly three sessions, and was never voted on, adding that the objective is for local governments to express their support, as well as opposition to EPD granting the application. Commissioner Young stated that he understands the reason and asked why Albany should be involved. Mayor Dorough explained that the experts warn of irreparable damage the swamp would suffer should it be mined for titanium, noting the outpouring of support from many counties/cities.

Commissioner Howard mentioned the concerns of environmentalists, stating that Albany sits one of the largest aquifers in the world, adding that he opposes drilling the swamp, and that he supports the opposition to this issue. He moved to adopt the following resolution, seconded by Commissioner Warbington, who discussed the opposition voiced by State legislators.

Hearing no additional comments, the roll call vote carried 6-1 with Mayor Pro Tem Langstaff voting no

A RESOLUTION NO. 24-R107

Urging protection of Okefenokee Swamp

Mr. Griffin discussed information regarding entering into an agreement with the Army Corps of Engineers for design/construction of the combined sewer separation regarding the

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Highland/Whitney Basin. He noted the benefits of the agreement, advising that this is the first federal allocation of \$4.0 million, with the total cost of the project estimated at \$5,320,000, including the City's obligation of \$1,320,000. He introduced Dean Trawick, representing the Corps of Engineers.

Mr. Trawick referred to the Water Resources Development Act in 1992, with the City being added into the Act, which authorizes the Corps to do work of municipalities/counties to undertake water/wastewater/storm water-type projects. He discussed funds which were awarded/appropriated to the City and increment of work, with this being the first.

In reply to Commissioner Howard, Mr. Trawick explained the purpose of the 1992 Act, with many cities/counties being added in the 2022 amendment of the Act and discussed the Corps role in the City's CSS project.

Commissioner Warbington asked Mr. Trawick if the Corps is onboard with the City's direction, and if the City will continue to be the primary engineers, with the Corps mainly in an oversight/support role. Mr. Trawick explained the roles and advised that the Corps is the ultimate decision-maker, City staff is on the review team and receives in-kind credit for reviewing products. He stated that they are conscious that this product is for Albany and that they are on-board to step in and utilize Federal funds that fall under the program and execute the work. Discussion continued regarding local contractor participation on the project. In reply to Commissioner Warbington, Mr. Trawick explained drawing down from the funds through Letters of Intent, with the City having letters on file; he discussed the steps to compete for funding, which is open nationwide to counties/municipalities.

Commissioner Young asked Mr. Trawick's thoughts on congressional appropriations, especially regarding funding of the entire project. Mr. Trawick stated that some of the questions were covered in the previous discussion, adding that the distinction is that the Corps cannot influence what Congress appropriates. He advised that they can show the need, reflect the capability to do the work, and maintain program spreadsheets to ensure the City puts it best foot forward in the nationwide quest for funds.

Commissioner Warbington moved to adopt the following resolution, seconded by Commissioner Howard, the roll call vote unanimously carried.

A RESOLUTION NO. 24-R108

Authorizing entering into Agreement with the Department of the Army (Corps of Engineers) for design and construction assistance for the Wastewater Infrastructure and Stormwater Management Project; Further authorizing the use of SPLOST VII funds for the project

MEMBER COMMENTS/ITEMS FOR FUTURE AGENDA

Commissioner Howard asked that Marshal Norman provide an update regarding individuals working on cars in neighborhoods, as well as pictures, adding that the ordinance states that cars can remain at a repair shop for 30 days.

In reply to Commissioner Gaines, Mr. Carter advised that he should have received an email with the CL Red quote, but he will send it again.

Commissioner Johnson stated that he received complaints regarding Nancy Drive and thanked Public Works for the quick response to repair a driveway in order for ambulances to gain access to the property.

Commissioner Young referred to the item regarding affordable housing being voted down, stating that the community will be looking at moving forward, adding that a proposal was two years in the making and was brought to the board by staff. He commented on other proposals for hotels/development and the red carpet being rolled out for those, the difference between this project and others is the people it will benefit and those who brought it forward and suggested that it is disappointing and disheartening that the Commission did not seek this opportunity, even though it

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was approved as a good project by the City Manager, CED Director and Albany Housing executive director. He stated that future projects will get approved with little to no effort.

Mayor Dorough stated that he asked the City Attorney's opinion regarding selling alcohol out of restaurants and mentioned Georgia law states that a restaurant can sell alcohol as long as food has been ordered for takeout; Mr. Davis agreed, adding that there are other requirements also. Mayor Dorough asked to look at the statute, asking if restaurants operators are aware of this. Deputy Donaldson said some are aware, but most do not and only follow Albany's laws. Mayor Dorough stated that all of them should be made aware; a restaurant owner asked him about this and he discovered that they can legally sell alcohol with food on takeout orders. Deputy Donaldson asked if we will be going strictly by State guidelines; Mayor Dorough agreed and recommended getting with the City Attorney to ensure it is a proper statement of state law.

Commissioner Warbington suggested putting this on an agenda in order for restaurants owners to be aware.

EXECUTIVE SESSION (potential litigation, real estate matters)

At 7:40 p.m., Commissioner Howard moved to enter executive session, seconded by Commissioner Warbington; the roll call vote 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 8:40 p.m., Commissioner Howard moved to exit executive session, seconded by Commissioner Gaines; the roll call vote unanimously carried as follows:

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

There being no further discussion, the meeting ended at 8:42 p.m.

MAYOR

ATTEST:

CITY CLERK