

JANUARY 16, 2024  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100 (Virtual and in-person Meeting)

PRESENT: Mayor Bo Dorough  
City Commissioners: Jon Howard, Vilnis Gaines, Chad Warbington and  
Demetrius Young  
Virtual: Jalen Johnson,  
City Manager: Yvette Fields  
City Attorney: C. Nathan Davis

Mayor Dorough called the meeting to order at 8:33 a.m., followed by attendance roll call.

### **AGENDA ADOPTION**

Mayor Dorough mentioned a conditional item he is adding to the night meeting that will be distributed under other business. Commissioner Howard moved to adopt the agenda, seconded by Commissioner Warbington, the roll call vote unanimously carried.

### **PUBLIC HEARING (Zoning Matters)**

Mayor Dorough opened the public hearing for the following:

1. Zoning Case #23-083: JAM Capital LLC; owner/applicant request to rezone property at 104 Logan Court from C-5 (Office-Institutional-Residential District) to C-2 (General Mixed-Use Business District) to allow for the commercial use as a Dollar Tree retail store.

Using a power point presentation (copy on file), Paul Forgey, Planning Director, discussed the request to allow for a commercial use retail store (Dollar Tree), and reviewed the application, which included maps and photos of the parcel, adding that the property is not in the flood plain. He discussed planning considerations, traffic impact and advised that the Planning Commission recommended approval with the following conditions: **An opaque fence is required at the rear of the property; 2) A minimum 10-foot undisturbed or planted vegetative buffer is required between the fence and the rear of the building.**

In reply to Commissioner Howard, Mr. Forgey explained the ingress/egress.

In reply to Commissioner Warbington, Mr. Forgey stated that no fence is required between two similar zones, adding that this can be a condition if the applicant agrees. Discussion continued regarding screening the dumpster (which is required).

In reply to Mayor Dorough, it was noted that there were no objections.

Brad Combs, representing the applicant, and is with the developer of the property, spoke in favor of the rezoning request and stated that they have no problems with the fencing or screening.

In reply to Commissioner Howard, it was noted that construction will be complete this year. Commissioner Howard addressed crowded isles at the stores that he has visited. Mr. Combs stated that he will pass this information on to the managers of the stores.

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Commissioner Warbington thanked Mr. Combs for being present and confirmed that the back will be fenced, Mr. Combs said they are open to this and will work with staff.

Mayor Dorough closed the public hearing for this application, and opened the public hearing for the following:

2. Zoning Case #23-087: Colonial Town Center LLC; owner/applicant request to rezone property located at 2828 Nottingham Way and Ledo Rd., from C-7 (Mixed-Use Planned Development District) to C-2 (General Mixed-Use Business District) to allow for the commercial use as a convenience store.

It was noted, and in reply to Mayor Dorough on whether this item is in Ward 2 or 5, that it is in Ward 2.

Using a power point presentation (copy on file), Paul Forgey, Planning Director, discussed the request to rezone the two parcels to allow for a convenience store, restaurant retail sales, etc. Reviewing the application, he showed maps and photos including an aerial view of the property and discussed the zoning history and planning considerations, which included trip generation, surrounding zoning, traffic impact, future land use map recommendations. He advised that the Planning Commission recommended approval with the **condition that it cannot be used as a carwash.**

There was no one requesting to speak therefore, Mayor Dorough closed the public hearing for this application, and opened the public hearing for the following:

3. Zoning Case #23-091: 229 Investments, LLC/Owner; Lanier Engineering LLC/ Applicant, request to rezone property at 2406 Westgate Dr., from C-7 (Mixed-Use Planned Development District) & R-1 (Single-Family Residential District) to C-3 (Commercial Business District). The rezoning would allow for commercial use as a retail sales with outside storage.

Using a power point presentation (copy on file), Paul Forgey, Planning Director, discussed the request to rezone to allow the current retail use to continue as is and to allow outdoor storage, adding that, specifically, the request is due to the request for outdoor storage. Reviewing the application, Mr. Forgey showed maps and photos of the property, photos of screenings which also included the placements of trees, and discussed the zoning history, planning considerations, including traffic impact and advised that the Planning Commission approved with conditions as follows:

- 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 slats**
- 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.**

In reply to Commissioner Warbington, Mr. Forgey referred questions to the person representing the applicant. Discussion continued regarding the rezoning designation (C-7 to C-3) and the proposed conditions.

In reply to Mayor Dorough, Mr. Forgey stated that the building will be internally divided into two separate businesses.

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In reply to Commissioner Howard, Mr. Forgey advised that if/until the zoning is changed, the condition regarding a slat fence can remain.

Todd Lanier, representing the applicant, answered questions that were asked, i.e., the business will be leased for electric wiring/retail sales for electricians, a lot of the storage will be inside and advised that they will comply with the conditions as noted.

Commissioner Warbington commented on the building and asked where the entrance will be located. Mr. Lanier said the primary entrance will face Westgate and commented on the fencing, to include gates to let customers in, with outside storage also being discussed. Commissioner Warbington asked if this is a good solution in balancing the business expansion and citizens, with Mr. Lanier stating that with the fencing and trees, it will not be a negative visually.

In reply to Mayor Dorough, Mr. Lanier attempted to explain what will be sold in the retail portion, and advised that he does not know exactly what will be stocked in the store.

Commissioner Young asked if this is similar to industrial supply retail shops i.e. lumber yard, electrical type with Mr. Forgey agreeing that the request is a change and trying to balance a lot of different things; however, with proper screening it will not stand out. He mentioned various factors that help reduce the visibility of the store.

Milan Patel said that he is here to answer questions/concerns. In reply to Mayor Dorough, he stated that he is one of the LLC's who own the property, and mentioned the specialty type supplies that the store offers. Discussion continued regarding the property at the mall not being affiliated with this property, with Commissioner Warbington asking if the appearance will be balanced, and Mr. Patel provided a brief history of the building in question (Office Depot).

Commissioner Young commented on community planning including impacts and asked if this is the right place to put this type of business due to other offices, etc., in the location. Regarding marketing, Mr. Patel stated that most of the components will not be outside; however, certain supplies will be stored inside; nothing like what Home Depot or Lowes does for marketing purposes.

William Hancock, 2409 Westgate, stated that his business address is directly across from the proposed rezoning and spoke in opposition to the rezoning request, questioning what it will look like in ten years. He said he is for business; however, he feels that this is not an appropriate designation.

Commissioner Warbington clarified comments from Mr. Hancock, specifically what happens in ten years and having future planning of rezoning applications. He proposed requiring special approval or rezoning to C-2 instead of C-3. Discussion continued regarding how this can be accomplished without going to a C-3 use, with Mr. Forgey proposing options. Mr. Lanier stated that he is ok with rezoning to C-3 conditional to C-2. Mr. Forgey stated C-2 is restrictive and explained uses that are allowed with C-2 being a condition, adding that he will supply the designations. Additional discussion followed regarding the conditions and/or being restrictive.

Mr. Carter asked specifically what is needed for the vote next week. Mayor Dorough explained that Mr. Lanier agreed to a C-3 zoning subject to the conditions of C-2 (except for the fence). Details about slat and

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height of fence vs. equipment. He commented on the black coating looking better than slats with Mr. Forgey explaining the difference in screening/fencing.

Commissioner Howard also commented on the appearance of the fence (slat vs. fencing with fabric). Mayor Dorough closed the public hearing.

## **REPORT OF THE CITY CLERK**

### A. 2024 Annual Appointments:

The Clerk advised that the summary page will be provided tomorrow via email. Discussion followed regarding reappointment of Jim Deal and the appointment made upon the death of Mr. Logue. The Clerk stated that she will research both.

### B. Commission Travel:

1. Commissioner D. Young; 2023 NLC City Summit; Atlanta, GA; Nov. 15-18, 2023; \$2,346.96
2. Commissioner D. Young; Cities United Summit / Albany Dougherty Day; Atlanta, GA; January 25-31, 2024; \$3,720.65
3. Commissioner C. Warbington; Cities United Summit / Albany Dougherty Day; Atlanta, GA; January 26-30, 2024; \$2,445.36
4. Commissioner V. Gaines; Cities United Summit / Albany Dougherty Day; Atlanta, GA; January 25-31, 2024; \$3,541.97
5. Commissioner J. Howard; Cities United Summit; Atlanta, GA; January 26-29, 2024; \$1,708.47

Commissioner Warbington moved to approve the above noted travel, seconded by Commissioner Howard the roll call motion unanimously carried.

## **REPORT OF THE CITY ATTORNEY**

### A. Cancellation of Deed to Secure Debt & UCC/MacGregor Golf

Michael Custer, Asst. City Attorney, discussed information (copy on file) regarding the cancellation of the deed re: MacGregor Golf. In reply to Mayor Dorough, Ms. Custer stated this was from 2000, and paid off when the property was sold in 2020, adding that a City staff person signed who was not technically allowed to sign the cancellation document. In reply to Commissioner Howard, Mr. Davis explained that the PDA prepares a package each time they make a loan and agreed that this was a Section 8 loan, adding that he is not certain if there was a balance. Commissioner Howard asked when MacGregor left the city and for information regarding the loan. Ms. Custer advised that the loan has been paid off. Commissioner Howard asked for the duties of PDA and commended Ms. Custer for being an asset to the City Attorney's office.

Mayor Dorough stated that there should have been a detailed history of this item and commented on various matters that could have been included in the agenda item. Commissioner Howard asked for a list of appointees to PDA.

In reply to Commissioner Young, Ms. Custer explained that during the refinancing process, the title insurance asked for the mayor's cancellation to ensure that the City is aware of cancellations and regardless of who/which entity executed the original documents, the City would have to cancel it in order to avoid title issues in the future, as well as following real estate laws.

## COMMITTEE REPORTS

### A. Planning/Engineering

Using a power point presentation (copy on file), Robert Griffin, Interim Director of Engineering, Jeff Hughes, P.E., Sewer Maintenance Engineer, and Jeff Duplantis, P. E./Program Manager with the Ardurra Group, were present to discuss the following:

#### 1. Update re: Combined Sewer Separation project

Mr. Duplantis provided the program overview to separate combined systems, address localized flooding reducing inflow/infiltration, facility upgrades improvements; showed maps of phase I (construction 100% complete), future phases, other projects including 8<sup>th</sup> Ave, Shannon Pond, Three Oaks, 400 W. Broad Separation (finished a few months ago), E. Broad & Clark construction (completed), and Beattie Woods force main/storm station (construction completed). He provided an update regarding the program schedule and project budget and advised that they are wrapping-up design on nearly all projects in Phase I, adding that construction of Phase III is complete and other than two segments in Phase IV left to be lined, the rest of the system in that Phase has been lined and is done. He stated that Phases II and V should be ready for construction to begin soon.

In reply to Commissioner Howard, program schedule dates were discussed in detail, including annual items vs. separation in the EPD permit. Discussion continued regarding the EPD mandate of 2025, funding evaluation/sources and the cost today which is a disparity from when the project was first presented years ago. It was mentioned that the Governor has a surplus and is awarding monies, which is another avenue that can be used toward the budget. In reply to Commissioner Howard, Mr. Hughes agreed that having to apply for another GEFA loan is a possibility and discussed the lack of contractors capable of doing the specialized and work bidding on projects, adding that grant funding is another possibility.

Mayor Dorough commented on a problem of the EPA mandate is conflated with Phase I, discussing where the confusion lies. Discussion continued regarding components of the project and the budget, with the proposed budget greatly exceeding bids. Mr. Hughes discussed alternatives to reduce costs. The Governor's surplus was noted and the City needing to appeal to its local delegation.

In reply to Commissioner Gaines, Bruce Maples, Asst. City Manager, discussed the Highland/Whitney Basin, stating that the Corps of Engineers called and said they are ready to move forward once documents are signed, to include a signing ceremony with an official in DC.

In reply to Commissioner Warbington, Mr. Hughes stated that the sewer system was 60% separated when starting, but now is at 80/85%, explaining the difference from the beginning of the project to now regarding wastewater (Joshua Treatment Plant). State monitoring/reporting on a quarterly basis was discussed.

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Commissioner Young commented on how money is being spent and the need to ensure that money is spent in Dougherty County regarding jobs, etc. Butch Gallops, Ardurra consultant, commented on stakeholders that are involved and that they will go into all wards to discuss and get local participation. He discussed the need to have outreach meetings to include all contractors to attend/participate and mentioned the list of contractors provided by Procurement, suggesting that they will not participate. He advised that a goal of 25% local participation was set, which will probably not be met because of the lack of professionals specializing in certain trades not being available locally. Commissioner Young asked that Ardurra connect with DCED to assist with outreach, etc. Mr. Carter stated that Angela Calhoun is working with Procurement to ensure processes are in place in, working toward the goal. Discussion continued regarding attracting and helping local contractors to contact Ardurra to obtain work. It was stated that the word has been put out in the community regarding the need for local workers.

In reply to Mayor Dorough, program schedule/funding were discussed regarding Phase 1 and Phases 2-5, along with rehabbing lift stations, pertaining to contractors/minority participations.

Discussion followed regarding having updates and meeting individually with the Commission. Commissioner Howard asked for a list of outfalls and lift stations and their location, adding that he would like information regarding a small minority procurement office be looked into by the next retreat.

Mayor Dorough stated that there are no contractors in Albany willing to be involved with wastewater treatment and separation projects, however, there is high local participation for demolishing roads, laying pipe, etc., adding that rehabbing lift stations is specialized as well. Mr. Gallops stated that goals are set by state statute.

B. Public Administration/Finance

Joshua Williams, Procurement Manager, and Victor Landry, OVG 360 discussed information (copy on file) regarding the following:

1. Civic Center Lighting; NGU Sports Lighting, LLC, Palm Beach Gardens, FL – Total exp. \$473,000.00

Discussion included extent of lighting capability, having a short video, replacing some/ all lighting, use of state contract, use of SPLOST VIII, NGU seller of light fixtures, etc.

Mr. Williams and John Dawson, Director of TAC, discussed the following information (copy on file):

2. Computer Hardware; Dell Marketing of Round Rock, TX. Total Expenditure: \$116,705.19

Mr. Dawson said these will go to 911, firetrucks, fire stations and backup of EOC training center.

Mr. Williams and Marshal Nathaniel Norman, Director of Code Enforcement, discussed information regarding the following (copy on file). Mr. Norman provided a detailed explanation which contributed to the need for a change order.

3. Demolition Services; Shipp's Building Contractors, Albany, GA – Total exp. \$51,500.29

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In reply to Commissioner Howard, Marshal Norman provided the name of the owner of 113 S. Jackson St and the cost to demolish.

Commissioner Young commented on the complexity of this regarding liens and recovery of funds. Mr. Davis stated that he has sent paperwork to the County regarding this matter, adding that he is not certain where the County is in the process.

Mr. Griffin and Mr. Williams discussed the following information (copy on file). Mr. Griffin discussed lack of personnel (17 vacancies) to complete projects and the need to move projects forward. He discussed the monitoring process, which includes the City Manager and project updates.

4. Engineering Services: Total est. exp., \$5,000,000.00

In reply to Commissioner Howard, Mr. Griffin continued to explain the processes and noted the four engineering companies being considered. Commissioner Howard expressed his concern regarding this request.

In reply to Mayor Dorough, Mr. Griffin stated that there are only two engineers in the 17 vacancies. Mr. Carter mentioned the recent job fair, which was conducted to assist in filling vacancies, adding that TSPLOST projects are moving slowly.

In reply to Commissioner Gaines, Mr. Griffin stated that only a couple left due to pay. Commissioner Gaines agreed with Commissioner Howard's comments.

Commissioner Warbington commented on applying for and receiving grants, agreeing to the concept, adding that specific numbers per project are needed and suggesting Commission engagement. He asked to see the plan for the \$5.0 million and setting priorities. Mr. Griffin advised that due to the vacancies, a 90-day project could take up to two years to complete. Discussion continued regarding specific projects and more information being provided, and, whether to bring back additional information at another meeting.

In reply to Commissioner Young regarding projects, Mr. Griffin explained the intent to move four at a time rather than individually in order to expedite starting/completing projects.

Mayor Dorough commended staff for providing the information and commented on the breakdown of the \$5.0 million. He mentioned the article, *War for Labor*, with supply/demand ratio being high and asked to be advised of employees who left, where they went and why they left.

Commissioner Howard suggested engaging a project manager to manage the projects/SPLOST funds, adding that if the City had taken that route years ago, there would not be a backlog of projects. Mr. Carter stated that an RFP for project manager will be out within the next 30 days.

Steven Belk, Recreation Director, and Mr. Williams discussed the following information (copy on file). Mayor Dorough asked for pictures of the playground.

5. Playground Equipment for Driskell Park 141 - 148 Lanier Plans, Inc. DBA KorKat, Carrollton, GA for a total expenditure of \$363,738.32

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Faith Mallory, KorKat rep., was on the call to answer questions.

In reply to Commissioner Warbington's concern of shading in the summer, Ms. Mallory explained the original concept design (showing draft designs), adding that there were limited options for shading regarding some active playground units. She commented on adding four cantilevered umbrellas for free-standing and independent shade being placed throughout the perimeter of the playground. Swings have an option to add shade which will increase costs. Commissioner Warbington reiterated the need for shade here, discussing parks he took his children to, which had a canopy over the playground. Ms. Mallory discussed pricing that was approved for 2024, however the pricing submitted was for 2023 and is good through the end of the month, adding that the Commission will need to determine how much additional shade they desire. Commissioner Warbington commented on the need to have presentations.

Commissioner Young mentioned accessibility of the park (ADA compliance) and whether consideration was given for the demographics of children staff will be working with. Mr. Belk stated that the playground is for the public as well. Ms. Mallory explained ADA compliance and what is being offered to comply. Commissioner Young questioned inspections and if there is a check-off list regarding ADA with Ms. Mallory reassuring that all installers who are ADA certified will comply. Discussion continued regarding ADH compliance and industry standards. Regarding the warranty, Ms. Mallory said there is a 15-year warranty minus whatever moves, i.e., swing chains, spring riders, cables/wires/netting.

Mayor Dorough asked Commissioner Warbington what he wants with the shade level and asked Ms. Mallory to provide options.

Corey Gamble, Buyer I and Kendall Hodge, Interim Director of Utility Operations, were present to discuss the following (copy on file):

6. Electric Right of Way Trimming 149 - 151 W.A. Kendall & Company, Inc. – Total exp. \$1,339,853.00

Discussion included the Tree Unlimited contract and the cost compared to this, whether WA Kendall has provided service in the past and what the issues with Tree Unlimited were, i.e., the botched cutting of some trees, etc.

Don McCook, Public Works Deputy Director, Utility Operations was present to discuss the following (copy on file):

7. Willow Nook Mobile Home Park Sewer Extension

Mr. Donnelly, employee with Lanier Engineering, and working on behalf of the developer, commented on the manhole, etc.,

Commissioner Warbington asked Mr. Carter to provide information regarding County rates being lower than City rates.

Commissioner Young commented on problems on Pinson Rd., and asked what happens when pumps are not maintained properly by private owners and, it was noted that toilets will be disrupted (they cannot be flushed).



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Mr. Maples advised Commissioner Warbington of the difference between City and County rates, i.e., the City charges residents a street sweeping charge, which is not collected from County residents.

## **MEMBER COMMENTS / ITEMS FOR FUTURE AGENDA**

Commissioner Howard commented on AMI problems due to outsourcing to a third party and mentioned senior citizens being without lights. Discussion continued regarding the converting of meter boxes to AMI and citizens having to get electricians and/or lights being cut off. Mr. Hodge commented on the situation in question and the information he received, explaining the process that is currently in place. Mayor Dorough stated that this will be an agenda item. Commissioner Young also spoke to the situation.

Commissioner Gaines asked for an update on the CL Red project, referring to property on Highland and Poplar, site of the old fire station, which needs attention.

Commissioner Warbington asked Mr. Davis the process to collect liens and having this presented February. He suggested that County utility payers should be paying a higher rate.

Mayor Dorough mentioned Polecat Park and its maintenance with Mr. Carter stating that he will provide information later today. Mayor Dorough referred to the committee regarding the Tennis Center, stating that an ordinance or written commitment from the County, stating that the City has control of the \$1.2 million, to include periodic updates on what is being done. He stated that the County took a vote to let the City handle and reiterated the need of written communication regarding the City overseeing the funds. He mentioned an ordinance passed during COVID allowing restaurants to sell alcohol to customers for take-out orders, with state law authorizing restaurants to sell alcohol with take-out orders and asked Mr. Davis to look at the law. He mentioned communication with the owner of the football team, in which he suggested the playing surface, and a misunderstanding by the owner, who felt that he made a representation that the City will pay for it, while he merely asked the cost, adding that a soccer team may be coming to Albany might be able to use the field and can share in the cost with the City and the football team. Referring to the Hotel/Motel Tax, he asked the City Manager for background information, to include minutes/resolutions approving the present allocation. He asked for an agenda item for the City Commission to take control of the funds. He mentioned a question by Commissioner Howard re: Albany Mall, which is not within the purview of the City Commission and asked if the Chamber can provide information on the status.

## **CITY MANAGER'S REPORT**

Mr. Carter mentioned Albany Leadership that kicked off last week, provided information regarding the last job fair and advised that Government 101 will start soon for employees.

Mayor Dorough mentioned someone with a CDL License with a felony conviction, asking the policy for hiring those with felony convictions.

## **EXECUTIVE SESSION (Worker's Comp Claims, Litigation & Real Estate)**

At 12.51 p.m., Commissioner Howard moved to enter executive to discuss information as noted, seconded by Commissioner Warbington, the roll call vote unanimously carried as follows:

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

At 1:58 p.m., Commissioner Howard moved to exit the executive session, seconded by Commissioner Gaines; 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 2:00 p.m., Mayor Dorough reconvened the meeting, announcing that in executive session, the Commission discussed pending litigation and real estate, with no decisive action taken.

There being no further discussion, the meeting adjourned at 2:00 p.m.

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SONJA TOLBERT  
CITY CLERK