

APRIL 23, 2024
COMMITTEE OF THE WHOLE
GOVERNMENT CENTER BUILDING
ROOM. 100

PRESENT: Mayor Bo Dorough
Mayor Pro Tem: Bob Langstaff, Jr.
City Commissioners: Jon Howard, Jalen Johnson, Chad Warbington and
Demetrius Young
Virtual: Vilnis Gaines
Interim City Mgr.: Derrick Brown
Asst. City Attorney: Michael Custer

Mayor Dorough called the meeting to order at 8:35 a.m., followed by attendance roll call.

AGENDA ADOPTION

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

PUBLIC HEARINGS (re: Zoning Matters)

1. Zoning Case #24-013: BODAR VISHAL & KRUPALI/Owner; Bodar Vishal/Applicant request to rezone property at 1010 11th Ave., from C-R (Community Residential Multiple Dwelling Dist. to C-2 (General Business Dist. to allow combining adjacent parcels for the construction and use as a convenience store & gas station.

Paul Forgey, Planning Director, discussed information (copy on file) and advised that the purpose of the rezoning is to allow for combining adjacent parcels for construction and use as a convenience store/gas station. He showed maps of the lot, current zoning, photo of the property (NESW), land use, flood plain and provided the zoning history and planning considerations. Traffic impact and future land use maps were discussed, and Mr. Forgey advised that the Planning Commission approved the application with the following conditions **1) An 8-ft opaque fence or wall and 10-ft vegetative buffer must installed along the eastern property line abutting the C-R District; 2) if a drive-through that includes a speaker that is to installed, a sound study must be performed to ensure that it does not negatively impact the neighboring C-R District.**

In reply to Commissioner Johnson, Mr. Forgey said he does not know the type/brand of convenience store that will be in the location. Commissioner Johnson stated that the neighborhood is concerned about car/foot traffic cutting through, adding that there is no lack of these type stores already there.

Commissioner Warbington commented on the location of the convenience store, combining the lots, and comparing it to the Woodalls in the area; Mr. Forgey noted flexibility and the required buffer. Commissioner Warbington suggested having conditions, i.e., loudspeaker. Mr. Forgey stated that a loudspeaker is part of the proposed conditions. Discussion continued with Commissioner Warbington suggesting additional conditions to protect the neighborhood.

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Commissioner Johnson asked the number of gas stations/convenience stores in the area with Mr. Forgey advising that he does not know the number in the 'immediate area, however, there are approximately eight from Slappey to the bypass, adding that he will provide the information.

Mayor Dorough stated that there was no one present to speak for/against this item.

2. 2400 Dawson Road 23 - 46 Zoning Case #24-007: PUJAN Enterprises, Inc./Owner; Lanier Engineering, Inc./Applicant. Request to rezone property at 2400 Dawson Rd., from C-1 (Neighborhood Mixed-Use Business Dist.) to C-2 (General Business Dist.) to allow a drive-through window in conjunction with constructing a convenience store.

Mr. Forgey explained that last month, this application was referred to the Planning Commission for further review and discussed information (copy on file), to allow a drive through window in conjunction with a convenience store/gas station. He showed aerial and current zoning maps, photos of the existing building to be demolished (NESW), existing property and noted that the owner owns both properties. Regarding the proposed layout, he stated that there are conditions, which include fencing, showed a map of surrounding land use, and discussed what is allowed in C-1 zoning designations. He noted the zoning history (has maintained C-1 designation since 1971; March 20, 2024, the Planning Commission denied the rezoning application; March 19th, City Commissioners referred to Planning Commission for additional consideration) and discussed planning considerations, traffic impact and future land use and the proposed demolition/partial demolition . He advised that the Planning Commission approved with the following conditions: **1) Install a 6-ft opaque fence to prevent traffic access to and from the alley west of the parcel; 2) Prohibit automotive-type uses such as auto sales, repair, carwashes, etc.; 3) Prohibit loudspeaker or intercom system usage in the drive-through window; 4) Prohibit uses described as bars or nightclubs; 5) The timeline for repurposing or demolishing 2340 Dawson Road must not exceed 6-8 months after the Certificate of Occupancy is issued to 2400 Dawson Road.** He again reviewed the site plan and discussed the owner's regarding a fence adjacent to the alley.

In reply to Commissioner Howard, Mr. Forgey said it will not be a gas station and the underground tanks will be removed.

Commissioner Warbington recommended that the condition regarding a fence require that it is not a wooden fence and asked if Planning is concerned about the drive-through 'stacking' of vehicles that usually wind around a building with a drive-through, Mr. Forgey explained that they are not especially concerned as it is setback and is a double drive-through. A brief discussion regarding stacking continued. Commissioner Warbington explained his concern about demolition, recommending that removal of the gas tank be included in the condition and issuing a temporary CO (Certificate of Occupancy) for eight months. Mr. Forgey stated that if it is legal, he is fine with it.

Mayor Dorough referred to pages 8 and 27 regarding 'trip generations' and asked the difference between the two. Mr. Forgey stated that he did not know the square footage, but they do know the size of this proposed building; he will supply a definitive answer. Mayor Dorough questioned the

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recommendation which had the only condition of ‘no automotive uses’ with Mr. Forgey explaining that the other conditions were added after the application went back to the Planning Commission. Mayor Dorough agreed with Commissioner Warbington’s recommendation of putting a condition with a time limit regarding the tanks being removed from the property. A brief discussion ensued regarding conditions: building permit vs CO.

Bobby Donnelly, speaking on behalf of the applicant, addressed the concern regarding cars stacking at the drive-through, advising that there will be double drive-through lanes, adding that the tanks will be removed. He stated that he met with Commission Langstaff, et al, and worked out proposed fencing,

There was no one else to speak on this matter and Mayor Dorough closed the public hearing portion of the meeting.

REPORT OF THE CITY ATTORNEY

Michael Custer, Asst. City Attorney, discussed information (copy on file):

1. 901 and 905 N. Jackson St. Amended Deed of Gift

Ms. Custer advised that Phoebe Hospital approved the changes as noted (construction deadline changed to January 21, 2027, and structures demolished within 90 days, green space maintained until construction begins and single-family housing)

Mayor Dorough asked for a status report on the medical district project.

COMMITTEE REPORTS

A. Public Administration/Finance

From the Department of Community and Economic Development, Public Service Mgr. Orson Burton, Jr., and Deputy Director April Mahone, were present to discuss the following (copy on file):

1. Emergency Solutions Grant

Mr. Burton discussed the purpose, use and matching funds (100%) of the grant. provided through the Department of Community Affairs, explaining that the Rapid Rehousing Programs addresses homelessness. He advised that the amount of the grant requested by DCED is \$40,000.

Discussion included this being an annual grant and successfulness of the program. Mayor Dorough asked who on staff make decisions to award grants to a homeless family and the criteria to determine eligibility. Mr. Burton explained that applications are considered in chronological order ‘first come/first served’ with DCA establishing the definition of homeless as well as the criteria .

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In reply to Commissioner Howard, regarding ASPIRE moving some of their clients to another shelter, Mr. Burton explained that ASPIRE is a Community Service Board and are granted their own Rapid Rehousing Funds; neither program is connected to each other. Commissioner Howard asked to have ASPIRE come to the next meeting to discuss the old Howard Johnson hotel and who will be housed there, etc.

John Hawthorne, DCED Director, et al were present to discuss the following (copy on file)

2. Carroll Gardens re: HOME-ARP Housing Development

Using a power point presentation (copy on file), Mr. Burton discussed the American Rescue Plan (ARP) to provide housing for the chronically homeless. He discussed the 32 multi-family rental units, with 13 units available for HOME-ARP ‘qualifying population’. April Malone, Deputy Director provided additional information including the total cost of the project (\$3.8 million), with \$1,528,645.00 HOME-ARP funds included as loan. She discussed HUD’s stipulations.

Phillip Blow, MP Organization, discussed a power point, which included the project overview, partnerships/structure/development team, past projects, and estimated development budget. He stated that the apartments will be affordable and market-rate.

Kirk Bramble, CFO, discussed the unit mix (2-3 bedrooms), rent (which includes utility allowance for the 13 HOME-ARP units), capital sources, and showed a proposed design/site plan of the townhomes.

Discussion included utilities being inclusive with Ms. Malone explaining using local utility rates/ information for the utility allowance to Commissioner Young. Rent is set annually per HUD guidelines with the HOME-ARP units becoming market rent after 15 years. APR funds were explained by Mr. Hawthorne, including the benefits of energy savings initiatives, expanding the project, and noted the deadline of April 20, 2025.

Commissioner Howard asked if the project is successful, will they have future development plans, with Mr. Blow agreeing, adding that there is a project with the university and areas near Albany. Discussion included loan forgiveness, monitoring compliance, the 13 unit rent rates not including utilities, with it noted that the rent is reduced to relieve the burden on lower-income families. Mayor Pro Tem Langstaff asked who drafted the agreement, with Mr. Hawthorne stating that the agreement is a standard HOME developer agreement and follows HUD guidelines. Mayor Pro Tem Langstaff questioned ‘awardee’ (MP organization) used throughout the agreement and asked who the developer is. Mr. Hawthorne said MP is the developer and awardee. Discussion continued regarding changing the language so that it is not confusing. Mayor Pro Tem Langstaff suggested having a subject-matter consultant to determine if this is a good project for the City and having a subject-matter attorney to review/negotiate the agreement. Mr. Hawthorne stated that an attorney put the agreement together to ensure HUD guidelines were in place, adding that it was vetted. Mayor Pro Tem Langstaff noted the end of the agreement with signature lines, adding that the City Attorney is the signatory, which can be questionable regarding protecting the City’s interests,

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ARP Homes was discussed, and questions/answers prompted by Commissioner Young's comments, included wrap-around services, staff being available to provide services and partnership with MP.

Mayor Dorough expressed concern regarding the cost of the project (which is low compared to another proposal on the agenda) and questioned fixtures and appliances, asking for assurance regarding level/grade of appliances, fixtures, carpet, etc. Regarding development fees in the contract he noted conflicting language in section 4 vs. another section regarding development fees; timeline of submitting project expenses/issuance of checks, the City having the right to review and audit all records, but later it was stated that the Department of Labor being able to review/audit all records, which is inconsistent. The agreement calls for the City Manager to execute it; however, he suggested that the Mayor should sign the document, and suggested the City can extend additional monies to ensure brick on the bottom floor, better appliances, carpet, etc. Mr. Blow assured him that once the architect goes through the initial drafting of the project, a materials spec list will indicate the products to be used (interior/exterior).

3. Georgia Initiative for Community Housing (GICH) Letter of Support

Discussion included development/construction/management regarding the Dogwood Trail Apartment Phase II, presentations presented for the GICH team to review, with the selection of the three phases of Dogwood Trail II.

Using a power point presentation (copy on file), Mitchell Davenport, Developer, provided additional information, including the background of the area and the proposal for Phase II, displayed a photo of the old area vs the upgrades made in Phase I, where we started, where we are and where we are going was discussed, site data, why choose Dogwood II, meeting the objectives of the E. Albany revitalization plan, commitment to make Albany a better place to live, building design, and proposed rent prices. He asked for a letter of support and consideration of a loan to the development.

Commissioner Howard made supportive comments regarding the project, which has a positive impact on the neighborhood.

Commissioner Warbington noted getting the GICH letter last year for the project, with Mr. Davenport explaining that one difference this year is DCA reevaluated their scoring, which cleared up a 2-point deficit in his score and competing with others. He mentioned the loan he received last year and the request for this year, adding that he was off one point last year due to transformation plan being a competitive process across the state. The loan/point process was discussed with phases being six rounds and Mr. Davenport advising that he is in phase four and that phased developments have an edge in scoring. Commissioner Warbington commented on the evaluation of the GICH letter of support that was requested with Mr. Hawthorne explaining the tie breakers of the two applicants in competition for the GICH letter of support. Discussion continued regarding issuing the GICH letter to Dogwood since it was selected by the committee.

Mayor Pro Tem Langstaff expressed concern and said he would like an attorney to provide an opinion with the option to 1) provide the letter or not provide a letter at all 2) not support the candidate and

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request another referral, adding that the Commission can decide not to award and the GICH Committee deciding if they want to recommend someone else, asking for a legal answer to that. He asked for tabulation reports to compare with other cities having a scoring matrix. Mr. Hawthorne said there is a scoring process with categories, adding that he can send the scoring sheets with Mayor Pro Tem Langstaff suggesting that the information is helpful. In reply to Mr. Hawthorne, Mayor Pro Tem Langstaff asked to see the scoring only, adding that he does not know if it is legal to ask them to reconsider, which is why he asked for an attorney to provide an opinion.

In reply to Commissioner Young, Mr. Hawthorne explained that there is no specific criteria regarding building height and discussed input from each team member who agreed to the scaling issue.

It was noted that Mr. Davenport owns the land, causing conflict with land owned by the Land Bank and certain members being unable to vote, as they had to recuse themselves. Mr. Hawthorne stated that this was not considered and explained that the only criteria used was that the developer has site control. In reply to Mayor Dorough, Mr. Davenport clarified his application being granted without the letter of support, adding that his project has a good advantage to get required points (and explained criteria for points per DCA). Mr. Hawthorne provided additional information, adding that the GICH committee was very deliberate in the selection process.

Mr. Davenport mentioned information regarding his request for a \$1.2 million loan, adding that the point process is in play as well and that his intent is to repay the City. Using Power Point, he discussed the investment in E. Albany and loan amount, including terms. In reply to Commissioner Warbington, the loan amount was discussed including reducing the amount.

Mayor Dorough stated that he visited the Dogwood apartments area and was impressed with the development. He asked about the budget for the project and whether Mr. Davenport is contributing funds. He asked if there are requirements for loan terms with Mr. Davenport stating that it must be a minimum of ten years and are usually 15 years; he discussed amortization to include compliance period (15 years). He said the total budget is \$8.2 million, with a total development cost of approximately \$11.5 million, adding that he has land cost/debt and has spent several hundred thousand dollars at this point. In reply to Mayor Dorough, he explained that at the end of 15 years he could sell the GP interest, however, cannot sell the property because he foregoes the qualified contract.

Discussion continued regarding a letter of support to IDP and/or Dogwood in the past with Dan McCray being used as the attorney to ensure best practices. Recapping discussion, Mayor Dorough noted that Dan McCray will provide an opinion, the item will be on the agenda for vote next week, two components (providing general information and Mr. McCray providing information regarding funding). The consensus was that Mr. McCray will draft the letter of support and review the loan, with information ready by the meeting next month.

4. Loan Request re: Multi-Unit Family Development

Mr. Forgey stated that for this item he represents the Land Bank, not the Planning Department or City, and advised that the Land Bank entered into a partnership with IDP to lease City property to develop a low-income housing tax credit project. He introduced those representing the Land Bank .

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Rhett Holmes, IDP President, used a power point to discuss information regarding: the development, what they are doing already in Albany, comparable project, similar projects they have done (photos of the Valdosta project), the Harding Court Senior apartments design to include 60 units, was discussed including rent (1-2 bedrooms), preliminary design layout map, sample of designs, loan request, local partnership, and economic impact.

CFO Steve Brooks provided additional information regarding the potential project including access to grocery store, points on the application, GICH support for IDP vs. Dogwood Trails.

Discussion followed regarding the differences in the loans that were asked for, i.e., \$1.2 vs. \$3 million, properties owned by the church in the area.

Commissioner Howard clarified that 1) DCA will accept only one GICH letter; if more are sent, the City will not be considered. 2) IDP will lease property from the Land Bank for 99 years/\$10.00/annually 3) list of all property owned by the Land Bank to be provided to the Commission. Commissioner Warbington asked the advantage of this project with the Land Bank with Mr. Brooks explaining the DCA process and not supporting land from the Land Bank, funds Land Bank will receive (\$150,000/10% of developer fee) as part of their commitment to the project. Mayor Pro Tem Langstaff asked if IDP worked with Mr. McCray and was told that they had. Mayor Pro Tem Langstaff asked Mr. Brown the source of funding, with Mr. Brown stating that if this is a choice, he will provide information on the e funding source.

In reply to Commissioner Young, Mr. Holmes discussed density/congestion and said he did not think this would be an issue due to the process. Mr. Brooks provided additional information regarding Commissioner Young's concern. Mr. Forgey advised that the area is properly zoned.

The two-story complex with two elevators was discussed.

In reply to Commissioner Howard, a brief update of the Davis Exchange Building was discussed by Mr. Holmes.

Commissioner Howard questioned the length of the lease, with Ms. Custer advising that the final document is not ready. The agreement between two governments entities was discussed with Ms. Custer advising that she will provide the information; however, the lease will be between the Land Bank and developer.

Mayor Dorough advised that the Commission must decide who gets the one GICH letter and find money for Carroll Gardens.

In reply to Commissioner Young, Ms. Custer stated that she is researching legal opinions regarding the GICH letter. Having a special call meeting to vote on GICH was also discussed for the meeting on May 7th if needed.

Facilities Mgr. Director Don Gray and Buyer I Ricky Gladney presented information (copy on file)

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5. Ritz Theater Center Design Services

Gene Dunwoody, Jr., Dunwoody/Beeland Architects, (attending virtually) provided additional information regarding the project and other Georgia projects they have developed.

Mayor Dorough expressed appreciation for the developer restoring vintage quality of the building. Mr. Dunwoody advised that the intent is to try and restore the building as much as possible to its original state.

Mr. Gray, et al were present to discuss the following (copy on file):

6. HVAC Replacement, Albany Air Conditioning/Heating Co.; Albany, GA: Total exp. \$1,063,830.00

In reply to Mayor Dorough, Todd Butler, Consulting Engineer, provided detailed information on repair/replacement of the unit. Discussion continued with Mayor Dorough advising that the unit was installed in the 1970's, advising that this type of system has a 20-year lifespan.

Commissioner Howard cautioned purchasing old property without knowing potential, costly repairs. In reply to Commissioner Warbington, Mr. Gray explained the bid process, with Mr. Butler explaining that the bid included a history of installations due to complications and securing an installation contractor with experience. Energy conservation was also discussed regarding savings (usually between 10-15% but can be up to 20-25%).

John Dawson, IT Director, and Joshua Williams, Procurement Manager, discussed the following (copy on file):

7. Early Adopter Agreement, CentralSquare Technologies, LLC; - Total exp. \$50,000.00

Using a power point presentation, Mr. Dawson discussed: benefits to the City, budget overview to include SPLOST VII and is that it is a City/County project.

In reply to Commissioner Johnson, it was noted that the County will also vote on this item and what effect, if any, will happen when installing the new software.

In reply to Commissioner Young, Mr. Dawson said that there is an option to do/not do this; however, moving forward, it is recommended to approve; and that additional information will be provided regarding the positive impact/benefits this has by moving it to the cloud.

Transportation Director David Hamilton, et al, were available to discuss (copy on file):

8. Airport Auto Weather Observing System, DBT Transportation Services, LLC – Total exp. \$189,834

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Discussion included system failure and the need to upgrade.

There were no questions/comments on this item.

Utilities Director Kendell Hodge, et al, were present to discuss the following: (copy on file)

9. Cable Injection, Southwire Company, LLC; Estimated total exp. not to exceed \$500,000.00

Using a power point presentation, Mr. Hodge discussed the project overview, historical issue/extent of current condition, areas of Westover, budget overview/procurement pros and cons,

Mayor Pro Tem Langstaff asked if the circuit is tested before the injection, with Mr. Hodge replying affirmatively and explaining the process.

Buyer II Corey Gamble, et al, discussed the following (copy on file):

10. Tire Shop Equipment, K&M Auto Parts Inc.: – Total exp. \$77,810.81

Fleet Director Peter Bednar noted the savings and prior use of the vendor.

There were no questions/comments about this item.

APD Chief Michael Persley, et al, discussed information (copy on file):

11. Core Platform & Modules Software, ForceMetrics, Inc. - Total exp. of \$103,740.00

Shane McGregor, ForceMetrics co-founder, discussed information regarding the software. Chief Persley discussed using the software and its benefits.

In reply to Commissioner Warbington, Chief Persley agreed that there will be annual expenses that come from Red Speed funds. In reply to Commissioner Young, it was noted that facial recognition is not included. Discussion continued regarding the yearly contract and having an opt out in the contract. Mayor Dorough asked Chief Persley to monitor this program to ascertain benefits.

MEMBER COMMENTS / ITEMS FOR FUTURE AGENDA

Commissioner Warbington mentioned the firm hired to conduct a search for the city manager and asked the next step, with the consensus being for the Clerk to circulate the document from Underwood Consulting and scheduling a meeting with Tom Berry.

Commissioner Young asked if there is an update regarding Harlem Renaissance with Ms. Gaskins providing information regarding meeting with Dan McCray, mentioned the MOU draft, evaluations,

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etc. Commissioner Young asked the status of curb and gutter for Colquitt Ave., near Slappey. He asked where we with Clean Sweep are, with Mr. Rowe stating that we are at Ward 4, and nearing Ward 5.

Mayor Dorough mentioned lengthy agendas for the 2nd work session. He said that Commissioner Howard wants an update in May regarding Drug Unit, Gang Task Force. He asked for a resolution to authorize restaurants to sell take-out mixed drinks asking to get an ordinance from a city to copy. At the retreat, it was discussed that contracts are required with Chehaw, RiverQuarium, and Civil Rights Institute; a letter needs to be sent advising them of this requirement before funding is approved. He mentioned that the hotel/motel tax can be rearranged, giving the Commission control of funds. He stated that Chehaw/RiverQuarium have access to SPLOST funds; however, they must have Commission approval before accessing the funds. He asked the possibility of funding summer camp for at-risk youth using Red Speed funds. , He mentioned the email from Matt Fuller, regarding the City Manage advising him to get a statement from an engineer that he can handle the runoff, which needs to be addressed and resolved. Mr. Brown advised that this will be a top priority for Asst. City Director Bruce Maples when he returns to work Thursday.

INTERIM CITY MANAGER'S COMMENTS/UPDATES

Mr. Brown noted that Kendall Hodges, who was recently named Utilities Director, has left the meeting, but he wanted to publicly acknowledge his promotion, and he apologized for the length of the meeting. Items in his update: 1) the Childcare Accelerated Program, with internal staff volunteering to be on the core team, which has asked that Mayor Dorough participate in an in-person meeting at GMA from 10-2 pm this Friday;) 2ADICA's special called meeting this week and 3) pulling 108 Pine Avenue off the agenda at the first of this month, 4) the probability of a conditional item being on an agenda because of the lack of an agreement between the City and ADICA authorizing City funds for ADICA-owned projects, 5) Family Fun Day this weekend, Saturday, 11 am - 5 pm.; 6) Asst. City Manager Yvette Field meeting with Mayor Dorough, Commissioners Warbington and Young, with Mayor Pro Tem Langstaff serving as an alternate to discuss the design of Henderson Park, this Thursday at 10 am.; 7) Energy Efficiency and Conservation Block Grant Program, in which the City accepted the \$131,000 grant; he will submit a list of qualifying options; and7) budget meetings to begin with three Commissioners at a time.

There being no further business, the meeting adjourned at 9:37 a.m.

SONJA TOLBERT
CITY CLERK