

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

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

Mayor Pro Tem Langstaff called the meeting to order at 6:03 p.m. and advised that the invocation is being given by Dr. Clifford Porter, Pastor Shiloh Baptist Church, which was followed by the Pledge of Allegiance.

PRESENTATION re: Retirement Certificate for Westley Wells. (Mr. Wells was not present, to receive the certificate. Mayor Pro Tem Langstaff advised that it would be mailed to him.)

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Commissioner Howard moved to approve the minutes as presented, seconded by Commissioner Warbington, the roll call vote unanimously carried.

OBJECTION TO CONSENT AGENDA ITEMS

Commissioner Young asked to remove the Sunday Sales (item 1.a) from the consent agenda and that the purchases be read into the record. Commissioner Howard referred to the GEFA loan and Mayor Pro Tem Langstaff suggested pulling it for discussion.

CONSENT AGENDA ADOPTION

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

Resolutions:

A RESOLUTION NO. 24-R171

Authorizing Airport Cargo Ramp Expansion for the Southwest Georgia Regional Airport

Purchases:

1. Lift Station 1 Rehabilitation; Popco Inc., Sylvester, Ga - Total exp. \$1,189,680
2. Vacant Lots Mowing; LRL, Albany, GA; Total exp. \$41,800.00
3. Microbusiness Center Waterproofing; Waterproofing Contractors Inc., Norcross, GA; Total exp. \$108,960.00
4. Billing Software Maintenance; Tyler Technologies, Dallas, TX - Total exp. \$305,897.27

At the request of Commissioner Young, the above purchases were read into the record as noted.

Commissioner Warbington mentioned having an executive session to discuss a real estate and legal matter (cyber security).

At 6:12 p.m., Commissioner Howard moved to enter executive session to discuss matters as noted, seconded by Commissioner Warbington, the roll call voted unanimously carried as follows:

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

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At 7:25 p.m. Commissioner Howard moved to exit executive session, seconded by Commissioner Warbington; the roll call vote carried as follows:

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

At 7: 25 p.m., the Commission returned to the meeting with Mayor Pro Tem Langstaff noting that no action was taken in executive session. Discussion continued regarding items pulled from the consent agenda as follows:

Resolutions:

Regarding the Sunday Alcohol Sales re: Package resolution, Commissioner Young questioned who asked for this item to be on the agenda. Ms. Custer advised that she was approached by two City Commissioners who were approached by business owners with concerns of Lee County passing an ordinance allowing Sunday sales, as did Dougherty County and Albany businesses losing business. Commissioner Young stated that the person(s) bringing this item should be identified, as citizens have the right to know.

Mayor Dorough moved to adopt the following resolution, seconded by Commissioner Johnson, the roll call vote carried 5-2 with Commissioners Howard and Young voting no.

A RESOLUTION NO. 24-R172

Requesting the Albany-Dougherty Voter Registration and Election Board to issue the call and conduct an election on the question for approval of Sunday package sales by retailers of malt beverages, wine and distilled spirits on Sundays between the hours of 12:30 PM and 11:30 PM to coincide with Dougherty County

Regarding the GEFA Loan re: CSS Projects resolution, Mr. Brown explained the loan with a maximum amount of \$12.0 million, mentioned the challenge at the treatment plant and the reason to expedite this item.

Mayor Dorough moved to adopt the following resolution, seconded by Commissioner Howard, the roll call motion unanimously carried.

A RESOLUTION NO. 24-R175

Authorizing submission of Loan Application to the Georgia Environmental Finance Authority (GEFA) for the City's CSS Project; should the grant be awarded to City, such grant is accepted

AGENDA ADOPTION

Discussion followed regarding the removal of the 1310 N. Jefferson St., purchase (item K.1). Commissioner Howard moved to adopt the agenda with the removal of the item as noted, seconded by Commissioner Warbington, the roll call vote unanimously carried.

ORDINANCES

Mayor Dorough introduced

AN ORDINANCE NO. 24-113

Amending Section 6-13(b) and (c) of Chapter 6 Alcohol Beverages to provide for Take Out Alcohol Restaurants: imposing conditions for open containers

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Mayor Dorough then offered the ordinance 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 Commissioner Howard voting no.

Commissioner Warbington introduced

AN ORDINANCE NO. 24-114

Amending the Zoning Ordinance and Map of the City of Albany to change the status of the property located at 2325 Gillionville Rd. from C-2 (General Mixed-Use Business District) to C-3 (Commercial District)

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

Commissioner Warbington introduced

AN ORDINANCE NO. 24-115

Amending the Zoning Ordinance and map of the city of Albany to change the status of the properties located at 1706, 1708 & 1710 N. Slappey from C-2 (General Mixed-Use Business District) to C-2c (General Business District) **Conditional**

Commissioner Warbington then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Gaines.

In reply to Commissioner Young, regarding limiting convenience stores on N. Slappy, Paul Forgey, Planning Director, advised that this was not a recommended condition. Commissioner Young offered a substitute motion to limit the number of convenience stores on N. Slappey and the motion failed for lack of a second.

Hearing no additional comments, the roll call vote on the original motion unanimously carried.

Commissioner Warbington introduced

An ordinance no. 24-116

Amending the Zoning Ordinance and Map of the City of Albany to change the status of the property located at 1010 11th Ave. from C-R (Community Residential Multiple Dwelling District) to C-2 (General Business District) **Conditional**

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

Commissioner Howard introduced

AN ORDINANCE NO. 24-117

Amending the Zoning Ordinance and map of the City of Albany to change the status of the properties located at 320 South Mock Rd. from C-R (Community Residential Multiple-Dwelling District) to M-1 (Restricted Industrial District) **Conditional**

Commissioner Howard then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Mayor Dorough, the roll call vote carried 5-2 with Mayor Pro Tem Langstaff and Commissioner Warbington voting no.

Commissioner Howard introduced

AN ORDINANCE NO. 24-118

Amending the Zoning Ordinance and map of the city of Albany to change the status of the properties located at 416 South Mock Rd. from C-7 (Mixed-Use Planned Development District) to M-1 (Restricted Industrial District) **Conditional**

Commissioner Howard then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Mayor Dorough, the roll call motion carried 5-2 with Mayor Pro Tem Langstaff and Commissioner Warbington voting no.

GENERAL BUSINESS ITEMS

Mayor Dorough moved to approve the following recommendation, seconded by Commissioner Howard, the roll call vote carried 5-2 with Mayor Pro Tem Langstaff and Commissioner Warbington voting no.

A. Special Approval Matters:

Mayor Dorough moved to approved the following recommendation, seconded by Commissioner Howard; the motion carried 5-2 with Commissioners Warbington and Mayor Pro Tem Langstaff voting no.

1. Special Approval Case #24-032: 420 S. Mock Rd., request to allow for the development of a solar farm. **Conditional**

Commissioner Howard moved to approve the following recommendation, seconded by Commissioner Johnson, the roll call vote carried 5-2 with Mayor Pro Tem Langstaff and Commissioner Warbington voting no.

2. Special Approval Case # 24-033: 416 South Mock Rd., request to allow for a solar farm. **Conditional**

Mayor Dorough moved to approve the following recommendation, seconded by Commissioner Howard.

In reply to Commissioner Howard, Mr. Forgey discussed the location of the hotel and explained that it will be approximately three months before construction begins.

Hearing no additional comments, the roll call vote unanimously carried.

3. Special Approval Case # 24-030: 2601 Dawson Rd. request to allow for a dual-brand hotel.

Commissioner Gaines moved to approve the following recommendation, seconded by Commissioner Warbington, the roll call vote unanimously carried.

4. Special Approval Case #24-031: 1701 Stuart Ave., request to operate a residential assisted living facility.

B. Alcohol License Application:

Commissioner Gaines moved to approve the following license, seconded by Mayor Dorough, the roll call vote carried 6-1 with Commissioner Howard voting no.

1. Billows Cigar Haven; 1706 Gillionville Rd. T. Burton/Agent; Liquor, Beer, and Wine Consumption

C. Other Matters:

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Commissioner Warbington moved to approve the following recommendation, seconded by Commissioner Gaines.

A. Reimbursement re: 4C Academy Architect Fees

Mayor Pro Tem Langstaff advised that he is voting no and advised that he supports the project, however, he does not understand reimbursing ADICA when they have available funds.

Hearing no additional comments, the motion carried 6-1 with Mayor Pro Tem Langstaff voting no. Commissioner Young moved to approve the following recommendation, seconded by Commissioner Howard.

B. Henderson Park Design

Discussion continued with Commissioner Warbington stating that he does not agree with 65% and more time is needed. Commissioner Young asked for clarification on meetings that were held regarding the 65% as the City Manager had advised that anyone could be on the calls, stating that he is ready to vote. Commissioner Warbington mentioned option 1 excluding the playground and walking trails, the holding pond will be in front of the property rather than in the back as he requested, the odd angle of the roof over the basketball court, with him asking that it be straight, adding that option 1 excludes all of these items and the bleachers. He said he will vote no due to not having questions answered. Commissioner Young suggested moving forward and mentioned the town hall meeting last week and staff recommending option 1, adding that 100% of those at the town hall meeting preferred option 1 as well as 85% of those who were polled online voted for option 1. Mayor Dorough said he does not agree with option 2 and suggested having an option 3 regarding the exterior like the one at Driskill, adding that \$4.5 million is dedicated to this project and suggesting that all facilities should be consistent and that the Commission should be more involved with the design. Commissioner Young again asked to move forward with option 1 being the best. Commissioner Warbington advised that he found out today, and he is disappointed that it was not shared, that the design fees have not been in any of the numbers that have been quoted, adding that he has gotten no invitation to any meetings of the architect, staff, the Mayor and Commissioner Young and the architect advised that they are not at 65%.

Mayor Dorough countered that he was never invited to or notified of a meeting until the vote was taken that he would be substituted as the City's representative, adding that he attended only two meetings.

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

Mayor Dorough reiterated that an option 3 is needed to make the exterior consistent with Driskill Park, securing funding for the playground, and the slope of the building should be parallel. He suggested that all Commissioners should be invited to the next meeting and express their concerns/opinions.

Commissioner Warbington moved to postpone until the second work session next month, seconded by Mayor Pro Tem Langstaff; the motion carried 6-1 with Commissioner Howard voting no.

Commissioner Howard moved to approve the following resolution, seconded by Mayor Dorough.

A RESOLUTION NO. 24-R174

Authorizing City of Albany to join the new Opioid Settlement with Kroger

Mayor Pro Tem Langstaff advised that he will be voting no, as he has not received answers to his questions.

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

Ms. Custer discussed the following resolution, advising that the MOU is for housing impounded animals at the Humane Society. She advised that the contract is for one year and that City Code requires all impounded animals to be taken to the Albany Humane Society. She explained that the City

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has not had a contract with the Humane Society for a number of years and this contract allows the City to house 3500 animals a year there, adding that the agreement will be amended to ensure that the Humane Society will follow the Code section regarding dangerous dogs, the City will be given a seat on their Board, and quarterly financial statements will be required.

Commissioner Howard moved to adopt the resolution, seconded by Commissioner Gaines.

A RESOLUTION NO. 24-R175

Authorizing execution of a Memorandum of Agreement for housing abandoned and delinquent animals with the Albany Humane Society, Inc.

Commissioner Howard mentioned people letting their pit bulls out at night to roam the neighborhood. Ms. Custer said she will reach out to Chief Persley to have this monitored.

Commissioner Warbington noted that the resolution references an attached contract, asking if the contract contains changes, Ms. Custer agreed, stating that she can modify the resolution to match what is being added.

In reply to Mayor Pro Tem Langstaff, Ms. Custer stated that the additional changes are having a Board seat and clarifying the dangerous dog ordinance. Mayor Pro Tem Langstaff asked Commissioner Howard to accept a friendly amendment to his motion to add the two changes, Commissioner Howard agreed.

Hearing no additional comments, the roll call vote unanimously carried.

OTHER MATTERS

Mayor Pro Tem Langstaff stated that the next item is to vote for the top two candidates for City Manager, asking if any Commissioner would like to make changes to the two names that were discussed/approved by consensus in the executive session.

Commissioner Howard moved to release the names of the two candidates, seconded by Commissioner Gaines; the roll call vote unanimously carried.

Mayor Pro Tem Langstaff advised that the two candidates are Interim City Manager Derrick Brown and Terrell Jacobs.

MEMBER COMMENTS/ITEMS FOR FUTURE AGENDA

Commissioner Howard invited Commissioners and the public to a Town Hall Meeting at Thornton Gym starting at 10:00 a.m. this Saturday. In attendance will be Chief Persley, ASU's Police Chief, ATC's Police Chief and the newly elected Sheriff. Discussion will center on the crime problems and their increasing rate; input will be welcomed.

Commissioner Gaines asked for an update on Henerson Gym regarding the timeline to spend funds. Mr. Brown referenced a \$2.2 million grant, advising that he will provide an answer; Mayor Pro Tem Langstaff asked that he send the information via email.

Commissioner Young stated that he will be hosting a back-to-school event in his ward at Mary Young Cummings Park (423 Holloway), adding that there will be attractions for kids, give aways, and a 5K run. He thanked the departments for their assistance with the event.

Hearing no further discussion, the meeting adjourned at 8:21 p.m.

MAYOR

ATTEST:

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CITY CLERK

DRAFT