

MAY 21, 2024
COMMITTEE OF THE WHOLE
GOVERNMENT CENTER BUILDING
ROOM. 100

PRESENT: Mayor Bo Dorough
City Commissioners: Jon Howard, Vilnis Gaines, Chad Warbington
Jalen Johnson, and Demetrius Young
Interim City Mgr. Derrick Brown
City Attorney: C. Nathan Davis

Mayor Dorough called the meeting to order at 8:33 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 HEARING (zoning matter)

1. Zoning Case #24-019: Gauriben Pater/Owner, Jaymin Patel/Applicant; request to property at 1629 Clark Ave., from M-1 (Restricted Industrial District) to C-3 (Commercial District) to allow retail, etc., services to operate in the tenant space constructed in 2022 within the One Leaf convenience store and gas station development.

Planning Director Paul Forgey discussed information (copy on file) regarding the rezoning request to allow retail and personal services to operate in the tenant space constructed in 2022 within the One Leaf convenience store and gas station, he showed maps including current zoning, location, etc., and advised that it is in the flood zone. He reviewed the land use map, aerial view and discussed zoning history and planning considerations, adding that the request is to put a barber shop in the space. Traffic considerations/impact was noted, future land use map (noting inaccuracies of the map, although for this particular parcel it is correct). He advised that the Planning Commission recommends approval to rezone the 13.75 acres from M-1 to C-3 with the **following conditions**: 1) Automotive or motor vehicle-type services; 2) Repair shops of any type; 3) Bars or nightclubs; 4) Wholesale or retail sales with outside storage; 5) Adult entertainment establishments or stores.

Milo Allen asked what C-3 will allow vs. the current M-1, with Mr. Forgey explaining the primary businesses/uses allowed in each.

ALCOHOL LICENSE DENIAL APPEAL

1. TEJAS Business, Inc., d/b/a Gillionville Grocery

Mayor Dorough stated that he did research and found that state law allows an alcohol license application in the same proximity to a school if the business had a license as of July 1, 1981, which is State law 33-21, adding that the provision is not in the ordinance. He suggested amending the ordinance to include that exception, while his colleagues feel that a variance can be added to the

MAY 21, 2024
COMMITTEE OF THE WHOLE
GOVERNMENT CENTER BUILDING
ROOM. 100

ordinance, reiterating that the City amend the ordinance to comply with state law if the applicant agrees. It was noted that the ordinance can be changed next week. In reply to Mr. Strickland, Mayor Dorough stated that he is unsure if a variance can be granted and that his preference is to amend the ordinance. Discussion continued regarding the sunset clause if 12 months passes, but State statute states that if a license was held in the same proximity, as of July 1, 1981, you are grandfathered in.

In reply to Commissioner Young, Mayor Dorough explained that the law applies to the location, adding that an opinion of the City Attorney is needed, including whether a variance can be voted on today. Commissioner Young asked to see the referenced state law. Mr. Davis stated that a variance cannot be voted on today, however the ordinance can be revised to comply with state law. Discussion continued regarding proximity and voting to change the ordinance. Mr. Strickland agreed to a continuance of the right to a hearing. In reply to Commissioner Warbington, Mayor Dorough said the ordinance will be updated next week in regular session with the decision to let Mr. Strickland know when the vote will be taken. Ms. Custer stated that the amended alcohol ordinance will be conditional on the agenda next week and that the hearing will be continued to the next work session. Commissioner Young stated that he is not comfortable with voting next week. Discussion continued regarding voting today and the variance, with Mayor Dorough stating again that he does not think a variance is in order. Ms. Custer explained that the Commission may vote on the appeal today as the ordinance is currently written; the denial can be upheld or overturn the decision to deny, which technically is granting a variance, adding that if there are four votes to approve, it can be done today. However, if the decision is to look at the underlying ordinances and amend them to match State law, and the 1981 grandfathering terms, rather than just 12 months, that can be handled later. Commissioner Young provided comments regarding voting, proximity rules currently in effect, changing the ordinance for just this convenience store, issuing a variance today and going against the current ordinance, declaring that the denial should stand.

Commissioner Johnson moved to vote on the matter today. Mr. Strickland stated that he would like to request a variance; Mayor Dorough advised that his vote will not include a variance, with discussion continuing regarding whether to vote today or not. Commissioner Warbington commented on the various information that has come forth since the vote to deny and agreed to move forward with a vote today with our attorney stating we can grant a variance. He mentioned granting a variance for an establishment in E. Albany, which set precedence.

The consensus was to move forward with the hearing at this time.

Mayor Dorough called the hearing to order and the attorney for the applicant identified himself as Bo Strickland. He provided a history of the property and questioned why the applicant was not grandfathered in, adding that they are requesting a variance to put the business back in place to sell beer and wine.

Commissioner Warbington commented on the State's law having a 1981 provision, with Mr. Strickland explaining that he and his family have always obtained alcohol at the establishment.

Mr. Davis provided a copy of the current ordinance, which has proximity rules for the school property.

MAY 21, 2024
COMMITTEE OF THE WHOLE
GOVERNMENT CENTER BUILDING
ROOM. 100

Commissioner Young questioned if St. Theresa's school has made comments regarding moving forward, with it noted that the school has not provided any information/comments since the official notice was posted regarding the intent of the application.

Commissioner Warbington moved to overturn the original decision and grant the alcohol license, seconded by Commissioner Johnson.

Commissioner Young said he feels that this conflicts with the current ordinance and provided information, questioning whether school children walk past the establishment going to/from school. He provided a history of the area and commented on matters he feels should be considered to continue the denial.

Mayor Dorough disagreed with Commissioner Young and asked to move it forward; however, the current ordinance does not allow proximity.

Commissioner Warbington stated that it will be a split vote today and if it can be voted on again with Mr. Davis opining that the process will start over.

Hearing no additional comments, the roll call vote tied 3-3.

SPEAKER APPEARANCE

1. Robert Washington re: status of Code Enforcement case (it was noted that Mr. Washington was not present) with Mr. Brown stating that staff has been in contact with him and, Marshal Norman has visited him a few times. He was approved to be on the agenda and was informed that if he did not attend the meeting, the City would take that as his issue being resolved.

REPORT OF THE CITY CLERK

1. GMA Voting Delegate & Flag Bearer

Commissioner Warbington was selected as the voting delegate and Commissioner Johnson as the bearer of the flag.

2. Commission Travel

- Commissioner J. Johnson, Plant Vogtle Tour, Waynesboro, GA; May 28-29, 2024; \$567.58

Commissioner Warbington moved to approve Commissioner Johnson's travel, seconded by Commissioner Gaines; the roll call vote unanimously carried.

3. Staff Travel

MAY 21, 2024
COMMITTEE OF THE WHOLE
GOVERNMENT CENTER BUILDING
ROOM. 100

- W. Weaver, Chief Judge; Municipal Court Judges' Law & Practice Update; Savannah, GA; June 11-14, 2024; \$2,306.75
- R. Scoccimaro, Associate Judge; Municipal Court Judges' Law & Practice Update; Savannah, GA; June 11-14, 2024; \$2,321.49

Commissioner Gaines moved to approve, seconded by Commissioner Howard; the roll call vote unanimously carried.

4. Meeting Date Change

Mayor Dorough stated that the request to move the Commission meeting from Tuesday to Wednesday is because Commissioners will still be in Savannah as the GMA convention concludes, adding that the suggestion is to move the meeting to Wednesday, June 26th.

COMMITTEE REPORTS

A. Budget Presentation:

Mr. Brown discussed the proposed 2025 budget (copy on file) and noted the theme of 'putting people first' which is investing in our employees, housing and infrastructure (completing AMI, CSS Projects, EV Projects, etc.), adding that it also includes crime, blight and the CSS project moving forward.

Michael Eaton, Interim Finance Director, thanked the finance team for assisting with the budget and, noted: increased millage rate (1.144% with last increase in 2013); utility increase (3.7% for stormwater, solid waste, water, gas; 5% for light; 6.5% for sewer); expense factors driving the budget; a 3.7% COLA for employees and, MEAG increase of \$4.7 million for cost of goods sold; The proposed budget of \$320,514,966 is a \$3.6 million increase over last year and major sources of revenue: public safety expenditures, special revenue funds (including SPLOST, etc.) supplemental enterprise funds, utility enterprise, capital improvement plan, other considerations including increase COS and COLA for employees was discussed. He advised that the public hearing is on the next work session agenda and asked for opportunities for input.

Commissioner Howard clarified the increase in MEAG (4.7%) with Mr. Eaton explaining selling surplus power. The increase in property taxes was discussed with Commissioner Howard stating that he feels Mr. Brown and Mr. Eaton are the correct people to put in place for existing vacancies.

In reply to Commissioner Warbington, Mr. Eaton explained programs regarding weatherization, which focus on elderly/aging and low income that falls in the range. Commissioner Warbington asked for copies of the current programs and how citizens are made aware and if these are City and/or County citizens. Discussion continued regarding funding of city residents, 3.7% COLA.

MAY 21, 2024
COMMITTEE OF THE WHOLE
GOVERNMENT CENTER BUILDING
ROOM. 100

Commissioner Young thanked Mr. Brown and the staff for the budget presentation, which addresses citizens and making investments. He mentioned looking at details regarding weatherization, demolitions, etc.

Mayor Dorough mentioned supplemental accounts, including the pay study and suggested looking at the COLA with everyone making up to \$60,000 getting the COLA and 2.5% for those in the \$60-90,000 range. Discussion continued regarding reducing weatherization program funds, demolition being monitored, a refocused based on staffing ability and having the City of Macon make a presentation. Supplemental Enterprise funds (\$5.0 million annually) for Transit with the City supplementing \$1.7 million was discussed including capital improvement and R3M fund, etc., and where the monies come from with Mr. Eaton explaining funding sources. Discussion continued regarding looking at CSO officers and reducing the number recommended, and obligations to MEAG.

Commissioner Howard asked for a list of the top 100 paid employees. Mayor Dorough said he is working on a letter that he will send to all.

B. Utilities/Public Works

1. CSS Easement Agreement from County

Scott Tennison, Sales Project Manager, discussed information (copy on file) regarding acceptance of easement from Dougherty County for the 8th Ave. Phase IV Combined Sewer Separation (CSS) Project.

Using a map, Jeff Hughes, Sewer Maintenance Engineer, explained the location (copy on file).

In reply to Commissioner Warbington, it was explained that the County has signed off on the agreement and is awaiting Commission approval.

2. CSS Easement Agreement from PLJ Real Estate LLC

Mr. Tennison discussed the request to accept the easement from PLJ Real Estate LLC for 8th Ave. Basin Phase IV CSS Project 2.

Discussion included the \$1,355.04 amount being paid for the easement, federal requirements regarding bidding.

C. Planning

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 District) to C-2 (General Business District) to allow for combining adjacent parcels for the construction and use as a convenience store & gas station.

MAY 21, 2024
COMMITTEE OF THE WHOLE
GOVERNMENT CENTER BUILDING
ROOM. 100

Paul Forgey, Planning Director, advised that the case was tabled last month and is on the agenda for discussion. He explained that he met with the owner, who agrees for the City to rezone the other three lots in questions so that conditions can be added for all parcels and provided additional information from the prior meeting, noting conditions and recommended that the item be taken up at the next voting meeting (June) and based on due process requirements the other properties could be voted on in July. Discussion included continue tabling the original item and take it up with the other properties or approve separately. Commissioner Johnson moved to table all three properties. Mr. Davis opined that a vote can be taken to table today, with the Clerk, in reply to Mayor Dorrough stating that the vote would be clearer and cleaner if it is taken in conjunction with the other matters at the regular meeting.

The consensus was to table the vote until the Tuesday night meeting to include the motion to remand the other properties to the Planning Commission for consideration.

D. Public Administration/Finance (purchases):

1. Gillionville Woods Court St., Construction; Zane Grace Construction, Inc.; Leesburg, GA: Total exp. \$819,297.21

Mr. Tennison discussed information (copy on file) regarding Gillionville Woods Court. Discussion included cost City vs developer's and enough funding to complete the project.

2. APD Service Weapons, Holsters and Accessories; GT Distributors, Inc. – Total exp. \$264,996.00

Corey Gamble discussed the following (copy on file) regarding weapons, holsters, and accessories. Chief Persley commented on purchasing the current weapons and the difficulty in repairing them, including ammunition not always available, etc. Discussion included upgrading weapons for all officers and giving them the option to purchase old guns.

3. Real Time Crime Center Audio Visual Equipment, Constant Technologies, Inc. Total exp. \$63,442.85

Chief Persley discussed information (copy on file) regarding the request for additional new monitors.

There were no questions/comments on this item.

4. Oracle Software Maintenance, Oracle USA, Inc., Annual exp. \$112,365.91

John Dawson, TAC Director, discussed information (copy on file) regarding annual renewal of the software. Discussion included the County breaking away from the City's purchase and two different software systems being used for the same function.

5. Henderson Park Design

MAY 21, 2024
COMMITTEE OF THE WHOLE
GOVERNMENT CENTER BUILDING
ROOM. 100

Using a power point presentation (copy on file), Steve Belk, Recreation Director, discussed information regarding the park design. Melissa Crosby, WSP Project Manager, Lee Walton, and Elizabeth Huckins discussed the design, including rotating the building re: view from Oakridge and 3D view of the building, with a request for additions to include brick accent, no exposed beam columns and the cost estimate for extra designs. The site plan was discussed with the concession/restrooms, covered pavilion, and playground within the budget and possible use of Driskill Park's playground design.

Mayor Dorough provided comments regarding unstaffed classrooms, adult fitness exercise equipment, and a covered basketball court, (which he does not consider an asset), suggesting the court be on the opposite side and option b. He asked that the next facility be built differently.

Commissioner Young mentioned the increase in price, asking if we are in the \$8.5 million budget and if details can be discussed regarding classrooms as the project moves forward. He mentioned partnering with the School Board, staying within the budget and the estimation of the 65% report, with it noted that spending is being tracked.

Mr. Walton mentioned tracked spending and providing budget information moving forward.

In reply to Commissioner Young, Mr. Belk discussed the covered basketball court, adding that the court will also be used for pickleball, and the covering will provide protection from the heat/sun, adding that other activities/programs will be conducted outside.

MEMBER COMMENTS/ITEMS FOR FUTURE AGENDA

Commissioner Warbington asked if the 7th Avenue railroad crossing is still closed. Mr. Brown replied affirmatively and advised that no progress has been made with the railroad. Commissioner Warbington suggested holding an executive session as it appears there is no crossing there now. He mentioned the Humane Society, asking if it will be a June agenda item. Ms. Custer agreed and said it is being worked on. Commissioner Warbington asked if there will be a conditional item Tuesday for the ordinance change to reflect State law; Ms. Custer agreed, adding that another conditional item from yesterday's MOU with ASU will also be discussed.

Mayor Dorough advised that it is §3.3.11(mixed drinks to go) and he wants Albany to mirror the State. He stated that he would like to have a presentation on animal control after the budget is adopted and he asked the number of staff and mentioned recruiting additional employees.

Commissioner Young mentioned curb/gutter on Colquitt Avenue, asking Mr. Brown for more options to address the drainage issue. He added that the previous City Manager had advised him that to be equitable, the same measures taken for Stuart will be used on Gordon's drainage pond.

MAY 21, 2024
COMMITTEE OF THE WHOLE
GOVERNMENT CENTER BUILDING
ROOM. 100

CITY MANAGER'S COMMENTS/UPDATES

Mr. Brown recalled discussion regarding Energy Efficiency and Conservation Block Grant, with the deadline being extended to October 31st, mentioning Mayor Dorough's recommendation of additional EV charging stations. He referred to a proposal sent by the Albany/Dougherty Payroll Development Authority for an option to market the Paul Eames Complex as a possible development site.

Commissioner Howard expressed concern about junk cars parked on the streets, behind houses, etc., asking if the PIO can make flyers to be mailed out in Utility bills. He mentioned a recycling company on HWY 300 that will buy junk cars for \$300-500, and a wrecker service will haul vehicles to the recycler and take their fee out of the proceeds. He also noted unsafe activities he has seen on city streets at night, and the trash that the public continues to litter our community with suggesting that a method of keeping our city clean is desperately needed.

There being no further business, the meeting adjourned at a.m. 11:11 a.m.

SONJA TOLBERT
CITY CLERK