

JANUARY 6, 2021  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100 (Virtual Meeting)

PRESENT: Mayor Bo Dorough  
Mayor Pro Tem Jon Howard  
City Commissioners: Chad Warbington and Demetrius Young  
City Attorney: C. Nathan Davis

Mayor Dorough called the (virtual) meeting to order at 8:30 a.m. and confirmed the attendance of those on the virtual conference call as follows: City Manager Sharon Subadan, Commissioners Matt Fuller, Bob Langstaff and Commissioner Fletcher

PUBLIC HEARINGS

Mayor Dorough opened the public hearing for the following:

1. Zoning Case #20-042 – Nick Hillery/Owner/Applicant; requests to rezone property located at 200 N. Mock Rd. from C-6 to C-2

Using a power point presentation (copy on file), Planning Director Paul Forgey reviewed the zoning application and advised that the Planning Commission recommends approval.

In reply to Mayor Pro Tem Howard regarding this being a car wash, whether there will be drainage and concrete required to prevent the water from seeping into ground water, Mr. Forgey replied affirmatively, adding that it will be paved.

At this time Commissioner Fletcher announced her presence.

In reply to Commissioner Warbington, Mr. Forgey stated that a site plan is not required for zoning applications. Commissioner Warbington stated that there is not much detailed information regarding the application and asked if the stated size of the building will be what is built. Mr. Forgey explained at this point it will be but will have to go through Permitting and site plan review for the building, adding that City regulations may require modification/changes and that it is a lawn care service, which slows down in winter months. He advised that Mr. Hillery also plans to have the war wash service to provide year-round employment for employees and that he is uncertain of the volume of business the car wash will have. Commissioner Warbington noted that the next application has a site plan with Mr. Forgey advising that site plans are only required for Special Approvals, etc.

In response to Mayor Pro Tem Howard, owner/applicant Nick Hillery, stated that concrete is already there and explained that he does not plan to add asphalt and discussed having enough room for drainage, complying with the right-of-way and spaces for parking; however, he advised that he does intend to add more concrete.

Commissioner Fletcher mentioned a carwash in her ward having loud noises, etc., and asked if Mr. Hillery if he had means of addressing that issue while cars are being detailed. Mr. Hillery discussed his work ethics/standards and assured that noise will not be a problem.

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Commissioner Warbington stated that he wants to be sure that the adjacent neighbors, (residents/businesses) are protected and asked if the size of the building stated in the application is the size of building that will constructed. Mr. Hillery explained that his plans are for something small and that. Commissioner Warbington asked Mr. Hillery to consider the shape of the lot and size of the building, although it's not a requirement, he would like to see how Mr. Hillery will develop the lot. Mr. Hillery stated that he is new to this process; however, he wants to be a good neighbor and make the neighborhood better.

Mayor Dorough asked if he planned on parking trailers/mowers/vehicles on the property. Mr. Hillery advised that the mowers are locked inside the trailer; they are only outside when they are being repaired or when in use.

Mr. Forgey explained that the City has strict regulations regarding drainage; it will be a paved surface that collects water and then appropriately drains, adding that Mr. Hillery will be required to meet Planning's standards. Regarding the noise, he advised that there could be a condition requiring that it be a handwashed carwash and prohibited from converting to an automated carwash.

Mayor Pro Tem Howard advised that the fire station moved because the foundation was beginning to sink and became unstable and asked if Mr. Hillery is aware of that. Mr. Forgey stated that he was unaware and is unsure if Mr. Hillery knows.

Mayor Dorough asked Mr. Hillery if he would object to special conditioning limiting the carwash to handwashing. Mr. Hillery stated that he does not want an automated system. Mayor Dorough explained that a condition would prevent him from converting in the future.

2. Special Approval Case #20-048 – Latronna Bush/Owner/Applicant requests Special Approval to operate a Group Day Care Facility on property located at 1812 Gillionville Road for up to 18 children within the R-2 District

Using a power point presentation (copy on file), Mr. Forgey reviewed the application and advised that the Planning Commission recommends approval. He added that the exact number of children will be determined by the State in the process of licensing the facility and, it would have to be 18 or less.

Mayor Pro Tem Howard noted the proximity of the property to a busy highway and asked if it is fenced. Mr. Forgey explained that it is not a requirement of zoning and the applicant will have to answer that.

Commissioner Warbington asked if the Special Approval stays with the property; Mr. Forgey replied affirmatively.

In reply to Mayor Pro Tem Howard, Latronna Bush, applicant, stated that she has been in business there for eight years, adding that the children are allowed only in the back, which has a 5' fence; the ages vary (up to ten) and the majority are about ten years old.

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In reply to Commissioner Warbington, Ms. Bush stated that she does not know how many additional children the State will approve, however, she needs for it to be more than seven. A brief discussion followed regarding ingress/egress; change in the appearance of the property; additional cars parked on the property, etc.

3. Zoning Case #20-049 – United Parents, Inc./Owner; Adrienne Hill/Applicant; request to rezone property located at 2500 Nottingham Way from C-R to C-1

Using a power point presentation, Mr. Forgey reviewed the application and advised that the Planning Commission recommends approval.

Commissioner Warbington commented on this being the third zoning in the last 12-18 months geared toward signs and suggested that signs should not be driving zoning due to setting a precedence for opening up property to uses that should not be in that district. It is not his intent to prevent people from getting signs, it just should not be through a zoning change. Mr. Forgey explained that the proposal is to allow the applicant to place it where they want it, but they have indicated that they would like to replace the existing sign with the new one (southwest corner), advising that a condition can be placed allowing the sign to only be located where the current one is.

Commissioner Younger stated that he shares the same concern of Commissioner Warbington regarding resolving sign issues through the property being rezoned and, briefly discussed the impact to the neighborhood. Being unsure of what Deerfield's future plans are, he suggested that the City Commission is responsible for better community planning and staff needs to be given direction on how better to design our community.

Mayor Dorough noted that the expansions have not been designed yet; however, Stuart and Nottingham are being expanded with four lanes and asked Mr. Forgey if the sign might end up in the right-of-way. Mr. Forgey advised that the existing sign is not in the right-of-way and expects no change respecting that in the expansion

Adrienne Hill, applicant, advised that they plan to keep the sign in the existing location with the multi-message reader to be erected on top of the existing sign, so the footprint will not be enlarged. When initiating the process, they were unaware that they would have to apply for a zoning change, adding that there are no plans to change the use of the property and that they will comply with any restrictions/limitations that may be imposed.

Deerfield Coach Allan Lowe stated that he is here to answer questions, adding that the main intent is to enhance the current sign.

Mayor Pro Tem Howard noted stipulations of placing signs within 150' of residential areas and asked if the lighting will be discontinued between 11:00 pm and 6:00 am.; Ms. Hill replied affirmatively.

There being no further comments, Mayor Dorough closed the public hearings.

Commissioner Young asked if Mr. Davis can begin drafting an ordinance that addresses the sign issue or amend the existing ordinance. If the only intent is the take advantage of the electronic sign, there needs to be another process to accomplish that instead of rezoning property.

Ms. Subadan advised that preliminary work has already begun on this matter; however, so many other issues have taken precedence, but it can be taken up and moved forward if that is the desire of the Commission.

Commissioner Warbington agreed with Ms. Subadan, noting the drastic difference between C-R and C-1 classifications, adding that he would like to prevent any unintended consequences.

Commissioner Young agreed with Commissioner Warbington, adding that is the reason better community planning is vital.

### SPEAKER APPEARANCE

1. Henry Mathis addressed the issue of youth violence and referenced a December 12, 2020 meeting with various law enforcement agencies to discuss safe neighborhoods, which has been the traditional approach. He commented on youth (mostly African American males) violence and asked that youth violence be viewed from a public health perspective and Commissioners to address it with a public health approach, as it affects the entire community. He briefly reviewed the focus of a public health approach and rehabilitating violent individuals. He discussed the method used by the Minneapolis Health Department and urged Commissioners to contact Dougherty County Public Health Dept., to learn more about it, adding that he hopes we will mirror it. He advised that the CDC declared youth violence as a public health issue and listed the five strategic areas for youth violence prevention through various programs: STRYVE (Striving to Reduce Youth Violence Everywhere) and UNITY (Urban Networks to Increase Striving Youth). He discussed the creations of ACE's (Academic Center of Excellence), with the CDC funding several throughout the country, and suggested that Albany State University can be instrumental in helping solve some of these problems in Albany. In closing he asked that the Commission prioritize prevention and create a corroboration among the CDC, Public Health, Primary/Behavioral Health, law enforcement, the judicial system, school and faith-based organizations and for ASU to launch a Firearm Violence Prevention Research Center. There were 21 deaths last year, but complete silence from local leaders; the shame is that there are resources available to help.

Mayor Pro Tem Howard asked if Mr. Mathis has discussed his recommendation with Albany Police Chief Michael Persley; Mr. Mathis replied affirmatively, adding that Chief Persley supports approaching gun violence from a public health perspective, reiterating CDC's available resources to fund such initiatives. Mayor Pro Tem Howard urged Mr. Mathis to contact Commissioner Chad Warbington in respect to the Public Safety Task Force and ask to give a presentation. Mr. Mathis briefly discussed the research regarding factors to reduce youth violence and suggested: creating safe places; increase, not lessen, opportunities; a comprehensive youth plan, which would include mentorships, shadowing programs, internships; etc. He listed factors that research has shown to have a direct bearing on violence, especially youth. He again asked that that youth violence be made a public health issue, support establishing an ACE with ASU, prioritize a prevention collaboration and seek CDC funding.

Commissioner Warbington assured Mr. Mathis that he will contact him within the next month to address the Public Safety Task Force and agreed that this issue must be a priority and we must get to the root cause and work with the younger youths before they fall into a cycle of violence.

Commissioner Young mentioned the collaborations and myriads of studies having already been conducted. Regarding the silence Mr. Mathis mentioned, he stated that he feels we are not focused on the right things, which are the guns and suggested that if they are taken away, so are opportunities for violence, adding that treating the symptom is worthless if the patient continues go to the source of infection and that he feels we are talking about the wrong subject. Regarding the silence, it is when he says ‘gun control’ he is met with silence. If we do not address the right things, we will be back next year in the same situation. Mr. Mathis advised that he and Chief Persley have exchanged information on safe neighborhoods and listed several recommendations to reduce youth violence. Regarding gun control, he stated that he is a 2<sup>nd</sup> Amendment proponent, adding that the guns are not killing us, but rather the illegal guns and those who do not possess a license to carry a gun. Referring to the Minneapolis study, he discussed the profound impact of the program.

Mayor Dorough stated that the City has to do whatever is needed to put at risk youth on a positive path, adding that the compelling factors in the presentation, which documented the decrease in crimes and arrests, is reason to pursue this course and accessing funds. Referring to Albany State, he asked Ms. Subadan if the Safety Task Force committee should ascertain the University’s interest in undertaking this project. Ms. Subadan agreed that would be the appropriate avenue, as well as this issue under the same umbrella.

## **PUBLIC SAFETY MATTERS**

### **ALCOHOL LICENSE APPLICATIONS – TRANSFER OF OWNERSHIP**

Marshal Walter Norman, Business License Director, reviewed the following information (copy on file), noting that the applicant meets criteria for approval to transfer ownership to Sanjaykumar Patel:

1. Kaival 1608 Inc; d/b/a/ Sunrise Store; 1608 W. Broad Avenue; R. Edwards/Agent; Beer and Wine Package, Ward 3

There were no questions/comments regarding this item.

## **PUBLIC WORKS MATTERS**

### **STREETS/ALLEY IMPROVEMENTS**

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Engineering Director Bruce Maples discussed information (copy on file) pertaining to the City sharing the cost of Tuner Field Road widening regarding Love's Travel Stop located on Clark Ave.

In reply to Mayor Pro Tem Howard regarding the intersection of Clark Avenue/Turner Field Road and trucks making U-turns, Mr. Maples referred to the construction plan and advised that Clark Avenue is a State route with limited access and DOT will not allow any driveways off of Clark. Love's is building an additional road on the north side of their property, which ends in a cul-de-sac, adding that they are looking at late April/early May as the timeframe for construction. Mayor Pro Tem Howard asked if Love's has site control of the 50+ acres adjacent to Concrete Enterprises. Mr. Maples stated that he believes that the 50 acres are still part of the original development and still owned by the original owners. Also, others have come in expressing interest in the property.

Commissioner Warbington mentioned the turning lane at Turner Field/Clark Avenue intersection, which is only 20' or so. Mr. Maples agreed that it is very minimal; with traffic backing up if a semi is turning there. Commissioner Warbington clarified that the proposal is to take the turning lane back to the new road being constructed by Love's Truck Stop; Mr. Maples agreed. Commissioner Warbington asked if this is due to Love's Truck Stop's increase of tractor-trailer traffic and not because of the current volume of tractor-trailer traffic. Mr. Maples discussed 'peak hours' (usually morning hours at this intersection) in which traffic becomes congested but decreases throughout the day. Even so, Commissioner Warbington noted, this is due to Love's Truck Shop and why was it not required as part of their overall development. Mr. Maples explained that originally that was required, but they said that the \$110,000 was not factored into their economic plan. In reply to Commissioner Warbington regarding the requirements made of Homerun Foods Truck Stop built on Moultrie Road, Mr. Maples explained that is in the county and he cannot attest to that. Commissioner Warbington expressed concerns regarding Love's being a large corporation, which sought out the City and that corner, adding that it will be profitable for them to be there and based on that they need to do what is right in terms of the additional traffic on our roads. He commented on DOT regulations and the requirement to exit on a city road, suggesting that this is setting a precedence for negotiations with future developers.

Mayor Dorough advised that he wants to see this done, but appreciates Commissioner Warbington's concerns, asking if any other concessions were made to Love's. Mr. Maples and Ms. Subadan stated that there were none. Mayor Dorough asked if the Payroll Development Authority provided the land at no cost; Ms. Subadan stated that she will have to check. Mayor Dorough stated that he feels the economic impact is inflated; however, he feels it will be a good business for E. Albany; asking Mr. Maples if the cost is \$110,000; Mr. Maples advised that the City's portion would be \$55,000. As opposed to agreeing to half of the amount, Mayor Dorough recommended putting a maximum cap of \$55,000 in the event of cost overruns or other issues that could arise (environmental, construction, etc.). He asked about the point Mr. Maples made; if a lane is required later, the City will be responsible to bear the entire cost. Mr. Maples explained that if the lane is not done now, the City must notify DOT to modify their plans as they are moving forward and at some point, will be upgrading the traffic signal from the current configuration to whatever is proposed at the intersection. Mayor Dorough asked if at a later date the access lane is added, it would be taking property from the truck stop; Mr. Maples explained that it would be well within the existing Turner Field Road right-of-way, adding that the current right-of-way will accommodate the widening. Mayor Dorough again asked if any other economic incentives were

provided to Love's, adding that he finds it surprising that \$55,000 would be a burden on Love's \$14.0 million project and, it could result in major consequences for the City regarding future development in which the City could be asked to share in the cost.

Mayor Pro Tem Howard clarified that Mr. Maples said that an additional lane on Turner Field Road would be constructed in the future. Mr. Maples explained that the information provided by Love's traffic engineering consultant regarding anticipated trip generation, indicates that it will be needed when the development is completed. Mayor Pro Tem Howard agreed with Mayor Dorough's assessment of sharing the cost with Love's. He mentioned the other end of Clark at Maple Street and clarified that Mr. Maples said that a convenience store was going there. Mr. Maples stated that looking up Maple Street to the right (the northeast corner), discussions have been underway with a group of people about a convenience/service station going in on that corner.

Commissioner Fletcher commented that the founders of Love's Truck Stop are billionaires, with their corporate headquarters nowhere near Albany, suggesting that they can bear the cost better than our taxpayers.

Commissioner Warbington commented on not knowing where we are in the process with them, i.e. approving drawings, etc., and asked if we can say it is a requirement that they must fund and complete. Mr. Maples stated that there are various options; a lot of time and energy has been devoted to promoting development on the east side of town and he hopes they are receptive to the offer made to them. For clarification, Commissioner Warbington stated that the City can require this of them and not pay for any of it. Mr. Maples advised that they were required to do the traffic study because of the impact to the City's existing infrastructure. Commissioner Warbington asked if T-SPLOST would be used if the City decided to cost-share; Mr. Maples agreed. Commissioner Warbington stated that reallocating SPLOST funds for this and then not being able to improve intersections that were on the referendum and voted on will create citizen mistrust.

Ms. Subadan stated that they can be compelled to do as the City asks. In the City's desire to be business-friendly, their request was brought to the Commission for a policy decision. Referring to Commissioner Warbington's discussion, she said that it is not typical (their request); however, they will be bringing tax revenue (T-SPLOST tax revenue) to the city and more than make up the \$55,000 in very short order. With the never-ending discussions about economic development and bringing business/jobs/economic activity here, it behooves the City to be business-friendly and is the reason this was brought to the Commission for a decision. We all must look at this and consider the big picture. Regarding economic incentives, there were no other incentives offered by the PDA or EDC.

### **CITY MANAGER UPDATE**

Ms. Subadan's report included: COVID-19 numbers are rising among City staff, which is being evaluated to require more social distancing and some employees working remotely, today there are 43 impacted employees. Phoebe reports that it is running out of beds and citizens need to be urged to follow recommendations to reduce the spread. She advised that an update has been prepared for Task Force activities, which will be presented at the next meeting. If Commissioners are amenable, she asked that they consider going into Executive Session following the Work

Session to discuss pending litigation and two real estate issues, adding that her report will be sent via email.

In reply to Mayor Dorough, Mr. Davis explained that an Executive Session would not be prohibited by there being no advance notice if the usual procedure is followed – a motion/second/four votes. The consensus was to hold the Executive Session today.

Mayor Pro Tem Howard questioned the start of basketball being delayed with the spike of the virus. Ms. Subadan advised that it already started (basketball) but is being monitored and appropriate precautions are being taken. No one wants to take anything else from the kids, but there may be no other choice and it is possible we may have to. Mayor Pro Tem Howard discussed the need to ramp up taking extra precautions again to prevent more spikes in cases here.

Mayor Dorough stated that churches need to seriously consider resuming remote services. He referenced the Georgia Municipal Association (GMA) notice that was issued yesterday which had a reminder of the Governor's Executive Order. He added that there are provisions in it which are not being enforced: bars are supposed to be at 50% capacity; the Health Department required restaurants to maintain a certain separation of tables; however he has noticed that they are not complying. He advised that by virtue of being provisions in an Executive Order, they are State laws; it is not discretionary, and we are obligated to enforce all provisions in the Order. Mentioning compliance checks, he stated that when the numbers went down, the City discontinued compliance checks, but the provisions of the Executive Order must be enforced.

### **ITEMS FOR FUTURE AGENDA**

Mayor Pro Tem Howard asked the possibility that all first responders be considered for hazard pay, including 911 operators. Ms. Subadan explained that there is no provision for hazard pay in our current policy, but it can be researched, and options brought back to the Commission.

Commissioner Warbington stated that he learned that the Humane Society has closed again (first week of December); therefore, they have not had any intake of animals since then. Chief Persley explained that toward the end of December, they were closed due to an outbreak; however, arrangements were made with Lee County Animal Shelter to house animals with any kind of emergency issue. He said he does not have a current update but will provide one once he receives it. Commissioner Warbington mentioned tabling the contract several months ago and other issues with the Humane Society. Bordering on being a public safety issue is the lack of a dependable facility to house our stray/dangerous animals and he does not have the confidence to advise/assure citizens how the City would respond in the event they have an issue with stray/dangerous animals. Chief Persley reiterated the arrangement with Lee County when there are emergency situations, adding that he continues to respond to those calls and that some local vets are picking up the slack, adding again that when he gets the status update, he will be sending it to Commissioners.

A brief discussion ensued to have the Humane Society and dangerous dogs on the first work session in February and that Chief Persley will provide the written status update once he has received it.



Mayor Dorough advised that his items are census numbers/information and an update on sidewalks for Broad Ave. This is not an agenda item, but he would like for Mr. Davis/staff to provide a report regarding the gates on the Rails to Trails path. He mentioned the \$35.0 million in disaster mitigation awarded after the 2017 storms with Ms. Subadan explaining that the amount is not accurate, and the money will not just be ‘given’; it will be an allocation. Mayor Dorough stated that the County should hold a public hearing due to citizens expecting financial assistance and four years later and they do not know the status of that program. He mentioned the rotation of the Mayor Pro Tem position, adding that he is unsure if Commissioner Fuller will be the Mayor Pro Tem or if he already is. He recommended that information regarding the categories of the vaccination, where citizens can get vaccinated, etc. be posted on the access channel.

Referring to the disaster mitigation funds, Ms. Subadan advised that the County put information out Monday (via press release) that they are now taking applications, adding that she believes that the public hearings are required by law and that process has been completed. Mayor Dorough suggested getting the information to *The Albany Herald* to help get the word out. Regarding the rotation of Mayor Pro Tem, Ms. Subadan stated that the Clerk will be putting that, with other appointments, on the second work session in January. Regarding the vaccine, she mentioned the confusion, but staff will do its best on the information received.

**EXECUTIVE SESSION - Real Estate and Pending Litigation**

At 10:55 a.m., Commissioner Warbington move to enter Executive Session to discuss real estate matters and pending litigation, seconded by Mayor Pro Tem Howard; the motion unanimously carried as follows:

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

At 12:17, Mayor Pro Tem Howard moved to exit Executive Session, seconded by Commissioner Young; the motion unanimously carried as follows:

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

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There being no further business, the meeting adjourned at 12:18 p.m.

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SISSY KELLY  
ASST. CITY CLERK