

FEBRUARY 23, 2021

REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF ALBANY,
GEORGIA
GOVT. CENTER – RM 100

PRESENT: Mayor Bo Dorough
Mayor Pro Tem Matt Fuller (attended virtually)
City Commissioner: Jon Howard
(Virtual participants: BJ Fletcher, Chad Warbington, Bob Langstaff,
Demetrius Young and, City Manager Sharon Subadan)
City Attorney: C. Nathan Davis

Mayor Dorough called the meeting to order at 6:02 p.m., and the invocation that was given by Pastor Garrett Grubs, Sherwood Baptist Church, was followed by the pledge of allegiance.

Commissioner Howard moved to approve the minutes of the previous meeting, seconded by Commissioner Warbington and, following a roll call vote, the motion carried 6-0 (Commissioner Young had lost connection).

REPORT OF THE COMMITTEE OF THE WHOLE

Planning Director Paul Forgey gave a brief overview of the following:

1. Special Approval Case #21-008- Request Special Approval for property located at 2115 Radium Springs Road; to construct a self-storage facility in the C-3c District.

Commissioner Young asked the regulations and stipulations regarding having junk cars on the property. Mr. Forgey explained that the zoning does not allow storage of junk vehicles and advised that if the Special Approval request is approved and the applicant builds a storage facility, he will not be allowed to store junk vehicles outside. If he should violate this, it should be reported to Code Enforcement to be addressed with the owner. However, as a storage facility, people could potentially store vehicles that are inoperable/registered inside an enclosed storage facility. Commissioner Young asked if his plans include storage pads that other facilities have allowing boats or vehicles for outside storage. Mr. Forgey explained that they do not specifically include that, adding that he believes the others do not have that either. He advised that if it is a problem for the applicant to store operable vehicles outside, it should be specified in the approval, which has never been done on previous approvals, adding that a dedicated area to store vehicles/boats is needed and, the applicant did not include it on the site plan.

Mayor Pro Tem Fuller moved to approve the Special Approval request with the condition that no vehicle of any kind will be allowed to be stored outside of the storage unit with the contingency that the project must be started within 18 months.

Commissioner Young clarified that time constraints are permissible as a condition with Mr. Davis advising that he does not believe that a deadline is enforceable, adding that junked vehicles are prohibited on residential property as provided in the Code and can be included as a condition in the approval. Mayor Pro Tem Fuller clarified that he was referring to vehicles, i.e., RV, boat, classic cars, etc., would be stored inside behind doors, adding that he understands a start time for the project cannot be imposed; Mr. Davis agreed, adding that boats, etc., can be put in as a condition. Mayor Pro Tem Fuller restated his motion, which includes the stipulation that vehicles are not allowed to be stored outside of the units, seconded by Commissioner Young.

In reply to Commissioner Warbington regarding whether the Special Approval can be revoked if the project is not started, Mr. Forgey stated that he does not believe that is legal since a zoning action is a legislative action of the City Commission and to change the land use, legislative action is required and cannot be 'undone' because of a lack of action on the applicant's part; however, he explained that the City could change it in the future if he does not act quickly enough. Mr. Davis stated that the City would have to file a petition to rezone the property. Commissioner Warbington asked who spoke at the Planning Commission's meeting on this matter with Mr. Forgey stating that the applicant, engineers, and the same gentleman (Cameron Morris) who spoke at the City Commission's public hearing.

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Hearing no further comments and, following a roll call vote, the motion carried 4-3 with Commissioners Howard, Fletcher and Warbington voting no.

ALCOHOL LICENSE APPLICATION – Transfer of Ownership

Marshal Norman briefly reviewed information on the following Alcohol License transfer to Kenneth Thomas, which meets criteria for approval:

1. Alcohol License Application – Transfer; Food Lion LLC; d/b/a Food Lion #2820; 2800 Old Dawson Road; K. Thomas/Agent; Beer and Wine Package

Mayor Pro Tem Fuller moved to approve the transfer, seconded by Commissioner Warbington and, following a roll call vote the motion carried 6-1 with Commissioner Howard voting no.

Marshal Norman briefly reviewed information on the following Alcohol License transfer to Ebony Mitchell, which meets criteria for approval:

2. Alcohol License Application – Transfer; Arshan Enterprise LLC; d/b/a Albany Food Mart; 2125 Newton Road Suite B; E. Mitchell/Agent; Beer and Wine Package

Mayor Pro Tem Fuller moved to approve the transfer, seconded by Commissioner Fletcher and, following a roll call vote the motion carried 6-1 with Commissioner Howard voting no.

APPOINTMENT

City Clerk Sonja Tolbert advised that the appointment to the Long-Term Financial Planning Committee is to fill an unexpired term left vacant by former Commissioner Tommie Postell, adding that the Utility Board will make its appointment at their next Board meeting.

1. Long Term Financial Planning Committee – Commission appointment

Commissioner Young recalled a question regarding the balance of funds in the LTFPC. Ms. Subadan stated that she thought she had sent the information but will send again.

Commissioner Howard nominated Commissioner Young. Mayor Pro Tem Fuller nominated Commissioner Warbington; there were no further nominations.

The roll call vote on Commissioner Young's nomination failed 3-4 with Mayor Pro Tem Fuller and Commissioners Fletcher, Warbington and Langstaff voting no.

The roll call vote on Mayor Pro Tem Fuller's nomination of Commissioner Warbington carried 6-1 with Commissioner Howard voting no.

Mayor Dorough noted Commissioner Young's questions regarding this Committee being established when the Utility Board was essentially an independent entity and asked Ms. Subadan the status. Ms. Subadan stated that the current balance is \$22,931,578.00. Mayor Dorough asked that the amount be broken down into the three funds. Ms. Subadan advised that this is the amount in the Job Investment Fund; the General Fund has zero balance, and the Utility Fund has \$6.0 million. Mayor Dorough mentioned the upcoming retreat, asking for a presentation explaining how funds have been expended. Ms. Subadan stated that it is on the email she sent, but preparations will be made to discuss it at the retreat, adding that she also sent the by-laws of the Committee, explaining that the Long-Term Financial Planning Committee only convenes when there is a project.

ORDINANCES

Planning Director Paul Forgey briefly discussed information on Zoning Case #21-006.

Mayor Pro Tem Fuller introduced:

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AN ORDINANCE NO. 21-103

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 700 N. Cleveland St. from R-2 to C-5

Mayor Pro Tem Fuller then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Howard and, following a roll call vote, the motion unanimously carried.

A brief discussion followed with Mr. Davis briefly discussing the suggested changes in the below alcohol ordinance.

Commissioner Langstaff referred to the third ordinance, which adjusts the time for sales by the drink and verified that this does not apply to restaurants; however, the drafting of the ordinance states “all premises licensed to engage in such sales by the drink may remain open until 3:30 a.m.”. Mr. Davis explained that restaurants meeting the 50% of food sales rule have a special section on that. Commissioner Langstaff again asked for clarification that it does not apply to restaurants meeting that requirement; Mr. Davis agreed, adding that in addition to restaurants, hotels/motels that comply with the 50% plus \$1.00 more of room rentals are also included. He explained that restaurants and hotels/motels are governed by different provisions.

In reply to Mayor Dorough regarding the process for denial hearings, Mr. Davis stated that the current ordinance had provisions for a denial hearing; however, it was not clear and, the amended ordinance clearly explains the hearing process. The second amendment is patterned after the signs for rezoning applications, which are posted in neighborhoods affected by the action. Mayor Dorough asked for a copy of the provisions regarding restaurants/hotels/motel, adding that State statutes regarding businesses that derive 50% or more of their income from lodging/food services preempts whatever is in the City’s ordinance.

A brief discussion followed with Commissioner Young also asking for clarification on the time restaurants stop serving and Mayor Dorough advising that Mr. Davis will provide the answer.

Mayor Pro Tem Fuller introduced:

AN ORDINANCE NO. 21-104

Amending Sec. 6-109 to adopt a new procedure for denial of Alcohol License Applications as well as denial of Transfer of Alcohol License

Mayor Pro Tem Fuller then offered the ordinance and asked for unanimous consent to dispense with the second reading and ask for its adoption, seconded by Commissioner Howard and, following a roll call vote, the motion unanimously carried.

Commissioner Howard introduced:

AN ORDINANCE 21-105

Amending Sec. 6-82 to adopt a new procedure for providing notice of Alcohol License Applications including requiring posting of sign at proposed locations

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

To clarify Commissioner Young’s question, Mayor Dorough asked if one business with an alcohol license sells out to another business, how long can the purchasing business continue to sell alcohol if the transfer has not yet been approved by the Commission. Marshal Norman explained that if a location that is currently selling alcohol decides to continue selling alcohol during the application process they can do so until the application is approved. Mr. Davis interjected that alcohol licenses are just for one year, so the license currently in place can be used by the transferee until it expires.

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In reply to Commissioner Young regarding whether transfers are nullified if the business closes, Marshal Norman confirmed that if the business closes, the alcohol license is also closed. Hearing no further comments and, following a roll call vote, the motion unanimously carried.

Commissioner Warbington introduced:

AN ORDINANCE NO. 21-106

Amending Article 1, Section 6-5(b) of Chapter 6 of the Code of the City of Albany so as to delete the provision that allows up to four employees to remain on the premises until 5:00 A.M.; to change the time by which licensed premises must be cleared of patrons and cleared of employees

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 Howard and, following a roll call vote, the motion unanimously carried.

Commissioner Howard commended the efforts of Commissioner Warbington in gathering information on this matter and bringing it to the Commission, despite the pushback that resulted.

Commissioner Fletcher noted that suddenly there is talk about restaurants that cannot serve after midnight. She named local restaurants that sell alcohol and asked for clarification regarding this as she does not want to have to go back to those restaurants and tell them they must stop selling alcohol at midnight. Mr. Davis interjected that restaurants do not stop at 12 midnight, adding that they have special provisions for selling on Sunday, the Brunch Bill, etc., and can take advantage of this ordinance, whereas a bar cannot. Mayor Dorough noted that there is nothing the Commission can do regarding state laws, which will have no impact upon restaurants.

Commissioner Warbington reported that regarding restaurants, the Code states that the only thing that affects restaurants is the sale of alcohol, with restaurants able to stay open 24/7 if they want to sell food. They do not have to clear their premises, but they do have to stop the sale of alcohol the same time as bars/nightclubs. He also mentioned the time and effort that went into the discussion of this matter by the Public Safety Committee, which feels this ordinance balances the public safety aspect, while helping establishments maintain the ability to make a profit.

Commissioner Langstaff confirmed with Mr. Davis that what Commissioner Warbington stated regarding how the ordinances work is correct with Mr. Davis agreeing that what Commissioner Warbington said is correct.

Commissioner Young stated that there are a lot of unknowns regarding this ordinance and suggested that the Commission should wait until getting a better understanding because establishments selling alcohol were not a part of discussions at the start.

Mayor Dorough noted some unreadiness from Commissioners Fletcher and Young, asking Mr. Davis if it would be appropriate if someone wanted to make a motion to continue, now is the time to do so. Mr. Davis agreed, adding that they can withhold the unanimous consent, which would push it to next month. Commissioner Fletcher stated that Commissioner Langstaff's explanation quelled her concern.

Hearing no further comments and, following a roll call vote, the motion carried 5-2 with Mayor Pro Tem Fuller and Commissioner Young voting no.

RESOLUTIONS

Mr. Davis advised that the City Clerk's office is officially in charge of the Records Management portion and his office handles all the Open Records Requests; this adopts a formal policy following State law. He briefly discussed the three-business day rule.

Commissioner Howard moved to adopt the following resolution, seconded by Mayor Pro Tem Fuller and, following a roll call vote, the motion unanimously carried.

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A RESOLUTION NO. 21-R105

Amending Resolution 99-R207 re: Open Records Act Policy; Adopting the City of Albany's Records Management Policy

Regarding the next resolution, Commissioner Howard briefly discussed the benefits of the Department of Public Health's SNAP-ED program and that information for developing a healthy lifestyle will be brought to the public through partnering with the City.

Commissioner Young agreed with Commissioner Howard, adding that people should have the opportunity to make healthy food choices as well as having healthy choices readily available to them for purchase.

Commissioner Howard moved to adopt the following resolution, seconded by Commissioner Young and, following a roll call vote the motion unanimously carried.

A RESOLUTION NO. 21-R106

Supporting the Department of Public Health's SNAP-ED Program

Engineering Director Bruce Maples briefly discussed the installation of speed tables at five locations and if approved, the funding source is TSPLOST.

Commissioner Young asked if the process for Wadkins Ave., was under the new process because that block has more renters than homeowners. Mr. Maples explained that the original process was used, but it met the required number of signatures.

Commissioner Warbington moved to adopt the following resolution, seconded by Commissioner Howard and, following a roll call vote the motion unanimously carried

A RESOLUTION NO. 21-R107

Approving installation of Traffic Calming Measures in the 2900 Block of Phillips Drive;
Authorizing the use of TSPLOST for such measures

Commissioner Warbington moved to adopt the following resolution, seconded by Commissioner Howard and, following a roll call vote the motion unanimously carried

A RESOLUTION NO. 21-R108

Approving installation of Traffic Calming Measures in the 3100 Block of Harvest Lane;
Authorizing the use of TSPLOST for such measures

Commissioner Warbington moved to adopt the following resolution seconded by Commissioner Howard and, following a roll call vote the motion unanimously carried.

A RESOLUTION NO. 21-R109

Approving installation of Traffic Calming Measures in the 3200 Block of Winterwood Avenue;
Authorizing the use of TSPLOST for such measures

Commissioner Warbington moved to adopt the following resolution, seconded by Commissioner Howard and, following a roll call vote the motion unanimously carried.

A RESOLUTION NO. 21-R110

Approving installation of Traffic Calming Measures in the 500 Block of Meadowlark Drive;
Authorizing the use of TSPLOST for such measures

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Commissioner Warbington moved to adopt the following resolution, seconded by Commissioner Howard and, following a roll call vote the motion unanimously carried.

A RESOLUTION NO. 21-R111

Approving installation of Traffic Calming Measures in the 400 Block of Wadkins Avenue;
Authorizing the use of TSPLOST for such measures

Regarding the following resolution, Ms. Subadan referred to the two Master Plan options for Driskell Park with the request to select an option to move this project forward.

Commissioner Fletcher thanked Mayor Dorough and Ms. Subadan for their support of this adding that it is exciting for the Driskell family and residents in the area.

Mayor Dorough moved to adopt the following resolution with the field option, seconded by Commissioner Howard and, following a roll call vote the motion unanimously carried.

A RESOLUTION NO. 21-R112

Requesting the City formally adopt a Master Plan for improvements to Driskell Park

Commissioner Warbington moved to adopt the following resolutions, seconded by Commissioner Langstaff and, following a roll call vote, the motion unanimously carried.

A RESOLUTION NO. 21-R113

Selecting Threadcraft Engineering, Inc. re: Development of the FY 21 CDBG Disaster Recovery Program Application of the 8th Avenue Basin in Phase I and Phase IV

A RESOLUTION NO. 21-R114

Authorizing a Memorandum of Understanding between the City of Albany and the Georgia Emergency Management and Homeland Security Agency re: Emergency Management Performance Grants Program

A RESOLUTION NO. 21-R115

Extending the Family First Coronavirus Response Act

A RESOLUTION NO. 21-R116

Approving the Combined Sewer Outfall (CSO) Solution Plan consisting of the Constantine Engineering Report, modifications recommended by City staff and analysis performed by Threadcraft Engineering, Inc.

There was a brief discussion on the following resolution with Interim Community and Economic Development Director Phyllis Brown explaining the request for authorization to use \$200,000 from CED's Small Business Forgivable Loan Program for the Food for Less Albany Grocery store project.

Commissioner Howard stated that he is familiar with a store similar to Food for Less asking Mr. Cody McDaniel, one of the principals for the Food for Less project, if there is a \$0.10 surcharge per dollar on items sold. Mr. McDaniel explained that using that format, Food for Less can get a lower cost and pass it on the customers at a lower price. Regarding customers using an EBT card, he explained that they pay no additional taxes on top of food purchases. Commissioner Howard asked Ms. Brown to explain the \$20,000 being forgiven on each anniversary. Ms. Brown advised that it is 0% financing for ten years; on the anniversary of the loan, \$20,000 will be reduced/written off until the loan is paid off. Additionally, one requirement is that on the anniversary of the loan, they must submit a Job Retention Report to CED to show jobs that have been retained or created by Food for

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Less; addresses of employees will be required to ensure that 80% of employees are from Albany/Dougherty County.

Commissioner Langstaff stated that when the Long-Term Financial Planning Committee was set up, requests went to the Committee for their recommendation to the City Commission, with the Commission making the decision. He suggested that it should operate like the Planning Commission whereby the Planning Commission only makes recommendations and asked if the LTFPC needs to meet and make a recommendation, with the City Commission holding a Special Called Meeting to approve the recommendation. Ms. Subadan advised that the Long-Term Financial Planning Committee has not been convened for a meeting yet, adding that because this is not a grant and does not follow a typical path of the Job Investment Fund, she felt that it was not necessary or appropriate to go to the LTFPC. Commissioner Langstaff discussed a loan versus a grant and the different way each are handled, adding that he thinks the Utility and City adopted a resolution on how the MEAG funds would be handled. Mr. Davis recalled an ordinance regarding the MEAG funds being divided into thirds, advising that the EDC did the vetting of requests to the LTFPC for funding. Commissioner Langstaff discussed the EDC being the gatekeeper; however, the Committee considered the request and made recommendations to the City Commission. He asked Mr. Davis if we need to take this funding request to the LTFPC or can the City vote on it tonight. Mr. Davis said that he concurs with the City Manager, a vote tonight is appropriate as it is not a straight-forward grant due to requirements they must meet.

In reply to Commissioner Young regarding the ‘cost plus ten’ as mentioned earlier, Mr. McDaniel explained the process including their cost (cost of the project, freight, fees, and associated expenses). Items that they do not stock themselves, those that are delivered to their store, they are sold at net cost; adding that they consistently have lower prices and products are not of inferior quality. Commissioner Young suggested Food for Less partnering with ATC for customer service classes/training for potential employees. Mr. McDaniel agreed and mentioned a similar partnership the Food for Less in Tallahassee has with FAMU. Mr. McDaniel thanked the City for the opportunity to be in Albany and looks forward to being a community partner with the City.

Commissioner Fletcher moved to adopt the following resolution, seconded by Commissioner Howard and, following a roll call vote, the motion carried 6-0 with no response from Commissioner Warbington. (See Other Business – the vote was unanimous)

A RESOLUTION NO. 21-R117

Authorizing use of \$200,000 in Community and Economic Development’s Small Business Forgivable Loan Program funds for the Food for Less Albany Grocery Store Project

Finance Director Derrick Brown briefly discussed the following ordinance and the need to adjust the budget by \$200,000 due to approval of using Job Investment funds for the Food for Less project.

AN ORDINANCE NO. 21-107
(See March 2, 2021 Special Called Minutes)

An ordinance amending the City of Albany’s Fiscal Year 2021 Budget

CONSENT AGENDA

Commissioner Howard moved to approve the consent agenda, seconded by Commissioner Young and, following a roll call vote, the motion unanimously carried.

1. W.A. Kendall & Company, Inc., and Trees Unlimited; ECG Piggyback
Est. exp. \$776,000.00

OTHER BUSINESS

Commissioner Howard thanked Mayor Dorough for the proclamation and the local media for coverage of Black History Month.

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Commissioner Fletcher mentioned that on Slappey Boulevard from 5th Avenue to Goodwill, there are burned buildings, cars parked everywhere, mannequins hanging out-doors, etc., causing Albany to look like a third world country. In reply to Mayor Dorough she said she is not suggesting a committee, but rather to get all code violations addressed.

Commissioner Warbington stated that he was unable to reconnect and asked to be allowed to cast his yes vote for the last two items in which he was inaudible. He stated that Mr. Davis has asked the Commission to entertain discussion regarding the Government Center with the County pertaining to the deed and asked if the Facilities Task Force (Commissioner Howard, Mayor Pro Tem Fuller and himself) could be authorized to meet with County Commissioners to bring options forward regarding the Government Center.

Commissioner Young asked if it would be more appropriate for the City Manager to develop an MOU with the County.

Mayor Dorough asked if this could be put on next Tuesday's agenda to discuss the proposal. Commissioner Warbington stated that his suggestion is to discuss in Executive Session. Ms. Subadan agreed and, a brief discussion followed.

Commissioner Young announced that Milton 'Junebug' Griffin was laid to rest today and recognized Mr. Griffin as a pillar of this community for his many contributions. He asked to have discussions regarding the renaming of Henderson Gym's baseball field after Mr. Griffin.

Mayor Dorough announced that today is Albany-Dougherty Day in Atlanta, adding that this is not the first time that the event has conflicted with a Commission meeting. He suggested that he be authorized to write a letter to the Chamber and request that they coordinate with the City Commission to avoid a conflict in scheduling this event in the future.

There being no further discussion, the meeting adjourned at 7:49 pm.

MAYOR

ATTEST

CITY CLERK