

OCTOBER 24, 2017

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

PRESENT: Mayor Dorothy Hubbard
Mayor Pro Tem Roger Marietta
City Commissioners: Jon Howard, Bobby Coleman, BJ Fletcher, Bob Langstaff,
Jr., and Tommie Postell
City Manager: Sharon D. Subadan
City Attorney: C. Nathan Davis

Mayor Hubbard called the meeting to order at 6:49 p.m., and called for a moment of silence, which was followed by the Pledge of Allegiance; she instructed the audience on the policy to address the Commission, whether through Citizen's Comments or Speaker's Appearance Forms.

Commissioner Postell moved to approve the minutes of the previous meeting, seconded by Commissioner Fletcher, the motion unanimously carried.

PUBLIC HEARING

1. Zoning Case #17-040 – Alan Dismuke, Owner/Applicant; request to rezone property located at 1016 N. Slappey Blvd. from C-1 to C-2. (**conditional**)

Using a power point presentation, Planning Director Paul Forgey discussed the rezoning application (copy on file), and displayed an aerial view of the property, advising that the request to rezone is to support a 2-day muffler shop. He discussed the zoning history, planning considerations, future land use map and advised that the Planning Commission recommends conditional approval, with the conditions alleviating any adverse effects on adjacent residential properties. He stated that rezoning to C-2 will not extend commercial further east on Slappey; it merely changes the type of commercial that is allowed. The condition is as follows: **Applicant will engage services by acoustical (sound) professionals to design a sound wall that extends along the east property line of 1016 N. Slappey Blvd. that mitigates sound from the proposed muffler shop.**

Commissioner Coleman asked the reason it is not to be used as a Muffler Shop. Mr. Forgey explained that the former building was destroyed in one of the January tornadoes; this building was left and they want to focus their business entirely on the smaller building. He stated that it is not used as a muffler shop because it is not permitted in the C-1 district and the C-2 allows automotive uses and advised that there were no citizens from the area who attended the Planning Commission meeting.

Commissioner Howard questioned the acoustical sound barrier buffer, with Mr. Forgey explaining the process of looking at the building, revving up engines, etc., to establish noise levels; adding that a sound study will determine the acceptable sound/noise level.

Commissioner Coleman questioned whether or not the applicant agreed to comply with the sound ordinance, with Mr. Forgey replying in the affirmative.

Commissioner Langstaff commented on prior zoning complaints as it relates to experts being used from out of town and asked if there is a local person who could provide acoustical expertise. Mr. Forgey stated that the closest cities are Tallahassee, FL and Atlanta with costs of \$2-6,000, adding that the condition in place will protect the neighborhood, but it is up to the Commission to approve the condition.

Ronnie Fitzgerald with Mad Hatter Mufflers signed up to speak, but had no comments.

Commissioner Langstaff told Mr. Fitzgerald that the Planning Commission recommended a sound wall and asked how much this will cost. Mr. Fitzgerald said he is not aware of the cost, but that they will comply with the condition regardless of the cost. He briefly described the damage/destruction of the former building from the January tornados adding that they will make the new building handicapped accessible.

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Mayor Pro Tem Marietta asked what will be done with the front portion of the property with Mr. Fitzgerald stating that it can be used for possible car sales. Mayor Pro Tem Marietta stated that he has used Mad Hatter Mufflers in the past and that they do a good job.

Commissioner Coleman asked what happens if the applicant does not comply with the condition, with Mr. Fitzgerald explaining that they will go out of business; however, he advised that neighbors have not complained in the 30 years they have conducted business there, adding that he will undertake whatever measures are needed to maintain his business at that location.

Commissioner Postell verified the location of the property and the owner (Alan Dismuke). Mr. Fitzgerald discussed the history of the property owners, adding that the original owner never attempted to have the property rezoned, but that is the course being taken now. In response to Commissioner Postell, Mr. Forgey advised that none of the Planning Commission members voted against the rezoning application. He clarified that the normal practice is to send the owner/applicant the conditions the Planning Commission places on the rezoning, adding that owner/applicants are aware of any and all conditions and must agree to them in writing.

There were no additional comments on this item.

2. Zoning Case #17-041; Denise Green, Owner/Applicant request to rezone property located at 633 S. Westover Blvd., from AG to C-5

Using power point, (copy on file), Mr. Forgey showed an aerial map of the property and advised that the request to rezone will allow a Day Care of 19+ children with required parking and playground area. He discussed the zoning history, showed surrounding maps, including the land use map and also discussed planning considerations. He advised that there will be no traffic impact and that the request complies with the future land use map and Comp Plan, adding that the Planning Commission recommends approval.

There was no one who signed up to speak to this matter.

Commissioner Postell clarified the use of the property with Mr. Forgey advising that it is a Day Care facility that cares for young children. Mayor Hubbard told Commissioner Postell that it was already a day care, with Mr. Forgey adding that the request is to add to the number of children they currently serve. Commissioner Postell expressed concern regarding the expansion of the existing day care with Mr. Forgey showing the location on the map once again, adding that in relation to the location it is a fair request. Commissioner Postell asked who monitors day care centers with Mr. Forgey advising that the State provides periodical monitoring.

Mayor Pro Tem Marietta stated that this is in his ward and that he has not received complaints from any of the neighbors.

Hearing no further comments, Mayor Hubbard closed the public hearing portion of the meeting.

REPORT OF THE COMMITTEE OF THE WHOLE

Commissioner Langstaff moved to approve the following purchase, seconded by Commissioner Fletcher; the motion unanimously carried.

1. Well #38 Rehab; Layne Christensen Co.
Total expenditure \$44,165.00

ORDINANCES

Mayor Pro Tem Marietta moved to ratify the following Ordinance (#17-113), seconded by Commissioner Fletcher; the motion unanimously carried.

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AN ORDINANCE NO. 17-113

Amending Section 24(1) of City Charter so as to provide for a maximum fine of \$1,000 re:
Municipal Court

Commissioner Langstaff introduced

AN ORDINANCE NO. 17-115

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property
located at 1016 N. Slappey from C-1 to C-2 **conditional**

Commissioner Langstaff then offered the ordinance and asked for unanimous consent to dispense
with the second reading and asked for its adoption, seconded by Commissioner Fletcher; the
motion unanimously carried.

Commissioner Langstaff introduced

AN ORDINANCE NO. 17-116

Amending the Zoning Ordinance and Map of the city of Albany to change the status of property
located at 633 S. Westover Blvd., from AG to C-5

Commissioner Langstaff then offered the ordinance and asked for unanimous consent to dispense
with the second reading and asked for its adoption, seconded by Commissioner Fletcher; the
motion unanimously carried.

RESOLUTIONS

The Clerk advised that, at the request of the City Attorney, the following was pulled from the
agenda.

A RESOLUTION

Approving the sale of an unused 10' wide alley running between 708 and 714 Third Ave., to
Tuttle and Victor

Commissioner Fletcher moved to adopt the following resolution, seconded by Commissioner
Coleman; the motion unanimously carried.

A RESOLUTION NO. 17-R164

Authorizing use of SPLOST VII funds for purchase of hardware for the Albany Utilities Dept.

Commissioner Fletcher moved to adopt the following resolution, seconded by Commissioner
Coleman; the motion unanimously carried.

A RESOLUTION NO. 17-R165

Authorizing the filing of an application with the Dept. of Transportation USA and the GA Dept.
of Transportation for a grant under Title 49 U.S.C. Section 5307

Commissioner Fletcher moved to adopt the following resolution, seconded by Commissioner
Coleman; the motion unanimously carried.

A RESOLUTION NO. 17-R166

Authorizing Second Amendment to the Subscribed Regulatory Compliance Service Program
Agreement between the City of Albany, GA and the Municipal Gas Authority of Georgia, Inc.
(MGAG)

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EXECUTIVE SESSIONN (pending litigation and Appointed Officials Evaluation)

At 7:17, Commissioner Howard moved to enter into executive session to discuss information as noted, seconded by Commissioner Coleman; the motion unanimously carried as follows:

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

At 7:48 p.m., Commissioner Marietta moved to exit executive session, seconded by Commissioner Howard, the motion unanimously carried as follows:

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

Mayor Hubbard called the Commission meeting back to order at 7:50 pm.; there being no further business, the meeting adjourned at 7:50 p.m.

MAYOR

ATTEST

CITY CLERK