

JULY 25, 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 8:05 p.m., and instructed the audience of the policy for addressing the Commission by filling out a Speaker's Comment form to speak about an issue on the agenda or Speaker's Appearance form.

The Pledge of Allegiance followed a moment of silence.

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

ROOT-BALL ROUNDUP RECOGNITIONS

Commissioner Langstaff moved to approve the following resolutions, seconded by Commissioner Howard; the motion unanimously carried.

Mayor Hubbard read the following resolutions recognizing Concrete Enterprises, LLC (Don Scozzari), Flint Equipment Co. (Bill Murphrey), and Yancy Bros. Co. (Jim Pace)

***ENTITLED (No. 17R-142, 143 and 144)
A RESOLUTION OF THE CITY OF ALBANY,
GEORGIA RECOGNIZING
CONCRETE ENTERPRISES, LLC,
FLINT EQUIPMENT COMPANY
YANCY BROTHERS COMPANY***

WHEREAS, *it is undisputed a January 2, 2017 tornado created situations requiring the use of heavy equipment; and*

WHEREAS, *under the pressing exigency of the tornado, Concrete Enterprises, LLC, Flint Equipment Co., and Yancy Bros., Co., stepped forward and allowed complimentary use of heavy equipment and personnel to assist citizens of Albany in root ball removal; and*

WHEREAS, *this action by Concrete Enterprises, LLC, Flint Equipment Co., and Yancy Bros., Co., alleviated the burden that was on citizens of Albany to move root balls from their private property to the curbside for collection,*

NOW THEREFORE BE IT RESOLVED *by the Board of Commissioners of the City of Albany, Georgia, and it is hereby resolved by authority of same that this Commission does hereby extend official recognition to Concrete Enterprises, LLC, Flint Equipment Co., and Yancy Bros., Co. for aiding the citizens of Albany during a most challenging moment.*

Let this Resolution be spread upon the minutes of this meeting and copies of this Resolution be furnished to Concrete Enterprises, LLC, Flint Equipment Co., and Yancy Bros., Co.

/s/ Dorothy B. Hubbard
MAYOR

ATTEST:

/s/ Sonja Tolbert
CITY CLERK

ADOPTED: July 25, 2017

Ms. Subadan stated that the root-ball roundup initiative was a volunteer effort and advised that employees work without compensation in assisting with the removal of over 300 root-balls, along with the help of the volunteer contractors and they are also being recognized tonight. She

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then called out the names of employees being recognized and added that without the help of Judy Bowles (KADB Executive Director), the initiative would not have been possible.

Charles Carr, Crew Supervisor Sr.
Alberdine Williams, Crew Supervisor Sr.
Michael Blakley, Equipment Operator 3
Kenneth Williams, Equipment Operator 3
Phil Roberson, Asst. City Manager
Stacey Rowe, Deputy Director of Public Works
Julia Watson, Project Administrator
Judy Bowles, Executive Director of KADB (Laverne Levins, Admin. Mgr. was not present)

Mayor Hubbard thanked the employees for their hard work and dedication in getting the job done.

Mayor Pro Tem Marietta also commended City employees, the volunteers and contractors.

PUBLIC HEARINGS (the public hearing scheduled at 6:30 was held during the work session)

1. FY 2018 Millage Rate

REPORT OF COMMITTEE OF THE WHOLE

Commissioner Langstaff moved to approve the following Alcohol License Application, seconded by Commissioner Fletcher; the motion carried 6-1 with Commissioner Howard voting no.

1. Pretoria Fields, LLC; d/b/a Pretoria Fields Brewery; 120 Pine Avenue; J. Morgan III/Agent; Beer Consumption, Beer Package, and Beer Brewers

Mayor Pro Tem Marietta moved to approve the following Alcohol License Application, seconded by Commissioner Postell; the motion carried 6-1 with Commissioner Howard voting no.

2. Havana Lounge; 234 W. Broad Avenue; A. Banks/Agent; Liquor, Beer and Wine Consumption

Mayor Pro Tem Marietta moved to approve the following Alcohol License Application, seconded by Commissioner Coleman; the motion carried 6-1 with Commissioner Howard voting no.

3. Crooked Lounge; 307 W. Broad Avenue; A. Banks/Agent; Liquor, Beer and Wine Consumption

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

4. Office Supplies, Staples Advantage
Estimated annual expenditure \$90,000.00
5. Consulting Services, Denovo Ventures
Estimated annual expenditure \$61,500.00

In reply to Commissioner Coleman on the automatic renewals, Yvette Fields, Central Services Director stated that the renewals are not automatic; should there be a lower bid, it will come before the Commission.

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APPOINTMENTS

1. Four appointments to Chehaw Park Authority for two-year term expiring July, 2019 and one appointment to Friends of Chehaw for two-year term expiring July, 2019

Mayor Pro Tem Marietta moved to reappoint Mary Ligon, Brenda Tiller and Mark Pickett and to appoint Richard Thompson, including the appointment of Candice Franklin as recommended by the Friends of Chehaw; seconded by Commissioner Fletcher; the motion unanimously carried.

2. Two appointments to the Aviation Commission for three-year term expiring July, 2020

Commissioner Langstaff moved to reappoint Charles Gillespie and Ken Hodges, seconded by Commissioner Fletcher. Commissioner Langstaff then moved to close the nominations on said names, seconded by Mayor Pro Tem Marietta. Hearing no further comments, Mayor Hubbard declared Dr. Gillespie and Ken Hodges duly reappointed.

3. One appointment to Animal Control Board for two-year term expiring June, 2019

Commissioner Langstaff moved to reappoint Dr. S. Whatley, seconded by Commissioner Fletcher, the motion unanimously carried.

4. Four City appointments to the Land Bank Authority to fill terms as noted

Ms. Subadan stated that she is recommending Donald Butts, Debbie Sutton, Eddie Dean Brown and Jamye Jaycox Cobb.

Commissioner Fletcher moved to approve the recommendation of the City Manager, seconded by Commissioner Langstaff; the motion unanimously carried.

ORDINANCES

Regarding the following ordinance, Mayor Hubbard stated that she will entertain citizen comments at this time.

AN ORDINANCE NO.

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 2402 Whispering Pines Circle from R-1 to C-2 conditional

CITIZEN COMMENTS

Mayor Hubbard advised that two people had signed up to speak on the next item (Ordinance - Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 2402 Whispering Pines Circle from R-1 to C-2 conditional). She advised that a petition with over 90 names was given to the Commissioners for consideration to deny the rezoning.

Bill Dunwoody spoke in opposition and commented on the land use, which is to protect the establishment of the neighborhood against encroachment. He referenced the petition (copy on file) and said the 90 plus names represent over 120 homes. He showed photos of holes in the fence that was constructed at Family Dollar, adding that fence was constructed as protection from noise, but is ineffective, and it is the same design proposed for this site. He also commented on the smell of fish cooking and the dangerous intersection that already exists in the area and asked that the Commission protect the citizens in the area.

Luis Vazquez said he has been a resident in the area for over 30 years; the neighborhood is quiet, with little to no foot traffic, which will change if this is approved. Regarding the legal

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description, he advised that it shows Whispering Pines Circle and not Dawson Road, adding that it is hard to get in and out of the neighborhood now. He also asked the Commission to deny the rezoning.

Joe Dent, representing the applicant, mentioned the motion made at the last meeting to approve by Commissioner Langstaff, but it was tabled to this meeting, pending the traffic count. He compared the 2015 and 2016 traffic count, stating that traffic has decreased in that area, and advised that the applicant agrees to all of the conditions that were placed on the application. Regarding the fence at Family Dollar to the one proposed at Captain D's, he suggested that this is comparing apples to oranges; the one proposed for the this zoning application must be acoustical and approved by the Planning Director, adding that the lighting carries the same stringent conditions, all of which will protect the neighborhood. He asked that the Commission approve the rezoning request.

Mayor Hubbard asked if this application complies with the comp plan. Paul Forgey, Planning Director, explained that the comp plan is in place to protect neighborhoods and that conditions were placed to help protect against encroachments. Regarding the fence, he advised that it will be a masonry wall and not a wood fence.

In reply to Commissioner Langstaff, Mr. Forgey stated that there is no requirement for a smell study, which could be added, (in response to comments made by Mr. Dunwoody), but the wind would determine which direction the smell is blown.

Mayor Pro Tem Marietta commented on the traffic studies being conducted during holidays, which makes the count higher.

Mayor Hubbard asked if the Traffic Engineering study, which was received should be included as part of the record.

Mr. Maples explained that GDOT has an established time for conducting studies in order to maintain consistency and ensure they are capturing the maximum amount of traffic. He stated that the one put on Dawson Road captures peak time, explained normal traffic and discussed traffic counts and studies.

Commissioner Postell commented on low traffic at the mall now that Albany is not a 'mall town', adding that he is against the rezoning.

In reply to Commissioner Howard on clarification of the comp plan, Mr. Forgey explained that it encourages continued growth and preservation of stable neighborhoods. Regarding the fence, he advised that the Planning Commission and City Commission deliberated and the compromise was to have a solid wall with landscaping to include mechanisms in place to lower sound levels to protect the neighborhood as much as possible. Commissioner Howard mentioned national chain stores that are within walking distance of his neighborhood; their appearances are aesthetically unpleasing and shoppers get to the point that they don't even want to shop there. He mentioned masonry walls, encroachment and preserving the neighborhood and commended the citizens here tonight for their tenacity in staying on top of this and showing concern for their neighborhood.

Commissioner Fletcher discussed the traffic situation when leaving her restaurant at 4:00 p.m. Even though she can vouch for Dallas Hunt's (the applicant) reputation, she said she represents citizens and will stand behind them.

Commissioner Coleman commented on the location and the traffic and thanked the citizens for coming out.

Mayor Hubbard said she was torn on this because she believes in the stabilization of neighborhoods and suggested that another location be found for the fast food restaurant to locate.

Mayor Pro Tem Marietta moved to deny the following, seconded by Commissioner Fletcher.

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AN ORDINANCE NO.

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 2402 Whispering Pines Circle from R-1 to C-2 conditional

Commissioner Langstaff stated that this has been one of the most difficult rezoning decision the Commission has had to make, adding that he and Mr. Davis worked with staff to put in conditions to protect the neighborhood. He said he will vote against the motion to deny the application, and suggested a C-5 designation, which is office and offered a substitute motion with the same conditions. Mayor Pro Tem Marietta stated that as the maker of the motion, he will not accept the substitute motion.

In reply to Commissioner Fletcher, Mr. Forgey advised that the C-5 designation could not be placed/voted on tonight; it has to go through the advertising and public hearing process. Mr. Davis agreed that the Commission could initiate the (step)-down zoning and that it would have to be re-advertised.

Regarding the petition, Commissioner Coleman said there are over 100 homes that are affected and that his vote will be the will of the people.

Hearing no further comments, the motion to deny carried 6-1 with Commissioner Langstaff voting no.

Mayor Pro Tem Marietta introduced

AN ORDINANCE NO. 17-110

Levying and assessing the rate of taxation for City purposes on all taxable property in the City of Albany, Georgia for 2017

Mayor Pro Tem Marietta stated that his motion is to roll back the rate to 9.804. He then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Postell; the motion unanimously carried.

RESOLUTIONS

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

A RESOLUTION NO. 17-R145

Approving the sale of a vacant strip of land located on Harding St. (Tract 1-0.568 acre) and a vacant strip of land located on 5th Ave. (Tract 2-0.736 acre) to Kerry M. Reeves and Joy A. Reeves (re: unused property sale)

Mayor Pro Tem Marietta moved to adopt the following resolution, seconded by Commissioner Fletcher; the motion unanimously carried.

A RESOLUTION NO. 17-R146

Authorizing use of SPLOST VI Funds for design and renovation of Consolidated Fleet Facility at 1312 Blaylock

Commissioner Fletcher moved to adopt the following resolution, seconded by Commissioner Langstaff. Latoya Cutts, Downtown Director, advised that she was unable to speak with the attorney regarding changing the agreement from ten to five years. The consensus was to change it to five years at this time. Hearing no further comments, the motion unanimously carried.

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A RESOLUTION NO. 17-R147

Approving execution of Intergovernmental Contract with the Albany/Dougherty Inner City Authority and the Downtown Development Authority re: establishing relationships, defining roles and framework for Agreements.

Commissioner Howard stated that e FOX News reporter, Jazmyne Hankerson, is leaving Albany and moving to Mobile, Alabama.

EXECUTIVE SESSION

At 8:56 p.m., Commissioner Langstaff moved to enter into executive session to discuss pending litigation, 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

At 9:18 p.m., Commissioner Langstaff 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

There being no further business, the meeting adjourned at 9:18 p.m.

MAYOR

ATTEST

CITY CLERK