

MAY 23, 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, and
Bob Langstaff, Jr,
City Manager: Sharon D. Subadan
City Attorney: C. Nathan Davis

Mayor Hubbard called the meeting to order at 8:20 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 Howard moved to approve the minutes of the previous meeting, seconded by Commissioner Fletcher; the motion unanimously carried.

Mayor Pro Tem Marietta moved to approve the absence of Commissioner Postell, who is ill, seconded by Commissioner Langstaff; the motion unanimously carried.

Mayor Hubbard opened the public hearing for the following matters.

PUBLIC HEARINGS

1. Special Approval Case #17-019 – Kiribhaie D. Patel & Hasubhat D., Patel/Owners; Tonya Terrell/Applicant; request Special Approval for property located at 900 S. Westover Blvd.; to operate a training center offering programs in Allied Health in the C-3 District

Using a PowerPoint presentation, (copy on file) Planning and Development Director Paul Forgey reviewed the application for Special Approval to use an existing building to offer programs in Allied Health Care to Certified Nursing Assistants. He said that the proposed use does not meet the recommendation of the Future Land Use Map; however, there is C-3 zoning in the area; the Planning Commission recommends approval.

Mayor Pro Tem Marietta stated that he was just put on the EDC and a reoccurring theme is the great need to educate our local work force, with this being a step in that direction. He asked if students are lined up; Tanya Terrell, Applicant, replied in the affirmative, explaining that the school originated downtown on Broad Avenue. The program has grown and with it the need for additional space; students come all over Southwest Georgia as well as some parts of Alabama. In response to Mayor Hubbard, Ms. Terrell said that she has certified at least 1500-2000 students. Her school is accredited the Georgia Post-Secondary Education Commission, but there is no financial aid.

There was no one else present desiring to speak on this matter.

2. Zoning Case #17-017 – Mike's Properties, LLC/Owner; William Hancock/Applicant; request to rezone property located at 3201 Gillionville Road from C-2 to C-2 (conditional)

Using a PowerPoint presentation (copy on file) Mr. Forgey reviewed the rezoning application, stating that in 2014, the property was rezoned to C-2 with conditions, with the Comp Plan recommending that the following be considered when there is a land use change: whether or not the property is located in an urban area and the impact on nearby residential neighborhoods, adding that there will be a buffer and screening to protect the residential areas. If approved, the 2014 conditions prohibiting automobile-related uses will be lifted, while the other conditions remain in effect. He advised that the Planning Commission recommends approval.

MAY 23, 2017

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

In reply to Commissioner Howard, Mr. Forgey stated that Dougherty County denied the application; this location is adjacent to Mike's Country Store; and if approved, would share the same ingress/egress as the County Store.

Annabell Stubbs, 2202 Beattie Road, spoke in opposition to the application, stating that when the property was rezoned in 2014, conditions were placed that prohibited anything related to automobiles (sales, repairs, etc.). She said that Mr. Forgey had stated that conditions were set to protect neighborhoods from the new use, but the neighborhood does not feel that car lots would be appropriate in the area. Mentioning Finnicum Motors in Lee County, she said that it is professional and compares to a large dealership. She said that the lighting is extremely bright and very intrusive and is considered to be destructive to habitats by naturalists. Stating that it is a quiet, beautiful, country road, she asked the Commission to deny the application and to prevent so much commercialization in the area, as well as protect the peacefulness residents experience there.

Joe Stubbs, 2202 Beattie Road, mentioned that this is the same proposal which was submitted to Dougherty County, which voted 6-0 against the application. Even though there are no wetlands at this location, the biggest impact will be on the residential area due to the intrusiveness of the lighting, adding that barriers will be ineffective against the lighting and noise. He stated that approving this application will open the doors to other establishments of this nature, which will be a detriment to Albany's long-term growth and suggested that there are other suitable sites for a business of this nature to locate.

Mayor Pro Tem Marietta stated that he has inspected the site during the day and night; the tall trees and natural vegetation provide a buffer and block the lighting. He said that if the owner/operator agrees to turn off the lights at night, would that not void his biggest argument. Dr. Stubbs replied that they cannot be turned off – security lights burn 24/7. He suggested that a buffer will not prohibit lights and noise and all these factors would hamper anyone wanting to sell their property.

Constance Wehner, 2200 Chatham, spoke in opposition to the application.

David Blackwell, 2011 Old Dominion Drive, spoke in favor of the application and mentioned that his daughter married Phillip Phillips and they bought a home on Beattie Road, causing them to live in the same residential area. He mentioned that the property is on a state highway. While other dealerships have left Albany, here is someone, with a first-class, successful business wanting to locate here. In light of the stagnant business climate in Albany it seems that Albany would welcome Darrel Finnicum's desire to move.

Mayor Pro Tem Marietta mentioned the tall trees and natural vegetative barrier and asked Mr. Finnicum if he will agree to a condition to let that remain. Darrel Finnicum said that 2.75 acres on the front have already been cleared out. He said that he has been in Lee County for 17 years and the lighting there is behind the times. At the proposed site, the lighting will not be as bright and will be lowered. Referring to trees, he said that he is not personally planning on doing anything. Mayor Pro Tem Marietta mentioned that the eastern edge of the proposed site abuts apartments and having a natural, vegetative buffer/barrier would be prudent, adding that while he is no expert, he could not imagine the lights being visible on Beattie Road. He asked if Mr. Finnicum plans to operate the lights at night. Mr. Finnicum proposed letting them operate from 11-7 and/or dim them. Mayor Hubbard asked if he plans on having security detail there. Mr. Finnicum replied that they have cameras installed at the Lee County property; they have not had any problems and never felt the need for security.

Larry Walden spoke in support favor of the application, adding that this is on a five-lane, state highway built for traffic. The business in Lee County immediately adjoins residential property and is a quality business. He owns property, pays ad valorem taxes and would welcome Mr. Finnicum to develop any of his property because he is tired of paying ad valorem taxes.

MAY 23, 2017

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

Commissioner Fletcher stated that Mr. Finnicum is a friend, he is honest, takes pride in his business and wherever he locates, will be an asset to the community, as well as become a part of it. When he was turned down by the County, she encouraged him to look at the City.

Mayor Hubbard asked Mr. Finnicum if he decided to change location based on Commissioner Fletcher's call. Mr. Finnicum explained that approximately three years ago, Commissioner Fletcher called and asked him to consider coming to Albany. In the meantime, he has opened a business in Sumter County, which has been successful. In response to Mayor Hubbard, he said that he will hire between six and eight employees at first. He has employees working in Lee County, who are from Albany and some may want to relocate; he takes pride in hiring locally.

Commissioner Langstaff asked if there a place in that vicinity currently already zoned for a car lot that allows the sale of cars. Mr. Forgey mentioned the funeral home, across the street; however, a building is on that site, adding that the question becomes, is that where he wants to move it.

In response to Mayor Hubbard, Mr. Forgey said that the Planning Commission's recommendation to the County was to approve. Mr. Finnicum stated that when applying to the County, he was unaware that wetlands was an issue there. Mr. Forgey added that is the reason that the County denied the application.

There being no further comments, Mayor Hubbard closed the public hearing.

REPORT OF COMMITTEE OF THE WHOLE

Commissioner Langstaff moved to approve the following Alcohol License Application, seconded by Commissioner Fletcher; the motion carried 5-1 with Commissioner Howard voting no.

1. Aarzu22 Inc, d/b/a One Stop; 326 S. Mock Rd, R. Patel/Agent; Beer and Wine Package

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

- 2 Special Approval Case #17-019 – Kiribhaie D. Patel & Hasubhat D., Patel/Owners; Tonya Terrell/Applicant; request Special Approval for property located at 900 S. Westover Blvd.; to operate a training center offering programs in Allied Health in the C-3 District

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

3. Grease & Oil Contract, Dilmar Oil Company, Albany GA
Estimated expenditure \$78,907.75

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

4. Well #9 Chemical and Mechanical Cleaning, Donald Smith Co., Inc; Headland, AL
Total expenditure \$42,820.00

ORDINANCE

Commissioner Langstaff moved to deny the following ordinance, seconded by Commissioner Howard.

MAY 23, 2017

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

AN ORDINANCE NO.

Amending the Zoning Ordinance and map of the City of Albany to change the status of property located at 3201 Gillionville Road from C-2c to C-2 (conditional)

Commissioner Langstaff reviewed a few of the questions he posed to Mr. Forgey, which were: 1) what is a city's rationale for not allowing car sales except in certain areas - it is basically an issue of aesthetics and in some cases, cities distinguish between new and used cars, even going further to make a classification of pre-owned cars. He explained that his motion to deny the application lies in the fact that it is not just a rezoning for Finnicum; the property is being rezoned for the future and in perpetuity. At some point, he may sell and the future buyer could make it a car dealership. Driving down Newtown Road and Slappey Boulevard, he said he saw sites with car sales that were unkempt making those sites uncondusive for residential development around them. He briefly discussed the fallout he received in which a liquor store was established adjacent to a residential area; however, it had been zoned for that 40 years ago. The City Attorney advised the Commission that the applicant met all the criteria for an alcohol license leaving current Commissioners paying for the sins of past Commissioners; 2) cons for allowing car sales at this location – Mr. Forgey basically had no cons; residents in that area expressed personal reasons to deny. He added that he asked Mr. Forgey if there is anything in the Zoning Ordinance regarding car sales and it was explained that they are permitted, by right, in four zoning designations: C-2, C-3, M-1, and M-2 with conditional use in C-7. Compared to Lee County and Valdosta, which only allow them in two zoning designations, Albany is more accepting to car lots than other nearby cities; 3) the rationale for the Planning Department's recommending car sales at this location in 2014 – with the reason being the proximity to the apartments; 4) what has changed since 2014 – the answers did not really stack up to a valid reason. He reiterated that if this is approved, and the property is resold, any future purchaser would be able to engage in car sales; it runs with the property and will not change unless someone attempts to have it rezoned.

Commissioner Howard added that the Commission needs a crash course in zoning matters. He contended that a lot in the Code may be obsolete, outdated, need tweaking, etc.; therefore, Commissioners need training to help them stay within the boundaries of the law. Often times, decisions are based on potential revenue with no thought given to the 'little man' and this is a prime example of the need to protect neighborhoods in this community. The Commission has to consider its role in protecting the integrity of neighborhoods; to maintain their aesthetics, and to stop the encroachment of unwanted elements in pristine neighborhoods.

Mayor Pro Tem Marietta countered that the reality of the situation is being missed; the City needs legitimate, decent car dealers here. He mentioned five dealerships that were closed last year because of illegal/unethical practices. He commented on the City's rule allowing backyard mechanics to sell and stated that he knows of two car lots that are nothing more than junk yards that block traffic in his ward; they are allowed to operate because of being grandfathered-in. He said he also feels the Commission must protect residences; however, after visiting the site, the land is currently being used as a dump. If aesthetics is an issue, a car lot would be much more appealing, adding that a natural buffer is visually blocking the apartments. The pine trees are approximately 150 feet in height and would block the lighting. He stated that he usually sides with residents; however, there are no residents from the duplexes here tonight, while those from Beattie Road are fighting against this; he has no objection to a car lot and the rezoning should not be denied based on aesthetics. Because it is already zoned C-2, he will vote against denial.

Mayor Hubbard stated that her inclination is to always side with the Commissioner of the ward in matters such as this; she expects them to have done their homework and have valid reasons for their vote. Based on this, she will support Commissioner Langstaff in this matter, since it is in his ward.

Hearing no further comments, the motion carried 5-1 with Commissioner Marietta voting no.

MAY 23, 2017

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

Commissioner Fletcher stated that she hopes this does not discourage Mr. Finnicum from pursuing this further. But, she hopes that he understands that the Commission must protect the future, adding that there are other ideal locations in which he can build his business.

RESOLUTIONS

Commissioner Coleman moved to adopt the following resolution, seconded by Commissioner Marietta.

A RESOLUTION NO. 17-R125

Suspending a portion of Resolution 05-R189 re: Building Naming Policy

Commissioner Langstaff stated that this is another tough question, but he is voting ‘no’ because he has heard people say that they wanted to do something for someone because they are sick. While he understands that sentiment, this is a slippery slope. There are people deserving of such an honor; however, he uses the policy when people approach him about this issue. He said he feels there is a strong rationale for the policy and it should stay in place. Dropping it for one deserving individual opens the door for others to make a similar request, which puts the Commission on a slippery slope causing Commissioners having to modify it constantly.

Commissioner Coleman stated that his position is – first you must know what a building is as well as know the person being honored. Once a committee is formed, it will become plain that this man worked tirelessly as an advocate for recreation in East Albany, which was neglected for years. It is not a big, magnificent building, but rather a building in the Jackson Heights Subdivision in a neighborhood that has two streets dead-ending into it. All the time, effort, and energy this man put into this cause justifies his reason for proposing this.

Mayor Hubbard stated that she knows the person who is being considered was extremely instrumental in all aspects of getting that facility up and running.

Hearing no further comments, the motion carried 4-2 with Commissioners Fletcher and Langstaff voting no.

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

A RESOLUTION NO. 17-R126

Approving Quit Claim Deed from Pointe North, Ltd.

Commissioner Marietta moved to adopt the following resolution, seconded by Commissioner Langstaff.

A RESOLUTION NO. 17-R127

Authorizing a Memorandum of Understanding between the City of Albany and Albany Museum of Art.

Commissioner Howard explained that he is voting ‘no’ because if not for the January 2nd storm, this would never have taken place. He said he has not been supplied with enough information to provide his constituents a valid reason regarding the Museum’s property near ASU’s west campus being sold and relocating downtown. The logistics of this matter prevent him from going into detail, but if it had come before the Commission last year, he would have been in a better position to make a better, more intelligent and educated guess regarding the Art Museum being placed downtown. As it is, with the logistics, rehab, City funds being allocated for a building that may not exist are the reasons he will vote ‘no’.

MAY 23, 2017

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

Commissioner Langstaff stated that while the storm brought tragedy, it also brought opportunity, adding that if not for the damage and insurance, the Museum would not have any funds to relocate and rehabilitate a building downtown. He said he thought it was a great opportunity ten years ago when the subject was first broached and, in spite of the storm being the reason for the move, it remains a great opportunity and will be a huge shot in the arm for downtown. With the new projects underway it creates more of a destination for downtown and keeps people here for a longer experience by offering a full day of activities. He added that he was pleasantly surprised to learn that there is no charge for admission to the Museum.

Mayor Hubbard echoed the sentiments of Commissioner Langstaff, adding that because the City has been working on revitalizing downtown for such a long time. It has been a major effort trying to get the correct mixture of businesses, amenities and all the other elements necessary to grow downtown and encourage tourism. Now is the time for things like this to happen, and it provides a way to move this community forward.

Hearing no further comments, the motion carried 4-2 with Commissioners Howard and Coleman voting no.

There being no further business, the meeting adjourned at 9:24 p.m.

MAYOR

ATTEST

ASST. CITY CLERK