

APRIL 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 7:33 p.m.

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.

RECOGNITION/PRESENTATION – Albany Police Department

Albany Police Chief Michael Persley introduced SE Regional Program Manager Vince Dauro to present the award to the Police Department. Mr. Dauro discussed the history of the Commission on Accreditation for Law Enforcement Agencies (CALEA) award that received by APD in March. CALEA was created in 1979 to develop professional standards; he explained the criteria and goals that have to be met. Stating that this is APD's second CALEA; a much more difficult one to obtain and is in effect for a period of four years, he presented the award to Chief Persley and Sonya Johnson, Planning and Research Manager.

Mayor Hubbard and Commissioner Postell congratulated Chief Persley and thanked him for doing a good job.

PUBLIC HEARINGS

1. Special Approval Case #17-013 - Victorious Life Church/Owner; Joe Nathan Paige/Applicant; request for Special Approval for property located at 2275 Cutts Dr., to construct a religious institution in the R-2 District

Using a power point presentation (copy on file), Paul Forgey, Planning Director, discussed the application in detail, which requests special approval to construct a sanctuary in the R-2 district, adding that special approval is required by the City Commission. He displayed maps of the area, surrounding zoning, discussed traffic considerations/parking requirements, showed an aerial view of the property and the site plan and advised that the Planning Commission recommends approval.

Commissioner Howard stated that the zoning notice that was posted is not readily visible to passersby and recommended a different placement to allow everyone to see it. Mr. Forgey explained why signs are posted parallel to streets, adding that they are not two-sided so there will be some traffic to which it is not visible. In response to Commissioner Howard, he said the only solution would be two-sided signs that can be ordered. In response to Commissioner Howard, Mr. Forgey said that signage was posted announcing the intent of building a church there.

In reply to Commissioner Coleman, Mr. Forgey advised that no opposition were received by his office.

Tod Lanier stated that he has nothing to add unless the Commission has any questions.

There was no one present to speak in favor of or opposition to this matter.

2. Expansion of Historic District

Using a power point presentation (copy on file), Mr. Forgey gave a brief history of the request to expand the historic district into Rawson Circle and Palmyra District areas, adding that the recent request was made in 2014. He briefly commented on the general maintenance of homes in

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historic districts, etc., and advised that a grant was received to conduct a survey of residents; public hearings were held on the survey results and, approximately ten media articles have been written on the expansion. He then showed a map of the existing historic district and proposed expansion of the district.

In reply to Commissioner Coleman regarding the definition of ‘general maintenance’, Mr. Forgey explained that it could pertain to replacing wood, re-glazing windows, repairing metal trim, etc., to the exterior of a house in the historic district (maintaining the property as it is currently).

Mayor Pro Tem Marietta mentioned asbestos siding on homes which have been cleared, as well as repairs to homes with asbestos and asked the options that homeowners have. Mr. Forgey advised that disposing of asbestos is required and the cost would be the same regardless; however, the exact same shape of siding in non-asbestos contained material is acceptable; the homeowner will have to determine how to proceed after asbestos removal.

Mayor Hubbard advised that those who signed up to speak will be afforded three minutes.

Jackson Murphy spoke in opposition to the expansion and said he felt the majority of residents were in opposition of the expansion and asked the Commission to vote ‘no’ or to consider an opt-in or opt-out option as discussed in the work session by Commissioner Coleman.

Stan Logue (715 6th Ave.) asked the Commission to show leadership, spoke on economic development, historic preservation being an economic tool, ineffectiveness of Code Enforcement, and asked that the Commission consider the 35% of homeowners rather than the 65% who rent. Commissioner Coleman took issue with Mr. Logue regarding his statement of showing leadership and reminded Mr. Logue that the Commission awarded Thrush \$200,000 as a contribution to economic development. As discussed in the work session meeting, he reiterated reaching a compromise with all residents in the area.

Commissioner Langstaff called a point of order and asked the audience to refrain from applauding and/or booing. He asked Mr. Logue if he lives in the current historic district with Mr. Logue replying in the negative, adding that the expansion will put him in it. Commissioner Langstaff discussed blight in the area and agreed with Commissioner Coleman on reaching a compromise, adding that the enforcement of code violations could be a solution. He further added that he thinks the expansion involves more property than it should. He asked Mr. Logue what the expansion would accomplish for him. Mr. Logue stated that it will add protection and then mentioned the \$200,000 grant that Commissioner Coleman commented on that was given to Thrush. He said this was a unique opportunity, in which Thrush was the first recipient of such a grant, resulting in the addition of 100 jobs. Additional discussion followed with Commissioner Langstaff stating that the City is making progress with demolishing blighted property and the issues to which Mr. Logue is speaking, Code Enforcement may be the answer. Mr. Logue countered that Code has not been effective. Commissioner Langstaff suggested that they would be better served by concentrating on targeted areas and enumerated the issues with addressing blighted property; and, mentioned incorrect information (painting and cleaning) being on the City’s website, which needs to be corrected prior to his vote. In reply to Mr. Logue, he mentioned San Antonio Texas getting signatures before a vote is taken at the table and suggested that the expansion can be done incrementally. He also suggested that citizens consider a petition as it pertains to expanding the district, etc., and reiterated scaling back on properties to be included, some belonging to the historic district and others not. He discussed the possibility of having different maps for Commission review.

Mayor Pro Tem Marietta said he is in favor of adding Rawson Circle and having an opt-out for those who do not want to be included in the expansion.

In reply to Mayor Hubbard, Mr. Davis advised that an opt-out process is not addressed in the draft ordinance.

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Commissioner Fletcher stated that she feels there is not a simple solution to the issue and suggested condensing the area; she asked Mr. Davis to look into this and suggested sending out a survey to ascertain the pulse of residents. She expressed concern regarding rushing a decision, but said she also wants the citizens to have a quick answer. She thanked Commissioner Langstaff for his research and help on this matter.

Commissioner Coleman stated that he is okay with taking a vote tonight and said he will stand by his vote but again, he suggested reaching a compromise and asked that everyone take their egos out of the equation.

Regarding the map that was presented, Commissioner Postell asked the population of the residents living in the blue and green areas. Mr. Forgey stated that he did not have that information.

Scott Marcus (1303 N. Davis St) said he has been a resident of Albany since 1974, a resident of Ward 2 since 1985, and moved to Rawson Circle in 1995, adding that he was a member of the original Historic Preservation Commission, appointed by the City in 1996 and served until 2001. He discussed misconceptions the public has regarding being in the historic district and said while it is not perfect and will not fix everything, the District provides an added layer in attaining compliance with regulations. In reply to Commissioner Langstaff, he said he is currently outside of the historic district. In reply to Commissioner Langstaff, Mr. Forgey explained that the green area is the original historical district, adopted prior to 1996, but was forgotten about with no enforcement. In 1996, the City appointed a Historic Commission and re-adopted the green map which is a hodge-podge of different types of properties that includes a lot of vacant property. He stated that the blue area on the map is solidly residential and with most lots filled and explained that there are two core neighborhoods in the District – Rawson Circle and Palmyra Heights. Both are eligible for the National Register, with the reduced map having boundaries drawn around them. He said that he surveyed the area and that the professional opinion, based on the company hired to conduct the survey to determine the boundaries, was presented on the blue and green areas on the map. Mr. Marcus spoke of blight, the City condemning properties, etc., as it pertains to cleanup of the area.

Anne Mitchell (1212 Rawson Dr) gave a brief history of coming before the Commission 18 years ago when downtown Albany resembled a war zone which began removal of dilapidated structures, and an earnest attack on blight, etc. She said she takes issue with Commissioner Coleman's comments about everyone getting their way and being pleased. Commissioner Coleman reiterated that Rawson Circle residents have the right to be in the historic district, but others have the same rights to not be included which is the democratic process of fairly settling this matter. In reply to Commissioner Langstaff, Ms. Mitchell advised that the portion of Rawson Circle in which she lives is not in the historic district, but she supports the expansion, adding that she feels the historic district can be used for designated purposes with some being grandfathered in. She discussed the haphazard way additions were added to some structures before overlays were implemented. Commissioner Langstaff noted that overlays were different from the Historic District and asked about fences, dumpsters and parking lots. Mr. Forgey explained that the City has regulations on fences and the Historic District; anyone wanting to erect a fence in the Historic District, it would have to get approval. Fences installed anywhere else would have to comply with regulations, but they would not have to obtain approval/permit. He discussed types of overlays, fences, dumpsters, parking lots, code regulations, etc. and explained the issue of placing dumpsters.

Bruce Capps (1218 W. 3rd Ave) said he is a resident of the city, but is not in either the blue or green areas as noted on the map. He said he walked the neighborhood and has a petition with 100 signatures in favor of the expansion. He briefly discussed: confusion about what a historic district represents; designating the entire Rawson Circle area as historic; the uniqueness of structures in Rawson Circle; updating ordinances to reflect reality, etc.

Historic Preservation Commission Chairman Greg Fullerton (639 5th Ave) spoke in support of the expansion and gave a brief history of establishing the historic district, dating back to 1978, and, advised that in 2000-2001, W. Lincoln, W. Gordon, Cotton and Corn were added. He

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introduced six of the seven members of the HPC and stated that the Board unanimously voted to bring the expansion for Commission review. Regarding the grant that was used to seek assistance from expert sources, he advised that History, Inc., a nonprofit out of Tennessee specializing in issues like this used information from the University of Georgia regarding the historic nature of neighborhoods . History, Inc., went door-to-door seeking input from residents; subsequently, the proposal they developed is the one presented. He discussed the definition of 'historic', significant/non-significant historical structures, the inability to save every structure deemed historic, tax grants/credits; economic development, incentivizing the public to invest, and keeping changes within the historic context of a particular property, which will be accomplished through expanding the district.

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

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. Brad Lanier Oil Company Inc, d/b/a Homerun Food #10; 2307 Dawson Rd., D. Stull/Agent; Beer Package and Wine Package

Commissioner Postell moved to approve the following special approval application, seconded by Commissioner Fletcher; the motion unanimously carried.

2. Special Approval Case #17-013 - Victorious Life Church/Owner; Joe Nathan Paige/Applicant; request for Special Approval for property located at 2275 Cutts Dr., to construct a religious institution in the R-2 District

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

3. Emergency Sewer Repair re: Pace Street project Jim Boyd Construction, Albany, GA
Additional expenditure \$49,477.00

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

4. Disaster Recovery Services – Change Order 1 and Task Order 2
\$636,702.00 and \$441,300.00 respectively

ORDINANCE

Detailed discussion followed on the following:

AN ORDINANCE

Providing for an Expansion of the Historic District within the City; Prescribing the boundaries of such expanded Historic District; to list each property in the Historic District; Requiring a Certificate of Appropriateness from the City Historic Preservation Commission prior to any material change in appearance of property within the expanded Historic District; the expanded Historic District to be shown on the Official Zoning Map of the City and for other purposes

Commissioner Langstaff asked Mr. Davis if the Commission decides to vote this matter up or down tonight, how long before it can be brought back. Mr. Davis advised that the prevailing vote would have to wait six months before an item can be reconsidered. Commissioner Langstaff asked the proponent for bringing this item forward; Mr. Forgey stated that it resulted from a vote by the Historic Preservation Commission (HPC). Commissioner Langstaff asked if

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consideration should be given to send this back to the HPC for regrouping and reducing the property proposed for inclusion.

Mayor Hubbard recognized Mr. Fullerton, Chairman of HPC, who said it would be interesting to have a non-binding sense of the Commission's comfort level with the proposed boundaries. Commissioner Langstaff stated that he is against the entire blue area (as noted on the map) and recommended that the Commission consider tabling for alternatives, i.e., smaller sections and/or options.

Commissioner Coleman agreed that the area being considered is too large and asked how large is the Rawson Circle area, suggesting that a modification can be made. He asked that if the item is tabled to the next meeting that it be voted on and not tabled again.

Commissioner Postell asked how many residents live in the blue and green areas outlined on the map as this will be the basis for his vote, which will be based on population.

In reply to Mayor Hubbard, Mr. Fullerton said it is his understanding that 800-900 properties were involved in the survey, with some being non-residential, some being duplexes, people moving, new tenants, etc. He suggested a way to determine the differences in homeowners vs. renters, adding that he feels the number will be approximately 1800 in that area. Additional discussion followed on the population.

Commissioner Howard stated that if a vote is taken tonight, he will vote in opposition and recommended downsizing the expansion.

Commissioner Fletcher mentioned conducting a survey of residents and stated that she feels if a vote is taken tonight, there will not be enough votes to approve the item and asked Mr. Davis if a survey of residents can be conducted. Mr. Davis replied in the affirmative and assured Mayor Hubbard that sending out surveys is legal for the purpose of gathering additional information. In response to Commissioner Fletcher, Mr. Davis stated that the maps can be redrawn, but must be a geographically definable area, with no pockets. He agreed with Commissioner Langstaff's suggestion that additional maps can be drawn up and presented for consideration, similar to redistricting and having various map options for consideration.

Commissioner Langstaff read from state regulations as it pertains to publication of notice and letters being mailed to residents in the area. Mr. Forgey advised that the letter of the law was followed and that they were/are in compliance. Commissioner Langstaff asked if all those steps regarding notification leading up to tonight will have to be done again; Mr. Forgey agreed.

John Sherman stated that he is still rebuilding his home and suggested that the Commission allow a six month time period to be placed on the tabling of this item to allow for regrouping, complying with the law to notify property owners/tenants before bringing it back, etc.

Mayor Pro Tem Marietta asked that the Planning Commission be involved in any review of maps as well and then moved to send this item to the Planning Commission for review and to come up with a recommendation of a smaller, compact area and to send an updated survey to property owners. Mr. Davis stated that Mr. Forgey had advised that this matter was driven by the Historic Commission and that the decisions of the Planning Commission are entirely different, with a different basis. Mayor Pro Tem Marietta defended his suggestion for including the Planning Commission. Mayor Hubbard declared that the motion failed due to lack of a second.

Commissioner Coleman agreed that more options should be available for consideration, however he said he is prepared to vote tonight, but his vote would be based on the majority, whichever side of the issue prevails, by allowing those in the audience to stand to show their support - that is how he will cast his vote.

Mayor Hubbard said she came prepared to vote tonight as well, adding that based on the calls she received, those supporting the expansion outweighed those against; she agreed that it may be necessary to look at the size of the map, but it is time to do something else and address the issue.

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There were no comments from the Commission in reply to Ms. Subadan's comment on staff crafting additional maps without the survey being a factor.

In reply to Commissioner Howard, Mr. Forgey stated that he is uncertain about the timeframe for a survey and said he would have to know what needs to be in it and how to equitably draft one. He advised that he gave Commissioner Langstaff a map with three different options. Mayor Hubbard asked the options. Ms. Subadan interjected that she would like a minimum of 30 days to come back to the Commission. In reply to Mayor Hubbard, Mr. Forgey stated that other options were based on the survey grant that looked the properties, lot-by-lot, and were based on two National Register-eligible districts of Palmyra Heights and Rawson Circle, providing three options.

Discussion followed on the amount of time needed to bring the item back for consideration. In reply to Commissioner Langstaff on whether the Commission has a legal obligation to vote tonight, Mr. Davis replied in the negative.

Commissioner Postell moved to table this item until there is a consensus of the Commission on when they are ready to vote. Mayor Hubbard declared that the motion failed due to lack of a second.

Commissioner Howard moved to bring the item back in 30 days or at the next meeting on May 23. Commissioner Coleman reiterated that he is okay with tabling, but he wants a commitment from the Commission to come prepared to vote when it is brought back. Mayor Hubbard declared that the motion failed for lack of a second.

Calling a point of order, Mayor Pro Tem Marietta stated that unless there is unanimous consent to dispense with the second reading, two readings are required for adoption of an ordinance, and he said he doubts that will occur in this matter.

Commissioner Fletcher suggested that 30 days is not enough time to conduct a survey and get the results. Commissioner Howard suggested 60 days or to bring it back at the June 28th meeting. Commissioner Fletcher moved to take the vote tonight. Mayor Hubbard declared that the motion failed for lack of a second.

Following more discussion on a time to bring the item back to the table for vote, Commissioner Langstaff moved to table the item until the August 22nd meeting, seconded by Commissioner Postell; the motion carried 6-1 with Mayor Pro Tem Marietta voting no.

RESOLUTIONS

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

A RESOLUTION NO. 17-R116

Authorizing Submission of Application to the Governor's Office of Highway Safety for an Innovative Grant for DUI and Child Seat Enforcement

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

A RESOLUTION NO. 17-R117

Authorizing execution of Quit Claim Deed releasing ten ft. Utility Easement within the property at 1200 Pinecrest Dr.

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

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A RESOLUTION NO. 17-R118

Approving Execution of Intergovernmental Contract with Dougherty re: establishing the
Albany/Dougherty County Land Bank

Commissioner Howard moved to adopt the following resolution, seconded by Commissioner
Postell; the motion unanimously carried.

A RESOLUTION NO. 17-R119

Authorizing use of SPLOST VI Funds for Street Resurfacing Improvements

Commissioner Postell moved to adopt the following resolution, seconded by Commissioner
Howard; the motion unanimously carried.

A RESOLUTION NO. 17-R120

Authorizing use of SPLOST VI Funds for Phase II Alley Paving

There being no further business, the meeting adjourned at 9:43 p.m.

MAYOR

ATTEST

CITY CLERK