

MARCH 28, 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 6:51 p.m., and reminded those in attendance of the process to address the Commission (Citizen Comments/Speaker Appearance Forms).

The Pledge of Allegiance followed a moment of silence.

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

RECOGNITION/PRESENTATION (ALBANY POLICE DEPT.)

Citizens of the Year - APD Chief Michael Persley recognized supporters of the Albany Police Department as follows and presented awards. He stated that the following teachers and students have been involved in numerous activities with the Albany Police Department to include the Teen Police Academy and the art mural project being done for the department. These citizens have shown that community pride is valued at all age levels and that their works are appreciated by many.

1. Teacher and students from Lamar Reese Elementary
2. Teacher and students from Albany Middle School
3. Teacher and students from Dougherty High School

Civilians of the Year – Chief Persley stated that this group tends to go unrecognized, in spite of doing ‘everything’. They are support staff members who assist his office in its daily duties and help ensure that all functions are conducted to a level of excellence. He recognized Civilians of the Year Dorothy Jones, Delmarie Judge, Sharon Perkins, Carmen Idlett, Cynthia Dent, Gigi Smith and Valisa Goolsby.

Commander-in-Chief – Chief Persley recognized Patrolman Nazaret Escobar Sanchez, a former Marine, who comes to the City from Ben Hill County Sheriff’s Department. He is a strong asset to APD, which he represents with patience and tact under stressful situations; he is a friend of this community.

Officer of the Year – Chief Persley recognized Corp. Nicovian Price as the Office of the Year. His positive attitude and garrulous nature works to his benefit - due to his ‘gift of gab’ often the most troublesome criminals confess to their crimes.

PUBLIC HEARINGS

1. Zoning Case #17-003 - Pankajbhai S. & Jyotsnaben Patel/Owners; George M. Dallas Hunt/Applicant; request to rezone property located at 2402 Whispering Pines Circle from R-1 to C-2 **conditional**

The Clerk advised that a letter was hand delivered to the Planning Department today from attorney Joseph Dent, who represents George Hunt, the applicant, who requested that the application be withdrawn and not presented at the public hearing tonight.

2. Zoning Case #17-004 - SOWEGA Warehousing, LLC & Carl Lee Davis/Owners; Todd Davis & Carl Lee Davis/Applicants; request to rezone property located at 609 N. Slappey Boulevard & 1104 Baker Avenue from, C-1 to C-2 **conditional**

Using a power point presentation, Planning Director Paul Forgey advised that the request to rezone is to allow for a drive-in restaurant. He displayed maps of the location, surrounding zoning and discussed the zoning history, planning considerations, the future land use and comprehensive plan and advised that the Planning Commission approved the application with the following conditions:

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1) Due to possible high traffic volume, noise, and/or late hours of operation, the following uses will not be permitted at this location: bar, night club, event centers, and motor vehicle related services; 2) Applicants will engage services by acoustical (sound) professionals to design a sound wall that mitigates sound from the proposed development. The wall will extend along the rear property line of 609 N. Slappey Blvd and the northwestern property line adjoining neighboring property on Baker Ave.; 3) Applicant will engage services of lighting professionals to develop a lighting plan that will ameliorate any adverse effect of lighting on residential lots to the west. The type lighting used should reflect the results of such study. The reasonable discretion of the Director of Planning and Development Services will control.

Discussion followed with Mayor Pro Tem Marietta asking the type of restaurant and whether alcohol will be served. Mr. Forgey advised that he was not aware of the type of restaurant, but there are no prohibitions on serving alcohol.

In reply to Commissioner Postell, Todd Davis, applicant stated that the request is to have a drive-thru restaurant with no alcohol being sold. Commissioner Postell asked the name of the restaurant with Mr. Davis advising that he is under confidentiality to not release the name, however, he said it is a chain restaurant and explained that the owners and applicants are okay with the conditions as stated and that they have engaged the services of professionals to address the sight and sound concerns. Commissioner Postell asked who serves on the Planning Commission with Mr. Forgey listing the names.

Mr. Forgey advised that the next two applications will be addressed together since they are by the same owner/applicant and are close in proximity to each other.

3. Zoning Case #17-007 - Council 3607, Inc./Owner; DHM Developer, Inc./Applicant; request to rezone property located at 2009 Gillionville Road & Melrose Drive from R-1 to C-5 **conditional**
4. Zoning Case #17-008 - Ahsan Qaiser & Thomas S. Walden/ Owners; DHM Developer, Inc./ Applicant; request to rezone property located at 1813, 2001-2007 Gillionville Road from R-1 to C-5 **conditional**

Using a power point presentation (copy on file), Mr. Forgey displayed maps of the locations and advised that the request is to rezone for a high density residential housing development with 80 units (up from the original 75 that were proposed). He reviewed maps of surrounding zoning, land uses and discussed the zoning history, planning considerations and showed photos of a similar development in Young Harris, Georgia.

In reply to Mayor Pro Tem Marietta, Mr. Forgey located existing ponds on a map and, in reply to Commissioner Postell, he explained the process to develop the apartments.

Continuing with the presentation, Mr. Forgey discussed the future land map and advised that staff recommends conditional approval, with the Planning Commission voting to deny the request.

Commissioner Howard stated that he rode by the location and that he has concerns regarding the constructing of 80 units on seven acres of property, especially considering having enough green space. He asked if this will be subsidized rentals with Mr. Forgey replying in the negative and explaining that it will be mixed use development; some at market rates and other discounted for low-moderate incomes.

Russell Gray, 1626 N. Valencia Dr., spoke in opposition to the application and advised that most of the audience in attendance is against these applications and the proposed development – not against progress. He stated that the concerns of the neighborhood is that this is step-down zoning and that the development is too big in scale and will have a negative impact on the area. Discussing the future land use of the area he addressed public safety, health and welfare of the area, lack of green space, retention pond that stays full flooding the area/homes and asked the Commission to deny the applications.

Commissioner Postell thanked Mr. Gray for his presentation.

Mayor Pro Tem Marietta also thanked Mr. Gray for his information and agreed that this is step-down zoning.

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Commissioner Howard agreed that having the apartments adjacent to homeowners will create problems, adding that Section 8 [housing] has adverse effects on some neighborhoods.

Joseph Johnson, Developer and Attorney, spoke in support of the application and stated that they are offering affordable housing. He explained that low income tax credits are different from Section 8 development since the tax credits are used to subsidize, which are capped at 60% of medium income; the proposal will have one bedroom at a cost of \$550 per month with three bedrooms costing \$750 per month. He distributed additional information (copy on file) and asked the Commission to approve the application. He discussed the C-5 proposed rezoning request and said there will be ample green space, a community center, library, etc. Units will be affordable and at market rate and a manager will live on site. He stated that the company has been in business for over 30 years and references can be provided.

Commissioner Howard stated that he has been a Commissioner for 24 years and a primary concern of the Commission is having too many rental properties in Albany with 60% of households being renters. There is a great need for more homeowners in order to grow the tax base. Mr. Johnson countered that many of the renters in Albany are in homes and not apartments.

Mayor Pro Tem Marietta stated that he feels Mr. Johnson is threatening people; the City has had experience with Country Club Estates. With the alternative proposal, there is no way to exit a parking lot onto an alley under the current zoning ordinance. Additionally, the current zoning ordinance prohibits parking in an R-1 and he apologized if Mr. Johnson was misled about those issues.

Additional discussion followed with Mr. Johnson explaining that he was not making a threat, but was merely discussing the benefits of what the developers had in mind as it pertained to building the apartments. Discussing the unit per acre ratio, he said that under a C-5 zoning designation, a maximum of 120 units is possible, but they are only asking for 80. The goal is not to build as many units as they can; the proposal would equal 11 units per acre. He said it is not his intent to make threats, but to show what is possible versus the request. The developer wants to be a good neighbor and not merely build the maximum allowable number of units.

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

REPORT OF COMMITTEE OF THE WHOLE

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

Transit Buses, Gillig Buses, Albany, GA	Total expenditure	\$1,501,641.00
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Commissioner Langstaff moved to approve the following purchase, seconded by Commissioner Fletcher; the motion unanimously carried.

2. Web Design Services, Vision, El Segundo, CA	Total expenditure	\$55,180.00
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Commissioner Langstaff moved to approve the following purchase, seconded by Commissioner Fletcher; the motion unanimously carried.

3. Alarm System, Alarms Etc., Inc., Albany, GA	Total expenditure	\$75,277.13
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ORDINANCES

Commissioner Howard introduced

AN ORDINANCE NO. 17-101

Amending Article II of Chapter 2 of the Code of Ordinances of the City of Albany changing the regular meeting of the Board of Commissioners from June 27, 2017 to June 28, 2017

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AN ORDINANCE NO. 17-102

Amending Article II of Chapter 2 of the Code of Ordinances of the City of Albany so that there will be only one meeting of the Board of Commissioners in July (July 25, 2017)

AN ORDINANCE NO. 17-103

Amending Article II of Chapter 2 of the Code of Ordinances of the City of Albany so that there will be only one meeting of the Board of Commissioners in December (December 12, 2017)

Commissioner Howard then offered the ordinances and asked for unanimous consent to dispense with the second reading and asked for adoption, seconded by Commissioner Postell; the motion unanimously carried.

The Clerk advised that the following Ordinance was withdrawn by the applicant

AN 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

Commissioner Langstaff introduced

AN ORDINANCE NO. 17-104

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 609 N. Slappey Blvd., and 1104 Baker Ave., 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 Postell; the motion unanimously carried.

Mayor Pro Tem Marietta moved to deny the following two ordinances:

AN ORDINANCE

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 2009 Gillionville Rd., and Melrose Dr. from R-1 to C-5c

AN ORDINANCE

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 1813, 2001-2007 Gillionville Rd., from R-1 to C-5c

Mayor Pro Tem Marietta stated that after careful consideration and analysis of the issue raised in Planning's report and the public hearing, his motion is to deny Zoning Case numbers 17-007 and 17-008. He discussed the noise and visual intrusion on the peace and comfort of the residential subdivision to the north and stated that the proposed rezoning is high density in nature. Commissioner Fletcher seconded the motion and hearing no further comments, the motion unanimously carried.

RESOLUTION

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

A RESOLUTION NO. 17-R113

Accepting transfer of Sanitary Sewer Easements from Lines from Wingate Land & Development, LLC re: Stonebridge Golf Course Villas, Section V

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There being no further business, the meeting adjourned at 8:29 p.m.

MAYOR

ATTEST

CITY CLERK