

MARCH 18, 2014  
COMMITTEE OF THE WHOLE

PRESENT Mayor Dorothy Hubbard  
Mayor Pro Tem Jon Howard  
City Commissioners: Bobby Coleman, BJ Fletcher, Roger Marietta, Bob  
Langstaff, Jr. and Tommie Postell  
City Manager: Lonnie Ballard, Asst. City Manager  
City Attorney: CN Davis

Mayor Hubbard called the meeting to order at 8:30 a.m., advising that Mr. Taylor is not present because he has jury duty and that Asst. City Manager Lonnie Ballard will be sitting in this morning.

SPEAKER APPEARANCE:

Robert Preston, Phoebe Putney, discussed the Storm Water Outfall project, beginning with the 2<sup>nd</sup> Avenue Basin outfall project, which was completed in 2006 and advised that during the 1990's, the hospital had problems with storm water. Using a map, he showed the area of 2<sup>nd</sup>/3<sup>rd</sup> Avenue outfall and commented on flooding, etc., with water backing up into the buildings during heavy rains, adding that in 2003, the hospital expanded the cancer center, but could not develop the building until the line was fixed. An arrangement was made between the City and hospital in which it [Phoebe] would contribute over \$800,000 for construction/improvement of the outfall. Development was completed in 2007 and the project benefited a broad area around the hospital.

In reply to Mayor Hubbard, Mr. Preston stated that he is here this morning to address the new storm water assessment, adding that Phoebe would like to be credited for the \$858,000 they contributed to the project.

Commissioner Fletcher clarified that the request is to not pay the fee, but to have \$800,000 credited. Mr. Preston agreed, adding that it would only include the main campus of the hospital and no other building owned by the hospital.

Commissioner Marietta stated that he remembers it being a County SPLOST project rather than one of the City's. Wes Smith, Asst. City Manager, stated that it was a City project, but during that time the County administered the money, in which the City drew down funds. Bruce Maples, Engineering Director, stated that the County was asked to participate in the project, but opted not to participate.

Mayor Pro Tem Howard asked Mr. Davis if this can be done and/or if there are other entities in a similar situation that would make the same request. Mr. Davis replied in the negative, adding that the ordinance provides for certain credits, but nothing like the circumstance Phoebe is addressing. This happened long before storm water utility fees were even in the making. He explained that federal mandates require all property owners to participate, adding that there were ways to qualify for credits with the ordinance specifying the amount and how to receive credits. In response to Mayor Pro Tem Howard, he advised that the action taken at that time enabled Phoebe to avoid constructing holding pond areas and use their property for structures.

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Mr. Preston stated that the problem was an old combination line needing to be replaced and that retention ponds would not have made improvements regarding backups, which resulted in streets flooding. He distributed information (copy on file).

In response to Mayor Hubbard, Mr. Maples explained the 50% credits. Mayor Hubbard clarified with Mr. Davis that with regard to federal mandates, the City can only use the process as set forth in the ordinance; Mr. Davis agreed.

Commissioner Postell asked to table until the next session to study information presented by Mr. Preston since there could be other entities that could come to the table, seconded by Commissioner Fletcher. Mayor Hubbard asked if we should allow the 50% credit process to proceed. Commissioner Postell suggested not allowing the process at this time. Hearing no further comments, the motion unanimously carried.

KADB ANNUAL REPORT

Judy Bowles, Executive Director, stated that Stash the Trash is scheduled for the third Saturday in April and highlighted last year's downtown trash pick-up. She discussed trash/debris that was picked up last year; River's Alive, cleanup of the Flint River, Operation Pill Drop, the pill disposal event; graffiti removal; electronic recycling event; telephone book recycling, etc., and noted that KADB received a first place national award in 2013. There are over 600 offices in the US, with awards being given based on population. She stated that she is now serves on the Keep America Beautiful Board, which is a national board.

Commissioner Postell thanked Ms. Bowles for all she does to keep Albany/Dougherty beautiful despite the fact that there is still a lot of trash within the city. He asked what else can be done to contain trash and keep the sidewalks clean, adding that he feels some areas are not being kept and suggested Albany needs a thorough cleaning all over.

Mayor Hubbard also thanked Ms. Bowles, adding that since being in office, her objective has been to clean-up the city through her Call to Service. She suggested additional education and recommended more people get out to help, adding that more enforcement is also needed. She asked Albany Police Chief Proctor, to provide the number of people who have been picked up for littering and asked the Commission to make sure they are individually involved with their neighborhoods.

Commissioner Marietta commended Mayor Hubbard and KADB, stating that he has noticed an improvement and that he picks up litter daily. He said he feels it is improving, which is important and, visitors to Albany feel that Albany is clean, compared to their communities. He stated that the amount of people already involved contributes to this, adding that he sees people out picking up trash with most neighborhood watches assisting with the clean-up effort.

Commissioner Postell stated that Albany is still filthy and code enforcement is needed. He said he calls Code due to trash being dumped, mattresses/ trash blowing off trucks, etc.

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Mayor Hubbard suggested getting neighbors within the neighborhood to assist with a cleanup initiative, adding that she and Commissioner Howard have been all over the city helping clean up and can be called to assist.

TRAVEL:

Mayor Pro Tem Howard moved to approve the following travel, seconded by Commissioner Postell; the motion unanimously carried.

1. Mayor D. Hubbard – Annual Chamber mtg. w/federal delegation, Washington, DC; March 4-6, 2014 - \$1,529.91
2. City Manager J. Taylor - Annual Chamber mtg. w/federal delegation, Washington, DC; March 4-6, 2014 - \$1,378.18
3. City Clerk S. Tolbert – Clerk’s Training/Board meeting – Athens, GA; February 2-6, 2014 - \$390.00

APPOINTMENT:

1. Ward II appointment to Police Civilian Review Board to fill an unexpired term ending December, 2016

The Clerk advised that R. Flournoy’s name was received from Commissioner Coleman.

## **PUBLIC ADMINISTRATION AND FINANCE MATTERS**

### AIRPORT ENGINEERING CONSULTANT

Yvette Fields, Central Services Deputy Director, discussed information pertaining to a consultant for the SWGA Regional Airport as noted (copy on file).

Commissioner Postell questioned the old agreement; Ms. Fields advised that the project was bid, awarded and ongoing. Commissioner Postell asked why another consultant is coming on board since demo has been done. Yvette Aehle, Airport Director, advised that the consultant is for future projects on the FAA capital improvement plan for the next five years and will not start until next year with the wildlife hazard management plan; she briefly discussed the project. Commissioner Postell questioned the wildlife with Ms. Aehle stating that there are wild birds, deer, turkey, etc., found at the airport and they have to have a mitigation plan in place. In reply to Commissioner Postell, Ms. Aehle stated that they constantly reassess pavement, which takes a beating from heavy aircraft. Commissioner Postell asked when the evaluation will be received from the consultant. Ms. Aehle explained updating the capital improvement plan with FAA, projects that should be completed, etc., to keep the airport viable. Commissioner Postell commented on concessions at the airport with Ms. Aehle stating Buffalo Rock will add vending

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machines, adding that they will monitor for a year to see what is selling and then they come back with an evaluation.

Mayor Hubbard asked if the Aviation Commission decides how this works. Ms. Aehle replied in the affirmative. Mayor Hubbard asked about costs for the consultants. Ms. Aehle stated that she is not allowed to ask for costs at this part of the process; qualifications are looked at first, followed by negotiations. In response to Mr. Davis, she said that the percentage is 90/10%.

Commissioner Langstaff moved to approve, seconded by Commissioner Postell; the motion unanimously carried.

#### ITEM FOR FUTURE AGENDA

Commissioner Marietta thanked City employees for their help and efforts in cleaning the routes during the Marathon. Mayor Hubbard asked for an update from the Marathon and a report on statistics. She also thanked the 1800 volunteers and Commissioners who assisted with the Marathon.

## **PUBLIC SAFETY MATTERS**

#### ALCOHOL LICENSE TRANSFER OF OWNERSHIP:

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

1. SHIV Sairam, Inc. d/b/a Ajax Liquors, 1301 E. Broad Ave. L. Stokes/Agent; package. Transfer from M. Patel – WARD I

#### ALCOHOL LICENSE APPLICATION:

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

1. Pig 'N Whistle Liquor, LLC, d/b/a Pig & Whistle Package Store, 1701 N. Slaphey Blvd. CP Patel/Agent; Package – WARD 3

#### ONE DAY ALCOHOL LICENSE APPLICATIONS:

Commissioner Postell moved to approve the following, seconded by Commissioner Marietta; the motion carried 6-1 with Commissioner Howard voting no.

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1. Phoebe Foundation, L. Ray/Agent; Annual Lopez Hospice Golf Classic, Doublegate Country Club, 3800 Old Dawson Rd., April 25, 2014; 8:00 a.m. – 5:00 p.m.

Commissioner Postell moved to approve the following, seconded by Commissioner Marietta; the motion carried 6-1 with Commissioner Howard voting no.

2. OMEGA Psi Phi Fraternity – ETA Omicron Chapter; B. Johnson/Agent; Concert, Exchange Club Fairground, 810 S. Westover Blvd., May 3, 2014; 6:00 pm – 11:59 pm

ITEM FOR FUTURE AGENDA

Commissioner Postell asked for a report from the Gang Task Force with the Chief of Police and the Chief of the Drug Enforcement to bring a report and other law enforcers, including Code to have a blanket report. He commented on the report that was distributed, adding that it does not show much and does not give a blanket picture. He asked that this be put on an agenda.

## **PUBLIC FUNCTION MATTERS**

MATTERS FOR PUBLIC HEARING AND CONSIDERATION ON TUESDAY, MARCH 25, 2014, 6:30 P.M., ROOM 100; GOVERNMENT CENTER BUILDING, 222 PINE AVE.

The Clerk read the following:

1. Zoning Case #14-016 – James Tillman, et al/Owners, James Tillman/Applicant; request to rezone property located at 1601, 03,05,07 and 09 W. 3<sup>rd</sup> Ave., from R-1 to C-6. PC **Denied** 7-0 (WARD 3)

Commissioner Fletcher stated that she wants to hear from both sides; the applicant and those opposing the application.

The Clerk advised that the vote was 7-1.

2. Text Amendment – Parking & Loading. PC approved 7-0

Paul Forgey, Planning Director, stated that this clarifies existing rules, with a few, new additions and puts all parking rules in one place, as noted (copy on file), adding that the next step provides for input to decide what the community and Commission wants. He mentioned that the city of Houston (Texas) regulates parking based on neighborhood proposals, i.e., a neighborhood may ban front-yard parking with the ordinance enforcing their decision. He said the planning commission suggested this be looked at within Albany and commented on grandfathering,

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banning front parking, which will be easy to regulate, but there may be instances in which it is unfair for one reason or another. He reiterated that using Houston's model is another option, in which each neighborhood determines what it wants and makes a proposal to the city for that regulation.

Commissioner Marietta asked if front yard parking will be illegal. Mr. Forgey clarified 'grandfathering in' that is proposed to allow front yard parking, with the proposal governing new construction/development; the next step is to regulate parking. Commissioner Marietta mentioned dust, with Mr. Forgey noting paving or the use of packed gravel to combat dust.

Commissioner Postell referred to apartment complexes, with there being no place to park other than on the street or in their yards. He suggested parking as done in larger cities, i.e., parking on one side of the street during certain hours on one day and the other side of the street the next day. He suggested sending it back to the Planning Commission to bring back recommendations.

Mayor Hubbard stated that the proposed text amendment is for new development. Mr. Forgey agreed. In reply to Mayor Hubbard regarding existing parking, Mr. Forgey explained that there are no clear regulations currently in the ordinance dealing with that. The Planning Commission suggested sending that back to them to review existing parking as done in Texas. Mr. Ballard stated that the proposal is for new and improved developments.

Commissioner Langstaff clarified that this is being done in two parts, 1) new or substantially improved properties and 2) to come back later regarding existing parking. Mayor Hubbard stated that the proposal is new and the Planning Commission will bring back recommendations regulating parking in front yards. Mr. Ballard agreed. Mr. Forgey also agreed, again stating that the Planning Commission will review to have it done neighborhood by neighborhood. Commissioner Langstaff said he likes the Texas method because parts of the city [of Albany] are different, adding that he questions 'substantially improved properties' that is proposed. He suggested consistency within the neighborhood. Mr. Forgey noted 'letter K' whereby planning staff can administratively make allowances. Commissioner Langstaff asked to consider only new construction/development and discussed neighborhood setting their own rules. Mr. Forgey explained the proposed process that allows individual neighborhoods to ask for parking regulations. Commissioner Langstaff stated that even though he likes the Texas model, it may be onerous, time consuming, etc., and asked if it can be voluntary – if no one is complaining about parking, the neighborhood can continue with its current practice. He added that someone from within the neighborhood would have to instigate the process by asking their commissioner to consider parking regulations in their neighborhood. Mr. Forgey stated that what he is describing is how the Texas model works, adding that something would be in place to trigger having an administrative review. Commissioner Langstaff stated that he is willing to try having it regulated administratively.

## **PUBLIC WORKS MATTERS**

Mayor Hubbard stated that this item was removed from the agenda per Mr. Davis.

TWO ADDITIONAL STOP SIGNS ON KENILWORTH @ MEADOWLARK DR.

## **EXECUTIVE SESSION**

At 9:41 a.m., Mayor Pro Tem Howard moved to enter into executive session to discuss potential litigation, seconded by Commissioner Langstaff, 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 9:45 a.m., Mayor Pro Tem Howard moved to exit executive session, seconded by Commissioner Fletcher, 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 discussion, the meeting adjourned.

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SONJA TOLBERT  
CITY CLERK