

COMMITTEE OF THE WHOLE
APRIL 15, 2014
GOVT. CTR – RM. 120

PRESENT Mayor Dorothy Hubbard
Mayor Pro Tem Jon Howard
City Commissioners: Bobby Coleman (arrived @ 8:40), BJ Fletcher, Roger
Marietta, Bob Langstaff, Jr. and Tommie Postell
City Manager: JL Taylor
City Attorney: CN Davis

Mayor Hubbard called the meeting to order at 8:30 a.m.

CITIZEN APPEARANCE:

Laureen Kelly, Dougherty County Law Library Manager, briefly discussed her credentials as a Georgia licensed attorney, with a Master's Degree in Library Science. She stated that her request, along with the Law Library Trustees, is for the Commission to approve an increase of the library's funding by increasing each case from \$2.00 to \$5.00. She briefly discussed the function of the library and benefits it provides the public, adding that individuals from other communities/states use it as well. She advised that County courts have already implemented the increase to the statutory maximum \$5.00 filing fees and Albany citizens make up 89% of the library's users. In 2012/13 over 2,000 citizens sought assistance and received an economic value of \$144,100.25, if billed at the rate of law librarians at law firms. Through fines/forfeitures paid by offenders, the increase will generate an estimated \$26,000/annually, but will not cost the City any additional funds. She stated that the resolution could be worded to allow only collected fees to be transmitted to the library.

Commissioner Marietta clarified that there will be no additional cost to the City; this will only affect those who file in magistrate court; Ms. Kelly agreed, adding that municipal court is the only one still charging the \$2.00 fee. Commissioner Marietta supported the increase and mentioned the need for the City Attorney's input.

Mayor Pro Tem Howard referenced the revenue the increase would generate. Ms. Kelly added that this would be over what they already get; the \$5.00 maximum was set in 1997. Mayor Pro Tem Howard asked if the increase could have been incrementally for example from \$2.00 to \$4.00. Ms. Kelly replied that it is a possibility; however, the need is greater than that, they are at the 1981 level. She added that in states, such as Texas, law libraries get \$35.00 per case. Mayor Pro Tem Howard mentioned those who use the law library on a consistent basis and the impact on them. Ms. Kelly mentioned an Affidavit of Poverty, with fees waived by the judge for those who cannot afford the filing fee. Mayor Pro Tem Howard asked if they are assigned community service; Ms. Kelly replied that it is possible. Mayor Pro Tem Howard stated that his concern is young, destitute offenders in the judicial system. He said that he can support going from \$2.00 to \$4.00. Ms. Kelly stated that she assists them all – especially those who go to court; the judge has discretion to set fine amounts.

Commissioner Langstaff mentioned Mr. Davis' concern about the fines having to be paid even if the court did not collect it. Mr. Davis stated that as Ms. Kelly just stated, they are willing to go

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along with any increase being paid out of collected fines in criminal cases. Commissioner Langstaff noted that there will be nothing coming out of the City's budget, with Superior, State, Magistrate, and Probate collecting the \$5.00 fee. He mentioned that the occasional times he uses the Law Library, there are always a lot of people using the resources, with Ms. Kelly providing support to those needing direction. He said that he feels the extra \$3.00 is the least the City can do to help with the costs. He then moved to raise the fee to \$5.00, with the provision that it is only on collected fees as opposed to uncollected, seconded by Commissioner Fletcher.

Commissioner Postell asked the number of Trustees on the Board; Ms. Kelly replied that there are seven. Commissioner Postell asked from where the 11% come who are not from Albany. Ms. Kelly said that they live in the unincorporated part of Dougherty County and surrounding counties and sometimes other states. In response to Commissioner Postell, Ms. Kelly said that she is the only one on staff.

Mayor Hubbard asked the fee of any surrounding county that has a law library. Ms. Kelly replied that there are very few, properly staffed county law libraries in Georgia; ours is the only properly staffed county law library south of the Atlanta area and only 20% of law libraries have someone who is an attorney, as well having a Master's degree. Mayor Hubbard asked who decides who will be a Trustee; Ms. Kelly replied that it is statutory; they are listed in Title 36 (O.C.G.A.) in the chapter regarding law libraries. Mayor Hubbard referred to the balance sheet (copy on file) and mentioned investments over \$345,000 in a savings account, and asked how funds get into that account. Ms. Kelly explained that it is savings from earlier in the library's history – nothing is being contributed to the account now; it could be used to rebuild in the event of a natural disaster. Mayor Hubbard stated that she was trying to determine if any of the increased revenue from the \$5.00 would help build up savings; Ms. Kelly explained that the increase will go toward operating expenses.

Mr. Taylor clarified that the nearly \$400,000 could be used for operating expenses – there is nothing in the law that constrains that. Ms. Kelly agreed, adding that it would not last very long. Mr. Taylor asked if other libraries in the county library system provide legal information. Ms. Kelly explained that they only contain a few Nolo Press books, which are not specific to Georgia law and are not adequate for someone doing legal research.

Mayor Hubbard agreed with Mayor Pro Tem Howard regarding incremental increases rather than such a large jump at once. Ms. Kelly replied that \$26,000 is not a huge amount; the cost to update their print collection is \$36,000. Mr. Taylor interjected that this is \$26,000 *additional* dollars. Ms. Kelly compared her salary to other law libraries, especially with her credentials. Commissioner Postell asked if she is asking for a raise; Ms. Kelly replied in the negative, adding that her primary concern is the collection (of resources) and services. With the 11% annual increase, eventually the library collection will lose its utility. In response to Commissioner Postell, Ms. Kelly stated her salary.

Commissioner Langstaff mentioned the listing of Trustees on page 12, who set her salary, COLA's, etc. He stated that he sees a large number of individuals using Horne books, which

address a vast array of topics, but were last updated in 2009. He agreed that there is a need to update the books.

Mayor Pro Tem Howard asked if Commissioner Langstaff would accept a friendly amendment of \$2.00 to \$4.00. Commissioner Langstaff explained that if someone cannot afford the extra dollar, the judge will not make them pay – they look at an individual’s ability to pay fines and that issue is solved by the judge. He used the example that if he receives a speeding ticket, the court/library is losing that dollar he would have paid. He said that he feels the maximum \$5.00 allowed by law is necessary.

Hearing no further discussion, the motion carried 6-1 with Mayor Pro Tem Howard voting no.

MODEL AIRPLANE ORDINANCE

Mr. Davis stated that the intent was to bring a model airplane ordinance for quiet operation, with only radio controlled airplanes and rubber band powered models, with no liquid fuel operated airplanes allowed to be flown at Hilsman and Festival Parks, the only permitted areas.

Commissioner Postell asked the penalty for those who fly elsewhere than the two permitted locations. Mr. Davis referred to page 42, stating that he thought the Commission might want a three-step process – a small fine for the first offense, increasing the fine for the second offense and a larger fine in three digit numbers, along with suspending their privilege to operate an airplane. Following a brief discussion, the consensus was: first offense – written warning; second offense - \$50.00 fine; third offense - \$250.00 fine and 12 months suspended privilege to operate a model plane. In response to Commissioner Langstaff, Mr. Davis stated that the ordinance includes airplanes projected with rubber bands. Commissioner Langstaff moved to approve with penalties associated with each offense, including those that are rubber band projected, seconded by Commissioner Postell; the motion unanimously carried.

APPOINTMENTS

1. Two appointments to the Barrier Free Design Board for three-year terms ending March 2017. (One member representing handicapped persons and/or persons who have an understanding of and a commitment to Barrier Free Design Board and one member representing the community at large).

Commissioner Postell asked the need to continue advertising. The Asst. Clerk replied that, while Mr. Parker desires to continue serving, Mr. Mitchell did not reply, which leaves a vacancy. Commissioner Marietta explained that Mr. Mitchell is a college student and will be transferring to another city this fall. Commissioner Langstaff moved to reappoint Mr. Parker, seconded by Commissioner Postell; the motion unanimously carried.

Mayor Hubbard recognized former Commissioner, Henry Mathis.

PUBLIC ADMINISTRATION AND FINANCE MATTERS

CURRENT BIDS:

Yvette Fields, Central Services Deputy Director, discussed the following:

1. Construction/Rehab – JVS Assoc., Inc., Albany, GA

Estimated lump sum amount \$64,142.00

Mayor Pro Tem Howard moved to approve for discussion, seconded by Commissioner Marietta.

In reply to Mayor Pro Tem Howard, Shelena Hawkins, Community & Economic Development Director, said that the need for rehab was the result of water damage caused by a burst pipe.

Commissioner Langstaff asked if the Department of Community & Economic Development is the funding source; Ms. Hawkins said that it is rental revenues from the rental program.

Hearing no further discussion, the motion unanimously carried.

APPLICATION FOR FTA SECT. 5307 CAPITAL/OPERATING GRANT

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

FIXED ROUTE BASE FARE INCREASE RE: ALBANY TRANSIT

Angela Calhoun, Interim Special Projects Manager, stated that the request is for permission to advertise a public meeting on the proposed base fare increase of \$0.25 for transportation services, effective July 1, 2014. The request also includes a \$0.05 increase each year through July 1, 2018 for a gross increase of \$0.45. She said that the one-way, fixed route base fare was increased from \$1.00 to \$1.25 in 2008; the request is an increase to \$1.50 beginning July 1, 2014 in order to continue improved transit services for patrons. She explained that the annual \$0.05 increase for the next four years beginning July 1, 2015 will help offset the cost of fuel and maintenance for provided services, adding that this action will align Albany with the current state average base fare of \$1.70. The public meetings will allow input from citizens, which will be brought back to the Commission for review; upon approval the increase takes effect July 1, 2014; she recommended approval.

Commissioner Postell asked the reason for a \$0.05 increase every year. Mr. Taylor stated that Albany is substantially behind the region when compared to others providing public transit services. Instead of a \$0.45 increase, the aim is an incremental increase in order to mitigate the impact on patrons. Commissioner Postell asked the counties involved in the research. Ms. Calhoun replied that they researched the base rate of Athens-Clarke County Metro, Macon

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Transit, Cobb County; they also looked at Columbus, Gwinnett, Chatham, Augusta, Rome...Commissioner Postell expressed satisfaction with the areas researched. In response to Mayor Hubbard, Ms. Calhoun stated that there will be one public hearing in May, with the results reported in June.

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

EXTENSION OF PURCHASE ORDER – THE LPA GROUP, INC.

Airport Director Yvette Aehle stated that the request is for an extension of the purchase order with The LPA Group, which is the engineering firm that will conduct Phase III of the terminal improvements construction. She said she intends to issue a Notice to Proceed within the next few weeks once additional information is received from Reeves Construction. The purchase order for The LPA Group will extend for 14 months to allow the projected nine months of Phase III work and close-out paper work required by the FAA.

Commissioner Postell stated that she continues to come back with the same issue and asked why; is the FAA giving her a hard time. Mr. Taylor interjected that he asked her to bring it back, not the FAA, because he wants the Commission to make a decision with all the information before them. Commissioner Postell asked if this will allow the needed demolition. Ms. Aehle replied in the affirmative, adding that demolition of the terminal will be one of the first items that Reeves completes. She explained that they had to remove asbestos on the second floor and once that is complete they will demolish the building in order to build parking lots there.

Mayor Hubbard asked if the City has been paying LPA all along; Ms. Aehle replied only if they had done any work, but they have done nothing on Phase III yet. The only payments have gone toward close-out of the terminal project.

Mentioning LPA, Commissioner Marietta stated that he was promised that the next time it came up it would be bid out; he asked if it will be bid out once the extension is final. Ms. Aehle stated that she is in negotiations with the Holt Consulting Company; this is the last bit of business that the LPA Group is completing.

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

PUBLIC SAFETY MATTERS

ALCOHOL LICENSE TRANSFER OF OWNERSHIP:

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1. Ji Maa Vaishno, Inc., d/b/a Buy Rite; 2400 Clark Ave., QM Lumpkin/Applicant; Wine package. Transfer from A. Singh (WARD 1)

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

ONE DAY ALCOHOL LICENSE APPLICATIONS:

1. Albany ARC, D. Fulford/Agent; Fundraiser, Nelson Tift Building, 226 W. Broad Ave., May 22, 2014; 6:30 pm – 9:30 p.m.

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

ITEM(S) FOR FUTURE AGENDA

Commissioner Coleman stated that he is concerned about the Broad Avenue underpass; he has not received any information from anyone within the City regarding the status. Only those who travel that route realize how dangerous it is.

PUBLIC FUNCTION MATTERS

MATTERS FOR PUBLIC HEARING AND CONSIDERATION ON TUESDAY, APRIL 22, 2014, 6:30 P.M., ROOM 100; GOVERNMENT CENTER BUILDING, 222 PINE AVE

The Asst. Clerk read the following:

1. Text Amendment – Parking Regulations – (PC 5-2)

Commissioner Marietta asked Planning Director Paul Forgey if this is for existing subdivisions; Mr. Forgey replied in the affirmative. Commissioner Marietta asked if it is approved, will it leave the issue up to each individual neighborhood, i.e., his and Commissioner Postell's neighborhood could have a separate set of rules. Mr. Forgey explained that this is the intent, neighborhoods will either have regulated parking or not. He added that the same rules will apply to each neighborhood choosing to regulate parking. According to the way the ordinance is drafted, the neighborhood must conduct a survey to ascertain whether or not to regulate parking with 60% of owners required to agree; the matter is then brought to the City. In response to Mayor Hubbard, Mr. Forgey said that staff will determine that everything is correct (60% of the neighborhood is represented), it is then advertised within the neighborhood, followed by the Commission designating controlled parking in that particular neighborhood. Mayor Hubbard clarified that the Commission must approve the request of every neighborhood desiring to have regulated parking; Mr. Fogery replied in the affirmative.

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Mayor Pro Tem Howard asked the effect on neighborhoods with a high rate of rental homes. Mr. Forgery explained that it would be up to the home owner, not renter, to agree; the renters could provide input to the owner, but the final decision will be the homeowners. Mayor Pro Tem Howard asked the department responsible for enforcing regulations. Mr. Taylor interjected that it will be enforced as any other law passed by the Commission and it will be complaint-driven. Mayor Pro Tem Howard asked if those calling to complain have to identify themselves; Mr. Taylor replied in the negative, adding that they would like to have a name, but it is not mandatory.

In response to Commissioner Postell, Mr. Taylor stated that all subdivision development goes through Planning. Commissioner Postell asked if developers are responsible for controlling parking when building apartments; Mr. Forgey replied in the affirmative, adding that when homes/apartments are built they are required to provide parking. However, some of these are older neighborhoods and sufficient parking was not provided, while in others cases, the occupants choose to park in the yard. In response to Commissioner Postell, Mr. Taylor explained that there must be sufficient space for parking when apartments are built, but there is no ordinance preventing individuals from parking in places other than their parking space, driveway, garage, etc. He added that neighborhood associations often have codes addressing parking; however, covenants expire after 20 years. There are some residences downtown lacking parking, which leave people to park wherever they can, unless there is a law to constrain it. Commissioner Postell mentioned the lack of enforcement regarding the ordinance about tractor-trailers parking in lots and he wants to know how this issue will be prevented from being a similar situation. Mr. Taylor explained that this issue is just like tractor-trailers – enforcement is through complaints in which citizens participate in the process. He stated that tickets will be issued, but the value must be such that it makes the penalty worth the cost to park elsewhere. Commissioner Postell stated that the reason he is bringing this up is because his area flooded; owners deserted the property, which became City-owned property and HUD will not allow developing the property unless structures are elevated. Owners/operators of tractor-trailers are parking on these deserted lots; they should adhere to City laws. Mr. Taylor stated that he will have it checked; Commissioner Postell specifically mentioned 1200/1300 Newton Road and S. Jackson.

Commissioner Fletcher clarified that this will be neighborhood-driven with 60% of the neighborhood agreeing to either regulated/unregulated parking and each neighborhood will enforce, through complaints, whatever is approved by the Commission. Mr. Taylor stated that anyone not in compliance will be ticketed; if staff drives by and notes noncompliance, tickets will be issued. Commissioner Fletcher asked if the neighborhoods could be designated as a regulated parking neighborhood though markers. Mr. Taylor replied in the affirmative; however, boundaries are a challenge, as well as the need to not litter with too many signs. Mr. Forgery interjected that another challenge is - the original proposal was a minimum size of six blocks for a neighborhood, with the Planning Commission recommending one block; therefore, block by block presents a challenge to sign each block.

Commissioner Langstaff asked if theoretically a block could be three houses with two houses being 60%; Mr. Forgey replied in the affirmative. Mr. Taylor stated that he foresees enforcement challenges based on how clearly a restricted area is defined. Commissioner Langstaff mentioned absentee owners who do not respond to the petition/survey; the decision could be made to get 60% approval from a different point within the neighborhood/block. Mr. Taylor agreed, adding that the

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ordinance could be changed to give residents two opportunities to respond, with their lack of response documented.

Mayor Hubbard clarified that a neighborhood can actually become a block so that the entire neighborhood does not have to adhere if two streets in the neighborhood are agreeable, while another is not. Commissioner Langstaff interjected that as long as 60% of a group, whether it is a group of three or 300, gets together to designate their block - the area can be defined as they choose.

2. Zoning Case #14-024 – Robert N. Brooks/Owner; Ben Carroll, Polestar Dev., LLC/Applicant; request to rezone property located at 101 Logan Court from C-5 to C-2. WARD 4 (PC approved 7-0)
3. Zoning Case #14-025 - Robert N. Brooks/Owner; Ben Carroll, Polestar Dev., LLC/Applicant; request to rezone property located at 100 S. Westover Blvd. from C-5 to C-2. WARD 4 (PC approved 7-0)

ITEM(S) FOR FUTURE AGENDA

Mayor Pro Tem Howard asked that APD look into semi-trucks parking at the Rose's parking lot, especially on the weekend; it is an ongoing issue.

PUBLIC WORKS MATTERS

WESTOVER/GILLIONVILLE COMMERCIAL S/D

Engineering Director Bruce Maples reported that this development was completed in 2008, with the right-of-way and easement being presented for acceptance by the Commission. He stated that staff visited the site to ensure that it complies with all City requirements for construction of a road, storm drainage, and sanitary sewer. He said that the developer cleared the pond of trees and it now meets all requirements.

Commissioner Langstaff moved to approve, seconded by Commissioner Marietta.

Mayor Pro Tem Howard asked the reason it took so long. Mr. Maples replied that he has no idea; the attorney was required to submit a legal description, which was only recently received. A brief discussion followed regarding offers being made prior to the City's acceptance of a subdivision, road, holding pond, etc., with the City waiting for an offer for this particular matter. Commissioner Marietta explained that there was nothing there other than a street, with the developer waiting for parcels to sell.

In response to Commissioner Postell, Mr. Maples explained that the recommendation to accept the drainage easement is in order to protect Waffle House. Commissioner Postell asked why something was not done to protect Beef O'Brady's when it was in business. Mr. Maples explained that their

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drainage goes into Logan Court and if anything happened, it would have been on the developer and owner of Beef O’Brady’s to maintain all infrastructure, with the City having no involvement. In response to Commissioner Postell, Mr. Maples stated that the former restaurant is up for sale and the difference now is that he has finally received the legal description. In respect to subdivisions, Mr. Taylor briefly discussed the City’s requirements regarding drainage and easements and their maintenance depending on whether or not they were dedicated to the City. He advised that in the case at hand, they chose not to, until now, because of other development that will be impacted.

Hearing no further discussion, the motion unanimously carried.

REQUEST TO ABANDON PORTION OF DRAINAGE EASEMENT IN WESTOVER/GILLIONVILLE COMMERCIAL S/D

Mr. Maples advised that a proposed grocery store chain met with staff to discuss issues about their development, with one being the drainage easement running down the middle of the property that was just accepted in the previous item. He reported that the request is for the City to abandon that same easement because a preliminary site plan shows that their building will sit on top of the easement. He mentioned the areas that are included in their proposal of a private drainage system, adding that one piece of property not included in the private drainage system is the southeast corner of Gillionville/Westover. That area was not included because in the original development, drainage will discharge into the ditch section on Westover Road and continue to the canal. He said that the proposal/request is for the City to grant the abandonment of that portion of the drainage easement that goes through their property that handles all of the drainage. Approval is contingent upon them complying with stipulations set by the City and execution of agreements by property owners; until all requirements are met, the City will not accept the quitclaim to abandon the existing drainage easement.

Commissioner Marietta moved to approve with the stipulations discussed by Mr. Maples, seconded by Commissioner Postell; the motion unanimously carried.

SEWER & DRAINAGE EASEMENT W/DOUGHERTY COUNTY HOLDINGS, II, LLC

Mr. Maples advised that the City accepted quitclaim deeds for storm water and sanitary sewer easements, but prior to them being recorded, the property at Pointe North was transferred to Dougherty County Holdings II, LLC. The request is for approval of the same easement, but with the affected landowners.

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

GDOT R-O-W MOWING & MAINTENANCE AGREEMENT

Ili Si Malone, City Arborist, stated that she is present to request approval for the right-of-way mowing and maintenance agreement between the State and City for the 200 block of S. Slappey Boulevard, which is adjacent to the Highland ball field. She advised that the City has permission to remove four existing live oaks and replace them with seven Arapaho Crape Myrtles. Because this

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is a GDOT right-of-way, the City must go through them for permitting. She reported that the City already has a maintenance/mowing agreement with GDOT; however, they requested one just for the seven trees called a ‘traffic operations special encroachment permit’ because they do not want trees planted on their right-of-way. She explained that the Crape Myrtles will not interfere with overhead/underground utility lines or compete with existing pavement hardscape. Water, Gas & Light will remove the live oaks, purchase, plant, and maintain the seven trees. She mentioned a void that will be left when the four oaks are taken down; the Crape Myrtles will fill the void and beautify the section of a gateway on S. Slappey Boulevard.

Commissioner Postell complained that the gateways are in horrible shape; they are not being kept in an acceptable condition. Mr. Taylor interjected that gateways are under his jurisdiction, not Ms. Malone’s. He said that the rain has impeded the ability to maintain them, but he will ensure that their condition is corrected.

In response to Mayor Pro Tem Howard, Ms. Malone discussed the reasons for choosing the Arapaho Crape Myrtle. Mayor Pro Tem Howard then moved to approve, seconded by Commissioner Marietta; the motion unanimously carried.

Mayor Pro Tem Howard announced that the Stash the Trash event kicks off Friday with local governments and on Saturday, Lexington Drive, will be the clean-up site this year.

Mayor Hubbard announced that a forum is scheduled for Saturday, May 3rd, from 10 a.m. – 12 p.m. at the Civic Center to help parents recognize signs that their children may be participating in gang-related activities; from 2 p.m. – 4 p.m. a session will be held for parents and children.

There being no further business, the meeting adjourned at 9:56 a.m.

SISSY KELLY
ASST. CITY CLERK