

JANUARY 26, 2016

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

PRESENT: Mayor Dorothy Hubbard  
Mayor Pro Tem BJ Fletcher  
City Commissioners: Jon Howard, Bobby Coleman, Roger Marietta, Bob  
Langstaff, Jr., and Tommie Postell  
City Manager: Sharon D. Subadan  
City Attorney: C. Nathan Davis

Mayor Hubbard called the meeting to order at 6:31 p.m.

The Pledge of Allegiance followed the invocation given by Pastor Leigh Ann Raynor, Porterfield United Methodist Church

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

PUBLIC HEARING

Mayor Hubbard opened the public hearing for the following:

1. Zoning Case #15-056 – PS & J Patel/Owner; Lanier Engineering, Inc./Applicant; request to rezone property located at 2402 Whispering Pines Circle from R-1 to C-2 **conditional**

Using a power point presentation (copy on file) Paul Forgey, Planning Director, discussed the location of the property, displayed a map of the surrounding zoning and advised that the request to rezone will allow for a convenient store with fuel pumps and a restaurant. He discussed the zoning history, adjacent land use and future land use map and advised that the Planning Commission recommends approval with the following conditions: **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, and event centers; 2) No access to the subject property is allowed from Whispering Pines Circle. Driveway placement on Whispering Pines Road will be determined by the Director of Planning and the City Traffic Engineering Department; 3) Applicant will engage services of acoustical (sound) professionals to design the sound wall (height minimum of 6') shown on the site plan that mitigates sound from the proposed development. The wall will extend along Whispering Pines Circle and Whispering Pines Road to a point determined by the Planning Director that will offer protection to 2500 Whispering Pines Road. The reasonable discretion of the Director of Planning and Development Services will control; 4) The composition of the 20' landscape buffer and landscaping on the outside wall shown on the site plan will be determined by the Planning Director and the City Arborist; 5) 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 of lighting used should reflect the results of such study. The reasonable discretion of the Director of Planning and Development Services will control.**

Commissioner Postell asked the vote of the Planning Commission; Mr. Forgey advised that the vote was 5-4. Commissioner Postell discussed residential housing in the area.

CB Fincher – 2403 Whispering Pines Circle spoke in opposition of the rezoning and distributed and discussed information (copy on file). In reply to Commissioner Postell, he advised that he has lived in the area for 42 years. He addressed aspects of the Comprehensive Plan, which protects existing residential neighborhoods from encroachment by commercial uses adjacent to major corridors and suggested that another store is not needed in the area. He stated that promises have been made in the past, but never kept and that is why there is no trust/confidence in anyone wanting to rezone to commercial uses. He asked that the Commission keep the R-1 zoning and discussed uses in R-1 zoning designations, i.e., day care operations, religious institutions, private schools, public buildings and utilities, etc., adding that attractive entrance curb appeal is valuable. He urged the Commissioners to consider residents who desire to maintain the integrity of the neighborhood.

JANUARY 26, 2016

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GOVT. CENTER – RM 100

Quida Fincher, wife of Mr. Fincher (same address) also voiced opposition and stated that commercial uses changes the atmosphere of the neighborhood. She suggested that the 6' concrete wall is not suitable for the area and that it would make her feel as though she was looking at the back of a prison. She discussed the abundance of stores selling groceries, stating that another is not needed. If a service station is allowed, she mentioned that bright lights will be distracting as well as the unattractiveness of a convenience store in the residential area and asked that the Commission let it stay as it currently is.

Commissioner Howard thanked Mr. and Mrs. Fincher for their input; he asked the number of homes. Ms. Fincher said there are 17 in the circle. Mr. Fincher added that there are well over 100 in the subdivision.

Frances Meadows, 2610 Pine Valley Road, said she has lived in the area for 49 years and also opposed the rezoning. She expressed concern about a gas station being put in the area because it is almost impossible to exit and enter the area because of the heavy traffic backing up on Dawson Road.

Tod Lanier, Applicant, spoke in support of the application, stating that the addresses mentioned tonight are among the minor residentially zoned property on the long stretch of Dawson Road, adding that the owner/developer agreed to all conditions recommended by the Planning Commission. He said cannot see that the property in question has a reasonable, economic use with a residential zoning classification.

Mayor Pro Tem Fletcher agreed that it is a dangerous area/situation due to traffic in the area and suggested that other uses for the property would be more suitable.

Commissioner Langstaff asked if the current zoning allows for religious institution; Mr. Lanier agreed, adding that a religious institution would have to have special approval, which would also involve questions of lighting, traffic, etc. Discussion followed with Commissioner Langstaff suggesting C-6 rezoning designation, i.e., office use with Mr. Lanier stating that his client wants the convenient store and cannot agree to a lessor rezoning and he is not authorized to agree to any other designation.

Commissioner Postell asked the ward in which his client resides; Mr. Lanier said he lives LaCosta Drive. Mayor Pro Tem Fletcher said that is in the Stonebridge subdivision. Commissioner Postell mentioned the vote of the Planning Commission adding that he wants to help the residents in the area maintain the R-1 zoning.

Commissioner Marietta referred to 'step-down zoning' and said he does not support rezoning the area.

In reply to Commissioner Howard, Mr. Lanier stated that the family operates other convenient stores in Albany/Lee County. Regarding conditions put on rezoning and who monitors, Mr. Lanier suggested that Code Enforcement and the integrity of the person operating the business are the two that monitors compliance when there are conditions. Mayor Hubbard stated that based on the photos (distributed by Mr. Fincher), the property is not being maintained and Code needs to investigate.

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

2. Zoning Case #15-058 – JA Investments Realty, LLC/Owner; William Hancock/Applicant; request to rezone property located at 1705 N. Slappey Blvd., from C-1 to C-2

Using a power point presentation, Rosanne Braswell, Planner, discussed the application and the request to rezone, which allows a drive thru window at the existing restaurant. She displayed and discussed maps of the area, surrounding zoning, land use and planning considerations, advising that the Planning Commission recommends approval.

JANUARY 26, 2016

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

Commissioner Marietta mentioned hearing that it will be a pizza place; Ms. Braswell advised that it is a Wings franchise; a brief discussion ensued. Commissioner Postell asked the vote of the Planning Commission (6-3).

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

3. Zoning Case #15-060 – S. Investments, LLC/Owner; C. Patel/Applicant; request to rezone property located at 1701 N. Slapney from C-1 to C-2

Ms. Braswell briefly discussed the application and advised that it is next door to the one just discussed.

William Hancock, applicant, said he is present to answer questions.

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

#### REPORT OF COMMITTEE OF THE WHOLE

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to approve the following Alcohol License Transfer of Ownership, seconded by Commissioner Coleman.

Commissioner Postell mentioned discussion from the briefing and stated that the applicant has six months to get issues straightened out regarding construction of the building; he asked that this location be monitored and a report brought back.

1. Toqueria El Guero, 2427 Sylvester Rd., B. Alvarez/Agent; Beer consumption/Liquor retail. Transfer from M. Lopez

Hearing no further discussion, the motion carried 6-1 with Commissioner Howard voting no.

Following the recommendation of the Committee of the Whole, Commissioner Coleman moved to approve the following Alcohol License Transfer of Ownership, seconded by Commissioner Postell; the motion carried 6-1 with Commissioner Howard voting no.

2. Davis Bar, 1505 N. Monroe, C. Bence/Agent; Beer consumption. Transfer from CJ Davis

#### APPOINTMENTS

1. Commission appointments to Citizens Advisory Committee for two-year terms ending January 2018

The following were reappointed and/or appointed: Dr. Charles King (Mayor), Princella Stegall (Ward 1), Sallie Odom (Ward II), Ralph Rambeau (Ward III), Wylene Jones (Ward IV), David Linenfelter (Ward V), Kowana McKinney (WARD VI). Commissioner Postell moved to reappoint Jawahn Ware, seconded by Mayor Pro Tem Fletcher; the motion unanimously carried.

2. One City, one Joint and one rotation appointment to Joint Electrical Board for one-year term ending January 2017

Commissioner Postell moved to reappoint Willie Emerson, Edward West and Sanford Hillsman, seconded by Commissioner Coleman; the motion unanimously carried.

3. One appointment to Aviation Commission to fill unexpired term ending July, 2017

Mayor Pro Tem Fletcher nominated Ken Hodges, seconded by Commissioner Postell. Commissioner Langstaff nominated Dr. Anthony Parker on behalf of the Aviation Commission; Commissioner Coleman nominated George Buchanan. Commissioner Postell moved to close

JANUARY 26, 2016

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

nominations on said names. Following a show of hands, Mayor Hubbard declared Ken Hodges appointed 4-3 with Commissioner Howard, Coleman and Langstaff voting no.

Referring to the Joint Electrical Board, Commissioner Marietta asked if there is still a vacancy; The Clerk noted other Joint Board vacancies.

ORDINANCES

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

AN ORDINANCE

Amending the Zoning Ordinance and Map of the City to Albany to change the status of property located at 2402 Whispering Pines Circle from R-1 to C-2 - conditional

Commissioner Langstaff introduced

AN ORDINANCE NO. 16-101

Amending the Zoning Ordinance and Map of the City to Albany to change the status of property located at 1705 N. Slappey Blvd., from C-1 to C-2

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.

Commissioner Langstaff introduced

AN ORDINANCE NO. 16-102

Amending the Zoning Ordinance and Map of the City to Albany to change the status of property located at 1701 N. Slappey from C-1 to C-2

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.

RESOLUTIONS

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Mayor Pro Tem Fletcher, the motion unanimously carried.

A RESOLUTION NO. 16-R105

Authorizing the City Attorney to send Termination Notice to Kappa Alpha Psi Fraternity

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Mayor Pro Tem Fletcher; the motion unanimously carried.

A RESOLUTION NO. 16-R106

Authorizing the City Manager to Transfer Title to Vehicles

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Mayor Pro Tem Fletcher; the motion unanimously carried.

JANUARY 26, 2016

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

A RESOLUTION NO. 16-R107

Authorizing execution of an Encroachment Agreement with the Municipal Electrical Authority of GA (MEAG) re: Installation of Fiber Optic Line

Following the recommendation of the Committee of the Whole, Commissioner Howard moved to adopt the following resolution, seconded by Mayor Pro Tem Fletcher, the carried 6-0-1 with Commissioner Langstaff abstaining.

A RESOLUTION NO. 16-R108

Authorizing use of SPLOST VI funds re: completion of the Thornton Gym/Edison Alley Improvements

CONSENT AGENDA

Commissioner Howard moved to approve the following consent agenda, seconded by Commissioner Postell; the motion unanimously carried.

I. PURCHASES:

1.	Mobile Broadband Plan, Verizon Wireless		
		Annual expenditure	\$75,220.20
2.	Software/Hardware Maintenance, Motorola		
		Annual expenditure	\$96,312.57
3.	Ready Mix Concrete, Concrete Enterprises, Albany, GA		
		Estimated expenditure	\$310,400.00
4.	Signs and Posts, Vulcan Signs, Foley, AL		
		Total expenditure	\$48,901.73
5.	Uniforms, Nafeco, Decatur, AL		
		Estimated expenditure	\$51,367.75
6.	Upgrade – Internet Bandwidth, Georgia Public Web		
		Total expenditure	\$417,420.00
7.	Walking Gas Leakage Surveys, Heath Consultants, Houston, TX		
		Estimated expenditure	\$81,060.00

OTHER BUSINESS

Commissioner Howard asked if Mr. Forgey could provide a spreadsheet of zoning designations as was presented to the County Commission.

Commissioner Coleman asked the status of Delta Street with Ms. Subadan advising that she had looked at the area and at the time there were no violations, however, she said she will provide information on any tickets that were issued. Discussion followed with Commissioner Coleman expressing concern and asking that there be a resolution to the issue. Commission Postell mentioned a solution by asking APD to issue tickets only when there are violations. Mayor Pro Tem Fletcher said another issue is that the trucks are not able to turn; Commissioner Coleman asked who authorized marking the curb with a yellow line.

Mayor Hubbard reminded the Commission of the upcoming Night of Hope sponsored by the Cancer Coalition, in which Dr. Anthony Parker will be honored. She asked any Commissioner wishing to attend to provide their name to the Clerk as a head count is needed, adding that the table was paid for by Mayor Pro Tem Fletcher.

There being no further business, the meeting adjourned at 7:33 p.m.

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MAYOR

ATTEST:  
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CITY CLERK