

JULY 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 6:54 p.m.

The Pledge of Allegiance followed the invocation given by Dr. Maurice Cherry, Retired, Hines Memorial C.M.E. Church.

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

RECOGNITION/PRESENTATION

Chuck Mathis, APWA Southeast Branch President and Dougherty County Asst. Public Works Director, gave brief comments regarding the award to be presented to the City of Albany. He stated that there were over thirty-six submittals, with the City of Albany awarded the Project of the Year award for the Broad Avenue Bridge. Mayor Hubbard asked staff to come forward and commended them for their efforts resulting in the City of Albany receiving this award.

PUBLIC HEARINGS

Mayor Hubbard opened the public hearing for the following:

1. Special Approval Zoning Case #16-026 – Sandra Sparks/Owner-Applicant request Special Approval for property located at 2901 Rosebriar Ave., to establish a Personal Care Home for six residents in the R-1 District

Using a power point presentation (copy on file), Paul Forgey, Planning Director, advised that the requested special approval allows for six people. The current zoning allows for four, but the applicant requests six, which requires special approval by the City Commission. He displayed maps of the area, land use map, etc., and discussed planning considerations, advising that the Planning Commission recommends approval

Commissioner Marietta asked the reason special approval is needed, Mr. Forgey reiterated that if more than four people are housed, special approval is required; a request for over six residents would require rezoning due to restrictions/limits. Discussion followed on the location and ingress/egress. Commissioner Howard asked if the house is on City sewer; Mr. Forgey replied in the affirmative. Mary Teter, Planning Manager, added that because of the Habitat for Humanity homes built in the area, City sewer was extended which includes the area of the house. Commissioner Howard asked if an increase in the number of residents at the facility will require Commission approval. Mr. Forgey again explained that a zoning change would be required if they wanted to increase the number of residents to more than six, adding that most likely, a rezoning change would not be recommended.

Sandra Sparks, Owner/Applicant said the home has five bedrooms and four full baths, which will accommodate the six people. In reply to Mayor Hubbard, she stated that before making application to the State to open the Personal Care Home, she is waiting for City Commission approval. In response to Mayor Hubbard, Mr. Forgey explained that by right, the home can house four residents, but any more than that number requires State approval and more than six residents requires a rezoning change. Additional discussion followed on state requirements in the R-1 District, ingress/egress not being a problem, etc. Commissioner Howard clarified the number of bedrooms and the State having the decision to approve/deny the application. Commissioner Langstaff mentioned that the issue comes to the Commission due to parking and street congestion and asked if parking will be a problem. Mr. Forgey replied in the negative and discussed vehicles parking in the area and agreed with Commissioner Langstaff regarding the State approving the facility, with the City looking at traffic concerns, etc. Mayor Hubbard asked

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if there are visitation hours; Ms. Sparks advised that visiting hours are from 8-10 daily, unless special circumstances necessitates having visitors past ten o'clock. In reply to Commissioner Postell, Ms. Sparks advised that the facility will have 24 hour supervision, with approximately ten employees

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

REPORT OF COMMITTEE OF THE WHOLE

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

1. C & P Restaurant Co., LLC, d/b/a Cheddar's Casual Café, 1111 N. Westover Blvd. M. Chumbley and A. Peake/Agents; Liquor, beer and wine consumption

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

2. Sandtrap Bar & Lounge, 1412 Radium Springs Rd. G. Udoto/Agent; Liquor, beer and wine consumption

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

3. Elements Coffee Co., 2726 Ledo Rd., Suite 10. S. T. Marshall/Agent; Beer and wine consumption

Mayor Pro Tem Fletcher moved to approve the following Special Approval Application, seconded by Commissioner Howard, the motion unanimously carried:

1. Special Approval Zoning Case #16-026 – Sandra Sparks/Owner-Applicant request Special Approval for property located at 2901 Rosebriar Ave., to establish a Personal Care Home for six residents in the R-1 District

APPOINTMENTS

1. Appointment to Community Development Council for one-year term ending June, 2017

Commissioner Howard moved to appoint Delinda Bryant, seconded by Commissioner Coleman; the motion unanimously carried.

2. One appointment to Planning Commission to fill unexpired term ending January, 2017

Commissioner Howard moved to appoint Hosea Miller, seconded by Commissioner Marietta; the motion unanimously carried.

3. One appointment to Stadium Authority to fill unexpired term ending June, 2018

Commissioner Howard moved to appoint Coach Octavia Jones, seconded by Commissioner Marietta; the motion unanimously carried.

4. Two appointments to Aviation Commission for three-year term ending July, 2019

Commissioner Langstaff moved to reappoint Dr. Frank Middleton and Sanford Hillsman.

Commissioner Marietta moved to appoint Leo Bowersox, seconded by Commissioner Howard.

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Following a show of hands, Mayor Hubbard declared Dr. Middleton and Mr. Hillsman to be duly appointed 4-3 with Commissioners Howard, Coleman and Marietta voting no (Dr. Middleton) and Commissioners Coleman and Postell voting no (Mr. Hillsman).

ORDINANCES

Mayor Pro Tem Fletcher introduced

AN ORDINANCE NO. 16-116

Levying and Assessing the rate of Taxation for City purposes on all Taxable Property in the City of Albany, GA for 2016

Mayor Pro Tem Fletcher then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Langstaff; the motion unanimously carried.

Mayor Pro Tem Fletcher introduced

AN ORDINANCE NO. 16-117

Providing for contributions to City 401(a) Defined Contribution Plans for Senior Management

Mayor Pro Tem Fletcher then offered the ordinance and asked for consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Langstaff; the motion unanimously carried.

Mayor Pro Tem Fletcher introduced

AN ORDINANCE NO. 16-118

Amending the Soil Erosion, Sedimentation and Pollution Control Ordinance for the City of Albany

Mayor Pro Tem Fletcher then offered the ordinance and asked for consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Langstaff; the motion unanimously carried.

RESOLUTIONS

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

A RESOLUTION NO. 16-R154

Accepting recommendations re: Structure of Albany Dougherty Inner City Authority and the Downtown Development Authority

In reply to Commissioner Postell, Latoya Cutts, Downtown Director explained the recommendation, which is to separate the two board appointments, etc.

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

A RESOLUTION NO. 16-R155

Declaring 1336 Mercantile Dr., Albany, Georgia to be Surplus Property and authorizing its Disposition

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Following the recommendation of the Committee of the Whole, Mayor Pro Tem Fletcher moved to adopt the following (two) resolutions, seconded by Commissioner Langstaff; the motion unanimously carried.

A RESOLUTION NO. 16-R156

Authorizing the Execution of First Amendment to 1998A Master Lease and option Agreement
re: GMA Lease Pool

A RESOLUTION NO. 16-R157

Authorizing Execution and Delivery of a Substitution of Escrow Agent and Authorizing consent to an Assignment of Master Repurchase Agreement and Assignment of Reimbursement and Indemnity Agreement re: GMA Lease Pool

Following the recommendation of the Committee of the Whole, Commissioner Marietta moved to adopt the following resolution, seconded by Commissioner Postell.

A RESOLUTION NO. 16-R158

Approving the Development of Paul Eames Sports Park

Commissioner Langstaff stated that he will vote yes because he feels it is deserving of a thorough investigation to determine the use.

Hearing no further comments, the motion unanimously carried.

Following the recommendation of the Committee of the Whole, Commissioner Howard moved to adopt the following (two) resolutions, seconded by Commissioner Langstaff; the motion unanimously carried.

A RESOLUTION NO. 16-R159

Authorizing Execution of an Agreement for Professional Services with Willie C. Weaver, Sr.

A RESOLUTION NO. 16-R160

Authorizing Execution of an Agreement for Professional Services with Ralph Scoccimaro

Detailed discussion followed on the following resolution:

A RESOLUTION NO. 16-R161

Approving the City of Albany's Revised Wrecker Service Policy Requirements and Procedures

Mayor Pro Tem Fletcher engaged the audience by asking those for tier 1 to stand (approximately three stood) and then asked those in favor of tier two to stand (the majority stood). In reply to Mayor Pro Tem Fletcher, Fire Chief Ron Rowe stated that staff can be trained and will work with either policy that is approved. Mayor Pro Tem Fletcher moved to adopt the resolution approving the two tier policy, seconded by Commissioner Postell.

Additional discussion followed regarding the current policy, wrecker servers having 20 ton capacity/large trucks, whether there are other cities with a two tier policy (Commissioner Langstaff). Mayor Pro Tem Fletcher offered to assist Chief Rowe in contacting cities in Georgia to ascertain if any have a two tier policy in place. Additional comments included whether the policy changed since 1982 and if it was enforced (Commissioner Langstaff) with Chief Rowe explaining the current process in place. There being no standards for wrecker services and no two cities alike pertaining to policies (Commissioner Coleman) and whether the list of 11 can be increased with Mr. Davis explaining the application process, which has no limit on those being on the list.

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Hearing no further comments the motion carried 5-1-1 with Commissioner Langstaff voting no and Commissioner Coleman abstaining.

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

A RESOLUTION NO. 16-R162

Establishing a Temporary 120 Day Moratorium on Enforcement on Certain Regulations Applicable to Mobile Food Vending (Food Trucks); providing for Extension(s) of the Moratorium

In reply to Commissioner Marietta, Mr. Forgey stated that the moratorium applies to trucks in the downtown area only.

In response to Commissioner Coleman, Mr. Forgey stated that eleven food trucks are registered with the Health Department and can operate within the city. He further explained the temporary regulations/three rules that apply to the downtown area. Commissioner Coleman suggested a suspension for everyone and not just the food trucks. Mr. Forgey read the three rules as follows: 1) not located within 300' of an existing restaurant; 2) must be at least 10' away from a loading zone/bus stop and 3) hours of operations are 10 am – 6 pm. He stated that a recommendation will be made and brought back for Commission consideration.

Commissioner Howard mentioned ASU's homecoming parade route and asked if this will be an issue with Mr. Forgey reporting that it will not impact the parade route; it only applies to food trucks.

In reply to Commissioner Postell, Mr. Forgey advised that the handling/distribution of food must meet the standards of the Health Department.

In reply to Commissioner Coleman, Mr. Forgey explained that the 300' rule was in place to prevent competing with fixed based establishments and advised that only food trucks are allowed in the downtown area, i.e., no mobile vending, etc. Commissioner Postell asked who determines what food trucks are with Mr. Forgey stating that this falls under the Health Department.

Hearing no further comments, the motion carried 6-0-1 with Commissioner Coleman abstaining.

Following the recommendation of the Committee of the Whole, Commissioner Marietta moved to adopt the following (two) resolutions, seconded by Mayor Pro Tem Fletcher.

A RESOLUTION NO. 16-R163

Approving SPLOST VII Project List

A RESOLUTION NO. 16-R164

Approving Execution of SPLOST VII Intergovernmental Agreement with Dougherty County

In reply to Commissioner Postell, Mr. Davis explained the agreement with Dougherty County to call for the election, distribution of funds (64% City/36% County split), etc.

Additional discussion followed with Ms. Subadan discussing prior disparity studies including funding (City/County/ADICA/School Board and WG&L (now Utility Dept.); the Disparity Study not being on SPLOST due to not being a capital project; however, funding can be provided from administrative SPLOST funds, etc. Commissioner Howard agreed with Ms. Subadan's comments, adding that \$299,000 was spent the last time a disparity study was conducted to make certain citizens are not treated disparagingly. Commissioner Postell suggested doing research before another study is done with Mayor Pro Tem Fletcher agreeing that the cost should be looked at before approving a large amount for the study. Mayor Hubbard

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stated that she felt the study would not cost \$1.0 million as requested and that whatever the cost, it will be prorated.

Commissioner Marietta mentioned discussions with Chehaw Park with the consensus being that if there are additional funds from other projects that come in under budget, the funds can be reallocated and added to Chehaw since it is listed on the SPLOST referendum. Ms. Subadan stated that all this will be brought back for Commission review and consideration once projects are completed, etc.

In reply to Commissioner Howard, Mr. Davis advised that the disparity study will not be part of the SPLOST vote tonight, but can be discussed at a later time.

Hearing no further comments, the motion unanimously carried.

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

A RESOLUTION NO. 16-R165

Authorizing a modification of the Employment Agreement between the City of Albany and the City Manager, Sharon D. Subadan

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

A RESOLUTION NO. 16-R166

Authorizing First Amendment to Memorandum of Understanding with Pretoria Fields, LLC re: Microbrewery Project

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

A RESOLUTION NO. 16-R167

Authorizing Initiation of Procedures to Prevent Illegal Dumping on Silica Dr.

Commissioner Howard asked Engineering Director Bruce Maples the time frame with Mr. Maples explaining the process of speaking with the property owner before installation of fencing, etc. Phil Roberson, Asst. City Manager, advised that tonight's vote allows the City to move forward, get bids/pricing/design, etc.

Hearing no further comments, the motion unanimously carried.

Commissioner Howard moved to approve the following Consent Agenda, seconded by Mayor Pro Tem Fletcher; the motion unanimously carried.

PURCHASES:

- | | | |
|-----------------------------------------------------------------|-----------------------|--------------|
| 1. Uniform Rental Services, Cintas of Albany | | |
| | Estimated expenditure | \$105,228.76 |
| 2. Air Conditioner Replacements – Thornton Gym, Trane, U.S. Inc | | |
| | Total expenditure | \$167,837.00 |
| 3. Auditing Services Contract, Mauldin & Jenkins | | |
| | Total expenditure | \$143,750.00 |

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OTHER BUSINESS

As a reminder, Ms. Subadan invited the Commission to the employee appreciation event at Chehaw Park on Saturday, adding that the City came under budget last fiscal year and this is a way to show employees appreciation for their hard work and efforts.

Mayor Pro Tem Fletcher stated that she purchased a table for the 40 under 40 and invited all to attend. Mayor Hubbard said she is unable to attend and asked Mayor Pro Tem Fletcher to convey best wishes from her to the recipients.

There being no further business, the meeting adjourned at 8:15 p.m.

MAYOR

ATTEST

CITY CLERK