

JANUARY 27, 2015

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

PRESENT: Mayor Dorothy Hubbard
Mayor Pro Tem Jon Howard
City Commissioners: Bobby Coleman, BJ Fletcher, Bob Langstaff, Jr., Roger
Marietta, and Tommie Postell
Interim City Mgr.: Tom Berry
City Attorney: C. Nathan Davis

Mayor Hubbard called the meeting to order at 6:36 p.m.

The Pledge of Allegiance followed the invocation given by Dr. Greg Davis, Central Baptist Church.

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

PUBLIC HEARING

Mayor Hubbard opened the public hearing for the following:

1. Zoning Case #14-094 – 2536 Dawson Corporation/Owner; LeCraw Engineering/Applicant; request to rezone property located at 2536 Dawson Road from C-1 to C-2

Using a power point presentation (copy on file) Mary Teter, Planner discussed the location of the property, showed a map of the surrounding zoning and advised that the request to rezone will allow for an Auto Zone with the current structure (Ryan's Steakhouse) being demolished. She discussed the zoning history, adjacent land use and future land use map and advised that the Planning Commission recommends approval.

Mark LeCrew, representing Auto Zone, spoke in support of the application and showed a site plan and building elevation map.

Commissioner Marietta asked when construction will begin with Mr. LeCrew advising that they will file for permits with construction beginning in 60-90 days as soon as this is approved.

In reply to Mayor Hubbard, Mr. LeCrew advised that the opening date should be six-eight months after the start of construction.

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 Coleman moved to approve the following Alcohol License Transfer of Ownership, seconded by Commissioner Postell; the motion carried 5-1 with Mayor Pro Tem Howard voting no.

1. Lucky 4 Food Mart, Inc., d/b/a JMD Food Store, 1800 E. Oglethorpe Blvd; M. Mansour/Agent. Transfer from U. Sabir

2015 ANNUAL APPOINTMENTS

1. Mayor's appointment and Commission appointment to Aviation Commission for one-year term expiring January, 2016

Mayor Hubbard advised that she is reappointing Gloria Gaines. Commissioner Postell moved to approve the reappoint of Commissioner Langstaff, seconded by Mayor Pro Tem Howard; the motion unanimously carried.

2. Commission appointment to Pension Board for two-year term expiring January 2017

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Commissioner Postell moved to reappoint Mayor Pro Tem Howard, seconded by Commissioner Marietta; the motion unanimously carried.

3. Commission appointments to Police Civilian Review Board for three-year terms expiring December 2018

Mayor Pro Tem Howard moved to reappoint Ernest Davis, William Wright and Jeremiah Paschal, seconded by Commissioner Postell; the motion unanimously carried.

4. Three appointments to ADICA for two-year terms expiring January, 2017

Commissioner Langstaff nominated James Lindsey and Charles Ochie. Commissioner Coleman nominated Omar Salaam and Mayor Pro Tem Howard nominated Tommy Gregors. Commissioner Postell moved to close the nomination on said names. Following a show of hands, Mayor Hubbard declared Mr. Lindsey (5-2 with Mayor Pro Tem Howard and Mayor Hubbard voting no) and Dr. Ochie (unanimous) duly appointed. Following a show of hands, Mayor Hubbard declared Omar Salaam (4-3 with Mayor Hubbard and Commissioners Fletcher and Langstaff voting no), duly appointed.

5. Two appointments to Citizens Transportation Committee for three-year terms expiring January, 2017

The Clerk advised that there were no one showing interest in this committee and that she will continue to advertise.

6. One citizen appointment and one Commission appointment to the Albany/Dougherty Economic Development Commission for two-year terms expiring December, 2016

Mayor Pro Tem Howard moved to reappoint Milan Patel, seconded by Commissioner Postell; the motion unanimously carried. Commissioner Postell moved to reappoint Commissioner Fletcher and the motion unanimously carried.

7. Two appointments to Planning Commission for three year-terms expiring January, 2018

Mayor Pro Tem Howard moved to reappoint Helen Young and Aaron Johnson, seconded by Commissioner Marietta; the motion unanimously carried.

8. Four appointments to the Keep Albany/Dougherty Beautiful Board for three-year terms expiring January 2018

Mayor Pro Tem Howard moved to reappoint Tim McClelland, Frances Brown and T. Clay Jones, seconded by Commissioner Postell; the motion unanimously carried. Following a brief discussion, the Clerk advised that she will continue advertising to fill the remaining vacancy.

9. Commission appointment, one City and one joint City/County appointment to the SW Georgia Regional Commission for one-year term expiring January 2016

Mayor Pro Tem Howard moved to appoint Commissioner Postell, seconded by Commissioner Marietta; the motion unanimously carried. Following discussion, the Clerk advised that she will continue advertising for the two remaining vacancies.

10. Two appointments to the Water, Gas and Light commission for two-year terms expiring January 2016

Commissioner Marietta moved to reappoint Judith Corbett and Chad Warbington, seconded by Commissioner Langstaff. Commissioner Postell moved to appoint William Wright and moved to close the nominations on said names. Following a show of hands, Mayor Hubbard declared

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Ms. Corbett (6-1 with Commissioner Coleman voting no) and Chad Warbington (6-1 with Commissioner Postell voting no) duly appointed.

11. One appointment to Flood Plain Management Review Board to fill unexpired term ending October, 2016

The Clerk advised that there were no one showing interest in this Board and she will continue to advertise.

12. One City appointment (master electrician) and three Joint City/County appointments (one professional engineer member and two electrical supplier members) to the Joint Electrical Board for one-year term expiring January 2016

Mayor Pro Tem Howard moved to reappoint of Willie Emerson, Edward West and Sanford Hillsman, seconded by Commissioner Postell; the motion unanimously carried.

13. One City appointment (master gas fitter member), two Joint City/County appointments (professional engineer member) and one rotating citizen member to Joint Gas Board for one-year term expiring January 2016

Mayor Pro Tem Howard moved to reappoint Mark Holloway and William Walker, seconded by Commissioner Postell; the motion unanimously carried.

14. Two City appointments (one master plumber and one professional engineer), one Joint City/County appointment and one rotating citizen member to the Joint Plumbing Board for one-year term expiring January 2016

Mayor Pro Tem Howard moved to reappoint Thomas Driggers and Eural Chastang, seconded by Commissioner Postell; the motion unanimously carried.

15. One City appointment (master heating and air conditioning contractor), two Joint City/County appointments (professional engineer members) to Joint Heating and Air Conditioning Board for one-year term expiring January 2016

Mayor Pro Tem Howard moved to reappoint Billy Goodson, Thomas Driggers and Sanford Hillsman, seconded by Commissioner Marietta.

Detailed discussion followed with Commissioner Postell questioning the County's appointment of Clint Newsome, who lives in Lee County as was discussed in the briefing. He suggested holding off on the joint appointment until the legality of the residency requirement has been resolved and asked Mr. Davis to review and advise. Mayor Pro Tem Howard withdrew his motion; Commissioner Marietta withdrew his second. Mayor Pro Tem Howard moved to appoint Billy Goodson and Thomas Driggers, seconded by Commissioner Postell; the motion unanimously carried.

Commissioner Langstaff stated that he serves with Mr. Hillsman on the Aviation Commission and moved to reappoint him as this will be a show of support until Mr. Davis determines residency requirements of the County's appointee and to allow the Mayor to negotiate with the County Chairman. Commissioner Marietta seconded Commissioner Langstaff's motion. Mr. Davis stated that there are no residency requirements. In reply to Mayor Hubbard, Mr. Davis advised that the motion by Commissioner Langstaff is allowed if she recognizes the motion and second. Mayor Hubbard then restated the motion of Commissioner Langstaff to reappoint Mr. Hillsman. Commissioner Coleman said at a previous meeting a candidate was declared ineligible due to living in Lee County and clarified that the City Attorney is to check the residency requirements and suggested a vote of confidence for Mr. Hillsman, as recommended by Commissioner Langstaff.

Commenting on protocol, Commissioner Postell stated that the City Attorney has not made a ruling in writing on the question of residency and suggested that Mr. Hillsman will be

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reappointed temporarily, adding that he will not vote on Mr. Hillsman's reappointment tonight because of the conflict between the City and County.

Commissioner Langstaff suggested that since it is a joint appointment, both sides (City/County) make appointments until there is an agreement; Mr. Davis agreed. Commissioner Postell stated that the only way he will accept Mr. Davis' opinion is in writing.

Commissioner Fletcher asked if a table is in order. Mayor Hubbard clarified with Mr. Davis that accepting a motion to table is in order. Mr. Davis advised that she, as Mayor, chairs the meeting and it is up to her to recognize the motion as a substitute motion if there is a second.

Commissioner Postell seconded the motion. Following a show of hands, the motion failed with Mayor Hubbard, Mayor Pro Tem Howard and Commissioners Marietta and Postell voting no.

Hearing no further comments, the motion to reappoint Sanford Hillsman carried 6-1 with Commissioner Postell voting no.

16. One appointment to Fire Code Board of Appeals to fill an unexpired term ending January, 2016

The Clerk advised that she received no resumes or letters expressing interest in this Board and will continue to advertise.

ORDINANCES

Commissioner Postell introduced

AN ORDINANCE NO. 15-100

Amending the Zoning Ordinance and Map of the City to Albany to change the status of property located at 2536 Dawson Road from C-1 to C-2

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

Commissioner Marietta introduced for the second reading

AN ORDINANCE NO. 15-101

Amending Sections 26, 34(13) and 34 (13.1) of the Charter of the City of Albany to provide for a Utility Board to replace what was previously known as the WG&L Commission; Providing for the Utility Board to be known as Albany Utility Board; providing for extension of water service, gas distribution service and electricity service and other utility services beyond corporate limits of the City of Albany as well as outside the jurisdictional limits of Dougherty County

Commissioner Marietta then offered the ordinance and asked for its adoption, seconded by Commissioner Langstaff; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

Commissioner Marietta clarified that after the name change; the same Commissioners will serve and govern the Utility Board. Mr. Berry agreed, adding that the name change does not change the structure.

Commissioner Marietta introduced

AN ORDINANCE NO. 15-102

Amending Ordinance 13-115 to provide for a Five Percent Local Preference

Commissioner Marietta 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 carried 6-1 with Commissioner Langstaff voting no.

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Commissioner Marietta introduced

AN ORDINANCE NO. 15-103

Prohibiting the parking of vehicles or equipment on any surface that is not an improved surface within the front or side yard of any Single Family Residence in the 1700 – 1717 Marbury Lane Block-face

Commissioner Marietta 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.

In reply to Commissioner Postell, Mr. Davis explained parking in other areas of the city, adding that if residents make application with the Planning Director and go through the process, this could apply to any block; this is the first time the ordinance has been used. Commissioner Postell stated that there are areas in his ward that should be considered.

Commissioner Marietta introduced

AN ORDINANCE NO. 15-104

Prohibiting the parking of vehicles or equipment on any surface that is not an improved surface within the front or side yard of any Single Family Residence in the 2000-2019 Lullwater Road Block-face

Commissioner Marietta 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.

RESOLUTIONS

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

A RESOLUTION NO. 15-R101

Merging the 457(b) Deferred Compensation Plan of the Albany WG&L Commission into the 457(b) Deferred Compensation Plan of the City of Albany

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

A RESOLUTION NO. 15-R102

Establishing Qualifying Fees for 2015

Commissioner Postell moved to adopt the following resolution, seconded by Commissioner Langstaff.

A RESOLUTION NO. 15-R103

Establishing Five Principles that Govern the Conduct of City of Albany Officials

Commissioner Coleman asked to see in writing the five principles with Mr. Davis providing a copy for review.

Commissioner Marietta clarified that this is only renewing the certification with GMA. Mayor Hubbard agreed, adding that it will be announced that Albany is a City of Ethics at the annual GMA Conference in Savannah in June. In reply to additional questions, Mr. Davis advised that it is renewed every five years.

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Hearing no further comments, the motion unanimously carried.

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

A RESOLUTION NO. 15-R104

Authorizing the City Manager or his designee to Transfer Title to Vehicles

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

A RESOLUTION NO. 15-R105

Amending the City's Traffic Calming Policy

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

A RESOLUTION NO. 15-R106

Supporting a Roundabout at the Intersection of N. Westover Blvd., and the Westover Extension

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

A RESOLUTION NO. 15-R107

Authorizing Submission of an Application to the GA Dept. of Natural Resources for a Historic Resource Survey

ELECTION OF MAYOR PRO TEM

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

OTHER BUSINESS

Commissioner Marietta stated that a Boy Scout Troop is in the audience and asked that they be recognized. Scout Master Anthony Blakely stated that he brought two boys from Troop 15 – St. Paul's Episcopal Church to observe how government works. Mayor Hubbard thanked them for joining the Commission and invited them back again.

In reply to Commissioner Howard regarding houses/structures that have burned and are now dilapidated and needs to be demolished, Mr. Davis advised that these fall under the abatement ordinance and can be handled without having an additional ordinance drafted. Mr. Berry asked Commissioner Howard to let him know addresses of concern. Commissioner Howard stated specifically 206 Cone Avenue.

Commissioner Colman asked if Ban the Box can be on the next agenda.

Commissioner Marietta stated that he took an Economics of Education course at the Mayors' Day GMA Conference and suggested establishing a liaison with the School Board. (Commissioner Langstaff left the meeting at 7:24 p.m.). Mayor Hubbard said she also took this and agreed, adding that this goes along with the Education Forum she recently hosted through the Mayor's Economic Coalition. She stated that she agrees we have to work together.

In reply to Commissioner Fletcher regarding attendance reports for appointed boards, the Clerk explained that she is notified when any City appointee misses three consecutive meetings, etc.,

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regarding the process of filling vacancies. Mayor Hubbard stated that the Commission is notified via the Clerk if there are issues of concerns regarding boards.

There being no further business, the meeting adjourned at 7:27 p.m.

MAYOR

ATTEST:

CITY CLERK