

MARCH 24, 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 Bobby Coleman
City Commissioners: Jon Howard, BJ Fletcher, Roger Marietta and Bob
Langstaff, Jr.,
Interim City Mgr.: Tom Berry
City Attorney: C. Nathan Davis

Mayor Hubbard called the meeting to order at 6:40 p.m.

The invocation was given by Reverend Rebecca Rutherford, First United Methodist Church, followed by the Pledge of Allegiance.

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

Mayor Hubbard advised that Commissioner Postell is absent due to health reasons. Commissioner Langstaff moved to excuse the absence of Commissioner Postell, seconded by Commissioner Howard; the motion unanimously carried.

ALBANY POLICE DEPARTMENT ANNUAL RECOGNITION OF AWARDS

Chief John Proctor recognized the following (copy on file): Chuck Simpson – 2014 Citizen of the Year; Cynthia Dent – 2014 Civilian of the Year and Danny Alday – 2014 Officer of the Year. Mayor Hubbard thanked the award recipients for their dedicated service.

PUBLIC HEARING

Mayor Hubbard opened the public hearing for the following:

1. Amendments to the Sign Ordinance

Using a power point presentation (copy on file) Paul Forgey, Planning Director briefly reviewed the significant changes recommended by the Planning Commission. He advised that a public informational meeting was held on Thursday, March 19th with only two people attending. He discussed sign fees, additional sign during sales, lease, openings, mobile signs, historic signs, billboards, multi-message signs, banners, custom flags (feather/bow) and amortization. In closing, he advised of the two recommended changes by the Commission – changing the time to every 10 seconds and an appeal process, adding that these were included in the draft amendment.

Questions included: (Commissioner Marietta) settlement of a lawsuit involving billboards in which they were allowed to change every ten seconds. Mr. Davis explained the settlement and permits for the eight sign faces, with Mr. Forgey advising that the Georgia Department of Transportation changed state signs to every ten seconds on state roads. Commissioner Marietta asked what the County has in place regarding the changing of sign faces, Mr. Forgey said he will have to check. He stated that the City Commission recommended two changes: multiple message signs permitted to change every ten seconds rather than the 30 seconds recommended by the Planning Commission and to create an appeal process for those who are cited for dilapidated signs. In reply to Mayor Hubbard regarding monitoring, Mr. Forgey said code enforcement will have oversight regarding banners. In reply to Commissioner Howard regarding custom flags (feather/bows), Mr. Forgey explained that one is allowed per 120 feet of frontage.

Becky Elder, 202 E. Oakridge Dr., reported that she owns Liberty Tax Service in Albany with four locations in Albany including stores in each Walmart, which generates revenue for the City as well. She said having to defend a waiver in the proposed sign ordinance bothers her, adding that she paid for her own signs and received no funding from the City/ADICA. She briefly discussed Liberty's use of 'human signs' and asked the Commission to look at the 'wavers' (human signs) so that their businesses are not harassed.

Commissioner Marietta stated that he supports 'human signs' as long as they are not on right-of-ways or streets. Ms. Elder said the wavers stay on sidewalks, adding that there are 5,000 Liberty

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Tax offices across the U.S. in which they all employ wavers. There has never been an accident involving a waver. Commissioner Fletcher asked Ms. Elder with whom she spoke; Ms. Elder said it was a staff person from Historic Preservation. Commissioner Fletcher stated that she supports small businesses; Ms. Elder mentioned moving her business from the downtown area if there is no resolution.

Ann Milton, 3810 Gillionville Rd., stated that she owns Healthy Living Farms on Gillionville Road and she was in contact with Code Enforcement about putting up a sign to promote her business. Discussion followed about this location being within the city limits or in the unincorporated area. Mr. Forgey said he will make contact with Ms. Milton to assist with her issues.

Regarding small businesses, Commissioner Fletcher stated that the Commission realizes the frustrations of citizens and are trying to work out problems by tweaking the ordinance to get it right.

Commissioner Marietta suggested having a meeting with Dougherty County Commissioners to discuss animal control, signs, and the tree ordinance.

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

1. Ambaji 2015, Inc., d/b/a Annie Convenient Store, 224 Johnson Rd., SD Patel/Agent; Beer Consumption

Following the recommendation of the Committee of the Whole, Commissioner Fletcher moved to approve the following Alcohol License Application, seconded by Mayor Pro Tem Coleman; the motion carried 5-1 with Commissioner Howard voting no.

2. 242 Entertainment Group, LLC, d/b/a Krush Lounge & Nightclub, 242 C West Broad Ave., S. Duhart/Agent; Consumption

Following the recommendation of the Committee of the Whole, Commissioner Fletcher moved to approve the following Alcohol License Application Transfer of Ownership, seconded by Commissioner Marietta; the motion carried 5-1 with Commissioner Howard voting no.

1. Shaans, Inc., d/b/a Sunrise Store, 1608 W. Broad Ave., SJ Patel/Agent; Beer package. Transfer from J. Patel

APPOINTMENTS

1. One appointment to the Barrier Free Design Board to fill unexpired term ending March, 2017 and one appointment for three year term ending March 2018. (Both appointments represent the community at large).

Commissioner Howard moved to reappoint James Eason, seconded by Commissioner Fletcher; the motion unanimously carried.

2. One appointment to the Chehaw Park Authority to fill an unexpired term ending July, 2015

Commissioner Fletcher moved to appoint Mark Pickett, seconded by Commissioner Marietta; the motion unanimously carried.

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ORDINANCES

Commissioner Marietta introduced

AN ORDINANCE NO.

Amending the Sign Ordinance

Commissioner Marietta then asked for unanimous consent to dispense with the second reading and asked for its adoption, to amend Section 4.75(2) b to ten seconds and to allow human signs as long as they are not in the streets, seconded by Commissioner Fletcher.

Discussion followed with Commissioner Langstaff advising that he researched Lee County, which allows signs to change every 20 seconds. He suggested that the state allows ten second changes because of traffic speed on interstates and said he could vote for either 30 or 20 seconds. Regarding human signs, Commissioner Marietta stated that there are no restrictions with Mr. Forgey advising that it is addressed by the statement ‘no signs allowed in the right-of-way’, which include street and property right-of-way. Commissioner Marietta mentioned demonstrators being allowed to carry signs on sidewalks, which is their civil right and said he can vote for 10 or 20 seconds. Commissioner Langstaff questioned limitations on the number of human signs, with Commissioner Marietta suggesting that he would amend his motion to limit one human sign per business.

Additional discussion ensued on the difference of First Amendment Rights vs. commerce, with Commissioner Langstaff suggesting that staff has not had enough time to research the implications regarding ‘human signs’. Mr. Forgey countered that staff did research and proposed to not permit this on the right-of-way. Commissioner Marietta said he felt staff should not be discussing this item; it is a Commission discussion and suggested tabling until next month to allow Commissioner Postell the opportunity to cast his vote. He then withdrew his original motion and moved to table to allow Commissioner Postell to vote and to have a definition on human signs, seconded by Mayor Pro Tem Coleman. Following a show of hands, the motion carried 5-1 with Mayor Hubbard and Commissioner Fletcher voting no.

Commissioner Langstaff introduced

AN ORDINANCE NO. 15-109

Amendment to City Code §2-649 re: City Manager may recommend contract involving procurement of supplies, etc. where a public procurement unit has established a contract through a process that substantially complies with Georgia law

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

Commissioner Langstaff introduced

AN ORDINANCE NO. 15-110

Amending the City of Albany’s FY 2015 Budget re: Capital Improvement Fund

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 Howard; the motion unanimously carried.

In reply to Commissioner Marietta, Derrick Brown, Interim Finance Director, stated that the amendment is strictly for the general government’s general fund.

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RESOLUTIONS

Commissioner Howard moved to adopt the following resolution, seconded by Commissioner Fletcher; the motion unanimously carried.

A RESOLUTION NO. 15-R110

Directing the Human Resources Department to implement a Hiring Policy that meets the provisions of Governor Nathan Deal's Feb. 23, 2015 Executive Order such that qualified persons with criminal histories are encouraged to participate in the workforce re: Ban the Box

In reply to Commissioner Howard, Mr. Berry explained the process of removing the box from applications and advised that this allows for an interview, however, he said Law Enforcement applications are exempt. Mr. Davis agreed adding that this removes the 'hurdle' from the application process and allows for interviews, preventing EEO lawsuits.

Commissioner Howard moved to adopt the following resolution, seconded by Commissioner Fletcher; the motion unanimously carried.

A RESOLUTION NO. 15-R111

Authorizing the abandonment of an existing Utility Easement and acceptance of new Utility Easement for 411 FT, LP at 1901 Krug Street re: Interstate Warehouse

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

A RESOLUTION NO. 15-R112

Authorizing Acceptance of FAA Grant offer for FY 2015

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

A RESOLUTION NO. 15-R113

Authorizing use of SPLOST V funds for Painting/Lead Base Paint Removal of the E. Broad Ave. Underpass

Mayor Hubbard stated that Dougherty County will also fund a portion of the expense.

Commissioner Howard moved to approve the following Consent Agenda, seconded by Commissioner Marietta; the motion unanimously carried.

CONSENT AGENDA

Current Bids:

1. Temporary Public Event Services, Shaga Consulting & Recruiting, Albany, GA
Estimated expenditure \$110,000.00
2. Bus Stop Sign/Poles, Image Manufacturing Group, Norcross, GA
Total expenditure \$245,384.00

OTHER BUSINESS

Mayor Pro Tem Coleman requested to go into executive session at the next work session regarding the Police Department. Commissioner Howard referred to Silica Drive, a substandard street in E. Albany, which needs either cameras or to block off the street because of dumping making it an eyesore; 231 tires were removed on a one-half mile road. Commissioner Marietta

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suggested not cancelling any more work sessions and asked about upcoming budget discussions. Mr. Berry stated that the budget will be presented the first work session in May (May 5th). In response to Commissioner Marietta, he said that the screening committee meeting will be in early April; Mayor Hubbard asked that everyone is informed of this meeting so that anyone who wants to come can attend. Mayor Hubbard recognized former City Commissioner Ivey Hines, who was in the audience.

There being no further business, the meeting adjourned at 7:45 p.m.

MAYOR

ATTEST:

CITY CLERK