

APRIL 28, 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 6:44 p.m.

The invocation was given by Reverend Ernest Davis, Bethel AME Church, followed by the Pledge of Allegiance.

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

PUBLIC HEARING

Mayor Hubbard opened the public hearing for the following:

1. Zoning Case #15-010 – Berea Full Gospel Church, Inc./Owner; Albany Advocacy Resource Center/Applicant; request to rezone property located at 1115 5<sup>th</sup> Ave., from R-2 to C-5.

Using PowerPoint, Planning Manager Mary Teter, located the property on a map and reviewed the zoning application (copy on file). She advised that the request is to rezone the property to allow for a pre-school for up to 27 children by the Albany Advocacy Resource Center (ARC). She reviewed a map of the surrounding zoning and discussed Planning considerations which included traffic considerations adding that ARC uses a mini-van to transport the children, which cut down on traffic. She showed the aerial view map and discussed the future land use map considerations and advised that the Planning Commission recommends approval.

In response to Mayor Hubbard, Debbie Fulford stated that she only signed up to speak in the event Commissioners had any questions. In response to Mayor Hubbard, she said that she chairs the ARC Board.

There was no one else present desiring to address the application.

1. Zoning Case #15-012 – Tiffany & Tommie Terrell, Jr., Owner/Applicant, request to rezone property at 431 Jefferies Street from R-3 to C-5.

Ms. Teter reviewed the zoning application (copy on file) and advised that the request will allow operations of a day care facility for approximately 24 children. She discussed planning considerations, surrounding zoning, land use of the area, aerial view map, traffic considerations and the future land use map advising that the Planning Commission recommends conditional approval as follows: **uses restricted to a day care facility or single family residence**

Commissioner Postell asked if the City has inspected the property, since the prior daycare was shut down in order to determine if it qualifies and is able to take in the children, before re-opening for operation. Ms. Teter replied that they will have to meet state regulations and fire code regulations prior to utilizing the facility. Commissioner Postell asked if, once the City approves, they will be able to move forward; Ms. Teter replied in the affirmative.

Mayor Hubbard asked if additional parking will be available; Ms. Teter replied that they are negotiating for an adjacent, vacant lot, which should be available for additional parking and playground equipment. Mayor Hubbard asked if that will be an issue in the event the negotiation fails. Ms. Teter explained that there is parking to the rear for staff, adding that at the former daycare they were licensed for 50 students, the current enrollment is half that number.

There being no one present to speak in opposition or support of the application, Mayor Hubbard closed the public hearing.

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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 Postell; the motion carried 6-1 with Commissioner Howard voting no.

1. Locker Room Sports Café, 307 W. Broad Ave., B. Tukes/Agent; Beer consumption and wine package

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

2. GASACO d/b/a Albany Fish Company, 1921 Dawson Rd., G. Singfield/Agent; Beer and wine consumption

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

3. A Smith Store, 1209 E. Residence Ave., M. Smith/Agent; Beer package

APPOINTMENTS

1. One City and one joint City/County appointment to the Flood Plain Management Review Board for an unexpired term ending October 1, 2016 (City) and three-year term ending December 31, 2017 (joint)

Commissioner Postell moved to approve the County's recommendation to reappoint Harry James, as the Joint City/County appointment and himself as the City appointee, seconded by Commissioner Fletcher; the motion unanimously carried.

ORDINANCES

Commissioner Marietta introduced

AN ORDINANCE NO. 15-111

Amending the Sign Ordinance

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 Fletcher; the motion carried 6-1 with Commissioner Howard voting no.

Commissioner Postell introduced

AN ORDINANCE NO. 15-112

Amending the Zoning Ordinance and Map of the City to Albany to change the status of property located at 1115 5<sup>th</sup> Ave., from R-2 to C-5

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

Commissioner Postell introduced

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AN ORDINANCE NO. 15-113

Amending the Zoning Ordinance and Map of the City to Albany to change the status of property located at 431 Jefferies Street from R-3 to C-5 **conditional**

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

Commissioner Postell introduced

AN ORDINANCE NO. 15-114

Amending Sec. 34-34 of Article II, Chapter 34 of the City Code to update the Speed Limit of Streets within the City of Albany

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

RESOLUTIONS

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

A RESOLUTION NO. 15-R114

Accepting the Dedication of Street Rights-of Way, Utility Infrastructure and Utility Easements re: Rosebrier Gardens, Phase I Subdivision

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

A RESOLUTION NO. 15-R115

Authorizing Initiation of Procedures to close portion of MLK, Jr., Alley from Gowan Ave., to a point approximately 315' south

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

A RESOLUTION NO. 15-R116

Authorizing the Execution of an Agreement between the City of Albany and the S. GA Rails to Trails, Inc. re: 13.62 Mile Rail Line; Authorizing the Mayor to execute said Agreement and other documents necessary to consummate the Agreement

Commissioner Howard stated that in the work session he expressed concern/opposition regarding this matter, but subsequent to obtaining additional information he will support it. However, he said he still has concerns and wants to ensure that the City will only be in a partnership and not incur any further expense, adding that with the trails going into Dougherty and Lee Counties, they will see the need to buy into it and help maintain the trails. Once completed, he suggested having a feasibility study conducted to connect the south side of Radium Springs in the future.

Mayor Pro Tem Coleman added that he, too, expressed opposition in the work session, adding that he still opposes it.

Commissioner Marietta stated that being told that the return on investment will be paid back within three-five years, he feels comfortable that it will be a long-term benefit for the citizens of Albany. Once it is paid back, it will generate revenue and help mitigate taxes and utility rates.

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

Mayor Pro Tem Coleman stated that he has a friend, who is also a constituent, who wanted to speak regarding the Rails to Trails issue, but was told he did not have to turn in a form to speak, as is required, but could sign up at 7:00, adding that an Asst. City Manager gave him that information. Whether or not that was a misrepresentation, he said he feels that citizen should be afforded an opportunity to speak. In response to Commissioner Postell, who stated that the Commission has already voted and asked the value of him speaking now, Mayor Pro Tem Coleman stated that he just wants this person to have an opportunity to speak since it appears that he was misled. A brief discussion followed regarding the process, veering from the process/policy, being consistent and a remedy. Mayor Hubbard stated that, being the presiding officer, she should have been asked to allow the person to speak, but she was not asked prior to the meeting. Mayor Pro Tem Coleman interjected that it does not matter whether or not he speaks; it is the process that bothers him. He asked the City Manager if this person contacted his office weeks ago to request an opportunity to come before the Commission to speak and asked Asst. City Manager Wes Smith if he told this person that he did not have to submit a Speaker's Appearance Form, but could sign up at the door. In response to Mr. Smith, Mr. Berry said if the process is flawed, it will be addressed and corrected after the meeting. Mayor Hubbard asked Mayor Pro Tem Coleman why did he not let her know someone wanted to speak. Mayor Pro Tem Coleman replied that in the work session he stated that the Commission should not pretend that it does not know what is going on politically – there is talk around the city about who is supposed to speak and who is not. Mayor Hubbard stated that she does not want it to be perceived that someone from the City's office made an untrue statement, which is what he is saying. Mayor Pro Tem Coleman countered that it can be verified; Mayor Hubbard said Mr. Mathis will be given five minutes to make his statement, but the vote will not be retracted.

Henry Mathis briefly spoke in opposition of the resolution and discussed the capacity to serve new customers, which would require an expansion that is costly and take a long time; Albany's excess capacity in summer months, and a large expansion has the possibility of jeopardizing the ability to provide adequate gas supply in the event of a cold, brutal winter, etc. He asked who would bear the cost of compression stations and the cost to run a gas main down the right-of-ways and suggested that the most pressing issue is the potential of expansion of water in this area, which could cause severe water pressure issues in northwest Albany. He asked how this will be addressed and who will bear the cost. Regarding fiber, he admitted there could be potential for growth, but the cost and funding source is an issue. In conclusion, he said sewer expansion into that area will be a cost, as well as whether or not the sewer treatment plant has the capacity to handle a large expansion. He said he goes on record in favor of expansion as part of a comprehensive visionary plan, but not one that has been all over the radar with potential expenditures that have not been budgeted i.e. renovation of the Water, Gas & Light building, purchase of the SunTrust building, Rails to Trails, SGRITA, residential/commercial telecommunications; conversion to natural gas vehicles, adding that a shotgun approach has been taken and questions should have been asked and answered before undertaking this venture.

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

A RESOLUTION NO. 15-R117

Approving the proposed Substantial Amendments of FY 2013-14 Annual Action Plan

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

A RESOLUTION NO. 15-R118

Approving FY 2015-16 Annual Action Plan

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

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A RESOLUTION NO. 15-R119

Granting approval to Refinance Hilton Garden Project re: Albany Holdings, LLC

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

A RESOLUTION NO. 15-R120

Appointing Mass Mutual as Trustee/Custodian of the City's 401 (a) and 457 (b) Plans re:  
Defined Contributions

Mayor Pro Tem Coleman mentioned an email he received from a constituent and department head today regarding the lack of employees being informed of the change being made. The email stated that in spite of HR's fiduciary responsibility, it is employee's money and they should have the right to keep the options of their choice. He said he does not know the validity of such assertions, but wanted to bring it to the attention of the Commission.

Commissioner Marietta stated that in effect he agrees with Mayor Pro Tem Coleman about employees having the right to decide where their monies are invested. However, one reason he supported this was because he was told that under the current plans, the City does not contribute/match any funds, but with the new plan at some point the City will offer a match to what employees contribute and which will dramatically increase their return of investment.

Mayor Hubbard added that the Commission learned that the current return of investment is significantly lower and mentioned the defined benefit committee. HR Director Henry Cohen explained the review by that committee, which was thoroughly and impartially evaluated by plan advisors. The result is that the current plan grossly underperforms what is available in the marketplace. As the plans' fiduciary/sponsor, the City has an obligation to employees to ensure that they are provided with the highest quality investments available. In response to Mayor Hubbard, he said that over the past few years, the number of active participants has significantly dropped off, which needs to be addressed in order to help employees prepare for retirement.

Commissioner Postell stated that when this was originally presented, he moved to table it. Subsequently, he said he met with people directly connected, who gave favorable reviews about the change. Employees are given the option to stay in or leave, with most remaining in, which is why he made the motion tonight to approve. Mayor Hubbard agreed that she met with others and is satisfied that this is the right decision. Mayor Pro Tem Coleman stated that he, too, met with Mr. Cohen and had a good conversation. He explained that he brought up the email because employees opposition should be heard.

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

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

CONSENT AGENDA

Current Bids:

1. Vehicle Purchases, Sunbelt Ford Town, Albany, GA  
Total expenditure \$508,491.82
2. Vehicle Purchases, Don Jackson Dodge, Union City, GA  
Total expenditure \$73,680.00
3. Vehicle Purchases, Butler Chrysler Dodge, Beaufort, SC  
Total expenditure \$156,933.00

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OTHER BUSINESS

Commissioner Howard discussed calls from constituents he has received over the past few months regarding the exorbitant utility bills and suggested addressing the concern of citizens living in areas with higher than normal bills. He added that most of them seem to be senior citizens living on fixed incomes and suggested holding a meeting in this room on a Saturday or one evening to provide tips on lowering their bills.

Commissioner Postell concurred that citizens need to know what is going on. However, he suggested that a plan needs to be formulated first to defend the City's position rather than the meeting being merely a complaint session. He added that he has explained to the public that everyone's utility bill has increased, along with garbage, sewage, storm water, etc. Mayor Hubbard asked that Messrs. Berry and Collier develop something to share with the Commission to take to the public. Mr. Berry said that they will present something to the Commission at the next work session.

Mayor Pro Tem Coleman stated that at the last meeting he had asked to come together as a committee of the whole to address the issue of violators being allowed to have trash/garbage on their property between the time that they are cited until they go to court. Chief Code Enforcement Officer Robert Carter has some ideas that he would like for the rest of the Commission to hear.

Mr. Berry announced that a candidate for the City Manager position has asked to have his name removed from the list. He suggested that a phone interview could be conducted in an executive session for the only one left who would have to fly here. Commissioner Postell stated that as a member of the committee, he would like to treat each candidate the same; Mr. Berry said that he will bring him in. Commissioner Howard concurred with Commissioner Postell, adding that most likely the committee will need to meet after the work session on Tuesday for further adjustments.

There being no further business, the meeting adjourned at 7:30 p.m.

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MAYOR

ATTEST:

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CITY CLERK