

AUGUST 14, 2018  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 100

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

Mayor Hubbard called the meeting to order at 8:31 a.m., and reminded the audience of the process to address the Commission (Citizen Comments/Speaker Appearance Forms).

SPEAKER APPEARANCE

Using a power point presentation (copy on file) William Wright discussed information regarding the request to implement a small and disadvantaged office. In 2011, he stated that a DB program that had been implemented, was cancelled and nothing has been in place since. He explained that the program is triggered by expenditures of \$50,000, and noted pages 9-13 (graphs regarding minority businesses expenses/revenues), adding that nothing is being done to support this group. He commented on the study that was conducted in 2008, which looked at contracts small businesses participated in, with the recommendation to do more in this area. Twelve recommendations were made, one of which was to focus on economic disadvantage by focusing on the net worth of the business owner; another recommendation was to discontinue MBE/WBE self-performance. He commented on the current program as it pertains to item #4 on the agenda and, regarding page 24, he referenced other cities/counties with a program in place and stated that this information is presented for action, not just an FYI and urged that a consortium be established as in the past.

Mayor Hubbard thanked Mr. Wright for his comments and advised that staff will look at the recommendations.

APPOINTMENTS

The Clerk read the following:

1. One appointment to Community Development Council (CDC) to fill unexpired term ending June 2019 (Business Member)
2. Mayor and Commission appointments to City Tree Board for two-year term ending August 2020

TRAVEL

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

1. Mayor D. Hubbard; GMA Task Force Meeting/Complete Count Committee Meeting; Atlanta, GA/Covington, GA; August 21-23, 2018
2. Mayor D. Hubbard; ConnectATL Summit; Atlanta, GA; September 6-7, 2018

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3. City Manager S. Subadan; 2018 GMA Annual Convention/Training; Savannah, GA; June 22-26, 2018; \$2,304.76
4. City Manager S. Subadan; MEAG Power Annual Meeting; Amelia Island, FL; July 8-11, 2018; \$950.46
5. City Manager S. Subadan, MEAG Power Participant Orientation, Atlanta, GA; July 25-26, 2018; \$415.87

## **PUBLIC SAFETY MATTERS**

### ALCOHOL LICENSE APPLICATIONS

The Clerk read the following:

1. Global Spectrum, LP, d/b/a Albany Civic Center and Amphitheater, 100 W. Oglethorpe Blvd; J. Small/Agent; Liquor, Beer and Wine Consumption; WARD 3
2. Global Spectrum, LP, d/b/a Albany Municipal Auditorium, 200 N. Jackson St.; J. Small/Agent; Liquor, Beer and Wine Consumption; WARD 3
3. Newton Road Package, LLC, d/b/a Brother's Package Store, 1102 Newton Road; C. Banks/Agent; Liquor, Beer and Wine Package; WARD 3

In reply to Commissioner Marietta, Marshal Walter Norman discussed recent shootings in the area, regarding #3 above, and said the most recent was at the convenience store next door. He explained that the location is a focal point with the community; therefore, whenever a shooting or fight occurs, everyone runs there as they see it as a safe zone. There were no other questions/comments on this item.

### ALCOHOL LICENSE APPLICATIONS - Transfer of Ownership

1. Pace Mart Inc., d/b/a Foodsmart, 1605 Gillionville Road, O. Riaz/ Agent; Beer Package; Transfer of Ownership from H. Patel; WARD 4

There were no questions/comments on this item.

### JAG 2018 BYRNE JUSTICE ASSIST. LAW ENFORCEMENT GRANT

APD Chief Michael Persley discussed information as noted (copy on file), regarding the 2018 Byrne Justice Assistance Formula Grant in the amount of \$70,509.00, with there being an 80/20 split between the City and County. He explained that there is also an Intergovernmental Memorandum of Understanding Agreement between the City of Albany (Grantee) and Dougherty County (Sub-grantee) that is required.

There were no questions/comments on this item.

## **PUBLIC FUNCTION MATTERS**

### REVISION TO SOLAR REGULATIONS

Paul Forgey, Planning Director, discussed information as noted (copy on file) regarding the request to seek the review and recommendations of the Albany Dougherty Planning Commission for potential revision to the solar power regulations in the Albany Dougherty Zoning Ordinance.

In reply to Mayor Hubbard, Mr. Forgey clarified that the issue of solar power/energy in this area is still relatively new. When developing regulations, they reviewed ordinances adopted in Georgia, as well as from other states, and incorporated some of the same requirements, but have since realized that some of those regulations/requirements are not in the best interest of this community; therefore, the recommendation is to remove the 50% limitation of the property. He defined a decommissioning plan, which should be a requirement included in the ordinance and is recommended

Referring to page 71, requiring a Certificate of Appropriateness for solar panels in historic areas, Commissioner Marietta asked that this be struck, suggesting that solar is not historic. Mr. Forgey explained that what is being discussed today is to update what is already adopted, adding that the Historic Preservation Commission is required to review any type of material change to structures in the Historic District. He discussed the process, which is to attend the Planning Commission when they review, adding that Dougherty County reviewed and adopted the Planning Commission's recommendation approximately four months ago; however, it has not been revised by the City. In response to Commissioner Marietta, he explained that the strikeout and underlined recommendations were adopted by the County. Additional discussion followed on expanding solar/ordinance restrictions inside city limits, etc. Commissioner Marietta asked Mr. Forgey to express his concerns to the Planning Commission.

In reply to Mayor Hubbard, Mr. Forgey discussed the process, which will include a public hearing, etc.

Mayor Pro Tem Langstaff expressed support for the de-commissioning provisions and asked which entity is responsible and asked that this be mentioned to the Planning Commission as well, as it pertains to out-of-state owners, etc. Mr. Forgey explained that the lifespan is approximately 30 years and this was discussed with the recommendation to remove because the materials are worth a lot of money and can be recycled. Mayor Pro Tem Langstaff asked to include a provision that if it is not de-commissioned within a specified period of time that it will revert to the City. Mr. Forgey commented on UGA, GA Tech, etc., which created a model ordinance for solar in the State of Georgia, with this being part of the recommendation.

There were no additional questions/comments on this item.

## **PUBLIC ADMINISTRATION AND FINANCE MATTERS**

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PURCHASES:

Joshua Williams, Buyer, discussed the following (copy on file):

1. State Lobbyist Contract - Cascon Group, Atlanta, GA  
Total annual expenditure \$60,000.00

Commissioner Marietta mentioned reports submitted by the Federal Lobbyist and asked that the state lobbyist provide monthly updates as well. There were no additional questions/comments on this item.

Mr. Williams discussed the following (copy on file)

2. Bus Shelters - Tolar Manufacturing Co., Inc., Corona, CA  
Total expenditure \$62,510.00

Commissioner Fuller verified that no funds will be paid by the City of Albany, with Mr. Williams confirming. There were no additional questions/comments on this item.

Kimberly Allen, Buyer, discussed the following (copy on file):

3. Downtown Connector Trail - JHC Corp., Peachtree City, GA  
Est. total value engineered exp. \$2,495,190.00

A power point presentation/video was shown (copy on file) regarding the connector trail, location, etc.

Mayor Pro Tem Langstaff asked if anyone present is a proponent of this trail. Bo Johnson, President S. Georgia Rails to Trails, (signed up to speak) and in response to Mayor Pro Tem Langstaff said that this is a vital connector to get to the rail trails. He discussed the unified efforts of S. Georgia Rails to Trails, the City and Kaizon Collaborative, a professional trails design firm, in the process. In reply to Mayor Pro Tem Langstaff, Mr. Johnson said that the route in the presentation was one of the proposals, but originally, there were several ideas floating around. Discussion followed on the original design proposal, etc., with Mayor Pro Tem Langstaff asking Mr. Johnson if he has walked this proposal – Mr. Johnson replied in the affirmative and gave the difference in the other trail. Mayor Pro Tem Langstaff said his concern is approving something that the original people, who were on the committee, are not in agreement with. He said the Kaizon design is just concrete, there are no brick pavers down the center, while this design incorporates brick pavers down the center. In addition to the extra expense, his specific concern centers on safety and maintenance of the brick pavers. He advised that he called Kaizen to ascertain if this is done elsewhere and what they would recommend. The person he spoke with, who is working on the trail from ASU to downtown explained that, that section has no brick in it and also expressed concern about any section having brick due to safety issues as well as liability issues. Mr. Johnson addressed the concerns including a smooth surface for bikers with mix-used areas being different; the intent is to have a trail that stands out and is differentiated from a sidewalk. He explained that having pavers down the middle is a plus for bikers adding that he does not object to the design as

presented and personally likes it, but others in the Rails group may disagree; Mayor Pro Tem Langstaff said that is his concern - getting all the information at this point, adding that since the original presentation was presented some time ago, he questioned whether the bike people are on board at this time, etc. Bids came back excessively higher using what they proposed, and, the City will have to value engineer the project. Additional discussion followed on the brick centers, etc., with Mr. Johnson again expressing no concern about the design if brick pavers are incorporated in the design, adding that he feels the bike people are on board with the brick pavers. Mayor Pro Tem Langstaff said that Kaizon advised that on trails they typically use yellow lines down the center as a demarcation and sandblast them in residential areas. He questioned the start of the trail (at Thronateeska, up Roosevelt, etc.) with the plan to dig up the sidewalk, etc., and asked why not use the existing sidewalk. Mr. Johnson said he feels all this will be investigated with the point to get people downtown at this time. Mayor Pro Tem Langstaff asked if there are issues using the existing sidewalks with Mr. Johnson said he leaves this up to the design engineers. Mayor Pro Tem Langstaff said the plan is to have brick pavers at all road crossings, which tie in with Thronateeska, crossing Roosevelt near Albany Towers (on the opposite side of the dray line), but going down the dray line, a sidewalk is there already. He asked Mr. Johnson if they have a problem with this; Mr. Johnson said he wants to leave this up to the engineers. Mayor Pro Tem Langstaff asked if there is a design rule for going on one side of the road as opposed to the other and mentioned the portion near Phoebe Putney Hospital with his concern regarding Jackson where there are attorney offices, magnolia trees, etc., that will be ripped up with the trail being close to these buildings. He asked if it can be on the other side of Jackson where there are abandoned buildings. Mr. Johnson said wherever trails are, there is an increase in property values and unoccupied buildings become occupied, which happens nationwide. Mayor Pro Tem Langstaff stated that under Georgia law, it is illegal for anyone over 12 to ride a bike on a sidewalk since Georgia Law classified a bike as a vehicle and to get around that, the City has to adopt an ordinance permitting cyclists to ride a bike on the sidewalk. He said he asked Mr. Davis to research the liability of having bikes on sidewalks, etc. Mr. Johnson said that there is data showing that where there are trails, traffic accidents decrease. Mayor Pro Tem Langstaff suggested having a bike lane on Jackson, which will be a separation between pedestrians and cyclists, adding that with Jackson being one way and cyclists having to abide by traffic laws, without a two-way bike lane they would not be able to travel north on Jackson.

Bruce Maples, Director of Engineering, commented on Georgia law regarding use of roadway/trails with the bikers he has spoken with saying they will use the roadways/street so that they can gain speed.

Charlie Clark, Engineering Superintendent, discussed slides showing E. Carolina University in which concrete pavers were used on multi-use trails, with in-line skaters also using them. He said that modern pavers are closed-joint systems and similar to the plaza in front of this building.

In reply to Commissioner Marietta's question on whether concrete pavers are more expensive, Mr. Clark explained aesthetics, public safety concerns, etc., and discussed the remaining slides, with some being from the Flint River Trails Master Plan, which showed Kaizon's proposal for the Broad Avenue Bridge and Washington Street. Mr. Maples interjected that Kaizon's proposal for Broad

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Avenue Bridge has been abandoned. Mayor Hubbard added that GDOT recommended not using that proposal for the Bridge.

Commissioner Fuller questioned the pavers and the pouring of concrete with the center/underneath being concrete. Mr. Clark explained pavers being set in the concrete, etc., adding that this is up to the contractor. He displayed a slide showing the magnolia on Jackson and explained that while appearing healthy, it is not, and it sits completely within the City's right-of-way.

Commissioner Fletcher mentioned that if pavers are not an option, staining the concrete down the center could be a demarcation line.

Commissioner Marietta commented on maintenance, lowering costs and liability issues as discussed by Mayor Pro Tem Langstaff; he suggested tabling until issues can be resolved by design and plan changes. Commissioner Fuller said that he feels most agree that we want the trails, but pavers are a concern from a liability/ safety standpoint. He mentioned looking at Thronateeska and stains in the concrete as mentioned by Commissioner Fletcher, etc.

Ms. Subadan stated that at the fall retreat, the Commission was presented with the information (design and route) of the trail by Kaizen; it was not bid until the Commission had a comfort level with it. The Commission said they were comfortable with this design and Kaizen sanctioned the design, adding that there were no liabilities, etc. The person who presented to the City was the point person on the plan for the entire time – Mayor Pro Tem Langstaff interjected that he spoke with another person. Ms. Subadan said that it is important to her to put in the first phrase of the trail to uplift the area because it is ascetically pleasing, functional and is not just miles of concrete going through the city. Every design standard has been taken into consideration - public safety and liability – and if someone steps in a crack and falls, they have the right to sue; the City should continue to make improvements, which the citizens deserve, and not fear litigation. She said this has been worked on for the last 20 years and this is an opportunity to move forward. The additional cost of pavers is \$120,000, 5% of the cost; the design has already been value engineered from over \$3.0 million to \$2.4 million. Money was set aside in SPLOST under recreation, commitments to the community were made and the Commission has everything it needs to make an informed decision.

Mr. Johnson, President, S. Georgia Rails to Trail, spoke in support of this item, stating that they have a special called meeting scheduled this evening to get everyone onboard to assist with financial commitments to support the trail effort and help with its maintenance. He reported that 20 years ago, when the railroad abandoned and gifted the rail corridor, they wrote off \$1.8 million and he is certain the worth has substantially increased. He agreed with comments from Ms. Subadan on moving forward and uniting the citizens of Albany and adjacent communities, bringing people downtown, etc., and discussed cost/return on investment, infrastructure, advantages/benefits of having trails in the city and compared the revitalization of Chattanooga, which began with trails, to Albany's vision and efforts.

Commissioner Marietta referred to the contractual agreement, adding that Rails to Trail is responsible for maintenance and Mr. Johnson's comment about helping with maintenance has

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raised concern. He questioned the capacity for maintenance of the 13-mile strip and asked how much of the \$140,000 that was given is still in the bank. He asked Mr. Johnson to discuss this at his meeting tonight.

Mr. Alex Kaplan, 408 N. Jackson (partner/owner in Brimberry Law offices), discussed the route of the rail trail in that location and the decision to place the route on the E. side of Jackson as opposed to the N. Side of Jackson, the effect on property values, increases in occupancy, etc. He mentioned that many of the buildings are unoccupied and suggested the trail be routed to the west side of Jackson to avoid a disruption for businesses, addressing safety concerns, etc. While he supports the trails, he said he would like to see greater consideration given to those who are located on Jackson.

Mayor Hubbard asked Mr. Clark if he can explain the decision to use the east, rather than west, side of Jackson. Mr. Clark referred to the issue of safety and explained that Jackson is one-way, with two lanes of southbound traffic, He compared the effects of east and west Jackson on cyclists, stating that being on the west side of Jackson, northbound cyclists would be between two lanes of southbound traffic.

Mayor Pro Tem Langstaff said he didn't remember a fly-over video at the retreat; Mr. Maples stated that the plan was modified, but there was a presentation at the retreat. Mayor Pro Tem Langstaff said he does not remember the route being set in stone at the retreat or agreeing to pavers and the cost differences, etc., which are his concerns. He stated that he objects to perfectly good sidewalks being dug up to put down new sidewalks with pavers and he would not have agreed to this at the retreat. He asked the reason for going down one side of Roosevelt vs. the other, which appears to be more work and expense. Mr. Maples stated that his recollection during the early discussion was due to that side being more picturesque. He mentioned that Kaizen originally routed it to Washington Street, which has railroad tracks on one side, and the decision was to route it to a more scenic area, as well as making a statement.

Commissioner Fletcher asked for the cost of this area with Mr. Maples stating that he can provide that information.

Commissioner Marietta asked if it is voted today can the City Manager be given the leverage/flexibility to adjust the route, if pavers are included or stain the concrete, etc., and make further adjustments as noted by Mayor Pro Tem Langstaff. Ms. Subadan said that the Throneateska pieces can be looked at to try to determine how not to disrupt the sidewalk; it is true some of the intent can be addressed through signage, but for now she explained that she prefers to keep that piece intact, and advised that even with using today's recommendations will not get the cost back down to the estimates. When the contract is brought back, deeper discussions will take place.

Mr. Maples stated that it will take three-four months to do a redesign on Jackson St. Ms. Subadan said changing the route is not as simple, but pieces of pavement, etc., can be done easier.

Commissioner Marietta mentioned the magnolia tree and the possibility of the path having a semi-circle to allow it to remain. Mr. Maples explained that the tree is declining and any movement will only make the tree worse, adding that they looked at the root systems of existing trees in the area.

Ms. Allen discussed information as noted (copy on file):

- |    |  |              |
|----|--|--------------|
| 4. | Emergency Sewer Repair, Front Street - Jim Boyd Construction, Albany, GA |              |
|    | Total expenditure  | \$122,500.00 |

There were no questions/comments on this item.

Ms. Allen discussed information as noted (copy on file):

- |    |  |              |
|----|--|--------------|
| 5. | Westover Blvd & Gillionville Rd Traffic Signals/ Street Improvements - Jim Boyd Construction, Albany, GA |              |
|    | Total expenditure  | \$554,057.00 |

There were no questions/comments on this item.

#### TRANSPORTATION SPLOST (T-SPLOST)

Ms. Subadan advised that a presentation will be made by Joel Wiggins, GMA representative.

Joel Wiggins, revenue and finance policy lobbyist for GMA, Governmental Relations Associate presented a power point presentation, copy on file regarding T-SPLOST and the single county option. He discussed the definition of T-SPLOST which is an additional penny to existing LOST and SPLOST, and is used for transportation specific projects. The focus today is the single county T-SPLOST as it pertains to HB 134, special districts, the intergovernmental agreement that is required, the referendum and the balloting process. Mayor Pro Tem Langstaff asked what transportation includes, other than roads/bridges re-pavement, and asked if streetlights are included. Mr. Wiggins advised that streetlights are not included, but signage specific to traffic is included. Mayor Pro Tem Langstaff mentioned underground infrastructure that is part of repaving/road widening, and asked if storm water/sewage is included. Mr. Wiggins replied in the negative. Mayor Pro Tem Langstaff asked for a calculated estimate of the City's three years of transportation spending, with Ms. Subadan stating that this information can be provided. Mayor Pro Tem Langstaff asked to appoint a committee to meet with the County to discuss projects.

Mayor Hubbard stated that this law was enacted after the original T-SPLOLST with Mr. Wiggins agreeing, adding that it went into effect last year.

Mayor Pro Tem Langstaff asked the earliest to get this on the ballot; Mr. Wiggins explained that it can be no earlier than 30 days after the day that the City and County meet to discuss the intergovernmental agreement and project list. Discussion followed on whether it could be on the



ballot in November. Mayor Pro Tem Langstaff said that he heard that the earliest is in March and asked that this be looked into.

## **CITY MANAGER'S UPDATE**

Ms. Subadan asked to be excused because she will be leaving at 11 a.m. to head out of town for a funeral; Phil Roberson, Asst. City Manager, will be filling in. She advised that the Occupational Tax Certificate has been cancelled with the owner surrendering his certificate. She introduced William Myles, CEO of Albany Housing, who is here to present a check in lieu of taxes.

Mr. Myles briefly discussed coming from Pennsylvania, saying he is excited about the new opportunities here, looking forward to being a part of the community and providing affordable housing to residents who need it the most. He then presented a check in the amount of \$98,430.12 in lieu of taxes on behalf of Albany Housing. Mayor Hubbard accepted the check and thanked Mr. Myles.

In reply to Mayor Hubbard, Ms. Subadan stated that they will have a report on sewer spills soon, adding that city staff will be meeting with GA EPD at the end of August.

## **OTHER BUSINESS/ITEMS FOR FUTURE AGENDA**

Commissioner Fletcher asked for a presentation on budget billing so that the public will understand the process.

Commissioner Fuller mentioned the Tift property that was demolished in the Historic District, calls he has received regarding the historic value of this property and the need to pay attention to what is going on within neighborhoods. He said he met with the Historic Preservation Commission, (HPC) which is working on a plan to restore historic properties. He then moved to have a 60-day freeze on historic property demolitions, adding that HPC will make a presentation to the Commission to discuss funding, etc.

Mayor Hubbard said that she asked for an update on this matter and received a list that will be distributed to all Commissioners. She explained that the demo in question was court-ordered and this needs to be coordinated with Code Enforcement. Commissioner Fuller said that this will be a temporary fix to save properties in the future; he again moved to have a 60-day freeze, but was told that this should be brought up at the next meeting.

In reply to Commissioner Howard's question regarding the Occupational Tax Certificate, Ms. Subadan stated that the business is now closed, there was a hearing with her and Mr. Davis and the agent surrendered his certificate and is not operating a business of any kind. In reply to Commissioner Howard, she stated that she explained the process to the owner for him to obtain a future license and the challenges he will face. In reply to Commissioner Howard, Mr. Davis opined that an application can be applied for and all requirements will have to be met.

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Commissioner Marietta mentioned the following for future discussion: 1) look into increasing exemptions for senior citizens for property taxes for the city; 2) budget billing and one rate year round for utility billing; 3) the policy that was given to him re: incentives to retain APD officers and if this is something that can be looked at. He also asked if there should be an election for Ward VI, adding that he has heard that Commissioner Postell said he will not come back. Mayor Hubbard asked Mr. Davis to research and bring back information regarding the intentions of Commissioner Postell.

There being no further business, the meeting adjourned at 10:27 a.m.

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SONJA TOLBERT  
CITY CLERK