

JULY 24, 2018

REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF  
ALBANY, GEORGIA  
GOVT. CENTER – 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 8:12 p.m., and called for a moment of silence, which was followed by the Pledge of Allegiance. She then instructed the audience on the policy to address the Commission, whether through Citizen's Comments or Speaker's Appearance Forms.

Mayor Hubbard asked for a motion to approve the absence of Commissioner Postell, Commissioner Howard so moved, seconded by Commissioner Marietta; the motion unanimously carried.

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

PUBLIC HEARINGS

1. Zoning Case #18-033 - Ryan Sanders, Beltline Energy, LLC/Applicant; Estate of Wallace A. Binns & Pine Development Partnership, LLLP/Owner; request to rezone property located at 224 SE Liberty Expressway, fronting east side of Liberty Expressway, south of the Liberty Expressway/E. Oglethorpe Blvd. Interchange from C-3 to M-2

Using a power point presentation, Paul Forgey, Planning Director, discussed information (copy on file) regarding the location of the property (SE Liberty Expressway/E. Oglethorpe Blvd.), etc., and the request to rezone from C-3 to M-2 to allow for solar power generating facility for the sale of energy to Georgia Power Company, adding that this and the other three requests are for the same allowance. He also discussed existing conditions, the zoning history dating back to 1971, a map of surrounding zoning, planning consideration, traffic considerations, and future land use map and, advised that the Planning Commission recommended approval with the following condition: **The use of the property is restricted to a solar power facility**

In reply to Commissioner Howard regarding ingress/egress, Mr. Forgey showed the map of the location and advised that the easement is west of the Roses Shopping Center off of Thornton Drive. Commissioner Howard asked if the area will be fenced in with Mr. Forgey replying in the affirmative and explaining that fencing is required by ordinance.

In reply to Commissioner Fuller, Mr. Forgey explained that the use is for solar power only and that the conditions are filed as part of the record with the ordinance at the courthouse and the use is exclusively for sale to Georgia Power. .

2. Special Approval Case #18-034 - Ryan Sanders, Beltline Energy, LLC/Applicant; Estate of Wallace A. Binns & Pine Development Partnership, LLLP/Owner; request for Special Approval for property located at 224 SE Liberty Expressway, fronting east side of Liberty Expressway, south of the Liberty Expressway/E. Oglethorpe Blvd. Interchange; to construct and operate a solar power generating facility on approximately 18.373 acres in the M-2 District.

Using a power point presentation, Mr. Forgey discussed information (copy on file) and advised that this case connects with the first case and that special approval is required in the M-2 district after the correct zoning is in place. He discussed traffic and planning considerations and explained that the facility will operate 24 hours per day with five to six hours of peak energy production occurring during peak sun hours; adding that the Planning Commission recommended approval.

JULY 24, 2018

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

3. Zoning Case #18-035 - Ryan Sanders, Beltline Energy, LLC/Applicant; Estate of Wallace A. Binns & Pine Development Partnership, LLLP/Owner; request to rezone property fronting the west side of Liberty Expressway, south of Liberty Expressway/E. Oglethorpe Blvd. Interchange from R-3 and C-3 to M-2

Using a power point presentation, Mr. Forgey discussed information (copy on file) and advised that this application mirrors the first one with the exception of it being located on the west side of Liberty Expressway, west of Liberty Expressway/E. Oglethorpe Blvd. He showed maps of the location and stated that the proposed rezoning is not consistent with the recommended land use; however, the property has remained undeveloped since it was rezoned from M-1 to R-3 in 1980 and advised that the Planning Commission recommended approval with the following condition: **The use of the property is restricted to a solar power facility.**

4. Special Approval Case #18-036 - Ryan Sanders, Beltline Energy, LLC/Applicant; Estate of Wallace A. Binns & Pine Development Partnership, LLLP/Owner; request Special Approval for property fronting the west side of Liberty Expressway, south of Liberty Expressway/E. Oglethorpe Blvd. Interchange; to construct and operate a solar power generating facility on approximately 17.5 acres in the M-2 District

Using a power point presentation, Mr. Forgey again stated that this application mirrors the above special approval application that was discussed (copy on file) as it pertains to the request to allow for a solar power generating facility. He advised that the Planning Commission recommends approval.

Joe Fedd, 812 S. Maple St., stated that most of his questions were answered in the presentation and his concern was the holding pond and how far it will be from his house. Mr. Forgey explained that there is a required 100' buffer with no noticeable noises that will be generated/heard. In reply to Mr. Fedd, he showed the site plan and advised that half of the property will have solar panels on it and existing roads will be used.

Ryan Sanders, Applicant, stated that he is present to answer questions and briefly discussed the 100' setback, conditions that were agreed to, etc. He explained that the noise will be minimal and the location cannot be seen by the Community, adding that the panels have a life expectancy of 30-35 years.

Commissioner Howard asked if the panels will be mounted as those in the Mock Road/MCLB area, with Mr. Sanders advising that it will be more grounded and sturdier, but will be smaller (400 acres vs. two lots with 18.5 acres/18 acres).

Commissioner Fuller questioned the noise that the inverter makes on each panel with Mr. Sanders explaining the design of the system, use of smaller equipment and the inclusion of 77 inverters on eight acres of land. Mr. Forgey emphasized that the inverters work when the system is on, which is during the day only.

Mayor Hubbard questioned the fence and the current vegetation with Mr. Sanders explaining that fencing is required to be in place and that trees, etc., will be removed.

Mayor Hubbard advised that there was no one else desiring to speak in support of or against the application and, there being no further questions/comments on this item, the public hearing was closed

REPORT OF THE COMMITTEE OF THE WHOLE

Mayor Pro Tem Langstaff moved to approve the following special approval cases, seconded by Commissioner Howard; the motion unanimously carried.

JULY 24, 2018

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

1. Special Approval Case #18-034 Ryan Sanders, Beltline Energy, LLC/Applicant; Estate of Wallace A. Binns & Pine Development Partnership, LLLP/Owner; request for Special Approval for property located at 224 SE Liberty Expressway, fronting east side of Liberty Expressway, south of the Liberty Expressway/E. Oglethorpe Blvd. Interchange; to construct and operate a solar power generating facility on approximately 18.373 acres in the M-2 District
2. Special Approval Case #18-036 Ryan Sanders, Beltline Energy, LLC/Applicant; Estate of Wallace A. Binns & Pine Development Partnership, LLLP/Owner; request Special Approval for property fronting the west side of Liberty Expressway, south of Liberty Expressway/E. Oglethorpe Blvd. Interchange; to construct and operate a solar power generating facility on approximately 17.5 acres in the M-2 District

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

- |    |   |              |
|----|---|--------------|
| 1. | Backhoes & Mini Excavator - Flint Equipment Company; Albany, GA     |              |
|    | Total exp.  | \$560,300.92 |
| 2. | Sway Car Trailers - Waste Built; Mableton, GA                       |              |
|    | Total exp.  | \$93,556.20  |
| 3. | Consultant - Brownfield Program; Cardno - Marietta, GA              |              |
|    | Est. exp.   | \$290,000.00 |
| 4. | Backhoe (Cemetery) - Flint Equipment Company; Albany, GA            |              |
|    | Total exp.  | \$79,987.33  |
| 5. | Flygt Pump Rebuild - Xylem Water Solutions USA; Garden City, GA     |              |
|    | Total exp.  | \$49,952.92  |
| 6. | Flygt Pumps - Xylem Water Solutions; Garden City, GA                |              |
|    | Total exp.  | \$85,941.90  |
| 7. | PVC Pipe & Fitting Contract Engineering & Equipment Co., Albany, GA |              |
|    | Est. annual exp.  | \$42,683.25  |
| 8. | Valve Installation - Water Services Group LLC; Northport, AL        |              |
|    | Total exp.  | \$43,500.00  |

Mayor Pro Tem Langstaff moved to approve the following Alcohol License Applications and Change of Location, seconded by Commissioner Fletcher; the motion carried 5-1 with Commissioner Howard voting no.

1. S & J 23 Package; 401 Johnny W. Williams Rd.; L. Davis/Agent; Liquor, Beer and Wine Package
2. Jose Martinez Holiday LLC, d/b/a 809 Bar & Grill; 2610 Dawson Road Suite 10 & 11; I. Petterson-Miller/Agent; Liquor, Beer and Wine Consumption
3. The Yellow Store; 903 S. Madison St.; B. Payton/Agent; Beer Package
4. Incredible Crabs Seafood Restaurant LLC, d/b/a Incredible Crabs Seafood; 2800 Old Dawson Rd. Suite 5; I. Dice/Agent; Liquor, Beer and Wine Consumption

Change of Location:

5. Supreeya Lopez, d/b/a El Vaquero, 2700 Dawson Rd. Suite 20, requests to move the License (Liquor, Beer and Wine) to 3007 Kensington Court. This location was known as Johnny Carino's, owned by Rena Gayle Graver and closed its doors January 2013

#### APPOINTMENTS

1. One appointment to the Aviation Commission for three-year term expiring July 2021

Mayor Pro Tem Langstaff moved to reappoint Chandu Kuntawala, seconded by Commissioner Howard; the motion unanimously carried.

JULY 24, 2018

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

2. One appointment to Stadium Authority for four-year term expiring June 2022

Commissioner Howard moved to reappoint Octavia Jones, Sr., seconded by Commissioner Fletcher the motion unanimously carried.

3. Two appointments to Albany/Dougherty Land Bank Authority for two-year term expiring July 2020

Commissioner Howard moved to reappoint Donald Butts and Jamye Cobb, seconded by Commissioner Fuller; the motion unanimously carried.

ORDINANCES

Mayor Pro Tem Langstaff introduced the following:

AN ORDINANCE NO. 18-110

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 224 SE Liberty Expressway, fronting east side of Liberty Expressway, south of the Liberty Expressway/E. Oglethorpe Blvd. Interchange from C-3 to M-2 (**conditional**)

AN ORDINANCE NO. 18-111

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property fronting the west side of Liberty Expressway, south of Liberty Expressway/E. Oglethorpe Blvd. Interchange from R-3 and C-3 to M-2 (**conditional**)

AN ORDINANCE NO. 18-112

Levying and assessing the rate of taxation for City purposes on all taxable property in the City of Albany, Georgia for 2018

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

RESOLUTIONS

Commissioner Marietta moved to adopt the following resolution, seconded by Commissioner Howard; the motion carried 5-0-1 with Mayor Pro Tem Langstaff abstaining.

A RESOLUTION NO. 18-R141

Authorizing engagement of the Levin, Papantonio, Thomas, Mitchell, Rafferty and Proctor, PA Law Firm on a contingent fee basis to pursue all civil remedies against the manufacturers of Prescription opiates and those in the chain of distribution of prescription opiates

Commissioner Fletcher moved to approve the following resolutions, seconded by Commissioner Marietta; the motion unanimously carried.

A RESOLUTION NO. 18-R142

Approval of a Resolution for the Albany Transportation Center Memorandum of Agreement Authorizing Memorandum of Agreement with the Federal Transit Administration, GA Dept. of Transportation and the Georgia State Historic Preservation Officer re: the Albany Transportation Center

JULY 24, 2018

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

A RESOLUTION NO. 18-R143

Authorizing execution of a Lease Agreement with Destiny Transportation Group, Inc., F/K/A  
Destiny Tours & Shuttle Services, Inc.

A RESOLUTION NO. 18-R144

Supporting extension of Level 1 Freeport Exemption for Fulfillment Center; Authorizing the  
Mayor to notify the Election Superintendent to issue the call for an election as required by  
O.C.G.A. § 48-5-48.2(d)

RESOLUTION NO. 18-R145

Accepting Sanitary Sewer Easements and lines from Flogil, LLC and Mikes Properties, LLC

A RESOLUTION NO. 18-R146

Authorizing use of SPLOST VI funds for backup generator at the Fleet Management Building

A RESOLUTION NO. 18-R147

Authorizing the City Manager to negotiate and execute a contract with Gulf Coast Underground,  
LLC re: Eastside-Westside Sewer Interceptor Rehabilitation Project; Authorizing the City's  
Finance Director to expend the Georgia Environmental Finance Authority Loan Funds

Commissioner Howard moved to approve the following resolution, seconded by Commissioner  
Fletcher.

A RESOLUTION NO. 18-R148

Approval of Grant Applications Authorizing the City Manager during Fiscal Year 2019 to sign  
any and all grant applications she may deem in the best interests of the City of Albany; requiring  
the Finance Director provide written certification to the City Manager that there are sufficient  
monies to pay any match

Mayor Pro Tem Langstaff moved to modify Sect. 2 of the resolution to note that the City  
Manager will not obligate the City of Albany. Mr. Davis stated that he can add language to say  
that the City Manager will not bind the City. Commissioner Howard stated that he will accept  
this friendly amendment and, hearing no further discussion, the motion unanimously carried.

OTHER BUSINESS

At the request of Commissioner Fletcher, Mayor Pro Tem Langstaff moved to swap board  
appointments for Commissioners Fuller and Fletcher as follows: Commissioner Fuller will now  
serve on the Pension Board (instead of the Regional Commission) and Commissioner Fletcher  
will now serve on the Regional Commission (instead of the Pension Board), seconded by  
Commissioner Howard; the motion unanimously carried.

There being no further business, the meeting adjourned at 8:47 p.m.

---

MAYOR

ATTEST

---

CITY CLERK