

JANUARY 8, 2019

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

PRESENT: Mayor Dorothy Hubbard
City Commissioners: Jon Howard, Matt Fuller, BJ Fletcher, Roger Marietta and
Tommie Postell
Asst. City Manager: Phil Roberson
City Attorney: C. Nathan Davis

Mayor Hubbard called the meeting to order at 10:25 a.m., and, following a moment of silence and the Pledge of Allegiance, she instructed the audience on the policy to address the Commission, whether through Citizen's Comments or Speaker's Appearance Forms.

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

Commissioner Howard moved to excuse the absence of Mayor Pro Tem Langstaff, seconded by Commissioner Fletcher; the motion unanimously carried.

RECOGNITION/PRESENTATION

Thomasville Police Chief Troy Rich presented the State Certification plaque to Albany Police Chief Michael Persley for APD meeting state certification standards, i.e., completing the six steps to recertification, etc. Sonya Johnson was also presented with the Certification Manager Award for the outstanding job that she does in fulfilling required filings.

Mayor Hubbard thanked Chief Persley and the Albany Police Department for a job well done in continuing to maintain state certifications.

PUBLIC HEARING

1. Zoning Case #18-060 – S.K. Patel, owner/applicant, request to rezone property located at 401 and 405 Johnny Williams Road from R-3 and C-1 to C-2

Using a power point presentation (copy on file), Paul Forgey, Planning Director discussed information and advised that the request to rezone will allow expanded commercial development, increased setbacks and a drive-thru window. He gave a brief zoning history of the property and surrounding property, showing the locations on the map and discussed planning considerations, including the viewing of an aerial map, future land use map considerations and the comprehensive plan considerations. He advised that the Planning Commission recommended conditional approval as follows: **1) Due to possible high traffic volume, noise, and/or late hours of operation, the following uses will not be permitted at this location: bar, night club, event centers, convenience stores, and motor vehicle related services; 2) Applicant will engage services by acoustical (sound) professionals to design a sound wall that mitigates sound from the proposed development. The wall will extend along the west interior boundary of 405 Johnny W. Williams Rd. to a point determined by the Planning Director that will offer protection to 407 Johnny W. Williams Rd. The reasonable discretion of the Director of Planning and Development Services will control; 3) A landscape buffer shall be planted and maintained outside of the wall on private property. The composition of the landscape buffer will be determined by the Planning Director and the City Arborist; 4) Applicant will engage services of lighting professionals to develop a lighting plan that will ameliorate any adverse effect of lighting on residential lots to the west. The type of lighting used should reflect the results of such study. The reasonable discretion of the Director of Planning and Development Services will control.**

Commissioner Postell gave a brief history of the area and discussed concerns.

In reply to Mayor Hubbard, Mr. Forgey advised that there is one residence directly to the west and two across the street to the west.

In reply to Mayor Hubbard, Commissioner Postell stated that he did not want to stop what is being proposed by Mr. Patel; however, he stated that he and the citizens in the area are concerned since there are already alcohol establishments in that area.

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Additional discussion followed regarding concerns of increased traffic, etc., with Mr. Forgey explaining the proposed use and the Planning Commission's recommendations. He reminded the Commission that staff's and Planning Commission's recommendation in April of 2018 was to deny the original application, although the Commission approved the application.

Commissioner Fletcher agreed, adding that the Commission voted to approve the original application; however, she recommended tabling this item to give the Commissioners an opportunity to ride/walk the area in question, along with Commissioner Postell, and the applicant.

Mr. Forgey assured Mayor Hubbard that signs were posted, as required by law, in the area regarding the proposed rezoning.

Commissioner Fuller clarified that the rezoning request was for a liquor store, with Mr. Forgey replying in the affirmative. Commissioner Fuller agreed with Commissioner Fletcher's comments and asked for clarification on the use of a variance. Mr. Forgey advised that the issue may be addressed administratively by considering a variance and explained the process. He reminded the Commission again that the original recommendation was to deny and explained the current rezoning application and the recommended conditions of buffering, etc.

Mayor Hubbard expressed concerns regarding noise, lights, etc., in the neighborhood and how it will affect the area.

Commissioner Marietta said he is not in favor of tabling this item and suggested that the responsibility falls on the owner to look at the new, future proposal.

Commissioner Howard stated that he, too, did not support the original rezoning and gave a brief history of the area, including concerns of drugs and gang activities.

Mayor Hubbard stated that Demetrius Young signed up to speak. Mr. Young stated that he lives in the area and was not aware that this was being proposed. He spoke in opposition to the rezoning request and commented on concerns in the area, including the fact that currently there are a number of other liquor stores in the area.

Commissioner Fletcher once again stated that the original rezoning was approved by the Commission and again suggested tabling so that the Commissioners could visit the area. She then moved to table this item, seconded by Commissioner Fuller. In reply to a time certain date, the consensus was to have this item on the February 12, 2019 agenda. Hearing no further comments, the motion to table was approved 4-2 with Commissioners Marietta and Postell voting no.

Mr. Forgey asked if another public hearing will be necessary at that time, Ms. Subadan replied in the affirmative. A brief discussion followed with Mr. Forgey advising that the Commission has 70 days from today, to either approve or deny, this item. In reply to Commissioner Marietta, he stated that the Commission could rezone to C-1, which will not allow for a drive-thru and require a variance from the Planning Commission for the increased setbacks.

REPORT OF THE COMMITTEE OF THE WHOLE

Commissioner Howard moved to approve the following purchase, seconded by Commissioner Fuller; the motion unanimously carried.

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| 1. | Sign Repairs – Area Wide Protective; N. Canton, OH | |
| | Est. expenditure | \$966,713.24 |

Commissioner Howard moved to approve the following purchase, seconded by Commissioner Fletcher; the motion unanimously carried.

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| 2. | Vehicle Purchases – Wade Ford; Smyrna, GA | |
| | Total expenditure | \$321,518.00 |

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Commissioner Fletcher moved to approve the following Alcohol License Application, seconded by Commission Fuller; the motion carried 4-2 with Commissioners Howard and Marietta voting no.

3. Lucky Break Grill & Billiard LLC < d/b/a Lucky Break Grill & Billiard; 2207 E. Oglethorpe Blvd., S. Godwin/Agent; Liquor, beer and wine consumption

Commissioner Fuller moved to approve the following Alcohol License Application – Transfer of Ownership, seconded by Commissioner Fletcher; the motion carried 4-2 with Commissioners Howard and Marietta voting no.

4. Snyn1 LLC, d/b/a Sunrise Store; 1608 W. Broad Ave., R. Edwards/Agent; Beer and wine package. Transfer of ownership from S. Patel

APPOINTMENTS

1. One appointment to the Chehaw Park Authority to fill an unexpired term ending July 2019

Commissioner Marietta nominated Ivy Chupp; Commissioner Howard nominated Tom Seegmueller. Commissioner Howard moved to close the nomination on said names, seconded by Commissioner Fuller; the motion unanimously carried.

Following a show of hands, Mayor Hubbard declared Ivy Chupp duly appointed (by a vote of 4-2, with Commissioners Howard and Postell voting no).

ORDINANCES

The Clerk advised that the following was tabled in the public hearing:

AN ORDINANCE NO.

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 401 and 405 Johnny Williams Rd., from R-3 and C-1 to C-2 **conditional**

RESOLUTIONS

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

A RESOLUTION NO. 19-R100

Authorizing execution of an Agreement that will continue with J. Anderson Davis of Brinson, Askew, Berry, Seigler, Richardson and Davis, LLP Law Firm, re: Administration of Hotel/Motel Tax/Class Action Litigation funds

Commissioner Fletcher moved to adopt the following resolution, seconded by Commissioner Fuller, the motion died due to a 3-3 tie vote (Commissioners Howard, Marietta and Postell voting no)

A RESOLUTION NO. 19-R101

Authorizing execution of a Memorandum of Understanding (MOU) with the Downtown Development Authority (DDA) of Albany, GA, entitled “For the 207 Pine Ave., Project”; Authorizing the Mayor to sign the MOU, as well as Quit Claim Deed transferring 207 Pine Ave., to the DDA of Albany, GA

Discussion followed with Ms. Subadan requesting permission to brief Commissioner Postell on this item since his arrival was after discussion had taken place. She asked if Roberts Rule of

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Order would allow her to speak. Mr. Davis stated that a vote was already taken, but agreed that she could explain the item to Commissioner Postell.

After Ms. Subadan briefed Commissioner Postell, he stated that it is a good idea to clean up that building, etc. Commissioner Fletcher added that the deadline on the Brownfield Grant is January 31.

Further discussion followed with questions on allowing Commissioner Postell to change his vote with Mr. Davis opining that four have to be recognized and in agreement. Following a show of hands, the motion carried 4-2 for Commissioner Postell to change his vote with Commissioners Howard and Marietta voting no.

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

A RESOLUTION NO. 19-R102

Accepting Sanitary Sewer Easements and Lines from Wingate Land & Development, LLC (re: Stonebridge Golf Course)

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

A RESOLUTION NO. 19-R103

Authorizing initiation of procedures to close the Alley at the 800 Block of E. Broad Ave., and Wheeler Street

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

A RESOLUTION NO. 19-R104

Designating the property at 2525 Dawson Road as a Shopping Center

In reply to Commissioner Marietta regarding the Mayor Pro Tem appointment, Mayor Hubbard and Ms. Subadan advised that it will be with annual appointments that is listed on the January 22, 2019 agenda.

EXECUTIVE SESSION

At 11:19 a.m., Commissioner Fuller moved to enter into executive session to discuss: 1) personnel matters and, 2) property acquisition, seconded by Commissioner Fletcher; the motion carried 5-1 as follows, with Commissioner Howard voting no:

Ward I	no
Ward II	yes
Ward III	yes
Ward IV	yes
Ward V	absent
Ward IV	yes
Mayor	yes

At 12:15 am, Commissioner Howard moved to exit executive session, seconded by Commissioner Fuller; the motion carried as follows:

Ward I	yes
Ward II	yes
Ward III	yes
Ward IV	yes

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Ward V	absent
Ward IV	yes
Mayor	yes

There being no further business, the meeting adjourned at 12:16 p.m.

MAYOR

ATTEST

CITY CLERK