

FEBRUARY 12, 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, Bob
Langstaff, Jr., and Tommie Postell
City Manager: Sharon Subadan
City Attorney: C. Nathan Davis

Mayor Hubbard called the meeting to order at 10:45 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 Marietta moved to approve the minutes of the previous meeting, seconded by Commissioner Fuller; the motion unanimously carried.

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; showed the locations on the map; and discussed planning considerations, including the viewing of an aerial map and future land use map 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 stated that what Mr. Forgey is presenting was not approved by him and residents are present because they do not want the liquor store in the area. Mr. Forgey explained the process of bringing zoning matters to the Commission with Mayor Hubbard explaining that Mr. Forgey brings Planning Commission recommendations to the Commission for vote.

Bishop Norman Pierce, 2505 MLK Jr., Dr., spoke in opposition to the application and stated that he is the Pastor of The Real Church near the location of the proposed alcohol establishment. He suggested that some on the Commission are showing signs of being unconcerned, adding that Commissioner Postell is speaking passionately on this matter.

FEBRUARY 12, 2019

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

Bishop Jerry Cochran, 1206 Augusta Dr., spoke in opposition of the application, stating that his church is New Jerusalem Pentecostal Church of God and Christ. He addressed his concerns regarding S. Albany and stated his reasons for not allowing the establishment in the area.

Erma Wilburn spoke in opposition of the application, adding that she is a previous resident of Mt. Zion Apartments, is a nurse and is concerned about the community and children in the area and their proximity to the establishment.

Dr. Amanda Green, 2412 S. Madison, spoke in opposition of the application, adding that she lives in S. Albany and has a degree in drug and addiction counseling. She elaborated on her concerns of the domestic violence that comes from consuming alcohol, which is now considered to be a drug and compared this to bondage and human trafficking (explaining the comparison in detail). She asked the Commission to vote 'no' on this matter.

Chad Warbington, 521 Whipperwill Rd., spoke in opposition of the application and to the process, which he suggested is flawed. He gave a brief history of previous meetings regarding this item, which started a year ago, adding that the applicant was not at the Commission meetings when it was discussed, did not follow the process, with the City pushing to get this item through. He mentioned the purchase price of the land that the owner/applicant paid the City, in which there was no appraisal and the owner was given a bargain; he suggested that the Commission back-track and refund monies the applicant spent on this item and start the process over. He stated that the Commission has the power to un-do what was done last year.

Commissioner Fletcher stated that she had asked the City Attorney if any original rezoning can be reversed. Mr. Davis replied in the negative and stated that this application is the last to be approved in the process. Commissioner Fletcher asked if the Commission can un-do what was voted on last year to which Mr. Davis replied in the negative that the Commission cannot un-do the vote. He explained that the only vote now is to allow setbacks for a drive-thru.

King Randall, 2412 S. Madison passionately spoke in opposition of the application, stating that he is 19 years old and lives with his grandmother in S. Albany. He stated his concerns of having too many establishments of this type in S. Albany and being economically exploited by them; the negative effects on neighborhoods, this having the overall effect of causing further decline in Albany, etc.

Commissioner Fletcher thanked Mr. Randall for his comments, adding that the forum today is taking on a form of racism. She urged the applicant to consider reversing his decision and not build a liquor store because of the comments made today and what he will be up against.

Roderick Gilbert, 615 Marshall Lane, spoke in opposition of the application and stated his concerns, which include if the property was purchased under a flood mitigation program, and if so, will FEMA support such a sale.

FEBRUARY 12, 2019

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

Tiawana Malone spoke in opposition to the application, suggesting that racism is a factor. She stated that she is part of the working group that wondered about their legal options. They are asking that a moratorium be put in place until the process is looked at and the matter resolved. She mentioned state/federal funds that will help reorganize their community.

James Pratt, Jr., 4000 Gillionville Rd., spoke in opposition of the application and commented on a quote from Dr. Martin Luther King, Jr., tying this situation in with Black History Month. He said he is a researcher at ASU, is from Albany and expressed how disheartening this is to witness. He urged elected officials to be compassionate and addressed the racism comments that were previously made. He mentioned community partnership agreements used nation-wide, in which businesses are required to interact with the community and sign agreements for which the business/organization can be responsible such as community service, cleaning up an organization, donating funds to schools, etc. In closing, he quoted Alice Walker, which he felt was befitting this situation.

Demetrius Young, 2511 MLK, Jr., Drive spoke in opposition of the application and said that the elephant in the room has been addressed - racism in Albany, Georgia. He stated that most people know who his parents were (Mary Young-Cummings and Hank Young) both of whom were community activists. He discussed the process and asked those in the audience who oppose the rezoning to show their support and stand (approx. 25 stood). He deemed the Commission responsible for this mistake and demanded that they 'fix it'.

Mayor Hubbard noted that no one else had signed up to speak on this issue.

2. Alley closing - 800 Block of E. Broad Ave., & Wheeler Ave., (Greater 2nd Mt. Olive Church)

Bruce Maples, Director of Engineering, gave a brief history of this item and explained the process of an ad running in the paper and now the public hearing is required before a vote is taken to close this alley.

Bruce Capps, 1801 W. 3rd Ave., spoke in opposition of this closure. He gave a brief summary of the purpose of alleys, what other cities do with their alleys and stated that closing any alley is a bad idea, suggesting that instead they should be expanded. He added that he is suspect of giving public land to private entities, especially when they are budgeted in the general fund and through SPLOST.

There being no one else to address this issue, Mayor Hubbard closed the public hearing.

REPORT OF THE COMMITTEE OF THE WHOLE

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

1. 207 Pine Avenue Roof Replacement Jenkins Roofing Inc.; Tallahassee, FL
Total exp. \$133,288.00

FEBRUARY 12, 2019

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

2. AFD Storage and Training Facility Repairs C.A. Brown Construction Co. Inc.
Leesburg, GA;
Total exp. \$243,620.00
3. Right of Way Clearing & Maintenance -Trees Unlimited; Cave Springs, GA
Est. exp. \$750,000.00

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

4. Latin Flavor Restaurant LLC, d/b/a Latin Flavor Restaurant; 2427 G. Sylvester Rd;
Beer and Liquor Consumption; D. De Martinez/Agent

Commissioner Langstaff moved to approve the following Alcohol License Application, seconded by Commissioner Fletcher; the motion carried 6-1 with Commissioner Howard voting no.

5. The Bread House of Albany LLC, d/b/a The Bread House & Ganary; 520 N.
Jefferson Street; Beer and Wine Consumption; A. Stanfield/Agent

APPOINTMENTS

1. Two appointments: Aviation Commission for one-year term ending Jan. 2020
(Commission and Mayor's appointments)

Mayor Hubbard advised that she is reappointing Dr. Anthony Parker; Commissioner Langstaff stated that he would like to continue serving on this board. Commissioner Fuller moved to approve the reappointment of Dr. Parker and Commissioner Langstaff, seconded by Commissioner Postell; the motion unanimously carried.

2. Commission appointment to Pension Board for two-year term ending Jan. 2021

In reply to Commissioner Langstaff, Commissioner Howard said he would like to continue serving on this board. Commissioner Langstaff moved to approve the reappointment of Commissioner Howard, seconded by Commissioner Fletcher; the motion unanimously carried.

The Clerk advised that Lequrica Gaskins, Downtown Manager and staff asked that the following appointments are postponed until the March 26, 2019 meeting.

3. Four appointments: Albany/Dougherty Inner City Authority – (three appointments for two-year term ending Jan. 2021 and one appointment to fill unexpired term ending 2020)

Commissioner Langstaff moved to table, seconded by Commissioner Fletcher; the motion unanimously carried.

FEBRUARY 12, 2019

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

4. One appointment: Albany Economic Development Commission for two-year term ending December 31, 2022

Commissioner Marietta moved to reappoint Milan Patel, seconded by Commissioner Langstaff; the motion unanimously carried.

5. One appointment: Albany/Dougherty Payroll Development Authority for three-year term ending January 2022

Commissioner Langstaff moved to reappoint Danny Blackshear, seconded by Commissioner Marietta; the motion unanimously carried.

6. Two appointments: Keep Albany/Dougherty Beautiful for three-year term ending January 2022

In reply to Commissioner Langstaff, Commissioner Howard stated that he would like to continue serving on this board. Commissioner Langstaff moved to reappoint Commissioner Howard, seconded by Commissioner Fletcher; the motion unanimously carried. Commissioner Langstaff then moved to reappoint Donna Murphy, seconded by Commissioner Howard; the motion unanimously carried.

7. Two appointments: Albany/Dougherty Planning Commission for three-year term ending January 2022

Commissioner Marietta moved to reappoint Yvonne Jackson and Hampton Smith, seconded by Commissioner Langstaff; the motion unanimously carried.

8. Three appointments: SW GA Regional Commission - One City Commission, one joint City/County and, one citizen appointments for one-year term ending January 2020

Commissioner Howard moved to reappoint Freddie Grimsley and Matt Reed, seconded by Commissioner Langstaff, the motion unanimously carried. Following a brief discussion, Commissioner Howard agreed to serve as the Commission representative on this board. Commissioner Langstaff moved to approve the appointment of Commissioner Howard, seconded by Commissioner Marietta; the motion unanimously carried.

9. Two appointments: Utility Board for two-year term ending January 2021 (must be city resident)

Commissioner Howard moved to reappoint Jim Deal and nominated John Hawthorn, seconded by Commissioner Marietta. Commissioner Langstaff stated that he would like to nominate Jonathan Siskey, seconded by Commissioner Fuller. Following a show of hands, Mayor Hubbard declared Jim Deal unanimously reappointed and John Hawthorn appointed (4-3 with Commissioners Fuller, Fletcher and Langstaff voting no).

10. Four appointments: Joint City/County Board of Adjustment and Appeals (two citizens and Mayor's appointment for three-year term ending Oct. 2021 and, one appointment to fill an unexpired term ending Oct. 2019)

FEBRUARY 12, 2019

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

The Clerk advised that she will continue advertising this board due to no new letters/resumes being submitted for consideration. She advised that Dr. Ochie asked not to be considered for reappointment and that today, the only up for reappointment is Stephen Dew. Commissioner Langstaff moved to reappoint Mr. Dew, seconded by Commissioner Fletcher; the motion unanimously carried.

11. Five appointments: one City appointment (master electrician), three joint City/County appointments (one professional engineer member and two electrical supplier members) and one citizen member to the Joint Electrical Board for one-year term ending January 2020

Commissioner Langstaff moved to reappoint Willie Emerson, Edward West and Sanford Hillsman, seconded by Commissioner Howard; the motion unanimously carried

12. Four appointments: one City appointment (master heating and air conditioning contractor), two joint City/County appointments (professional engineer members) and one citizen member to Heating and Air Conditioning Board for one-year term ending January 2020

Commissioner Langstaff moved to reappoint Clint Newsome, Thomas Driggers and Cliff Tolbert, seconded by Commissioner Fuller; the motion unanimously carried.

13. Three appointments: one City appointment (master gas fitter member), one joint City/County appointment (professional engineer member) and one citizen member to the Gas Board for one-year term ending January 2020

Commissioner Langstaff moved to reappoint William Walker, Mark Holloway and Rhett Parker, seconded by Commissioner Fletcher; the motion unanimously carried.

14. Three appointments: two City appointments (one master plumber, one professional engineer) and one citizen member to the Joint Plumbing Board for one-year term ending January 2020

Commissioner Langstaff moved to reappoint Eural Chastang, Glen Harris and Thomas Driggers, seconded by Commissioner Fletcher; the motion unanimously carried.

The Clerk reminded the Commission that attendance information was provided. Mayor Hubbard asked that in the future the staff contact person for each board be noted along with contact information.

Commissioner Howard stated that he was impressed with the articulation of the young people who spoke earlier [the public hearing portion of the meeting] and asked that more young people consider serving on appointed boards.

15. One City appointment: Fire Code Board of Appeals for three year term ending Jan. 2022

Commissioner Langstaff moved to reappoint James Carswell, seconded by Commissioner Postell; the motion unanimously carried.

FEBRUARY 12, 2019

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

2019 APPOINTMENT OF MAYOR PRO TEM

Mayor Hubbard advised that the Charter calls for the Mayor Pro Tem to be rotated yearly. Commissioner Langstaff stated that it is Ward VI this year; Commissioner Postell stated that due to his health, he will temporarily take this role. Commissioner Langstaff moved to appoint Commissioner Postell, seconded by Commissioner Marietta; the motion unanimously carried.

ORDINANCES

Commissioner Howard moved to deny the following, seconded by Commissioner Marietta.

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**

Commissioner Langstaff mentioned discussion today regarding racism and gave a brief history of the vote that was taken one year ago with Planning Commission voting 7-0 to deny. He stated that Commissioner Postell was not at that meeting due to illness so he moved to table the item. When it came back up for vote, he stated that he voted against it and at that time a petition was presented with a list of names of those who supported the establishment being in the neighborhood, adding that his 'no' vote was based on the Planning Commission's recommendation to deny. Today, the Planning Commission voted to approve the requested drive-thru and the residents want the requested drive-thru denied. He asked Commissioner Postell for guidance since this is in his ward.

At this time, 12:04, Mayor Hubbard asked for a motion to extend the meeting. Commissioner Langstaff moved to extend the meeting for an additional 20 minutes, seconded by Commissioner Fletcher; the motion unanimously carried.

Continuing with the discussion, Commissioner Postell gave a brief history encompassing the last year, including votes taken when he was absent from meetings, his meeting with residents in the area, etc., and asked that this item be denied.

Commissioner Howard commended the citizens of ward six for attending the meeting to be informed and engaged; he encouraged everyone to visit the Planning Commission to ascertain usage of vacant properties in their neighborhoods, what can be put on the property due to rezoning, etc. He asked Mr. Patel to consider putting something else in the area.

Mayor Hubbard asked that everyone come to the table and work together and that more young people get involved.

Hearing no further comments, the motion to deny unanimously carried.

Commissioner Marietta introduced

FEBRUARY 12, 2019

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

AN ORDINANCE NO. 19-101

Closing the alley at the 800 block of E. Broad Ave., and Wheeler Ave., more particularly described herein with certain reservations; Authorizing the execution of a Quit Claim Deed and Agreement for easement in favor of City of Albany

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

RESOLUTIONS

Commissioner Howard moved to adopt the following resolution, seconded by Commissioner Fletcher; the motion carried 6-0-1 with Commissioner Fuller abstaining.

Mayor Hubbard commented on recent discussions with Norfolk Southern (NS) and GDOT and asked that negotiations continue. The consensus was to continue discussions with both entities and, in reply to Mayor Hubbard, Mr. Davis briefly discussed the process to re-consider after negotiations and/or a re-filing by NS.

A RESOLUTION NO. 19-R112

Denying the petition of Norfolk Southern Corporation (NS) to eliminate the 3rd Avenue Rail Grade Crossing; Authorizing the City Attorney to prepare an appropriate Order for the Mayor's signature

Commissioner Howard moved to adopt the following resolution, seconded by Commissioner Fletcher; the motion carried 6-0-2 with Commissioners Fuller and Langstaff abstaining.

A RESOLUTION NO. 19-R113

Denying the petition of Norfolk Southern Corporation (NS) to eliminate the 7th Avenue Rail Grade Crossing; Authorizing the City Attorney to prepare an appropriate Order for the Mayor's signature
Commissioner Howard moved to adopt the following resolution, seconded by Commissioner Marietta; the motion unanimously carried.

A RESOLUTION NO. 19-R114

Authorizing initiation of procedures to close the alley between Marie Road and East Drive

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

A RESOLUTION NO. 19-R115

FEBRUARY 12, 2019

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

Approving contracting with Ceres Environmental Services, Inc., to provide debris removal services following any disaster on an as needed basis

Commissioner Marietta mentioned an upcoming 2020 Census meeting at Oakland Library tomorrow from 1-4:00 pm and invited all to attend.

EXECUTIVE SESSION

At 12:24 p.m., Commissioner Langstaff moved to extend the meeting an additional 30 minutes to enter into executive session to discuss: 1) personnel matters and, 2) property acquisition, seconded by Commissioner Fletcher; the motion unanimously carried as follows:

Ward I	yes
Ward II	yes
Ward III	yes
Ward IV	yes
Ward V	yes
Ward IV	yes
Mayor	yes

At 12:59 am, Mayor Hubbard reconvened the meeting and asked for a motion to exit executive session; Commissioner Fuller moved to exist, seconded by Commissioner Postell; the motion unanimously carried as follows:

Ward I	yes
Ward II	yes
Ward III	yes
Ward IV	absent
Ward V	yes
Ward IV	yes
Mayor	yes

There being no further business, the meeting adjourned at 1:00 p.m.

MAYOR

ATTEST

FEBRUARY 12, 2019

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

CITY CLERK

DRAFT