JUNE 26, 2019

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

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

Mayor Hubbard called the meeting to order at 7:14 p.m., and, following a moment of silence and the Pledge of Allegiance, she instructed the audience on the policy to address the Commission, through either Citizen's Comments or Speaker's Appearance Forms.

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

PUBLIC HEARING

1. Zoning Case # 19-043 – Inman Solar, Inc./Applicant; request to rezone 25 acres of a larger 73.77-acre tract from C-R to M-1. The property is generally located east and north of Augusta Dr. and south of the 100' Georgia Power Easement, which runs east to west across the parent tract

Using a power point presentation (copy on file), Marcia Studley, Planner II, showed a map of the proposed property and advised that the request to rezone would allow for construction and operation of solar power generating facility for the sale of energy to Georgia Power Co., adding that if approved, a special approval is also required. She discussed the zoning history and planning considerations, which included an aerial view map, traffic considerations and future land use considerations. She advised that the Planning Commission recommended **conditional approval as follows: Use of the property is restricted to a solar power facility**

Commissioner Howard asked for clarification regarding the buffer. Ms. Studley explained the requirement of an eight-foot fence or a six-foot fence with an extension of barbed wire at the top and three options for the buffer requirement: 1) plant 5' shrubs that will grow to 10'; 2) 75' natural vegetative buffer, or, 3) 50' setback on any residential property adjacent to the site and 20' setback on the side adjacent to the industrial site. Commissioner Howard commented on noise with Ms. Studley deferring to Steven Chiariello, applicant, to discuss the inverter.

Mr. Chiariello, project developer addressed the noise factor and stated that the panels and transformer make a humming sound, however a person would have to be very close to either to hear the humming. In reply to Commissioner Howard he explained that residents may hear a small amount of noise at 50-100' but could not hear noise at 1000' away. Regarding the surrounding vacant land, Commissioner Howard ask if there would be an expansion in the future; Mr. Chiariello stated that he was not aware of any expansion at this time. Commissioner Howard asked if the neighbors were consulted; Mr. Chiariello replied in the affirmative, adding that he had met with neighbors to answer questions before the Planning Commission meeting. Commissioner Howard expressed concern regarding senior citizens having homes in the area and it being a disturbance to them as many are retired and their homes are paid for, etc., and to not encroach on them; he suggested leaving it as is. Mr. Chiariello stated that his discussions with neighbors included mitigating the impact on them.

In response to Commissioner Fuller Mr. Chiariello explained that the project is a 2 megawatts AC and 2.8 megawatts DC, in which there are 8400 panels that are medium size. Commissioner Fuller clarified that the main issue is that of the level of noise, with Mr. Chiariello stating that at 1000' there would not be any noise, which include the panels and transformers.

In reply to Commissioner Postell, Mr. Chiariello stated that there are no other plans at this time to have solar panels in Albany.

Commissioner Fuller asked the impact on the value of the property (taxes). Bruce Maples, Director of Engineering, stated that they did not have that information/report at this time, but that they could research.

Commissioner Marietta expressed concern regarding the land use map and comprehensive plan, both of which suggests low density housing and suggested that the Planning report was inconsistent for this to be done, i.e., putting M-1 designation zoning in this area. Mr. Chiariello stated that they could agree to AG designation.

Commissioner Howard asked Mr. Davis whether these type ordinances should be curtailed for future rezoning. Mr. Davis opined that this could be an option, however, since each have to come before the Commission separately, it could also be handled as it is today with a public hearing, public input and Commission vote.

Commissioner Marietta suggested that the Commission review the Zoning and Comprehensive Plan.

Erin Favors stated that he is the President of the County Club Homeowners Assn., and asked the Commission to vote no since it is in violation of the land use and comp plan. He mentioned youths in the area who would explore the area with the potential of causing harm/loss of life and suggested that it is not good rezoning; there will be increased traffic and they already have roads in need of repairs – again asking for a no vote by the Commission.

Bruce Capps stated that he does not oppose this, but suggested the City use a different approach on matters of zoning to include consideration of economic development opportunities. He suggested referring this matter to the Economic Development Committee (EDC) for their input on all issues to be worked out in advance to ascertain new jobs, etc., and have them as the first line before going to the Commission.

Chad Warbington agreed with Mr. Capps, adding that the area should be used for building houses/development of houses since this area is not designated for this type development, adding that he reviewed the last solar farm application, which had a requirement to be two miles from the airport. He asked who was notified via letters of this rezoning. Ms. Studley stated that 52 letters were mailed to property owners.

Mr. Warbington stated that this is the first solar farm in the City of Albany and will set precedence, adding that the zoning ordinance encourages this type development outside of the city. He commented on storm water run-off in the neighborhood and suggested adding more wording to the screening process.

Referring to comments from Mr. Warbington regarding a solar operation having to be two miles from the Airport, Commissioner Langstaff referenced the proposed ordinance and asked if this will go to the FAA for approval first, adding that he is on the Aviation Commission and they have not weighed in on this item.

Mr. Maples explained that the applicant will have to get approval from the FAA first, otherwise it will be dead in the water. Mr. Chiariello stated that the information goes to the FAA first and is standard procedure, adding that this is a low-risk design and Georgia Power is driving the project.

Commissioner Langstaff asked if comments have been received from FAA at this time because the Aviation Commission will want to discuss and his inclination is to move to table the item for 30 days. Mr. Davis asked Mr. Chiariello if he would be in agreement to table, with Mr. Chiariello applying in the affirmative.

Commissioner Marietta stated that there are people present who live in the area and would like a decision on this item tonight and asked those present to stand. (A few stood and some raised hands indicating that they live in the area in question).

Additional discussion followed with Commissioner Langstaff stating that the solar farm would be enshrouded by woods and Commissioner Fletcher stating that she has had residents call her asking that other areas be looked at and asking what is in it for the City of Albany.

Mayor Hubbard stated that Mr. Favors was speaking for those present who are against/in opposition to this rezoning.

Commissioner Howard referenced this item being approved and whether it will be inclusive of the other 50 acres being approved. Mr. Davis opined that it is not inclusive; another application will be submitted and it will have to go through the process. Commissioner Howard asked Mr. Favors how long he has lived in the area with Mr. Favors stating 17 years. Commissioner Howard then gave a brief history of the area and suggested that approval will upset the eco-system, adding that he is not in favor of the neighborhood being encroached on with there being no respect for people of color. He corrected Mr. Warbington's statement and advised that there is a solar farm in E. Albany however it is off the road and again commented on his concern for the environment and humanity.

(Commissioner Postell left the meeting at this time 7:53 p.m.).

Commissioner Langstaff cautioned Mr. Favors on the denial of this application, with a future application possibly creating a greater negative impact than the solar panels. He reminded Mr. Favors that the current designation is C-R and suggested that he consider all the facts. Mr. Favors commented on the pecan development in the area and now solar farms, both of which have disturbed wildlife.

Commissioner Marietta stated that there are things that have been discussed and covered in this meeting that were not discussed with residents by the developer.

Mr. Chiariello said he is open to going back and having dialogue with the neighbors, adding that nothing was excluded in the presentation to them. Commissioner Fletcher asked Mr. Chiariello if he is open to looking at other sites. Mr. Chiariello stated that it is not something he has the liberty to agree to; this is the site selected by Georgia Power; however, he agreed to the request to table.

A brief discussion followed on the following special approval application that would be voted on after the rezoning Ordinance. Commissioner Marietta suggested moving the zoning ordinance for vote at this time.

2. Special Approval Case #19-044 Inman Solar, Inc., requests special approval to construct and operate a solar power generating facility on approximately 25 acres of a larger 73.77 acre tract being proposed for rezoning to M-1.

Commissioner Marietta introduced

AN ORDINANCE

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located East & North of Augusta Drive/South of 100' GA Power Easement from C-R to M-1 **Conditional**

Commissioner Marietta moved to deny, seconded by Commissioner Howard.

Commissioner Langstaff offered a substitute motion to table for 30 days, seconded by Commissioner Fuller. Mayor Hubbard stated that there is no discussion on a tabled item and called the question which failed 2-4 with Mayor Hubbard, Commissioners Howard, Fletcher and Marietta voting no.

Regarding the original motion, Mayor Hubbard advised that the motion to deny carried 5-1 with Commissioner Langstaff voting no.

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REPORT OF THE COMMITTEE OF THE WHOLE

See above discussion regarding the following:

2. Special Approval Case #19-044 Inman Solar, Inc., requests special approval to construct and operate a solar power generating facility on approximately 25 acres of a larger 73.77 acre tract being proposed for rezoning to M-1.

APPOINTMENTS

1. Appointments to Community Development Council for one-year term ending June 2020

Commissioner Langstaff moved to reappoint: Tracey Taylor, Timothy Wooten, Eloise Moore, Timothy Sweet-Holp, Angereen Rainey, Delinda Bryant, Pinky Modeste and Sherrell Byrd, seconded by Commissioner Fletcher; the motion unanimously carried.

Commissioner Langstaff nominated Clifford Porter, Sr., seconded by Commissioner Howard; the motion unanimously carried.

2. Albany Housing Authority appointment for five-year term ending June 2024 (Mayor's appointment)

Mayor Hubbard advised that she will be reappointing W. Frank Wilson.

ORDINANCES

Commissioner Langstaff introduced

AN ORDINANCE NO. 19-112

Amending Ordinance 19-107; Authorizing execution of Corrective Quit Claim Deed

Commissioner Langstaff 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 Langstaff introduced

AN ORDINANCE NO. 19-113

Amending the City of Albany's Fiscal Year 2019 Budget

Commissioner Langstaff 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 Langstaff introduced

AN ORDINANCE NO. 19-114

Adopting Budget and Appropriations for the period July 1, 2019 through June 30, 2020

Commissioner Langstaff 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.

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RESOLUTIONS

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

A RESOLUTION NO. 19-R148

Authorizing use of SPLOST VI funds for paving the 300 block of Residence Avenue Alley

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

A RESOLUTION NO. 19-R149

Authorizing a Transportation Agreement with Albany State University; Authorizing the City Manager to sign the Memorandum of Understanding and any documents involving subsequent transportation renewal agreements

OTHER BUSINESS

Ms. Subadan asked Derrick Brown, Finance Director, to address some of the comments that were made earlier through citizen comments re: Budget Amendment. Mr. Brown stated that the City is not being put in jeopardy and that he has a CPA on staff. He advised that he understands Georgia laws and that he and his staff are entrusted to do what is legal; laws are followed including GASB as noted in Georgia Code and, the comments that were made earlier are inaccurate. He explained that the City budget gets annual awards and that he understands the budget amendment process, adding that it was hard to hear things that were said that are inaccurate.

Commissioner Fletcher stated that citizens do not always speak for the Commission, which has the utmost confidence in him and his staff.

Mayor Hubbard agreed, adding that questions are asked by herself and other Commissioners and that she is confident in the way things are being handled.

Commissioner Fuller stated that the City receives an outside audit yearly as well, and there has never been anything to raise red flags for the auditors.

Commissioner Marietta mentioned courses that he took during the annual GMA Convention including information regarding the upcoming Census, i.e., with $2,300 being lost every year for ten years when people are not counted, etc. He also commented on and information he received regarding Workforce Development, which is a top priority.

Commissioner Howard announced that this is Commissioner Postell's last meeting for 2018-19 and asked that the Commission pray for Commissioner Postell due to his declining health.

There being no further business, the meeting adjourned at 8:22 p.m.

_____
MAYOR

ATTEST

_____
CITY CLERK