

JULY 23, 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 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 Howard moved to approve the minutes of the previous meeting, seconded by Commissioner Fletcher; the motion unanimously carried.

PUBLIC HEARING

1. Zoning Case # 19-048 – Lanier Engineering, Inc/Applicant; Colony Bank/Owner, request to rezone property located at 2900 Dawson Rd., from C-5 to C-2 (conditional)

Planning Director Paul Forgey presented a point presentation (copy on file) regarding the request to rezone property from C-5 to C-2 to allow for a bank development with drive-thru services. He showed an aerial photo of the property, and discussed the zoning history, along with a map of the current zoning in the area; planning considerations, along with a map of surrounding businesses and residential areas; transportation network, i.e., road capacity, trip information, etc., the future land use map, etc., and advised that the Planning Commission recommends conditional approval as follows: **Ingress and egress to the property re Old Dawson Rd. is restricted to right turn only movements within a deceleration lane. Motor vehicles travelling west on Old Dawson Road my not turn left to gain access to the property. And all motor vehicles exiting onto Dawson Road must make right turn via the deceleration lane.**

In reply to Commissioner Howard, Mr. Forgey clarified that access would not be from Old Dawson Road, adding that entering and exiting the property will be a right turn only going east.

Tod Lanier, Applicant, stated that the owner is agreeable to a right turn in/out of the bank. He also commented on the banking hours, which will open after morning rush hour traffic and will close before the 5 pm rush hour traffic.

Commissioner Langstaff asked if the applicant is in agreement with having a deceleration lane; Mr. Lanier replied the affirmative.

Heath Fountain, 113 N. Westover Blvd., asked to have access off of Old Dawson Road to curtail traffic.

Commissioner Langstaff clarified that the ingress/egress will be off old Dawson Road, with Mr. Fountain agreeing with the statement.

Discussion followed with Ms. Subadan relating the timeline for bids and approximate construction time. Mayor Hubbard asked the approximate completion date with Mr. Fountain replying that construction should be completed and the bank opened by the middle of next year.

Hearing no additional comments, Mayor Hubbard closed the public hearing portion of the meeting.

REPORT OF THE COMMITTEE OF THE WHOLE

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

1. Internet Services – SyncGlobal; Bremen, GA
Total 3-yr exp. \$234,000.00

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

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| 2. John Deere Co.; Cary, NC; | Total expenditure | \$142,602.84 |
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Commissioner Langstaff moved to approve the following purchase, seconded by Commissioner Fletcher; the motion unanimously carried.

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| 3. Dell; Round Rock, TX; | Total expenditure | \$329,231.49 |
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ALCOHOL LICENSE APPLCIATION

Commissioner Fletcher moved to approve the following Alcohol License Application, seconded by Commissioner Fuller.

1. Rao's Citgo, LLC: d/b/a Rao's Citgo; 1800 E. Oglethorpe Blvd; N. Mobeen/Agent; Beer Package

Commissioner Howard recommended that the Police Chief or Treasury Office make a site visit to these locations due to recent robberies, adding that many convenience stores have bordered their windows, preventing customers from seeing inside the store until they have entered it. He suggested that with a clear view into the store, police officers will be able to see what is transpiring inside. Ms. Subadan stated that this will be looked into and she will come back with some recommendations.

Hearing no further comments the motion carried 5-1 with Commissioner Howard voting no.

ALCOHOL LICENSE APPLICATION – Transfer of Ownership

Commissioner Fletcher moved to approve the following Alcohol License Transfer of Ownership, seconded by Commissioner Marietta; the motion carried 5-1 with Commissioner Howard voting no.

1. Shree Deep, LLC; d/b/a Pace Food Mart #1; 404 S. Slappey Blvd; T. Foster/Agent; Beer and Wine Package; Transfer of Ownership from D. Patel

APPOINTMENTS

1. Two appointments to the Aviation Commission for three-year term ending July 2022

Commissioner Langstaff moved to reappoint Frank Middleton and Sanford Hillsman, seconded by Commissioner Fuller, which unanimously carried.

2. Two appointments to Chehaw Park Authority for two-year term ending July 2021

Commissioner Fletcher nominated Sara Bass and Rachelle Bitterman. Commissioner Marietta advised that the Friends of Chehaw selected Tom Seegmueller and the Chehaw Park Authority recommended Rachelle Bitterman for the Board appointment; he then nominated both as noted.

Discussion followed on the nomination process with Commissioner Marietta explaining that the by-laws allow the Friends of Chehaw to pick an appointment and the Park Authority to recommend the other appointment, resulting in Mss. Bass and Bitterman competing for the other position. Commissioner Fletcher asked if there are two appointments open. Ms. Subadan explained that one is automatic (Friends of Chehaw Chair), which is Tom Seegmueller, leaving one seat open and the Chehaw Board recommended Rachelle Bitterman.

A brief discussion ensued as a result of Commissioner Langstaff's statement that he did not remember the Friends of Chehaw appointment being automatic. Chehaw Park Authority Executive

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Director Tommy Gregors explained that the enabling legislation allows one selection to come from Friends of Chehaw, with this Board typically ratifying the selection; however, it does not have to be their chairperson. He added that the other appointment is for an open position, with a recommendation from the Authority to appoint Ms. Bitterman; however, final approval rests with this Commission.

Commissioner Langstaff moved to ratify the recommendation by the Friends of Chehaw for Tom Seegmueller, seconded by Commissioner Marietta; the motion carried unanimously.

Following a show of hands for Mss. Bass and Bitterman, Mayor Hubbard declared Ms. Bitterman duly appointed (receiving four votes) to fill the vacancy.

3. Two appointments to the Albany/Dougherty County Land Bank Authority for two-year term ending July 2021

The Clerk stated that she received no new letters of interest/resumes; Debbie Sutton requested to be considered for reappointment, while Ms. Eddie Brown asked to not be considered for reappointment.

Commissioner Langstaff moved to reappoint Debbie Sutton and continue to advertise the other position, seconded by Commissioner Howard; the motion unanimously carried.

4. One appointment to the Albany/Dougherty County Planning Commission to fill an unexpired term ending January 2020 (must be a resident of Alban/Dougherty County)

The Clerk reported that she did not receive any new letters/resumes subsequent to the May 28th meeting. However, she said she received two letters from Lizzie Hale expressing interest, but Ms. Hale is disqualified due to being a Lee County resident. She then advised that she is resubmitting the two names that were also submitted at the May 28th meeting: Ronnie Pettiford and Niquacha Snead, adding that both are city residents.

Commissioner Langstaff moved to re-advertise the position.

Commissioner Marietta nominated Ronnie Pettiford, an AFD firefighter and part-time real estate salesman.

Calling a point of order, Commissioner Langstaff asked to take the motions in the order that they were made and in reply to Mayor Hubbard on not hearing a second to the original motion to re-advertise, Commissioner Fuller seconded Commissioner Langstaff's motion to re-advertise.

Discussion followed with Mr. Davis stating that Commissioner Marietta was attempting to make a substitute motion. The question of whether or not Mr. Pettiford could serve on an appointed board was discussed, with Mr. Davis opining that it is not a disqualifying issue unless Mr. Pettiford had scheduling conflicts that interfered with work. In reply to Commissioner Langstaff, Ms. Subadan advised that the work schedule fluctuates/varies in the fire department.

Additional discussion followed on whether there was a second to Commissioner's Marietta's (presumed) substitute motion with Commissioner Howard stating that he second the motion. Following a show of hands on the substitute motion, Mayor Hubbard declared that the motion failed 2-4 with Commissioners Howard and Marietta voting in the affirmative.

The question was called on the original motion which carried 4-2 with Commissioners Howard and Marietta voting no. Mayor Hubbard declared that the position will continue to be advertised.

1. One appointment to the Utility Board to fill unexpired term ending January 2020 (must be city resident)

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The Clerk reported that she received letters/resumes from four individuals: Darron Harpe, Delinda Bryant, William Wright and Debbie Fulford.

Commissioner Langstaff nominated Debbie Fulford. Commissioner Howard nominated Delinda Bryant.

Following a show of hands, Mayor Hubbard declared that Ms. Fulford's nomination was a 3-3 tie vote. She then called for a show of hands on the nomination of Delinda Bryant, which tied 3-3 also.

Commissioner Langstaff suggested that with a majority being required, nothing happened and neither were appointed; he then moved to re-advertise the position, seconded by Commissioner Marietta; the motion unanimously carried.

ORDINANCES

Commissioner Marietta introduced

AN ORDINANCE NO. 19-115

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located 2900 Old Dawson Road from C-5 to C-2 (**conditional**)

Commissioner Marietta then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Howard

Commissioner Langstaff referred to page 125 and read the condition and suggested that it should state 'ingress and egress is permitted from Old Dawson Road, but is restricted to right turn only movements with a deceleration lane', and to strike 'access is not permitted from Old Dawson Road'. He asked Commissioner Marietta if he will accept his friendly amendments; Commissioner Marietta replied in the affirmative.

Hearing no further comments the motion unanimously carried.

Commissioner Howard introduced

AN ORDINANCE NO. 19-116

Levying and assessing the rate of taxation for City purposes on all taxable property in the City of Albany, Georgia, for 2019

Commissioner Howard then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Langstaff.

In response to Commissioner Marietta's call for a point of order, Ms. Subadan stated that only when there is a tax increase that the ordinance must have a second reading.

Hearing no further comments, the motion unanimously carried.

Commissioner Langstaff introduced

AN ORDINANCE NO. 19-117

Providing for contributions to City 401(a) Defined Contribution Plans for Senior Management0

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

A RESOLUTION NO. 19-R151

Authorizing a new one-year Management Agreement re: The Parks at Chehaw between the City of Albany, Georgia and the Chehaw Park Authority

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

A RESOLUTION NO. 19-R152

Authorizing Memorandums of Understanding with the Dougherty County School System, Decatur-Grady 911, Lee County Board of Commissioners, Mitchell County, Thomasville/Thomas County, Albany State University, Albany Technical College, City of Camilla, and Dougherty County Board of Commissioners for participation in the City of Albany's P25 Radio System; Authorizing the City Manager to sign the Memorandums of Understanding

Commissioner Langstaff moved to approve the following resolutions (19-R153-19-R158), seconded by Commissioner Marietta.

Ms. Subadan called for a point of order and reminded the Commission that the resolution discussed in Executive Session needs to be added.

Hearing no further comments, the motion unanimously carried.

A RESOLUTION NO. 19-R153

Authorizing execution of agreement between City of Albany and Southern Light, LLC, successor to Tower Cloud, Inc. re: fiber optic cable within the City's right-of-way; Approving installation of additional fiber optic lines within the City right-of-way by Southern Light, LLC

A RESOLUTION NO. 19-R154

Ratifying acceptance and recording of Quit Claim Deeds from Saint Theresa's Catholic Church, Nia'Ja Bridges, Beauchamp Properties & Renovations, LLC, and the Most Reverend J. Kevin Boland as Bishop of the Roman Catholic Diocese of Savannah and his successors in office re: 300 block of W. Residence Avenue Alley Paving Project

A RESOLUTION NO. 19-R155

Approving the Barkley Boulevard extension right-of-way swap of real property with H.P. Burt, et. al

A RESOLUTION NO. 19-R156

Authorizing the abandonment of an existing sanitary sewer easement and acceptance of new sanitary sewer easement for Georgia-Pacific Wood Products, LLC

A RESOLUTION NO. 19-R157

Approving installation of Traffic Calming Measures in 3000 block of Autumn Avenue

A RESOLUTION NO. 19-R158

Accepting grant award from the Georgia Department of Transportation re: FY 2020 Section 5339 - Discretionary Grants for Urban Bus and Bus Facilities

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

A RESOLUTION NO. 19-R159

Authorizing the City Manager to enter into and execute a Purchase and Sale Agreement with Destiny Transportation Group, Inc., f/k/a Destiny Tours & Shuttle Services, Inc., and Destiny Property Group, LLC (collectively referred to as Destiny); Imposing conditions

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

MAYOR

ATTEST

CITY CLERK