

JANUARY 28, 2020

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

PRESENT: Mayor Bo Dorough
Mayor Pro Tem Jon Howard
City Commissioners: Matt Fuller, BJ Fletcher, Chad Warbington, Bob Langstaff,
Jr., and Demetrius Young
City Manager: Sharon D. Subadan
City Attorney: C. Nathan Davis

Mayor Dorough called the meeting to order at 8:04 p.m., followed by a moment of silence and the Pledge of Allegiance.

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

PUBLIC HEARING

In reply to Mayor Dorough, Mr. Davis explained the process and pertinent information required by State Zoning Laws regarding this type request to rezone property, adding that final action must be taken a minimum of six months/no more than nine months from the date of the public hearing, which is tonight. The date of the vote will be made available and questions can be directed to his office.

In reply to Commissioner Langstaff, Mayor Dorough stated that Mr. Forgey will also explain the process in his presentation. Commissioner Langstaff asked if one public hearing can be conducted for both items (items A & B). Mr. Davis replied that it can be done that way but recommended that a public hearing being held for each zoning issue.

Commissioner Warbington clarified that a vote will not be taken on either tonight; Mr. Davis agreed.

Mayor Dorough stated that anyone who wants to speak can sign the form and advised those in attendance that there are two separate items.

1. Zoning Case #20-001 – Allen Alligood/Applicant request to rezone property located at 2804 Phillips Drive from R-3 to C-R

Using a power point presentation, Mr. Forgey discussed state law, which requires that final action be taken six to nine months from the date of the public hearing. He advised that the request is to rezone from R-3 to C-R, which allows operation of an addiction recovery facility managed by Penfield Addiction Ministries. He showed a map of the location and gave definitions of the proposed rezoning and noted City ordinance from 2013 that governs this type situation as it pertains to Fair Housing, disability, etc., and gave the zoning history of the property (Winterwood Subdivision). He showed a map of surrounding zoning and discussed planning considerations, traffic considerations, map of surrounding land use, aerial view and gave recommendations regarding the future land use map. He commented on the comprehensive plan regarding transitional housing, which is provided through a CR designation, and advised that the Planning Commission recommended approval.

In reply to Commissioner Fuller regarding septic tanks, Mr. Forgey advised that city sewer is not in the area at this time, but the church facility was built to accommodate uses much greater than that of the 50 residents. He added that the City would not permit it if the health department determined that a septic system could not be built there, adding that he feels that with the 11 acres, the septic system can be expanded. Additionally, the Health Department would have to provide certification that it is suitable.

Commissioner Warbington noted that Winterwood subdivision has been zoned R-2 and R-3 since the 1970's; Mr. Forgey agreed. Commissioner Warbington asked if the way the subdivision was built out, does the R-2/R-3 characterize the subdivision better or would an R-1 better characterize it. Mr. Forgey explained that R-2 is the better designation for the area

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because of the smaller lots but will allow for R-1 or R-2. He added that they would not recommend R-3. Commissioner Warbington asked if all the streets in Winterwood were R-1, would that change the recommendation from staff regarding it being a transitional piece of property. Mr. Forgey replied that he does not believe that it would; they looked at it as single-family residential even though it is zoned R-2 and R-3. He explained that an R-1 has larger lots and less people, and, with all things being equal, staff would have made the same determination/recommendation. Commissioner Warbington noted that adjacent property will not be rezoned; Mr. Forgey agreed. Commissioner Warbington asked if there are conditions/requirements to the recommendation. Mr. Forgey advised that the Planning Commission did not recommend any additional requirements, adding that townhomes can be built, but due to septic tank limitations, it will be difficult and explained that the number is based on their state license. Commissioner Warbington questioned transitional zoning and required fencing/screening and verified that this was not recommended by staff; Mr. Forgey agreed.

Commissioner Young asked for clarification of the Disability Act as it pertains to the decision to be made by the Planning Commission. Mr. Forgey explained that the decision to approve/deny is based on the impact of the number of people in the neighborhood and not due to recovering addicts/race/religion.

Commissioner Warbington clarified that traffic considerations are based on the number of employees and the potential of 50 people having cars, including staff, with people making turns (i.e., right on Phillips, etc.). Mr. Forgey speculated that most people will go to the right on Westover, adding that there is enough parking to accommodate. Commissioner Warbington mentioned Westover/Philips intersection and suggested that it is currently dangerous, questioning whether this will impact zoning on Westover Blvd. Mr. Forgey stated that there would be no, however, the applicant will confirm, the programs that are proposed during the day with those living at the facility having jobs from 8:00 am – 5:00 pm, etc., adding that people will not leaving at all the times during the day. The intersection is zoned for more use than is used at this time.

In reply to Mayor Pro Tem Howard, Mr. Forgey confirmed that the church is currently in operation. Mayor Pro Tem Howard clarified operations and asked if there are other addiction locations in Georgia. Mr. Forgey explained that there are four other facilities in Georgia, adding that the applicant is present to speak and answer questions. Mayor Pro Tem Howard verified that the vote, which will be taken in six-nine months and that residents will be notified of the vote. Mr. Davis replied in the affirmative, adding that notices will be sent.

Commissioner Warbington asked if the sign will be up for six months and if there will be another public hearing, etc. Mayor Dorough stated a means to notify residents will be needed when a vote will be taken and asked if this applies to both zoning applications. Mr. Davis replied in the affirmative, with Mr. Forgey explaining that this type rezoning has not been done before and suggested the signs be taken down and when the vote is ready to be taken, the signs will be put back up and residents will be mailed notices so that they are aware of the upcoming vote.

When asked by the Commission to hear from the applicant Allen Alligood stated that he is appointing Nick Cribb to speak on his behalf.

Mayor Dorough advised the audience that he will give those who signed to speak on the rezoning matter five minutes and, that a timer will be in place.

1. Michael Walker, Penfield Addiction Ministries CEO – spoke in support of the ministries stated that they are 501(c)3 and have been in business since 1979. He advised that the main business is in Greensboro, GA and briefly discussed other facilities operated by the Penfield in Georgia. He advised that have an agreement with Mercer University and are licensed by the State of GA as a drug rehab/education program, which allows them to provide intensive treatment. Albany's program will be transitional, and applicants will be screened and evaluated for long-term recovery, with a requirement to get a job/maintain it and to pay for living arrangements. They will have approximately 15 employees and approximately 50 beds; he

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briefly discussed State and local requirements to operate the facility as well as the actual number of residents as opposed to the estimate, which is based on the approved reconfiguration of the building. Those in transition will be there for 6-12 months with not everyone having vehicles. He said they had approximately 410 admissions last year in their facilities.

Discussion followed with Mayor Pro Tem Howard questioning the location of other areas, people walking-out/off campus, etc., other concerns and stated that he does not feel this is a good location to put this type facility, adding that he has over 20 years of working with those with substance abuse issues and he is aware of concerns.

In reply to Commissioner Warbington, Mr. Walker discussed his credentials. Commissioner Warbington questioned the two adjoining acres and whether this will be considered for future use; Mr. Walker stated that they have no plans at this time for use of adjoining property. Regarding the intensive treatment program that was mentioned, Commissioner Warbington asked if there are plans to have this type program in Albany; Mr. Walker said not at this time, adding that currently the facility is planned for transitional only. Commissioner Warbington questioned whether people are serviced from the SWGA region or other areas. Mr. Walker explained that they get people from all over the southeast and United States. In reply to Commissioner Warbington about an application for non-profit status, Mr. Walker stated that the church has that status currently.

Commissioner Young asked if patients will come from Albany with Mr. Walker replying in the affirmative, if there is a demand, adding that it will build over time. Commissioner Young questioned the intake process with Mr. Walker explaining admissions, calling/online processing, etc., to get into the programs. Commissioner Young commented on whether there are agreements with agencies in Albany/Dougherty County and asked if people will be hired who live in the area (Albany) and, what this program brings to the community. Mr. Walker stated that people will be hired from Albany, they work with the local food banks, volunteer with other agencies and are involved in community activities.

2. Nick Cribb – spoke in support and advised that he is a native Albanian, a 2007 graduate of Penfield and wants to share his experience. While at Penfield, he said he met people from all walks of life and accepted Christ, which made a tremendous difference in his life. He mentioned the donation of the facility, adding that they will not be housing criminals, but rather those seeking help. In closing he said he feels that if the neighbors knew what he knows, they will support the program.

Commissioner Fletcher stated that the job at hand is for the Commission to base their vote on the impact to the neighborhood, which will be taken into consideration. She asked that there be no name calling and asked those speaking to have respect for everyone present.

3. Curt Scott spoke in support, stating that he has lived in Albany 15 years, knows Nick Cribb personally and is impressed with his life change. He commented on the opioid addiction, with people not realizing that everyone knows someone who is an addict or has been impacted by one. He asked people to be open minded and stated that people need help.

4. Joshua Knight spoke in support and gave his narrative of being involved with Penfield and being a graduate and how this program helped him. He stated that everyone deserves a second chance, adding that the disease of addiction does not discriminate.

5. Marion Jones spoke in opposition and agreed that people have family members with addiction problems however, she stated that there is over 200 residents living in the area with children. She said she is retired from the prison system and that she taught substance abuse programs. She mentioned facilities in Tifton and Bainbridge, which are within 90 miles or less to Albany and noted that the Penfield facility in Union Point, Georgia sits on 33 acres, Alapaha sits on seven acres of farmland and, the one located in Greene County is also in the country, adding that none are in residential areas. She briefly discussed the avenues through which residents can obtain drug and commented on the location in downtown Albany that closed at the

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end of December. She suggested that this location be considered and that the Commission consider the residents in the [Winterwood S/D] area.

6. James Fitzgerald spoke in opposition and stated that he is familiar with drug/alcohol abuse. He said when he came to Albany in 1979, he was smoking marijuana, but that he has been five years clean of alcohol. He mentioned the loss of jobs in Albany and suggested that not everyone in the facility will stay in their beds – some will slip out and suggested that it only takes one resident of the subdivision to suffer one tragic event to negate all the benefits the facility/program provides.

7. Jeff Cornell spoke in opposition and stated that he has been a homeowner in the area for 35 years. He suggested that this is not a good choice for the location and agreed that there is a need for it, but not in that neighborhood, adding that property value will decrease and, safety is an issue.

8. Bill King, Program Director, spoke in favor and gave a brief bio of himself, adding that he works with those in recovery. He asked the Commission to consider those who are broken, hurting and wounded, adding that they are not associated with the Department of Corrections. People pay to go through the program, which successfully helps people. He mentioned the facility at Union Point, which has not reported/filed any criminal activities for 40 years, adding that they have vans and will take clients to the bus station, to their jobs to assist them in being productive in society. He stated that the recovery residences have security cameras, residents are drug tested twice weekly and have a deep desire to get their lives on track.

Commissioner Warbington asked if other sites have been looked at. Mr. King explained licensing of the facility in Alapaha, which has a capacity of 50, adding that they are almost at capacity now. He stated that this location is good and will not jeopardize those in the program. He said they are always looking at other sites, but this site has been given to the ministry.

Commissioner Young asked if they can look elsewhere and why are they looking here at this location. Mr. King stated that he can do what he does anywhere, however, he believes that God has opened the door here to accommodate people. There are jobs here and opportunities for those in the program, etc.

9. Cassandra Smallwood spoke in opposition and said that she has been in the community since 2008 and she has experienced substance abuse issues dealing with family members. She suggested that residents did not know what was going on with the rezoning vs. property values, people are not being listened to and, residents not having a say. She suggested that rezoning changes the structure of the community.

10. Joseph Ford, VP of Winterwood Neighborhood Watch spoke in opposition and stated that he has lived in the area since he was 13, having moved there in 1990. He proceeded to read from a prepared statement and discussed the formation of the Neighborhood Watch as a response to burglaries and crime in the area. He presented the Clerk a petition with over 300 signatures (copy on file) and stated that the neighbors do not support the rezoning. He urged the Commission to approve retention of the current zoning designation.

Commissioner Warbington asked Mr. Ford if the homeowners would be opposed if a 50-unit apartment complex was being considered. Mr. Ford stated that it would be opposed, and it would also be the wrong zoning for the area/neighborhood.

11. Will Geer spoke in opposition, adding that it is shameful that the City of Albany/Dougherty County does not already have something like this. He said he is not in support of it being in Winterwood; however, the City of Albany does not have a facility for people to go for help and having to travel to Thomasville for rehab. He suggested that this is not the right location and that the fear is of drug dealers, not drug users; he commented on meth and heroin, drug arrests, dealers dealing near ASPIRE, the decline of property values due to crime,

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etc. He said he wonders why Phoebe Putney, with all the property it owns, has not stepped up and partnered with someone to address the drug problem.

2. Special approval case #20-002 - Allen Alligood/Applicant request special approval for property located at 2804 Phillips Dr., to establish an Addiction Recovery Campus in the C-R district

Using a power point, Mr. Forgey showed a map of the property including aerial view, adding that special approval is required for a recovery residence/transitional housing. He showed the aerial view of the property and discussed: surrounding zoning, traffic considerations, parking access, planning considerations, future land use map, comprehensive plan considerations, etc., and advised that the Planning Commission recommended approval.

In reply to Mayor Pro Tem Howard regarding staffing of the facility, Mr. Forgey explained that except for weekends, the facility will be fully staffed.

In reply to Commissioner Warbington, Mr. Forgey explained the special needs requirement after the zoning is changed, i.e., the C-R designation (Community Residential), this being a transitional and manufacturing neighborhood, adding that this is not in the middle of the neighborhood and provides a stepdown buffer between manufacturing and residential, etc. Also, in reply to Commissioner Warbington, Mr. Forgey stated that he found no indication that a recovery institution would have a negative impact on the adjoining neighborhood, adding that the effect would be benign - similar to that of the church. He commented on his research and stated that it did not reveal adverse effects on property values. He agreed with Commissioner Warbington that there is no direct comparison in Albany in a similar neighborhood.

1. James Fitzgerald again spoke in opposition to the rezoning/special approval as it pertains to the location being transitional.
2. Shirley Graham – was not present to speak
3. Marion Jones again spoke in opposition to the rezoning/special approval, adding that she worked in the prison system and saw prisoners escape. She mentioned the relationship between Raleigh White and Penfield, suggesting that Mr. White can no longer afford the building; however, they want to donate the property, which she finds curious. She mentioned the lack of jobs for those already in Albany, the crime rate landing Albany as number ten on the list of the most dangerous cities in Georgia, as well as many other factors causing the rezoning to be inappropriate.
4. James Laster stated that he had no comments at this time.
5. Cassandra Smallwood stated that she had nothing to add from previous comments
6. Joe Jefferson – was not present to speak
7. Kelly Orvin – was not present to speak
8. Kenneth Knighton stated that he has lived at 2906 Phillips Dr. since 2005 and that he is in opposition to the rezoning application and mentioned the children in the neighborhood who play and run around freely, with some being home alone, as well as the elderly, etc. He asked the Commission to consider the voice of the people who elected them and to not vote for the rezoning and to take care of this community.
9. Donnie Plummer spoke in favor of the rezoning and stated that he is an employee at Penfield but is not a recovering addict. He explained that he has been in addiction/mental health counseling for 35 years and suggested that people in need should be helped, adding that he would put the facility in his backyard, because it is important. He spoke highly of Penfield and stated that in 40 years he has not been aware of any calls to the police or of any fights at the

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facility. He referred to comments made by Mayor Pro Tem Howard regarding people not wanting this facility in their neighborhood, which is the same type discrimination people of color faced when moving into white neighborhoods; he asked the Commission to support the rezoning.

Hearing no further comments, Mayor Dorough adjourned the public hearing portion of the meeting.

REPORT OF COMMITTEE OF THE WHOLE

Commissioner Langstaff moved to table the following purchase and to have a Special Called City Commission meeting on Friday, January 31 at 9:00 a.m., seconded by Commissioner Warbington; the motion unanimously carried.

- 1. Fire Pumper Trucks – Ten 8 Fire Equipment of Georgia
Total exp. \$2,141,064.00

Commissioner Fuller moved to approve the following purchase, seconded by Commissioner Fletcher; the motion carried 5-2 with Commissioners Warbington and Young voting no.

- 2. City Vehicles – Wade Ford, Smyrna, GA
Estimated exp. \$119,396.00

ORDINANCE

AN ORDINANCE NO.

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 2804 Phillips Dr., from R-3 to C-R (*see above comments from Attorney Nathan Davis regarding this item and the next*)

OTHER BUISINESS

Special approval case #20-002

EXECUTIVE SESSION (litigation)

At 10:12 pm., Mayor Pro Tem Howard moved to enter into executive session to discuss pending litigation, 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 VI yes
- Mayor yes

At 10:29 p.m., Mayor Pro Tem Howard moved to exit Executive Session, seconded by Commissioner Langstaff; the motion carried as follows:

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

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Mr. Davis advised that 15-SCV-272, a lawsuit currently pending in Dougherty State Court, originated with Vincent Jackson as the plaintiff (Michael Hall subsequently substituting) arising out of an October 31, 2013 motor vehicle accident and that a settlement in the amount of \$325,000 has been reached for full, complete release and dismissal with prejudice of the lawsuit. He advised that there is an indemnity provision in the release, prepared by Sun Choy of the law firm Freeman, Mathis & Gary, LLP in Atlanta.

Commissioner Fuller moved to approve the settlement, seconded by Commissioner Fletcher.

In response to Commissioner Langstaff, Mr. Davis stated that William F. (Trey) Underwood, III, and Joseph Durham, represent the plaintiff.

Hearing no further comments; the motion unanimously carried.

There being no further discussion, the meeting adjourned at 10:33 pm.

MAYOR

ATTEST

CITY CLERK