

NOVEMBER 24, 2020

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

PRESENT: Mayor Bo Dorough
Mayor Pro Tem Jon Howard
City Commissioners: BJ Fletcher, Chad Warbington, Demetrius Young
City Attorney: C. Nathan Davis

Mayor Dorough called the (virtual) meeting to order at 6:01 p.m.

Pastor Patrick Sebesta, Sherwood Baptist Church, gave the invocation, which was followed by the Pledge of Allegiance.

Mayor Dorough confirmed the attendance of those on the virtual conference call with City Manager Sharon Subadan, Commissioners Matt Fuller and Bob Langstaff present.

Commissioner Fletcher moved to approve the minutes of the previous meeting, seconded by Commissioner Warbington and, following a roll call, the motion unanimously carried.

REPORT OF COMMITTEE OF THE WHOLE

Planning Director Paul Forgey discussed the following (copy on file):

1. Special Approval Case #20-013 – Oakview Circle, LLC/Owner; Patrena Patrick/Applicant; request Special Approval for property at 1719 Parker Ave; to establish a Child Caring Institution (CCI) residence for up to six residents in the R-1 District

A brief discussion ensued regarding allowing comments from the public.

David Hughes, Lighthouse Director, stated that he wants to reiterate the importance of this facility for young people, advising that Lighthouse in Columbus, Georgia was requested to come this community and be a part of it by a State agency. He said that the youth housed there will greatly benefit, as well as the community through their out-reach programs.

Commissioner Warbington asked Mr. Hughes if other sites were considered in the event a plan B, C, etc. is necessary. Mr. Hughes replied that they have not at this time, they prefer the Parker Avenue location, adding that they want to be in this community based on the needs of the youth.

Commissioner Young commended Mr. Hughes and staff for their mission and commitment to the youth. For future endeavors, he encouraged Mr. Hughes to establish a relationship with the community beforehand in an effort to avoid problems.

Richard Williams stated that he opposes the group home for many reasons 1) juvenile delinquents and kids needing a home; there will be constant rotation of juveniles in/out. 2) This neighborhood is not conducive to fulfill the needs of these youths; 3) Albany already has a number of group homes which are not filled to capacity; 4) why does Columbus want to bring juveniles here rather than house them there.

Mayor Dorough noted that not all the juveniles are from neglected homes; some are coming out of the juvenile system.

In response to Mayor Pro Tem Howard, Mr. Williams stated that he is two houses down from the proposed facility.

Commissioner Fletcher advised Mr. Williams that there is already a group home in Columbus, Albany would be a second location for the program.

Commissioner Warbington recalled Mr. Williams comments at the public hearing regarding his experiences working in a group home. Mr. Williams explained that his supervisor, who is responsible for two group homes, has called upon him from time-to-time to fill-in when he is short-staffed, adding that he knows there are openings available at those homes. Commissioner Warbington mentioned the shortage of staff; does he feel that just by the way they operate they

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create an adverse effect on the neighborhood; Mr. Williams agreed, adding that these particular type juveniles require a special look i.e. how discipline is administered for infractions; how to prevent them from being a nuisance in the neighborhood and once established, it cannot just be shut down.

Mr. Forgery advised that the Planning Department requires a contact person, who lives in the County and can be contacted 24/7. Contact info is supplied to the community to register complaints, and if they do not get satisfaction from the facility, they contact Planning, which can choose to not renew their business license.

Commissioner Warbington moved to deny the special approval application based on the evidence of an adverse effect on the residential neighborhood, seconded by Commissioner Langstaff.

Commissioner Fletcher stated that if a facility like this opens in Albany, she would like to see the Lighthouse staff operating it, adding that it is not the group home, but rather the neighborhood. When residents turn out to let their feelings be known, the Commission gives that a lot of weight. She referred to alcohol license applications and letting applications know up front that it is possible the Commission will deny the application, she would like to see this implemented in the Planning department as well.

Hearing no further comments, the motion unanimously carried.

Mayor Pro Tem Howard mentioned well-established neighborhoods, saying that the City cannot discriminate against group homes of this nature; however, he asked Mr. Forgey to look at ways to keep the neighborhoods in-tact. Mr. Forgey agreed, adding that his department looks at all matters having a zoning/land use implication. He explained that the ordinance governing community residences is considered state of the art and ahead of what most places in Georgia are doing.

Mr. Forgey discussed the following (copy on file), explaining that the Planning Commission placed a condition that cars enter on Harding and exit onto the alley; however, after further review it was determined that the condition is not feasible due to the space between the homes; staff requests removing that condition:

2. Special Approval Case #20-016 – Gloria Jackson/Owner; Rosa Green/Applicant; request Special Approval for property located at 2022 N. Harding St; to establish a Group Day Care Facility for up to 18 children within the R-2 District

In response to Mayor Pro Tem Howard, Mr. Forgey advised that this is a day care center, not a group home and explained that the condition to enter on Harding and exit on the alley is not feasible. The recommendation to approve the day care center remains; however, the condition placed by the Planning Commission is recommended to be removed; it is a matter of ingress/egress.

Commissioner Warbington asked Mr. Forgey if he agrees to a side driveway at the daycare. Mr. Forgey agreed; however, he does not feel that would be a make/break condition. It would improve access to /from but having access from both the street and the alley provides enough access for the property to accommodate 17/18 kids. Commissioners Warbington stated that there is the potential for difficulties regarding the traffic pattern.

Harold Epps, 2020 N. Harding, stated that he has lived there 36 years, which is three doors down from the school. He discussed the impact of the drop offs/pick up of the kids by cars and buses. The neighborhood is mostly seniors, some who have lived there 50 years.

Commissioner Fuller moved to deny; without the cut-through to the alley major traffic issues will be created, seconded by Commissioner Fletcher, and following a rollcall vote the motion unanimously carried.

Mr. Forgery discussed the following (copy on file):

3. Special Approval Case #20-019 – Tree Sap Holding, LLC/Owner; Cameron Morris/Applicant; request Special Approval for property located at 605 E. Oglethorpe Blvd; to construct self-storage facility in the C-3 District.

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In response to Mayor Dorough, Ms. Subadan stated that she requested the information from the Payroll Development Authority but has not received it. She was told that the property sold for \$70,000 in January; however, she has not been told the purchase price paid by PDA. She assured Mayor Dorough she will obtain the information.

Commissioner Fletcher moved to approve, seconded by Commissioner Warbington and, following a rollcall vote, the motion unanimously carried.

ALCOHOL LICENSE APPLICATIONS

Marshal Norman Walter, Business License Director, discussed the following:

1. Radium Auto Sales/ d/b/a Club Frozen Bar & Lounge; 1020 Flint Avenue; K. Vamper/Agent; Liquor, Beer and Wine Consumption

Mayor Dorough noted that the application does not meet criteria, based on the address not being on an arterial/collector street; Marshal Norman agreed.

Commissioner Fletcher moved to deny the Alcohol License Application, seconded by Commissioner Warbington and, following a rollcall vote, the motion unanimously carried.

Marshal Norman discussed the following, which meets criteria for approval:

2. E & L Sports Bar; 1009 Clark Avenue; L. Adams/Agent, Liquor and Beer Consumption

Commissioner Fletcher moved to approve, seconded by Commissioner Fuller and, following a rollcall vote, the motion carried 4-3 with Mayor Pro Tem Howard and Commissioner Warbington and Young voting no.

Marshal Norman discussed the following, which meets criteria for approval:

3. HRH Fashion LLC/d/b/a HRH Mart; 1608 S. Jefferson; G. Wallace/Agent; Beer and Wine Package

Commissioner Young asked the proximity of this store to the residential neighborhood/homes. Marshal Norman replied that there are residences across the street, he would say that they are 100-200 feet away from the store.

Bernard Chamberlain stated that he owns the property in question and his tenant is the applicant. He said that the closest residence is 1,000 feet from the store and discussed adjacent properties: (beauty salon which may or may not be in operation, former laundromat that is now a church), stating that there are no residential homes within 100 feet, adding that he checked the footage himself. He stated that: the area was mostly a 'ghost town' until the proprietor brought a convenience store to the community; 1600 block of S. Jefferson is in the flood zone; three people from the community were hired by the applicant, who has made an investment and commitment in Ward VI. We should be trying to help this business succeed, which will bring other businesses to the community. He mentioned taxes that will benefit Albany, denying the license will have no effect in lowering alcohol consumption; Albany needing to be small business friendly. If progress is wanted for the southside, he suggested sidewalks, a person across the street for him was ran over; seniors waiting in the rain at the bus stop, cover the bus stops. Commissioners should focus on benefitting the entire city, not just what benefits their own ward.

Commissioner Young asked Mr. Chamberlain how long he has owned the property; Mr. Chamberlain replied, 'since 2014'. Commissioner Young asked the improvements made to the property. Mr. Chamberlain recommended that he look at the property. Commissioner Young advised that he rides through there and can see no changes since returning to Albany in 2015. He mentioned wanting to locate his campaign headquarters there but discovered that the middle building had not had any roof repairs subsequent to the storms.

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Mr. Chamberlain stated that he is the owner of the building and he has not spoken to Commissioner Young or anyone on his behalf about that. Commissioner Young stated that he appreciates Mr. Chamberlain's investment, but what he and other business owners must understand is that locating alcohol outlets in poor, minority communities is not an investment in the community; for most of these type places it is a money grab. He stated that he is been in the store and the groceries offered are very limited; he suspects that the business owner will be offering the same as other stores like his – alcohol, cigarettes, Lotto tickets, and in the future, most likely, more gambling machines. He advised that it is not about trying to stop people from drinking, it is about the negative effect on the community. He mentioned a study which found that the location of alcohol outlets in poor/disadvantaged neighborhoods increases juvenile crime almost three-fold, as well as producing more violent crime. The message seems to imply that for a possible few cents on the dollars in terms of tax revenue it is okay to endanger a disadvantaged community and he cannot accept that allowing a business, such as the one under discussion, will produce a panacea of economic growth. He stated that he can support a grocery store and mentioned Dollar General up the street from there. He challenged Mr. Chamberlain's measurements; determining footage is part of Marshal Norman's profession. He advised that there are many residents opposed to this application. He discussed a previous meeting in which he moved to deny the application, but it was stopped short because of a discussion regarding the process. In reply to Commissioner Young, Mr. Chamberlain stated that he does not live on the southside. Commissioner Young noted other applications denied tonight based on resident's comments and requests; he wants this Board to give the same consideration to the residents of Ward VI regarding this issue, he knows they do not want it there.

Commissioner Young moved to deny the application.

Mr. Davis interjected that if there is going to be a denial, there must be a hearing. Commissioner Young asked that he explain that process; he moved to deny the application before and he said then there would have to be a hearing. Mr. Davis replied that Commissioners can vote to deny, but it would not be legally effective until a hearing is held; he noted that the City's ordinance states *before* a denial, there must be a hearing. Commissioner Young asked if he can motion to schedule a hearing on this. Mr. Davis replied that he'll take that direction and get with the City Manager to set a hearing.

Commissioner Fletcher asked if Commissioner Young has to have a second on his motion to deny. Mr. Davis stated that the issue will be moot until the actual hearing is held.

Ms. Subadan interjected that she hears what Mr. Davis is saying, but this is similar to what happened the last time. She does not disagree that the final outcome requires a hearing, but a vote is needed; if it is to deny, a hearing will be scheduled. In September, we ended up in the same situation; one application had no motion and one had a motion to deny with no second, leaving us in limbo. Mayor Dorough stated that he is prepared to vote for the application, but Commissioner Young noted that residents have not had an opportunity to be heard. Unlike a zoning matter, which has a public hearing, alcohol license applications do not have a public hearing and residents are not notified.

A brief discussion followed regarding motions and the lack of a second (motion dies).

Commissioner Young stated that the last time, he made a motion to deny, which was seconded; if it was not honored then, why go through the process now. The result will be that his motion is neutralized; he was told the last time that a hearing must first be held. Mayor Dorough stated that he thought there was a hearing after the denial. For future reference, the time for the public to appear is when the item is on the agenda at a work session; Mr. Davis agreed. He added that Commissioner Young's issue is that residents have not had an opportunity to come forward. Commissioner Warbington noted that could be the case on any... Mayor Dorough advised that we need to let the public know in the future. He said that he will second the motion to deny in order to vote on it.

Commissioner Fletcher stated that Commissioner Young has had ample time to let his constituents know this was on the agenda tonight. Commissioner Young countered that he was under the impression a hearing had to be held prior to voting. Mayor Dorough asked Mr. Davis if we can continue this matter; Mr. Davis replied in the affirmative.

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Commissioner Young moved to schedule a hearing on the alcohol license application, seconded by Mayor Dorough.

Commissioner Warbington stated that he has the minutes of the September 22, 2020 pulled up, stating that Commissioner Young did move to deny and then Mr. Davis advised you cannot vote to deny until holding a hearing; the issue stopped at that point with no further discussion. A brief discussion ensued regarding circumventing the process. Commissioner Young stated that he does not want to allow for a vote for approval; then it would be circumvented and no going back, and that is what we are not going to do. He agreed to a hearing, but if his motion for denial is not recognized/seconded, there should be no discussion for approval without hearing from the community.

Hearing no further comments, Mayor Dorough called the question to continue this matter, which failed 2-5 with Commissioners Fuller, Fletcher, Warbington, Langstaff and Mayor Dorough voting no.

Commissioner Fletcher moved to approve the alcohol license application, seconded by Commissioner Warbington.

Commissioner Young called for a point of order; his original motion for denial was not recognized, there has not be a public hearing, if the City Attorney's direction/advice is to have a hearing on the denial, a vote was never taken on his motion to deny, for which he had a second. Mayor Dorough stated that his concern is that the public has not had an opportunity to speak. He asked Mr. Davis if the public's opportunity to speak is when the application is discussed at the work session; Mr. Davis agreed. Marshal Norman stated that when he reviews the application, he always reports that the applicant placed notice in *The Albany Herald* ten days prior to the meeting; there is no notice posted in the neighborhood as there is with a zoning matter.

Commissioner Young advised that he was trying to avoid this, which is basically circumventing the will of the community. He mentioned the September meeting; subsequently, he called his constituents to let them know to be ready for a hearing, not a vote, but a hearing; the same as other matters afforded a hearing, but a hearing was not held on this issue. Commissioners can push it through on the people of Ward VI, but it will not go over well, and they will remember this.

Hearing no further comments, the motion carried 5-2 with Mayor Pro Tem Howard and Commissioner Young voting no.

Marshal Norman discussed the following alcohol license application, which meets the criteria for approval:

4. Shri Hari 21#1 LLC; d/b/a Magnolia Grocery Store; 108 S. Magnolia Street; M. Patel/Agent; Beer and Wine Package

Commissioner Warbington moved to approve the application, seconded by Commissioner Fletcher; the motion carried 5-2 with Mayor Pro Tem Howard and Commissioner Young voting no.

ALCOHOL LICENSE APPLICATIONS - Transfer of Ownership:

Marshal Norman discuss the following alcohol license transfer of ownership, which meets criteria for approval:

5. Newton Road Package 2317 Inc; d/b/a/ Brothers Package; 1102 Newton Road; I. Davis/Agent; Beer and Wine Package

Commissioner Fletcher moved to approve the application, seconded by Commissioner Fuller; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

Chief Norman discussed the following alcohol license transfer of ownership, which meets criteria for approval:

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- 6 Shree Deep Investments, Inc; d/b/a Dixie Food Mart; 1400 E. Broad Avenue; S.
Savage/Agent; Beer Package

Commissioner Fletcher moved to approve the application, seconded by Commissioner Warbington; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

PURCHASES

Central Services Director Yvette Fields discussed the following purchase:

1. Four 2020 Escape SUV; Wade Ford; Smyrna, Georgia
Cumulative Expenditure \$90,073.16

Fleet Director Peter Bednar stated that this is the purchase of conventional Ford Escapes, replacing vehicles which are aged-out, with the new vehicles expected to average 10 mpg.

Commissioner Fletcher asked Mr. Bednar to refresh her memory regarding their conversation of this purchase. Mr. Bednar explained that the hybrid cost difference between the conventional Escape and the hybrid Escape would not pay for itself based on what they are seeing in their model in both miles and the cost of fuel; the City would be losing money with the hybrid in the long run. The hybrid is a very high premium now. Commissioner Fletcher asked the cost of the hybrid. Mr. Bednar replied that the hybrid is \$27,843. Commissioner Fletcher asked if he feels that with the difference in gas that the hybrid would not pay for itself in three years; Mr. Bednar replied in the negative, explaining that the standard Escape gets 29 mpg, but with yearly miles of 7,500 it will not pay for itself. He added that they are not made for high-idling such as police cars and other vehicles in Fleet, with the big savings coming in the high-idling time. In response to Commissioner Fletcher, Mr. Bednar stated that the buses run on natural gas. He mentioned that the police department uses hybrid Explorers, but the cost difference was only \$3,000.

In response to Commissioner Warbington, Mr. Bednar listed the mileage of the four vehicles being replaced. Commissioner Warbington asked if he believes that the vehicle with 66,000 miles needs to be replaced. Mr. Bednar explained that approximately \$4,000 has been spent on repairs on that vehicle. He added that once a vehicle hits ten years of age, replacement parts will become a problem.

Mayor Dorough stated that he questioned the estimate that these vehicles will travel only 7500/per year; the information Mr. Bednar submitted verified the estimate. However, his issue was that the estimated cost of fuel was \$1.90/per gallon and that price has not been in effect 10-12 years. He asked for another recalculation, with the average gas price in 2018 being \$2.71/per gallon. Based on gas being higher in the future, there will only be a \$7,000 difference in the purchase price of the four Escapes. He mentioned that the CO2 emission of hybrid vehicles is a cost that cannot be quantified. He moved to purchase four Escape hybrids with the understanding that they will not be delivered for six months and to continue using the current vehicles until the Ford Escape hybrids can be delivered. Commissioner Fletcher seconded the motion, suggesting putting out another bid.

Commissioner Warbington asked Ms. Fields if there is a contract to piggy-back on. Mr. Bednar confirmed Ms. Fields statement that the contract covers both type vehicles. Mr. Bednar added that the only difference is that the conventional vehicles are at the dealership now, while the hybrids are not and most likely will take six months before they are delivered.

Hearing no further comments, the motion carried 5-2 with Commissioners Langstaff and Young voting no.

ABATEMENT ACTION

Mayor Dorough advised that this conditional item is to consider whether to proceed with the court case scheduled tomorrow regarding Phoebe Putney's abatement case.

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Mr. Davis explained that these cases are part of the abatement cases in Municipal Court, which start tomorrow morning. His office requests permission to move forward and present the evidence to Municipal Court in support of abatement.

Mayor Dorough stated that he has made his feeling known, which is that the Phoebe entities should be going through the Historic Preservation Commission; this does not set a good precedence. He referred to Mr. Davis' email and asked him to explain Certificate of Appropriateness. Mr. Davis stated that he sent the email due to a statement of '45 days prior notice'; he wanted Commissioners to see that this comes from State law. It is also mentioned in the HPC ordinance, but that refers to the time limit for HPC to respond to a request for a Certificate of Appropriateness; his intent was to clear up any confusion. Mayor Dorough asked if the justification for Phoebe entities not going through HPC is that they consent to the demolition, Mr. Davis stated that he does not know about the justification, that is one way to look at it, but they filed a response consenting to the demolition. Mayor Dorough asked if it is his position that they do not have to go through the HPC; Mr. Davis agreed, explaining that as he interprets the ordinance, the abatement process is one that does not require HPC involvement.

Commissioner Fuller moved to proceed as scheduled; after close inspection of the properties he cannot imagine anyone who has seen them arguing that they do not need to come down, even members of HPC agreed that the buildings need to be demolished. He recommended a meeting of Code Enforcement and Mr. Davis due to some confusion on the exact procedure, be it Phoebe or Joe Blow down the street; seconded by Commissioner Fletcher; following a rollcall vote the motion carried 6-1 with Mayor Dorough voting no.

ORDINANCES

Planning Director Paul Forgey briefly discussed each rezoning application prior to the motion/vote.

Commissioner Warbington introduced

ORDINANCE NO. 20-117

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 1900 & 1904 N. Slappey Blvd. from C-1 to C-2

Commissioner Warbington then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Mayor Pro Tem Howard and, following a rollcall vote the motion unanimously carried.

Mayor Pro Tem Howard introduced

ORDINANCE NO 20-118

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 608 11th Avenue from R-3 to C-5

Mayor Pro Tem Howard then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Fletcher and, following a rollcall vote the motion unanimously carried.

Mayor Pro Tem Howard introduced

ORDINANCE NO 20-119

Amending the Zoning Ordinance and Map of the City of Albany to change the status of property located at 1141 Gillionville Rd. from C-6 to C-5

Mayor Pro Tem Howard then offered the ordinance and asked for unanimous consent to dispense with the second reading and asked for its adoption, seconded by Commissioner Warbington and, following a rollcall vote the motion unanimously carried.

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RESOLUTIONS

Commissioner Fletcher moved to adopt the following resolution, seconded by Commissioner Warbington, and following a rollcall vote the motion carried 6-0 (Mayor Pro Tem Howard momentarily stepped out of the meeting).

A RESOLUTION NO. 20-R183

Authorizing the use of SPLOST VII funds to purchase two Dell EMC Powerstore 1000T Network Storage Devices

Commissioner Fletcher moved to adopt the following resolution, seconded by Commissioner Warbington, and following a rollcall vote the motion unanimously carried.

A RESOLUTION NO. 20-R184

Approving installation of traffic calming measures in the 2800 Block of Winterwood Avenue Center

Commissioner Warbington moved to adopt the following resolution, seconded by Commissioner Fletcher, and following a rollcall vote the motion unanimously carried.

A RESOLUTION NO. 20-R185

Approving installation of traffic calming measures in the 3100 Block of Winterwood Avenue

Interim Community and Development Director Phyllis Brown discussed information regarding the following resolution in relation to the recently awarded CARES Act funding of \$508,745.

In response to Mayor Dorough, Ms. Brown reported that the funding comes from the Department of Housing and Urban Development in response to the corona virus, with this being the third round of funding. The first award of \$523,000 provided assistance to small businesses; the second award of funding will mostly go toward rental/mortgage assistance, also in response to the pandemic. She added that there will be another small round of funding awarded in January to assist with sustainability for small businesses. Small business owners will be required to attend workshops in order to qualify for the \$5,000 and those qualifying for rental/mortgage assistance must also seek housing counseling. She briefly discussed organizations the City partners with, and additional information regarding the use of the funds.

Mayor Pro Tem Howard moved to adopt the following resolution, seconded by Commissioner Fletcher and, following a rollcall vote, the motion unanimously carried.

A RESOLUTION NO 20-R186

Approving the Substantial Amendment of FY 2019 & 2020 Annual Action Plans

Engineering Director Bruce Maples reviewed recommended options to revise the Traffic Calming Policy.

Mayor Pro Tem Howard asked about funding of traffic calming measures; the former policy had a provision that 'the City Commission will determine whether the City will pay the entire cost, or the homeowner will share the cost', was that provision omitted? Mr. Maples replied that the provision was not removed; the City has always had the option to pay in full, a pro-rata share or require the petitioners/neighborhood residents to pay for it; it will be the City's decision for the funding mechanism.

Commissioner Langstaff moved to adopt the traffic calming policy changes with the exception that items #5 and 6 do not require a unanimous vote, seconded by Commissioner Warbington.

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Mayor Dorough stated that he applauds amending the policy; however, he feels that there is a good reason to keep the unanimous vote when overriding the policy.

Hearing no further comments and, following a rollcall vote the motion carried 6-1 with Mayor Dorough voting no.

A RESOLUTION NO. 20-187

Amending Resolution 15-R105 RE: Traffic Calming Policy

CONSENT AGENDA

Mayor Pro Tem Howard asked to vote on each item separately and to approve the recommendation to consider issuing a Request for Proposal/Quote (RFP/Q) re: in depth analysis of Municipal Court Services, seconded by Commissioner Warbington, and following a rollcall vote the motion unanimously carried.

Commissioner Warbington moved to approve issuing a Request for Proposal (RFP) re: Gunshot Detection Technology, seconded by Commissioner Fletcher.

Mayor Pro Tem Howard stated that his vote will be no; he feels that the case studies do not contain sufficient details that this measure will reduce the number of guns and the issues they cause.

Commissioner Young agreed with Mayor Pro Tem Howard, advising that he, too, will be voting no. He stated that this Commission has not learned that the decisions it makes has the potential to cause problems in the community, such as issuing alcohol licenses in struggling neighborhoods increases crime. He can see no reason for spending more money to fight crime when making decisions that create crime.

Responding to Mayor Pro Tem Howard's comment, Mayor Dorough advised that this technology is not intended to reduce crime, but rather is an effective tool in reducing response time and providing information in prosecution of crimes.

Hearing no further comments and, following a rollcall vote the motion carried 5-2 with Mayor Pro Tem Howard and Commissioner Young voting no.

OTHER BUSINESS

Mayor Pro Tem Howard referred to the issue of alcohol licenses, especially approving them in minority and low-income, struggling neighborhoods and discussed recent articles/editorials on the subject. He mentioned that in December, the Commission will be considering blanket alcohol licenses; with three having recommendations from Marshal Norman. There are certain wards that have a continuous decline in business and population while having a huge increase in undesirable activity. With Mayor Dorough representing the entire city, he hopes that the Mayor will lead the charge in placing a moratorium on these type establishments. Additionally, the alcohol ordinance needs to be revised to put teeth into enforcement. He also recommended that the establishments hire additional off-duty police officers to help prevent trouble beginning inside the club, which usually spills over into the parking lot. He again encouraged Mayor Dorough to help 'put the brakes' on the issuance of alcohol licenses in certain locations.

Commissioner Fuller asked that a meeting be scheduled with Code Enforcement, Historic Preservation Commission and Mr. Davis to work through the confusion regarding the policy/process in the historic district.

Commissioner Fletcher stated that at the retreat she asked Mr. Jacobs and Ms. Love about the Commission hand-picking areas to deny alcohol license; Ms. Love advised that the Commission cannot do that; it is illegal. She said that she does not understand the confusion regarding the policy and does not want to expose taxpayers to lawsuits, especially when the recommendation is for

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approval. There should be no confusion caused by the City Attorney and City Manager. We do have problem areas; however, we were advised that we cannot handpick where we put businesses.

Mr. Davis stated that is a great point; he feels that Planning and Code can get the information to be turned into an ordinance since we already have objective factors. He mentioned that notices placed in the newspaper regarding alcohol license are very small and the ordinance could require a 3x5 notice that stands out. Commissioner Fletcher asked if notices are posted on our website/Facebook page; Mr. Davis replied that we can require the applicant to pay for a notice that can be easily seen.

Mayor Dorrough asked the possibility of posting a large notice in the neighborhood like the ones for rezoning. Mr. Davis replied that is permissible but increasing the ad in the newspaper would be enough.

Commissioner Young stated that he sees no problem with “handpicked areas” where alcohol licenses are granted; as elected officials we are responsible to do right by the community and we were not doing right by the community regarding the approval on S. Jefferson. The community did not get a chance to speak, but he promised that they *will* be heard. Regarding where the licenses are put, there is no confusion about what is deemed appropriate. The most used/preferred reason for denial is ‘deterioration of the neighborhood/loss of character to the neighborhood’. Basing it on politics, he stated that a way was found to deny Club Frozen through a technicality regarding the road, which has been like it is from the beginning. It has been a club in the past, is in a commercial district with residences being on another block around the corner. Because people on this Commission have an interest in that area and did not want that located in that area, they voted to deny it. He wants the Commission to give the same consideration to the neighborhoods in that particular area, which have been denied the right of self-determination. He recalled denying a group home and daycare, while upholding alcohol license in a crime-infested neighborhood. This results in him doubting the Commission’s commitment to fighting crime seriously, at least on his side of town.

Commissioner Fletcher countered that at the retreat, we heard Mr. Jacobs and Mr. Love’s response when they were point-blank asked. Club Frozen had nothing to do with 1608 Jefferson; laws/rules need to be clear; no one can say that we demolished a neighborhood when there are clear rules we must follow. While we may not like the rules, we must follow them, and we need a firm foundation to base our decisions on in order to defend them in the event we have to go to court.

Commissioner Young stated that the City Attorney has spelled that out by providing a list of reasons for which licenses can be denied, which has been used and he does not understand the issue of ‘confusion’.

Ms. Subadan wished everyone a Happy Thanksgiving.

There being no further business, the meeting adjourned at 8:31 p.m.

MAYOR

ATTEST

ASST. CITY CLERK