

APRIL 22, 2014

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

PRESENT: Mayor Dorothy Hubbard  
Mayor Pro Tem Jon Howard  
City Commissioners: Bobby Coleman, BJ Fletcher, Roger Marietta, Bob  
Langstaff, Jr., and Tommie Postell  
City Manager: James Taylor  
City Attorney: C. Nathan Davis

Mayor Hubbard called the meeting to order at 6:47 pm.

The Pledge of Allegiance followed the invocation given by Dr. Bruce Pittman, First Baptist Church.

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

Mayor Hubbard opened the public hearing for the following:

PUBLIC HEARING

1. Zoning Case # 14-024 – Robert N. Brooks/Owner; Ben Carroll, Polestar Dev., LLC/Applicant; request to rezone property located at 101 Logan Court from C-5 to C-2

Using a power point presentation (copy on file), Mary Teter, Planning Manager, located the property on a map and advised that the request is to rezone to allow construction of a fuel station. She discussed the surrounding zoning map, zoning history of the area, Land Use Map, and aerial view of the property. She also discussed planning considerations, including the future land use map and advised that there are existing/changing conditions, as noted. She advised that the Planning Commission recommends approval.

Commissioner Postell questioned if the rezoning will have an effect on current businesses in the area. Ms. Teter replied that it has no anticipated effect; she listed businesses in the area. In reply to Commissioner Postell, she advised that a fueling station will be built. Discussion followed on the two zoning applications, with Commissioner Postell expressing concern regarding a new fueling station being built near two existing stations.

Ben Carroll stated that he is with Polestar Developers and present to answer questions. He advised that Kelly Wagoner, Civil Engineer for the project, is also present to answer questions.

There was no one else desiring to speak in support of or in opposition to this matter.

2. Zoning Case #14-025 - Robert N. Brooks/Owner; Ben Carroll, Polestar Dev., LLC/Applicant; request to rezone property located at 100 S. Westover Blvd. from C-5 to C-2

Using a power point presentation (copy on file) Ms. Teter located the property on a map and advised that approved rezoning will allow construction of a grocery store, along with a deli and pharmacy with a drive-thru window. She showed the zoning map, zoning history, land use map, aerial view map, and discussed planning consideration, future land use map and existing/changing conditions, advising that the same applies as was noted in the prior application. She discussed traffic points in the area and advised that the Planning Commission recommends approval.

Commissioner Postell asked if the request to rezone is in order to avoid restrictions in a C-5 classification. Ms. Teter replied that C-5 is limited to 4,000 sq. ft. for this type of retail use, whereas a fueling station would be permitted in the C-5, but requires an administrative review as well as having more restrictive design criteria. Commissioner Postell contended that it appears the intent is to avoid the C-5 administrative review. Ms. Teter explained the administrative review process and advised that the rezoning can be allowed in the C-5 district. Commissioner Postell commented on the distance of the store, gas stations in the area and the location of the new fueling station.

APRIL 22, 2014

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

Mayor Pro Tem Howard asked if this is approved when construction will begin. Mr. Carroll stated that plans are to begin construction in June. Mayor Pro Tem Howard asked if this will be a Walmart grocery store. Mr. Carroll stated that he cannot reveal the name, but it is a national retailer; the tenant wishes to make an announcement. Mayor Pro Tem Howard stated that the newspaper reported last week that it is Walmart. Mr. Carroll stated that he cannot confirm/deny anything written in the papers. Mayor Pro Tem Howard asked Ms. Teter if she knows of another grocery store that will be built near this new facility. Ms. Teter stated that she is not aware at this time; no application has been submitted. Mayor Pro Tem Howard asked about ingress/egress. Mr. Carroll displayed a drawing of the driveway and advised that it meets the requirements; there will be two exists on Gillionville and Logan Court.

Commissioner Coleman expressed concern of rezoning the property and not knowing the name of the store. Mr. Carroll said he understands the concern, however, he said he cannot say any more. Mr. Taylor stated that it is not unusual as this is the nature of the business. Commissioner Coleman stated that his constituents indicate that they do not want another Walmart in Albany.

Commissioner Marietta stated that NW Albany lost Piggly Wiggly last year and this grocery store will be convenient for people in the area, adding that there is a need for a grocery store on that side of town.

Commissioner Langstaff stated that having the name of the company is not part of the criteria to judge rezoning and asked Mr. Davis for his opinion. Mr. Davis agreed that there could be contractual obligations regarding disclosure.

Commissioner Coleman stated that his concern would be that if people do not want the store, they will not patronize it.

Commissioner Postell stated that the area is compact and asked about traffic. Mr. Wagoner stated that this was addressed in Ms. Teter's report and traffic patterns will not change; they are providing improvements to curb/gutter and sidewalks. He suggested that this is not a big traffic generator.

Commissioner Fletcher stated that Albany is the hub of retail in SW Georgia and said she appreciates any chain that comes here and creates jobs.

There was no one else desiring to speak in support of or in opposition to this matter.

3. Text Amendment – re: Parking Regulations

Using a power point presentation (copy on file), Paul Forgey, Planning Director, discussed the text amendment to the code regarding front yard parking and read the purpose of this amendment, which explains the need, as noted. He explained the process as it pertains to the filing of a petition/application by homeowners to present to the Commission, adding that 60% of homeowners have to agree and sign the petition. He stated that the burden would be on homeowners/associations and that the ordinance will be enforced by Code with fines ranging from \$50.00 per day up to \$150.00.

Commissioner Postell expressed concern regarding passing ordinances that are not being enforced, i.e., truck parking in residential neighborhoods. He referenced Sec. 36-212 and asked Mr. Forgey if he was aware of this section. Mr. Taylor stated that it is his responsibility to ensure that codes are enforced to the fullest extent possible, adding that it is being enforced. He assured Commissioner Postell that they are checking areas and citing people and will continue to spot check for violations.

Elizabeth Champion, 905 2<sup>nd</sup> Ave., stated that she live in the Palmyra Heights neighborhood and addressed various concerns including: allowing parking on lawns/yards, used car lots, Mills Stadium, Garden Center, Woman's Club and Phoebe Hospital. She contended that allowing people to park between the curbing and sidewalk causes water leaks and expressed concern about trees falling when their support is disturbed by vehicles parking on roots that have surfaced. Discussion followed with Mayor Hubbard mentioning her complaint about residents parking on lawns in her area; Ms. Champion stated that it is worse than ever.

APRIL 22, 2014

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

Commissioner Marietta commented that this is neighborhood by neighborhood and someone will have to go out with petitions. Ms. Champion expressed unease with this, but neighborhoods might get together.

As Commissioner of Ward II and the Palmyra Heights area, Commissioner Coleman suggested meeting with Ms. Champion and her group to come up with a plan of action.

There being no one else present desiring to speak in support of or opposition to this matter, Mayor Hubbard closed the public hearing portion of the meeting.

REPORT OF COMMITTEE OF THE WHOLE

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to approve the following Alcohol License Transfer of Ownership, seconded by Commissioner Marietta; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

1. Ji Maa Vaishno, Inc., d/b/a Buy Rite; 2400 Clark Ave., QM Lumpkin/Applicant; Wine package. Transfer from A. Singh

Following the recommendation of the Committee of the Whole, Commissioner Langstaff moved to approve the following One Day Alcohol License Application, seconded by Commissioner Postell; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

1. Albany ARC, D. Fulford/Agent; Fundraiser, Nelson Tift Building, 226 W. Broad Ave., May 22, 2014; 6:30 pm – 9:30 p.m.

APPOINTMENT

1. Two appointments to the Barrier Free Design Board for three-year terms ending March 2017. (One member representing handicapped persons and/or persons who have an understanding of and a commitment to Barrier Free Design Board and one member representing the community at large).

Commissioner Postell moved to reappoint Max Parker, seconded by Mayor Pro Tem Howard; the motion unanimously carried.

ORDINANCES

Commissioner Marietta introduced

AN ORDINANCE NO. 14-102

Amending the Zoning Ordinance and Map of the City to Albany to change the status of property located at 101 Logan Court from C-5 to C-2

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 Langstaff; the motion unanimously carried.

Commissioner Langstaff introduced

AN ORDINANCE NO. 14-103

Amending the Zoning Ordinance and Map of the City to Albany to change the status of property located 100 S. Westover Blvd. from C-5 to C-2

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 Postell; the motion unanimously carried.

APRIL 22, 2014

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

Commissioner Postell moved to table the following two ordinances, seconded by Commissioner Howard; the motion unanimously carried.

AN ORDINANCE

Amending Title III, Article 2 of the Zoning Ordinance of the City of Albany, Georgia, establishing and clarifying Parking Regulations for Residential Areas

AN ORDINANCE

Amending Chapter 36 of the Code of Ordinances of the City of Albany, Georgia, to establish a Process whereby Neighborhood Residents may request Regulations as to the Parking of Vehicles or Equipment at Improved Single Family Residential Lots

Mayor Pro Tem Howard introduced

AN ORDINANCE NO. 14-104

Amending Article II of Chapter 2 of the Code of Ordinances of the City of Albany Changing the Regular Meeting of the Board of Commissioners from June 24, 2014 to June 25, 2014; Changing the July 1, 2014 Work Session [to July 8<sup>th</sup>]

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 Postell; the motion unanimously carried.

Commissioner Postell introduced

AN ORDINANCE NO. 14-105

Amending Article II of Chapter 38 of the City Code to prohibit the operation of Model Airplanes that are powered by gasoline engines; so as to regulate the operation of Model Airplanes that are electric or Rubber Band powered

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

RESOLUTIONS

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Commissioner Langstaff; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

A RESOLUTION NO. 14-R119

Authorizing a charge for support of the Dougherty County Law Library

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Commissioner Marietta; the motion unanimously carried.

A RESOLUTION NO. 14-R120

Authorizing the filing of an Application with Dept. of Transportation, USA and GDOT for a Grant under Title 49 U.S.C. Section 5307

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following resolution, seconded by Commissioner Marietta; the motion unanimously carried.

APRIL 22, 2014

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

A RESOLUTION NO. 14-R121

Authorizing extension of the Airport Engineering Consultant Contract to The LPA Group, Inc., for fourteen months; authorizing use of SPLOST VI Funds

Following the recommendation of the Committee of the Whole, Commissioner Marietta moved to adopt the following resolution, seconded by Commissioner Langstaff; the motion unanimously carried.

A RESOLUTION NO. 14-R122

Approving Quit Claim Deed from Robert N. Brooks, Sr. re: Maintenance of the Right of Way and Easements associated with Westover/Gillionville Commercial Subdivision

Following the recommendation of the Committee of the Whole, Commissioner Langstaff moved to adopt the following resolution, seconded by Commissioner Postell; the motion unanimously carried.

A RESOLUTION NO. 14-R123

Adopting a concept for authorizing the Abandonment of a 30' Drainage Easement in the Westover/Gillionville Commercial Subdivision; establishing conditions which must be fully satisfied before said Easement is abandoned

Following the recommendation of the Committee of the Whole, Commissioner Marietta moved to adopt the following resolution, seconded by Mayor Pro Tem Howard; the motion unanimously carried.

A RESOLUTION NO. 14-R124

Approving Sanitary Sewer Easement from Dougherty County Holdings, II, LLC, re: Development on Pointe North Blvd

Following the recommendation of the Committee of the Whole, Mayor Pro Tem Howard moved to adopt the following resolution, seconded by Commissioner Postell; the motion unanimously carried.

A RESOLUTION NO. 14-R125

Authorizing execution of a R-O-W Mowing & Maintenance Agreement with GDOT

CONSENT AGENDA

Mayor Pro Tem Howard moved to approve the following consent agenda, seconded by Commissioner Postell; the motion unanimously carried.

Current Bids:

- |    |   |                           |              |
|----|---|---------------------------|--------------|
| 1. | Self-Contained Breathing Apparatus; FireLine, Inc., Winder GA |                           |              |
|    |   | Estimated expenditure     | \$44,927.19  |
| 2. | Farebox purchase; Genfare, Elk Grove Village, IL              |                           |              |
|    |   | Total expenditure         | \$254,301.96 |
| 3. | Construction/Rehab – JVS Assoc., Inc., Albany, GA             |                           |              |
|    |   | Estimated lump sum amount | \$64,142.00  |

OTHER BUSINESS

Commissioner Postell mentioned that, due to recent weather events, a large number of trees have toppled over and are affecting adjacent properties. He asked how the City has handled this as far as assisting citizens. He said he realizes citizens are responsible for their own property, but if it

APRIL 22, 2014

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

affects a neighbor and they refuse to do anything, the neighbor is impacted by their lack of action. Mr. Davis stated that if it affects more than one or two individuals, it could become a public nuisance and the City gets involved. Commissioner Postell stated that this situation is creating resentment among neighbors. Mr. Davis advised that if it is a private nuisance, the next door neighbor can bring a claim in magistrate court on their own behalf.

Mayor Hubbard recognized Boy Scouts Troop 8. Keeton Bryant stated that they are attending the meeting for their merit badge project.

Mayor Hubbard asked if the issue of panhandlers will be on the next work session agenda; Mr. Taylor replied in the affirmative.

Commissioner Fletcher asked if a committee can be created to handle WG&L issues, i.e., late fee charge and/or a better way to create public relations. Mayor Hubbard suggested neighborhood watch meetings being used to get information to citizens as done in Ward 1. She also suggested having Ms. Petty from WG&L attend these meetings to explain information to citizens.

There being no further business, the meeting adjourned at 7:51 p.m.

---

MAYOR

ATTEST

---

CITY CLERK