

JANUARY 26, 2010

REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF
ALBANY, GEORGIA

PRESENT: Mayor Willie Adams, Jr.
Mayor Pro Tem Christopher Pike
City Commissioners: Jon Howard, Dorothy Hubbard, Roger Marietta,
Bob Langstaff, Jr., and Tommie Postell
City Manager: Alfred D. Lott
City Attorney: C. Nathan Davis

Mayor Adams called the meeting to order at 8:00 pm.

Pastor Billy Hanna, First Freewill Baptist Church, gave the invocation and the pledge of allegiance was recited.

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

Mayor Adams referred to Ordinances and Resolutions, stating that the Morgan Keegan representative is returning to Atlanta tonight; he asked to take action now regarding Ordinance #7.

ORDINANCES

Commissioner Langstaff introduced

AN ORDINANCE NO. 10-100

Joint Supplemental Ordinance of the Board of City Commissioners of the City of Albany and Resolution of the Board of Water, Gas and Light Commissioners re: refinancing of 1998 Bond

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 Howard; the motion unanimously carried.

Gabe Agan, Vice President Morgan Keegan, briefly discussed the refinancing of the 1998 Water Revenue Bond at a reduced interest rate and advised that the previous average rate was 4.74% and the total refinanced rate is 3.21% for a savings of \$592,000.

CITIZEN APPEARANCE

Ms. T. McCall asked that an official, independent investigation be conducted regarding Rumors Bar at 312 Thornton Drive. Making several allegations, she stated that Jerry T. Morefield is the real owner and operator of the bar, while another individual is named on the liquor license. Additionally, she stated that the alcohol license was approved under the name of Thomas Newell and the affidavit did not clearly state the felon's name (Jerry Morefield).

Mayor Adams asked for a rebuttal from the bar's owner.

Shary Spivey stated that Jerry Morefield does not own the bar; bar owner Bobby Jackson is in Afghanistan. She advised that she has power-of-attorney for him (Bobby Jackson) and conducts the bar's business in his absence, adding that he'll return April 20.

Mr. Lott interjected that the allegations have been investigated by staff and the City Attorney; however, no evidence has been found to support Ms. McCall's claims.

Ms. McCall stated that she spoke with Mr. Lott who gave her the impression that he did not care if a felon worked/owned the bar.

Commissioner Postell asked Ms. McCall her relationship to the bar; Ms. McCall replied that she is a neighbor of Mr. Morefield. Commissioner Postell told Ms. McCall that she

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has no legal involvement regarding the bar and that she is merely making accusations. Ms. McCall insisted that she is a public citizen who tried to bring this to light in the past, but no official action will be taken until the Commission authorizes an investigation.

Commissioner Howard asked that Chief Investigator Walter Norman pull the records to determine the validity of the statements being made. Mayor Adams replied that Mr. Lott stated that an investigation was conducted, with everything regarding the bar being a part of the investigation. Mr. Lott added that staff and the City Attorney's office checked it out and that he something will be put in writing for clarification. He reiterated that there has been no evidence to support Ms. McCall's allegations.

Mayor Adams advised that the City Manager has a statement to make.

Mr. Lott stated that because of blatant misinformation made by a guest commentator on WALB's Viewpoint last Thursday, he feels the need to rebut comments about the multi-modal facility and provide accurate information. As someone with a fiduciary responsibility to keep the city's residents informed, he said he wants to set the record straight with accurate and true facts without malice. Mr. Lott reiterated that the Viewpoint editorial completely misrepresented the facts associated with the multi-modal project and normally he would ignore the person making the comments; however, since the person was allowed to use Viewpoint, the public might assume that there was some validity to his comments; however, there absolutely was none. He stated that the multi-modal project is being primarily managed and funded by the State of Georgia through the Georgia Department of Transportation (GDOT) with additional funding from the federal transit agency. The project was to be executed in two phases; the approximate \$3.2 million cost of Phase I included bus bays and transit offices with Phase II including office space and retail shops at a cost of another \$4.5 million. But, with stimulus money becoming available, there was an opportunity to step-up the process and combine the phases resulting in the \$8-10.0 million price tag for the multi-modal project. Because of complaints by the adjacent property owner and a letter written to the FTA by an unnamed resident misrepresenting his position by inferring that he was writing in an official capacity, the approved environmental assessment that had been sanctioned by GDOT and accepted by the FTA was rescinded by the FTA. In order to accommodate the FTA, GDOT is conducting another environmental assessment to be accompanied by two public hearings in March, 2010. He stated that there will be an additional environmental justice outreach session February 25 focused on input from minorities and those who ride buses. He stated that the City was accused of attempting to cheat the FTA, which is categorically false, nonsensical, and absurd with no shred of evidence to support that claim. It would be a shame for this project, which would bring many jobs to Albany during this economic downturn, to be sidelined by such blatant and absurd misinformation. He said it is his hope that the accuser will set aside his personal feelings for him and/or the City of Albany and let this project go forward, as it is for the greater good of Albany. He stated that Project Manager David Hamilton is present to answer questions. He commended Nedra Woodyatt, former Albany Transit Director stating that she was a fine staff member. He explained that the company she works for provides management services to the City and that she was not fired and still works for the company as a valuable employee. He added that the multi-modal project is on-course with GDOT's environmental assessment almost complete. The City is supporting them and its match and only contribution was the land itself.

Commissioner Postell thanked Mr. Lott for his comments, adding that dealing with midget minds results in midget concepts. He suggested that the City cannot allow those with small minds destroy the City of Albany because of interpersonal relationships.

Commissioner Marietta added that it is important to confront/combat and refute rumors to ensure that the truth is known. He asked Mr. Hamilton the likelihood of rail service in the near future and the timeframe. Mr. Hamilton explained that it is a long-range project; the State's rail plan is anticipated for 2035 and Albany has been identified as one of the points for inner-city rail. Commissioner Marietta commented that he does not want Albany to be left out of the possibility for rail services.

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Mayor Adams mentioned that there have been other allegations made on Viewpoint in the past, and that he requested to be allowed to answer the allegations, but had to submit his subject matter for a determination of whether or not he would be allowed to speak. His asked if there is an obligation on the part of the Viewpoint staff to ascertain if there is any validity to the information being put out by the speaker, and suggested that it amounts to a complete conflict of two viewpoints; the public has heard one, but he said he doubts they will hear the rebuttal. He stated that if Mr. (Jim) Wilcox is listening, he would like to hear from him.

Commissioner Howard referred to the nine candidates running for governor that he heard speak in Atlanta this past weekend who recognize the traffic gridlock in that area and the need for multi-modal facilities, but only one addressed Southwest Georgia. Commissioner Hubbard added that the other part of that issue that was not discussed was funding for transportation projects.

Mayor Adams opened:

PUBLIC HEARINGS

1. Amending Zoning Ordinance – Oversized Vehicle Parking in Residential Areas

Planning Director Howard Brown stated that the ordinance prohibits oversized vehicles from residential areas. He stated that the Planning Commission reviewed this and in October, 2009 recommended approval with changes. He stated that at the last work session, staff introduced this legislation for the Commission's review and that subsequent to Commission discussion; changes regarding school buses were made through the City Attorney's office.

There was no one present to speak in support of or opposition to the application.

2. Zoning Case #09-120 – Wright Land Company/Owner; Buck Walden and Woody Watson/Applicants; request to rezone property located at 2815 Gillionville Road from C-2 to C-3 (PC Approved 8-0 **conditional**) WARD 5

Using a power point presentation (copy on file), Planning Manager Mary Teter showed a map of the property and discussed the applicant's request to rezone the 2.9 acre tract to use the property for retail sales and outdoor storage of compact tractors, tractor implements and lawn and garden equipment. The current C-2 zoning allows outdoor storage of tractors, but other uses are limited to 1,000 sq. feet lot area, while the C-3 district does not restrict the amount of space for outdoor storage. She added that the C-3 district allows for intense commercial operations including: warehousing, outside storage, motor vehicle services that includes body shops and wrecked motor vehicle compounds. She cautioned that these uses could present compatibility issues with Century Pines and Evergreen, senior residential communities to the west. Some of the adverse conditions include noise, odors, night lighting, outdoor advertising, and late hours of operation. She added that properly installed screening should minimize adverse effects. The C-3 designation is not consistent with the Future Land Use Map, which recommends parks, recreation, conservation uses; however, the property is currently zoned C-2, which allows motor vehicle sales and outdoor storage not exceeding 1,000 sq. feet. She advised that the Planning Commission recommends approval to C-3(c) and read the recommended conditions.

H. Dan Stallings stated that he is trying to get the rezoning and is present to answer any questions. In response to Commissioner Marietta, he stated that it is a Kubota dealership. In response to Mayor Adams, Buck Walden stated that he supports the application.

There was no one else present desiring to speak on this application.

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3. Special Approval Case #09-122 – Robert N. Brooks, Owner/Applicant requests special approval to allow the operation of a mobile food concession kitchen in the C-7 district on property located at 1016 N. Westover Blvd. (PC approved 6-2 **conditional**) WARD 5

Using a power point presentation (copy on file) Ms. Teter showed a map and discussed the location of the property. She explained that the mobile kitchen will operate in the northwest corner of the parking lot of the vacant property where the former Office Max was located. It will serve only take-out food with the mobile kitchen being removed daily. She stated that access will be from Westover Blvd. and the Mall perimeter road, with parking requirements having been met. The hours of operation are from 10:30 a.m. – 5:00 p.m. Monday through Saturday. The Future Land Use Map recommends commercial development for the area and the proposed use is consistent with surrounding commercial land use. She advised that the Planning Commission recommends approval with conditions, which she read.

Mayor Adams asked if the license should travel with the mobile unit; Ms. Teter replied that a license would be needed for that location. Mr. Lott interjected that licenses are location specific; not unit specific.

Commissioner Marietta asked if special approval would restrict the use of the Office Max building in the event it has a new tenant in the near future. Ms. Teter replied that the conditions are applicable only to the vending unit and that use. She added that should the building become occupied with another tenant, a site plan would need to be submitted because if the mobile unit is still operating there, parking issues may arise.

Dale Saunders stated that he owns the downtown Riverfront BBQ and that he is looking for a permanent location, but would like to open the mobile kitchen at the current proposed site. He stated that rather than 5:00 p.m., he would like to stay open until 6:00 p.m.

Commissioner Hubbard asked if he planned to open on Sunday; Ms. Saunders replied in the negative, adding that he will not have plans in the future to open on Sundays.

Bob Brooks stated that he has nothing to add, Mr. Saunders covered everything.

There was no one else present desiring to speak on this application.

- B. Alley Closing - between W. Tift Ave., and N. Davis St.

Mark Stalvey, SRJ Engineering, stated that he is present to help with questions regarding the alley closing.

Commissioner Postell asked the purpose for closing the alley; Mr. Stalvey replied that it will provide security for the residents of a housing development. He explained that a security fence will be installed across the alley to protect residents. Dan McCarthy, Albany Housing Authority Executive Director, added that Thronateeska Homes housing property is undergoing major renovation and the alley splits the block. He stated that underground utilities are being installed, which changes the landscape of the property. Commissioner Postell asked if the alley extends to the Albany High School area; Mr. McCarthy replied in the negative, adding that this upgrades the property, but it is not exclusively for senior citizens; it will house the same public residents currently residing there.

There being no one present to speak in favor of or in opposition to the alley closing, Mayor Adams closed the public hearings.

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REPORT OF COMMITTEE OF THE WHOLE

Following the recommendation of the Committee of the Whole, Commissioner Marietta moved to approve the following Alcohol License Application, seconded by Commissioner Hubbard; the motion carried 6-1 with Commissioner Howard voting no.

1. Cross Landing Eatery & Bar, Inc., 3905 Newton Rd. Suite 105; G. B. Cross, Agent; Consumption

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to approve the following Alcohol License Location Change, seconded by Commissioner Langstaff; the motion carried 5-1-1 with Commissioner Howard voting no and Mayor Pro Tem Pike abstaining.

1. Karma Café – A. King, Agent; request to change location of consumption license from 2530 Stuart Ave., to 2524 Dawson Rd., Suite A

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

1. Easter Seals Southern Ga., Inc., R. Horne, Agent; Chocolate Tasting & Silent Auction; Feb. 18, 2010; Hilton Garden Inn; 7:00 p.m. – 11:59 p.m.

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

2. Do. Co. Medical Society, P. Bacon, Agent; Dance Performance/Fundraiser; Feb. 20, 2010; Darton College 6:30 p.m.

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to approve the following special approval application, seconded by Commissioner Hubbard.

1. Special Approval Case #09-122 – Robert N. Brooks, Owner/Applicant requests special approval to allow the operation of a mobile food concession kitchen in the C-7 district on property located at 1016 N. Westover Blvd

Commissioner Langstaff asked to change the time to 6:00 p.m. as requested by Mr. Stallings. Commissioner Postell accepted the friendly amendment; the motion unanimously carried.

APPOINTMENTS

1. Appointments to Albany Dougherty Coalition to End Homelessness for one year term

Commissioner Howard moved to appoint Tommy Robinson, Paula Mays, Greg Whitener, Douglas McClure, Keisha Massey, David Blackwell, Sandy Bamford, Iris Davis, Pamela Barkley, Art Shoemaker, Timothy Sweet-Holp, Becky Boyd, Cantrice Brinson, Jacquelyn Preece, Ginny Haman, Rhonda Ware, Harriet Hollis, Linda Sootsman, Sheila Urick, Alma Noble, Janice Thompson, Latonja White, and Lorraine Alexander to the Albany Dougherty Coalition to End Homelessness for a one-year term, seconded by Commissioner Marietta; the motion unanimously carried.

2. Ward I appointment to APD Civilian Review Board for three year term expiring December 31, 2012

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Commissioner Howard appointed Albert Givens.

3. Wards II and III appointments to Citizens Advisory Committee for two year term expiring January, 2012

Commissioner Hubbard appointed Sally Odum; Mayor Pro Tem Pike appointed Ralph Rambeau.

4. One City appointment (master electrician and citizen member) to Joint Electrical Board for one year term expiring January, 2011

Commissioner Postell moved to place Willie Emerson as a Master Electrician (retired) member and to appoint Sanford Hillsman as the citizen member, seconded by Commissioner Hubbard; the motion unanimously carried.

5. Mayor's appointment to Albany Housing Authority to fill unexpired term expiring June, 2013

Mayor Adams appointed Lou Johnson.

ORDINANCES

Commissioner Howard introduced

AN ORDINANCE NO. 10-101

Amending Zoning Ordinance and Map of the City of Albany to change the status of property located at 2815 Gillionville Road from C-2 to C-3 **conditional**

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 Marietta; the motion unanimously carried.

Commissioner Postell introduced

AN ORDINANCE NO. 10-102

Closing an Alley between W. Tift Ave., & N. Davis St. – authorizing the execution of a Quit Claim Deed

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 Hubbard; the motion unanimously carried.

Commissioner Postell introduced

AN ORDINANCE NO. 10-103

Amending the City of Albany's Zoning Ordinance so as to provide regulations for Parking & Storage of Commercial Vehicles in Residential Districts

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 carried 5-2 with Commissioners Howard and Hubbard voting no.

Commissioner Postell introduced

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AN ORDINANCE NO. 10-104

Amending Chapter 48, Art. IV of the Code of Ordinances re: Establishing Requirements for Secondhand Dealers for Daily Reporting; establishing a waiting period

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 Howard; the motion unanimously carried.

Commissioner Postell introduced

AN ORDINANCE NO. 10-105

Amending Sec. 32-19 (c) of the City Code & repealing Sec. 32-60 re: Chain of Command in the Albany Police Dept.

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 Howard; the motion unanimously carried.

Commissioner Marietta introduced

AN ORDINANCE NO. 10-106

Amending the definition of *Animal* as it appears in Sect. 10-1 of the City Code

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 Postell; the motion unanimously carried.

RESOLUTIONS

Following the recommendation of the Committee of the Whole, Commissioner Hubbard moved to adopt the following, seconded by Commissioner Howard; the motion unanimously carried.

A RESOLUTION NO. 10-R104

Accepting the dedication of Streets & Easements re: Southwood Subdivision

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

A RESOLUTION NO. 10-R105

Accepting the dedication of Streets & Easements re: Milltowne Place Phase I Subdivision

Following the recommendation of the Committee of the Whole, Commissioner Howard moved to adopt the following, seconded by Commissioner Hubbard; the motion unanimously carried.

A RESOLUTION NO. 10-R106

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 422 Pine Ave.

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

A RESOLUTION NO. 10-R107

Authorizing the filing of an Application with the Dept. of Transportation USA for a Section 5309 Bus and Bus Facilities Livability Initiative Program Grant

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

A RESOLUTION NO. 10-R108

Authorizing the Risk Manager to Purchase excess insurance coverage for the City's Workers' Compensation Program

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

A RESOLUTION NO. 10-R109

Authorizing Extension of the Airport Engineering Consultant Contract to LPA Group, Inc., for two years

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

A RESOLUTION NO. 10-R110

Authorizing the City Manager or his Designee to Transfer title to vehicles

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

CONSENT AGENDA

Recommendation of the Committee of the Whole to approve the following current bids:

1. Construction work at Transit Facility, JVS Associates, Albany, GA
Lump sum expenditure \$72,160.00
2. Mechanical Installation, OMI Corp., Englewood CO
Estimated expenditure \$49,321.36

Ratifying Resolution #10-R103 re: Recognizing Mary MossYoung -Cummings

There being no further business, Mayor Adams adjourned the meeting at 9:01 p.m.

MAYOR

ATTEST:

CITY CLERK