

APRIL 27, 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 Lott  
City Attorney: Nathan Davis

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

Reverend Brian Jones, Mt. Zion Baptist Church, gave the invocation and the pledge of allegiance was recited.

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

RECOGNITION OF ALBANY POLICE DEPARTMENT - OFFICER, CITIZEN AND  
CIVILIAN OF THE YEAR

Chief John Proctor recognized Citizen of the Year Lamar Delbridge, Civilian of the Year (who was not able to be present) Jerry Shelton and APD Officer of the Year Kandace Hird and briefly described what each person did to deserve the award. Mayor Adams thanked each for their contribution to the City of Albany.

CITIZEN APPEARANCE

1. Ned Newcomb representing Old Brush, Inc., stated that the corporation paid over \$14,000 in property taxes last year and is partially intermingled with another corporation that paid over \$8600 in property taxes in Lee County. He asked the Commission to keep in mind that without taxpayers, there is no government. He expressed concerns about the new International Property Maintenance Code adopted by the City Commission in June, 2008. He said he disagrees with the vote based on staff's recommendation and advised that he has had dealings with Code Enforcement, which feel they should enforce the codes to the letter of the law. He asked if this was the intent of the Commission. He read a sentence of IPMC 304.2 regarding no peeling, etc., paint on any surface and asked how many buildings over 20 years old within the City of Albany this applies to. He discussed the number of code officers the City of Albany has and compared the City of Albany to Valdosta, which give directions to their employees to consider life safety issues as their main priority.

Mayor Adams asked the population of Valdosta. Mr. Newcomb said that he does not know. Mayor Adams asked the population of Albany. Mr. Newcomb said he thinks it is approximately 90,000. Mayor Adams asked if Valdosta is smaller in size than Albany. Mr. Newcomb agreed, adding that it is growing faster. Mayor Adams said that he was clarifying the number of code enforcement officers of each city. Mr. Newcomb stated that Lee County has only one code enforcement officer. Mayor Adams commented that they are under-staffed. Mr. Newcomb advised that Lee County does not use IMPC, they have written their own code and use good judgment laws for their enforcement employee. He mentioned the February vote by the Commission that updated the code regarding the fence issue, which lasted a long time resulting in the citizen not being able to put up a chain link fence – forcing him to put up an ugly fence and angering his neighbors. He referenced an article in the Albany Herald on April 16 regarding a local businessman charged with a blight tax causing his property taxes to triple. Regarding that newspaper article, he disagreed with the comments made by Code Enforcement Director Mike Tilson, adding that this does not entice businesses to Albany. He also quoted an officer from Valdosta who said the codes are so stringent they can be abused. He said his issue involves property located at 520 N. Jefferson Street, which has been in his family since 1908. He explained that in 2008, he put a \$21,000 roof on the building he rents out. He said it will take five years to pay for the roof, which does not take into consideration property taxes, insurance, and maintenance. He stated that with the Code Enforcement citation, he is spending an additional \$3,000. He asked the Commission to let Code

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Enforcement know what is expected of them, which is for them to promote life safety as is done in Valdosta, which does not cite businesses for cosmetic issues. He said he is angry and disturbed about being cited and told how to manage his property.

Commissioner Postell clarified that the building is 92 years old. Mr. Newcomb agreed and advised that a new roof was put on in 2009 and the building has been renovated several times; he mentioned the uses of the building through the years. Commissioner Postell asked if the concern is on tax rates or the way the city enforces codes. Mr. Newcomb said he is not against paying taxes, his concern is the citation he received from Code Enforcement, it is not a dilapidated building and tenants are not complaining that the property needs to be repaired.

Commissioner Marietta commented on older buildings having lead-based paint and asked if there is a possibility that flaking paint could be lead-based, which could have been a justified citation. Mr. Newcomb said he is not familiar with lead-based paint issues, but the building was renovated in the mid-1980's and lead-based paint goes back to the 1970's.

Mayor Adams thanked Mr. Newcomb for his remarks and said the Enforcement Department will be notified of the concerns.

Linda Williams stated that she is representing Pebbles Country Kitchen and gave a brief description of herself and her previous employment. She said she is from Lee County and that she started working with Wendy's making \$3.25 per hour and worked her way up to be President without putting in any money. She said she is not asking the City to give her anything and that she will not beg, adding that this is personal to her because it deals with her personal money and she does not want anyone to take this away from her. She stated that she is not a violent person, but she will do what it takes to protect herself. She thanked the Commission, adding that she is not a bad person and does not have a record, but she wants to make money. She thanked the Commission again for letting her speak.

REPORT OF COMMITTEE OF THE WHOLE

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

1. Pebbles Country Kitchen, 1939 S. Jackson St., Linda Williams, Agent; beer consumption

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

2. Pico De Gallo Mexican Restaurant, 2313 E. Broad Ave.; M. Guzman, Agent; consumption

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

3. Jai Shivem Enterprises, Inc. d/b/a Buy Rite, 2400 Clark Ave.; A. Singh, Agent; beer package and wine retail

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to approve the following One Day Alcohol License Application, seconded by Commissioner Hubbard; the motion unanimously carried.

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1. Darton College Foundation, Leah Sandbach, Agent; Fundraiser for scholarships, Darton College Cavalier Arena; 2400 Gillionville, Rd., Friday, May 14, 2010, 8:00-11:59 p.m.

Commissioner Marietta moved to deny initiation of procedures for benefits credits for the Mayor and Board of Commissioners, seconded by Commissioner Postell; the motion unanimously carried.

ORDINANCES

Commissioner Postell introduced

AN ORDINANCE NO. 10-119

Increasing the Grace Period of Enforcing City Ordinance #10-106 re: the definition of Animal as it appears in Sec. 10-1

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, Mayor Pro Tem Pike moved to adopt the following, seconded by Commissioner Postell; the motion unanimously carried

A RESOLUTION NO. 10-R134

Authorizing an Intergovernmental Agreement between the Dougherty County School System and the City of Albany consenting to the inclusion of certain Ad Valorem Taxes in the computation of the Tax Allocation District Number One: Albany Riverfront and Gateway TAD

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

A RESOLUTION NO. 10-R135

Authorizing the Finance Director to transfer funds from the MEAG Trust to provide additional funding for the Gang Unit's Personnel and Equipment

Commissioner Howard verified with Mr. Lott that the allocation of funding for the Gang Task Force will come from the Trust Fund for one year and then it will be funded through the general fund; Mr. Lott agreed

Commissioner Langstaff stated that he is in favor of the additional funding the Gang Unit needs; however, he said he is not in favor of taking the funds from the MEAG Trust Fund, which is why he will vote against it.

In reply to Mayor Adams on the amount in question, Commissioner Postell stated that it is \$199,000.00.

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

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

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A RESOLUTION NO. 10-R136

Authorizing Initiation of Procedures to close Ebony Lane Road

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

A RESOLUTION NO. 10-R137

Granting a storm water Easement Agreement to Barkley Estates, LP

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

A RESOLUTION NO. 10-R138

Authorizing a Change Order to use SPLOST V Funds to pave the sidewalk area at Gordon Sports Complex

In reply to Mayor Adams, Bruce Maples, Engineering Director stated that the funding amount is \$76,800.

Hearing no further discussion, the motion unanimously carried.

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-R139

Adopting the 2010 Update of the Citizen Participation Plan as required by the Department of HUD

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

A RESOLUTION NO. 10-R140

Adopting the 2010 Annual Action Plan, Year 5

Mayor Adams asked Mayor Pro Tem Pike to carry the following item due to his being on the Department of Community Affairs Board. Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following, seconded by Commissioner Hubbard, the motion carried 6-0-1 with Mayor Adams abstaining.

A RESOLUTION NO. 10-R141

Authorizing submission of applications to the Georgia Department of Community Affairs for Supportive Housing Grants

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following, seconded by Commissioner Marietta. Commissioner Hubbard asked if this resolution pertains to various organizations being given awards. Mayor Adams agreed.

Hearing no further discussion, the motion carried 5-0-2 with Commissioners Howard and Hubbard abstaining. Commissioner Hubbard advised that she is abstaining due to her

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being on the Board of Trustees for Girls, Inc., and that she has been on the board of other organizations which are requesting funding.

A RESOLUTION NO. 10-R142

Adopting the FY 2010-2011 CDBG Public Service Grant Awards

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-R143

Approving submission of a renewal application to the Governor's Office of Highway Safety for the City of Albany's Safe Communities Program

Following the recommendation of the Committee of the Whole, Mayor Pro Tem Pike moved to adopt the following, seconded by Commissioner Hubbard, the motion unanimously carried.

A RESOLUTION NO. 10-R144

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission, Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 1000 N. Jefferson St.

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

A RESOLUTION NO. 10-R145

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 404 W. Second Ave.

Following the recommendation of the Committee of the Whole, Mayor Pro Tem Pike moved to approve the following, seconded by Commissioner Howard.

Discussion ensued on the recommendation of the Planning Commission to deny the certificate. Howard Brown, Planning Director advised that the request does not comply with the guidelines. Hearing no further discussion; the motion carried. 4-1-1 with Commissioners Howard and Postell voting no and Commissioner Langstaff abstaining. Following additional discussion and clarification, Commissioner Howard asked that he be allowed to change his vote. Commissioner Marietta moved to allow Commissioner Howard to change his vote, seconded by Commissioner Hubbard; the motion unanimously carried. Hearing no further discussion, the original motion carried 5-1-1 with Commissioner Postell voting no and Commissioner Langstaff abstaining.

A RESOLUTION NO. 10-R146

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to not issue a Certificate of Appropriateness for 501 W. Broad

Following the recommendation of the Committee of the Whole, Commissioner Howard moved to approve the following, seconded by Mayor Pro Tem Pike, the motion unanimously carried.

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A RESOLUTION NO. 10-R147

Adopting an Interim Application Process for wireless telecommunications facilities (cell towers) in lieu of a moratorium

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

A RESOLUTION NO. 10-148

Exempting WOA, LLC's d/b/a Hooter's of Albany 9<sup>th</sup> Annual Swimsuit Pageant from the requirements of Section 6-13(b) (1) and Section 36-179 of the City Code

Mayor Pro Tem Pike moved the following consent agenda, seconded by Commissioner Hubbard; the motion unanimously carried.

CONSENT AGENDA

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

1. Asbestos Abatement, AHERA Response Services, Inc., Albany, GA  
(primary contractor) Cross Construction Services, Inc., Lutz, Fl., (alternate contractor)  

Estimated expenditure	\$320,000.00
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2. Consultant – Bicycle & Pedestrian Plan, Pone & Co., Norcross GA  

Estimated expenditure	\$74,955.00
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3. Carpet and/or Vinyl Installation – Floor Mechanix of Albany, Inc.,  

Estimated expenditure	\$45,575.00
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4. Vehicle Purchase (2) Pickup Trucks, Wade Ford, Smyrna, GA  

Total expenditure	\$42,828.00
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5. 24 note book mobile computers, Dell, State Contract  

Total expenditure	\$134,181.12
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6. 24 Premier MDC Mobile Clients, Albany Communications, Albany, GA  

Total expenditure	\$60,470.52
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OTHER BUSINESS

Commissioner Howard asked to have the Small Business Program on the next work session agenda for reconsideration.

Commissioner Hubbard reminded the Commission of the Broad Avenue Bridge meeting scheduled for Thursday, April 29, at the Riverfront Resource Center from 4-6 p.m. and the GMA District 10 Listening Session scheduled for Thursday, May 6, 2010, at the Hilton Garden Inn from 6-8 p.m.

Commissioner Marietta thanked the City Manager and staff for participating in the recent Stop the Violence event.

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Commissioner Hubbard commented that the Georgia Cities Week went well. She said that she spoke at Lincoln Magnet School; it is a good idea, but if it will be done in the future more planning and participation will be needed.

There being no further business, the meeting adjourned at 8:40 p.m.

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MAYOR

ATTEST

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CITY CLERK