

MAY 25, 2010

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

PRESENT: Mayor Willie Adams, Jr.  
City Commissioners: 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 8:03 p.m.

Reverend Tab Howell, Sunnyside 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.

Commissioner Hubbard recognized Fox 31 reporter, Ashley Knight, and advised that she is relocating to South Carolina and this will be her last night. She thanked Ms. Knight for her fair reporting of City business and wished her well in her new endeavors.

Mayor Adams echoed Commissioner Hubbard's sentiments, adding that Ms. Knight provided unbiased reporting of the City's business, for which he thanked her and also wished her well in South Carolina.

Commissioner Hubbard moved to excuse the absence of Mayor Pro Tem Pike and Commissioner Howard, seconded by Commissioner Marietta; the motion unanimously carried.

PUBLIC HEARINGS

1. Sexually Oriented Businesses

Planning Director Howard Brown stated that an ordinance addressing sexually oriented businesses was developed through collaboration of the Planning Department, the City Attorney's office and Code Enforcement. He briefly discussed a 2009 study that indicates an increase of certain type crimes where these type businesses are located and two months ago it was determined that an ordinance is needed to regulate/control the location of sexually oriented businesses. He stated that letters were mailed to business owners advising them of the City's intention and requesting that they contact his office to provide input. He advised that Albany had only four adult-type businesses; one is closed, one is in Ward II and two are in Ward III. He stated that a letter was received from Gail's Lingerie asking that her site be added as an approved corridor. In response to Mayor Adams, he stated that all business owners were given ample notification.

William Wright stated his concern with the ordinance is the absence of a clause that would prevent a hindrance to those who have a leased business for a number of years. If the ordinance is passed, and they are not in compliance and have to break a lease, it would be an economic cost that could have been prevented. He also mentioned First Amendment Rights and freedom of speech that would be affected by passage of the ordinance, suggesting that it would cause the Commission to overstep their authority by creating such laws.

Gail Tymes, owner of Gail's Lingerie at 930 Broad Avenue, stated that she has owned and operated her business at that location for 14 years and that she had not heard of this proposed action because she did not receive a letter in 2008/09. She said she has had no problems with crime at her location, other than break-ins and stated that she cannot understand why this issue has come up and why there is a problem with where such businesses are located. She added that she acts as a counselor to those with marriage issues and conducts seminars that address sexual/relationship issues. Mayor Adams interjected that he has no problem with what Ms. Tymes does, but the issue is that eventually these type businesses will be all over the place and that the City sees the need to regulate/control the location and require these type businesses to be in a certain zone.

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Mr. Brown stated that he received a letter from Gail's Lingerie and one problem was that his office could not provide a definition of some items she sold. Mr. Lott asked if she is in the right zone. Mr. Brown replied in the affirmative adding that she is in the proper zone, but Broad Avenue was not included as a main thoroughfare; only Oglethorpe, Slapppy, and Dawson were included.

Ms. Tymes asked if it is possible to add Broad Avenue. Commissioner Postell asked if she had any other problems other than the location issue. Ms. Tymes replied that location is her only issue and that she wants to ensure that her business is not affected by passage of the ordinance. She said her business is the largest business of its type in Albany. Commissioner Postell asked if she sold dry goods to patrons, such as undergarments; Ms. Tymes replied in the affirmative. Commissioner Postell asked if her business is considered adult entertainment. Mr. Brown replied that it is considered an adult novelty store. Commissioner Postell mentioned that the business caters to sexual stimulation, but the concern is if it is in the right zone. Mr. Brown replied that her business is properly zoned, but because it is not located on Dawson, Oglethorpe or Slapppy it would be out of compliance. Ms. Tymes stated that she sent a letter asking that Broad be added as an approved location. Commissioner Postell asked the reason for a geographical classification since most of these businesses are in Wards II and III with Wards, IV, V, and VI being away from that area. Mr. Brown explained that it is regulated by zoning districts, adding that the 1,000 foot rule was reduced to 250 feet. In response to Commissioner Postell, Mr. Brown explained that Ms. Tymes store is considered an adult novelty store because it sells 20% or more of adult novelties and/or toys. Commissioner Postell interjected that the store must comply with regulations; Mr. Brown agreed, adding that the addition of Broad Avenue will allow sexually oriented businesses to be located in that zone. Mr. Davis referenced page six of the ordinance, stating that adding W. Broad Avenue provides dual qualification. Commissioner Postell commented that he intends to move to table this issue.

In reply to Mayor Adams on whether there would be problems by adding Broad Avenue; Mr. Brown replied that it would not cause any problems in his office.

Commissioner Hubbard asked if the City responded to Ms. Tymes letter; Mr. Brown replied that a response was sent advising what was needed and why. Commissioner Hubbard asked if this would have to go back to Planning in order for that board to come back with a recommendation; Mr. Brown replied in the negative. Commissioner Hubbard commented that she would not want the process to be out of order.

Commissioner Marietta mentioned that an ARC school is located on W. Broad Avenue. Mr. Brown stated that it is on the east side of Slapppy Blvd. Commissioner Marietta asked if there is anything within 250 feet of this business that would prevent it from being in this location. Commissioner Postell stated he does not want to vote tonight only to discover later that it is illegal; he mentioned demographics and geographic that must be taken into consideration. He said he is not trying to deny Ms. Tymes having her business; he merely wants to make the proper decision. Ms. Tymes asked how long she will have to wait for an answer. Commissioner Postell replied it will be tabled for two weeks. Commissioner Hubbard asked that existing businesses are contacted before passing the ordinance. Mr. Brown stated that this had been done; letters were sent to existing businesses asking for input. Ms. Tymes again asked that Broad Avenue be added. Commissioner Marietta asked if the Planning Commission discussed Ms. Tymes request; Mr. Brown replied in the negative.

Pamela Miller stated that she is Ms. Tymes pastor and that Ms. Tymes provides a great service to their community by helping couples with marital issues, especially those that are medically related. She stated that Ms. Tymes has helped a number of couples stay together through counseling and her services are a great asset to local couples experiencing problems.

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Larry Johnson, Budget Officer, reported that the proposed budget is \$104,114,054 and is an increase over last year's budget. He stated that the budget is posted on the City's website and a copy is also in the City Clerk's office for the public's review. In response to Mayor Adams, he stated that a copy is not sent to the public library since the Finance Department elected to post it on the website. Mayor Adams asked that consideration be given to placing a copy in the library since there are those who do not have access to a computer and the City's website..

William Wright complained about the difficulty of viewing the City's budget on the website stating that it is broken into segments and anyone using dial-up is timed-out and connection is lost. He distributed information (copy on file) and discussed the need of a minority business office. He stated that there are no minority contractors working on any projects at the Airport, with the Airport receiving 88% in federal funding, which underscores the need for a minority business office. Referring to the City's proposed budget of \$104,000,000, he stated that the public wants/needs relief in the rates of Water, Gas, and Light, adding that \$30,000/day is received in MEAG funds. He suggested that the City allocate \$540,000 for a cost assessment, since Albany is the only majority-black city in the state with no minority business enterprise. Referring to page three, he stated that an independent study should be funded in order to look at the true nature of displaced Black businesses.

Former City Commissioner Arthur K. Williams stated that he is present to ask that the Commission not support anything being built at the Airport, which is built to 'obsolescence' and not built to the future. His discussion included the need for a second carrier and the City not allowing ASA to dictate to it, which results in the Airport being unable to attract another carrier. He discussed T-hangars; the Airport generating revenue; and the design, which was not designed for a restaurant, even though the current vendor spent \$80-90,000 on the snack bar. He asked Commissioner Marietta to reconsider Airport funding to be built for future use. He briefly discussed a need to look at funding for infrastructure especially in regarding flooding and suggested that the City is not protected against a steady one-hour rain event.

Commissioner Marietta commented that funding for the Airport has two main sources, federal funds and SPLOST, with the rest coming from the City's capital budget. He said he would also like to see a bigger terminal and additional carriers, but because of federal requirement options are limited. He added that he is unsure of revenue bonds. Mr. Lott interjected that revenue bonds are possible, adding that the City subsidizes the Airport, and the General Fund would have to make payments for bonds

Mayor Adams advised that he served on the Aviation Commission 15 years ago and that there are still some of the same problems and issues now that there were then. He stated that he has been severely criticized for his vision of a tri-city/regional airport. He suggested that smaller cities around Albany should see the benefits to them that this would cause and come to the table. Commissioner Marietta mentioned federal funding for longer runways that can handle bigger jets, adding that he supports the Mayor's concept of a regional airport.

There being no one else signed up to speak, Mayor Adams closed the public hearing.

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 unanimously carried.

1. AJ's Corner Store, 721 Whitney Ave., A. Jones/Agent; beer package

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APPOINTMENTS

1. Five appointments to the Barrier Free Board for three-year terms expiring March 1, 2013 (handicapped person and/or person who have an understanding of and a commitment to Barrier Free Design Board representing the community at large)

Commissioner Postell moved to appoint Tracy Jackson and to reappoint Audrey Alfieri, Deborah McDonald, and Diane Taylor, seconded by Commissioner Marietta; the motion unanimously carried.

ORDINANCES

Commissioner Postell moved to table the following for two weeks until a change in policy is brought back, seconded by Commissioner Marietta; the motion unanimously carried.

AN ORDINANCE

Establishing Zoning Requirements and Regulations for Sexually Oriented Businesses

RESOLUTIONS

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-R150

Approving a Voting Delegate and Flag Bearer for the City of Albany to the Georgia Municipal Association's 2010 Annual Convention on June 26-29, 2010

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

A RESOLUTION NO. 10-R151

Approving Location License Agreement re: Use of Certain Facilities by Sherwood Baptist Church and Sherwood Pictures

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-R152

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission, Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 515 N. Washington St.

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-R153

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission, Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 211 Roosevelt Ave.

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

A RESOLUTION NO. 10-R154

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 619 Tift Ave.

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

A RESOLUTION NO. 10-R155

Authorizing the filing of an application with the US Dept. of Transportation and the Ga. Dept. of Transportation for a grant under Title 49 U.S.C., Section 5303

Commissioner Hubbard 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. Mobile Truck Lifts & Stands, Heavy Duty Lift & Equipment, Flowery Branch, GA  

Total expenditure      \$58,790.00
2. Gun Purchase, (state contract), Smyrna Police Distributors  

Total amount              \$45,964.35
3. Purchase & Install Hanger Doors, Atlanta's Professional Door, Inc., Fayetteville, GA  

Estimated expenditure      \$87,000.00
4. Mowing contract, LRL Ventures & Management, Albany, GA  

Estimated expenditure      \$57,070.04

Review of zoning requirements/special approval for religious institutions to be forwarded to the Planning Commission for recommendation.

There being no further business, the meeting adjourned at 9:03 p.m.

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MAYOR

ATTEST

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ASST. CITY CLERK