

JUNE 22, 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,
and Tommie Postell
City Manager: Alfred Lott
City Attorney: Nathan Davis

Mayor Adams called the meeting to order at 8:07 p.m.

Senior Pastor David Wilson, Rhema Word International Ministries 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.

Commissioner Postell moved to excuse Commissioner Langstaff's absence, seconded by Commissioner Marietta; the motion unanimously carried.

Mayor Adams recognized Howard Brown, Planning Director, and thanked him for the herculean job he performed while working with the City of Albany and wished him well in his future endeavors. Mr. Lott presented Mr. Brown with a plaque recognizing his outstanding performance as Planning Director during his tenure with the City of Albany, specifically, while working on the re-codification of the City Code of Ordinances, the Zoning Ordinance, Sign Ordinance, etc.

Mr. Brown stated that it has been a pleasure working for the City of Albany and Dougherty County and thanked the Mayor and Commissioners for their support.

CITIZEN APPEARANCE

Kay Hind, Executive Director of SWGA Council on Aging, thanked the Commission for allowing her to speak on the proposed new senior center. She advised that the organization has been in business since 1966 and that they have never asked for operational money. She said they currently serve five locations in Albany, with four being totally financed and one in the Albany Housing Authority for which they are not charged expenses to use the facility and that currently they have \$650,000 for operating the four centers. She stated that there is \$39,000 budgeted for utilities in Albany and that they have always been financially sound. She added that they own the four buildings and are moving ahead on the new project with Phoebe Putney Hospital donating the properties on Jefferson, Society, Jackson and First Ave. She discussed the value of the property and advised that buildings that are already paid for have been torn down in preparation. She mentioned HUD Grants and the \$100,000 endowment that they received from a citizen who left it in her will.

Mayor Adams commented that there are a lot of people willing to donate and asked Ms. Hind to comment on the private effort that is in place to fund the new facility. Ms. Hind stated that they are having a fund raising campaign and have already generated over \$2.0 million towards the project. She said the four buildings they own will be sold and that Phoebe Putney Hospital will purchase the building her office is located in and rent it back to them for \$1.00 per month. She discussed the features the new facility will have including exercise equipment, walking path, etc.

Commissioner Postell asked the estimated budget to complete the project. Ms. Hind stated that the estimated cost will be \$6.0 million. She mentioned that vandals have destroyed some of the property, adding that they are working through this.

Commissioner Hubbard clarified that the cost of the new building is \$6.0 million; Ms. Hind concurred, adding that they will renovate and restore the building they kept. In response to Commissioner Hubbard, Mrs. Hind stated that it is estimated to take 18-24 months to complete the project. Commissioner Hubbard asked if other counties are

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served other than Dougherty County. Ms. Hind replied that they serve 14 counties and briefly discussed new Senior Centers in the other counties. Commissioner Hubbard asked what the plans include and how many people will be served. Ms. Hind stated that the number they could serve will be unlimited. She added that not everyone will be eating and that there will be programs including arts/crafts, cooking, educational programs, entertainment, etc.

Commissioner Marietta commented on the Meals on Wheels program and related an experience he had with a senior 99 ½ years old on Carver Street, adding that seniors within the community give a lot back.

Mayor Adams asked the age of the senior citizens at the centers and commented that he visited a center in Atlanta and was impressed. There were early retired school teachers and other professionals who were very mobile and participating in line dancing, swimming, computer networking, etc. Ms. Hind stated that they serve anyone 60+ years of age and that they have computer classes in some of the other counties. In reply to Mayor Adams, she advised that Peg Shoemaker was the \$100,000 donor, who was a center attendee for approximately 20 years, teaching arts/crafts, etc. She added that Ms. Shoemaker had no family and willed her car and \$100,000 to the organization.

PUBLIC HEARINGS

1. Special Approval Case #10-050 – Nanette S. Almond/Owner; Vision Ministries/Applicant, request property located at 110 Baldwin Drive to be used as a church in the C-3 Commercial District

Using a power point presentation (copy on file), Mary Teter, Planning Manager, showed the location of the property, advising that the special approval request is to allow a church. She stated that the site is at least one acre with vehicular access and parking in the rear. She explained the variance with site conditions that were approved and showed an aerial view of the property, surrounding zoning and land use map. She stated that the Planning Commission recommends approval.

Commissioner Postell asked for clarification on the location of the property and the type of commercial businesses in the area. Ms. Teter showed the location on the map and reported that there is a professional plumbing service, mail/word processing office, lubricant facility, warehouse, equipment storage, etc., in the area. In reply to Commissioner Postell on the dimension of the building, Ms. Teter showed a map indicating the square footage. Regarding parking, Ms. Teter stated that the site plan shows parking to the rear with the facility also being accessed from the rear. Commissioner Postell asked if any alcohol is sold in the area. Ms. Teter replied none to her knowledge.

There was no one present desiring to speak for or against this matter.

2. Zoning Case #10-062 – Darrel Rye/Owner; William A. Hancock/Applicant, request to rezone property located at 2017 N. Slappey Blvd., from C-1 to C-2

Using a power point presentation (copy on file), Ms. Teter showed the location of the property and advised that the request is to rezone property to allow for a mobile vending with drive in/through uses. She discussed other businesses in the area and showed a map with an aerial view of the property, surrounding zoning and the land use map. She advised that the Planning Commission approved with conditions as follows: 1) An updated site plan must be submitted and approved for all new uses. The site plan must show existing buildings and structures, parking spaces and aisles, access points, and proposed location of any new operation; 2) All signage must comply with the City of Albany Sign Ordinance; 3) Occupational tax certificate or business license must be obtained prior to engaging in any business activity; 4) Appropriate building permits must be obtained for all work done on the property related to any new use. Mobile Vending

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Units must also comply with the following conditions: 1) Any mobile vending unit must be removed from the premises daily 2) All solid waste must be disposed of in accordance with the City of Albany illicit discharge ordinance and other duly authorized ordinances regarding the proper disposal of solid waste; 3) No outdoor storage is allowed on the premises. For the purposes of this condition, outdoor storage is defined as the keeping, in an unenclosed area, of any goods, junk material, merchandise, or vehicles in the same place for more than 24 hours and, 4) Compliance with Environmental Health rules and regulations, including the possession of a current food service permit.

Commissioner Postell asked the type of merchandising for the mobile vending. Ms. Teter stated that it is Meat Slingers and advised that they will have to move the mobile vending off site at the end of each day. In reply to Commissioner Postell, Ms. Teter stated that the products sold will include BBQ Sandwiches, etc. Discussion followed with Ms. Teter and Mayor Adams commenting on the other mobile vending that is located off of Westover Road.

William Hancock stated that the owner has a business in Lee County and that he works at the Marine Corps Logistics Base.

Jackie Cape stated that they are expanding their business; they are Lee County-based and have been in that location for ten years with catering for approximately 20 years. He said he wants to expand his business and that he has the mobile unit and if it is received well, he will open a BBQ restaurant in Dougherty County.

There was no one else desiring to speak on this matter.

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 Transfer, seconded by Mayor Pro Tem Pike; the motion carried 5-1 with Commissioner Howard voting no.

1. El Dos De Oro Sports Bar, 2203 E. Broad Ave., R. Carlos/Agent; transfer beer consumption license from M. DeJoval

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to approve the following Alcohol License Application Transfer, seconded by Commissioner Hubbard; the motion carried 5-1 with Commissioner Howard voting no.

2. The House of Jazz, LLC, 730 W. Highland Ave., A. Noble/Agent, transfer consumption license from W. Noble

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 5-1 with Commissioner Howard voting no.

1. Home Builders Assn. of Albany & SWGA, J. Oliver/Agent; \$10,000 Cash Raffle, Hasan Temple, 1822 Palmyra Rd., July 16, 2010 – 6:30 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 Mayor Pro Tem Pike; the motion carried 5-1 with Commissioner Howard voting no.

2. Lily Pad, Inc., Karen Kemp/Applicant; Fundraiser, Ordinary Coyote, 2807 Meredyth Dr., July 15, 2010 5:30 p.m. – 11:59 p.m.

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Commissioner Postell moved to approve the following special approval zoning application, seconded by Commissioner Howard; the motion unanimously carried.

1. Special Approval Case #10-050 – Nanette S. Almond/Owner; Vision Ministries/Applicant, request property located at 110 Baldwin Drive to be used as a church in the C-3 Commercial District

APPOINTMENTS

1. Four members to the Chehaw Park Authority for two year terms expiring July 2012

Commissioner Postell moved to approve the reappointment of Dr. Ravi Malik, Andrea Schruijer and Brad Hallford and to appoint Matthew Inman, seconded by Commissioner Marietta; the motion unanimously carried.

2. Appointments to Community & Economic Development Council for one year term expiring June, 2011

Commissioner Postell moved to approve the reappointment of Ola M. Smith, Chad Schwartz, Wylene Jones, Ivy Hines, Louise Primrose, Eloise Moore, Johnnie P. Hammond, Martha Corhen and Leon Modeste and to appoint Dr. Mikhiela Sherrod seconded by Commissioner Howard, the motion unanimously carried.

ORDINANCES

Commissioner Postell introduced

AN ORDINANCE NO. 10-120

Establishing Zoning Requirements and Regulations for Sexually Oriented Businesses

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.

Commissioner Howard asked Howard Brown, Planning Director, what will happen if this is not adopted. Discussion followed on whether W. Broad Avenue is included in the draft as noted. Mr. Brown discussed the application process and advised that there is a two year period that these type businesses can continue to exist after a review by the Planning staff. Mayor Pro Tem Pike asked that Broad Avenue be included. Mr. Davis stated that page six of the ordinance includes W. Broad Avenue.

Commissioner Marietta commented on the 250' rule as it pertains to a church in the area. He also expressed concern on the business license fees since occupational tax are based on sales and asked why there is a difference in this ordinance. He requested that these issues be corrected tonight or tabled. Mr. Davis stated that this can be changed by his office. Commissioner Marietta asked about the 250' rule and if it makes a difference. Discussion followed on the church down the street with Mayor Pro Tem Pike advising that the church is in a retail plaza and that it is not included. Mr. Brown clarified that a church in this ordinance is not defined as it is in the alcohol ordinance. Mr. Davis suggested adding this if it is the desire of the Commission. Mr. Brown stated that it will take a few things to incorporate this.

Commissioner Postell stated that a church is a separate building and is not connected with its own parking lot, etc., and the church in question is a storefront church. He suggested not killing this project based on the church being a storefront church and not a separate building.

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Commissioner Marietta referenced page six, Section 3 a) 2) and 3 d) regarding measurements and suggested that if the ordinance is approved as is, the measurement is noted in the ordinance and that the ordinance will shut down the business. Mr. Davis stated that if church is defined as a stand alone building, as it is defined in the alcohol license, it would not be an issue. He suggested that page 5 j) can have the stand alone definition as is done with the alcohol license ordinance. Commissioner Marietta agreed, adding that the changes should be made in order to make the ordinance correct. Mr. Davis noted the fees as listed on page eight and advised that the language and measurements will be changed as referenced by Commissioner Marietta.

Commissioner Hubbard asked for clarification that Broad Ave., will be included. Mr. Davis stated that there is a new page six dealing with this. Commissioner Hubbard stated that she does not want to put the person out of business and asked Mr. Brown why the business was not originally included. Mr. Brown stated that they went through an analysis of this type business throughout the city using the GIS program. He agreed with Commissioner Hubbard that there is no legal reason to omit it.

Commissioner Marietta offered an amendment to the motion to include Broad Avenue, License Fees/Occupational taxes and the definition of a place of worship. Mr. Davis stated that the Broad Avenue portion is already done.

Commissioner Postell asked Mr. Davis if an amendment to the motion is necessary at this time. Mr. Davis opined no, it does not take a formal amendment as long as everyone understands what needs to be done. Commissioner Postell then restated the motion to include the changes as indicated to include the occupational taxes and definition of church.

Hearing no further discussion, the motion unanimously carried.

Commissioner Howard introduced

AN ORDINANCE NO. 10-121

Amending the Zoning Ordinance and Map of the City to Albany to change the status of property located at 2017 N. Slappey Blvd. from C-1 to C-2 (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 Postell; the motion unanimously carried.

Commissioner Howard introduced

AN ORDINANCE NO. 10-122

Establishing the Albany Georgia Soil Erosion, Sedimentation and Pollution Control Ordinance

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 Postell; the motion unanimously carried

Commissioner Postell introduced

AN ORDINANCE NO. 10-123

Amending the City of Albany's Fiscal Year 2010 Budget

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.

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Commissioner Postell introduced

AN ORDINANCE NO. 10-124

Adopting Budget and Appropriations for the period July 1, 2010 through June 30, 2011

Commissioner Postell 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 Pike; the motion unanimously carried.

RESOLUTIONS

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

A RESOLUTION NO. 10-R156

Authorizing Execution of a Memorandum of Understanding and Addendum between the Dept. of Homeland Security, U.S. Citizenship and Immigration Services and the City of Albany re: The SAVE Program

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

A RESOLUTION NO. 10-R157

Adopting the Small Business Program

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

A RESOLUTION NO. 10-R158

Authorizing submission of application for a 2010-2011 Edward Byrne Memorial Justice Assistance Formula Grant (JAG)

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-R159

Authorizing the Albany Police Dept., to participate in the Governor's Office of Highway Safety E-Ticketing and Crash Reporting Project

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-R160

Authorizing Execution of a Memorandum of Agreement for Housing Abandoned and Delinquent Animals with the Albany Humane Society, Inc., for FY 2010-2011

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.

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A RESOLUTION NO. 10-R161

Adopting Affordable Homeownership Program Policy

Commissioner Marietta asked Latoya Cutts, Community and Economic Development Director, if the changes discussed in the work session were made; Ms. Cutts advised that they were made.

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

A RESOLUTION NO. 10-R162

Adopting the Housing Development Loan 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-R163

Adopting the Department of Community and Economic Development's Disposition Policy (February 2010)

In reply to Mayor Adams, Shelena Hawkins, Deputy Director, Community and Economic Development advised that this policy pertains to the sale of City-owned property. She added that this is property that is vacant and can be sold to eligible non-profit developers

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-R164

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 500 W. Oglethorpe Blvd.

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-R165

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 713 N. Washington St.

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-R166

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 413 Flint Ave

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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-R167

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 526 W. Broad Ave.

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

A RESOLUTION NO. 10-R168

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 337 W. Broad Ave

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-R169

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 313 N. Washington St.

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

A RESOLUTION NO. 10-R170

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 316 Whitney Ave

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

A RESOLUTION NO. 10-R171

Joint Resolution of the Board of Commissioners of Dougherty County and the City of Albany, Georgia agreeing to an apportionment of proceeds from a SPLOST VI One Percent and use Tax

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

A RESOLUTION

Regarding Keep Albany/Dougherty Beautiful

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

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CONSENT AGENDA

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

1. HTE Software Maintenance for 911 – Sungard HTE, Inc., Lake Mary, FL

Annual expenditure	\$51,360.40
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Review of zoning amendments to be forwarded to the Planning Commission for recommendations.

OTHER BUSINESS

Commissioner Howard thanked Howard Brown for the years of service he rendered to the City of Albany, especially his work on the 2010 Census Count. He said that Mr. Brown was a valuable employee who will be missed.

Commissioner Postell mentioned that the dress code is being violated within the City of Albany. He asked that this be looked at as there are young people showing their body parts. He asked the City Manager and City Attorney to research this and bring back information as this is public indecency and a law should be implemented to stop it as it is getting outrageous. Mr. Lott asked for clarification. Commissioner Postell stated that he is referring to the general public/citizens.

There being no further business, the meeting adjourned at 9:10 p.m.

MAYOR

ATTEST

CITY CLERK