

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

Mayor Adams called the meeting to order at 8:03 p.m.

Pastor Billy Joe Butler, Raleigh White Baptist Church, gave the invocation and the pledge of allegiance was recited.

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

PUBLIC HEARINGS

1. Zoning Case #10-077 – Mt. Zion Baptist Church/Owner; Bob Gage/Applicant; request to rezone 1804-1814 MLK, Jr., Dr., from C-R to C-2. (PC approved 8-0 **conditional**) WARD 6

Using a power point presentation (copy on file), Mary Teter, Interim Planning Director, showed the location of the property and explained that the rezoning request is to allow for a retail discount store. She advised that the Planning Commission recommends approval with the following conditions: **The following uses are permitted: retail sales (except motorized vehicles and parts, and manufacturing or farm equipment); offices of any type; personal and office support services; and restaurants (except bars and night clubs) not to exceed 4,000 sq. ft. of floor area. A solid privacy fence, minimum six feet in height, shall be located at the rear property line, which adjoins the alley. Leyland Cypress trees, a minimum six feet in height at planting, shall be planted and maintained inside the privacy fence. Required fencing and Leyland Cypress buffer must be shown on a site plan and approved by planning staff prior to issuance of a certificate of occupancy. Outdoor lighting will be directed away from adjoining residential property to the northeast.**

Discussion followed with Mayor Adams asking if video cameras can be added as another condition. Ms. Teter advised that this is not a zoning requirement. Mr. Davis agreed, adding that a condition of that nature would be allowed for alcohol sales, etc.

Tod Lanier stated that he is present to answer any questions since the applicant called today advising that he is unable to attend the meeting. Commissioner Postell asked the expected date to move forward with the construction. Mr. Lanier stated that it is his estimation that they are 30-40 days away from all City approvals. Ms. Teter explained that the site plan is in the review process and that the parking variance will be reviewed by the Planning Commission next month.

Commissioner Hubbard asked if the property is in the floodplain. Ms. Teter replied that it is in the 100 year floodplain and the owners will elevate the building. The other option would be to flood proof the establishment. Commissioner Hubbard asked if property owners were notified of the rezoning; Commissioner Postell advised that they were. Mr. Lanier added that there were no objections to the conditions required by the Planning Commission.

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

2. Special Approval Case #10-079 – MK&S Realty Corp., Inc./Owner; Flint River Bible Fellowship/Applicant; request to use a church in the C-7 mixed use planned development district for property located at 1104 N. Westover Blvd. (PC approved 8-0) WARD 5

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Using a power point presentation (copy on file), Ms. Teter showed the location of the property and explained that the special approval request is to use the property as a church. She advised that the Planning Commission recommends approval.

Brandon Jones stated that he represents the church and can answer any questions. In reply to Commissioner Marietta, Mr. Jones advised that there are sidewalks in the area. Mayor Adams asked about church membership; Mr. Jones replied that the membership is in the teens, but that they have between 30-40 people attending.

There was no one else present desiring to speak in favor of or in opposition to this matter;

Mayor Adams closed the public hearing.

REPORT OF COMMITTEE OF THE WHOLE

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

1. Softtales Saloon, 2900 Sylvester Rd., R. Clapp/Agent; Consumption

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 6-1 with Commissioner Howard voting no.

2. Davis Grocery, 2401 MLK Drive; J. Davis/Agent; transfer ownership from R. Gray; Beer

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

1. Special Approval Case #10-079 – MK&S Realty Corp., Inc./Owner; Flint River Bible Fellowship/Applicant; request to use a church in the C-7 mixed use planned development district for property located at 1104 N. Westover Blvd.

APPOINTMENTS

1. One appointment to Stadium Authority for four-year term expiring June, 2014

Commissioner Postell moved to approve the reappointment of Jack Hall, seconded by Commissioner Howard; the motion unanimously carried.

2. One appointment to Albany Housing Authority for five-year term expiring June, 2015. (Mayor's Appointment)

Mayor Adams advised that he is reappointing Linda Coston.

3. Two members to the Aviation Commission for three-year terms expiring July, 2013

The Clerk advised that since Mr. Underwood recently passed, Eugene Jeter is the only person seeking reappointment. Commissioner Howard moved to reappoint Mr. Jeter, seconded by Commissioner Postell; the motion unanimously carried. Mayor Adams advised that the other appointment will be advertised.

4. Appointments to the TAD Advisory Committee

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Following discussion, Mayor Pro Tem Pike moved to appoint the Mayor and City Manager and/or their representative, seconded by Commissioner Postell; the motion unanimously carried. Mayor Pro Tem Pike suggested that James Taylor, Asst. City Manager/Interim Downtown Director, move forward with supplying a name(s) for the citizen appointee. In reply to Commissioner Howard, Ms. Tolbert advised that the position was not advertised since it was discussed that the Commission would make recommendations.

ORDINANCES

Commissioner Howard introduced

AN ORDINANCE NO. 10-125

Amending the Zoning Ordinance and Map of the City to Albany to change the status of property located at 1804-1814 MLK, Jr., Dr., from C-R 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 Mayor Pro Tem Pike; the motion unanimously carried.

Commissioner Hubbard introduced

AN ORDINANCE NO. 10-126

Levying and Assessing the Rate of Taxation for City Purposes on all Taxable Property in the City of Albany, Georgia for 2010

Commissioner Hubbard 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.

Commissioner Hubbard stated that the ordinance has a typographical mistake, which would change the tax year. Mr. Davis agreed and thanked Commissioner Hubbard for catching this error.

Hearing no further discussion, the motion unanimously carried.

Commissioner Howard introduced

AN ORDINANCE NO. 10-127

Amending Sec. 34-42 of Article II, Chapter 34 so as to Update the Speed Limit of Streets within the City of Albany

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

The Clerk read for the first reading

AN ORDINANCE
ENTITLED

AN ORDINANCE ADOPTED PURSUANT TO THE PROVISIONS OF TITLE 36, CHAPTER 35 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, AS AMENDED, AMENDING SECTION 3(i) OF THE CHARTER OF THE CITY OF ALBANY SO AS TO PROVIDE FOR APPOINTED OFFICIALS; REPEALING

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PRIOR ORDINANCES AND CHARTER PROVISIONS
IN CONFLICT AND FOR OTHER PURPOSES.

WHEREAS, it is in the best interests of the City of Albany to provide for appointment of Assistant City Attorney(s);

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1: The first sentence of Section 3(i) of the Charter of the City of Albany is hereby deleted.

SECTION 2: The first sentence of Section 3(i) of the Charter of the City of Albany shall read as follows:

The board of city commissioners shall on the second Monday in January of every other year, beginning January, 1960, elect a city manager, a city attorney and such assistant city attorney(s) as it shall deem appropriate, a city clerk, an assistant city clerk, and at the pleasure of the board, may elect a chief judge for the municipal court for Albany and an associate judge or such part-time, full-time, or stand-by judges as it shall deem appropriate.

SECTION 3: Pursuant to the provisions of §36-35-3 of the Official Code of Georgia Annotated, this Ordinance shall become effectively immediately upon its adoption by the Board of Commissioners of the City of Albany, Georgia at two regularly scheduled consecutive meetings and after compliance with all of the provisions of the Municipal Home Rule Act of 1965, as amended.

SECTION 4: All Ordinances or parts of Ordinances, and all Charter provisions, or parts of Charter provisions, in conflict herewith are repealed.

Commissioner Postell asked the change. Mr. Davis advised that the change provides for the appointment of Assistant City Attorney(s).

Mayor Adams advised that the protocol is to advertise in the newspaper and have a second reading next month. Mr. Davis concurred.

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-R173

Authorizing Initiation of Procedures to Close W. Roosevelt Alley from N. Cleveland St., 231.99' adjacent to property owned by JPS IV and V Holdings, LLC

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-R174

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 124 Pine Ave

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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-R175

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

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-R176

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 304 N. Madison St.

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-R177

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Certificate of Appropriateness 419 Whitney Ave.

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

CONSENT AGENDA

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

1. Pre-engineered steel building (Public Works Sewer Division), CA Brown Construction Co., Inc., Albany, GA

Total estimated expenditure \$133,997.00

2. Software Support Agreement, Metatomix, Inc., Dedham, MA

Total cost \$167,850.00

3. Camera System (APD), State Contract

Total cost \$154,275.00

OTHER BUSINESS

Commissioner Postell addressed the issue of telephone usage, including texting, during Commission meetings. He stated that in the recent past, information discussed in executive session has been leaked by someone on the Commission. He asked that this be stopped during meetings, e.g., no telephone/texting during meetings as it is disrespectful and creates problems. He said he will ask for an investigation into the last executive session to ascertain how the meeting's information was exposed in the newspaper prior to adjournment.

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Mayor Adams asked Mr. Davis to research the penalty for information that is released from executive session. Mr. Davis said he will review this matter. Commissioner Postell stated that it will go to the District Attorney and if he cannot handle it, it will go to the GBI.

Commissioner Marietta suggested the Police Department sweep the room before going into executive session since when people leave the room, no one looks to see if there is a tape recorder or cell phone in record mode. He said he will turn off his cell phone, but he does not recall texting during executive session. He asked if the room can be swept. Mr. Lott said he is not sure but, will check. Commissioner Marietta mentioned the Stop the Violence Youth Summit meeting at the Civic Center this weekend that starts Thursday night with a kick-off on Friday morning. He invited the public to get as many people involved as possible.

There being no further business, the meeting adjourned at 8:34 p.m.

MAYOR

ATTEST

CITY CLERK