

AUGUST 24, 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 Ernest Davis, Jr., Bethel A.M.E. 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 Howard; the motion unanimously carried.

Commissioner Howard commented on the recent death of former City Commissioner Bill Miller and asked for a moment of silence.

RESOLUTIONS RECOGNIZING MONROE HIGH SCHOOL BOYS AND GIRLS
TRACK AND FIELD TEAMS

The Clerk read and Commissioner Howard moved to adopt the following, seconded by Commissioner Postell; the motion unanimously carried.

A RESOLUTION NO. 10-R178

**RECOGNIZING
THE MONROE HIGH SCHOOL BOYS TRACK AND
FIELD TEAM**

WHEREAS, on May 15, 2010, the Monroe High School Boys Track and Field Team placed 2nd at the GHSA State Meet; and

WHEREAS, it is appropriate to recognize the impact of the following individuals:

- Dominique Reid placed 7th in the 100 meter dash;
- Johnny Moore placed 2nd in the discus;
- Donquavious Hill placed 2nd in the 400 meter dash and 6th in the 200 meter dash;
- Sir Paul Jones won the 110 and the 300 meter hurdles, and placed 5th in the high jump; won the best performance awards in the 110 and 300 meter hurdles as well as the high point trophy for scoring the most points in class AAA,
- The 400 meter relay team of Dominique Reid, Donquavious Hill, Frederick Polite, and Sir Paul Jones placed 2nd;
- The 1600 meter relay team of Benjamin Dunnaway, Donquavious Hill, Frederick Polite, and Sir Paul Jones placed 1st; and

WHEREAS, the performance of the Monroe High School Boys Track and Field Team advanced the City of Albany's good name,

WHEREAS, the members of the team are Dominique Reid, Donquavious Hill, Frederick Polite, Sir Paul Jones, Benjamin Dunnaway, Johnny Moore, Anthony Shurten, Larry Bellamy and Larry Whitfield. The team is coached by Octavia J. Jones Sr., LaToyia Johnson, Paul Jones and Coleman Camp.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Albany, Georgia, and it is hereby resolved by authority of same that this Commission does hereby extend official recognition to the Monroe High School Boys

AUGUST 24, 2010

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

Track and Field Team for their accomplishments and appreciation for the standards of sportsmanship, dedication, athletic ability, and team effort demonstrated throughout the season.

Let this Resolution be spread upon the minutes of this meeting and copies of this Resolution be furnished to the Monroe High School Boys Track and Field Team.

/s/ Willie Adams, Jr.
MAYOR

ATTEST:

/s/ Sonja Tolbert
CITY CLERK

ADOPTED: August 24, 2010

A RESOLUTION NO. 10-R179

**RECOGNIZING
THE MONROE HIGH GIRLS TRACK AND FIELD
TEAM**

WHEREAS, on May 8, 2010, the Lady Tornadoes scored a total of 102 points to win the Class AAA State Championship; and

WHEREAS, it is appropriate to recognize the impact of the following individuals:

- Maikea Davis placed 3rd in the 100 and 4th in the 200.
- Ashley Johnson placed 2nd in the 100 hurdles and 5th in the 300 hurdles.
- Alanesha McFarland placed 6th in the 100.
- Marlina Tonge placed 16th in the 1600 meter run.
- Alexandria Childs placed 4th in the discus.
- Lakeisha Jackson placed 1st in the 100 hurdles and 1st in the 300 hurdles and tied for scoring the most points on the track with 22 ½.
- Mimieux Land placed 1st in the long jump, 1st in the triple jump, and 1st in the high jump. She broke the state record in the triple jump and had the best long jump in all classes. She also scored the most points in the meet overall with 34 points.
- The 4x100 meter relay team A of Alanesha McFarland, Maikea Davis, Lakeisha Jackson, and Mimieux Land placed 1st while the B team of Monieka Clemons, Ashley Johnson, Jade Perry, and Davone Anduze placed 5th.
- The 4x400 meter relay team A of Maikea Davis, Mimieux Land, Davone Anduze, and Ashley Johnson placed 3rd while the B team of Jade Perry, Destinee Collins, Moneika Clemons, and Whitney Crawford placed 8th.

WHEREAS, the performance of the Lady Tornadoes Track and Field Team advanced the City of Albany's good name; and

WHEREAS, the members of the team are Alanesha McFarland, Maikea Davis, Lakeisha Jackson, Mimieux Land, Monieka Clemons, Ashley Johnson, Jade Perry, Davone Anduze, Jasmine Harris, Alexandria Childs, Marlina Tonge and Whitney Crawford. The team is coached by Octavia J. Jones Sr., LaToyia Johnson, Paul Jones and Coleman Camp.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Albany, Georgia, and it is hereby resolved by authority of same that this Commission does hereby extend official recognition to the Lady Tornadoes Track and Field Team for their accomplishments and appreciation for the standards of sportsmanship, dedication, athletic ability, and team effort demonstrated throughout the season.

AUGUST 24, 2010

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

Let this Resolution be spread upon the minutes of this meeting and copies of this Resolution be furnished to the Lady Tornadoes Track and Field Team.

/s/ Willie Adams, Jr.
MAYOR

ATTEST:

/s/ Sonja Tolbert
CITY CLERK

ADOPTED: August 24, 2010

Mayor Adams congratulated the students for the excellent job they have done locally and statewide, which brings positive recognition to the City of Albany. He told the students and coaches that the City of Albany is proud of them and encouraged them to keep up the good work.

Commissioner Postell stated that he is a retired educator with his last place of employment being Monroe High School as Asst. Principal. He said when he was at Monroe, the track team was outstanding and that these students moved it to a higher level. He thanked the Coach for his accomplishments and congratulated the team for their hard work

PUBLIC HEARING (Zoning Matters)

Commissioner Postell moved to table the following for 31 days, seconded by Commissioner Langstaff; the motion unanimously carried.

1. Zoning Case #10-090 – James Burt Peters/Owner; Dunes Properties, LLP-Lanier Engineering/Applicants, request to rezone property located east of Sands Drive/South of Oglethorpe Blvd., from C-7 to M-2c

Mr. Davis asked if those who had signed up to speak were in agreement with the tabling and advised that this matter will come back for Commission consideration at the fourth Tuesday in September.

PUBLIC HEARING (Street/Alley closure)

1. 400 Block of Ebony Lane between S. Madison St., and MLK Jr., Blvd.

Developer Paul Robinson spoke in support of the closure, adding that the closure of the street will provide security for the residents.

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

2. W. Roosevelt from N. Cleveland 231.99' adjacent to property owned by JPS IV and V Holdings, LLC

There was no one 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 Langstaff moved to approve the following Alcohol License Applications, seconded by Commissioner Postell; the motion carried 6-1 with Commissioner Howard voting no.

1. Walgreen Co., (#06201) 2351 Dawson Rd., M. Kellen, Agent; Beer/wine package

AUGUST 24, 2010

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

2. Walgreen Co., (#10796) 2414 Sylvester Rd., M. Kellen, Agent; Beer/wine package

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

1. Albany Chamber of Commerce, M. Duke, Agent; Business Expo, Darton College; 2400 Gillionville Rd; Sept. 23, 2010, 3:30-7:00 p.m.

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

2. Phoebe Foundation, T. Sullivan, Agent; 2010 Lopez Hospice Golf Classic; Doublegate Country Club, 3800 Old Dawson Rd., Sept. 23, 2010; 6:30 p.m. - 10:00 p.m.
3. Phoebe Foundation, T. Sullivan, Agent; 2010 Lopez Hospice Golf Classic; Doublegate Country Club, 3800 Old Dawson Rd., Sept. 24, 2010; 8:00 a.m. - 5:00 p.m.

APPOINTMENTS

1. Citizen appointment to TAD Advisory Committee

Commissioner Langstaff moved to appoint Michael Meyer von Bremen, seconded by Commissioner Marietta. Commissioner Postell moved to close the nomination on said one name, seconded by Commissioner Hubbard; the motion unanimously carried with Mr. Meyer von Bremen being duly appointed.

2. Mayor and Commission appointments to City Tree Board for two-year terms expiring August, 2012

Commissioner Howard reappointed Kay Kirkman; Commissioner Hubbard advised that she will make her appointment next month; Mayor Pro Tem Pike reappointed Carlos Phillips; Commissioner Marietta reappointed Richard Foreman; Commissioner Langstaff reappointed Chuck Norvell; Commissioner Postell advised that he will make his reappointment next month and Mayor Adams appointed Jackie Powell.

ORDINANCES

The Clerk advised that the following was tabled in the public hearing portion of the meeting.

AN ORDINANCE

Amending the Zoning Ordinance and Map of the city of Albany to change the status of property located east of Sands Drive/South of Oglethorpe Blvd., from C-7 to M-2 conditional

Commissioner Langstaff introduced and the Clerk read for the second reading

AN ORDINANCE NO. 10-128

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

AUGUST 24, 2010

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

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 Langstaff then offered the ordinance and asked for its adoption, seconded by Commissioner Pike; the motion unanimously carried.

Commissioner Postell introduced

AN ORDINANCE NO. 10-129

Closing the 400 Block of Ebony Lane between S. Madison St., and MLK, Jr., Blvd.

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.

Mayor Pro Tem Pike introduced

AN ORDINANCE NO. 10-130

Closing W. Roosevelt Alley from N. Cleveland St., 231.99' adjacent to property owned by JPS IV and V Holdings, LLC

Mayor Pro Tem Pike 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.

Mayor Adams advised that the order of the agenda will be changed as follows:

AUGUST 24, 2010

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

RESOLUTIONS

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

A RESOLUTION NO. 10-R180

Authorizing execution of a Cost Reimbursement Research Project Agreement with Georgia Tech Research Corporation re: Outsourcing of the Small Business Procurement Program

Commissioner Langstaff stated that outsourcing this to Georgia Tech is the right thing to do; therefore, he said he will vote for this, but in principle he said he is not in favor of the concept because it may end up costing the City more money and that it cannot be quantified, i.e., how much it will cost, etc. He said Georgia Tech has expertise in the area and it will help us, which is why he is in favor of it.

Commissioner Hubbard stated that her concern was whether there had been input from the people who will be using the outsourced entity, adding that she is not sure we have had a necessary needs assessment. She said she agreed to serve as liaison to get the information out and briefly discussed disseminating the information and the number of participants who will be involved in the activities. She asked to see a report at least every six months to review the program's progress/success.

Commissioner Marietta spoke in favor of the resolution as it will bring the City \$50,000 under-budget and added that anything that is done to build up small businesses within the City will be good for the economy.

Hearing no further discussion, the motion carried 6-1 with Commissioner Howard voting no.

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-R181

Declaring certain property to be Surplus and authorizing its disposition

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-R182

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Demolition Permit for 606 N. Jackson 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-R183

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 600 Pine Ave.

AUGUST 24, 2010

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

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-R184

Affirming the Determination of the Albany/Dougherty Historic Preservation Commission; Authorizing Planning & Development Services to issue a Certificate of Appropriateness for 425 W. Society 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-R185

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

CONSENT AGENDA

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

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

- | | | | |
|----|--|-----------------------|--------------|
| 1. | Grease & Oil Contract; Crawford & Sons Oil Co., Albany, GA | | |
| | | Estimated expenditure | \$81,119.46 |
| 2. | Management Contract; MV Transportation, Inc., Fairfield, CA | | |
| | | Estimated expenditure | \$175,484.00 |
| 3. | Precast Manholes; Oldcastle Precast, Pembroke, GA | | |
| | | Estimated expenditure | \$42,515.00 |
| 4. | Ready Mix Concrete; Concrete Enterprises, Albany, GA | | |
| | | Estimated expenditure | \$242,000.00 |
| 5. | Furniture Purchase (state contract); Advent Business Interiors, Albany, GA | | |
| | | Total expenditure | \$68,986.25 |
| 6. | Street Sweeper; Consolidated Disposal, Smyrna, GA | | |
| | | Total expenditure | \$186,031.00 |

RESOLUTIONS CONTINUED

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

AUGUST 24, 2010

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

A RESOLUTION NO. 10-R186

Authorizing execution of a Service Provider Contract with Cornerstone Communications Group for FY 2010-2011 re: State Lobbyist

Following the recommendation of the Committee of the Whole, Commissioner Howard moved to adopt the following, seconded by Commissioner Hubbard, the motion carried 6-0-1 with Mayor Adams abstaining due to being on the DCA Board.

A RESOLUTION NO. 10-187

Authorizing Acceptance of Grant of Funds from the Ga. Dept. of Community Affairs for Emergency Shelter Grant funds

Following the recommendation of the Committee of the Whole, Commissioner Postell moved to adopt the following. Hearing no second, Mayor Adams declared that the motion died.

A RESOLUTION NO.

Authorizing Settlement of all claims arising out of the City's Agreement of August 1, 2005 with Cutliff Grove Family Resource Center, Inc.

Mayor Pro Tem Pike moved to table the item and to request an investigation as it relates to the expenditure of funds to make sure the proposal is in order, seconded by Commissioner Marietta. Following a brief discussion, Mayor Adams stated that there is no discussion on a tabled motion. Commissioner Marietta withdrew his second.

Commissioner Postell moved to have the City Attorney give information on the feasibility of where we are with the situation and what we are trying to do so that the Commission can be intelligent and know the legal ramifications. Mr. Davis stated that material was in the agenda packet proposing that the property be conveyed to the City in exchange for the City releasing Cutliff Grove and the Family Resource Center releasing from any claims arising out of the construction project. Commissioner Postell asked if an investigation would result in a lawsuit. Mr. Davis stated that the city does not have subpoena powers. Commissioner Postell asked if there was anything relating to checks when this was investigated...Mr. Davis stated that the City checks that were written are in the file, but no other checks. Commissioner Postell asked if how the money was spent was published in the local newspaper. Mr. Davis stated that it was not published; however, an article was written itemizing and delineating each check and date. Commissioner Postell asked Mr. Davis if there are grounds to delay this as there could be a lawsuit. Mr. Davis stated that if this does not go through, there could be a lawsuit with the Commissioners authorizing his office to file or the Board of Directors of Family Resources Center could authorize their attorney to file. Commissioner Postell asked if this will be an added expense to the City. Mr. Davis stated that it will be handled in-house with staff.

Commissioner Marietta moved to reject the proposed settlement and to ask the Mayor to write a letter to the District Attorney to fully investigate the events from 2004-2010 to see if there are any criminal activities, seconded by Commissioner Langstaff.

Commissioner Postell stated that the motion is for criminal investigation and suggested that if they are sued for criminal activities, they will sue the city for false identification and false records resulting in a lot of funds being spent. Mr. Davis agreed that this is the case if the request is to ask the DA to investigate. Commissioner Postell stated that Cutliff Grove should not feel that they have committed a criminal act due to the project's failure and said he does not want the City to spend money trying to prove something that cannot be proved.

AUGUST 24, 2010

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

Mayor Pro Tem Pike stated that his motion was not for criminal investigation, but to make sure that the funds were expended for what they were supposed to be used for and to not implicate anyone of doing anything wrong. He said his constituents have called him asking him to not accept the original motion and that he will accept the motion by Commissioner Marietta to proceed with an investigation.

Mayor Adams stated that his concern is with the word 'criminal' and asked Commissioner Marietta if he will remove that word and just ask for an investigation. Commissioner Marietta agreed to amend the motion since he said he wants the investigation to be done by the DA. He restated his motion to reject the proposed settlement and ask the DA, via a letter from Mayor Adams, to conduct an investigation to bring facts back to the Commission, seconded by Mayor Pro Tem Pike.

Commissioner Howard asked Mr. Davis if the DA excuses himself from an in-house investigation would there be a special prosecutor. Mr. Davis stated that this can be done and that it will be the decision of the DA.

Commissioner Hubbard stated that she will go along with the motion and added that this is the first time her constituents have been in unanimous agreement on an issue; they want to know the facts and have something done about this matter. She agreed that having the DA look into it and determine what happened would be the best course of action for the Commission at this time, adding that she supports the motion.

Commissioner Postell stated that he is not opposed to checking, but that he does not like the idea of accusing Cutliff Grove of criminal activities. Mayor Adams stated that the word criminal was removed and we will wait on a report from the DA. He clarified that he is to write a letter to the DA asking him to look into the issue to see if the activities were conducted in a proper fashion.

Hearing no further discussion, the motion carried 6-1 with Commissioner Postell voting no.

There being no further business, the meeting adjourned at 8:37 p.m.

MAYOR

ATTEST

CITY CLERK