

PRESENT Mayor Dorothy Hubbard
Mayor Pro Tem Jon Howard
City Commissioners: Bobby Coleman, BJ Fletcher, Roger Marietta, Bob
Langstaff, Jr., and Tommie Postell
City Manager: JL Taylor
City Attorney: CN Davis

Mayor Hubbard called the meeting to order at 8:31 a.m.

CITIZENS APPEARANCE

1. Laurie Jenkins reported that she was approached by others to speak on behalf of pit bulls/pit bull owners. She stated that she is not here to defend pit bulls as being harmless; they can be dangerous, which she contends is due to their training and problems with managing them. She stated that there are good elements within the proposed ordinance, but one issue she has with it is the requirement of 10'x10' pens; the ordinance does not address a limit on how many dogs can be housed in pens of that size. Additionally, dogs on chains and small, cramped quarters are liable to be more dangerous than dogs with adequate space. She questioned the census that was used to determine that Albany has a low number of pit bulls, which she believes has become a breeding ground for pit bulls. She referred to a 'Potentially Dangerous Dog' ordinance that was adopted when she was a City Commissioner, stating that if the ordinance had been enforced as it was intended, the problem today might not have come to the point that it has. She suggested that licensing is the answer since there is major money for those involved in breeding pit bulls. She agreed that all dogs need to be registered, but a license should be required. She added that there is not enough staff to enforce the proposed ordinance; callers are told they must wait until Monday before anyone can respond, if they call on the weekend. She added that Animal Control officers often state that they are not certified and offer no help.

Commissioner Marietta asked if Ms. Jenkins has any specific suggestions to address the issue. Ms. Jenkins replied that she has nothing specific, and while the ordinance does have some good points, she said she does not feel it should be passed as it is. She said she is not advocating striking anything other than the requirement regarding the pens, adding that there should be something specific limiting the number of dogs in the same pen. Referring to privacy fences, she stated that they will prohibit enforcement and monitoring, even though the public cannot be barred from erecting privacy fences.

Mayor Pro Tem Howard agreed that the ordinance may need to address a limit on the number of dogs that can be penned together. In response to Mayor Pro Tem Howard, Ms. Jenkins stated that a 10'x10' pen should only house one dog.

Commissioner Postell asked Ms. Jenkins what kind of action she took to prevent dogs from roaming when she served on the City Commission. Ms. Jenkins replied that she tried to get the animal shelter under the Humane Society's management. She mentioned serving on the Animal Control Commission when the leash ordinance was adopted, adding that at that time, Dobermans and Chows were the main problem.

2. Johanna Falber distributed additional information (copy on file), stating that she agrees with practically everything Ms. Jenkins said. She mentioned exercises, which were funded through grants, in which even experts could not identify pit bulls. She explained that this is because of a classification of a bunch of dogs and that most dogs are identified by physical characteristics, which is not scientific; only through DNA testing can a dog be properly identified as a pit bull. She briefly discussed factors that intensify the problem, such as roaming/stray dogs, excessive number of dogs in shelters, over-breeding, etc. She contended that there will be responsible dog owners who cannot comply with the policy because they cannot afford the fencing, pens, and insurance, adding that some insurance companies do not provide coverage for pit bull. Referring to Terrell County, which adopted a pit bull ordinance, she said that an Animal Control Officer and the City Manager discussed the huge problem there, in which owners just abandoned dogs by opening doors and letting them go. Stating that there are other options, she explained that her organization partners with a pit bull rescue program, in which \$40,000 is raised twice a year to conduct a spay/neutering initiative; another option is to put teeth into the anti-tethering law. Targeting a specific dog breed is not only unfair, but misses the rest of the problem. She said she believes that irresponsible pit bull owners, who have created the problem, will not care or comply with the law; they are the ones who should be targeted and held accountable.

Commissioner Coleman agreed that something must be done, but said he does not support the proposed ordinance in its current context. He said he supports finding a successful program the City can use as a model to build its program on; it makes sense to modify something that has been proven to work. Ms. Falber referred to the information she distributed, which discusses Bill Bruce's Calgary Model, but there are other, successful models available.

Commissioner Fletcher stated that she appreciates the information that has been dispensed today, stating that any ordinance passed by the Commission must be based on facts, not feelings. It also must be something that is enforceable. She moved to table, work with volunteers who can bring facts to the table, and create an ordinance that does not target pit bulls because she feels the Commission lacks enough facts to vote on anything today.

In response to Mayor Pro Tem Howard, Ms. Falber stated that she lives in Gwinnett County, but works in Fulton County. Mayor Pro Tem Howard asked if she can name one city/town in Georgia with a pit bull ordinance that is ideal and works. Ms. Falber replied in the negative, adding that she follows the issue state-wide and does not know of any legislation that is pit bull specific that has been successful. She stated that it is fear, not facts, that drive these laws, reiterating that looking at photos of dogs and being unable to identify them is a major issue. Requiring dog owners to register and license their animals will have a far-reaching effect, especially concerning backyard breeders; humans are the problem. Mayor Pro Tem Howard agreed that backyard breeders magnify the problem and are usually young males looking to make money with no concern about the consequences.

Commissioner Langstaff mentioned that this issue was sent to the Citizen Advisory Committee to research and studies have shown that when pit bulls bite the incidence of death and maiming is significantly higher than with other breeds; that changed his mind regarding breed specific

legislation. He added that research shows that pit bulls do not bite as often as smaller breeds; however, their bite is much worse and asked Ms. Falber if she knows of any research that contradicts that study. Ms. Falber said she is familiar with that study, but disagrees with some of the information and is willing to share information she has with anyone wanting it. Passing a breed specific law is based on sight alone and causes dogs to be incorrectly identified. Commissioner Langstaff stated that every ordinance that is passed has the potential to be unfair to some segment of the population. The public is not too alarmed when walking down an alley, passing a fenced yard and a less threatening breed of dog charges or barks, but pit bulls automatically increase their fear, even those that are docile are seen as being vicious and something needs to be done. He suggested that there are two issues: 1) aggressive dogs; and 2) backyard breeders breeding fighting dogs. He discussed the City's current law; there is nothing for law enforcement to check out when called, and the proposed ordinance that allows law enforcement called to investigate an issue, can look to see if the dog is registered and if it is not, can enforce the ordinance, which requires insurance, fencing, and registering the dog. He mentioned that the City's proposed requirement of \$100,000 insurance is not specific insurance for pit bulls, but rather is homeowners/renters insurance of \$100,000. He asked the implication when insurance companies do not insure pit bulls. Ms. Falber advised that she is involved in working on a house bill making that illegal soon. Discussion followed about the public's fear being breed specific. Ms. Falber suggested that the Commission look into the Responsible Dog Ownership Law rather than having breed specific legislation. Commissioner Langstaff stated that the bottom line is he wants to balance the equity; he said he is also willing to review her information.

Commissioner Postell stated that he agrees with some of Ms. Faber's statements and asked if Stubby Heroes is a project/program that is against passing laws regarding pit bulls. Ms. Falber replied that it is anti-breed specific legislation. In response to Commissioner Postell, Ms. Falber provided statistics regarding pit bull attacks.

ADOPTION OF AMENDMENT TO TAD INTERGOVERNMENTAL AGREEMENT

Downtown Manager Aaron Blair explained that the agenda item (copy on file) amends the March 10th Intergovernmental Agreement with the City, County, and School Board, with all entities agreeable to the change, which abolishes the TAD Advisory Committee. The change streamlines the process. He recommended option 1.

Commissioner Postell asked the reason for the change. Mr. Blair replied that the TAD Advisory Committee was established at the direction of the School Board; however, recent discussions with the School Board resulted in the view that it creates additional red tape and without the Committee, the process will be streamlined and more successful. Commissioner Postell asked if there have been any complaints from the City and/or County regarding changing the structure. Mr. Taylor advised that he helped create the TAD and when it was created, the only way the School Board, representing approximately 51% of collected tax, would participate, was to create the Advisory Committee; they are now comfortable with the process and are requesting to disband the Committee. He added that the Committee was cumbersome and created more issues than it solved. As always, all entities will be briefed about any TAD project. Commissioner

Postell asked who governs the TAD committee. Mr. Taylor replied that the City does; the City delegated its authority to ADICA; however, if they want the authority back, that will happen. Commissioner Postell asked to see data indicating TAD's accomplishment over the past five years. Mr. Taylor replied that the information will be provided. Mayor Hubbard asked the term of office; Mr. Taylor replied that nothing was specific and that the Committee only met when projects arose.

Mayor Pro Tem Howard asked if the E. Albany Walmart is included in the TAD; Mr. Taylor replied in the affirmative. Mayor Pro Tem Howard asked for data showing the fiscal impact Walmart has had. Mr. Taylor asked if he wants to know how much tax they pay or the economic impact through creating jobs; Mayor Pro Tem Howard asked for the economic impact. Mr. Taylor said that it will be provided.

Mayor Hubbard asked about the annual report; Mr. Blair stated that last year the dollar amounts were presented for the last four years of the TAD; they are required to provide the information annually.

Commissioner Postell moved to approve, seconded by Commissioner Fletcher; the motion unanimously carried.

Commissioner Fletcher stated that her motion to table the pit bull ordinance was overlooked; a brief discussion ensued about tabling an item that was for information and one in which there has been a first reading of the ordinance. Mr. Davis opined that his research leads him to believe that a motion to table can be made when the ordinance comes up for a second reading. Mr. Taylor interjected that speakers will be at the regular meeting to address the issue and that he has limited speakers to two per meeting.

Commissioner Postell stated that he feels those coming from outside the Albany/Dougherty County does not have a right to come before the Commission and discuss their thoughts/opinions; this is not an open forum and if it is, he asked that Mr. Davis show him the data. Mr. Davis stated that it is not mandatory, the Commission can establish its own procedural rules; when it first came to him, he felt the Commission would want to offer the public a chance...Commissioner Postell interjected that he wants rules that cover Albany/Dougherty County; Mr. Davis stated that the Commission can set those rules.

Commissioner Marietta stated that Ms. Jenkins lives in his ward and that he felt Ms. Falber had some good suggestions.

Commissioner Fletcher stated that she appreciates anyone with facts/data, regardless of where they reside, coming and sharing their information.

Mayor Hubbard mentioned that she received calls from all across the nation wanting to weigh in on this issue, but she did not offer them an opportunity to speak, adding that she might have had she known that someone from outside the community was coming to speak.

Commissioner Postell reiterated that if speakers do not live in Albany/Dougherty County they should not appear before the Commission to address problems/issues we have here and he wants something from the City Attorney. In response to Mayor Hubbard, Mr. Davis said he told her that there is no State law mandating that everyone is entitled to appear – it is up to the Commission. Commissioner Postell asked that this be submitted in writing.

PUBLIC SAFETY MATTERS

TWO ADDITIONAL STOP SIGNS ON KENILWORTH DR. @ MEADOWLARK DR.

Commissioner Marietta stated that he invited DCSS Police Chief Troy Conley to provide some insight into this issue.

Chief Conley discussed safety issues that exist at Lark Park Elementary School, which has been an area of concern for him since 2005. The issue became critical recently because of a student being struck by a vehicle two/three weeks ago. There are two crossing guards assigned to the school, but he feels that the additional stop signs are needed due to the great amount of pedestrian/student traffic.

Commissioner Marietta added that the slope of Kenilworth causes traffic to pick up speed, as well as drivers using streets in that area as a cut-through. He added that playgrounds at the school are another reason for concern since kids play there afterschool. Mr. Taylor told Chief Conley if he knows of other problem areas he would appreciate him letting the City know before someone is hit. Chief Conley clarified that the student who was struck was jaywalking. Mr. Taylor reiterated that he would like for other areas considered a problem brought to his attention. Chief Conley stated that speeding in that area is a major concern and that he feels the stop signs would be a great benefit there.

Commissioner Coleman mentioned that staff has not had enough time to study the issue to determine if stop signs can be erected there. He asked if 1) staff should be doing the study and 2) what happens if the sign goes up then staff decides it cannot be put there. Mr. Taylor stated that the City was not asked to do a study, but was asked to install signs. If directed by the Commission to do so, the signs will be erected; however, he said he does not believe it meets the warrants. A fence at the playground and having someone manage traffic would be a better start because stop signs are not a cure-all, but if the Commission wants the stop sign, that is what he will do.

Commissioner Langstaff agreed that it is not a cure-all for locations, but is something relatively inexpensive that will help. He then moved to approve, seconded by Commissioner Marietta.

Commissioner Postell asked the number of incidences that have occurred in that area connected to the school. John Hudgens, Capital Development Superintendent, stated that vehicular

collisions occurred in the area in 1992, 1996 and 2000, at this time there is no information regarding pedestrians being struck; he discussed the location of stop signs there now. Commissioner Postell stated that he does not feel stop signs should go in just to monitor, adding that he would like to have stop signs in his area to slow traffic and monitor the issue.

Commissioner Langstaff drew a diagram of the intersection at the school and stated that cars line up and park around the corner to the driveway/drop-off area; he discussed the accident he happened to come upon immediately after it happened. A four-way stop may help prevent this from happening again. A brief discussion followed regarding the visibility of a sign at that location. Mr. Taylor countered that he feels there are other options that may be much more effective, but will do as he is instructed.

Commissioner Coleman mentioned the mandatory speed in all school zones and recommended looking at decreasing the speed [limit] instead. It makes no sense to erect a sign that no one will see.

Commissioner Fletcher stated that parking will have to be prohibited in order for drivers to see the stop sign; otherwise, something would have to be put in the middle of the road.

Commissioner Langstaff amended his motion to have the City Manager review and make a recommendation, seconded by Commissioner Fletcher; the motion unanimously carried.

EXECUTIVE SESSION

At 9:51 a.m. Mayor Pro Tem Howard moved to enter into executive session to discuss potential litigation and personnel matters, seconded by Commissioner Marietta; the motion unanimously carried as follows:

WARD I	yes
WARD II	yes
WARD III	yes
WARD IV	yes
WARD V	yes
WARD VI	yes
MAYOR	yes

At 10:50 a.m., Mayor Pro Tem Howard moved to exit executive session, seconded by Commissioner Postell; the motion unanimously carried as follows:

FEBRUARY 4, 2014
COMMITTEE OF THE WHOLE
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WARD I	yes
WARD II	yes
WARD III	yes
WARD IV	yes
WARD V	yes
WARD VI	yes
MAYOR	yes

There being no further business, the meeting adjourned at 10:50 a.m.

SISSY KELLY
ASST. CITY CLERK