

COMMITTEE OF THE WHOLE  
FEBRUARY 18, 2014

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 8:30 a.m.

SPEAKER APPEARANCES:

1. Dr. Carie Wisell addressed the proposed pit bull ordinance, beginning with brief comments regarding her career (currently a veterinarian and former 20-year military vet) and as a pet owner. She discussed the need to increase public safety, how the law will be enforced and stated that dogs cannot cause injury if they are not in contact with humans. She suggested that there are not enough animal control officers enforcing the leash law and commented on people not being able to afford changing their fencing and/or cannot afford the proposed regulations in the ordinance, which creates the potential for lawsuits. Regarding alternatives, she stated that she went online and noted that some places require a basket muzzle, which are affordable and, suggested that mandatory spaying/neutering; registering pets as a breeder can help fund mandatory spaying/neutering, etc. She stated that laws already adopted, such as leash law, have to be enforced and noted that there has to be exceptions with service/therapy dogs; they have been through training and proved they do not need to be muzzled, adding that irresponsible pet owners have to be punished. She suggested increasing the license fee from \$0.50 to \$1.00, which would also go toward the spay/neuter program.

Commissioner Marietta asked about animal control being available on weekends with Dr. Wisell stating that they are not, but there needs to be a way to at least fund animal control officers being on call and/or available, adding that police officers are not trained to deal with stray animals. Commissioner Marietta thanked Dr. Wisell for her comments.

Commissioner Langstaff noted information regarding dog bites within the last year; there were 48 pit bull bites within the last year and 15 bull dog bites. The public perception is that pit bulls are a bigger problem than other breeds, adding that the CAC provided research showing that a pit bull bite more often results in death or maiming. He referenced the dangerous dog ordinance, which does not solve the problem for citizens living near someone with a pit bull fenced in the back yard and escapes; a muzzle may not always be put on the dog when it is outside the house. He asked for an idea/solution/proposal to handle this issue. Dr. Wisell stated that her personal opinion is that dogs have to be confined; laws can be more stringent, but because a fence is taller does not mean the dog cannot get out. She said she electrified the bottom of her fence and her dogs learned to avoid the fence, even when left open; she suggested that responsible pet owners take the extra mile. She mentioned Albany's economic depression and the large number of pit bulls here, adding that loose dogs have to be controlled and owners have to be punished, not owners who are going above and beyond to protect. Nothing is a fix-all, but education is the key to better confining the dogs. Commissioner Langstaff stated that having dogs muzzled is in the

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current ordinance, but the idea of only punishing those whose dogs gets out – with a pit bull - it can be too late. Dr. Wisell stated that Albany is under represented in other breeds and overrepresented with pit bulls; German Shepherds can bite faster and harder per second than a pit bull, while pit bulls hold on and shake and tear. She said she is not minimizing the damage that any large dog can do, but responsible pet owners should not be punished by making them go above and beyond the precautions they already take. She reiterated that pit bulls are overrepresented in Albany. Commissioner Langstaff asked if she is suggesting fining the owner based on the damage a dog does, to which Dr. Wisell agreed. Commissioner Langstaff asked for suggestions on punishment, to which Dr. Wisell said when her dogs get out and goes to 'jail', she had to pay \$50 per dog to get them out. If they are repeat offenders like humans, the fine becomes stiffer, with the fines helping to fund animal control officers, etc.

Mayor Hubbard asked if they [dogs] are picked up, how we know who to fine. Dr. Wisell said unless they have a chip or a rabies tag stamped with the clinic from where they were vaccinated, it will be a problem.

Mayor Pro Tem Howard stated that the Commission is looking at ways to control the problem. He said his neighborhood has lots of pit bulls and agreed that something has to be done in Dougherty County. Dr. Wisell suggested mandatory spay/neutering and attaching it to rabies shots. Dogs that are not spayed/neutered would be certified breeders, with owners having to pay to be a licensed breeder; the City then knows the location of all breeders. She discussed the benefits of spaying/neutering and asked the Commission to check out the state of Utah, which has mandatory spay/neutering.

Commissioner Fletcher thanked Dr. Wisell and agreed with Commissioner Langstaff about the seemingly two types of pit bull owners: one where the dogs are controlled and others being used as weapons. She suggested coming up with a scale of punishment so that animal control officers will have direction for enforcement.

Commissioner Coleman agreed that something has to be done. However, he said he is concerned about another financial burden being added to those already financially strapped and asked if they [owners] turn the dog loose; what happens then.

Commissioner Langstaff stated that in his opinion, increasing the penalty because of the result will not work. Discussion followed on those who breed fighting dogs, etc.

Commissioner Marietta mentioned the current and proposed ordinances pertaining to pens with no limit to the number of animals within the enclosure; is that humane and/or safe or does it have the potential to make the dog more dangerous. Dr. Wisell replied that as temporary confinement it would be okay for a single dog and only one more, if they are friends. She said she feels that a small, confined area is as bad as tethering, which makes them territorial and penning them makes them crazy. Commissioner Marietta asked Mr. Davis if there is a conflict with the two ordinances regarding penning. Mr. Davis stated that the language can be duplicated into the pit bull ordinance. Dr. Wisell interjected that two to a pen is reasonable, but only temporarily.

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Commissioner Postell commented that pit bull owners do not want to be burdened with any law that will go against pit bulls; Dr. Wisell disagreed. Commissioner Postell stated that Chief Clark's data show that pit bulls are the #1 biters; Dr. Wisell stated that they are the #1 dog found loose in Albany. Commissioner Postell told Dr. Wisell that she is speaking hypothetically while he is speaking actuality. He said there is no argument that the public should be protected from dangerous, unmanaged dogs with information from APD suggesting pit bulls are the most dangerous. Discussion followed with Commissioner Postell commenting on dog caregivers, dogs being let loose and attacking, dogs being vicious/not vicious, etc. He stated that the Commission has a task and must make a decision that is best for the citizens of Albany.

Mayor Hubbard thanked Dr. Wisell for her comments.

2. Albert Steve Kender distributed information (copy on file) and stated that he lives in Ward 4; pays taxes and votes in Albany. He showed photos of his dog and stated that Dr. Wisell covered most of what he wanted to speak about - animal owners must be responsible. He commented on places that he visits to educate the public and suggested that each Commissioner make sure information is available about the responsibly that comes with owning pets and making everyone aware of laws and penalties. He said he read the current and proposed ordinances and that humane education needs to be taught in order to have compassion and safe neighborhoods

Commissioner Langstaff thanked Mr. Kender for his work in education and mentioned photos that were not shown of pit bull mauling, etc., adding that any dog, but especially pit bulls, can get out one time and cause horrific damage. Mr. Kender agreed, stating that he does not have all the answers, but there is information available; thousands of communities have the same problem with some failing in their strategies while other have been successful. He reiterated that a key component is educating the public, giving out pamphlets, etc., so owners know their responsibilities and are held responsible. Commissioner Langstaff stated that his concern is preventing something from happening instead of discussing after the fact info. Additional discussion followed on the ordinance and holding people responsible with Mr. Kender stating that breed specific does not work. Commissioner Langstaff stated that the intent of the ordinance is to hold pit bull owners to a higher standard because of their propensity to be overly dangerous.

Mayor Hubbard stated that there have been hundreds of emails, etc., and she agreed with Commissioner Langstaff about the mauling photos, with APD reporting 48 pit bull incidents within the City. She asked the solution since the safety of children and others at risk are of grave concern, adding that the Commission has to look at the evidence and weight the situation equally.

Commissioner Marietta stated that he shares Mayor Hubbard's concerns, adding that 2/3 of the dog bites are from dogs other than pit bulls and mentioned his granddaughter who was bitten and scarred by a small dog (not pit bull). He asked if the CAC discussed pet therapy dogs, and if not, why was it not included in the draft ordinance. Wes Smith, Asst. City Manager stated that this was not discussed and that they made a recommendation that something specific needs to be done regarding pit bulls.

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Mr. Kender mentioned Pet Partners, a national organization that certifies/registers dogs and covers therapy dogs by \$2.0 million liability insurance per incidence. He explained that the organization has been doing this since 1977 with pit bulls and other breeds with one incident involving a pit bull-type in which the dog was antagonized. They are loving dogs when properly trained and handled; this is where education is needed, along with compassion. He added that he has been involved in rescuing over 60 of them over the years.

Mayor Hubbard thanked Mr. Kender for his comments.

CHEHAW PARK FEE INCREASE

Doug Porter, Executive Director of Parks @ Chehaw, discussed information as noted (copy on file) pertaining to recommended admission fee increases and the reason for the increases. He stated that he is required to give a sixty day notice prior to the increase and that is his purpose for being here today. He discussed the fee structure, how fees are distributed, and new animal attractions, adding that the increase will include free admission to the Veldt Ride, which is currently operating at a fee of \$3.00 per person.

Commissioner Postell commented on the current/new rate showing a \$.40 increase and asked for clarification. Mr. Porter stated that he will clarify that the rate will be a \$.35 increase. Commissioner Postell added that the Commission directed Chehaw to work toward becoming more independent and the increased rates will go far in helping with that goal as well as aid in the amount of work currently going on at the park.

Mr. Porter invited the Commission to visit the park.

TRAVEL:

The Clerk advised that there were two added and read items 9-10 as noted.

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

1. Mayor D. Hubbard – GMA Mayors’ Day Conference, Atlanta, GA; Jan 24-27, 2014 - \$1,470.96
2. Commissioner B. Coleman – GMA Mayors’ Day Conference, Atlanta, GA; Jan. 24-27, 2014 - \$1,376.84
3. Commissioner BJ Fletcher – GMA Mayors’ Day Conference, Atlanta, GA; Jan. 24-26, 2014 - \$914.44
4. Commissioner R. Marietta – GMA Mayors’ Day Conference, Atlanta, GA; Jan. 24-26, 2014 - \$558.12
5. Commissioner T. Postell – GMA Mayors’ Day Conference, Atlanta, GA; Jan. 24-27, 2014 - \$898.32
6. City Clerk S. Tolbert – IIMC Conference, Milwaukee, WI, May 17-22, 2014

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7. Judge W. Weaver – Municipal Court Mandatory Training; Jekyll Island, GA – June 24-28, 2014
8. Assoc. Judge R. Scoccimaro – Municipal Court Mandatory Training, Athens, GA – Sept. 3-6, 2014
9. Mayor D. Hubbard – Chamber visit to Washington DC, March 4-6, 2014
10. City Manager J. Taylor – Chamber visit to Washington DC, March 4-6, 2014

## **PUBLIC WORKS MATTERS**

### ACCEPTANCE OF DAWSON RD., RIGHT OF WAY FROM DOUGHERTY COUNTY AND CORRECTIVE QUIT CLAIM DEED TO BENJAMIN N. MURRAY

Bruce Maples, Engineering Director, discussed information as noted (copy on file) and explained the corrective quit claim deed, etc.

In reply to Commissioner Postell, Mr. Maples stated that the Commission is approving the transfer of property.

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

### SEWER AND DRAINAGE EASEMENT W/POINT NORTH LTD

Mr. Maples discussed information as noted (copy on file), as it pertains to a hotel being constructed in the area and the need for a sewer and drainage easement.

Commissioner Postell asked the impact of the storm drainage system. Mr. Maples explained that most of the system has been relocated to the south side of the property with there being no material changes to the storm drainage system other than relocation of the line itself. In response to Commissioner Postell, he gave the location of Pointe North Boulevard, between Dawson and Old Dawson Road. Discussion followed on hotels being built in the area, with Mr. Maples stating that these do not tie into the sewer system, etc. Commissioner Postell stated that his concern is moving water from one area to another adding that he does not want to see ditches/trenches built to do that. Mr. Maples stated that this will go into a holding pond on Kensington Drive and will have no additional impact to the storm water drainage in the area.

Mayor Pro Tem Howard moved to approve, seconded by Commissioner Langstaff; the motion unanimously carried.

### NOTICE OF PUBLIC HEARING RE: CLOSING OF GRACE AVE., TUES. FEBRUARY 25, 2014, 6:30 P.M., ROOM 100, GOVERNMENT CENTER BUILDING, 222 PINE AVE.

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In reply to Commissioner Postell, Mr. Maples stated that Grace Avenue is west of Oakridge Drive from the Radium Springs Road intersection, which is not a developed street; it is a strip of right-of-way owned by the City leftover from when Oakridge Drive was developed.

It was noted that this item is for notice of the upcoming public hearing.

ITEM FOR FUTURE AGENDA

Commissioner Marietta asked for a status update of alley paving, especially Winterwood, which is reportedly one of the worst. Mr. Maples stated that Rod Hutchinson retired and some of the projects were reassigned. Due to the extreme weather this winter, the project has not yet been bid, but they have a goal with construction commencing this summer. Commissioner Marietta stated that Mr. Hutchinson said multiple alleys will be done across the city. Mr. Maples explained that his department prioritizes the alleys and puts together a package, currently six-seven alleys will be done and they are already working on the design of the next package.

Mayor Hubbard asked for a status report/update on the health clinic.

**PUBLIC SAFETY MATTERS**

ALCOHOL LICENSE APPLICATIONS:

Commissioner Postell moved to approve the following, seconded by Commissioner Marietta.

1. Downtown Eatery & More, 701 N. Jefferson St. J. Trivedi/Agent; Beer/wine package (WARD 2)

Commissioner Langstaff asked if this is the location with previous problems. Mike Tilson, Code Director, replied in the negative.

Commissioner Marietta asked Commissioner Coleman how he feels about this since it is in his ward. Commissioner Coleman stated that he looks for any violations and goes into the neighborhood to get input from citizens.

Mayor Pro Tem Howard mentioned an incident at this area with the owner being charged with EBT card fraud after the establishment was raided. Mr. Taylor stated that they will pull the records to clarify. Commissioner Postell discussed the relinquishment of license by one person to another, adding that it is not fair to judge the location if it is with another owner.

Hearing no further comments, the motion carried 6-1 with Mayor Pro Tem Howard voting no.

Commissioner Langstaff moved to approve the following, seconded by Commissioner Postell; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

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2. Viet Pho – 717 N. Westover Blvd., #A&B, TD Nguyen/Agent; Beer/wine consumption (WARD 5)

ONE DAY ALCOHOL LICENSE APPLICATION:

Commissioner Postell moved to approve the following, seconded by Commissioner Fletcher; the motion carried 6-1 with Mayor Pro Tem Howard.

1. Darton State College Foundation, L. Malinowski/Agent; Annual Gala Fundraiser, Darton College, 2400 Gillionville Rd., May 15, 2014; 5:00 – 11:59 pm

ITEM FOR FUTURE AGENDA

Commissioner Marietta asked to have a presentation on the dangerous dog ordinance and what can be done to assist animal control. Mr. Taylor said to hire more people, get more cars, etc.

Commissioner Postell requested code give a process of violations found at businesses with underage kids/selling to minors to include APD. Mr. Taylor clarified the request with Commissioner Postell adding to include underage kids going into places that are restricted to minors unless an adult accompanies them.

**PUBLIC FUNCTIONS MATTERS**

MATTERS FOR PUBLIC HEARING AND CONSIDERATION ON TUESDAY, FEBRUARY 25, 2014; 6:30 P.M., ROOM 100, GOVERNMENT CENTER BUILDING, 222 PINE AVE.

The Clerk read the following for information:

1. Special Approval Case #14-008 – Rhema International Ministries/Owner; Scott T. Sanders/Applicant; request to allow for construction of an administrative building for an existing religious institution in the R-2 District. PC approved 6-0 (WARD 4)
2. Text Amendment re: Albany Downtown Riverfront Overlay District. PC approved 6-0

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

EXECUTIVE SESSION – pending litigation/personal matter

At 9:52 a.m., Commissioner Postell moved to enter into executive session to discuss legal issues and a personnel matter, seconded by Mayor Pro Tem Howard; the motion unanimously carried as follows:

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Ward I	yes
Ward II	yes
Ward III	yes
Ward IV	yes
Ward V	yes
Ward VI	yes
Mayor	yes

At 10:35 a.m., Commissioner Marietta moved to exit executive session, seconded by Mayor Pro Tem Howard; 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

There being no further discussion, the meeting adjourned at 10:35 a.m.

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SONJA TOLBERT  
CITY CLERK