

MAY 6, 2014  
COMMITTEE OF THE WHOLE  
GOVT. CTR – RM 120

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

Mayor Hubbard called the meeting or order at 8:44 a.m.

COMMISSION APPOINTMENT TO LONG TERM FINANCIAL PLANNING COMMITTEE

Mr. Taylor stated that there is an opening and asked that the Commission consider filling the vacancy.

Commissioner Marietta moved to appoint Commissioner Fletcher. Hearing no other names, the motion unanimously carried.

ITEM FOR FUTURE AGENDA

Mayor Pro Tem Howard asked for a four-way stop sign at the corner of Rosebrier and Webster Street.

**COMMUNITY & ECONOMIC DEVELOPMENT MATTERS**

REQUEST TO APPROVE PUBLIC SERVICE GRANTS THROUGH CDBG

Ms. Hawkins discussed information as noted (copy on file) regarding approval of Public Service Grants to Alzheimer's Outreach Center of SWGA, Strive2Thrive and Girls Inc.

Mayor Pro Tem Howard moved to approve, seconded by Commissioner Marietta.

In reply to Mayor Pro Tem Howard, Ms. Hawkins discussed the five applications that were received and the process. She advised that they will monitor and reports will be obtained monthly. In reply to Mayor Pro Tem Howard, Ms. Hawkins explained that an agency cannot receive funding more than three times within five years and noted the number of times each applicant has received funding.

In reply to Mayor Hubbard, Ms. Hawkins stated that \$75,000 was available and there will be a second round of funding available. Discussion followed on workshops with Shirley Ingram, Public Service officer, giving the dates.

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Commissioner Coleman asked the definition of performance. Ms. Hawkins stated that milestones are used, i.e., priorities and services that are measurable/tracked. In reply to Commissioner Coleman, she reiterated that monthly reports are given to Ms. Ingram, who makes site visits and then reports to the City Commission quarterly.

Hearing no further comments, the motion unanimously carried.

## **PUBLIC SAFETY MATTERS**

### ORDINANCE PROHIBITING MONETARY/AGGRESSIVE SOLICITATION

Mayor Hubbard stated that Mr. Davis will lead discussion. Mr. Davis discussed panhandling at public places, etc., and advised that a draft ordinance is presented for review. The ordinance is content neutral and will respond to complaints. He briefly commented on what is/is not covered by the ordinance, adding that a card can be given regarding solicitation with the intent that no money is to be given on the spot. He mentioned the ruling of the Supreme Court that opening local government meetings with prayer is not unconstitutional.

Mayor Hubbard stated that panhandlers solicit money at businesses and the public is afraid to frequent certain businesses. She suggested that this will assist the police in being responsive, adding that an open forum can be held with business owners to share information and partner with them.

Commissioner Fletcher agreed that this is a serious problem and related an incident that happened recently at the Hilton Garden Inn, in which she had to call APD.

Discussion followed on the need to have an ordinance and having an open forum with businesses. Mayor Hubbard mentioned possible violations and asked for suggestions as noted on page 8, sect. 3 and suggested written warnings for the first offense. Commissioner Fletcher agreed that it should be written as no trespassing; the second time could be arrest. Commissioner Marietta suggested community service to pick up litter. Mr. Taylor stated that most people soliciting do not have residences and it will be hard to find them. Commissioner Coleman said his concern is increasing an already over-crowded jail population with non-violent offenders; he said he feels arresting them is not the answer. Additional discussion followed with Commissioner Fletcher countering that many have homes and make money from solicitation; owners are asking that something be done and that they be given leverage. Mayor Pro Tem Howard suggested that the draft ordinance will be almost impossible to enforce, adding that many have mental issues and many have no ID. He also agreed that this is a serious problem and. He discussed the nature of homeless people, Albany being a magnet for the homeless and discussed people with mental issues, etc. Commissioner Fletcher mentioned local organizations that provide assistance with the need to educate the public about the many free food

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offerings/soup kitchens in Albany. Commissioner Langstaff asked Mr. Davis the city he patterned the ordinance. Mr. Davis stated he will get back with him. Commissioner Langstaff stated that there is a first amendment right that may come up and many cities are dealing with that. He discussed the issue in Atlanta with penalties being a 30-day jail time after the second offense and 90 days after the 3<sup>rd</sup> offense, which is a way to get the attention of the core group of panhandlers. He suggested reviewing a copy of the Atlanta ordinance and adopting what they have in place. Mayor Hubbard stated that last week she spoke with a councilperson from Atlanta, who discussed the challenges they had addressing this issue. Mayor Pro Tem Howard suggested bringing in experts to discuss, i.e., Director of Mental Health, Kay Brooks and Sheriff Sproul to give an idea of how this relates to those with mental issues. Commissioner Coleman said his concern is comparing Albany to other cities, because the levels of poverty, employment, etc., are not the same. He reiterated that jail should not be the last resort.

Mayor Hubbard stated that information will be provided from Atlanta and additional assessment will be ascertained.

Commissioner Marietta asked Mr. Davis about the ‘stand your ground law’ in relation to a panhandler becoming aggressive. Discussion followed with Mr. Davis stating that the draft ordinance addresses the ‘intent to intimidate’.

Commissioner Langstaff suggested tabling for the next work session to have the Atlanta and Athens ordinances and to include discussion with Sheriff Sproul and Kay Brooks. Mr. Taylor asked that a separate meeting be set to discuss the issue between now and June 30<sup>th</sup>. Commissioner Langstaff moved to table until there is a public forum, seconded by Mayor Pro Tem Howard; the motion unanimously carried.

## **PUBLIC ADMINISTRATION AND FINANCE MATTERS**

### INTERGOVERNMENTAL AGREEMENT WITH DOUGHERTY COUNTY SCHOOL SYSTEM FOR TELECOMMUNICATION SERVICES

Tom Berry, Interim WG&L General Manager, discussed information (copy on file) pertaining to a contract with Dougherty County School/telecommunications services agreement. He stated that the agreement with the school system expires in July, 2017; the new agreement will be for a total of 25 years. He added that the new agreement, while less costly for the school system provides less revenue to WG&L.

In reply to Mayor Hubbard, Mr. Berry discussed the access/ability to connect all schools, if approved. Additionally, it the goal is to provide community-wide WiFi so that students can connect back through the school system.

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Commissioner Marietta asked if this will save the school system money. Mr. Berry explained that it will save them money in the short-term; they are paying more under the new contract, but the current contract does not fit their existing needs. Commissioner Marietta asked if WG&L Board recommended approval; Mr. Berry replied in the affirmative.

Commissioner Langstaff referenced page 35 with Mr. Berry discussing monthly recurring charges. Discussion followed on the expiration of the current contract, with the new contract protecting the long term revenue stream, while creating a better partnership with DCSS.

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

#### MUNICIPAL GAS AUTHORITY OF GEORGIA SUPPLEMENTAL PORTFOLIO IV

Mr. Berry discussed information as noted (copy on file) pertaining to the purchase of municipal gas.

Commissioner Langstaff referenced pages 58-60 with Mr. Berry explaining the percentage share, as noted.

Commissioner Langstaff moved to approve, seconded by Commissioner Fletcher.

Commissioner Marietta stated that he will have to review the information more before he votes because the large cost concerns him. Mr. Berry stated that gas sold will pay the debt. Discussion followed on payment of the debt in the event of default.

Hearing no further comments, the motion unanimously carried. (after the vote was taken, Commissioner Marietta said he is not voting)

#### WRECKER DISPATCH FEE

Wes Smith, Asst. City Manager, discussed information (copy on file) pertaining to the addition of a wrecker dispatch fee of \$20.00, which will bring in approximately \$80,000 additional annual revenue.

Commissioner Langstaff asked the city the ordinance was patterned after; Mr. Davis stated he will provide the information. Discussion followed on the fee system with Commissioner Langstaff questioning sovereign immunity and Mr. Davis explaining the process of collecting fees versus taxes.

Commissioner Marietta asked if input was received from wrecker companies. Jim Vaught, EMA Deputy Director, stated that he contacted some wrecker services, which understand the proposed small fee.

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Mayor Pro Tem Howard asked for a list of wrecker services that are used. Mr. Smith said this will be provided.

Mayor Hubbard asked why the Chief will be reviewing annually. Mr. Smith explained that this is the format that was established with complaints being addressed through the City Manager. Mayor Hubbard questioned the fees being kept in the Clerk's office. Discussion followed with the Clerk advising that fees are part of the code book and updated with supplements.

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

APPROVAL FOR TRANSIT FUNDING AND TRANSPORTATION STUDY PLANNING FUNDS

Tennasha Gresham, Transit Planner, discussed information (copy on file) pertaining to approval for transit funding and transportation study planning funds.

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

RESOLUTION TO ACCEPT A GRANT FROM THE GA DEPT. OF NATURAL RESOURCES FOR A HISTORIC RESOURCE SURVEY

Rozanne Braswell, Senior Planner, discussed information (copy on file) pertaining to acceptance of a grant for historic resource survey.

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

CURRENT BIDS:

Joshua Williams, Buyer, discussed the following (copy on file):

- |    |  |             |
|----|--|-------------|
| 1. | ERP Software Maintenance, Oracle USA, Inc., Palatine, IL |             |
|    | Annual expenditure                                       | \$60,713.81 |

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

Dale Henry, Buyer, discussed the following (copy on file):

- |    |  |             |
|----|--|-------------|
| 2. | Concrete Pipe, Hanson's Pipe & Precast, Gretna, FL |             |
|    | Estimated expenditure                              | \$96,360.00 |

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

REMINDERS

Mr. Taylor stated that a budget meeting is scheduled for Tuesday, 5/13. Discussion followed on having the meeting on Wednesday 5/14 at 9:00 a.m. The consensus was to move the meeting to Wednesday. Mr. Taylor reminded the Commission of the early briefing on May 22<sup>nd</sup>, which will allow the DA to come and update the Commission. He announced that Lonnie Ballard will be leaving to pursue other employment on May 15<sup>th</sup>. In reply to Mayor Hubbard, Mr. Ballard thanked the Commission for the opportunity to serve citizens of Albany/Dougherty County. In reply to Mayor Pro Tem Howard, he advised that he will be moving to Tallahassee, FL.

EXECUTIVE SESSION – PENDING LITIGATION

At 9:51 a.m., Commissioner Langstaff moved to enter into executive session to discuss pending litigation, 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	absent
MAYOR	yes

At 10:20 a.m., Mayor Pro Tem Howard moved to exit executive session, 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	absent
MAYOR	yes

There being no further business, the meeting adjourned at 10:20 a.m.

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SONJA TOLBERT  
CITY CLERK