

JANUARY 13, 2014

REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF
ALBANY, GEORGIA
GOVT. CENTER – RM 100

PRESENT: Mayor Dorothy Hubbard
Mayor Pro Tem Tommie Postell
City Commissioners: Jon Howard, Ivey Hines, Christopher Pike, Roger Marietta
and Bob Langstaff, Jr.
City Manager: James Taylor
City Attorney: C. Nathan Davis

Mayor Hubbard called the meeting to order at 6:33 p.m.

The Pledge of Allegiance followed the invocation given by Pastor Willie J. Washington, Zion Christian Fellowship Ministries.

Mayor Pro Tem Postell moved to approve the minutes of the previous meeting, seconded by Commissioner Hines; the motion unanimously carried.

REPORT OF COMMITTEE OF THE WHOLE

Mayor Pro Tem Postell moved to approve the following One Day Alcohol License Application location change, seconded by Commissioner Langstaff; the motion carried 5-1-1 with Commissioner Howard voting no and Commissioner Hines abstaining.

1. Cancer Coalition of S. GA; M. Goodin/Agent; Fundraising Dinner, from 226 W. Broad Ave. to 101 S Front Street (Hilton Garden Inn); Feb. 1, 2014; 6:30 p.m., - 11:59 p.m.

Mayor Pro Tem Postell moved to approve the following two One Day Alcohol License Applications, seconded by Commissioner Pike; the motion carried 5-1-1 with Commissioner Howard voting no and Commissioner Hines abstaining.

2. (2) Quail Albany Foundation, Inc., B. Bowles/Agent; Conservation Quail Event; Albany Civic Center, Jan. 24-25, 2014; 6:00 p.m.

ORDINANCES

Mayor Pro Tem Postell introduced

AN ORDINANCE NO.

Amending Article VI of Chapter 10 of the City Code to provide for the registration and regulation of Pit Bull Dogs within the City; to define said breed; to require liability insurance and proper enclosures; to provide for impoundment; to provide a penalty for violation

Mayor Pro Tem 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.

Commissioner Marietta moved to table for one month, seconded by Commissioner Langstaff. Mr. Davis advised that this is a substitute motion to be voted on first.

Hearing no further comments, the motion failed 3-4 with Mayor Hubbard, Mayor Pro Tem Postell and Commissioners Howard and Hines voting no.

Commissioner Marietta discussed his reasons why the ordinance cannot be passed with 'unanimous consent to dispense with the second reading' which are: \$100,000 liability insurance is excessive; 25' from the back yard property line is excessive (5' is sufficient) and a 6' fence is excessive (5' is reasonable). He stated that he wants the ordinance to hold up in court, adding that people may not have the funding to build a 6' fence and would be forced to get rid of their dog; most back yard fences are built close to the property line and to require an enclosure to be 25' away from the property line rule is excessive and may force owners to start from scratch and build a new fence. He said other cities use \$50,000 liability insurance, which is sufficient.

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Discussion followed with Mayor Pro Tem Postell questioning the motion. Mayor Hubbard stated that this is the discussion portion of the motion. Commissioner Marietta stated again that he objects to ‘unanimous consent’ and insists on a second reading next month. Mr. Davis stated this is a viable option that Commissioner Marietta can exercise.

Commissioner Howard asked Mr. Davis if the wording in the ordinance would hold up in court. Mr. Davis stated that his office feels comfortable with how the ordinance was drafted, but he cannot predict the court’s decision if it is challenged. He discussed the proposed draft, adding that suggestions from Commissioner Marietta were included. In reply to Mayor Hubbard, he explained that changes to the draft ordinance are optional. Commissioner Howard verified that the ordinance will be on the agenda for a vote again next month; Mr. Davis agreed. Commissioner Howard asked Commissioner Marietta if he is satisfied with the proposed changes. Commissioner Marietta replied that he feels there is no need to rush; there are two new Commissioners who deserve to provide input. He stated that citizens with well behaved dogs have concerns about being forced to spend money they do not have, adding that there will be unintended consequences, etc., with a need to modify to prevent these consequences such as an animal being put down because its owner cannot afford a \$5,000 fence.

Commissioner Pike stated that Commissioner Marietta is the originator of the proposed ordinance, adding that it appears he wants leave it as it is and do away with the ordinance altogether. He said there will be insurance expenses. Commissioner Marietta stated that he feels the ordinance is a good idea, but there needs to be a common sense approach. Commissioner Pike stated that either way it will cost money. Commissioner Marietta agreed, but suggested taking time; the Commission asked staff to provide estimates of the cost for liability insurance, but they have not provided this information. He said he asked an agent, who said it would run \$30-\$50 per month for \$50,000, and \$70-80 for \$100,000; he urged the Commission to be practicable and construct the ordinance with common sense in order for the public to respect the ordinance.

Mayor Hubbard stated that she cannot get the photos of those who were attacked by dogs out of her mind; it is a public safety matter that is highly important to citizens, not just locally, but nationwide, based on input she received.

Commissioner Langstaff stated that the ordinance is better than the one reviewed in the work session, but his reason for tabling is the issue of a secure top and/or pen with a roof, as noted in the ordinance, adding that most people do not have a secured top over their entire, fenced-in back yard. He stated that Commissioner Marietta feels that animals should be able to freely roam in their back yard; however, he does not know if that is safe. However, whatever the City does it must be enforced and the way he interprets the ordinance is that there must be a secured top and the dog cannot just be free in the back yard. Mr. Davis stated that he incorporated the comments in Section 171; there are only two options: indoors or in a securely, enclosed, locked pen. Discussion followed with Commissioner Langstaff commenting on the fencing, dogs running loose in backyards, adding that he will vote for it and is in favor of an ordinance

Mayor Pro Tem Postell stated that the City Attorney made the changes and suggested that the Commission look at what is best for the citizens of Albany. He commented on the viciousness of pit bulls and asked the City’s liability if this is not approved. Mr. Davis advised that the City is not liable, even if the ordinance is not passed. Mayor Pro Tem Postell reiterated that Commissioner Marietta brought this item to the table.

Hearing no further comments, the motion carried 5-1-1 with Commissioner Marietta voting no and Commissioner Hines abstaining.

RESOLUTIONS

Following the recommendation of the Committee of the Whole, Mayor Pro Tem Postell moved to adopt the following resolution, seconded by Commissioner Hines.

Commissioner Langstaff move to table, seconded by Commissioner Marietta; the motion to table failed 5-2 with Commissioners Marietta and Langstaff voting yes.

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RESOLUTION NO. 14-R100

Approving an Escrow Agreement between Cutliff Grove Family Resource Center, Inc., and the City of Albany re: Nativity Village

Commissioner Marietta commented on paperwork, as noted on pages 22-25 of the work session agenda item, and asked the Cutliff Grove principals. Mr. Davis stated that the principals would be the same people listed on the security deed note. Commissioner Marietta stated that he cannot vote on this without the names being listed. Shelena Hawkins, Interim Community Development Director, stated that McKinley Drake is the principal listed, which she can provide in writing. In reply to Commissioner Marietta she advised that his title is CEO.

Commissioner Howard clarified that the information will be provided. Mr. Taylor advised that the information is registered with the Secretary of State's office.

Hearing no further comments, the motion carried 5-2 with Commissioners Marietta and Langstaff voting no.

Mayor Pro Tem Postell moved to adopt the following resolution, seconded by Commissioner Hines: the motion unanimously carried.

A RESOLUTION NO. 14-101

Declaring the results of the City General Election held on November 5, 2013 for Commissioner for Ward III

Mayor Pro Tem Postell moved to adopt the following resolution, seconded by Commissioner Marietta: the motion unanimously carried.

A RESOLUTION NO. 14-102

Declaring the results of the City General Election held on November 5, 2013 for Commissioner for Ward V

Commissioner Marietta moved to adopt the following resolution, seconded by Mayor Pro Tem Postell: the motion unanimously carried.

A RESOLUTION NO. 14-103

Declaring the results of the City General Election held on December 3, 2013 for Commissioner for Ward II

CONSENT AGENDA

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

Current Bid:

1. Construction Contractor for Albany Transit facility; LRA Constructors, Inc., Albany, GA

Total estimated expenditure \$101,485.00

Recommendation of the Committee of the Whole to remand proposed text amendment to the Albany/Dougherty Planning Commission re: Downtown Riverfront Overlay District.

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OTHER BUSINESS

Commissioner Marietta thanked Commissioners Hines and Pike for their contribution to the City of Albany.

Commissioner Howard asked to have the DA come before the Commission to address eyesores that appear to linger in Albany. Mr. Taylor advised that he has been in contact with the DA, but his busy court calendar has hindered progress; however, his aim is to speak to the Commission as soon as time permits. Commissioner Howard expressed his gratitude to Wards 2 and 3, adding that he enjoyed serving with them and wished them good luck in 2014.

Mayor Pro Tem Postell agreed with the sentiments expressed by the other Commissioners.

Commissioner Langstaff stated that he has enjoyed getting to know Commissioners Hines and Pike.

Mayor Hubbard thanked both for their service and presented Commissioners Hines and Pike with a plaque recognizing their years of service.

There being no further business, at 7:11 p.m., Mayor Pro Tem Postell moved to adjourn Sine Die, seconded by Commissioner Howard; the motion unanimously carried.

MAYOR

ATTEST

CITY CLERK