

FEBRUARY 11, 2020

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

PRESENT: Mayor Bo Dorough
Mayor Pro Tem Jon Howard
City Commissioners: Matt Fuller, BJ Fletcher, Chad Warbington, Bob Langstaff, Jr., and
Demetrius Young
City Manager: Sharon D. Subadan
City Attorney: C. Nathan Davis

Mayor Dorough called the meeting to order at 10:52 a.m. and asked for a moment of silence, which was followed by the pledge of allegiance.

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

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

APPOINTMENT

1. Three appointments to Citizens Transportation Committee for three-year term ending January 2023

Commissioner Langstaff moved to reappoint Larry McClain and Tommy Gregors, seconded by Commissioner Fletcher. The Clerk advised that there is also a vacant position and was instructed to advertise and, hearing no further comments, the motion unanimously carried.

RESOLUTION

Commissioner Fuller moved to approve the following resolution, with the request to leave the appointments at nine members instead of reducing it to seven, seconded by Commissioner Warbington.

In reply to Commissioner Langstaff, Mayor Dorough confirmed that this vote is what was proposed by Chehaw Park Authority with the one change regarding the number of appointments. Hearing no comments, the motion carried 4-3 with Mayor Dorough, Mayor Pro Tem Howard and Commissioner Young voting no.

A RESOLUTION #20-R102

Supporting the request of the Chehaw Park Authority that the Act creating such Authority (Ga. L.1979, p.4514) be revised; That the City of Albany supports the requested changes to the Act other than the request to revise number of Board members from nine to seven; That request for the same support be sought from the Board of Commissioners of Dougherty County, Georgia, and the Board of Commissioners of Lee County, Georgia; Request that the Local Legislative Delegation introduce a new Act at the 2020 Georgia Legislative Session

Commissioner Fuller left the meeting at this time at approximately 10:57 a.m.

MUNICIPAL COURT REPORT

Judge Willie Weaver distributed information (copy on file) regarding the court system and discussed ongoing investigations and the current five vacancies (Clerk, Deputy Clerk, and three Records Clerks). He discussed salaries and requirement for the Clerk of Court and Deputy Clerk (Deputy Clerk making the same salary as the Records Clerk) vs. the requirement/qualifications of the jobs, which is not rated fairly, adding that both positions are hired by the City and not by him. He addressed the criminal activities that were occurring, including deleting items from the computer and advised that changes are now in place to avoid such situations in the future, adding that they are re-writing the SOP, which will be completed soon and will help when they have new hires. He recommended suspend court for ten weeks to train new personnel simultaneously, adding that a new website will be up at this time and that entities (APD, Sheriff, etc.) have been notified of the closing. He explained that this will have no major impact on cases, and he will continue to preside over cases at the jail during this time. He explained that he has the authority to assign lawyers to the court to assist indigent citizens, which he has been doing.

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Referring to the city charter/code of ordinances, he explained that the defender and solicitor are appointed by the Commission and that the charter/code is outdated, suggesting that the existing language is probably illegal as it pertains to age and experience requirements. He asked that consideration be given to having a full-time municipal court judge as well as providing the court its own space to function properly. He advised that currently the cost of rent is approximately \$8,000 per month and commented on a recent issue in which Dougherty County closed its offices due to the threat of violent weather; even though City offices were not closed, Municipal Court had to vacate the building as well. He briefly discussed dilapidated properties and explained the process the court uses to address this matter. He reported the revenue from processed tickets as follows: 2017 - \$1.6 million; 2018 - \$1.425 million; and 2019 - \$1.6 million. He gave an update on boards that he serves on, recognitions received by Municipal Court, with Albany being a model in the State of Georgia, adding that the court is approximately 70% paperless.

In reply to Mayor Pro Tem Howard regarding the closing of the court for ten weeks, Judge Weaver stated that this is his request and explained his justifications, i.e., getting employees up to speed regarding processes, software, etc. In reply to Mayor Pro Tem Howard, Judge Weaver reiterated his earlier comments regarding the salaries being the same for the Deputy Clerk and Records Clerks, even though both positions have different job requirements and qualifications. Mayor Pro Tem Howard questioned the backlog of demolitions, court cases, etc. going into the next fiscal year if the court is shut down for ten weeks; Judge Weaver explained that the closing of the court will include rescheduling. Mayor Pro Tem Howard said that his suggestion is to expedite cases so that citizens will not complain. In reply to Mayor Pro Tem Howard, discussion followed with Judge Weaver explaining the job of holding court at the jail three times a week and delays that sometimes causes cases at the courthouse to start later than scheduled. He addressed having a full-time judge and a part-time judge so that people will not be waiting for court to begin since there are two courts that run during the week as it pertains to having court off site at the jail. He stated that he is considered part-time; however, he works 40 hours a week in order to have both courts in session. Additional discussion followed after Mayor Pro Tem suggested that, not only Municipal Court, but the City Attorneys' office, need to be reviewed regarding additional employees.

Commissioner Langstaff stated that the embezzlement case is concerning and still under GBI investigation; however, he said he would ask questions and Judge Weaver can decide if he should answer at this time. He asked how many employees were involved; Judge Weaver stated four. Commissioner Langstaff asked if they are still employed; Judge Weaver explained that the situation started with one person, who implicated three more, adding that all left the day it was discovered and, they are not returning. In reply to Commissioner Langstaff regarding a dollar amount, Judge Weaver advised that the investigation is ongoing, and no dollar amount has been determined. Commissioner Langstaff asked if there is a time frame as to how long this had been happening; Judge Weaver advised that they are still unsure at this time, but he would guess it has been over a year. A brief discussion followed, with Judge Weaver advising that the GBI will wrap up investigation after APD and the Finance Department determine the amount of money. He stated that APD is working the case, turning information over to the GBI, which presents it to the DA. In reply to Commissioner Langstaff regarding personnel issues and the forensic audit that is underway. Judge Weaver advised that the APD Chief is involved and can explain the process better, adding that documents were deleted, which makes it tedious and time consuming to track information.

Commissioner Young questioned if closing the court will affect citizens and those in jail seeking bond. Judge Weaver explained the bonding process and advised that it will not affect any citizens scheduled to appear in court.

Commissioner Warbington asked Judge Weaver if this is a recommendation to close court or is he advising the Commission that he will be closing the court. Judge Weaver explained that he has the authority to close court, but he would not take such action without notifying the Commission beforehand. He stated that he is advising the Commissioners of his decision and asking for their support; he is open to suggestions and welcomes options. Commissioner Warbington clarified that the court has a total number of seven on staff; Judge Weaver agreed. Commissioner Warbington asked the number who attend court sessions; Judge Weaver replied there are two. Commissioner Warbington asked if Judge Scoccimaro can double up rather than closing the court; Judge Weaver explained that

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Judge Scoccimaro is an interim judge and comes only when asked, adding that he did not think Judge Scoccimaro would be available due to his thriving private practice. Commissioner Warbington questioned if the court could be open one day a week. Karen McWhite, Court Administrator, discussed the intent and rationale to train all employees at the same time, with the recommendation to close court being more effective due to the many working parts that goes on during the day. Commissioner Warbington asked if court employees are solely under his supervision; Judge Weaver advised that employees fall under the City of Albany, not the court. In reply to Commissioner Warbington on whether he does employee evaluations, Judge Weaver explained that this is done in conjunction with HR, and commented on the budget process, etc., as required per city guidelines. Commissioner Warbington asked who is responsible for the SOP; Judge Weaver stated that his office puts it together and then it goes to HR for review. Commissioner Warbington stated the Commission invited Judge Weaver to the meeting to present information and find out now that municipal court is being closed for ten weeks, asking if the Commission would have been notified of the closing of the court had he not been invited to the meeting today. Judge Weaver again stated that the court is closed periodically (for shorter periods of time) and that he sends a memo to the Commission. Commissioner Warbington expressed his extreme concerns regarding Municipal Court and what happened, there being no Public Defender to assist citizens, the resignation of the Solicitor and now closing the court for ten weeks. He suggested that other options be looked at rather than completely closing the court, adding that the other concern is that Judge Weaver had to be invited to appear before the Commission, instead of coming on his own to present the information. Judge Weaver stated that communication is essential, and he will answer questions; however, the Public Defender and Solicitor is an appointment of the Commission. He commented on the hiring process to include providing a job description to the Clerk and ads run with the Commission reviewing applications, etc.

Commissioner Young noted that there seems to be a lack of interest by attorneys in filling those positions. Discussion followed with Judge Weaver advising that the pay is relatively low and reiterated that the current criteria, as noted in the charter/code, is probably not legal regarding age limits and years of experience (must be 30 years old with five years of experience). He suggested that it could be a violation of EEO. Commissioner Young countered that if he was being represented by an attorney, he would prefer a more experienced one.

Mayor Dorough agreed that the charter/code needs to be reviewed for a change regarding age limit and also expressed concern regarding closing court, adding that due to circumstances, it may be necessary. He commented on a meeting he had with Judge Weaver that included Commissioners Warbington and Young and it appears that employees in Municipal Court are in a no-man's land, adding that he feels it is inappropriate for Judge Weaver to supervise, or even be expected to supervise those employees. Regarding the process, he suggested that the Court Administrator should be the one who hires and supervises court employees and that procedures should be in place so that no City employee accepts cash money. He verified that there were actually five employees implicated, with Judge Weaver agreeing. Regarding community service, he mentioned the recycling center with those assigned there not being eager to assist customers. Judge Weaver stated that they will get feedback and he will coordinate efforts. Regarding rent paid for offices/buildings, Mayor Dorough asked for a list to review. Ms. Subadan advised that a lot of money is paid for rent to the County and she will provide a breakdown of departments including the sq. ft. and dollar amount. He asked Judge Weaver how many arrests have been made for saggy pants violations over the past two years; Judge Weaver advised that very few arrests were made, but a few citations were issued.

Ms. Subadan asked if the Commission wants her to look for alternative space for municipal court. Mayor Dorough stated that Ms. McWhite needs to have someone who is overseeing and responsible and the ordinance should be changed regarding the public defender. He thanked Judge Weaver for his comments.

Mr. Davis asked Judge Weaver if he could continue to schedule court due to summons having been issued in abatement cases, adding that they do not want to stop these cases due to court not being in session.

A brief discussion ensued again regarding the closing of court with Commissioner Warbington verifying that the court will be closed. Judge Weaver advised that he has the authority to close court but, will not do so without Commission support.

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Mr. Davis again asked that the last Wednesday of the month remain on the books so City cases will continue to move forward. Judge Weaver stated that he will work with Mr. Davis.

Following additional discussion regarding the closing of the court, Mayor Dorough asked for a motion to close court beginning February 24th except for the last Wednesday of February and March to allow for abatement cases. Mayor Pro Tem Howard so moved, seconded by Mayor Dorough. Mr. Davis advised that they are already on for February; therefore, the months of March and April would be the timeframe.

Commissioner Warbington commented on the 800 cases and asked if these will be delayed or rescheduled and the process for catching up. Judge Weaver explained the process, adding that they calendar [schedule] cases based on what is going on in court, adding that cases will be caught up in two months. In reply to Commissioner Warbington, he stated that they will not necessarily hold court for longer times and suggested that closing the court will give people more time to pay fines, etc. which will probably lessen the number of cases. Ms. McWhite explained that there are cases still open on the calendar, but the people have already paid and gave examples of cases that are paid online vs. those in which the individual appear due to the nature of the citations, etc. She mentioned processes which allows people to pay tickets rather than come to court which provides more time to pay with no infringement on rights or denying them of their justice or day in court.

Commissioner Langstaff verified that abatement cases will not be delayed; Judge Weaver agreed with discussion following on those entering pleas, etc.

Commissioner Young mentioned that there might be citizens who say they did not receive notice of court being closed; Judge Weaver stated that all will have due process regarding case review, rescheduling, notifications, etc.

Hearing no further comments, and following a roll call vote, the motion unanimously carried.

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

CITY MANAGER UPDATE

Mayor Dorough stated that Ms. Subadan will provide her update in writing.

ITEMS FOR NEXT AGENDA

Mayor Pro Tem Howard asked when work will begin on the sidewalks. Ms. Subadan advised that this information will be in the [written] report that she will provide, and, a brief discussion followed regarding the sidewalk on East Broad. Mayor Dorough stated that he feels it should be from the bridge to Five Points.

Commissioner Young again asked about live streaming meetings and if the commitment is that this will begin in March. Ms. Subadan agreed.

Mayor Dorough asked for a report on the number of citations issued for violating the saggy pants ordinance for the last two years and asked for an update by Code Enforcement on Steve's Trim Shop. He mentioned the old Security Bank Building occupied by the drug unit and impounded vehicles on the lot; the City of Albany should not be adding to the blight problem. He asked that options be brought for consideration regarding changing the meetings back to work sessions on the first and third Tuesday of each month and the business meeting on the fourth Tuesday, he feels there is a more efficient way to take care of business. Ms. Subadan said staff will provide options with Commissioner Langstaff recommending specific options for consideration.

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There being no further business, the meeting adjourned at 11:56 a.m.

MAYOR

ATTEST

CITY CLERK