

FEBRUARY 17, 2015
COMMITTEE OF THE WHOLE
GOVT. CTR. – ROOM 120

PRESENT Mayor Dorothy Hubbard
Mayor Pro Tem Bobby Coleman
City Commissioners: Jon Howard, BJ Fletcher, Roger Marietta, Bob
Langstaff, Jr. (entered mtg @ 10:00), and Tommie
Postell
Interim City Manager: Tom Berry
City Attorney: CN Davis

Mayor Hubbard called the meeting to order at 8:30 am.

SPEAKER APPEARANCE:

Mr. Berry stated that he tried to call Crystal McCluster & Jessica Wright last week, but his call was not returned and they are not present this morning.

Mayor Hubbard announced that Patricia Ward is not present either.

AMENDMENT 4 TO RETIREMENT PLAN RE: DEFINITIONS

Human Resource Director Henry Cohen stated that there are two amendments to the City's retirement plan that the Commission is being asked to approve. He discussed Amendment 4 (copy on file), stating that staff recommends Option 1.

Commissioner Postell asked for the amount of the ad hoc lump sum. Mr. Cohen explained that the ordinance that was passed regarding employees who are retirement eligible is equivalent to six month's pay. In response to Commissioner Postell, Mr. Cohen said they will receive the lump sum when they retire from the City. He explained that non-public safety employees contribute 4%; if excluded from their annual salary for a lump sum incentive the 4% is not deducted and the participant gets the benefit of the full lump sum rather than having the 4% deducted. Mayor Hubbard interjected that, additionally, the City does not have to match the percentage.

Commissioner Postell moved to accept Option 1, seconded by Commissioner Fletcher; the motion carried unanimously.

AMENDMENT TO RETIREMENT PLAN RE: DISABILITY PENSION

Mr. Cohen stated that this amendment has nothing to do with the retirement incentive; they are separate issues. He reviewed the information (copy on file) and explained that currently when an employee retires, they get 60% of their salary. If they are also entitled to Worker's Comp or Social Security disability, all three amounts are added together, in which there is a cap of 80%. If the three exceed 80%, the amount of their disability pension is reduced to keep it at 80%. The issue that has been encountered is if someone on disability pension also receives Worker's

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Compensation, settles their claim, no longer receives Worker's Comp payments, they could conceivably fall below the 60%. The pension disability payment is calculated one time when the disability starts; there is no provision to take a look annually and make adjustments if the pension disability falls below 60% or had actually been increased above 80%. He stated that staff recommends Option 1.

In response to Commissioner Postell, Mr. Cohen advised that this addresses only job-related disabilities; if injured on the job an employee is entitled to receive retirement benefits under the Job-related Disability section of the City's Pension plan without having to reach normal retirement age. Commissioner Postell asked the age limit; Mr. Cohen replied that under the new plan, normal retirement it is age 60 or 30 years of service and early retirement is age 55 or 25 years of service. Commissioner Postell asked if someone decides to retire and a medical disability is discovered prior to retirement, do they qualify for medical retirement. Mr. Cohen replied that it would have to be a job-related disability and it would have to be prior to retirement; once they are retired they would not qualify for a job-related disability.

ACM Phil Roberson interjected that a job-related disability is under the sole purview of the Pension Board. He explained that someone claiming a job-related disability would come before the Pension Board, which would determine if there had been a viable assessment and either award an increase to the job-related disability or fall back to the original retirement – whichever is greater. Commissioner Postell discussed an issue of a City employee who worked at Chehaw Park and the problem he encountered and said he is questioning the procedure and wants to ensure it is legal and prevents lawsuits. In response to Mayor Hubbard, Mr. Davis stated that this amendment benefits retirees by establishing a floor of 60%, in which there are not many retirees in the pension plan with a job-related disability. This clarifies that anyone receiving a pension and two disability checks adding up to more than 80%, the Pension funds gets the benefit by reducing the amount of any increase. Commissioner Postell expressed dissatisfaction with some of the language, adding that the Pension Board will follow their policy not the City's policy.

Commissioner Marietta moved to approve, seconded by Commissioner Fletcher; the motion unanimously carried 6-0.

TRAVEL

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

1. Mayor D. Hubbard – Mayors' Day Conference, Atlanta, GA; Jan. 23-26, 2015 - \$1369.45
2. Mayor D. Hubbard – Albany Chamber State Capitol Visit, Atlanta, GA; Feb. 25-26, 2015
3. Commissioner J. Howard – Mayors' Day Conference, Atlanta, GA; Jan. 23-26, 2015 - \$1403.20

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4. Mayor Pro Tem B. Coleman – Mayors’ Day Conference, Atlanta, GA; Jan. 23-26, 2015 - \$1,483.61
5. Commissioner R. Marietta – Mayors’ Day Conference, Atlanta, GA; Jan. 23-25, 2015 - \$760.78
6. Commissioner T. Postell – Mayors’ Day Conference, Atlanta, GA; Jan. 23-26, 2015 - \$1,512.90
7. City Clerk S. Tolbert – IIMC Region 3 Conference, Jacksonville, FL; Jan. 14-16, 2015 - \$933.60

APPOINTMENT

1. City and joint City/County appointments to the SW Georgia Regional Commission for one year term expiring January 2016

Mayor Hubbard stated that Dep. Chief Nathaniel Clark submitted information asking to be appointed to that board.

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

ITEM(S) FOR FUTURE AGENDA

Commissioner Marietta stated that he still feels there is a need for a Finance Committee made up of Commissioners and asked to look at that as the budget process unfolds.

PUBLIC SAFETY MATTERS

ALCOHOL LICENSE APPLICATION:

Commissioner Postell moved to approve the following application, seconded by Commissioner Marietta; the motion carried 5-1 with Commissioner Howard voting no.

1. Albany Bowl-A-Rama, 1200 W. Broad Ave. SM Payne/Agent; Beer and wine consumption – WARD 3

ITEM(S) FOR FUTURE AGENDA

Commissioner Postell asked to get the number of licenses not being renewed during the blanket renewal process.

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PUBLIC FUNCTIONS MATTERS

MATTERS FOR PUBLIC HEARING AND CONSIDERATION ON TUESDAY, FEBRUARY 24, 2015, 6:30 P.M., ROOM 100; GOVERNMENT CENTER BUILDING, 222 PINE AVE

1. Zoning Case #15-002 – Kenneth Miller/Owner-Applicant; request to rezone property located at 122 Philema Rd., from C-2 to C-3. PC approved 7-0 - WARD 2

Commission Postell asked Mary Teter, Planning Manager, to explain the difference in C-2 and C-3. Ms. Teter explained that C-2 is a general mixed-use district and C-3 is a commercial district allowing heavier commercial activity. She stated that the applicant wants to have a use for a small car repair shop, which cannot be located in a C-2 designation. Commissioner Postell moved to approve. Commissioner Fletcher seconded and discussed issues applicants encounter when finding out they are not zoned for a use after they have poured money into their business only to discover they cannot use it for a certain purpose. She urged for clarity on zoning matters and suggested a means for taxpayers to have direction before putting money into their business and applying for a rezoning classification only to come up empty-handed.

Mayor Pro Tem Coleman explained that this is in his ward, but he wants to speak with adjacent property owners to ascertain their feelings about the business. Before giving his approval, he said he would get the perception of neighbors on how the changes will affect them. If they have no objections, he will vote to approve; however, if they are against it, so is he. Mayor Hubbard stated that she should not have accepted the motion because there will be a public hearing on this matter; Commissioner Postell withdrew his motion, Commissioner Fletcher withdrew her second. In response to Mayor Hubbard, Ms. Teter stated that signs are posted, as well as letters sent to adjacent property owners.

1. Text Amendment – Title II. Article 2, Sect 2.01 6 re: Community Residence Requirements and Title I. Article 5 re: Definitions. PC Approved 6-1

Commissioner Marietta asked if the text amendment is being driven by the state/federal government. Planning Director Paul Forgey replied that it is being locally driven, adding that residents in this category have made requests to have it addressed in the zoning ordinance. Commissioner Marietta asked if this covers foster homes; Mr. Forgey replied yes and explained that it does not cover traditional foster homes of families that take in foster children. Rather, it covers state licensed foster care homes with multiple children who are under the supervision of the facility's operators and not their parents. Commissioner Postell expressed concern due to prior federal/state issues with foster care homes, which are operated by those who have not been certified to operate such facilities. He asked if this allows for individuals to open a facility in their backyard and receive state/federal funds. Mr. Forgey replied in the affirmative, explaining that those would potentially fall under this, but those wanting to operate such a facility would

have to get a building permit. They would have to be approved for a license by the state first and meet all state requirements beforehand.

Commissioner Howard referred to page 51 regarding runaways and homeless youths and asked if approved, how many consumers are allowed in the homes and staff to consumer ratio. Mr. Forgey replied that the ratio to staff is state mandated in accordance with their license; however, what he is looking at is six and fewer and greater than in different zones. It depends on the zone, but there could be a situation in which 30 foster kids are in the proper zone, but not in a residential zone; in a residential zone, it is six or fewer.

AMENDMENTS TO THE SIGN ORDINANCE

Mr. Forgey stated that he and Code Enforcement worked on this to develop an ordinance with which both departments are satisfied. Subsequently, a Sign Task Force committee was created and they met with the group for six months to make improvements to sign regulations, with changes being more business-friendly than previously. The amortization clause was recommended to be removed in which non-conforming signs were required to be removed or brought in compliance after three years. The revised ordinance allows them to remain as non-conforming signs. He explained that previously there had been no provision for historic signs and the changes allow for historic signs having merit for Albany to be allowed. Mr. Berry stated that it was discovered that a public hearing has never been held on the sign ordinance and a public hearing will be scheduled for March.

Commissioner Marietta moved to approve with a couple of changes, seconded by Mayor Pro Tem Coleman. Commissioner Marietta recommended that appeals be made to the Planning Director. Referring to page 60, he called attention to the multiple messages sign and recommended that they be allowed to change every ten seconds rather than every 30 seconds. In response to Mayor Hubbard, Mr. Forgey stated that only billboards on state routes are allowed to change every ten seconds. A brief discussion followed regarding a small sign beneath a large sign, which changes more often than the smaller sign. Commissioner Fletcher agreed that it is unfair to smaller businesses and smaller signs/billboards. In response to Mayor Hubbard, Mr. Forgey stated that the rationale is based on the fact that currently signs change every minute and the 30 seconds doubles the amount of advertisement a small business can do. He explained that regarding the 30 seconds versus ten seconds for billboards, there is an important distinction between a billboard and a small sign, in which billboards are made to be read from a distance, therefore, are allowed to change more frequently. He mentioned that electronic message signs are a distraction to drivers, cutting down on distractions to drivers was the reason for the longer change.

Commissioner Postell asked if a study was conducted regarding signage and public safety. He stated that if all signs are allowed ten seconds to change, what are the anticipated problems if both small and large signs change every ten seconds; has DOT reviewed the public safety issue and provided regulations? Mr. Forgey replied that DOT regulates billboards on DOT right-of-

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ways, which are limited to the ten second interval, but there are also distance requirements. Albany is only allowed eight of the large billboards and 75 of the small electronic signs. Additionally, the proposal cuts the time in half and allows up to 100 of the smaller signs. Having 100 signs changing at ten second intervals could become very distracting to drivers, this part of the reason to limit the times they can change. In response to Commissioner Postell, he stated that unless there is a specific study regarding the impact of billboards/digital signs, it is very difficult to definitively say there is a problem in Albany because of digital signs. Commissioner Postell asked about inserting a clause that the ordinance would have to be reworked if the number exceeds 100. Mr. Forgey explained that it is implied that if Albany reaches 100, his department will suggest that the Commission revisits the issue. Commissioner Postell suggested that the Commission vote on the propose ordinance and if the number exceeds 100, Planning comes back about the safety hazards.

Commissioner Fletcher commented on the number of small businesses in Albany, number of signs allowed and asked if when more businesses come to Albany, they will have to be told they cannot have a sign because Albany has reached its limit? Mr. Forgey replied that they are always allowed to have signs; the issue is digital signs. Commissioner Fletcher countered that eventually that is the only type that businesses will want.

Mr. Berry asked if changes Commissioner Marietta are proposing is different from what is in 4-80. Mr. Davis replied in the affirmative, explaining that a sentence will be added to 4-79(3). Mr. Forgey clarified that it only applies to sign structures and maintenance; it is not an appeal of other decisions. Mr. Davis agreed that 4-8 covers those issues.

In response to Commissioner Howard, Mr. Davis explained that political signs were not included because of not being able to regulate content; all other variables about signs (size, location, etc.) can be regulated. In response to Commissioner Howard, Mr. Forgey stated that as long as signs are not on the right-of-way, there is no limit to the number of political signs. However, he added that there are standards, residential areas are limited to three signs per residential lot with no time limit for their removal – they can be up year round. Commissioner Howard asked about clarifying right-of-ways. Mr. Forgey explained the difficulty of determining the exact lines of right-of-ways; the safest assumption for business owners and politicians is to put their signs behind public infrastructure. A brief discussion followed regarding not waiving the second reading and holding the public hearing before the second reading.

Commissioner Marietta expressed concern about waiving the second reading for some of the ordinances passed by the Commission. Mr. Forgey stated that the public hearing will be held during the March night meeting.

Mayor Hubbard mentioned that the last time the sign ordinance was revised; there was a special meeting to allow for public input. Mr. Berry stated that this will be discussed and something scheduled. Mayor Hubbard asked about regulations regarding businesses that are closing. Mr. Forgey discussed grand openings and going-out-of business events, in which businesses are

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allowed additional signs. He stated that he does not see that businesses maintaining their signs can be forced to remove them. Commissioner Postell recommended strict time limits on how long a business can have a ‘going out of business’ sign. Nathaniel Norman, Chief License Investigator, explained that businesses have a certain amount of days in which they must go out of business. They submit an inventory list to the Treasury Department, which is forwarded to the Code Department. Code Department then ascertains their intended date to go out of business; 30 days later, they must cease all business; follow-ups are performed to ensure that they are closed.

Hearing no further comments, the motion carried 5-1 with Commissioner Howard voting no.

PUBLIC ADMINISTRATIVE AND FINANCE MATTERS

CONSOLIDATION AND MIGRATION OF ALL CITY OF ALBANY 457(b) AND 401 (a) PLANS TO MASSMUTUAL

Mr. Cohen introduced plan advisors, Bob Agnew and Don Pierini, with Wells Fargo Financial Advisors who are plan advisors for defined contributions and deferred compensation plans, otherwise known as 457(b) and 401(a). He discussed information (copy on file) and said staff recommends Option 1.

Commissioner Marietta mentioned that he has options where he works; if he were a City employee he would be asking why options are being taken away. If employees are satisfied with their current plan, it seems overly intrusive to take such action.

Mayor Hubbard asked if employees had any say or input in this proposal. Mr. Cohen replied that it was fully vetted by the Benefits Review Committee and explained that with all the mutual funds available and all the factors such as best performing large cap value, small cap growth fund, fees, share class, etc., typically go beyond most people’s desire to understand that level of investing. He explained the score card system (scores of nine/ten to be included as one of the City’s investment options) and stated that Nationwide and GEBCorp have investment options as low as two – they have very few that are nine/ten. The goal was to provide employees peace of mind in knowing that the best in class had been selected to ensure the best return. Commissioner Marietta asked if he knows of anyone wanting to stick with the old plan. Mr. Cohen explained that most people make their decision based upon how well they like their advisor, which is based on quantitative information. Commissioner Marietta asked if MassMutual has an office in town to give employees the chance to personally meet with them. Mr. Cohen replied in the negative; however, plan advisors are licensed and can meet with employees one-on-one to review their investment options and advise them at no additional cost. In response to Commissioner Marietta, Mr. Cohen stated that Mssrs. Agnew and Peirini, plan advisors, can be reached toll-free and will be in Albany several times a year to meet with plan participants and review their portfolio. He

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added that employees will get one-on-one investment counseling that current plan providers are, by law, not allowed to do.

Commissioner Howard asked what was so bad about the other three plans the City currently has and what is MassMutual's fee. Mr. Cohen replied that presentations were made to the Benefits Review Committee and they collectively felt that MassMutual offered a superior product. Commissioner Howard also expressed concerns about employees not having options.

Commissioner Fletcher asked if there is a method to provide information to employees and to get their feedback. Mr. Cohen replied that participant education has been challenging, because of one reason or another, employees do not know with whom they are enrolling and are not getting any direction. He discussed the benefit of a sole provider, regarding education and on-line tools, i.e., employees do not have to make decisions about who has the best education program, where to learn about retire and who to call with questions. All this is what Wells Fargo advisors offers. Commissioner Fletcher countered that since MassMutual is trying to get the City's business, maybe it should be put on their shoulders to simplify what they are offering and how to get it into the hands of employees.

Mr. Agnew stated that even though he works for a subsidiary of Wells Fargo bank, City participants assets would be separate from Wells Fargo, would be with MassMutual and not at-risk. Regarding employees having a say, he said when the process is explained, participants have no qualms when a fund has been replaced, because it is always to their benefit. When he or Mr. Pierini, as independent consultants, make recommendations they have no vested interest in what funds participants are in, they only want to ensure that it is the best.

Commissioner Postell asked the percentage the City gives to employee's investments. Mr. Cohen replied that this is 100% employee funded. Commissioner Postell mentioned Mr. Agnew's comment about being the consultant for any investment going into MassMutual. He stated that he was with VALIC and was very satisfied; he did not need the 'personal touch', he merely needed to know about his money and how much he would get on his return. He asked the fee for consultants coming in and telling people how to invest; he asked Mr. Cohen if he set it up. Mr. Cohen explained that the Benefits Review Committee went through an RFP process, based on recommendations of plan advisors for the City. Commissioner Postell said unless employees, who fund the plan 100%, provide a vote that they are satisfied, he cannot support. He asked the number of employees...Mr. Berry interjected that most employees are in the defined benefit plan with only some being in the 401(a). Mr. Cohen stated that there is approximately \$10.0 million in plan assets in both plans, compared to the Pension plan, which is \$100.0 million. Commissioner Postell asked the number of City employees with mutual investment funds, the number who do not, reasons for not having it, etc., he will accept percentages. Mr. Cohen replied that he can only report the number of employees with participant balances since some are not active and making contributions. Mr. Berry interjected that it is in the neighborhood of less than 10% involved in this as compared to the defined benefit.

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Commissioner Postell moved to table, seconded by Mayor Pro Tem Coleman; the motion unanimously carried.

PUBLIC WORKS MATTERS

E. BROAD AVENUE UNDERPASS UPDATE

Commissioner Langstaff entered the meeting (10:00 am.)

Engineering Director Bruce Maples stated that the key date to this was December 12, 2014 in which an agreement was reached with the Georgia/Florida railroad. Since then, all departments involved in this effort have worked diligently to move the project forward. Using PowerPoint, he reviewed the proposed improvements (copy on file), and stated that the goal is to have the underpass complete by the time the Broad Avenue Bridge is opened, but the date is a moving target at this time, June is the projected date. Referring to the mural, he asked Sharlene Cannon, Interim Downtown Manager, for comments. She stated that the mural was made of old Atlantic railroad signs, which will be restored and display the motto 'Bridging the Community', which Mayor Hubbard suggested. Commissioner Postell asked if lighting will be installed. Mr. Maples replied that additional tunnel lighting will illuminate the area and increase safety.

Mayor Hubbard stated that this project has been underway for approximately three years. Having to overcome many obstacles, she thanked staff for their diligence in helping make it happen. She mentioned building a relationship with the railroad, which was non-existent until recently and added that County has committed some funding to help.

EDGEWATER DRIVE TRAFFIC CALMING

Traffic Engineering Manager Ken Breedlove reviewed the information (copy on file).

Commissioner Marietta moved to approve, with the specification that one traffic calming device is installed on each side of the lake, seconded by Commissioner Postell.

Commissioner Howard noted the \$24,000 cost with no funding source identified; Mr. Berry stated that the funds will be found. He said if the Commission goes along with two devices at \$6-7,000 approximately, they will find money for them. Commissioner Howard added that when other areas come up, especially E. Albany, funding will not be an issue in the future since it is not an issue now. Mr. Berry explained that basically the Commission is approving not going back to the community to fund it, which was the new change in the policy. Commissioner Marietta clarified that his motion was for three devices, one for each side of the lake. Hearing no further comments, the motion unanimously carried.

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Mr. Berry recommended that with the upcoming budget process to allocate funds specifically for this.

ACCEPTANCE OF SANITARY SEWER EASEMENT FOR ESTATE FARMS
PARTNERSHIP

Mr. Maples discussed information (copy on file), stating that the Commission approved the sewer easement last year in order to allow Dougherty County to extend to pick up the new McDonalds. The Commission is being asked to now accept the sanitary sewer easement. Commissioner Postell asked how far from the other project on Gillionville Road is this project. Mr. Maples replied that the only other project approved for the County is at Stonebridge, which is several miles.

Commissioner Marietta moved to approve, seconded by Commissioner Postell. In response to Commissioner Marietta, Mr. Maples explained that the Commission approved for the County to do the extension; this is in the County and they paid for it.

Hearing no further comments, the motion unanimously carried.

Commissioner Postell reiterated his comments from a previous meeting, in which S. Albany needs to be considered as a location to establish businesses. Even though the area was flooded, there can be some tweaking to make this happen.

ITEM(S) FOR FUTURE AGENDA

Commissioner Howard announced that he will not be attending the NLC conference next month; however, he, along with a handful of elected officials, are to be recognized for receiving a civil certificate for completing 36 hours toward accreditation for continuing education. A round of applause commended him for this accomplishment.

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

SISSY KELLY
ASST. CITY CLERK