

APRIL 21, 2015
COMMITTEE OF THE WHOLE
GOVT. CENTER – ROOM 120

PRESENT Mayor Dorothy Hubbard
Mayor Pro Tem Bobby Coleman
City Commissioners: Jon Howard, BJ Fletcher, Roger Marietta, Bob Langstaff,
Jr. and Tommie Postell
Interim City Mgr: Tom Berry
City Attorney: CN Davis

Mayor Hubbard called the meeting to order at 8:31 am.

SPEAKER APPEARANCES:

1. Patricia Ward spoke regarding crime in her neighborhood, adding that she is president of the crime watch neighborhood on Lincoln, Mercer and Gordon. She mentioned chronic prostitution issues and street level crime, i.e., drug dealings across the street from her home. She said she has been assaulted and has reported it and written letters adding that she wants this to stop. Mayor Hubbard stated that the city manager and police chief will look into the matter.

2. William Wright discussed information regarding the Golden Jubilee of the Civil Rights Act of 1964 & the 1965 Voting Rights Act 50th Anniversary recognition. He distributed information (copy on file) and said he met with Dougherty County School System and Dougherty County Commission regarding memorializing foot soldiers for the Congressional Gold Medal. The cost is \$50,000, which is approximately \$1,000 per foot soldier. He mentioned HR 431, sponsored by Congresswoman Terri Sewell, to honor foot soldiers of the Voting Rights Movement.

In reply to Mayor Hubbard, Mr. Wright stated that there is a group of volunteers on the committee and encouraged others to participate and discussed the process of looking at all foot soldiers. Mayor Hubbard clarified that at this point, no committee has been formed and that it is open to other volunteers; Mr. Wright agreed.

In reply to Commissioner Howard, Mr. Wright explained identifying the foot soldiers, checking records, word of mouth and validating the information. He said congress will do a gold medal with local entities purchasing ones for their areas. He stated that this will be local and based on the demographics; they have approximately 50 in this area. In reply to Commissioner Howard, he said this is part of the legacy for those who marched in Selma and discussed whether the medal will be gold or bronze. He discussed participation by local entities, including the School Board, Darton, etc., and their level of assistance. Commissioner Howard added that prior to the Voting Rights Act of 1965, there were no Black elected officials, with there being over 10,000 nationwide today with the majority in southern states.

Asking for clarification, Commissioner Postell asked how Mr. Wright became coordinator of the community and who put him in that position. Mr. Wright said he will send a copy of information listing the Board of Directors. Commissioner Postell asked who the foot soldiers were and how

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Albany fits in as it relates to the march in Selma and suggested that this would equate to Albany subsidizing the cost to honor people in Selma. He asked if this is part or a branch of the NAACP. Mr. Wright said he is not sure.

Commissioner Marietta questioned the School Board and Dougherty County endorsing and asked the financial commitment and if there are minutes showing the allocation. Mr. Wright explained the process used by the County and a formula for the contribution based on the breakout of the millage rate or look at the biggest beneficiary, adding that the County did not want to be responsible for the entire amount. Commissioner Marietta asked if Congressman Bishop is involved; Mr. Wright replied that Congressman Bishop voted on House Bill 431 and his office will be participating.

Mayor Hubbard questioned participation by the Civil Rights Institute. Mr. Wright said he expects them to be involved and the question is the permanent home for the memorial.

Commissioner Postell moved to table for additional information on who is involved including the committee people and board members, seconded by Commissioner Marietta; the motion carried 5-2 with Mayor Pro Tem Coleman and Commissioner Howard voting no.

TRAVEL:

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

1. Mayor D. Hubbard, GMA Municipal Training Bd., Mtg., Forsyth, GA
April 23, 2015

PUBLIC SAFETY MATTERS

ALCOHOL LICENSE APPLICATIONS:

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

1. Locker Room Sports Café, 307 W. Broad Ave., B. Tukes/Agent; Beer consumption and wine package (WARD 3)

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

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2. GASACO d/b/a Albany Fish Company, 1921 Dawson Rd., G. Singfield/Agent; Beer and wine consumption (WARD 3)

Commissioner Coleman asked to table the following for additional information, seconded by Commissioner Marietta; the motion unanimously carried.

3. A Smith Store, 1209 E. Residence Ave., M. Smith/Agent; Beer package (WARD 2)

PUBLIC FUNCTIONS MATTERS

MATTERS FOR PUBLIC HEARING AND CONSIDERATION ON TUESDAY, APRIL 28, 2015, 6:30 P.M., ROOM 100; GOVERNMENT CENTER BUILDING, 222 PINE AVE

The Clerk read the following:

1. Zoning Case #15-010 – Berea Full Gospel Church, Inc./Owner; Albany Advocacy Resource Center/Applicant; request to rezone property located at 1115 5th Ave., from R-2 to C-5. PC approved 7-0 – WARD 2
2. Zoning Case #15-012 – Tiffany & Tommie Terrell, Jr., Owner/Applicant, request to rezone property at 431 Jefferies Street from R-3 to C-5. PC approved 7-0 – WARD 2

Commissioner Postell asked what will be put at the location on the second zoning case. Rozanne Braswell, Planner, advised that the request is to put a day care at the location.

SIGN ORDINANCE AMENDMENTS

Commissioner Postell asked the time (seconds/minutes) electronic signs are allowed to change message with Tracy Hester, Development Services Senior Manager, stating it is one minute with the Committee recommending 30 seconds. In reply to Commissioner Postell he agreed that the current suggestion is 30 seconds. Mayor Hubbard explained that in the Commission meeting some wanted ten and some 20 seconds. Commissioner Postell said he can comply with the 30 or 20 and asked the safety factor. Mr. Hester discussed the research conducted for the sign ordinance revision in 1999 with this being a judgment call regarding risk. In reply to Commissioner Postell, he stated that the request is to go from 75 signs (the current maximum) to 100. Commissioner Postell referred to the safety factor discussed by KADB Director Judy Bowles.

Additional discussion followed regarding who was on the second committee (Mayor Hubbard); enforcement of sign ordinance for Dougherty County (Commissioner Marietta) with Mr. Hester

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stating that his department has no authority to enforce multi-message/electronic signs in the unincorporated area of the county. Commissioner Marietta also commented on other counties and state highways with Mr. Hester explaining that the speed limit is faster on the interstates with the sign changes every ten seconds. Commissioner Marietta addressed competitiveness of local business owners and those who have invested in the signs and suggested the 20 seconds that was mentioned by Commissioner Langstaff at the night meeting last month. He said in an effort to compromise he can support this, which is not a safety issue.

Commissioner Postell said he missed the meeting and asked if the Commission voted for 20 seconds. Mayor Hubbard replied that it was tabled. Discussion followed on safety issues with Commissioner Postell asking Commissioner Langstaff his opinion. Commissioner Langstaff said the task force recommends 30 seconds and he will follow their recommendation. Mayor Hubbard recalled past discussions and the recommendation of one minute with the recommendation ultimately being compromised and lowered, adding that the safety factor and look of the city is still a factor. Mr. Hester stated that aesthetics was a factor in the current discussion also. Commissioner Fletcher mentioned that the 20 seconds would be a compromise, allowing for more advertisement by small businesses, adding that she would like to consider the 20 seconds; it is no more distracting than drivers who text and talk on the phone while driving. Mentioning economic development, Commissioner Marietta stated that businesses are leaving Albany for other locations, one reason being they have heavily invested in electronic signs when the City limits their ability to change the message; they are frustrated with that kind of over-regulation. Sign owners want to be able to take advantage of the advanced technology available to advertise their businesses. He stated that Albany and Dougherty County are being hurt by businesses moving away, adding that ideally the City and County need to be on the same page with their sign regulations. Commissioner Howard suggested looking at the logistics on why businesses are leaving Albany, and suggested that Slappey Blvd. is inundated with signs. He voiced support for 30 seconds, especially when factoring in the aesthetics of the city and asked for clarification on human signs. Mr. Hester advised that the City Manager authorizes use of being on city right-of-way and if the human sign is on city right of way it is a violation. Commissioner Howard mentioned churches and organizations washing cars on weekends and asked that this be monitored as it puts the city and lives at risk; specifically on Oglethorpe by the Burger King/Auto Zone area.

In reply to Mayor Hubbard on a review of the proposed changes, Mr. Hester discussed: definition changes; maximum \$80 fee per sign; additional signage allowed for grand openings, sales, etc.; menu boards near residential neighborhoods; allowing mobile signs in commercial zones, which were eliminated years ago; addressing historic signs; billboards allowed in specific area; increasing multi-message signs to 100 from 75, and allowing them to change every 30 seconds rather than 60 seconds; allowing banners 21 days from the current 14 days; allowing custom banners; removing the amortization schedule regarding the sign having worth or not; allowing an appeal regarding dilapidated sign citations; and changing multi-message signs to every ten seconds was presented. Mayor Hubbard said the only thing that was discussed changing was the time. She asked the pleasure of the Commission with Commissioner Postell

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moving to approve 20 seconds, seconded by Commissioner Marietta; the motion carried 4-3 with Mayor Hubbard, Commissioners Howard and Langstaff voting no.

PUBLIC WORKS MATTERS

ACCEPTANCE OF NEW RIGHTS-OF-WAY, INFRASTRUCTURE, EASEMENTS FOR ROSEBRIER GARDEN, PHASE I SUBDIVISION

Engineering Director Bruce Maples discussed information (copy on file) and asked for approval. Commissioner Langstaff moved to approve, seconded by Commissioner Postell; the motion unanimously carried.

REQUEST TO CLOSE PORTION OF MLK, JR., ALLEY FROM GOWEN AVE.

Commissioner Langstaff moved to approve, seconded by Commissioner Marietta. In reply to Commissioner Postell, Mr. Maples explained the location of the alley, which is wooded and not open, adding that the request came from MLK Funeral Home, which will pay the full cost.

Hearing no further comments, the motion unanimously carried.

PROPERTY ACQUISITION FOR UTILITIES RE: S. GEORGIA RAILS TO TRAILS

Phil Roberson, Asst. City Manager, discussed information as noted (copy on file) and introduced Utility Commissioner Chad Warbington; Rodney Dill and Ed Groom, with MGAG; Billups Johnson, President of Rails to Trails and Spencer Lee, Dougherty County Attorney and Attorney for RTT. Using a power point presentation, he showed the location of utilities/properties, etc.

Discussion included: Commissioner Howard asking for clarification of the location and return on investment, timeframe, costs, etc. Mr. Roberson explained the cost of using crushed asphalt, etc., with an estimated cost between \$1 to 1.5 million to construct. Referring to Dougherty, Lee and Terrell Counties, Commissioner Postell asked other counties that are anticipated to be added. Mr. Roberson said no others at this time and explained the contract that was in the agenda packet. In reply to who will be the governing body, Mr. Roberson advised that Albany will be a partner with SGRT, which will remain as the trail manager and provide perpetual maintenance. He said that basically, Albany will construct the trail and put in utilities (gas and telecom); the City will continue to control its funds.

Billups Johnson, SGRT principal, responded to questions regarding the trail and discussions with the City of Albany/Oxford Construction and SGRT. He explained that the trail will be owned by the City; there will be a group of dues paying members with funds being used to add amenities and help manage operation of the trail. Albany will lay down the surface after Oxford clears.

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Commissioner Postell tentatively expressed support of the agreement, asking how this will go into Radium Springs, which is a large area. Mr. Johnson stated that Mr. Lee can answer questions regarding greenspace. Mr. Lee stated that the rail system has a regional aspect, adding that the County put aside \$80,000 for a master plan, which is being handled by Paul Forgey, Director of Planning and Development. He briefly discussed the course of the trail, with the goal to eventually extend it to Dawson and advised that a coordinated committee will include representation of Dougherty County/City Commissions, the private sector, KADB/Judy Bowles, etc. Commissioner Postell stated that he will support Rails to Trails.

Commissioner Howard asked if connecting the west and east side will be via a pedestrian bridge. Mr. Lee stated that the committee will meet and discuss with all entities involved in the master plan and discussions will include the linking of the projects. In reply to Commissioner Howard, Mr. Roberson explained the clearing of the trail, with the City having no cost. Mr. Lee stated that without Oxford's involvement, the clearing would be approximately \$190,000, but with their participation, the cost will be reduced to approximately \$90,000.

Mayor Hubbard stated that Mr. Davis was involved in the process and asked if he had comments. Mr. Davis stated that SGRT will remain the trail manager for the duration, which should be added to the contract and will be made to the contract in time for the night meeting. Regarding the lease agreement, he said this portion will be deleted since the City will not be the trail manager.

Commissioner Marietta asked if the property is 100' wide. Mr. Johnsons agreed, adding that in some places it is a little wider; with Mr. Roberson stating that the areas are mostly clean. Commissioner Marietta asked if issues regarding the neighborhood market on Slappey have been worked out. Mr. Maples replied that it will be landscaped; adding that the corridor will remain and be available in the unlikely event the railroad decides to develop.

Mayor Pro Tem Coleman clarified that the City of Albany will not be obligated to provide funding for the clearing; Mr. Roberson agreed and explained that language in the contract spells out the City's obligations and what it will/will not do. He added that there will be no debt service or loan associated with this.

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

ITEM FOR FUTURE AGENDA

Commissioner Postell asked for an update on Westover lighting. Mr. Maples said lights are in stock and will be installed within the next couple of weeks.

Mayor Pro Tem Coleman asked to revisit the ordinance regarding the amount of time people cited are allowed to keep trash on roadways before going to court.

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COMMUNITY & ECONOMIC DEVELOPMENT MATTERS

FY 2013-14 SUBSTANTIAL AMENDMENT

Shelena Hawkins, Community and Economic Development Director, discussed information (copy on file) as it pertains to modifications of projects. She commented on public hearings that were held and noted CDBG or HOME budgets that were modified, as noted.

Commissioner Marietta asked about the energy efficiency program, which as explained to him, could be managed differently and, if federal funds will still be used. Mr. Berry explained using an energy auditor, who would serve both the energy efficiency program and centralization through Community and Development. Discussion followed on meeting with landlords regarding energy control, with Mayor Hubbard asking that the Commission be made aware of the meetings. Mr. Berry advised that the meeting will be in May. Commissioner Howard asked to add John Anderson to the list and asked for a better way of informing the public and encouraging attendance at these type meetings. Mayor Hubbard suggested using email as a means of notifications.

Commissioner Postell commended Community Development for the good job they do and commented that housing on Broadway is almost complete. Discussion followed regarding federal laws that have changed and keeping up with the changes in order to be in compliance and avoid having to pay money back to the government.

FY 2015-16 ANNUAL ACTION PLAN

Ms. Hawkins discussed information as noted (copy on file) regarding the Action Plan and the budget/programs. She mentioned reductions in housing, as noted

Commissioner Postell moved to approve this item and the previous agenda items, seconded by Commissioner Howard; the motion unanimously carried.

REFINANCING SECTION 108 NOTE RE: ALBANY HOLDINGS, LLC

Phyllis Brown, Deputy Director, discussed information (copy on file) pertaining to the refinancing of Albany Holdings.

Discussion followed with Commissioner Howard questioning the refinancing, with Mr. Davis advising that this is a separate matter from the restructuring of Albany Holdings. Commissioner Howard moved to approve, seconded by Commissioner Postell.

In reply to Mayor Hubbard, Ms. Brown stated that the rates have gone down since the preparation of the agenda item.

Hearing no further comments, the motion unanimously carried.

PUBLIC ADMINISTRATION AND FINANCE MATTERS

CURRENT BIDS:

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

1. Vehicle Purchases, Sunbelt Ford Town, Albany, GA
Total expenditure \$508,491.82

Commissioner Postell asked how many of the vehicles being replaced can still be used. Ken Johnson, Fleet Management Superintendent, explained that 13 of the vehicles have already been surplus and include models from 2011 down to 2007, which will be auctioned. Commissioner Postell asked the number of vehicles that have been wrecked; Mr. Johnson stated approximately 12-13. Commissioner Postell asked for data on the wrecks with Mr. Johnson stating that 90% were not the fault of the officer.

Mayor Hubbard asked the life cycle of vehicles like these; Mr. Johnson stated that they try to get rid of marked vehicles every five years or 125,000 miles.

Commissioner Postell asked the number of take home vehicles that were wrecked.

Commissioner Marietta mentioned vehicles being authorized through SPLOST and asked if to see if there are funds left in SPLOST before the night meeting. Mr. Berry agreed that it is late in the SPLOST cycle, but said this will be looked at.

Commissioner Postell said he is asking for information on why ‘it’ happens. He then moved to approve, seconded by Commissioner Marietta; the motion carried 6-0-1 with Mayor Hubbard abstaining because her husband works at Ford Town.

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

2. Vehicle Purchases, Don Jackson Dodge, Union City, GA
Total expenditure \$73,680.00

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

3. Vehicle Purchases, Butler Chrysler Dodge, Beaufort, SC
Total expenditure \$156,933.00

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

Henry Cohen, HR Director, stated that this item was tabled for additional information and subsequent to discussion is being brought back.

Discussion followed with Commissioner Postell asking the number of companies involved under the MassMutual; Mr. Cohen replied that he is not certain, adding that this is the area in which MassMutual works on retirement plans. Commissioner Postell asked if employees were allowed to provide input about this matter. Mr. Cohen said replied in the negative, and explained that as with other employee benefits, the benefit review committee, which is represented by senior employees, makes recommendations based on what is best for employees and the City. He explained that decisions, such as this, are made solely by the employer because of running into issues with the National Labor Relations Board. Commissioner Postell challenged the decision to not involve employees with Mr. Cohen reiterating that the process to select a provider serving the best interest of employees and City is a decision that the City, as the employer, should make. Ron Rowe, Deputy Fire Chief, explained that an unbiased, outside company helped grade companies who are geared toward markets the size of Albany, with current providers not faring well, grade-wise; however, MassMutual was ranked a top provider. He stated that they will educate employees on taking advantage of the benefits offered through MassMutual.

Commissioner Postell moved to approve, seconded by Commissioner Fletcher.

Mayor Hubbard said her concern was on making sure employees understand; especially younger employees, and suggested that Commissioners attend meetings to encourage employees to take advantage of opportunities. She asked about monitoring the process; Mr. Cohen explained that in the public sector, it is almost a requirement that ARISA plans go through this process every three years; this process will be conducted on a regular basis.

Hearing no further comments, the motion carried 6-1 with Commissioner Howard voting no.

ITEM FOR FUTURE AGENDA

Commissioner Marietta asked about searching for better rate for the Job Investment Creation Fund; Mr. Berry explained that they are looking at the best investment vehicle.

Commissioner Howard mentioned an article in the Albany Herald regarding another dealership moving to Lee County as well as the news of the Chamber President leaving. He suggested that the Commission be informed prior to news being in the media to answer constituents.

Discussion followed on who gets information about businesses closing with Mr. Berry saying many times he gets information when it is in the media as well, adding that he will try to get more information.

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Commissioner Marietta mentioned the farewell for MCLB staff tomorrow at the CVB and that the May 12th meeting at 8:30 am conflicts with the change of Command at MCLB. He asked if this work session can be scheduled for a later time. Discussion followed on the time of the change of Command with Mayor Hubbard stating that the change takes longer than an hour. She asked the desires of the Commission – discussion followed with Commissioner Postell explaining why he feels the Commission meeting should continue as scheduled. Mayor Hubbard added that she tries to attend as many functions at MCLB as she can.

Commissioner Postell commented on businesses leaving the city and moving to Lee County, which is a tax problem as Lee County's tax base is different. Mr. Berry stated that this can be an agenda item to tell the 'city's story' especially as it pertains to ISO ratings, etc. Mayor Hubbard agreed that a discussion on Albany's available benefits would be appropriate. Commissioner Howard suggested having an agenda item regarding being informed on what goes on with the Chamber and EDC since the City helps fund them.

Discussion followed regarding the EDC's retention task force with Commissioner Fletcher also questioning this. Mr. Berry stated that the EDC focus is on industrial, large commercial, not retail, which is the Chamber's focus. Commissioner Marietta stated that through Hotel/Motel Tax the city is contributing large amounts of funds to the EDC, Chamber and CVB. Regarding the dealership moving, he stated that this does not affect the City as much as it did in the past.

Commissioner Postell said he has been complaining about the Chamber for many years, especially when one of the Presidents of the Chamber lived in Lee County. Mayor Hubbard agreed with Mr. Berry in having discussions on ISO ratings, etc. Commissioner Fletcher agreed that all businesses need to know this type of information.

EXECUTIVE SESSION – pending litigation, property acquisition

At 11:04 a.m., Commissioner Howard moved to enter into executive session, seconded by Commissioner Postell; 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

At 11:43 a.m., Commissioner Howard moved to exit executive session, seconded by Commissioner Postell, 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

There being no further business, the meeting adjourned at 11:44 a.m.

SONJA TOLBERT
CITY CLERK