

COMMITTEE OF THE WHOLE
DECEMBER 9, 2014
GOVT. CTR. – ROOM 120

PRESENT Mayor Dorothy Hubbard
Mayor Pro Tem Jon Howard
City Commissioners: Bobby Coleman, 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 8:30 am, and advised that the special called meeting has been moved to the end of the meeting.

SPEAKER APPEARANCE:

The Clerk advised that William Wright said yesterday that he would wait until February to address the Commission.

AMENDING SECTION 26, 34(13) AND 34 (13.1) OF THE CHARTER OF THE CITY OF ALBANY TO PROVIDE FOR A UTILITY BOARD TO REPLACE WHAT WAS PREVIOUSLY KNOWN AS THE WG&L COMMISSION; PROVIDING FOR THE UTILITY BOARD TO BE KNOWN AS ALBANY UTILITY BOARD; PROVIDING FOR EXTENSION OF WATER SERVICE, GAS DISTRIBUTION SERVICE AND ELECTRICITY SERVICE AND OTHER UTILITY SERVICES BEYOND CORPORATE LIMITS OF THE CITY OF ALBANY AS WELL AS OUTSIDE THE JURISDICTIONAL LIMITS OF DOUGHERTY COUNTY

Mr. Davis explained that the proposed ordinance pertains to the new structure, which is now the Utility Board, adding that the Asst. City Manager(s) [for the Utility Department] reports directly to the City Manager. The primary change authorizes extension of utility services beyond the limits of Dougherty County into Lee, Terrell, etc., as the utility board will generate new cash flows and the traditional 7.5% transfer will be increased.

In reply to Commissioner Postell on who set the 7.5%, Mr. Davis advised that the Commission did as they set all policies. He stated that the Finance Officer will assist in making decisions along with the City Manager on the transfer of funds. In reply to Commissioner Postell, Mr. Davis stated that nothing supersedes the Commission's authority, adding that cash flow statements will be provided by the Chief Finance Officer and will be controlled by the Commission. There is no longer a spending authority and previous provisions to replace a Utility Board member had to be malfeasance, now they serve at the pleasure of the Commission, which is in line with the new structure. Commissioner Postell questioned the Utility Board having the authority to go into other counties; Mr. Davis explained the process to provide services to other entities. Commissioner Postell clarified that the Commission makes the final decision, with Mr. Berry adding that most of this will be discussed during the budget process. Commissioner Postell mentioned the previous way business was conducted by the General Manager and WG&L, which must be avoided. Mr. Davis again stated that the final decision rests with the Commission.

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Discussion followed with Commissioner Langstaff asking for a comparison document; Commissioner Postell asking that this be provided and Mr. Davis suggesting to table for another month so that he can prepare a tracking version. In reply to Commissioner Langstaff regarding comparing the two documents and whether the document today is formatted in a different order, etc. Mr. Berry explained that the ‘General Manager’ was completely deleted as well as other re-writes. Commissioner Langstaff asked to have the document sent in a Word document so that he can do his own comparison. Discussion followed with Mr. Berry stating that this will be provided with notes – not a word for word tracking.

Commissioner Marietta asked if this is a charter change that takes two months to pass; Mr. Davis agreed. Commissioner Marietta questioned going beyond the jurisdiction of Dougherty County and if the governing bodies of i.e., Terrell County does not want the City to provide gas, do they have a choice: Mr. Berry replied in the affirmative. Commissioner Marietta clarified that the City is allowed to go beyond its jurisdictions, but only as far as other jurisdictions will allow us to. Mr. Berry added that there are also regulatory issues that would have to go to the Public Service Commission for approval; this ordinance provides the authority to initiate the process, it does not complete it. Commissioner Marietta referred to compensation on page eight, which provides \$100 per meeting for the WG&L Board and asked if this should be increased as part of the changes. Mr. Berry stated that it would not have to go into the charter, with Mr. Davis adding that it would be a standalone ordinance, similar to the one regarding the 7.5%.

Commissioner Postell stated that people on other committees should be compensated as well. Discussion followed on whose turn it is to speak and the order of comments.

Mayor Pro Tem Howard referenced going into other counties and asked if a feasibility study was done to see if it is needed or if there are potential clients. Mr. Berry replied that there are some that exist, but this does not take that into account and explained that the ordinance provides for the Commission to give the Utility the authority to look into this, i.e., feasibility study, etc. This does not assume anything, but authorizes the Commission to decide where it wants to go. Regarding the jurisdiction of Dougherty County, Mayor Pro Tem Howard asked if there is a need to expand sewer, gas, etc., and if P&G purchases gas from MEAG; do they use our right-of-ways to have the gas pumped in. Mr. Berry explained the process of transporting, which the Charter already allows, adding that they buy through Albany, as well as others. Mayor Pro Tem Howard said his would like to meet with Dougherty County to see if service can be extended, i.e., septic tanks in the county, adding that he would like to see ‘home’ taken care of first. Mr. Berry stated that this is actively going on through a program to expand water into the county and will continue, adding that the County’s goal is to drive down the ISO rating for citizens and there are no boundaries with other utility services except those established by the State or other regulatory agencies. Discussion followed on having other services, i.e., Mitchell EMC/Sumter Regional, etc., put out of the equation with Mr. Berry stating that Albany needs to be aggressive in providing all of its services to everyone who can be served, but it is a competitive arena.

Mayor Hubbard stated that this will allow the City to be pro-active and giving customers a choice.

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Commissioner Coleman stated that we have had conversations about charter changes and asked to table and see a comparison first, i.e., a document to reference what was changed and what will be changed so that the Commission can be more informed.

Mayor Hubbard asked how soon a document be provided and if there is a rush. Mr. Berry said the Utility Board would like to have guidance on their role, which is important. Mayor Hubbard expressed concern about filling vacancies within 15 days of the vacancy. Mr. Davis stated that this can be tweaked.

Mayor Pro Tem Howard agreed with Commissioner Coleman, adding that with this being the holiday season, tabling until next year so that additional information can be provided for a comparison is reasonable.

Commissioner Postell asked the amount received by WG&L Commissioners; Mr. Berry stated \$100 per meeting, but this not in the draft charter. Commissioner Postell asked the proposed tabled time – a drop dead date. Mr. Berry stated that it can be put on a January meeting.

Commissioner Marietta opposed tabling because it has already been tabled once and there is a two month time frame to adopt.

Commissioner Fletcher agreed with Commissioner Marietta, adding that the current WG&L Board is a good board and they want an answer. She said she is surprised that Commissioners do not know what is in the current charter because it has been around for awhile. She suggested sending information to the Commission....Mayor Hubbard asked if there is a motion to table.

Commissioner Postell moved to table seconded by Commissioner Coleman; the motion failed 4-3 with Mayor Hubbard and Commissioners Fletcher, Marietta and Langstaff voting no and, Mayor Pro Tem Howard, Commissioners Coleman and Postell voting in the affirmative.

Mayor Hubbard asked if information can be provided by the night meeting; Mr. Berry replied in the affirmative.

AMENDING THE CITY OF ALBANY'S HUMAN RESOURCES POLICY MANUAL TO
PROVIDE ON AN AD HOC BASIS FOR INCENTIVES

Mr. Davis explained that the draft ordinance allows the City Manager to have AD HOC incentives for retirement purposes, etc.

Commissioner Coleman expressed regarding the City Manager, Asst. Managers and HR Director offering incentives to anyone absent the City Commission approving first. Mr. Davis stated that 'all of this is subject to final approval' can be added. Mr. Berry cautioned that some may be on a case by case basis, which pulls the Commission into individual personnel issues and could be a dangerous path. He said he has had this authority in other places and that he and Mr. Davis disagree, which is the reason for the draft ordinance. Commissioner Coleman stated that in a few

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months the Mayor, Wards I, IV and V will have to make a reelection bid, plus there will be a search for a new city manager soon and suggested this should be slowed down. Discussion followed on changes that occur and whether or not there is a need to wait to make decisions. Commissioner Coleman stated that his point is that we have an Interim City Manager who should not be making these type decisions.

Commissioner Marietta stated that he wanted a plan for incentives that are standard and can be approved by the Commission; if the incentives exceed \$40K it should come before the Commission.

Commissioner Fletcher disagreed with Commissioner Coleman and commented on items that were tabled [that had to be voted on] when they were sworn in. She said the job of Commissioners is to research issues and vote on them, adding that the Commission should tell the City Manager what can/cannot be done. Mayor Hubbard interjected that the Charter also tells the City Manager what he/she can/cannot do. Additional discussion followed with Commissioner Fletcher disagreeing on some of the things that are added in the draft ordinance, i.e., buy-out package that is standard across the state, but is not in Albany. Mr. Davis stated that the proposed ordinance provides written authority for the City Manager to carry out, along with consulting with Asst. City Managers, etc., and to come up with a standard number, which was only a base document that would be added to the HR Manual. Commissioner Fletcher stated that the Commission putting itself in a position to sit in on personnel issues, also puts them in the middle of lawsuits as well with employees they know nothing about.

Commissioner Langstaff stated he does not feel the ordinance is necessary because he feels the City Manager already has the power in the ordinance, but Mr. Davis has included it in order to be cautious. He said the reason to make it clear is because at one point we had the WG&L department having a separate finance department and in order to save money and give transparency, we now have one Finance Director. He discussed hypothetical situations and said every situation is different, which is why it is 'ad hoc' and said he is ok passing this even though he feels it is unnecessary, but he is willing to go along and vote for it if it makes the City Attorney more comfortable. He agreed with Commissioner Marietta that the City Manager has authority up to \$40,000, which he feels should be higher and suggested that the Commission sets policy and should not micromanage. Mr. Berry cautioned that this could be different if an incentive is given for so many weeks' pay if a job is abolished, it would have to be within the budget. Mr. Davis stated that the draft is limited to the \$40,000 and he can use the \$40,000 without this ordinance; the City would avoid any flak later about a gratuity being given, but there is not a limit because each one would be different. Mr. Berry used an example of giving an early retirement and giving a certain amount of pay as an incentive for employees who can retire and not fill a percentage of those jobs, which could be more than \$40,000 as there could be up to 50 employees taking advantage of the incentive.

Commissioner Coleman stated that different jobs have different pay and his reason for it coming before the Commission is to see why it was given and, what rule/standard is used in giving it. He asked the standards as it relates to how they are applied and addressed Commissioner

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Fletcher's comments, adding that they were elected by citizens; we currently have an interim city manager and the position needs to be permanently filled through a search, but it was suspended. He added that the City's employee policy has not been completed by the City Attorney and HR and asked how can Commissioners know what the policy is when they don't know what it is. He stated that he doubts his colleagues are unaware of the changes within the past two years with there being 400 new employees and movement of employees, department changes as well as complaints. He suggested that we are moving too fast and not seeing where we are headed.

Mayor Pro Tem Howard asked about the disagreement between Mr. Davis and Mr. Berry regarding the policy change. Mr. Davis explained that he felt the need for an ordinance making it concrete that ad hoc incentives are authorized. The disagreement was whether or not an ordinance was needed; it was a professional disagreement and he offered the ordinance to prevent questions regarding being sued about gratuities and avoiding lawsuits. He said he is not trying to set a policy about what the actual ad hoc incentive would/would not be – that is up to this Board. But rather, he said he felt that to protect the City Manager it should be in writing, adding that he would expect HR to provide notice to Commissioners when ad hoc incentives are used.

Commissioner Coleman said he is tired of being approached by citizens and employees and he has to say "I don't know" because he has not been given the right documents and yet he should know.

Mayor Pro Tem Howard asked if the HR Director supports or opposes; Mr. Berry explained that the HR Director has been involved with drafting the ordinance, along with the Asst. City Managers. He advised that this takes early retirement off the table because he has no authority to do that. Mayor Pro Tem Howard agreed with Commissioner Coleman regarding employees asking questions about early retirement and expressed concern when a person is being recommended for a raise, working for a short amount of time then taking early retirement with the new pay used to calculate their retirement benefit, adding that he knows of that happening many times just this year. Mr. Berry agreed that there has been a lot of movement and changes with employees being put in new jobs along with approximately 60 jobs cut with more cuts necessary. He said incentives need to be in place for people to retire, adding that this is a retirement incentive. In reply to Mayor Pro Tem Howard, he said we will not know how many people will take advantage of the incentive and/or the cost until it is offered. If jobs are not filled when someone retires, there is a net gain in the budget. However, he added, without implementing the incentives, in 2018, he predicted an arbitrary reduction will be made with police and fire because \$6.0 million per year will be lost and something must be done now to prevent serious problems within the City of Albany. He recommended the Commission make decisions with Mayor Hubbard reminding the Commission of MEAG funds ending in 2018 with this being one way to offset.

Commissioner Postell questioned section 3 and 4. Mr. Davis referred to the new HR Manual and stated that this is, in effect, an amendment to the Manual (sec. 3) and sec. 4 indicates that if there is an ordinance in conflict with this ordinance, this ordinance supersedes the inconsistent one.

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Referring to Sec. 2, Commissioner Postell questioned the process for the procedure, and asked if Mr. Davis agrees with Sec. 3 or 4; Mr. Davis explained the need for both sections. Commissioner Postell mentioned the first ordinance regarding the Utility Board and said he favors adopting this ordinance to help the transition since it will have an effect on the budget. He said he also supports downsizing; if someone is not working, they don't need to be employed. The only ones who can make that decision are the City Manager, Asst. City Managers and their immediate supervisor. He said this is a common sense thing more so than an antagonistic situation and will be a good decision to move forward, adding that Mr. Berry is trying to assist in bringing about changes. He then moved to approve, seconded by Commissioner Langstaff.

Commissioner Fletcher mentioned that a high number of employees may take a buy-out, with the City taking a hit in the beginning and Commissioners will need answers for constituents in 2018. These issues have been ongoing and this is common business sense. She asked to see a number in the future to say – i.e., a \$1.0 million buy-out that saved \$4.0 million.

Commissioner Coleman asked if this is an amendment to the employee manual; Mr. Davis replied that it is, in effect. Commissioner Coleman asked if the manual is completed; Mr. Davis replied in the negative. Commissioner Coleman said he has the manual because he requested it.

Mayor Hubbard stated that we know the city manager is responsible for personnel within the city and she has never had a problem getting information. She stated that as Mayor and Commissioners, she is not sure how much we want or need to be involved when it comes to personnel because Mr. Taylor used to tell her all the time that she did not want to be involved because it puts the City at risk. Commissioner Coleman said it is not micromanaging, but is a matter of elected officials being informed. Mayor Hubbard said there is a way to make this happen, adding that the Commission has been involved in hearings in the past (many not wanting to be involved in the meetings), etc., with the Charter providing for ways to get things done and the Commission to be informed.

Commissioner Marietta clarified that this is an amendment to the HR Manual. Henry Cohen, HD Director explained that the HR Manual setting the overriding government policy is complete with a set of Standard Operating Procedures, which are the nuts and bolts of how things are done for example, sick leave policy, it explains the process for requesting, etc., is done on the HR level with the City Manager, but some SOP's have not yet been written. He explained that the HR Manual gives the City Manager and HR direction from the Commission on how they are to implement; that part of the policy is complete, adding that this has been before the Commission to approve.

Hearing no further comments, the motion unanimously carried.

APPOINTMENT:

1. One member to the Albany/Dougherty Joint Board of Registration and Elections for two-year term expiring December 21, 2016

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Commissioner Postell moved to appoint Bishop Frederick Williams, the motion unanimously carried.

TRAVEL:

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

1. Mayor Pro Tem J. Howard, NLC Conference; Austin, TX; Nov. 11-17, 2014
\$2642.45
2. Commissioner T. Postell, NLC Conference; Austin, TX; Nov. 11-17, 2014,
\$2,450.15
3. Mayor D. Hubbard, GMA Executive Bd. Mtg., Greensboro, GA; December 4-5,
2014 - \$188.84

ITEM FOR FUTURE AGENDA

Mayor Pro Tem Howard mentioned the issue regarding the Boys and Girls Club and asked to start work on putting a pool in E. Albany, adding that he recommends the site adjacent to the Policing Center.

PUBLIC SAFETY MATTERS

ALCOHOL LICENSE APPLICATION:

1. Eastside Pubs, Inc., d/b/a Blue Dog Station; P. Gepty/Agent; Consumption
(WARD 1)

Mayor Pro Tem Hubbard asked the location of Tiger, Georgia? Mr. Berry stated that it is in N. Georgia; however, the manager is local as noted on the application.

Commissioner Postell asked if there are problems with the location. Mike Tilson, Enforcement Director, stated that he is not aware of any. Commissioner Postell moved to approve, seconded by Commissioner Langstaff; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

ITEM FOR FUTURE AGENDA

Commissioner Marietta mentioned the monthly report that was provided by the previous City Manager, with Mr. Berry stating that it will be started back.

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Commissioner Coleman asked where we are with the Broad Avenue overpass and railroad crossing at Clark/Swift Avenue.

Commissioner Marietta asked about tree ordinance revisions and having clear-cutting restricted in the city. Mr. Berry stated that this will be on a January agenda.

Commissioner Postell mentioned that on several occasions he has been in the Lake Loretta area and has seen drivers speeding around the lake; he asked Engineering to check on whether speed bumps are needed. Commissioner Marietta reported that a study was conducted years ago, and speed bumps were not warranted; it would not hurt to have an update.

PUBLIC ADMINISTRATIVE AND FINANCE MATTERS

CURRENT BID:

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

1. Pipe Purchase/Booker Alley Sewer Line, Hanson's Pipe & Precast, Gretna, FL

Total expenditure \$79,030.80

ITEM FOR FUTURE AGENDA

Commissioner Marietta brought up searching for a city manager and the need to start advertising. Mayor Hubbard stated that Mr. Berry is working on this and will bring back information in the near future. In reply to Mayor Hubbard, Mr. Berry stated that he is working on a job description.

Mayor Pro Tem Howard mentioned that the Art Park is a time bomb, especially in relation to ingress/egress. Mr. Berry agreed that actions should be taken and they are working on removing the glass out and keeping it clean. There is a group deciding what to do with it in the future and updates will be provided to the Commission. Mayor Pro Tem Howard commented on the safety issue with Mr. Berry stating that they are keeping people from going in and that APD is patrolling until something is decided. In reply to Mayor Hubbard he advised that they are not allowing people to use it and there have not been any recent requests to use it.

Commissioner Postell commented that there are skate boarders in the parking lot, which is dangerous and asked if APD can patrol to prevent accidents.

Mayor Hubbard commended staff who worked to put the Christmas Parade together; it was a great event.

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Mayor Hubbard asked if an executive session is necessary before the Special Called meeting. At 9:52 a.m., Commissioner Langstaff moved to inter into executive session to discuss pending litigation and a personnel issue, 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 10:58 a.m., Mayor Pro Tem Howard moved to exit 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

There being no further business, the meeting adjourned at 10:59 a.m.

SONJA TOLBERT
CITY CLERK