AGENDA

REGULAR MEETING BOARD OF CITY COMMISSIONERS

ALBANY, GEORGIA

GOVERNMENT CENTER BUILDING - ROOM 100

Tuesday, November 12, 2019 - 9:00 AM (tentative)

Times may vary, meeting will be immediately following the Work Session.



MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

I. ORDINANCE AND RESOLUTIONS

A. ORDINANCE(S)

NOTE: THE MOTION FOR APPROVAL OF AN ORDINANCE IS AS FOLLOWS: "I OFFER THE ORDINANCE AND ASK FOR UNANIMOUS CONSENT TO DISPENSE WITH THE SECOND READING AND ASK FOR ITS ADOPTION"

- 1. January, 2020 Organizational Meeting
 - Amending Article II of Chapter 2 of the Code of Ordinances of the City of Albany changing the regular meeting of the Board of Commissioners of the City of Albany, Georgia from Tuesday, January 14, 2020, to Monday, January 13, 2020
- 2. Approval of Pension Ordinance Amendment 6
 - Amending the City of Albany's Retirement Plan so as to revise the Plan's definition of annual salary and gross wages

B. RESOLUTION(S)

NOTE: THE MOTION FOR APPROVAL OF A RESOLUTION IS AS FOLLOWS: "I OFFER THE RESOLUTION AND ASK FOR ITS ADOPTION"

- 1. Dogwood Trail Apartments
 - Authorizing installation of on-street parallel parking wells for Marie Road

- 2. Sales and Use Tax Information Request
 - Requesting Sales and Use Tax information available to political subdivisions pursuant to Senate Bill 371; Designating Derrick L. Brown, Finance Director, as the City of Albany's official to receive such information

II. ADJOURNMENT

Post Office Box 447 Albany, Georgia 31702-0447

Department: City Clerk - (229) 431-2161

Item A.1.W11/12/2019



AGENDA ITEM

DATE: 10/28/2019 MEETING DATE: 11/12/2019

SUBJECT: January, 2020 Organizational Meeting

PRESENTED FOR: Decision

PRESENTER(S): Sonja Tolbert, City Clerk

Statement of Issue:

 Amending Article II of Chapter 2 of the Code of Ordinances of the City of Albany changing the regular meeting of the Board of Commissioners of the City of Albany, Georgia from Tuesday, January 14, 2020, to Monday, January 13, 2020

History/Facts and Issues:

In accordance with Sec. 3(d) of the City Charter, the Board of City Commissioners meets on the second Monday in January of each even numbered year. With the regularly scheduled work session and regular meeting of the Board of Commissioners being on Tuesday, January 14, 2020, the request is to move that meeting to Monday, January 13, 2020 and to change the time from 8:30 a.m., to 6:00 p.m. The schedule will be as follows:

- Work Session will begin at 6:00 p.m.
- Regular Meeting to begin immediately following the work session
- Organizational meeting to begin immediately following the regular meeting

The organizational meeting consists of the swearing in of elected officials from the 2019 election (Mayor, Wards 1, 4 and 6) and annual board appointments including Commission appointees and the appointment of the Mayor Pro Tem.

Recommended Action:

Change meeting dates and times as noted

Fiscal Impact/Funding Source:

Requisition Number:

Attachment(s):

Draft Ordinance

AN ORDINANCE ENTITLED

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF ALBANY CHANGING THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF ALBANY, GEORGIA FROM TUESDAY, JANUARY 14, 2020, TO MONDAY, JANUARY 13, 2020; REPEALING PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.

WHEREAS, the first work session and regular meeting in January is Tuesday, January 14, 2020; and

WHEREAS, the organizational meeting is scheduled for Monday, January 13, 2020; and

WHEREAS, it is in the best interest of the citizens of Albany to reschedule the first regular meeting to coincide with the organizational meeting,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. Section 2-41 of the Code of Ordinances of the City of Albany, Georgia providing for the date and time of regular meetings of the Board of City Commissioners is amended so as to provide that the first regular meeting scheduled for January 14, 2020, will not be held on that date, but will be held instead on January 13, 2020, at 6:00 p.m. with the organizational meeting to follow immediately after the adjournment of the regular meeting.

SECTION 2. Except as herein specifically amended, Section 2-41 of the Code of Ordinances of the City of Albany, Georgia shall remain in full force and effect.

SECTION 3. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.

ATTEST:	MAYOR	
CITY CLERK		
Adopted:		
	Introduced By Commissioner:	

Post Office Box 447

Albany, Georgia 31702-0447

Department: City Clerk - (229) 431-2161

Item A.2.W11/12/2019



AGENDA ITEM

DATE: 10/25/2019 MEETING DATE: 11/12/2019

SUBJECT: Approval of Pension Ordinance Amendment 6

PRESENTED FOR: Decision

PRESENTER(S): Nicole Bush, HR Manager

Dwight Baker, Director of Human Resources

Veronica Wright, Managing Director, HR & Risk Management

Statement of Issue:

• Amending the City of Albany's Retirement Plan so as to revise the Plan's definition of annual salary and gross wages

History/Facts and Issues:

At the October 3, 2019 Pension Board meeting, the Pension Board unanimously voted to recommend the definitions of Annual Salary and Gross Wages be amended. The purpose of the amendment is to exclude occasional or one time lump sum incentives from both definitions. The definition of "Annual Salary" in Article 1, DEFINITIONS, as previously amended, shall be further amended by adding the following at the end of the first paragraph:

1.

"Notwithstanding the foregoing, effective for amounts paid on and after November 12, 2019, Annual Salary shall not include occasional or one-time payouts, incentives or similar amounts paid by the Employer to an Employee, even if such amounts are not designated as severance pay, retirement incentive or termination incentive."

2

Section 4.01, Participant Contributions, shall be amended by adding a new subsection (e), to read as follows:

Lump Sum Incentives:

"(e) Incentives Other than Severance or Retirement Incentives. Effective for amounts paid on and after November 12, 2019, 'Gross wages,' for purposes of calculating participant contributions under Sections 4.01(b) or (c) above, shall not include payments the Employer pays as occasional or one-time lump sum incentives or similar amounts, even if such amounts are not designated as severance pay, retirement incentive or termination incentive under item (d) above."

Recommended Action:

Adopt the above described amendments to the City's Pension Ordinance.

Fiscal Impact/Funding Source:

Requisition Number:

Attachment(s):

Draft Ordinance

AN ORDINANCE ENTITLED

AN ORDINANCE AMENDING THE CITY OF ALBANY'S RETIREMENT PLAN SO AS TO REVISE THE PLAN'S DEFINITION OF ANNUAL SALARY AND GROSS WAGES; REPEALING PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.

WHEREAS, the City of Albany maintains the City of Albany Retirement Plan ("Plan") which was last amended and restated as of January 1, 1989; and

WHEREAS, the City wishes to amend the Plan's definition of annual salary and gross wages for purposes of calculating benefit accruals and participant contributions to exclude occasional or one-time lump sum incentives from both provisions; and

WHEREAS, City has reserved the right to amend the Plan,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. The City of Albany's Retirement Plan is hereby amended as follows:

The definition of "Annual Salary" in Article 1, DEFINITIONS, as previously amended, shall be further amended by adding the following at the end of the first paragraph:

"Notwithstanding the foregoing, effective for amounts paid on and after November 12, 2019, Annual Salary shall not include occasional or one-time payouts, incentives or similar amounts paid by the Employer to an Employee, even if such amounts are not designated as severance pay, retirement incentive or termination incentive."

SECTION 2. The City of Albany's Retirement Plan is further amended as follows:

Section 4.01, Participant Contributions, shall be amended by adding a new subsection (e), to read as follows:

"(e) <u>Lump Sum Incentives</u>: Incentives Other than Severance or Retirement Incentives. Effective for amounts paid on and after November 12, 2019, 'Gross wages,' for purposes of calculating participant contributions under Sections 4.01(b) or (c) above, shall not include payments the Employer pays as occasional or one-time lump sum incentives or similar amounts, even if such amounts are not designated as

severance pay, retirement incentive or termination incentive under item (d) above."

SECTION 3. This amendment is effective immediately, and except as herein expressly amended the Retirement Plan of the City of Albany, as amended, shall remain in full force and effect.

SECTION 4. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.

ATTEST:	MAYOR	
CITY CLERK Adopted:		
	Introduced By Commissioner:	

Post Office Box 447 Albany, Georgia 31702-0447

Department: City Clerk - (229) 431-2161

Item B.1.W11/12/2019



AGENDA ITEM

DATE: 10/15/2019 MEETING DATE: 11/12/2019

SUBJECT: Dogwood Trail Apartments

PRESENTED FOR: Decision

PRESENTER(S): Bruce Maples, P.E., Managing Director of Engineering and Planning

Ken Breedlove, Traffic Division Manager

Statement of Issue:

• Authorizing installation of on-street parallel parking wells for Marie Road

History/Facts and Issues:

The Engineering Department received site plans from Pilgreen Engineering, Inc. for the Dogwood Trail Apartment development on the east and west side of the 300 block of Marie Road. Developer has requested that they be allowed to construct parallel type parking wells. See attached City Code Section 56-3 stating approval requirements for parking wells.

The apartments have received a parking variance for 1.5 spaces per-unit so there is sufficient internal parking for the apartments without approval of the on-street parking.

Recommended Action:

Staff recommends approval.

Fiscal Impact/Funding Source:

Requisition Number:

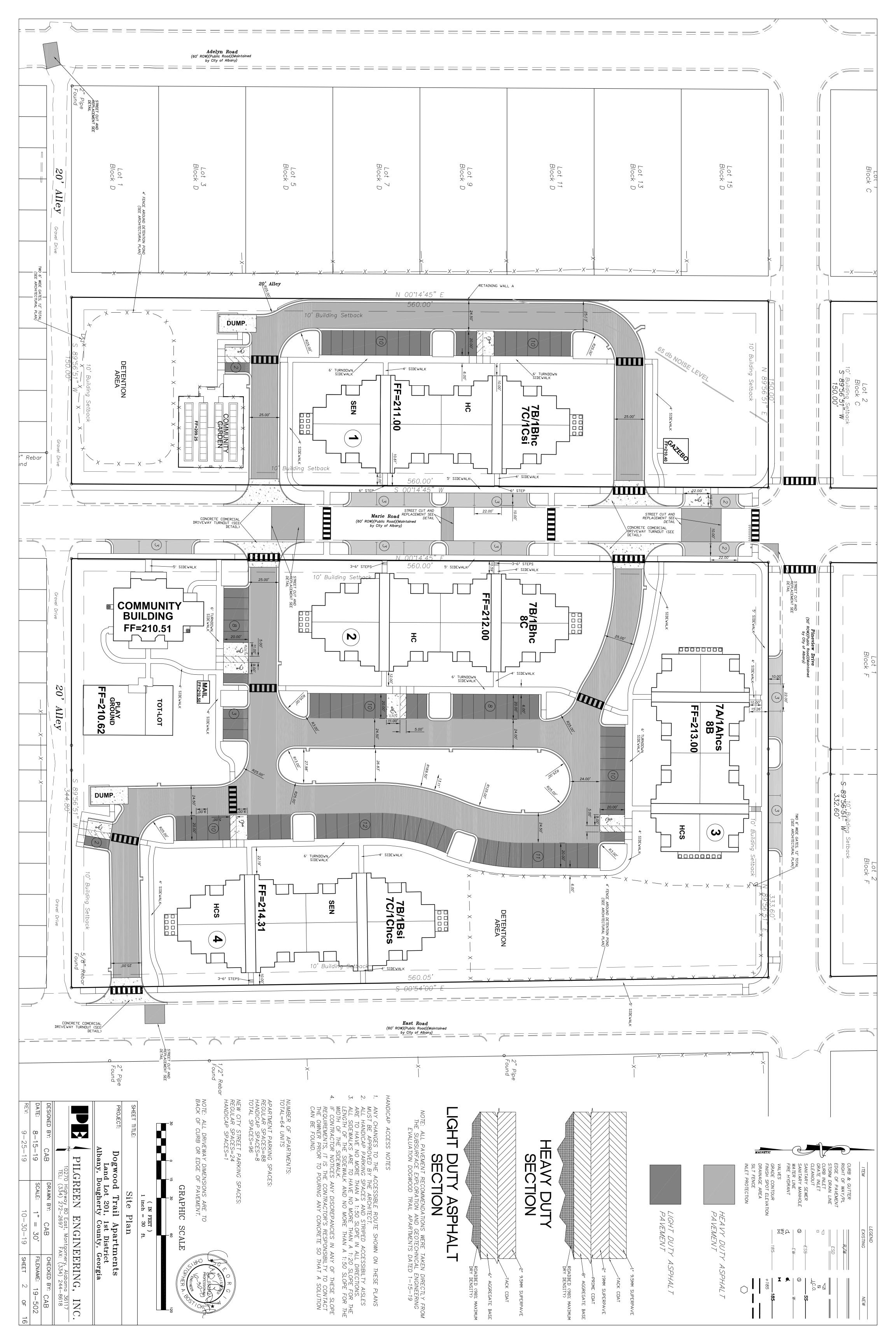
No initial city funding is required since improvements are being constructed by the developer. Future maintenance costs will be required.

Attachment(s):

Code of Ordinances Sec. 56-3. – Parking wells Site Plan Draft Resolution

- (a) Except as hereafter provided, parking wells are prohibited on arterial and collector streets. Parking wells are prohibited on adjacent alleys where there is limited sight distance. Applications for those desired on minor streets shall be made to the director of engineering who shall review and forward the application along with his or her recommendations to the board of city commissioners for disposition.
- (b) Parking wells shall follow the same requirements for curb cuts and driveways, except for width, and provided they are not intended for use to meet off-street parking requirements. Depth of parking wells may vary depending on the angle used; the following minimum depth shall apply: 45 degrees, 17 feet, 90 degrees, 30 feet. Parallel parking wells shall be a minimum of ten feet in depth, and 22 feet in length. A row of parallel parking wells shall have a minimum ten foot taper at each end. Parallel parking wells shall not be used to satisfy the off-street parking requirements of these regulations. Modification of the 90-degree parking well requirement on minor streets may be made by the board of commissioners upon the recommendation of the traffic engineer. Application for such modification shall be made to the director of engineering, who shall review the application in the light of its impact on the public safety, and shall forward the application to the board of commissioners with his or her recommendation.
- (c) Parking wells may be permitted on arterial and collector streets within the area defined as "downtown" subject to compliance with the following requirements and procedures:
 - (1) Such parking wells shall be subject to and shall meet all the requirements and standards of subsection (b) of this section, all of the construction and other standards of the city, and all other ordinances and regulations of the city governing parking wells.
 - (2) All costs of the construction of said parking well shall be paid by the applicant.
 - (3) The applicant and the property owner and their successors shall at all times and at their expense maintain such parking well in good repair and condition.
 - (4) Within 30 days after completion of construction, applicant shall replace at applicant's expense any trees removed in the construction of the parking well at a location specified by the city and of a variety specified by the city.
 - (5) No parking well shall be so located or constructed as to interfere with pedestrian access to the street or adjoining property, or in such manner as to constitute a hazard or danger to the public.
 - (6) No person shall acquire a vested interest of any kind in any parking well constructed hereunder. Any parking well constructed hereunder shall be subject to termination by the board of commissioners for violation of the provisions of this section or of any ordinances or regulations of the city pertaining thereto. It shall also be subject to termination at any time the board of commissioners determines, in its sole judgment and discretion, that the property is needed for public purposes. If the parking well is terminated for any of the reasons in subsections (c)(1) through (5) of this section, neither the owner thereof, nor any tenant, nor any other person shall be entitled to any compensation or reimbursement on account thereof.
 - (7) The provisions of this subsection shall not apply on state or federal highways.
 - (8) Application for such parking wells shall be made to the director of engineering. Such application shall be reviewed by the engineer for compliance with the provisions of this chapter, and in the light of its impact on public safety. The engineer shall also submit the application to Albany-Dougherty Inner City Authority (ADICA) for review and determination as to whether the proposed parking well fits into the theme of the ADICA Downtown Urban Design Plan. After such reviews, the application shall be forwarded, with the recommendations of ADICA and the engineer, to the board of commissioners for final determination.

State Law reference— Municipal authority to regulate the parking of vehicles on public roads, O.C.G.A. § 32-4-92(A)(7).



A RESOLUTION ENTITLED

A RESOLUTION APPROVING AND AUTHORIZING INSTALLATION OF ON-STREET PARALLEL PARKING WELLS FOR MARIE ROAD; REPEALING PRIOR RESOLUTIONS IN CONFLICT AND FOR OTHER PURPOSES.

WHEREAS, Pilgreen Engineering, Inc. ("PEG") desires to construct parallel type parking wells for the Dogwood Trail Apartment development on the east and west side of the 300 block of Marie Road; and

WHEREAS, City Code Sec. 56-3 requires approval by the City Commission of the parking wells; and

WHEREAS, it would be in the best interests of the City of Albany to allow construction of the parking wells,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Albany, Georgia and it is hereby resolved by authority of same:

SECTION 1. The request by PEG to construct parallel type parking wells for the Dogwood Trail Apartment development on the east and west side of the 300 block of Marie Road is approved.

SECTION 2. PEG shall be responsible for all necessary and appropriate construction costs in accordance with all applicable laws and ordinances for the construction of parking wells with no costs to be paid by the City of Albany, Georgia.

SECTION 3. All resolutions, or parts of resolutions, in conflict herewith are repealed.

ATTEST:	MAYOR	
CITY CLERK Adopted:	Introduced By Commissioner	

Post Office Box 447 Albany, Georgia 31702-0447

Department: City Clerk - (229) 431-2161

Item B.2.W11/12/2019



AGENDA ITEM

DATE: 10/21/2019 MEETING DATE: 11/12/2019

SUBJECT: Sales and Use Tax Information Request

PRESENTED FOR:

PRESENTER(S): Derrick L. Brown, Finance Director

Statement of Issue:

 Requesting Sales and Use Tax information available to political subdivisions pursuant to Senate Bill 371; Designating Derrick L. Brown, Finance Director, as the City of Albany's official to receive such information

History/Facts and Issues:

On May 7, 2018, Senate Bill 371 (SB 371) was signed into law and became effective on July 1, 2018. It allows political subdivisions in Georgia to obtain a list of vendors who filed a sales and use tax return in their jurisdiction for a specified filing period.

Before the Department of Revenue can provide this information, the political subdivision must make a formal request by submitting an official resolution. The resolution must contain the contact information (name, address, phone number, and e-mail address) of a designated official, who must be a finance officer or taxing official of the political subdivision.

Recommended Action:

Adopt a resolution authorizing the following individual to request sales and use tax information for the City of Albany during the designated period of July 1, 2018 through June 30, 2019:

Derrick L. Brown, Finance Director 222 Pine Avenue, Suite 460 Albany, GA 31701 (229) 431-2107 debrown@albanyga.gov

Fiscal Impact/Funding Source:

Requisition Number:

Attachment(s):

Senate Bill 371 Policy Bulletin
Draft Resolution



Georgia Department of Revenue Policy Bulletin ADMIN-2019-02 Sales and Use Tax Information Available to Political Subdivision Designees

Purpose: The purpose of this Policy Bulletin is to clarify the process for political subdivisions to request and receive sales and use tax information in accordance with 2018 Senate Bill 371 ("SB 371"), which was signed into law on May 7, 2018 and became effective on July 1, 2018. Additionally, this Policy Bulletin addresses the confidentiality obligations which political subdivisions must comply with after receipt of any such information.

Issue Date: January 14, 2019.

Authority: O.C.G.A. §§ 48-2-1 and 48-2-15.

Scope: A Policy Bulletin is intended to provide guidance to the public and to Department personnel. It is a written statement issued to apply principles of law to a specific set of facts or a general category of taxpayers. A Policy Bulletin is the Department's position and is binding on agency personnel until superseded or modified by a change in statute, regulation, court decision, or subsequent Policy Bulletin.

Discussion:

1. SB 371 Summary

SB 371 allows counties, municipalities, and consolidated governments (collectively, "political subdivisions") in Georgia to: (1) request a report of vendors who filed a sales tax return with amounts attributable to the political subdivision for a designated period (the "Report"); and (2) after receiving the Report, the political subdivision may request that the Department validate that a taxpayer within the political subdivision is remitting sales tax to the appropriate political subdivision.

2. Sales and Use Tax Filer Report

Before the Department can provide the Report, the political subdivision must request the Report by sending an official resolution to <u>public.disclosure@dor.ga.gov</u>. The resolution must contain the contact information (name, address, phone number, and e-mail address) of a designated official, who must be a finance officer or taxing official of the political subdivision (the "Designee"). The resolution must also state a "designated period" of tax information the Designee wishes to receive, such designated period not to exceed one year. Please note that the Department is only able to include information of vendors for tax periods occurring after July 1, 2018, the effective date of SB 371. The Designee will be the only individual authorized to receive the Report from the Department.

Reports provided by the Department will include the sales tax certificate information for vendors who have reported sales tax attributable to the requesting political subdivision in the designated period. Please note that, due to statutory sales and use tax reporting requirements, the Department only has county-level information to provide to municipalities and consolidated governments.

Each political subdivision may make one Report request per year. The Department will charge a fee of \$50.00 to the requesting political subdivisions for providing each Report.

3. Validation of the Report

The initial Report provided to a Designee will list all vendors remitting any sales tax to the requesting political subdivision. After receiving the initial Report, the Designee of each political subdivision may request that the Department validate up to 10 vendors which are located within their political subdivision, whether or not such vendors appeared on the Report.

All validation requests must come from the Designee and contain the business name and location address of each vendor being validated. Additionally, if available, the validation request should include the taxpayer identification number, the reason the validation is being requested, and any other additional information the Designee wishes to include. Validation requests must be emailed to public.disclosure@dor.ga.gov.

Within 30 days of receipt of each validation request, the Department will provide the Designee with a response validating whether each vendor is reporting sales tax attributable to the proper county. For any vendors which the Department was unable to validate, the Department will take other appropriate action as provided by law. The Department will charge a fee of \$50.00 to the requesting political subdivision for providing the validation.

4. Confidentiality of Reports and Validation

Any information furnished pursuant to O.C.G.A. § 48-2-15(d.1) is strictly privileged and confidential. The political subdivision Designee may **NOT** contact any of the taxpayers identified in the confidential information.

It is unlawful for any person to divulge confidential tax information in violation of O.C.G.A. § 48-2-15(d.1). Any person who violates this law is subject to the same penalties that would apply to an employee of the Department of Revenue for the improper divulgence of confidential tax information.

FOR MORE INFORMATION

For more information on this subject, please email <u>public.disclosure@dor.ga.gov</u> or visit the Department's website at <u>dor.georgia.gov</u>.

A RESOLUTION ENTITLED

A RESOLUTION REQUESTING SALES AND USE TAX INFORMATION AVAILABLE TO POLITICAL SUBDIVISIONS PURSUANT TO SENATE BILL 371; DESIGNATING DERRICK L. BROWN, FINANCE DIRECTOR, AS THE CITY OF ALBANY'S OFFICIAL TO RECEIVE SUCH INFORMATION; REPEALING PRIOR RESOLUTIONS IN CONFLICT AND FOR OTHER PURPOSES.

WHEREAS, 2018 Senate Bill 371 ("SB 371") was signed into law on May 7, 2018, effective July 1, 2018, clarifying the process for political subdivisions to request and receive sales and use tax information from the Georgia Department of Revenue; and

WHEREAS, SB 371 allows counties, municipalities, and consolidated governments in Georgia to (1) request a report of vendors who filed a sales tax return with amounts attributable to the political subdivision for a designated period ("Report"); and (2) after receiving the Report, the political subdivision may request that the Department validate that a taxpayer within the political subdivision is remitting sales tax to the appropriate political subdivision,

WHEREAS, it would be in the best interests of the City of Albany to request such Report,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Albany, Georgia and it is hereby resolved by authority of same!

SECTION 1. The Honorable Mayor and Board of Commissioners of the City of Albany, Georgia, hereby authorizes the following individual to request sales and use tax information for the City of Albany during the designated period of July 1, 2018, through June 30, 2019:

Derrick L. Brown, Finance Director 222 Pine Ave., Suite 460 (229) 431-2107 debrown@albanyga.gov

SECTION 2. All resolutions, or parts of resolutions, in conflict herewith are repealed.

ATTEST:	MAYOR
CITY CLERK Adopted:	Introduced By Commissioner: