

JULY 19, 2016  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – RM. 120

PRESENT Mayor Dorothy Hubbard  
Mayor Pro Tem BJ Fletcher  
City Commissioners: Jon Howard, Bobby Coleman, Roger Marietta and Bob  
Langstaff, Jr.  
City Manager: Sharon Subadan  
City Attorney: CN Davis

Mayor Hubbard called the meeting to order at 8:30 a.m., and asked for a moment of silence due to tragic events happening nationwide and to pray for unity.

APPOINTMENTS

The Clerk read the following:

1. Appointment to Community Development Council for one-year term expiring June, 2017
2. One appointment to Planning Commission to fill unexpired term ending January, 2017
3. One appointment to Stadium Authority to fill unexpired term ending June, 2018
4. Two appointments to the Aviation Commission for three-year term ending July, 2019

Commissioner Langstaff advised that the Aviation Commission recommended reappointing the two who are currently serving. In reply to Commissioner Coleman, the Clerk advised that Leo Bowersox is the only person submitting a letter/resume for consideration.

TRAVEL:

Commissioner Howard moved to approve the following, seconded by Mayor Pro Tem Fletcher; the motion unanimously carried:

1. Mayor D. Hubbard, 2016 GMA Annual Training Convention; Savannah, GA; June 24-28, 2016; \$2,068.78
2. Commissioner J. Howard, 2016 GMA Annual Training Convention; Savannah, GA; June 24-26, 2016; \$691.25
3. Commissioner B. Coleman, 2016 GMA Annual Training Convention; Savannah, GA; June 24-27, 2016; \$1,313.50
4. Commissioner R. Marietta, 2016 GMA Annual Training Convention; Savannah, GA; June 24-27, 2016; \$1,619.98
5. City Manager S. Subadan, 2016 GMA Annual Training Convention; Savannah, GA; June 24-28, 2016; \$2,662.55
6. City Clerk S. Tolbert, 2016 GMA Annual Training Convention; Savannah, GA; June 24-28, 2016; \$2,086.98
7. Asst. City Clerk S. Kelly, 2016 GMA Annual Training Convention; Savannah, GA; June 24-26, 2016; \$1,511.66

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GMA LEASE POOL

Mr. Davis reviewed information as noted (copy on file). Commissioner Langstaff moved to approve, seconded by Mayor Pro Tem Fletcher; the motion unanimously carried.

MUNICIPAL COURT JUDGES/TERMS

Mr. Davis discussed information as noted (copy on file), pertaining to the new state law regarding the terms of appointments for municipal court judges.

Commissioner Langstaff moved to approve, seconded by Mayor Pro Tem Fletcher.

Mayor Hubbard commented on the process of removing a judge based on conduct, etc.

Hearing no further comments, the motion unanimously carried.

SPLOST VII

Mr. Davis reviewed information, (copy on file) regarding the upcoming SPLOST and intergovernmental agreement.

Mayor Hubbard mentioned a letter from James Baker (copy on file) pertaining to the request for additional funds (\$1.0 million) for a disparity study.

Discussion followed on whether or not funds are left for a study; repair of railroad crossings (Commissioner Marietta). In reply to Commissioner Howard regarding repairs to railroad crossings, etc., comments, Ms. Subadan advised that the vote is scheduled to be finalized at next week's regular meeting, but if it is the will of the board, funds can be allocated for a study. Commissioner Howard said he feels it is not the city's responsibility to repair the railroad and suggested the \$1.6 million should not be included; should they (the railroad) not repair, he suggested requesting the State to allocate funding. In reply to Commissioner Howard, Bruce Maples, Director of Engineering, discussed the railroad's responsibility to repairs crossings, but they are only required to put back in railroad tie crossings, which is what we mainly have now. The City requested concrete panels, with DOT paying for the railroad to install the concrete panels. He explained that the County paid for their concrete panels with SPLOST funding some years ago and advised that the entity wanting the panels are required to pay for them. He and Asst. City Manager Phil Roberson assured the Commission that discussion/negotiations with the railroad will continue regarding funding.

Mayor Pro Tem Fletcher asked the Commission to pass the SPLOST with the key word being 'infrastructure' as a means to attract businesses. Regarding the request of minority contractors, she said she feels that the City is fair to minority contractors and has an established microbusiness office that goes out of its way to support minority businesses. If this request is entertained, that will open the door for everyone to make requests; concentrating on infrastructure will give all local contractors an opportunity to bid and be awarded proposed projects.

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Commissioner Marietta said he had discussion with the railroad rep; the railroad will make minimal repairs, which do not last. He suggested moving forward with staff's recommendation as noted in the proposed SPLOST funding list.

Ms. Subadan mentioned that there are two railroads improvements as listed on the list (copy on file); there have been negotiations with the railroad and the current funding can be reduced. Regarding the request for a disparity study, she advised that she just received the letter. Mayor Pro Tem Fletcher stated that the County discussed the letter yesterday. Discussion followed on the request being made to the City and County with Mayor Hubbard stating that she had not discussed it with Chairman Cohilas. Commissioner Howard stated that the cost can be split three ways among the City/County/School Board, as was done with the last disparity study. He asked that the City look at the request to ascertain if funds can be allocated, adding that the School Board will have an E-SPLOST on the referendum. Ms. Subadan said she will reach out to the County and School Board to see if there is a willingness to split the cost. Mayor Pro Tem Fletcher asked to do a study on the definition of a minority per federal law. She asked if it include women, and who are being reached out to help. Commissioner Coleman stated that a minority is a group of people who have been underserved by the Federal government for a long period of time with them being categorized as all women and people of color - anyone other than a Caucasian male. Commissioner Langstaff asked when the last disparity was done and the best practices for repeating the study, who paid for the last one and the source of funds. He stated that if three entities shared in the cost of the last one, three ought to share in the cost of another one. Commissioner Marietta asked what is being bought with the \$1.0 million when the study is complete – a report or something in which people are identified to be compensated? Commissioner Howard said in 2008, BBC Research provided an update during City Manager Al Lott's tenure. He read the definition of a minority as noted in the study. He added that a study conducted 1994 set goals for the City/County, which had set asides of 30%. In 2018, the T-SPLOST will be voted on and a disparity study is being done by the State of Georgia, adding that set asides of 10% are in place for transportation (DOT and federal contracts). Commissioner Coleman asked to ensure that an update of the disparity study is conducted, adding that it needs to have a component of economic empowerment. Commissioner Marietta suggested the study be done in house, by ASU or CVIOG, because the last one enriched a consultant in Colorado; it should be kept local. Commissioner Langstaff stated that a disparity study is needed in order to change certain City policies, i.e., 10% from SPLOST set aside for minorities, etc.

Commissioner Howard asked if \$2.5 million is sufficient for sidewalks/streetscape. Mr. Roberson said it will cover approximately 18 miles of sidewalks and explained the process. He said additional information will be brought back, including a list for consideration. Commissioner Howard referred to Carver pool, in which \$750,000 was expended for upgrades to the pool built in 1954 and asked if more money can be allocated to upgrade. Ms. Subadan stated an estimated \$500,000 would cover a complete renovation; however, if it appears that a brand new pool is feasible, that will be taken into consideration. Commissioner Howard stated that he is not trying to micromanage her ward, but asked Mayor Pro Tem Fletcher if she is amenable to looking at it; she agreed, adding that the pool is greatly utilized.

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Mayor Hubbard mentioned IT software, asking if the County pays a portion; Ms. Subadan replied in the affirmative. Questions/discussion also focused on recreation, federal aviation matching funds at the airport, etc.

Commissioner Marietta moved to approve, seconded by Mayor Pro Tem Fletcher. Commissioner Howard asked that info for the disparity study and pool be available prior to the night meeting. Hearing no further comments, the motion unanimously carried.

Mayor Hubbard acknowledged former Mayor Willie Adams.

#### 401(A) DEFINED CONTRIBUTION PLANS FOR SENIOR MANAGEMENT

Mr. Davis discussed information (copy on file) pertaining increasing city contributions from 8.9% to 10.9% for employees in the 401A plan.

Commissioner Langstaff moved to approve, seconded by Mayor Pro Tem Fletcher.

Commissioner Coleman asked the amount of the across the board raise for employees with Ms. Subadan explaining that the pay equity study resulted in raises varying and the average being 7% for lower ranks and 5% for upper ranks. In reply to Commissioner Coleman, she explained the difference in City contributions 8.9% to 10.9%, which was approved in the budget. There are seven who are not in the City's pension fund, which was discussed at the night meeting last month.

Hearing no further comments, the motion unanimously carried.

#### ADICA/DDA RESTRUCTURING

Latoya Cutts, Downtown Manager, discussed information pertaining to the differences between ADICA and the Downtown Development Authority (copy on file). Using a power point presentation (copy on file), Daniel McRae, Seyfarth and Shaw, discussed the local act creating the two Authorities and differences between them, adding that state law overrides City ordinances regarding DDA appointments/terms. Regarding ADICA, he said to clean-up the enabling act requires the general assembly to review the ACT and the bylaws would need to be changed. He made three recommendations to help resolve the conflict.

Mayor Pro Tem Fletcher clarified the requested changes and moved to approve, seconded by Commissioner Marietta who made additional comments regarding appointments, etc. In reply to Commissioner Marietta and Mayor Hubbard, Ms. Cutts stated that more information will be provided for approval at a later date. Commissioner Howard asked about appointments (two-year term for ADICA, etc), with Ms. Cutts explaining the process of making appointments consistent, all of which will be brought back for the Commission to consider and approve.

Hearing no further comments, the motion unanimously carried.

CITY MANAGER’S UPDATE

Ms. Subadan stated that her update at this time pertains to the Microbrewery project and advised that the MOU has been updated and discussed information as noted (copy on file). She explained that it was not listed on the agenda as the information was just received late yesterday afternoon. She stated that the City has been asked to take second position on the lien, which is common and deferred to Ms. Cutts for additional discussion. Mayor Pro Tem Fletcher moved to approve, seconded by Commissioner Marietta.

In reply to Commissioner Coleman, Ms. Subadan stated that there were two changes as noted. Discussion followed on the shared lien, etc., with Mr. Davis explaining the process.

Commissioner Marietta asked to move the project forward. Additional discussion followed with Mr. McRae commenting on getting the project done, explaining the process as it pertains to the legal aspects and recommending to move forward.

Hearing no further comments, the motion unanimously carried.

**PUBLIC SAFETY MATTERS**

ALCOHOL LICENSE APPLICATIONS

1. C&P Restaurant Co. LLC, d/b/a Cheddar's Casual Cafe, 1111 N. Westover Blvd.; M. Chumbley and A. Peake/Agents; Liquor, Beer and Wine Consumption; WARD 5

Commissioner Langstaff moved to approve, seconded by Mayor Pro Tem Fletcher; the motion carried 5-1 with Commissioner Howard voting no.

2. Sandtrap Bar & Lounge, 1412 Radium Springs Rd., G. Udoto/Agent; Liquor, Beer and Wine Consumption; WARD 6

Mayor Pro Tem Fletcher moved to approve, seconded by Commissioner Langstaff.

Commissioner Howard asked if the application is in complies with the required distance from the church in the area; Chief Deputy Anthony Donaldson reported that the application is in order and is in compliance.

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

3. Elements Coffee Company, 2726 Ledo Rd. Suite 10; S.T. Marshall/Agent; Beer and Wine Consumption; WARD 5

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Commissioner Langstaff moved to approve, seconded by Mayor Pro Tem Fletcher, the motion carried 5-1 with Commissioner Howard voting no.

#### NON-PREFERENCE WRECKER TOWING POLICY

Ms. Subadan advised that Chief Burns will present the information since Chief Rowe is not in the office today, adding that the tier recommendation was looked at and will be presented.

Commissioner Coleman said he will recuse himself from the vote and explained why.

Discussion followed on the recommendation with Commissioner Langstaff questioning if there is enough business to justify requiring the large, heavy-duty equipment, etc. He asked if there are any cities/counties which have implemented a tiered approach. Chief Burns stated that most cities bid wrecker service out with one company awarded the bid, adding that they did not find any other city with a tier process. He then explained the difference between the two recommendations as noted. Commissioner Langstaff said he would like to know if there is anyone with a tier process before he votes. Mayor Hubbard asked if we have the capability of monitoring. In reply to Commissioner Marietta about the differences, Mr. Davis noted the two drafts, with discussion following on the changes.

Commissioner Marietta moved to table for one recommendation with Ms. Subadan stating that staff made a recommendation and a decision is being asked of the Commission. Additional discussion followed on the two drafts for consideration with Mayor Pro Tem Fletcher asking that it not be tabled. She then moved to approve two tiers, seconded by Commissioner Howard; the motion failed 2-3 with Mayor Hubbard and Commissioners Marietta and Langstaff voting no. Commissioner Marietta moved to approve one tier, seconded Mayor Pro Tem Fletcher; the motion carried 4-1-1 with Commissioner Howard voting no and Commissioner Coleman abstaining.

#### ALBANY/DOUGHERTY DRUG UNIT UPDATE

Chief Persley distributed information (copy on file) and introduced Drug Commander Major Prunce Dice who reviewed the 2016 Drug Unit report. Discussion followed regarding non-violent felons being released and placed on probation, recidivism rates, burglaries, etc. (Commissioner Marietta). Major Dice explained that reports are received when offenders are placed on parole; he stated that there are three parts to the criminal justice system and after arrests are made police have no authority over sentencing or releasing offenders in regard to the recidivism rate. Commissioner Coleman asked if he is correct in saying that there is more to recidivism than just having gotten out of jail and going back to jail, etc., with detail discussion following regarding the process. In reply to Commission Coleman regarding the jail receiving funding from outside sources, Chief Persley stated that the Sheriff is over the jail, he cannot answer to that. Major Dice stated that he understands Commissioner Coleman's frustration and explained community events that are held to educate the public/being proactive to change the mindset of individuals in order to prevent crime. In reply to Commissioner Howard, Major Dice said he has been head of the Drug Unit for eight months. Discussion followed on the rise of heroin use, a recent drug raid and whether the Drug Unit monitors various hotels known for drug activities and/or other criminal activities and the continuation of the war on drugs.

## **PUBLIC WORKS MATTERS**

### EROSION, SEDIMENTATION & POLLUTION CONTROL ORDINANCE

Mr. Maples discussed information as noted (copy on file) which is a requirement from EPD. Commissioner Langstaff moved to approve, seconded by Commissioner Howard. In reply to Commissioner Marietta, Mr. Maples discussed the process of compliance/monitoring.

Hearing no further comments, the motion unanimously carried.

### SILICA DRIVE STREET CLOSURE

Mr. Roberson referred to the information (copy on file) regarding issues, especially illegal dumping, options and recommendations, with the best option being to not completely close to street traffic and leaving the railroad crossing open. Mr. Maples noted the area where most of the dumping is taking place, stating that several problems became evident while looking into the issue - 1) access issues; 2) major transmission line running east/west. Referring to the mobile home park, he stated that Lot 14E is a separate owner and is the primary site of the dumping, with Lot 12 being a separate tract. He explained that closing off Silica Drive would result in Lots 14E and 12 no longer having access to the road right-of-way and briefly discussed issues that would be evident if the railroad crossing is closed and alternate routes that would have to be taken, which affects travel time. He stated that an option for consideration is not to close the right-of-way which will accommodate emergency vehicles and to allow them to turn around even though this would result in having to acquire additional right-of-way. He stated that a gate can be erected at the cul-de-sacs, with land owners, utilities, emergency and public safety vehicles having access to the locks on the gate. Rather than closing, the idea is to block access and restrict public access, which is the recommended option.

Commissioner Howard clarified that there will be two cul-de-sacs; Mr. Maples agreed and said one would be at the end of Mobile and one on the west end of Silica Drive, almost to the railroad tracks on Cason. Discussion followed on use of four-wheelers in that area as it pertains to the erection of the gate to enter with Mr. Maples agreeing that this may be an issue and adding that every pre-caution will be taken to ensure access is blocked to the public. Commissioner Howard asked if they are fairly certain that the cul-de-sacs and gates will suffice. Mr. Roberson replied that they are the least problematic option. He stated that at least twice a year, that site must be cleaned and tipping fees more than double the cost to clean it.

Mayor Hubbard noted that this was for information with Mr. Roberson stating that it will be brought back.

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## **PUBLIC FUNCTIONS MATTERS**

MATTERS FOR PUBLIC HEARING AND CONSIDERATION ON WEDNESDAY, JULY 26, 2016, 6:30 P.M., ROOM 100; GOVERNMENT CENTER BUILDING, 222 PINE AVE.

The Clerk read the following:

1. Special Approval Case #16-026 – Sandra Sparks/Owner/Applicant; request special approval for property located at 2901 Rosebrier Ave; to establish a Personal Care Home for six residents in the R-1 District. Planning Commission approved 6-0. Ward 1

### OUTDOOR VENDING REGULATIONS IN RIVERFRONT DISTRICT

Mr. Forgey advised that this is a request for a temporary moratorium for 120 days on regulation pertaining to outdoor vendors, specifically food trucks, to provide them more flexibility during summer months. Suspending the regulations for 120 will allow a study to be conducted and recommended revisions brought back.

Commissioner Langstaff moved to approve, seconded by Mayor Pro Tem Fletcher.

In reply to Commissioner Coleman regarding locations, Mr. Forgey replied that it is the Riverfront area and explained that specific regulations are in place for downtown, adding that there are rules for other areas in the city.

Hearing no further comments, the motion unanimously carried.

## **COMMUNITY & ECONOMIC DEVELOPMENT MATTERS**

DISPOSITION OF PROPERTY LOCATED AT 1336 MERCANTILE DR.

Shelena Hawkins, Director, discussed information (copy on file) and recommended approval. In reply to Mayor Hubbard, she advised that the compliance period for CDBG is typically one year; however, being tailored on the HOME program, require 20-year compliance. In reply to Commissioner Howard, she discussed improvements on the property, landscaping, major repairs, etc. Additional discussion followed with Commissioner Howard questioning various aspects including principals of Flint River Salvage, etc. Matthew Fuller, present to answer questions, discussed questions from Commissioner Howard pertaining to maintenance, etc. In reply to Commissioner Howard Ms. Hawkins stated that the property typically generated \$20-26,000 monthly; however, currently there are 17/18 vacancies and that approximately \$2-3,000/month is generated. The intent was not to make a profit, but rather to inject funds back into the property for renovation/repairs.



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

## **RECREATION MATTERS**

### DEVELOPMENT OF PAUL EAMES SPORTS PARK

Joel Holmes, Director, discussed information (copy on file) regarding the concept plan for renovations at the park, including funding sources.

Hayes Cook, South Director Elite Athletic, referenced partnerships to bring events including USA Baseball, Perfect Game scouting services and mentioned the schedule being proposed, should the project move forward. He said the main point is that this is not for minor league baseball or professional teams.

Rashelle Beasley, Director of CVB discussed tournaments and the economic impact to the City.

Discussion followed with Commissioner Howard asking the length of the agreement. Ms. Subadan said the project is built with SPLOST funding and will be similar to Boys and Girls Club – five years, adding that the County is also interested in the project and will have this same presentation at their next meeting. She said the Commission is being asked to approve the concept in order to move forward and determine the real costs, since there are many elements to be considered – parking, storm water, etc. so that the site can be master-planned.

In reply to Commissioner Howard, Mr. Cook stated that his job is to handle the southern half of Georgia and the state of Florida. He mentioned that tournaments are held in Columbia, SC, Nashville, TN; Ft. Myers, FL; with there being approximately 38 tournaments annually.

Scott Carter, Youth SSS Baseball, a national organization, stated that he covers the middle-south Georgia area from McDonough to Valdosta and discussed the travel season of youths and senior boys.

Commissioner Coleman mentioned the lack of youth participation within the city, renovation of the park, use of the park and keeping local youth in mind. Mr. Holmes said they have had meetings and will work on scheduling to include recreation programs.

Commissioner Langstaff stated that his concern is the park's location and putting more funds into it, maintenance, etc. He mentioned SPLOST monies (SPLOST 3) the County has never spent for tennis courts and commented on committee discussions on locations with a consensus of locating near downtown and having nearby places to eat. He said he does not want to repeat failed efforts as experienced in the past and asked the cost to invest which is millions. Ms. Subadan agreed that it will be millions, but today the concept is on the table for approval. She mentioned that artificial turf is costly, adding that the proposal will have competent management services. Commissioner

Langstaff asked to look at all options downtown as a viable option to tie in with other downtown events/attractions.

In reply to Mayor Hubbard, Mr. Cook responded to Commissioner Langstaff’s concerns explaining that being competitive involves turfs, agreeing that there are drainage issues at Paul Eames Park and agreeing that location is a consideration. He stated that Albany is geographically a good location because that facility is the only one south of Cartersville down to Orlando, Florida; he noted the three professional fields in one site, which is ideal to host tournaments. Mr. Carter added that this section of Albany has restaurants and hotels.

Commissioner Coleman stated that Eames Park has accessible ingress/egress as well as various routes to other parts of Albany; there is land which is conducive to growth – it is an ideal location.

Mayor Pro Tem Fletcher stated that she Googled artificial turf and flooding can destroy it ‘in a single event’.

Commissioner Marietta said the American Legion is excited about potential renovations of the park; this is a good opportunity to use SPLOST money with the prospect of creating jobs. He then moved to approve, seconded by Mayor Pro Tem Fletcher.

Commissioner Howard asked if a cost can be obtained by the next meeting. Ms. Subadan said she will give a ballpark amount and will have additional information forthcoming, adding that in order to move forward, a design is necessary, which will give real costs. As far as operating costs, she will confer with Mr. Cook to at least have an average.

Hearing no further comments, the motion unanimously carried.

## **PUBLIC ADMINISTRATION AND FINANCE MATTERS**

### PURCHASES

Commissioner Langstaff moved to approve the following purchase, seconded by Mayor Pro Tem Fletcher; the motion unanimously carried.

- |    |   |              |
|----|---|--------------|
| 1. | Air Conditioner Replacement, Trane U.S., Inc. |              |
|    | Total expenditure                             | \$167,837.00 |

Mayor Pro Tem Fletcher moved to approve the following purchase, seconded by Commissioner Coleman; the motion unanimously carried.

- |    |  |              |
|----|--|--------------|
| 2. | Auditing Services, Mauldin & Jenkins, CPAs |              |
|    | Total expenditure                          | \$143,750.00 |

Mayor Pro Tem Fletcher moved to approve the following purchase, seconded by Commissioner Marietta; the motion unanimously carried.

- |    |   |                         |              |
|----|---|-------------------------|--------------|
| 3. | Uniform Rental Services, Cintas, Albany, GA |                         |              |
|    |   | Est. annual expenditure | \$105,228.76 |

### 2016/17 MILLAGE RATE

Derrick Brown, Finance Director, discussed information as noted (copy on file), and advised that the proposed upcoming millage rate is 9.808. Mayor Pro Tem Fletcher moved to approve, seconded by Commissioner Howard; the motion unanimously carried.

### OTHER BUSINESS

Commissioner Marietta mentioned switching one way to two way streets (Washington and Jackson) as noted in proposed SPLOST projects and asked if it can be looked at to convert one street at a less expensive cost.

Commissioner Coleman said he was called by business owners on Broad Avenue regarding a parking issue. He asked that this be looked at as signs say it is 2-hour parking, but the cars are parked there all day; he mentioned a game shop for youths may be the reason. Ms. Subadan mentioned that before she came to Albany, the City had issued a moratorium on downtown parking restrictions; it will be brought back for discussion in August asking the Commission to repeal the moratorium and parking regulations will be enforced again. Mayor Pro Tem Fletcher agreed that this needs to be brought back. Commissioner Coleman said he received a call from a wheelchair-bound citizen who was put in jail and his chair impounded; he asked that this be looked into.

## **EXECUTIVE SESSION**

At 11:23 a.m., Commissioner Howard moved to enter into executive session to discuss pending litigation and a personnel matter, seconded by Commissioner Langstaff; the motion unanimously carried as follows:

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

At 11:40 a.m., Commissioner Howard moved to exit executive session, seconded by Mayor Pro Tem Fletcher; 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	absent
Mayor	yes

There being no further business, the meeting adjourned at 11: 40 a.m.

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SONJA TOLBERT  
CITY CLERK