

JULY 21, 2015
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 120

PRESENT Mayor Dorothy Hubbard
Mayor Pro Tem Bobby Coleman
City Commissioners: Jon Howard, BJ Fletcher, Roger Marietta, Bob Langstaff,
Jr. and Tommie Postell (arrived at 9:02 a.m.)
City Mgr: Sharon Subadan
City Attorney: CN Davis

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

SPEAKER APPEARANCE:

Mayor Hubbard stated that Mr. Wright has requested to give the CM an opportunity to review the Small Business Program and asked that he be allowed to return at a later date if it is necessary.

CHARTER CHANGE RE: INTERIM CITY MANAGER

Mr. Davis referred to the draft ordinance as noted (copy on file), which addresses the ability of an Interim City Manager to hire/fire Fire/Police Chiefs. The intent is that only a permanent City Manager has the authority to hire/fire positions at that level. He advised that the ordinance requires two meetings/readings and in reply to Mayor Hubbard noted the changes (in red).

Mayor Pro Tem Coleman discussed the process and explained his concerns. It violates the Charter to allow an Interim City Manager to hire/fire Fire/Police Chiefs; that authority should rest with the City Manager. He suggested that the Charter needs to be changed to authorize either/or (City Manager/Interim City Manager) or it should be the sole duty of the City Manager.

Commissioner Langstaff disagreed and stated that an Interim needs to be able to step into the role for which they are the interim and perform all of the duties associated with that position; otherwise, there would be a gap in control of the City. In response to Commissioner Langstaff, Mr. Davis stated that this action would specify the change and bar an Interim City Manager from having the authority to hire/fire someone for those two positions. Discussion followed with Commissioner Langstaff stating that the City Manager is in control of all City personnel sans appointed officials.

Mayor Hubbard suggested a complete review of the Charter in case there are additional changes that should be made.

Mayor Pro Tem Coleman explained that he merely wants consistency; the charter should reflect that an Interim City Manager holds the same authority as the City Manager because it is about the process.

Commissioner Howard agreed with Mayor Pro Tem Coleman stating that prior Interim City Managers made appointments with which he did not agree. Some decisions were based on

favoritism/nepotism with the Interim being only temporary. He mentioned the Commission dragging its feet when former City Manager J. Taylor said he was leaving, etc., and disagreed with Commissioner Langstaff and suggested stopping the buck now, but agreed with Mayor Hubbard that a Charter review is necessary.

Commissioner Marietta agreed with reviewing the Charter and asked who is in charge of this. Mayor Hubbard recommended charging staff and reviewing the entire Charter.

Commissioner Langstaff mentioned the re-codification that was done a few years back, with the Charter not being included due to time constraints and asked if this can be done in conjunction [with Municipal Code] for a small fee.

Commissioner Marietta suggested waiting to decide until the full Commission is present. Discussion followed on this item being for information and requesting the City Manager bring a recommendation to review the Charter.

In reply to Commissioner Howard, Ms. Subadan stated that she will bring back information at the upcoming retreat in September.

AGREEMENTS:

1. Boys & Girls Club, Inc.
2. Albany Area Arts Council
3. Flint RiverQuarium
4. Albany Civil Rights Institute

Mr. Davis discussed the agreements as noted (copy on file) and said quarterly reports are to be provided to the Commission.

Commissioner Langstaff questioned the time period of the contracts, which were approved during the budget process. Ms. Subadan stated that the dates are effective July 1st with Mr. Davis adding that it is a one year agreement. In reply to Commissioner Langstaff, Mr. Davis discussed the payment process, which is a 12- month contract, adding that it can be effectively dated July 1 – June 30.

Commissioner Howard asked who will notify each entity that the Commission has requested a quarterly report. Mr. Davis stated that if they do not provide reports the City can withhold payment. Mayor Hubbard noted that the chairperson also executed the contract.

Commissioner Marietta moved to approve, seconded by Commissioner Howard; the motion unanimously carried. Commissioner Langstaff stated that he does not support the amounts stated in any of the agreements, but will vote in favor because it is better to have the agreements and they were passed in the budget.

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FIRE STATION #3 re: QUIT CLAIM DEED

Mr. Davis discussed information (copy on file), adding that the building is no longer being used and will revert back to General Motors.

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

APPOINTMENTS:

1. One appointment to the Animal Control Board for two-year term ending June, 2017
2. Two appointments to Keep Albany/Dougherty Beautiful board to fill unexpired term ending January 2018
3. Mayor's appointment to Housing Authority for one-year term ending November, 2014
4. Four appointments to Chehaw Park Authority for two-year term ending July, 2017

Discussion followed with Commissioner Langstaff suggesting that the Housing Authority appointment expires November 2015 and to hold the Chehaw appointment until Commissioner Postell gets to the meeting.

TRAVEL:

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

1. C. Trimble, Asst. City Attorney – Training, Athens, 6/25-28, 2015 - \$1,227.11
2. Mayor D. Hubbard – GMA Conference, Savannah, 6/26-30, 2015 - \$2,114.26
3. Comm. J. Howard – GMA Conference, Savannah, 6/26-30, 2015 - \$1,693.80
4. Mayor Pro Tem B. Coleman – GMA Conference, Savannah, 6/26-30, 2015 - \$1,817.31
5. Comm. R. Marietta – GMA Conference, Savannah, 6/26-29, 2015 - \$1,535.52
6. Comm. T. Postell – GMA Conference, Savannah, 6/26-6-28, 2015 - \$784.95
7. City Mgr. S. Subadan – GMA Conference, Savannah, 6/27-28, 2015 - \$600.95
8. Asst. City Clerk S. Kelly – GMA Conference, Savannah 6/26-28, 2015 - \$1,382.80

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Commissioner Postell entered the meeting at 9:02 a.m.

COMMUNITY AND ECONOMIC DEVELOPMENT MATTERS

CHDO AWARD OF FUNDS TO OAKS AT N. INTOWN DEVELOPMENT CORP, INC.

Director Shelena Hawkins discussed information (copy on file). In reply to Commissioner Howard, Ms. Hawkins stated that currently there is one certified CHODO with one aspiring CHODO which has not yet completed the application process. She reported that Mt. Olive Community Outreach is in the process of monitoring and compliance. Mr. and Mrs. Revills are the ones interested, but have not yet completed the process.

In reply to Commissioner Postell, Ms. Hawkins stated that the Revills have not identified a specific project at this time; they have only identified some of their interests, such as affordable, rental housing development.

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

Commissioner Marietta mentioned the severe storm last night; power lines and trees were downed and asked that the Commission send a letter of commendation thanking staff for their efforts. He said he has been working with the County on the pipeline issue and asked if a joint City/County meeting can be scheduled next month to discuss the issue. Mayor Hubbard said she and Commissioner Marietta will work together to schedule a meeting.

Discussion followed with Commissioner Postell asking where we are with the County and if they are willing to meet. Since it is a federal project, there is little the City and County can do to influence the federal government. He added that this also goes through his ward as well. Mayor Hubbard said she is not aware that the County does not want to meet with the City.

Commissioner Marietta mentioned speaking with four County Commissioners recently. There are local issues affecting constituents and based on the fact that County Commissioners sent a letter unanimously opposing the project yesterday he would like to make a motion to schedule a meeting, seconded by Commissioner Postell.

Commissioner Howard asked that the motion be amended to include State and Congressional officials since they have direct ties to the Governor; this would be a unified front adamantly opposing the pipeline. Commissioner Marietta amended his motion to include this, seconded by Commissioner Postell.

Hearing no further comments, the motion unanimously carried.

PUBLIC SAFETY MATTERS

ALCOHOL LICENSE APPLICATION:

1. Hong Kong Café, 2700 Dawson Rd. Suite 1; Z. Lin/Agent; Beer/wine consumption – WARD 5

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

ITEMS FOR FUTURE AGENDA

Commissioner Postell mentioned trucks carrying rebel flags in Albany over the weekend and asked if they had a permit. He discussed the possibility of it having the potential to turn into a riot situation and asked that it be addressed. In reply to Commissioner Postell, Marshal W. Norman, stated that they did not have a permit.

Commissioner Howard said he was at his family reunion and received calls on this as well, adding that some family members vowed to not return to the south. With the magnitude of this and with no permit, he asked what can be done to prevent this situation. Mr. Davis stated that a permit application is required by APD and notice was given, but not in time to respond. In reply to Commissioner Howard, Marshal Norman stated that he received a call a month ago and at that time, he explained the process, which includes GDOT and requires a 30-day notice. Additional discussion followed with Commissioner Fletcher asking why no one was arrested. Marshal Norman replied that when he spoke with them, it was in the forming stage and they planned to maintain the parade in the county. But, he felt they would not stick with those plans, so he notified the Chief of APD as well as the Sheriff and County Police. In reply to Commissioner Howard, APD Chief Persley said they did not have police escorts, and the route was changed even though he had been in direct contact with Lee County Enforcement. Social Media helped expand the invitation with multiple groups participating; it was estimated that 100-300 vehicles were involved. He discussed the permitting process and police escorts if approved, adding that the groups splintered off and drove all over Albany. In reply to Commissioner Howard, he explained that APD monitored the processions on main thoroughfares, but no traffic laws were violated; then they splintered off and rode through neighborhood. He said they were expressing their first amendment rights and with the way they broke off into groups, they did not violate any laws; this is shaky ground and APD's main goal was to ensure that they stayed within the law.

Mayor Pro Tem Coleman stated that 300 is a lot of people with Chief Persley stating that it was an estimate since they did splinter off; officers told them at the E. Albany Walmart they would have to disburse, which they did and went back to Lee County. In reply to Mayor Pro Tem Coleman, Chief Persley said there were no complaints of racial slurs. Stg. Jon Segroves stated that Walmart called and asked that they disburse, which is when APD stepped in.

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Commissioner Postell discussed the situation; the lack of a permit, efforts of APD, potential confrontations, etc. Mayor Hubbard asked if APD is on social media; Chief Persley replied in the affirmative.

PUBLIC WORKS MATTERS

1600 BLOCK OF LYNWOOD LANE – TRAFFIC CALMING
400 BLOCK OF MEADOWLARK DR. – TRAFFIC CALMING
EDGEWATER DR. – ADDITIONAL SPEED HUMPS

Commissioner Langstaff mentioned that funds were set aside for all wards in the budget to install speed humps. He asked that each ward is allowed before two more are done in Ward 4 since humps were put in around Lake Loretta already. The public needs to see this effort all across the city and not in only one ward.

Commissioner Marietta said it is a long, intensive process requiring a speed study, engineering work, etc., in which the process began last year. He stated that no one should be penalized because the process is not to reward Commissioners, but to provide public safety, which is an ongoing process. He then moved to approve all three.

Using a power point, Phil Roberson, Asst. City Manager, and Bruce Maples, Engineering Director, discussed the process and traffic calming policy. Mayor Hubbard asked if the adopted procedure was used in all three items; Ms. Subadan stated that the process was not followed in that order with these items.

Commissioner Howard discussed senior citizens who want speed calming measures, but are unable to appear before the Commission; he asked that the process be looked at.

Since speed studies have already been conducted, Commissioner Postell moved to add the one on Edgewater, but table the other two, seconded by Commissioner Langstaff. Commissioner Langstaff clarified that currently Lake Loretta has three speed humps, but Commissioner Marietta requested five. He asked Engineering's position on adding another on Edgewater; Mr. Maples advised that staff recommended five. Commissioner Langstaff said \$100,000 was budgeted for six wards and agreed with the motion of Commissioner Postell to table in order to evenly distribute the funds/benefits.

Commissioner Marietta stated that it is inappropriate to mix a motion to table with another motion. Discussion followed with Mr. Davis agreeing on the order of the motions/second, etc. Commissioner Marietta said his intent is to put two on Lynwood and two on Meadowlark because of budget issues; he made a substitute motion to authorize and limit two speed humps

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for Lynwood and Meadowlark and one for Edgewater, which is under the budget amount as noted by Commissioner Langstaff since these are safety issues. He briefly discussed pedestrian issues, accidents, etc., in those areas, which could result in liability issues for the City. Mayor Hubbard stated that the substitute motion died for lack of a second.

Commissioner Langstaff stated that the safety concern is present in all six wards and compared this to alley paving, which has a finite amount allocated to each ward; this is part of all Commissioners working together and recognizing the same needs in all wards.

Diane Urick Slomka said she lives on Meadowlark and the biggest problem is traffic on Forest Glen to Gillionville, with cars speeding 50-60 mph in the 30 mile zone, which has an elementary school in the vicinity. Several pets have been killed due to speeding; she has yelled at speeding cars, including police and school buses to slow down, adding that she has reported the issue to the police department. She expressed concern about someone being killed unless something is installed to slow traffic.

In reply to Mayor Hubbard, Commissioner Marietta stated that the cost is \$6,000 each for Meadowlark and Lynwood.

Hearing no further comments, Mayor Hubbard carried the motion on Edgewater, which unanimously carried.

Discussion followed with Mayor Hubbard asking staff's recommendation on Lynwood and Meadowlark. Commissioner Langstaff stated that he did not think it could be thrown back to staff; the issue is to be fair regarding all wards. Commissioner Marietta moved to approve all speed bumps that are affordable for every ward. Commissioner Fletcher suggested finishing up Ward 4. Commissioner Langstaff moved to table the other two and begin with other wards that do not have speed humps, seconded by Commissioner Postell, the motion carried 5-2 with Commissioner Marietta and Mayor Pro Tem Coleman voting no. Commissioner Langstaff clarified the motion to table were until other wards were considered.

Commissioner Marietta moved that engineering come back in 30 days with speed studies and recommendations for speed humps in all wards. Ms. Subadan stated that this cannot be done in 30 days and suggested 60-90 days. Commissioner Marietta amended the motion, seconded by Commissioner Howard.

Commissioner Langstaff asked the probability of staff being able to do this. Asst. City Manager Phil Roberson explained that the process is initiated by citizens and asking staff to assess 550 miles of streets in Albany will change the paradigm of initiating the process. He suggested that Commissioners can meet with staff to discuss their request.

Mayor Pro Tem Coleman mentioned the approximate \$16,000 for each ward and suggested that Commissioner Marietta has already gone through the process; it is not fair to penalize him by making him wait since it will eventually have to be completed anyway.

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Discussion followed with Mayor Hubbard questioning the cost of Meadowlark and stating that she will agree to Meadowlark because of safety concerns.

Ms. Subadan stated that Chief Persley will post officers when school is in session to catch violators, adding that it is important to follow engineering guidelines regarding placement. She explained the basis of the municipal traffic code, which includes scientific study/reasoning regarding how far apart they (humps) are placed.

Commissioner Fletcher mentioned that she called 911 to report a car doing over 90 mph on Meadowlark; they turned in to the apartments at Darton and were arrested, adding that she agrees speed humps are needed on Meadowlark.

Commissioner Postell said his ward is just as important as Ward 4 and asked that everyone is treated fairly. Mayor Hubbard assured Commissioner Postell that staff will work fairly with him as they do all commissioners.

Commissioner Langstaff questioned funding and the other speed bumps around Lake Loretta and asked if there is money in contingency for Lake Loretta. Mr. Roberson discussed the recently adopted budget in which funding was identified through Engineering. Commissioner Langstaff stated that he has been trying to get speed humps in his ward for 16 years, two years before becoming a City Commissioner, and the best he could get was stop signs. Commissioner Marietta briefly discussed the history of the first speed hump in his ward, protecting pedestrians, quality of life issues and supporting fellow Commissioners in getting them for their wards.

PUBLIC FUNCTIONS MATTERS

MATTERS FOR PUBLIC HEARING AND CONSIDERATION ON TUESDAY, JULY 21, 2015, 6:30 PM, ROOM 100; GOVERNMENT CENTER BUILDING, 222 PINE AVE.

The Clerk read the following:

1. Zoning Case #15-023 – Trigroup Properties, LLC; Owner/Applicant request to rezone property located at 2525 & 2533 Dawson Rd., from C-1 to C-3. PC Approved 6-0 - WARD 5

PROPOSED AMENDMENT – TITLE II, ARTICLE 2, SEC 2.05 RE: FENCES, WALLS, UTILITIES AND SCREENING

PUBLIC ADMINISTRATION AND FINANCE MATTERS

ESRI ENTERPRISE LICENSE AGREEMENT

Mr. Maples discussed information (copy on file) pertaining to the license agreement. Commissioner Langstaff moved to approve, seconded by Commissioner Postell; the motion unanimously carried.

ALBANY HUMANE SOCIETY CONTRACT

Commissioner Fletcher moved to approve, seconded by Commissioner Postell. In reply to Commissioner Langstaff, Jean Wright, Buyer, discussed the difference in cost. Hearing no further comments, the motion unanimously carried.

CURRENT BIDS:

Commissioner Langstaff moved to approve the following, seconded by Commissioner Postell.

1. License Scanners, E-Seek, Inc., Costa Mesa, CA
Total expenditure \$54,000.00

In reply to Commissioner Marietta, Sgt. Segroves showed the license scanner and explained its usage.

Hearing no further comments, the motion unanimously carried.

Commissioner Langstaff moved to approve the following, seconded by Commissioner Postell.

2. Ford Pickups, Allan Vigil Ford, Morrow, GA
Total expenditure \$53,970.56

In reply to Commissioner Marietta regarding local preference, Dale Henry, Buyer, explained that the local vendor did not desire to match the 5%.

Hearing no further comments, the motion unanimously carried.

Commissioner Postell moved to approve the following, seconded by Commissioner Langstaff.

3. Ford Pickups, Wade Ford, Smyrna, GA
Total expenditure \$50,296.00

In reply to Commissioner Marietta, Mr. Henry again explained local preference.

Hearing no further comments, the motion unanimously carried.

REVOLVING LOAN FUND

Ms. Subadan discussed information as noted (copy on file).

Mayor Hubbard asked if this went to the LTFP Committee; Ms. Subadan replied that she has not met with them as a group, but spoke with each member individually. Commissioner Langstaff added that this is a loan - not a grant - and explained the process of loan vs. grant as it pertains to recommendations from LTFP Committee. He suggested it being a good use of funds to generate interest on the funds, stimulate downtown development and commented on information as noted in the agenda item regarding safeguards in place, interest points, etc. He then moved to approve, seconded by Commissioner Postell.

Commissioner Postell clarified that this went through the LTFP Committee, which recommended the City Manager oversee those funds. He said this will be on the night meeting agenda for final vote and agreed with information as discussed by Commissioner Langstaff.

Mayor Pro Tem Coleman questioned the allocation of money with Ms. Subadan stating it will be through her department or from a department designated by the Commission.

Mayor Hubbard clarified that the interest will be 1% above what is currently being earned; Ms. Subadan agreed.

Commissioner Howard asked if ADICA looked at the document; Ms. Subadan replied that she spoke with the Chair of ADICA and Director of EDC, and both are aware of her intentions to move forward. Commissioner Howard expressed concern about downtown redevelopment, in which the City will have to substantially subsidize businesses that come to downtown, adding that private dollars are important to development as well; he asked to see the plan. Mr. Davis stated that there are gatekeepers (Payroll Development and EDC) and the City Manager will make recommendations with the Commission giving final approval.

Commissioner Marietta questioned safeguards and asked to see the safeguards to prevent any type of abuse. He added that the Charter authorizes the City Manager to spend up to \$40,000 without Commission approval; with this proposal, she will control more than \$40,000. Ms. Subadan noted safeguards – disbursements not to exceed 25%, to prevent completely depleting funds, describing how funding will be used, money flowing through City Manager's office (or another designated department) to ADICA, spending thresholds with projects coming back to the Commission for approval, etc. Commissioner Marietta asked where it states that the Commission will approve funds with Ms. Subadan explaining that it is understood since her spending amount is \$40,000. Commissioner Marietta asked Mr. Davis to review the document and that it goes to EDC and PDA for review before a vote is taken. Commissioner Fletcher stated that these entities are aware of the proposal. Commissioner Marietta mentioned the vision of the City, i.e., master plan, and suggested that the recommendation, along with the master plan, be sent to ADICA, Planning, other entities for review to build consensus.

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Commissioner Postell stated that EDC and ADICA were considered for downtown development, but no progress has been made. Based on that, a decision was made to allow the city manager to move forward and bring back recommendations for final consideration by the Commission.

Commissioner Marietta mentioned the master plan, which has not been voted on and asked the goal for downtown.

Commissioner Langstaff stated that comments by Commissioner Marietta regarding the EDC and PDA are misplaced; he stated that they care about downtown, but redeveloping downtown is not their mission. He explained their role as agents/resources for the City and mentioned opportunities on the horizon that the City will miss if action is not taken ASAP.

Commissioner Marietta asked if Mr. Davis would have the information he provided reviewed by the night meeting. Mr. Davis said he can, but reminded the Commission that they will approve projects/funding.

Commissioner Fletcher said meetings were held regarding the master plan and suggested that the master plan is with the City Manager, who was voted unanimously by the Commission to run the City. Commissioner Marietta asked Commissioner Fletcher if she remembers him asking that the master plan be sent to the Planning Commission for review and asked if a vote will be taken on the master plan, along with sending to the Planning Commission for review and Commission review.

Mayor Hubbard asked if ADICA approved a master plan. Discussion followed with Commissioner Marietta asking whether this constitutes a charter change, deferring until a vote by ADICA and Planning Commission, etc.

Commissioner Langstaff amended his motion to include the proviso that the City Manager comes to the Commission for expenditures in excess of what is authorized in the Charter, seconded by Commissioner Postell, the motion carried 5-2 with Commissioners Howard and Marietta voting no.

ITEMS FOR FUTURE AGENDA

Commissioner Howard mentioned that from east of the river, at Radium Springs to Eastgate, 29 street lights out. Mayor Hubbard asked Mr. Davis to review legislation regarding P-Card usage.

CITY MANAGER UPDATE

1. Hilton Garden Inn - Ms. Subadan distributed information (copy on file) regarding the proposal to refinance the Hilton Garden Inn, adding that the Bleakly Advisory Group, Inc., is making progress regarding the refinancing/signing of the MOU. She stated that they have done some due diligence and are talking to Albany Holdings regarding the draft MOU with progress being made, adding that more thorough, specific recommendations will be forthcoming. She

said that in the initial agreement the City borrowed against the CDBG future allotments to help make the hotel deal happen, but did not forego any CDBG opportunities by taking that action. The positive impact is that in the 12 years they have been consistent and never missed a payment, even though they have refinanced a number of times. She mentioned the ADICA loan on the land, their primary mortgage with a private lender, and the loan through the City using HUD funding, in which they have never missed a payment on those as well. She reiterated that the Hilton Garden Inn has stuck with their agreement for 12 years, and have been consistent in making payments and that their presence is a benefit to Albany. Going forward, she advised that that any risk the City exposes itself to is mitigated in the event a future agreement with them is pursued; she expects a more complete report by the second work session in August.

Commissioner Marietta asked the number of times Albany Holding has been refinanced. Mr. Davis stated 'three', adding that no information was provided about where the money went when refinanced. Discussion followed on additional information regarding refinancing. Commissioner Marietta asked if we can ask them the purpose of refinancing; Mr. Davis stated that he hopes the City will receive a cash flow trail showing how the funds were allocated. Not satisfied with the answer, Commissioner Marietta asked if the consultant can provide purposes of previous refinancing.

2. SGRITA - Ms. Subadan stated that she will provide a status update regarding SGRITA, adding that extensive research was conducted in which the fiber ring physical construction was completed on time in accordance with agreements, which was the initial assistance as agreed upon. No cash has been used for SGRITA to this point; however, after reviewing the agreement, a decision has to be made on whether or not to move forward with SGRITA. Based on the cash flow and risk, she said she is unable to recommend moving forward with the agreement as it stands today. Using a projector, she displayed the pro forma indicating cash flow and stated that the debt service becomes due August 1; the issue is that it represents a \$631,000 debt service payment and after any potential revenue is recognized, there is a \$1.2 million deficit. She added that even maximizing every potential future customer using SGRITA's services, it would not offset the deficit.

Commissioner Postell asked what happened to create the problem. Ms. Subadan discussed SGRITA's expenses/revenues, adding that the debt payment, in which there are two (one for \$631,000 [RUS] and a loan of \$252,000) is a problematic factor. She explained that she does not see a mechanism for cash flow and her professional recommendation is to not continue the agreement with SGRITA. Even if the most that could be expected is to break even, she could see pursuing the idea because being a regional leader would benefit Albany. She stated that they will continue to be in discussions with SGRITA and offer guidance toward a conclusion. She briefly discussed the issue regarding schools, which were expected to be the bulk of their customer base, signing on with AT&T due to issues they experienced with SGRITA as well as a 'non-compete' with Mitchell County.

Commissioner Langstaff asked when notice has to be given to get out of the contract. Mr. Davis advised no later than September (or 12 months from December 9, 2014). In reply to

Commissioner Langstaff, Ms. Subadan agreed that the fiber ring was completed. Commissioner Langstaff asked if someone else can be brought in to run it; Ms. Subadan replied that they could, but what is really needed is someone to cash flow in order to break even. Commissioner Langstaff stated that getting the ring complete was a major part of the issue, and if counties subsidized the venture, Albany can still run it or at least participate, which cannot be done under the current agreement; he mentioned crunching the numbers and bringing back for review and suggested that if the federal government forgave their debt, it could be a game changer. Ms. Subadan agreed that it could help, adding that both will be needed, as well as bringing school boards back into the picture. Mayor Hubbard agreed that the school systems are major because they were always a big part of the picture. Discussion followed on the deficits, soft costs, etc., in which Ms. Subadan proposed the City absorbs soft costs for the first couple of years to help them get going. Commissioner Langstaff suggested sending notice to SGRITA that the City intends to get out of the contract and then allow them to respond.

Commissioner Marietta asked what happens to SGRITA's assets if they go bankrupt. Ms. Subadan suggested being sold on the steps of the courthouse; Mr. Davis advised that the federal government has a blanket, secured lien and assets would go to them.

In response to Commissioner Howard, Ms. Subadan advised that this was discovered a little over a week ago during a meeting she had with staff to brainstorm ways to make it work. She explained that as a professional courtesy, they need to be made aware of the Commission's intent and given the fact that they have previously encountered problems, but managed to stay afloat, it's possible they can once again devise a plan to continue. Commissioner Howard thanked Ms. Subadan for her guidance and explained the concerns he had since it was first presented.

Commissioner Postell moved to notify SGRITA as discussed by Commissioner Langstaff about the City's intent so that they can respond if they desire, seconded by Commissioner Langstaff.

Mayor Hubbard asked that the information be provided to the Commission.

Hearing no further discussion, the motion unanimously carried.

EXECUTIVE SESSION – property acquisition

At 11:31 Commissioner Howard moved to enter into executive session to discuss property acquisition, seconded by Commissioner Postell. Mr. Davis added that potential litigation and a personnel matter will also be discussed. 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

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At 12:20 P.M., Commissioner Howard moved to exit executive session, seconded by Commissioner Fletcher; 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 12:20 p.m.

SONJA TOLBERT
CITY CLERK