

SEPTEMBER 16, 2014
COMMITTEE OF THE WHOLE
GOVT. CTR. – ROOM 120

Mayor Hubbard thanked Col. Davis for his contributions to the community, adding that it is continuously brought to her attention how MCLB adds to our community. Col. Davis thanked Mayor Hubbard and said he provided information on the economic impact (copy on file).

SPEAKER APPEARANCE

1. Audrey Alfieri addressed the Commission regarding issues down Broad Avenue, problems with the police department not enforcing regulations regarding ramps, etc., adding that people stop her about ramps in various areas. She specifically addressed an area across the street from the hospital parking lot and said she also brought the area to the attention of the hospital officials.

Mayor Hubbard asked Phil Roberson, Asst. City Manager, if he is aware of the area. Mr. Roberson stated that Public Works met with Ms. Alfieri a couple of weeks ago and said they continue to work on sidewalks improvements. He advised that approximately \$2.5 million has been spent on sidewalk improvements in the greater downtown area since SPLOST III and \$466,000 in SPLOST VI, with approximately \$0.5 million left. He said funds have been allocated for the target area and his staff is working with Ms. Alfieri and others to ensure that impediments are removed from the downtown area.

Commissioner Marietta stated that in the past he met with city staff and the sidewalk problems are citywide. He mentioned a proposed sidewalk on Dawson Road and Magnolia below Gillionville, adding that wheelchair-bound individual have to use the road in these areas. Mr. Roberson referred to the ADA initiative for the downtown area, in which funds were allocated for this. He stated that the Commission sets priorities and directs funding. Commissioner Marietta invited Ms. Alfieri to attend the upcoming DARTS meeting scheduled for this week. Mr. Roberson mentioned school areas and areas where sidewalks have not been installed due to right of way issues, tree roots, etc., adding that funding is needed, with the current priority on the downtown area. Commissioner Marietta asked if there are liability issues if someone in a wheelchair gets hit by a car. Mr. Davis replied in the negative.

Commissioner Postell asked the amount of federal money received for sidewalks. Mr. Roberson replied that there is no federal dollars, only SPLOST revenue. Commissioner Postell stated that he feels there should be education for people in wheelchairs to stay off the streets and remain on sidewalks; he asked Ms. Alfieri to help people understand proper wheelchair safety.

Mr. Roberson stated that there are still areas in downtown needing work and they are working on the challenges to make everything ADA compliant. Ms. Alfieri stated that people are in the street because the sidewalks are impassible.

In reply to Mr. Berry, Mr. Roberson explained that a new concrete grinder was recently purchased and will help improve the surface of sidewalks.

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Mayor Hubbard told Ms. Alfieri that we will continue to work on the problems. Ms. Alfieri asked if the problems with the police department will be handled. Mr. Berry asked if she had met with the police chief, adding that the requests from Ms. Alfieri are being worked on.

2. Henry Thomas distributed information (copy on file) and stated that Georgia Music Association works to make Albany a united and safer place. He discussed an upcoming event on October 31-November 1 and referred to a previous proclamation proclaiming the days as Georgia Music Day in the City of Albany. He said they are looking at which artists to invite to participate, adding that he has been in discussions with surrounding counties to get them involved. He read the preamble to State of Georgia's constitution and asked that we remain focused on God. He mentioned a letter of support from Congressman Bishop, adding that goal is to change the mindset of people and get them involved and explained that they have a program and plan and need support from the City and public to make their vision a reality.

Commissioner Postell asked where Mr. Thomas is with membership. Mr. Thomas explained that they are still in the organizational phase. He said he brought two board members with him today and that he is reaching out to people and leaders one on one.

TRAVEL:

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

1. Mayor D. Hubbard – GA Chamber Congressional Luncheon; Macon, GA
August 21, 2014 - \$120.05
2. City Clerk S. Tolbert – Clerk's Training, Athens, GA; Sept. 7-9, 2014
\$522.06

ITEM FOR FUTURE AGENDA

Commissioner Marietta asked Mr. Davis to prepare a resolution by the night meeting supporting the fight to prevent the Sabal pipeline from running through Albany/Dougherty County.

Commissioner Fletcher mentioned the County meeting yesterday, adding that there is an open forum on September 29th. Mayor Hubbard mentioned the town hall meeting on September 27 hosted by Mayor Pro Tem Howard.

Commissioner Postell said he supports the resolution and asked where other entities (state, federal, etc.,) are on this project. He asked the origin of the pipeline, adding that he does not want to endorse anything anti-governmental.

Commissioner Marietta moved to adopt a draft resolution for the night meeting, seconded by Mayor Pro Tem Howard.

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Mayor Hubbard told Commissioner Postell that Mr. Berry will get with him on explaining the pipeline issues.

Commissioner Marietta mentioned the proposal to use an electrical compressor rather than one that uses gas, which would mitigate the noise. Mr. Berry added that it also means fewer emissions.

Hearing no further comments, the motion unanimously carried.

PUBLIC FUNCTION MATTERS

ALBANY/DOUGHERTY FLOOD HAZARD MITIGATION 5-YEAR PLAN – PUBLIC HEARING ON TUESDAY SEPTEMBER 23, 6:30 PM; ROOM 100 GOVERNMENT CENTER BUILDING

Mary Teter, Planner, discussed information as noted (copy on file) regarding the 5-year update of the Flood Hazard Mitigation Plan, which was originally adopted in April, 2009. She advised that a copy of the plan is being distributed on CD (copy on file).

In reply to Commissioner Postell, she explained the insurance discount and the various classes and advised that the City of Albany is a class 8 community. In reply to Commissioner Postell, she explained insurance premiums as it relates to the location of the Flood Plan. Commissioner Postell mentioned the disparity pertaining to flood areas and discussed the flood of 1994.

Mayor Hubbard asked if the Commission has input. Ms. Teter explained that Albany participates in the community rating program and has public outreach programs, etc., and referred to the voluntary CRS Program, adding that the City participated in 1993. Mayor Hubbard questioned the process and asked how it was done initially. Ms. Teter explained that in 2008 the current flood hazard mitigation plan was developed. A task force was put together to devise the current plan and the same process has been followed. In reply to Mayor Hubbard she advised that public hearings are held separately by the City and County.

ZONING CASE #14-058 – P.S. PATEL; OWNER/APPLICANT; REQUEST TO REZONE PROPERTY LOCATED AT 2402 WHISPERING PINES CIRCLE FROM R-1 TO C-1

Mr. Forgey stated that this was tabled at the last Commission meeting for additional discussion and consideration by staff and explained that this is typical rezoning as it pertains to buffers. Additional information was distributed (copy on file), with Mr. Forgey stating that staff does not feel the area is conducive to a convenience store, adding that they are open to further discussion.

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He recommended a masonry wall, which was not discussed and would be an additional expense to the owner.

Commissioner Marietta commented on step-down zoning and stated that there is office/institutional across the street and behind is residential. He suggested that the property become office/institutional since the owner does not have a specific purpose. This will protect the neighborhood and office institutional could be a viable solution. Mr. Forgey said offices are allowed in C-1 zoning; however, there are a lot of offices currently on the market and he feels it would not be an economic use the owner would choose to build. He added that small stores are allowed there, and explained that an office would generate as much traffic as a small, retail store. Discussion followed on the conditions that could be applied, i.e., office use, traffic, noise, etc. Mr. Forgey deferred to Mr. Davis, who agreed that if Planning is concerned, it is an issue.

Commissioner Postell referred to the public hearing last month, with two citizens signing up to speak and asked if another public hearing will be held. Mr. Forgey replied in the negative and explained the reason the application was tabled, adding that his alternative pertains to the buffer, i.e., masonry wall. In reply to Commissioner Postell, he stated that he has not mentioned this to the owner of the property, but he will. Commissioner Postell moved to allow Mr. Forgey to discuss this with the property owner.

Commissioner Langstaff stated that he feels this should have been discussed one more time before coming back to the table, adding that he felt the concerns of the residents were to add maintenance requirements. Mr. Berry stated that Mr. Forgey and Ms. Teter discussed this and agreed that a masonry wall is an option because it does not require maintenance. Commissioner Langstaff stated that due to the cost, this could be a burden, adding that this is new information and he has not explored this option. He commented on maintaining symmetry by having shrubbery/trees on the inside of the fence rather than on the outside of the fence. Mr. Berry discussed the option of having a specific time period and replacing the fence. Additional discussion followed with Commissioner Langstaff stating that he will have additional discussion with staff after the meeting. He mentioned the area being rezoned as office and asked the last property requested to be rezoned in which the owner was limited to a small office or retail. Mr. Forgey stated that the Haley and Slappey application was restricted to the same uses and discussed. Commissioner Langstaff asked to have the information emailed to him. Additional discussion followed on the use of the area/rezoning with Mr. Berry stating that transitional zoning is citywide and, historically, we cannot say which type of business goes in. He suggested a further look at transitional zoning and asked if there is a transitional zoning component in the code; Ms. Teter stated that C-6 and C-5 are transitional. Commissioner Langstaff stated that the applicant wants a convenience store, but the Planning Department made recommendations against that with the Planning Commission voting to restrict a convenience store. Ms. Teter stated that she had discussions with the applicant who wants a convenience store, but indicated that he will explore other options. Mr. Forgey stated that no rezoning, until the applicant comes up with what he wants to do with the property, is an option.

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In reply to Commissioner Marietta, Ms. Teter stated that the applicant owns the property.

COMMUNITY & ECONOMIC DEVELOPMENT MATTERS

MICRO BUSINESS ENTERPRISE CENTER INCUBATION PROGRAM MANAGEMENT BY ALBANY COMMUNITY TOGETHER, INC.

Shelena Hawkins, Director, discussed information as noted (copy on file) pertaining to the management of the Micro Business Enterprise Center.

Commissioner Langstaff referred to the budget (pg. 21) and asked the number of employees (total of 7); travel meeting (for training staff). Thelma Johnson, ACT Director discussed the budget, including phone services, equipment (development computer lab for training); supplies (office supplies).

Mayor Hubbard asked if this will include the minority business program. Ms. Hawkins stated that they will be in collaboration with staff and will have partners to assist with licenses/insurance, etc. In reply to Mayor Hubbard, she advised that they have 30 spaces that can be used with only three-four currently using the space. Mayor Hubbard asked the success rate of the incubator and start-up businesses and what will be done differently than in the past. Ms. Hawkins stated that concerns include the types of businesses allowed to be housed at the incubator that lacked the necessary background to operate; they had no business plan, no ability to pay rent, etc. They were just looking for space and were not taking advantage of the program and resources available (technical assistance). Stating that the screening process will be different, Ms. Johnson explained what is in place now. She mentioned one business in particular that has been in the system for ten years and is still up and going. Ms. Hawkins added that there are more, but it was not tracked. Mr. Berry stated that a lot is going on within the City and an October 7th presentation will give more insight into what is being planned. Mayor Hubbard commented on being business friendly, with Mr. Berry stating that he thinks at least 80% of new jobs will be from existing businesses, etc., with this being a good resource. Mayor Hubbard asked if there will be a different marketing program. Ms. Johnson replied in the affirmative.

Commissioner Marietta asked the track record with ACT. Ms. Hawkins stated that they have worked with them and they have been a recipient of CDBG funds, etc., and they provide services such as underwriting loans, reviews, CHDO's, etc. Discussion followed with Ms. Hawkins explaining the City's loan process. Ms. Johnson stated that ACT did the underwriting, but communication breakdowns, which have been corrected, was an issue before.

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

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PUBLIC SAFETY MATTERS

CODE AMENDMENT RE: ONE DAY ALCOHOL LICENSE APPROVALS BY CITY MANAGER

Mr. Davis discussed information (copy on file) pertaining to the City Manager approving One Day Alcohol License applications. He stated that the State limits six applications per charitable organization per year and that his recommendation is at least three; Commissioner Postell recommended four.

Commissioner Langstaff noted that there is no definition of charitable organizations and mentioned those claiming to be a charitable organization but do not have a 501(3) C, asking should this be defined. Mr. Davis stated that it is qualified in the code with four categories of organizations that qualify, adding that he can email the information (in § 69). Discussion followed regarding 501(3) C's having to register/file with the IRS. Mr. Davis explained that there is a threshold. Mr. Berry stated that a new questionnaire can be drafted.

Commissioner Marietta said he feels \$25.00 is too low and asked if this is enough to capture the cost of manpower. Mr. Berry explained that all other elements, etc., police presence, solid waste are separate. Mr. Davis explained that they also have to obtain one [license] from the State, which charges \$25.00.

Commissioner Postell moved to approve to include four days and the 501(3) C [status], seconded by Commissioner Langstaff; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

ALCOHOL LICENSE APPLICATION – TRANSFER OF OWNERSHIP:

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

1. Kings Welcome Mart, Inc., d/b/a D&D Food Mart, 1430 N. Jefferson St., T. Kubar/Agent; Beer package WARD 2 – Transfer from previous applicant (T. Kubar)

ALCOHOL LICENSE APPLICATIONS:

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

1. Walmart Stores, East, LP; 108 S. Westover Blvd., B. Killian/Agent; Beer/wine package – WARD 4

Commissioner Marietta introduced the new manager, Duane Staggers, who formerly served on a city council in Alabama.

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Hearing no further comments, the motion carried 6-1 with Mayor Pro Tem Howard voting no.

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

2. Tay's Wings & Catering, 202 E. Oakridge Dr., Suite F; C. Bailey/Agent; Beer consumption – WARD 6

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

3. DJ's Lounge & Grill, 1001 Radium Springs Rd., I. Stephens/Agent; Consumption – Ward 6

ONE DAY ALCOHOL LICENSE APPLICATIONS:

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

1. Flint RiverQuarium – T. Gregors/Agent; Movie & Cocktail Party, RiverQuarium – 101. Pine Ave., Oct. 16, 2014; 6 pm – 9 pm

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

2. Jubilee Financial Services, Inc., A. Hosely/Agent; Party Fundraiser, Civic Center, 100 W. Oglethorpe Blvd., Oct. 24, 2014 8 pm – 11:59 p m

Commissioner Langstaff questioned this as a 501(3)C with Mike Tilson, Code Director adding that it was checked and they have filed with the Secretary of State.

Discussion followed with Commissioner Marietta again commenting on the \$25.00 fee, adding that we now charge \$50.00. Wes Smith, Asst. City Manager, stated that \$50.00 had been approved, but per Mr. Davis, it was adjusted based on what the State charges. In response to Mayor Hubbard, Mr. Davis stated that that is how he interprets it; there is nothing in the Code preventing municipalities from charging more; however, it seems that the point is to mimic the State.

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

3. Albany ARC – E. McCarty/Agent; Annual Banquet, Hilton Garden Inn; 101 Front St., Oct. 16, 2014 – 6:00 – 9:00 pm

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ITEM FOR FUTURE AGENDA

Commissioner Fletcher stated that with a lot of activity now being downtown, parking tickets have become an issue; she asked to look at the issue of two-hour parking. In reply to Commissioner Postell, she moved to disband the limit on two-hour parking downtown. Mr. Berry stated that this will be placed on an agenda.

Commissioner Postell mentioned that a number of car wrecks by APD results in a total loss and asked how many cars are being lost on an annual basis and what happens to the driver. Mr. Berry explained the process of the City's Safety Review Committee, adding that he will provide information. In reply to Commissioner Postell, Mr. Berry stated that he will provide information in October regarding morale in APD. Commissioner Postell expressed concern regarding potential lawsuits.

Mayor Hubbard stated that Mr. Berry has been meeting with APD employees on different shifts and it appears that staff is pleased with the direction in which we are moving.

PUBLIC WORKS MATTERS

UPDATE ON RAIL ROAD CROSSING IMPROVEMENTS

Bruce Maples, Engineering Director, discussed information (copy on file) regarding railroad crossing improvements. He said they continue to work with railroad representatives and discussed specific railroads in question that they continue to work on. Discussion followed on concrete panels and meeting standards with Mr. Maples explaining that it is a local call. In reply to Mayor Hubbard (Clark Ave) and Commissioner Coleman (Swift St), Mr. Maples stated that they are on the list to work with railroad reps.

Commissioner Langstaff commented on the \$137,000 for panels with Mr. Maples explaining the process (contractor or in-house, depending on the railroad). Discussion followed on the cost with Mr. Maples explaining that the County has done panels and this is in line with their cost. He stated that had T-SPLOST passed, it would have assisted with funding. Discussion followed on the right-of-way and funding, discounted paneling, etc.

Commissioner Marietta reminded everyone about the DARTS public hearing at 5:30 this week which is an opportunity to provide input.

Mayor Pro Tem Howard asked if concrete panels are a City expense; Mr. Maples agreed. Mayor Pro Tem Howard stated that S. Mock Road have two crossings with only one having the concrete panels; the one track does not seem to be in use. Mr. Maples agreed, adding that he asked to

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remove this one, but they have verbally indicated that they will put concrete paneling there at no cost to the City.

Mayor Hubbard thanked Mr. Maples for his diligence in tackling this issue, adding that in the beginning the railroads would not even discuss the issue.

ITEM FOR FUTURE AGENDA

Mayor Pro Tem Howard mentioned a conversation he had with Mr. Maples yesterday regarding Reeves Construction, adding that there are many streets in E. Albany needing repair, i.e., gravel is high, etc. Mr. Maples stated that GDOT has been notified regarding E. Oglethorpe and Slapppy areas.

Commissioner Coleman asked for an update on the Board Avenue underpass and the holdup on the grass/shrubbery, etc. Mr. Roberson explained that the same crew that mows also does maintenance on sidewalks and right-of-ways. Mowing season is winding down, but if there is an emergency issue (line of sight obstructions at stop signs, red lights, etc.) they will be immediately addressed.

Mayor Hubbard asked if we are waiting on the railroad regarding the underpass. Mr. Maples discussed what this will entail, adding that he will provide information to Mr. Davis to begin working on the right of entry.

PUBLIC ADMINISTRATION AND FINANCE MATTERS

FORMAL BID AND BOND THRESHOLDS

Yvette Fields, Central Services Director, discussed information (copy on file) as it pertains to bids and bonds thresholds and code amendment as noted.

Commissioner Postell asked for clarification on the recommendation. Ms. Fields stated that this will be for bids and bonds; the City Manager currently has approval level up to \$40,000. Commissioner Postell stated that he can support this as a means to progress and asked for clarification on performance bonds. Ms. Fields explained that \$40,000 has been the threshold for performance bonds for years. Commissioner Postell mentioned past disparities; Ms. Fields explained the bond process, adding that on a \$5,000 purchase/project the bond might cost as much or more than the expense. Stephen Collier, Asst. City Manager – Utilities, interjected that is hindrance to small contracts and productivity. Ms. Fields added that it is also a hindrance to competition and small businesses; it makes no sense to put this additional burden on them.

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Commissioner Marietta agreed to raise the threshold as noted in the code. Mr. Berry agreed that this is just for purchases and contracts, adding that this has nothing to do with the City Manager giving bonuses.

Mr. Davis noted page 50; 2-649 and asked if this can also be raised to \$40,000.

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

Ms. Fields stated that the next item - bids 1-4 are coming off the agenda today. She commented that the other item that was distributed (copy on file) will be presented at the early briefing as a conditional item for vote on Tuesday evening.

CURRENT BIDS:

As noted above, items 1-4 (below) were removed.

- | | | |
|----|--|--------------|
| 1. | Refuse Truck – Front Loader Cab & Chassis, Transpower, Inc., Albany, GA | |
| | Total expenditure | \$130,088.29 |
| 2. | Refuse Truck – Front Loader Collection Unit, Skyline Equipment Co., Albany, GA | |
| | Total expenditure | \$82,325.00 |
| 3. | Refuse Trucks – 2 Rear Loader Cab & Chassis, Peterbilt, Albany, GA | |
| | Total expenditure | \$260,270.00 |
| 4. | Refuse Trucks – 2 Rear Loader Body’s, Transport Equipment, Albany, GA | |
| | Total expenditure | \$115,698.00 |

Regarding the following bid, Commissioner Postell asked for clarification and how many vehicles being fueled, go out of town, etc. Ken Johnson, Fleet Superintendent, explained that Public Works has a modernized fueling system; via the credit card, mileage and the amount of fuel used is tracked, with a monthly statement received itemizing fuel charges, which is charged off to departments. Commissioner Postell asked the location of the fueling station. Mr. Collier stated that it is at public works on N. Monroe, with a refueling operation also planned for the Lily Pond location. He explained the system in place for City and County vehicles to use each other’s pumps. Commissioner Postell asked how many vehicles are fueled. Mr. Johnson stated approximately 1100 vehicles, with Mr. Collier advising that 150 are from Dougherty County and also includes WG&L. Commissioner Postell mentioned the take home vehicles/policy which was corrected.

In reply to Mayor Hubbard, Mr. Berry stated that GPS has been installed on public safety vehicles.

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Commissioner Postell asked how many take-home cars exceed 20 miles. Mr. Collier stated there are six vehicles for the general fund, adding that he will get a report on public safety and will find out how many are exceeding 20 miles.

Commissioner Marietta called a point of order with Mayor Hubbard asking Mr. Collier to provide information and share with all Commissioners.

Commissioner Postell asked who gets the report. Mr. Collier stated that it is Ken Johnson, Fleet Superintendent.

- | | | |
|----|--|----------------|
| 5. | Fuel (General) Contract, James Rivers Solutions, Ashland, VA | |
| | Estimated expenditure | \$3,278,097.80 |

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

Joshua Williams, Buyer, discussed the following (copy on file).

- | | | |
|----|---|-------------|
| 6. | Police Uniforms, Galls, Inc., Lexington, KY | |
| | Estimated expenditure | \$42,389.50 |

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

ITEM FOR FUTURE AGENDA

Commissioner Marietta suggested having a finance committee as was suggested by Commissioner Langstaff some years back to meet more regularly and separately about finance and review information. He asked that this be brought up.

EXECUTIVE SESSION – re: Pending Litigation

At 10:49 a.m., Commissioner Postell moved to go into executive litigation, seconded by Mayor Pro Tem Howard; 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 11:30 a.m. Commissioner Fletcher moved to exit executive session, seconded by Mayor Pro Tem Howard; 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 discussion, the meeting adjourned at 11:30 p.m.

SONJA TOLBERT
CITY CLERK