

OCTOBER 21, 2014  
COMMITTEE OF THE WHOLE  
GOVT. CTR. – ROOM 120

PRESENT Mayor Dorothy Hubbard  
Mayor Pro Tem Jon Howard  
City Commissioners: Bobby Coleman, BJ Fletcher, Roger Marietta  
Bob Langstaff, Jr., and Tommie Postell  
Interim City Mgr: Tom Berry  
City Attorney: CN Davis

Mayor Hubbard called the meeting to order at 8:31 a.m.

#### SPEAKER'S APPEARANCE

Max Parker discussed issues regarding para-transit in Albany, stating that he spoke with Transit Director David Hamilton, who has not gotten back with him. Specifically, he commented on drivers are not calling stops and not introducing themselves. He asked Debbie McDonald to address other concerns.

In reply to Commissioner Postell, Mr. Parker stated that Mr. Hamilton said he would get back with him but nothing has changed, i.e., tying wheelchairs, which are mandated by the Americans with Disability Act.

Ms. McDonald stated that she understands that Albany Transit is under-staffed and has issues; however, she advised that the National Federation of the Blind is looking to have a conference here, but without the availability of transit, Albany will not be considered as host city. She mentioned that Access Technologies is looking to locate in Albany, but will not if transportation in Albany is not improved.

In response to Commissioner Marietta, Mayor Hubbard asked that he delay his questions for Mr. Hamilton until later.

#### FEDERAL LOBBYIST UPDATE

Wes Smith, Asst. City Manager, introduced federal lobbyist Marion Turner and briefly discussed the value provided by his services.

Using a power point presentation (copy on file), Mr. Turner, partner with Alcade & Fay, gave a brief overview of the firm and discussed ongoing projects, i.e., funding for the contract tower program, which provides staffing/airport traffic controllers at the ABY Southwest Regional Airport, downtown post office, SGRITA, National Guard relocation to MCLB and ASU Grant assistance. He mentioned the current status in Washington, i.e., Congress in recess, and discussed the election forecast. He stated that appropriations will be figured out after the elections, explained the dedicated fund for municipal transportation projects, Marketplace Transactions (internet tax bill) and new federal banking regulations, which impact local governments. In summation, he mentioned the comprehensive grant consulting services Alcade & Fay offers.

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In reply to Commissioner Postell, Mr. Turner stated that he merely attended the WG&L meeting yesterday; he was introduced as the City's federal representative and he offered his assistance down the road to work with the USDA to help get the grant and construction done. He discussed grants and rural broadband development funding. Commissioner Postell referred to juvenile assessment grants regarding juvenile offenders and asked if work has been done on that, if so, where is he with it. Mr. Turner replied that not a lot has been done in Albany along that avenue and explained that grants are available for gang prevention, etc. Referring to the airport, Commissioner Postell commented that it does not operate 24 hours/day and asked how funds will be requested when the requirement is for 24 hour operation. Airport Director Yvette Aehle gave the times that planes arrive late evening and early morning. Mr. Turner discussed the cost to add a person in the tower during evening hours, adding that what Commissioner Postell is bringing up is the ongoing debate between the airport and FAA. He commented on the commercial activity at the airport during the night, presenting safety issues at the tower, adding that the FAA is not very agreeable to spending the money to put someone in the tower. They want to count the planes, but his stance is that even one plane placed in an unsafe situation is one plane too many.

Commissioner Marietta stated that the National Guard relocation is a good thing. Mr. Turner agreed, adding that it is at the state level and is their decision. Commissioner Marietta asked Mr. Turner if he is aware of the gas pipeline/compressor station. Mr. Turner said he is aware of it but not intricately educated about it.

In reply to Mayor Pro Tem Howard, Mr. Turner said he will be around all day for discussions. Mayor Pro Tem Howard asked that the Commission go on record in opposition to the pipeline.

Mayor Hubbard thanked Mr. Turner for his presentation/information.

#### SOUTH GA REGIONAL INFORMATION TECHNOLOGY AUTHORITY (SGRITA)

Mr. Smith discussed information regarding SGRITA (copy on file) and reminded the Commission that this was discussed at the retreat last month.

Mr. Berry introduced SGRITA Board Members Clark Harrell, T. E. Moyer, Randall Taylor, and Frank Cannon.

Continuing with his presentation, Mr. Smith stated that the SGRITA Board requested that the City manage the broadband asset, which it will own. Funding from the USDA will be in the form of a 50/50 grant/loan to complete the system. He referenced the proposal (copy on file) and discussed details as noted, adding that the City of Albany is not obligated to provide any additional funding. He said the term, as initially setup, is to get through 2015, with nine subsequent five-year renewals. Regarding the benefits of this arrangement, he explained that the City already has the assets to carry it out and it will help grow SWGA, with potential, future revenue streams. In addition to the cons listed, he added that another is the danger that SGRITA will not succeed. He advised that USDA has given until September 2015 to have the

infrastructure in place and that WG&L approved the concept yesterday at their special called meeting.

Mayor Pro Tem Howard asked about the current lawsuit as noted on page 19. Mr. Berry stated that it has been to mediation and is effectively settled and will not involve the City of Albany. The language was inserted at the request of the SGRITA Board; he asked Mr. Harrell to confirm. Mr. Harrell concurred; adding that the SGRITA Board is meeting tomorrow to finalize the settlement. Mr. Davis stated that this will not be considered revenue, but will go straight to the bank in which Albany gets a percentage of the excess. Mayor Pro Tem Howard mentioned maintaining an office in Arlington with Mr. Berry explaining that Arlington is the home base in the enabling legislation, and Mr. Smith adding that USDA requires this location as well.

Commissioner Postell asked the role Commissioners play in the project. Mr. Berry explained that the City will contribute resources through its HR Department; decisions will be made by the City Commission, whether providing services in Albany or any of the other participating counties. Mayor Hubbard stated that all decisions come back to the table regarding the concept, etc. Mr. Berry advised that if the plan goes as is, after the initial term, each five-year renewal is automatic unless both bodies agree to not continue, adding that updates will be provided. Commissioner Postell asked if contracts will be signed by the Mayor/Commission; Mr. Berry agreed. In response to Commissioner Postell, Mr. Berry explained that the Utility Board approved in concept, with Mayor Hubbard adding that it was a recommendation from the Board to the Commission. Commissioner Postell asked about legalities. Mr. Davis stated that the CFO will be responsible to give updates and discussed staff labor involved. He noted page 18 – Sec. 3.04 and discussed revenue/expenses as noted in 3.01. He commented on reporting requirements and debt services, adding that there probably will not be any revenue during the first period, but this will be handled by the CFO. He advised that any further changes will be sent ‘redline’ for the Commission to review before being voted on. Commissioner Postell mentioned his concern that there are only nine months to complete and asked what happened with the SGRITA Board. Mr. Berry stated that this is a good board and are representatives of county commissions in the seven involved counties, adding that inactivity, not on the part of the Board, but due to internal operations created issues that delayed the project. He explained that problems were corrected by this Board, adding that he cannot predict what will happen in the future because of elections and possible changes in leadership on commissions. Commissioner Postell stated that he would like to see this project accomplished, but does not want to have a default in eight months. He asked what staff has contributed to the other counties, with Mr. Berry explaining what staff has been doing, adding that the counties may have to step up if there are cash flow problems. He discussed resources Albany offers and stated that costs could be stranded if the project is not successful. In reply to Commissioner Postell, Mr. Berry advised that there are no Dougherty County residents on the Board, and because it is a rural project there is a vast difference in how the Federal government has allocated funds for rural broadband. As a rural economy, they realize that economic development cannot occur without access to good broadband service.

Commissioner Marietta voiced his general support of the project. Mayor Hubbard agreed, adding that it is futuristic thinking.

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Mr. Harrell thanked the Commissioners for considering this project, which has a huge economic potential that will benefit SW Georgia.

Mr. Moye, a former County Commission Chairman, referred to the \$2.4 million in State funding and the \$7.0 million loan and grant from USDA. He stated that he is President/CFO of Georgia Federal-State Inspection Services and recently they constructed a large facility in Dougherty County, which employs 1,000 people, required high-speed internet that was provided by Dougherty County. He added that the facility is on City water/sewer/broadband internet. He explained that in addition to handling the state of Georgia, the business handles all southeastern states, adding that the facility wanted to stay in Albany because of the opportunity to help Albany and SWGA. This will give rural children the same ability to access information and the ability to study online as the children here and Atlanta are able to do. He mentioned that SGRITA already has some big businesses signed on; one being a landowner in Baker County, who is out of New York, is aware of SGRITA's quality internet service, so it is bringing SWGA into the future. Other areas want to take on the service, but they wanted to be in Albany's hub.

Mayor Hubbard agreed, adding that it is a benefit to Albany and SWGA.

Commissioner Fletcher agreed that Albany is the hub of SWGA and voiced support for the proposal. She added that the fact that neighboring counties had other choices, but chose Albany is testimony to Albany's attraction.

In reply to Commissioner Postell, Mayor Hubbard stated that an official vote will be taken at the night meeting.

#### VOTING DELEGATE AND ALTERNATE NLC CONFERENCE

The Clerk advised that only Mayor Pro Tem Howard and Commissioner Postell have registered to attend the upcoming conference.

Commissioner Postell moved to appoint Mayor Pro Tem Howard as the voting delegate and himself as the alternate, seconded by Commissioner Fletcher; the motion unanimously carried.

#### ITEM(S) FOR FUTURE AGENDA

Mayor Pro Tem Howard asked if the four way stop sign at Rosebrier and Webster Street, which did not meet warrants, can be brought back for vote.

Commissioner Marietta asked to bring back for discussion a recommended revision made by the Tree Board, which restricted clear cutting in the tree ordinance, but never came to this table. He briefly discussed an issue of massive timber operations adjacent to a subdivision on the west side of town.

Commissioner Postell asked that the Airport Director provide a status update.

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Mayor Pro Tem Howard asked that the Commission pass a resolution in opposition to the SABAL pipeline coming through any portion of the City and Dougherty County. Discussion followed on whether the County passed a resolution. Commissioner Marietta stated that he wanted to second Mayor Pro Tem Howard statement, whether in the form of a letter or resolution. He suggested requiring that a compressor station be operated electrically. Mayor Hubbard countered that this an issue in which the County has to take the lead, with the City Commission supporting them in the manner they want to be supported. Commissioner Marietta stated that there is only a 15 day window to operate and asked that with a consensus the Commission vote on its stance. Mayor Hubbard stated that she spoke with Chairman Sinyard and asked if the County will offer a resolution. Mayor Pro Tem Howard stated that he feels comfortable that they will pass a resolution at their next meeting. Mr. Berry said he can talk with the County Administrator for any update; Mayor Hubbard stated that a resolution can be passed at the night meeting. Commissioner Postell mentioned a report in today's paper about some County Commissioners debating the progress. Mayor Hubbard agreed that the County should take the lead, adding that a meeting was held for input from the public. She stated that the plan is to speak with Dougherty County on the passing of a resolution and clarified the motion, which is to pass a resolution in support of the County. Discussion followed with Mayor Pro Tem Howard stating that even though this is a County project and will be located within the county, elected officials have a fiduciary responsibility to citizens to ensure that something directly affecting a portion of the population in the county, regardless of what the County Commission does, the City should be concerned and involved and should adopt a resolution in opposition to the Sabal pipeline being located anywhere in Georgia. He then moved to adopt a resolution in opposition to the pipeline being located in Dougherty County, seconded by Commissioner Marietta, the motion failed 3-4 with Commissioners Coleman, Langstaff, Postell and Mayor Hubbard voting no.

Commissioner Coleman suggested that the City wait to see what the County decides before taking action. Mayor Hubbard stated that she is in support of what the County Commission wants to do and whatever they do, we will follow. Commissioner Coleman asked if they vote to have the pipeline coming through, the City Commission has a right to express opinions; Mayor Hubbard agreed.

Commissioner Fletcher stated that she was at the hearing last night and this was her understanding, adding that she agrees with the City following the lead of Dougherty County.

## **PUBLIC FUNCTIONS MATTERS**

MATTERS FOR PUBLIC HEARING AND CONSIDERATION ON TUESDAY, OCTOBER 28, 2014; 6:30 P.M., ROOM 100, GOVERNMENT CENTER BUILDING, 222 PINE AVE.

The Clerk read the following:

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1. Zoning Case #14-073 – Robert L. Leach/Owner; William Hancock/Applicant; request to rezone property located at 1520 W. Third Ave., from C-7 to C-5. PC approved 8-0 – WARD 3
2. Zoning Case #14-076 – Christopher S. Cleveland/Owner; Lanier Engineering, Inc./Applicant; request to rezone property located at 2409 Dawson Rd., from C-1 to C-2. PC approved 8-0 – WARD 5
3. Zoning Case #14-078 – Diane B. Rouse/Owner; Virginia Harris/Applicate; request to rezone property located at 2023 Palmyra Rd., from C-6 to C-5. PC approved 8-0 – WARD 2

Referring to the first zoning case, Commissioner Postell asked why it is being changed. Mayor Hubbard stated that it was a bank, then law office and is being torn down and rebuilt. Commissioner Postell expressed concern on what is being built within the city, i.e., clubs, bars, shot-houses, etc. Discussion followed with Ms. Teter agreeing that the applicant comes back with a building plan.

Commissioner Marietta voiced support for the second zoning case, which will be a Duncan Donuts.

Commissioner Fletcher stated that Villa Day Care Center approached her about cars cutting through their parking lot in which a child was almost hit last week; they have other concerns about the donut shop affecting their property.

## **PUBLIC ADMINISTRATION AND FINANCE MATTERS**

### CURRENT BIDS:

Dale Henry, Buyer II, discussed the following (copy on file):

1. Aeration Blower Maintenance, Siemens Energy, Hamilton, NJ  
Total expenditure \$52,600.00

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

Mr. Henry discussed the following (copy on file):

2. Replacement Parts for Daft Tanks, Evoqua Water Technologies, Pittsburgh, PA  
Total expenditure \$96,380.00

Mayor Pro Tem Howard moved to approve, seconded by Commissioner Marietta.

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Commissioner Postell asked if there will be a purchase of four more tanks, when will they be bid. Phil Roberson, Asst. City Manager, explained the process, which is a maintenance issue, adding that a proposal will be brought forward for Commission approval. In reply to Commissioner Postell, he advised that the other three tanks will not be done this way; they will rehabilitate all four daft tanks. This current bid will get the City through until it completes the major rehab; the estimated cost is approximately \$1.0 million.

Hearing no further comments, the motion unanimously carried.

## **PUBLIC SAFETY MATTERS**

### ALCOHOL LICENSE APPLICATION TRANSFER:

Commissioner Langstaff moved to approve, seconded by Commissioner Postell; the motion carried 5-1 with Mayor Pro Tem Howard voting no. (Commissioner Marietta stepped out of the meeting during Public Safety Matters).

1. Avni Parth, Inc., d/b/a Chevron Food Mart, 2509 Stuart Ave., JM Snead/Agent; Beer & wine package. Transfer from J. Patel – Ward 5

### ALCOHOL LICENSE APPLICATIONS:

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

1. Smoke and Fire, 2610 Gillionville Rd., RG Eames/Agent; Consumption – Ward 4

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

2. MRA Enterprises, Inc., d/b/a/Pace, 404 S. Slappey Blvd., RH Aslam/Agent; Beer & wine package – Ward 3

### ITEM FOR FUTURE AGENDA

Commissioner Postell asked if old licenses are being used to operate [businesses] or are we current with making sure new licenses are on display at businesses.

Commissioner Fletcher stated that the group, which came to the Commission regarding the increase of licenses, is ready to come back. Mayor Hubbard clarified that the request is to

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review alcohol license fee increases. In reply to Commissioner Postell, Commissioner Fletcher clarified the concern of businesses and increasing the cost of drinks sold.

## **MANAGERS UPDATE**

Mr. Berry stated that the Manager's Update will be put on the last work session each month to keep the Commission abreast of ongoing and upcoming items. He said today, the time will be devoted to an APD overview.

Chief John Proctor distributed information (copy on file) regarding crime stats for the month of September and advised that David Sparks, Crime Analysis, compiled the information. He discussed the information, adding that arrests were made in the majority of cases. He advised that overall, crime in the city is at a ten year low, with violent crime being up approximately 2% , adding that in many cases the victim and suspect know each other or at the very least are familiar with each other. He discussed crime prevention measures in place and mentioned working with Neighborhood Watch groups. He stated that security surveys have been conducted to assist businesses with crime prevention, adding that anyone selling alcohol is required by City ordinance to have surveillance cameras, with the intent to add more strength through Code Enforcement. He mentioned that tacticals will be in place during the period between October and mid-January, due to the typical, nationwide increase in crime. He stressed that it is impossible to prevent criminal activity 100%, but APD does all that is reasonable to mitigate it. The Gang Unit is a pivotal part of APD's operations and has been used in almost all of the issues because a lot of the issues tie back into criminal, gang activity. He mentioned that efforts implemented in the past four-five years have been successful in reducing gang-related crime and briefly discussed events going forward, especially in respect to having a police presence, on foot, downtown 24/7 to be part of revitalizing downtown. In conclusion, he reported that APD is in the planning stages of setting up a security crime prevention forum to deal with some of the security companies to offer additional security components to residences.

Mayor Pro Tem Howard mentioned that his area is E. Albany and asked to see an increase in officers getting out of their patrol cars, specifically in the Walmart area, the 200 Block of Cordele Road and other hot spots (Johnson Road area/trailer park area, Lakewood area). Chief Proctor stated that he would like to meet frequently and individually with Commissioners to discuss issues. Mayor Pro Tem Howard mentioned code enforcement issues – semi-trucks parking in neighborhoods and asked how flatbed trucks fit within the ordinance. Mike Tilson, Code Enforcement Director, stated that they would not be allowed, unless providing services for up to four hours. Mayor Pro Tem Howard mentioned that 2504 Belmont has four flatbeds. Mr. Tilson stated that he is not aware of this issue; Chief Proctor stated that he will get with Code Enforcement on this. Mayor Pro Tem Howard mentioned the Roses Shopping Center and the inability to remove trucks from the plaza.

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Mayor Hubbard referred to Club Fahrenheit in the Roses Shopping area and asked if the owner can be contacted; the property is in deplorable condition.

Commissioner Postell asked the number of officers APD is short. Chief Proctor stated that they are currently hiring, but approximately 12, adding that he will get exact numbers today. Commissioner Postell asked the number of uniformed officers patrolling streets. Chief Proctor said he will provide that information as well. Commissioner Postell asked if Mr. Sparks is a trained officer or only a statistician; Chief Proctor replied that he is civilian trained statistician, and not a law enforcement officer. Commissioner Postell asked the role of Phyllis Banks reporting news from APD; Chief Proctor stated that she is the public information officer for APD and speaks on his behalf; she is not a sworn, law enforcement officer, but gathers information from officers and submits to him before it is released to the media. Commissioner Postell asked how she gathers information; Chief Proctor explained the process via phone calls that he and Ms. Banks receive. Discussion followed regarding reports from Ms. Banks in which Chief Proctor is not on the scene. Commissioner Postell expressed concern about Ms. Banks reporting information in such a way as to imply that she is at the scene when something happens. He suggested that she rephrase/restructures her reporting style, adding that it sounds as though she, not APD, has ownership of the news reports. Chief Proctor stated that they will work on this.

Commissioner Marietta thanked Chief Proctor for the good news he has brought of the overall 'big' picture, adding that focus is needed on rewarding public safety personnel with a living wage. He commended the good job the uniform division is doing with assisting neighborhood watch groups, but expressed concern about the strategy of the Gang Task Force, which appears to be mitigating inner-gang fighting. Chief Proctor stated that there are initiatives they are currently working on and asked to speak about this offline.

Commissioner Fletcher agreed with Commissioner Marietta on the good job APD is doing, even with budget cuts. She asked if equipment/cars are up to par. Chief Proctor stated that issues were taken to the City Manager.

Commissioner Coleman said his concern is being short on help, with veteran officers training new officers and asked how morale on the force is at this time. Chief Proctor stated that a survey was just concluded, adding that he meets with officers and goes out at night when problems occur. In reply to Mr. Berry regarding the mentoring program being put in place, he discussed the program that will kick-off the first of the year, which will grow and train young people within the organization.

Mayor Hubbard commented on improvement in stats, adding that she is a proponent of education and the programs in place are good. She questioned how the information is dispensed, which is a concern and asked that fliers be sent to Commissioners to send to their constituents. Chief Proctor mentioned low attendance at meetings and mentioned that APD had another business meeting about a week ago and went to a number of businesses, approximately 100, in particular retailers. He suggested that with it being a new interaction, it has not yet gotten a foothold, but they will continue to work to build this, much like what was done to implement the

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neighborhood watch concept. Mayor Hubbard thanked Mr. Sparks for his stats and attending meetings, adding that it appears most crimes are committed on Monday/Tuesdays. Regarding panhandling, she asked if this is listed in crime stats. Mr. Sparks said it was not added to the report; as a rule, by the time an officer arrives, the panhandler has left, but it can be broken down.

Commissioner Postell mentioned the answer Commissioner Coleman received on morale; he asked the personal relationship between Chief Proctor and officers and its effect on morale at APD. Chief Proctor stated that he believes the morale is favorable at this time, but there is always room for improvement and they will continue to work on this. He advised that a key concern is salaries, but after Mr. Berry spoke with the department, morale greatly increased.

Commissioner Fletcher confirmed that panhandling is against the law and said her problem is panhandlers at the entrance and exits to businesses. She said she has gone to management with the issue and asked how panhandling is allowed on private property if it is illegal. Chief Proctor said this is difficult because the business owners have to participate, adding that he will continue to work on the issue. He mentioned a convenience/liquor store with a number of issues and some of it relates to the attitude of the business owner. He said they are working to put something in place.

Mayor Hubbard asked if the forum being formulated will help to get word out. Chief Proctor replied in the affirmative, reiterating that APD needs participation from everyone and every business. Mr. Berry stated that he [Chief Proctor] can be called any time; department heads and ACM's can also be called if there are concerns.

Commissioner Marietta asked for an update regarding a \$400,000 re-appropriation by ADICA, adding that he feels that ADICA is out-of-control. Mr. Berry explained that the report from the CFO to the ADICA Board related to the list of projects and their allocation. The CFO was letting ADICA know that it was not an addition to any pot of money, but is the same result of the \$2.7 million bond issue and what is left. Commissioner Marietta asked if expenditures out of the bond are to be approved by this table; Mr. Berry replied in the negative. He explained that the Commission has a non-voting Commissioner on ADICA, but has no control in ADICA. He mentioned the defunct advisory committee that included the School Board, City, and Dougherty County. Mr. Davis asked if he is referring to the TAD matter; Mr. Berry replied in the affirmative. Mayor Hubbard asked if that Board was dismantled; Mr. Davis replied in the affirmative, explaining that an amendment was requested because of the hurdle of having to go to the School Board, which decided to opt out of the agreement. Mr. Berry suggested more of a partnership between the Commission and ADICA because eventually the dollars will be gone; reiterating that legally the Commission has no control over expenditures. Commissioner Marietta countered that the former City Manager assured the Commission that, because of the bond, they would be informed before expenditures are drawn. Mr. Berry said they have not spent any money, but he can provide updates. Discussion followed about the Commission being briefed and updated by all agencies, including the amount of funds spent and how it was used. Mr. Berry said that this can be done.

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Commissioner Postell stated that as the person on the Board who represents the Commission, there has not been any transfer of monies, etc. The CFO told them how much money they have and what they need to do, adding that there is nothing in place that ADICA must come back to the Commission. ADICA is not asking for more money at this point and nothing has been concretely approved. Mayor Hubbard stated that the TAD already has regulations attached. Commissioner Marietta stated that before Commissioner Postell became active with ADICA, there was an incident in which an employee reported that they were out of money. He suggested that with regular reports, the Commission would have known in advance and could have corrected. Commissioner Postell agreed that a report to the Commission is a good idea; however, until projects are finalized and funds allocated for spending, there is really nothing to report to the Commission for approval.

Commissioner Fletcher stated that she was the Commissioner who said ADICA needs to be disbanded due to chaos she saw at a recent meeting. However, major changes have been made and it is clear that finances are in order; she can attest that the Board is on track, adding that ADICA and the Commission will have to be one and work together. Mr. Berry stated that regular reports will be provided.

Mayor Hubbard agreed, adding that it is her perception that the Commission has no authority to disband ADICA. Mr. Davis advised that it was created by the General Assembly and would have to go back to them to be disbanded. Mayor Hubbard stated that based on the law, the Commission has no authority to disband, but can appoint members.

Commissioner Postell asked Mr. Berry about parking. Mr. Berry stated that something will be brought in November and briefly discussed the process.

Commissioner Coleman stated that Code Enforcement will be out checking for violators this week due to homecoming; he asked if vendors selling products know where the city's right-of-ways are. Mayor Hubbard stated that this is ASU's homecoming week; guests from all over are coming and should be treated as guests unless they are committing major infractions. Mr. Berry stated that it is a safety issue pertaining to the parade and at the request of ASU; vendors will not be on the parade route. Discussion followed on making people feel welcomed to Albany.

## **EXECUTIVE SESSION** – pending litigation

At 11:03 a.m., Commissioner Postell moved to enter into executive session, seconded by Commissioner Fletcher; the motion carried 6-1 as follows:

|          |                          |
|----------|--------------------------|
| Ward I   | no – (prior appointment) |
| Ward II  | yes                      |
| Ward III | yes                      |

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|         |     |
|---------|-----|
| Ward IV | yes |
| Ward V  | yes |
| Ward V  | yes |
| Mayor   | yes |

At 11:22 a.m. Commissioner Langstaff moved to exit executive session, seconded by Commissioner Fletcher; the motion carried as follows:

|          |        |
|----------|--------|
| Ward I   | absent |
| Ward II  | yes    |
| Ward III | yes    |
| Ward IV  | yes    |
| Ward V   | yes    |
| Ward V   | yes    |
| Mayor    | yes    |

There being no further business, the meeting adjourned at 11:22 a.m.

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SONJA TOLBERT  
CITY CLERK