

FEBRUARY 26, 2010

SPECIAL CALLED MEETING OF THE BOARD OF CITY COMMISSIONERS OF
THE CITY OF ALBANY, GEORGIA

PRESENT Mayor Willie Adams, Jr.
Mayor Pro Tem Christopher Pike
City Commissioners: Jon Howard, Dorothy Hubbard, Roger Marietta
(10:03 a.m.), Bob Langstaff, Jr.,
City Manager: Alfred D. Lott
City Attorney: C. Nathan Davis

Mayor Pro Tem Pike called the meeting to order at 9:00 AM. (Mayor Adams entered the meeting during this time.)

The Asst. Clerk read the call as follows:

February 23, 2010

Honorable Mayor and
Board of City Commissioners
Albany, Georgia

Dear Mayor and Commissioners:

There will be a special called City Commission meeting on Friday, February 26, 2010, at 9:00 a.m., in room 120 of the Government Center Building located at 222 Pine Ave., Albany, Georgia. The purpose of the meeting is to afford Molly Loving a hearing concerning revocation of Occupation Tax Certificates re 1708 Schilling Avenue (Brick House Productions)

Sincerely,

Alfred D. Lott, ICMA-CM, CPM
City Manager

Faxed notice
MAYOR WILLIE ADAMS, JR.

/s/ Dorothy Hubbard
DOROTHY HUBBARD
COMMISSIONER WARD II

/s/ Roger Marietta
ROGER MARIETTA
COMMISSIONER WARD IV

Faxed and notified in person
TOMMIE POSTELL
COMMISSIONER WARD VI

/s/ Jon Howard
JON HOWARD
COMMISSIONER WARD I

/s/ Christopher Pike
CHRISTOPHER G. PIKE
MAYOR PRO TEM, WARD III

Faxed notice
BOB LANGSTAFF, JR.,
COMMISSIONER, WARD V

Mayor Pro Tem Pike turned the hearing over to Mr. Davis.

Mr. Davis stated that the hearing today is in response to a complaint filed by Code Enforcement against 1708 Schilling Avenue, in which Mrs. Loving is the possessor of the two Occupation Tax Certificates. He stated that the City bears the burden of proof and goes first in presenting its evidence. He told Mrs. Loving that she would have a chance to cross-examine each of the witnesses once they were finished. At the conclusion, she will have a chance, although not required, to offer testimony and/or documentary evidence. He then swore in City witnesses who were Walter Nathaniel Norman, Charlie Roberts, Richard Norman, Nicovian Price, Sherry Beamon, Ernest Thompson, William McGann, and Kirsten Watson. He sequestered all witnesses, asking them not to discuss

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this matter among themselves. He handed the Asst. Clerk City Exhibit '1', which was the notice served on Mrs. Loving, along with attachments (copy on file) He then called Walter Nathaniel Norman, who is Chief License Inspector with the City's Code Enforcement Department and has been involved with proceedings regarding Brick House/Brick City Productions. He asked Chief Norman if he recognized Exhibits '2' and '3', with Chief Norman stating that they are applications for Occupation Tax Certificates for Brick City and Brick House Productions. He advised that Exhibit '4' is the North American Industry Code System for each of the two businesses, (each business that holds an Occupational Tax Certificate receives them when obtaining the Certificate) and that Exhibits '5' and '6' are 2010 renewal applications for Occupational Tax Certificates for Brick House Productions and Brick City. He asked Chief Norman if he was at the Brick House location on February 8, 2008; Chief Norman replied in the affirmative and explained that he had received several complaints from Turner Job Corps and personally went to the location. When entering the establishment, he noted bottles of alcohol around the room and a young lady to his left counting money from a Swisher Sweet box; behind the counter where she was standing were a couple of bottles of alcohol. He said he entered a doorway behind the lady with a cloth draped over it and encountered 15 individuals. On the far side of the room was a bar, which was fully stocked with alcoholic beverages. He stated that there was a tub filled with ice containing beer and behind the bar was a cash register with a price list for the alcohol. Mr. Davis asked if Mrs. Loving was there; Chief Norman replied in the affirmative. In reply to Mr. Davis, Chief Norman said that the business does not hold any type of alcohol license. He stated that Exhibit '6' is pictures of the alcohol that was sitting on the bar; the tub of ice and beer; the cash register; mixes for mixed drinks; the counter where the young lady was counting money; the alcohol behind the counter; and the box containing the money she was counting. Mr. Davis stated that he was putting an 'A' on the exhibit to make it Exhibit '6-A'; he asked if the photos fairly and accurately represent what Chief Norman saw on the 8th; Chief Norman replied in the affirmative. Mr. Davis asked Chief Norman if during this time he had any conversations with Mrs. Loving; Chief Norman replied in the affirmative. He stated their conversation consisted of him advising her that alcoholic beverages were not allowed at this establishment and to do so she would have to obtain an alcohol license; further it was in violation of the brown bag ordinance prohibiting alcoholic beverages in any licensed business in the City of Albany. He added that they discussed the activities of the individuals in the building who were arrested with drugs and weapons. Mr. Davis asked if Mrs. Loving offered an explanation for the money, alcohol, etc. that he saw. Chief Norman stated that Mrs. Loving stated that the money inside the box came from the collection of dues, with the alcohol being there for members and their guests. Mr. Davis asked the next time Chief Norman had any discussions with Mrs. Loving. Chief Norman replied that on that night he had asked Mrs. Loving to make an appointment to come to his office. When she came to the office they discussed requirements to obtain an alcohol license; she mentioned having a private club. He stated that he pulled the information off the internet to show her the necessary requirements for her club to be considered a bona fide private club; she assured him that all the alcohol at that establishment had been removed. He said he provided the information to her at his office located at 240 Pine, Suite 150.

Daniel Loving, husband of Mrs. Loving, asked Mr. Davis if he can represent Mrs. Loving at this hearing, as the manager of Brick House Productions; Mr. Davis replied that if he is here on her behalf and as her advocate. Mr. Loving mentioned the date in question, February 8, and asked Chief Norman if there were people standing outside when he came to the facility; Chief Norman replied in the affirmative. Mr. Loving asked Chief Norman if he saw people running into the building; Chief Norman replied in the affirmative. Mr. Loving stated that when ADDU and Code Enforcement chased the people into the building, no one had the time to frisk anyone to check for drugs or weapons. Chief Norman replied that they did not chase anyone. Mr. Loving stated that at this particular time, they are not speaking of Brick City; they ran into the studio portion and then ran into Brick City. The reason that he (Chief Norman) gave for running into there and laying everyone on the ground to check for ID's was that they ran, is that correct? Chief Norman replied in the negative. Mr. Loving asked didn't he tell him that the reason they made everyone get on the ground at gunpoint was to check ID's was because they ran.

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Chief Norman replied that he is not familiar with gunpoint or laying everyone on the ground. He stated that when he approached the front door, the individual standing there locked the front door; he did notice everyone running to the north side of the building. Mr. Loving asked Chief Norman if he had to unlock a door to get out; Chief Norman replied that he exited from the same door through which he entered, so it was still unlocked. Mr. Loving declared that all the doors at his facility automatically lock; they open from the inside and lock on the outside. He asked how long it took Chief Norman to gain access to the building; Chief Norman replied that it took approximately three minutes. Mr. Loving asked if he said someone was counting money behind the bar area. Chief Norman replied that inside the first room, there was a counter to the left with a young lady behind the counter with a Swisher Sweet box and she was counting money from the box. Mr. Loving asked Chief Norman if pictures were taken of the money and if he wrote down the amount of currency that he saw her counting. Chief Norman replied in the negative; adding that an officer remained in the room and that he proceeded to find out what was transpiring in the other room. Mr. Loving asked if any of the officers had knowledge of the amount of money in the box that she was counting; Chief Norman replied that they did not seize any money. Mr. Loving declared that there was \$0.46 in the Swisher Sweet box. He stated that usually when something illegal is transpiring with money involved, the money is seized or pictures taken of it; at the very least an amount is written down.

Mr. Davis interrupted saying that Mr. Loving is testifying and interjecting things, which he can do later when they are through; he requested Mr. Loving to only ask questions at this point. Mr. Loving replied that he was asking questions about the money and if anyone took pictures or possession of it. He added that he knew there was only \$0.46 in the Swisher Sweet box and that's not showing that anyone is selling alcohol. He asked Chief Norman the number of individuals in the facility at the time that he entered; Chief Norman replied that as far as the money in the box there was dollar bills that the young lady was counting at the counter, she was not counting change at that time. Mr. Loving commented that it took Chief Norman three minutes to enter the building and after coming in at gunpoint and rushing people into another building, there is a young lady counting money as if nothing is going on and asked Chief Norman if that is what happened at that particular time. Chief Norman replied that there was a young lady standing at the counter counting U.S. currency when he entered the building. Mr. Loving asked Chief Norman if someone told him that night that someone had rented the far side of the building because no one was in that building when they came next door, but once they saw the Drug Unit they ran inside the building. They had told Chief Norman that someone had rented that building and they had paperwork to show him that they had rented it for the night and the people had brought their alcohol and had it stashed. When they came back later that night and had a party, they were giving away alcohol like a wedding reception or birthday party, as long as they were 21 and able to drink. Chief Norman replied that at no time did the business ever furnish him with any documents indicating a rental at that establishment; nor did they furnish him any documents that evening showing anything that remotely transpired. Mr. Loving countered that they did; he asked if the lady was in the facility when Chief Norman arrived. Chief Norman replied that when he went looking for her, she was in the rear portion, in the south portion of the building. Mr. Loving asked did he (Mr. Loving) call her and tell her to come down there; Chief Norman replied that he is unsure what Mr. Loving did. Mr. Loving stated that he did call her and tell her to come down there. He stated that the cash register has been in the building since 2004 and that it is not in use and is not his.

Mr. Davis interjected that Mr. Loving will have a chance to testify to that. Mr. Loving asked if Chief Norman wrote him a citation on that particular date for having alcohol in the building. Chief Norman replied that he had one of the officers write a citation for brown bagging. Mr. Loving asked for clarification, was it for having alcohol in the building or brown bagging; Chief Norman replied it was for brown bagging. Mr. Loving countered that the ticket stated 'alcohol in the building'. He said that he spoke with an attorney who said that it was not a law, there was no law pertaining to that.

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Mr. Davis called Det. Charlie Roberts with the Albany Police Department, and mentioned March 18, 2008, and asked Det. Roberts if he had an occasion to go to the Brick House Productions/Brick City at 1708 Schilling. Det. Roberts explained that he was actively working a homicide, with two persons involved in the homicide having been located at 1708 Schilling on the night of the homicide. He said he and Capt. Kendra Wilson obtained a search warrant and at the location the ADDU, probation, parole, APD, and APD Tactical Unit collaboratively served the search warrant. The Tact unit went in first to secure the building for the warrant to be served. He stated that photographs were taken of the items that were being seized. In response to Mr. Davis, Det. Roberts replied that he did enter the building and saw marijuana and ADDU seized it. He stated that he saw alcoholic beverages packaged to be sold/used with photographs being taken and the items seized. Mr. Davis asked Det. Roberts if he saw Mrs. Loving there; Det. Roberts replied in the affirmative. Showing him Exhibit '7', Mr. Davis asked if he recognized it. Det. Roberts replied that they depict the same photographs he also has. Mr. Davis asked if they fairly and accurately represent what he saw that night; Det. Roberts replied in the affirmative. Mr. Davis referred to photo 'F' stating that it looks like pieces of paper; Det. Roberts agreed, replying that the pieces of paper were seized that night and he has them with him. He advised that they have been stored with APD's Property Management. Mr. Davis asked if he recognized Exhibit '8'; Det. Roberts replied in the affirmative, explaining that it's a carbon copy of a list, the original was seized on the 15th. Mr. Davis asked if City Exhibit '8' is a copy of the document, which appears to be a Bounty paper towel; Det. Roberts replied in the affirmative. In reply to Mr. Davis, Det. Roberts stated that he recognizes Exhibit '9' with the original being seized that night and stored in the evidence locker. In reply to Mr. Davis, Det. Roberts stated that Exhibit '10' was seized that night and that he has the original with him. Mr. Davis asked if Exhibits '11', '12', and '13' are copies like the other documents seized that night; Det. Roberts replied in the affirmative, adding that he has the originals. Mr. Davis asked Det. Roberts if he and Mrs. Loving had a conversation on the 15th. Det. Roberts replied that she was cited by Sgt. Benny Wilson for the sale of alcoholic beverages. He said he confiscated the business license and explained that the business could not operate until further notice. He advised that Ms. Loving was provided a copy of the search warrant and the return, which is a list of confiscated items. Mr. Davis asked Det. Roberts if he found the documents in the same condition as they were inside the plastic folder; Det. Roberts replied in the affirmative.

Mr. Loving asked Det. Roberts if he said the time he came into the building was 1:15 in the morning; Det. Roberts replied in the affirmative. He stated that there were not that many people inside the facility at that time; the information they had indicated that at 1708 Schilling, things did not start or get going until about 3:00 a.m. In response to Mr. Loving, he said that there were several people in the building, but he did not conduct a headcount to determine the number of people. He added that several were arrested and taken out by the time he got from one location inside the building to the next. Mr. Loving asked Det. Roberts if it was more or less than ten people; Det. Roberts replied that it might have been about 20 if he had to guess. Mr. Loving asked Det. Roberts if he found the alcohol inside Brick City; Det. Roberts replied in the affirmative and advised that it was photographed inside the building. He indicated the location on the photographs, which showed the taps and kegs underneath the taps, and referred to the photo showing where beer was available. He also showed a picture of alcoholic beverages on ice. Referring to another picture, Mr. Loving asked the date it was taken, as Det. Roberts is showing pictures taken at different times. Det. Roberts replied that the picture to which Mr. Loving is referring was taken on 3/15/2008. Mr. Loving referred to pictures showing beer inside boxes and asked the location of the boxes inside the building; Det. Roberts replied that they were at 1708 Schilling. Mr. Loving stated that 1708 is a big building; Det. Roberts agreed. Mr. Loving added that there are several businesses there, not just his, asking if that is correct. Det. Roberts replied that he's sure there's another business on the south end of the building. Mr. Loving added that 'as well as adjacent to us, there's another business as well', stating that his licenses are for Suite 'E'/Suite 'D'. Det. Roberts explained that when they took the search warrant it encompassed Brick City, Brick House Productions; Mr. Loving asked if it encompassed the businesses next door. Det. Roberts replied that they did not go to the business next

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door; the business on the south end of the building – they did not enter that business. Mr. Loving asked if they found the alcohol in one of his suites, for which he has a license; Det. Roberts replied in the affirmative. Mr. Loving clarified that it was alcohol in the small tubs; Det. Roberts replied in the affirmative. In response to Mr. Loving Det. Roberts stated that they have a picture. Mr. Loving countered that the picture shows that they found it in the apartment of the superintendent who lived in the building – not in the location for which he has a license. He stated that the license is for Suite E and they did not find it there.

Mr. Davis interjected that Mr. Loving can testify to that later, but Det. Roberts has already answered the question. Mr. Loving stated that Det. Roberts answered his question incorrectly. Mr. Davis said that they know he disagrees that he found the alcohol where the occupation tax certificate...Mr. Loving asked the amount of weed that they found inside of the building when serving the search warrant; they said they had a search warrant for weed, cocaine, Ecstasy, guns and a murder; of that list on the search warrant. He asked what they found pertaining to the search warrant. Det. Roberts replied that the Albany/Dougherty Drug Unit handled that portion of it that particular night. He said he is quite certain Mr. Loving is aware of it because they charged him with possession of marijuana, LTO (Less Than an Ounce), there was some marijuana found inside the business. Mr. Loving said that with that search warrant, the only thing found with it was marijuana, less than an ounce. Det. Roberts asked if he meant as in narcotics; Mr. Loving replied he meant as the whole search warrant, everything that was on the search warrant, the only thing they found was the one blunt that he picked up off the floor before they busted in there, so he is asking is there something else they found that he does not know about, because that is all he knows of. Det. Roberts stated that he does not know if Mr. Loving read the search warrant; they were looking for violent crime persons and people with active warrants for violent crimes, those who were arrested for such things as aggravated assault and aggravated battery. Mr. Loving asked where they found the price list, Exhibit '9', and if he remembers where that was found? Det. Roberts replied that it was near the cash register in the bar area where the beer was on tap. Mr. Loving repeated 'inside the bar area where the beer was on tap' and, asked if it is correct that the only alcohol found inside the area was those kegs. Det. Roberts replied in the affirmative.

Mr. Davis called Richard Norman and asked if on 10/18/08 he was involved in a matter relating to the Brick House/Brick City business; Ofc. Norman replied in the affirmative. Ofc. Norman stated that on October 19, 2008 he was dispatched to 1310 Radium Springs Road, Rams Arms Apt. in response to guns shots being heard in the area. He said he and his back-up, Ofc. Sherry Beamon observed a 1996 Chevy Caprice parked in the middle of the parking lot with both doors open, the headlights were on, but no one was in the vehicle. Approaching the vehicle, he said he noticed the back window was shattered out of it and that he saw glass everywhere in the vehicle, but no one was in it. In searching the area, he said he and Ofc. Beamon did not find anyone. He stated that approximately ten minutes later a guy named Patrick Brown walked up and advised that he had witnessed the incidence. Mr. Brown told him that he and his friends had pulled up to this location, and that he was asleep in the back seat and when he heard gunshots, he got out of the car and ran. He said he called the owner of the vehicles, Lanorris McKinley, who came back after Mr. Brown called. Mr. McKinley told him (Ofc. Norman) that he and his friend...Mr. Davis interrupted and asked if he saw any evidence in the vehicle to support the idea that there had been gun shots. Ofc. Norman replied in the affirmative and stated that he saw bullet holes in the vehicle; Mr. Davis asked if he knew what a bullet hole looks like in a vehicle; Ofc. Norman replied in the affirmative. Mr. Davis asked if he was able to determine where the shots took place relating to the bullet holes; Ofc. Norman said that based on what they told him, yes, at Brick House Productions. Mr. Davis asked if the person had driven from Brick House to the apartments and then called his office; Ofc. Norman replied in the affirmative. Mr. Davis asked how many bullet holes he saw; Ofc. Norman replied that he cannot recall how many. Mr. Davis asked if he saw more than one; Ofc. Norman replied in the affirmative.

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Mr. Loving asked Ofc. Norman if he came to Brick House Productions to see if there was any gunfire at their facility that they knew of, or if he saw glass busted on the ground; with the car being shot up, there should have been some sort of evidence. He asked if they indicated that they were shot at Brick House Production. Ofc. Norman replied that the suspect vehicle drove past them while they were at Brick House Production that night; they said it was a white truck, a Ford Explorer, to be exact. They reported that a guy drove by them and started shooting at them. He said he observed the vehicle off of Moultrie Road, but he never went to Brick House Productions that night. However, the Crime Scene Unit did go out, but he cannot testify for them. He advised that his reports indicate that he did go out there the following morning. Mr. Loving asked Ofc. Norman if he is saying that there is no evidence that the vehicle was shot at Brick City. Ofc. Norman replied that he cannot testify to that because he did not respond to Brick House Productions that morning. Mr. Loving asked if he knew whether or not they (APD) had a call to come out to Brick House Productions because of gunfire that night; Ofc. Norman replied that he got a call to 1310 Radium Springs Road. Mr. Loving asked if it was safe to say that they (Brick House) did not know anything about the supposed shooting that happened on Radium Springs Road, in which they say they drove past somebody....Ofc. Norman replied that the two victims reported that they were standing in the parking lot at his facility when the guys drove by in a truck and started shooting at them. They said that they jumped into the vehicle and left because they feared for their lives; this vehicle followed and rammed them two times as they left.

Mr. Davis called Nicovian Price and asked if, part of his duties on April 9, 2009 was patrolling 1708 Schilling Avenue; Ofc. Price replied in the affirmative. Mr. Davis asked Ofc. Price what occurred in relation to that location. Ofc. Price stated that he was patrolling in that area because it is a problem area. He said he and Sgt. Elder were in separate patrol vehicles, and as they approached he observed a black male standing beside a black vehicle throw, then kick, something under the vehicle. He said he notified Sgt. Elder, who entered the parking lot and shined his spotlight under the vehicle. In reply to Mr. Davis, he stated that he also entered the parking lot and after shining the spotlight under the vehicle; Sgt. Elder determined that it was a bag of marijuana. He stated that he got out of his patrol car and took the subject into custody, confiscated the evidence, which was 15 small bags of marijuana...Mr. Davis asked how he confiscated the evidence and what does he mean by that phrase. Ofc. Price explained that he got it from underneath the vehicle. Mr. Davis asked if after spotlighting the vehicles and securing the prisoner, Ofc. Price literally reached under the vehicle and grabbed the object; Ofc. Price replied in the affirmative. Mr. Davis asked Ofc. Price if, as part of his training, he knows what marijuana looks like; Ofc. Price replied in the affirmative. Mr. Davis asked if the object pulled out from underneath the vehicle was marijuana, Ofc. Price replied in the affirmative, adding that he also field tested it and it tested positive for marijuana.

Mr. Loving asked Ofc. Price if all of his police work was done outside when coming to the facility, or if he pulled up and saw someone kick a bag under a car in a parking lot. Ofc. Price replied that the man was standing in the parking lot and threw something on the ground and then kicked it.

Mr. Davis called Sherry Beamon and asked Ofc. Beamon if, as part of her duties with the police department, was she near 1708 Schilling Avenue on April 13th of last year; Ofc. Beamon replied in the affirmative and stated that she was responding to the location in question to a call referencing gunshots. Mr. Davis asked what she saw, when she got to that location. Ofc. Beamon replied that she saw a subject carrying a large assault rifle into a vehicle. Mr. Davis asked Ofc. Beamon if, in her experience as a police officer, she knows what an assault rifle looks like; Ofc. Beamon replied in the affirmative. Mr. Davis asked if this person was out in the parking lot of 1708 Schilling; Ofc. Beamon replied in the affirmative. Mr. Davis asked if she saw what the subject did with the assault rifle. Ofc. Beamon replied that at the time he had it in his hand; when he saw her approaching the business he turned and entered the passenger side of the vehicle that was pulling through the parking lot. Mr. Davis asked if she saw him get into the passenger side of the vehicle with the assault rifle; Ofc. Beamon replied in the affirmative. Mr. Davis asked

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what, if anything, did she do after seeing this. Ofc. Beamon replied that she was too far past the entrance to make contact with the subject, so she radioed to the other responding unit to stop that particular vehicle in which the subject had a firearm and was on the passenger side of the vehicle. Mr. Davis asked if she described the vehicle and made the request over the radio; Ofc. Beamon replied in the affirmative.

Mr. Loving asked Ofc. Beamon if she was aware that Brick House Production made the phone call to the police department about the man in the parking lot with the big gun. Ofc. Beamon replied in the negative, adding that they were not told that. Mr. Loving asked Ofc. Beamon if at any time did she see him come out of their facility or was he outside the entire time with the gun. Ofc. Beamon replied that at that time he was outside the building. Mr. Loving asked if they (Brick House) provided information to the police officers to indicate that that was the person shooting the gun; Ofc. Beamon replied in the affirmative.

Mr. Davis called Ernest Thompson and asked if he was near 1708 Schilling Avenue on April 13th last year; Cpl. Thompson replied in the affirmative. Mr. Davis asked Cpl. Thompson if he was responding to gunshots being fired; Cpl. Thompson replied in the affirmative. Mr. Davis asked if he recognized Ofc. Beamon, who just testified; Cpl. Thompson replied in the affirmative. Mr. Davis asked Cpl. Thompson if he heard radio traffic from Ofc. Beamon that lead him to respond to something about a firearm; Cpl. Thompson replied in the affirmative. Mr. Davis asked Cpl. Thompson what he did in response to Ofc. Beamon's radio traffic. Cpl. Thompson stated that he observed the subject whom Ofc. Beamon said had the weapon that fit the description of the vehicle she had given. Mr. Davis clarified that the vehicle and subject fit the description; Cpl. Thompson replied in the affirmative and said that he approached the vehicle and that he placed the individual, as well as the passenger, in handcuffs and waited for Ofc. Beamon to come over and identify them and confirm them as the ones she had been talking about. He stated that inside the vehicle, he observed an SKS assault rifle in the front seat in plain view and that when he felt the barrel, it was still warm to the touch. Mr. Davis asked Cpl. Thompson if he has an independent recollection of actually feeling the barrel and it was still warm; Cpl. Thompson replied in the affirmative. Mr. Davis asked Cpl. Thompson if he recognizes an SKS as an assault rifle based on his experiences as a police officer; Cpl. Thompson replied in the affirmative.

Mr. Loving asked Cpl. Thompson if he was aware of the fact that they (Brick House) were the ones who called police to come about a guy shooting a gun in the parking lot. Cpl. Thompson replied that he is not sure who called the police. Mr. Loving asked if they (Brick House) provided any information to indicate who was shooting the gun let them know where the shells were, the area in which the person had been shooting and did it appear that they wanted to get this person off of their facility. Cpl. Thompson replied that if he (Mr. Loving) spoke with the other officer, but as far as himself, no.

Mr. Davis called William McGann and asked if he had an occasion to go to Palmyra Medical Center's Emergency room on October 31, 2009; Det. McGann replied that he went in reference to a shooting. Mr. Davis asked Det. McGann if, as part of his investigation, he determined where the shooting took place; Det. McGann replied that it occurred at Brick City Productions, according to the victim. Mr. Davis asked what lead him to believe someone had been shot. Det. McGann replied that the victim had a bullet hole in the back of his calf and that he could see where the bullet entered his calf and came out the front of his leg, which he personally saw. Mr. Davis asked Det. McGann if he knows what a bullet wound looks like as part of his training; Det. McGann replied in the affirmative.

Mr. Loving commented that Det. McGann had said that the patient indicated that he had been inside Brick City; Det. McGann replied in the affirmative. Mr. Loving asked Det. McGann if he had gone to see if anyone at Brick House Productions, any of the staff or any paid security in the parking lot, had heard gunshots that night? Det. McGann replied that he personally responded to Palmyra Medical Center. Mr. Loving asked if he knew of any investigator coming to see if any shots were fired at Brick House Productions. Det.

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McGann replied that while he was in route to Brick House, his supervisor told him to turn around and go to Palmyra, because the victim showed up there. Mr. Loving asked Det. McGann if he was aware of the fact that there were other police officers across from Brick House Productions in the parking lot on October 31st at the time period this person indicated that they were being shot. Det. McGann replied that he is aware that there were officers responding to this particular call for service. Mr. Loving asked Det. McGann if he is saying that he was aware that officers were across the street during the time period this person said he was shot. Det. McGann stated that at the time of this shooting, he is unclear where any other police officers might have been when the call came out, other than himself. Mr. Loving asked Det. McGann if he has proof that someone was actually shot at this location other than the patient saying that's where he was shot. Det. McGann replied that according to the guy with the bullet hole in his café and his girlfriend, they were both inside Brick House. They both said that while inside, a large fight broke out and as they were leaving the club, five or six gunshots rang out and he was shot in his calf.

Mr. Davis called Kirsten Watson and asked if she was near 1708 Schilling Avenue on Valentine's Day this year; Ofc. Watson replied in the affirmative. Mr. Davis asked Ofc. Watson what occurred, as he assumed she was on duty at that time. Ofc. Watson stated that she and Ofc. Fabian were in a location not far from Brick City, she was working on paperwork in the patrol car and they heard several gunshots. She said they 'rolled up to the scene' and saw a crowd. Mr. Davis asked Ofc. Watson when they 'rolled up to the scene' where did they roll up to. Ofc. Watson replied it was 1708 Schilling and explained that once they were at the scene, she and Ofc. Fabian exited the car, walked up to the group of guys and she noticed they were standing around a body. As she walked toward them, she saw it was a black male, lying face up covered with blood and gunshots. Mr. Davis asked Ofc. Watson if, her training as a police officer, led her to be able to conclude what bullet holes in a person looks like; Ofc. Watson replied in the affirmative. Mr. Davis asked Ofc. Watson how many bullet holes she saw in the person? Ofc. Watson replied that she noticed the victim had seven gunshot wounds. Mr. Davis asked Ofc. Watson what condition the person with the seven bullet holes was in; Ofc. Watson replied that when she arrived he was lying on the ground and very unresponsive. She stated that they were trying to get him to stay conscious until EMS arrived. By the time EMS arrived he was not moving, not speaking or breathing and they pronounced him dead. Mr. Davis asked Ofc. Watson what else did she do after seeing this individual. Ofc. Watson replied that at that time she notified her supervisor, who arrived on the scene and that she and Ofc. Fabian secured the scene. She said she asked Ofc. Fabian to tape off the crime scene and she secured the back door and made contact with two individuals who told her what happened inside the building as far as what led to the death of the victim. Mr. Davis asked if she had an occasion to go inside the building herself; Ofc. Watson replied in the negative, she never went inside. Mr. Davis asked if she discovered anything else about the gunshots other than that there were seven. Ofc. Watson replied that she saw shell casings around a burgundy/red colored Chrysler Charger; the car was parked not very far from the victim and there was one underneath the victim. Mr. Davis asked Ofc. Watson if she could determine from the shell casings whether it was a pistol or a rifle. Ofc. Watson replied that it was a pistol.

Mr. Loving asked if she heard the gunshots; Ofc. Watson replied in the affirmative. Mr. Loving asked how long it took to get from their location to 1708 Schilling after hearing the gunshots. Ofc. Watson replied that it didn't take but seconds because they were not very far from the club. Mr. Loving asked Ofc. Watson if the guy was still alive when they arrived. Ofc. Watson replied that he was breathing and a group of guys, his cousins she believes, were trying to get him to stay responsive; however, he was in and out, in and out. Mr. Loving asked Ofc. Watson if anyone attempted first aid to try and stop the bleeding or if anyone tried to resuscitate him. Ofc. Watson replied that his cousin did, and that she stood by and his cousin tried as EMS responded. Mr. Loving asked Ofc. Watson if anyone else was injured; wasn't a member of his (Mr. Loving's) security team injured. Ofc. Watson replied in the affirmative, adding that his security guy received a gunshot to the left arm.

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Mr. Davis announced that he had tendered his exhibits and that he rests. He told Mr. and Mrs. Loving that they are entitled, although not required, to present evidence.

Mr. Loving said that they were told the meeting...Mr. Davis asked him to come to the podium and asked if he was offering himself as a witness. Mr. Loving said that he thought it was time to talk about...Mr. Davis said that if he wanted to skip the evidence, he can talk about the documents and what has been presented. He asked Mr. Loving if he wants to go to that part. Mr. Lott interjected that it appears he wants to be the advocate. Mr. Davis stated that it is his impression that Mr. Loving decided not to present any actual testimony. Mr. Loving stated that he has testimony and he wanted to state that it is his understanding that the meeting is being held because it has adjudicated that Brick House is not a recording studio...Mr. Davis interjected that that is a good way to put it, but right now as evidence. He told Mr. Loving that if he wants, he can make an argument that the evidence shows that Brick House is a recording studio and should be allowed to keep its Occupation Tax Certificate. Mr. Loving asked if he should call his witnesses.

Mr. Loving called Frank Inabinet; Mr. Davis swore-in Mr. Inabinet. Mr. Loving asked Mr. Inabinet if he was aware of any kegs at the location of Nabs; Mr. Inabinet replied in the affirmative. Mr. Loving asked what he knew about the kegs inside the tavern. Mr. Inabinet explained that the kegs were left in the building by him when he shut down in January 2005. He stated that one of his bartenders was supposed to turn off the power to the freezer, but instead she turned it off to the beer box and draft beer must be kept refrigerated. He added that the beer was ruined, but he never took the kegs back for the deposit. Mr. Loving stated that he has documents from Budweiser, from the place where the taps were returned, showing that the kegs have been at that place since 2004, with the alcohol inside not being sellable and not drinkable; it would probably kill someone if they drank it. Referring to a photo of a cash register, Mr. Loving asked Mr. Inabinet if he had ever seen it; Mr. Inabinet replied in the affirmative. He explained that it was one of three cash registers he had left when he closed down. Mr. Loving referred to the price listings that were found near the cash register; Mr. Inabinet replied that they are his price lists; he typed them and put them up. Mr. Loving displayed the list, which was Exhibit '9' - used as evidence that they were selling alcohol. He said they are Mr. Frank's and they will not find any of those items on the list inside of his facility as proof that they were selling. He asked Mr. Inabinet how long he (Mr. Loving) had been at 1708 Schilling. Mr. Inabinet stated that he doesn't remember exactly, but thinks it's been a little over two years altogether. Mr. Loving asked Mr. Inabinet if he had any problems with them as a tenant, were they destructive people or anything of that nature. Mr. Inabinet replied in the negative, adding nothing other than what he saw on TV and the newspaper. Mr. Loving stated that those are all the questions he has since Mr. Inabinet has clarified that the kegs were his. He pointed out that that is all he has been charged with - selling alcohol without a license - which is based on the kegs the officers showed earlier and were pouring out, that is what they received a ticket for, selling alcohol without a license. Mr. Inabinet added that he would like to add something about the kegs; when he saw it on TV, he called the police department and spoke with Lt. Wilson and told him that they were his and there shouldn't be any charges for that. He said that Lt. Wilson acted as though he didn't believe him. He said the kegs were never returned to him, but were turned back to the distributors by the police department. When the keg from Better Brands was returned to them, the distributor said that the police told him they found the keg in the woods. He stated that that is when he got letters to prove that the beer was old and they (Brick House) were not responsible for that part.

Commissioner Marietta entered the hearing.

Mr. Davis showed Mr. Inabinet Exhibit '7' which he stated looks like ice on top of four large containers of beer. He asked Mr. Inabinet if he knows what a Heineken bottle looks like; Mr. Inabinet replied in the affirmative, adding that he likes them, but those (the pictures) were not his. Mr. Davis stated that this is his point, he (Mr. Inabinet) does not want anyone to believe that the iced down beers were his, does he. Mr. Inabinet concurred. Mr. Davis asked about the bottles of liquor shown in the photos. Mr. Loving had said that there was only one bottle on that particular day. Mr. Davis asked what does

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Mr. Inabinet want the audience to believe, that he left behind kegs, and a cash register; what else? Mr. Loving stated that he has a list of what was left behind. Mr. Davis asked to let Mr. Inabinet answer. Mr. Inabinet replied that the one refrigerator that was locked off had a couple of Bud Lite cans and a partial bottle of Baileys. Mr. Davis clarified that all the can and bottles that were being iced down, Mr. Inabinet did not leave behind; Mr. Inabinet stated that unless it was Bud Lite, but he sees no Bud Lite in the photograph. Mr. Davis stated that there is a copy in evidence and referred to the Bounty paper towel that listed 18 Bud Lites, 19 Budweiser's, 15 Heinekens, and ten Colt 45's. Mr. Inabinet noted that there were no Bud Lites; Mr. Davis concurred. Mr. Davis asked Mr. Inabinet if he thought the paper towel was an inventory list, ordering list or anything of that nature for an alcohol establishment. Mr. Inabinet replied that it could be. Mr. Davis stated that he does not want it to be believed he left it behind; Mr. Inabinet stated that it was not his. Mr. Davis asked Mr. Inabinet if it a fair statement that what he left behind were kegs, Baileys, and a cash register; Mr. Inabinet replied in the affirmative. Mr. Davis asked Mr. Inabinet if the evidence in this case shows that there was a cigar box with money in it and does he (Mr. Inabinet) want it to be believed that he left that behind; Mr. Inabinet replied that he would not have left money. Mr. Davis referred to Mr. Loving's question about Mr. Inabinet ever having problems with them as tenants and he said other than what he knew as such and such, is such and such the Valentine's shooting out there; Mr. Inabinet replied that he meant what he saw on the news.

Mr. Loving called Chassidy Nixon; Mr. Davis swore-in Ms. Nixon. Mr. Loving asked Ms. Nixon where she was living on March 15, 2008. Ms. Nixon replied 1708 Schilling Avenue, Suite B. Mr. Loving asked Ms. Nixon if, to her knowledge, he has a business license for Suite B, where she was living at that time. Ms. Nixon replied not that she knows of. Mr. Loving clarified that it was Suite C. He referred to the photos showing beer, the Heinekens on ice, Colt 45's and the one bottle of Crown Royal, and asked Ms. Nixon if she can tell where they are located; she replied that it was in the area where she was residing. Mr. Loving asked Ms. Nixon if it was in the area of her apartment; she replied in the affirmative. Mr. Loving stated that the pictures were not inside his facility, Brick House Productions, and also not inside the former Nabs Tavern; Ms. Nixon agreed. Mr. Loving asked Ms. Nixon if there was anything going on March 15th; she replied that it was her son's birthday and she was having a birthday party for him. Mr. Loving clarified that she was having a birthday party and the three cases of beer and one bottle of liquor were inside her personal dwelling; Ms. Nixon concurred. Mr. Loving asked Ms. Nixon if they (law enforcement) kicked the door in to come in and get the stuff out in the open. She replied that they kicked, not the room door, but the other door that was locked that provided access to the room, that's the door that was kicked in. Mr. Loving asked Ms. Nixon if she is stating that all the alcohol in the pictures is hers and in her area; that they paid for it and were having a birthday party for her child on that date and that it was not in his area. She replied in the affirmative it was for the birthday party.

Mr. Davis asked Ms. Nixon if the four iced down cases of beer were for her child's birthday party; she replied in the affirmative. Mr. Davis asked Ms. Nixon about the other photos showing a bar and mixers and if she knows anything about that; Ms. Nixon replied in the negative. Mr. Davis asked Ms. Nixon what else she knew about 1708 Schilling. Ms. Nixon replied that there is a studio. Mr. Davis asked Ms. Nixon if she was there when the victim was murdered on Valentine's Day; Ms. Nixon replied in the negative. Mr. Davis asked Ms. Nixon if she was living there then; she replied in the negative. Mr. Davis asked Ms. Nixon how long she lived there; she replied from February, 2008 through June, 2009.

Mr. Loving called Erica Ferguson; Mr. Davis swore-in Ms. Ferguson. Mr. Loving asked Ms. Ferguson what type career she has. Ms. Ferguson replied that she records at Brick House Productions and that she raps and sings. Mr. Loving asked Ms. Ferguson how long had she been recording, rapping and singing; Ms. Ferguson replied since she came from Miami, Florida in 2007. Mr. Loving asked Ms. Ferguson if it is safe to say that she was aware that at 1708 Schilling there is a full-scale recording studio; she replied in the affirmative. Mr. Loving stated that it has been said that Brick House is not a recording studio. He said he can bring up 40 artists with contracts, who are actual artists and asked

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how many does he need to bring up to prove it? Mr. Davis replied that would be up to him.

Mr. Davis referred to Exhibit 7, a picture of 'Donations for Building' and asked Ms. Ferguson if she has seen that sign. She read 'Donations for Building, Electric and Water' replying in the negative, adding that there has never been any donations for the building, electric or water. Mr. Davis clarified that the sign is there, but no one has ever paid for any building, electricity or water; Ms. Ferguson agreed. Mr. Loving interjected that the sign belonged to Mr. Inabinet.

Mr. Loving called Breezy B, stating they he will give his proper name; who stated his name is Brian Roberts. Mr. Davis swore-in Mr. Roberts. Mr. Loving asked Mr. Roberts what he does at 1708 Schilling. Mr. Roberts replied that he is a recording artist, that he raps, make beads and produces music. Mr. Loving asked Mr. Roberts how often he works at the studio. Mr. Roberts replied as much as possible, almost every day. Mr. Loving asked Mr. Roberts if it is safe to say that he is aware that there is a full-scale recording studio at 1708 Schilling, Suite B; he replied that it is. Mr. Loving asked Mr. Roberts if he has ever known of video productions to be shot there as well as music videos and if the music videos are shot at 1708 Schilling. Mr. Roberts replied that the only video he has seen was shot before he got there; therefore, he does not know the exact location. He added that he knows of videos...Mr. Loving asked Mr. Roberts if he had seen the video; Mr. Roberts replied in the affirmative. Mr. Loving asked Mr. Roberts if the video was shot inside the facility; Mr. Roberts replied in the affirmative, adding there was a green screen. Mr. Loving asked Mr. Roberts if he could say that they have a studio that is just a front for low-budget equipment or would he say that they have put quite a bit of money into the equipment they use. Mr. Roberts replied that it is a full-scale studio and anyone checking it out can tell that they have spent some money and is not just using it for a cover or anything.

Mr. Davis asked if Mr. Roberts if he had ever indulged in drinking any alcohol at 1708 Schilling. Mr. Roberts replied that he does not drink. Mr. Davis asked Mr. Roberts if he had ever seen anyone drinking alcohol out there. Mr. Roberts replied that as far as clubbing, he works too much to go to the club and that he's not up there seeing anyone drinking. Mr. Davis told Mr. Roberts that he may not be up there to see it and asked Mr. Roberts again if he has seen alcohol. He referred to Exhibit '6, which shows liquor bottles, iced down beverages, mixers, etc., and asked Mr. Roberts if he has ever seen that at 1708 Schilling; Mr. Roberts replied in the negative, adding that he stays mostly in the studio. Mr. Davis asked Mr. Roberts if he had ever seen anyone drinking alcohol out there; Mr. Roberts replied in the negative.

Mr. Loving called Keith Peterson; Mr. Davis swore-in Mr. Peterson. Mr. Loving asked for whom Mr. Peterson works; Mr. Peterson replied that he works in the parking lot area of the Brick House. Mr. Loving asked Mr. Peterson if he works for a security firm; Mr. Peterson replied that he works for Mr. Sweeny, who is the President of the company he works for. Mr. Loving clarified that Mr. Peterson works as a security guard outside and that he is there to secure the parking lot; Mr. Peterson replied in the affirmative. Mr. Loving asked Mr. Peterson how long he had been working for (Brick House); he replied since October of 2009. Mr. Loving asked Mr. Peterson if someone worked there before him from the same private security firm; Mr. Peterson replied that he is not aware of that. Mr. Loving stated to Mr. Peterson that therefore, he does not know if he relieved another officer, another security owner when he started working? Mr. Peterson replied in the affirmative. Mr. Loving asked Mr. Peterson if he was working on October 31st, on Halloween night; he replied in the affirmative. Mr. Loving asked Mr. Peterson if he heard gunshots the night of October 31st. Mr. Peterson replied that he does not remember gunshots that night. Mr. Loving asked Mr. Peterson if he saw any police officers coming back to investigate whether or not there had been gunfire. Mr. Peterson replied not that he can remember.

Mr. Davis asked Mr. Peterson when he says outside security, does he mean the parking lot at 1708 Schilling, Brick House/Brick City; Mr. Peterson replied in the affirmative.

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Mr. Davis asked Mr. Peterson if he was there when the person was murdered on Valentine's; Mr. Peterson replied in the affirmative. Mr. Davis asked Mr. Peterson how many gunshots he heard that night; he replied approximately six-nine shots. Mr. Davis asked Mr. Peterson if that also included the person who was wounded on the inside of the club; Mr. Peterson replied in the affirmative. Mr. Loving interjected, asking Mr. Peterson if he is saying someone was wounded on the inside; Mr. Peterson replied in the negative, no one was wounded on the inside. Mr. Davis asked Mr. Peterson if the second person was also wounded on the outside; Mr. Peterson replied in the affirmative. Mr. Davis stated that there is one dead person, one wounded person and six-nine gunshots and asked Mr. Peterson if that is a fair statement. Mr. Peterson replied that the number was around that amount. Mr. Davis asked Mr. Peterson how many other gunshots had he heard while working outside security at Brick House Productions/Brick City. Mr. Peterson replied that so far that is the only time.

Mr. Loving called Sherrema LaVant; Mr. Davis swore-in Ms. LaVant.

Mr. Loving asked Ms. LaVant if she had ever done any work or recorded anything at 1708 Schilling, Brick House Productions; Ms. LaVant replied in the affirmative. Mr. Loving asked Ms. LaVant if it is safe to say that they have a full-scale recording studio; she replied in the affirmative. Mr. Loving asked Ms. LaVant if she had ever been in a video production that was done at Brick City; she replied in the affirmative. Mr. Loving asked Ms. LaVant the name of the video; she replied that it is called "East Side Way". Mr. Loving asked Ms. LaVant how long has she been recording with Brick House Production; she replied since last year around January. Mr. Loving asked Ms. LaVant if music is played that has been made in the studio at the facility; she replied in the affirmative. Mr. Loving asked Ms. LaVant if she had ever seen anyone get shot or heard gunfire in the parking lot or at the facility since she's been there. Ms. LaVant replied in the negative.

Mr. Davis asked Ms. LaVant if she had ever seen alcohol or other items shown in City Exhibits '6' and '7'; Ms. LaVant replied in the negative. Mr. Davis stated that; therefore, to her knowledge none of these type items exist at 1708 Schilling; Ms LaVant replied in the affirmative.

Mr. Loving stated that Ms. Ferguson would like to make a few statements.

Ms. Ferguson stated that if the studio is closed, it will have a personal impact on her. She stated that she lives on Gardner and hears gunshots on the corner almost every night and that there are gunshots everywhere in Albany. The facility is known as a club because of being a former club, Nabs, but is a multi-purpose facility. She said she can come as an artist and she doesn't have to be at Big Daddy's or the Sandtrap or other sports zone or other clubs where people have been shot and/or killed. There have been gunshots in the parking lots, robberies, murders and she doesn't see anyone trying to close those clubs. She referred to the pictures of alcohol/liquor stating that she is 21 and can buy any alcohol or liquor that is allowed by the State of Georgia. Just because someone has those items in their possession, some may have drugs or be a part of a gang when arrested at a facility, but that does not mean that the facility itself is encouraging people to participate in those activities. She stated that Daniel Loving does not encourage them to go into the parking lot and kill cousins, friends or family; those are reactions of people and how they act. She said she is not a gangster, her recorded songs are played on the radio and without the Brick House facility none of that would have been possible. She asked the Commission to consider all of this before reacting (to the sign stating Budweiser, Water and Electricity donations). She said dues are paid, but no money has ever been given to buy Budweiser or pay for the lights and water, that comes out of their own pocket, their own money. They do that because they are trying to help people come out of poverty and make it like the Little Wayne's, Young Jeezy's and the Beyonces'; it takes a group of people to help another group of people to make something in the world. She asked that the Commission consider this before making a hasty decision. Regarding the pictures of police incidences, she stated that everyone is innocent until proven guilty in a court of law and that a decision should not be based on a \$0.50 poster. If they concentrate on

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'they're down there drinking underage,' that is all they will think about and they will think about the negatives and not the positives.

Mr. Davis swore-in Mr. Daniel Loving. Mr. Loving discussed obtaining the business license in which their intentions were explained to the City, which was to have a facility they would be able to use for themselves to promote their music and the things they do inside of Brick House Productions. But, they also wanted a facility they could use to rent out to the community for functions such as retirement parties, birthday parties, church functions, things associated with Black History Month and so forth, as these are functions they've conducted in the facility. He briefly discussed 'First Friday', which is an event for children. He explained that there is no alcohol in the building when they have functions for the children; additionally, there are many functions held at the building in which alcohol is not present. He stated that any of the Commissioners would be able to rent the facility for a function and it would be up to them whether or not alcohol is served. He said that the only thing he would do is ensure that those coming to the facility under the age of 21 are given a stamp so that they would be recognized as being underage. He stated that only members can come to a function held at Brick City unless those who are renting it out don't want them there. Brick House Productions has been involved with Keep Albany Beautiful by having students from Turner Elementary pick up trash from Brick City down to Clark Avenue; Fox News did a story, but did not identify them. So, currently the only press they have received has been negative.

Mr. Davis interjected that Mr. Loving is giving an argument; a testimony would be about the events that have been testified to, documents or things of that nature. He advised that Mr. Loving can make that argument. Mr. Loving explained that he is not really familiar with the procedures and wishes that his attorney had showed up to represent him. He apologized for his ignorance of the law, and stated that he does know what they are trying to do as opposed to what everyone is saying they are doing. He said he is trying to say his piece as it is his chance to speak. He said he was told not to speak to the media and try this in the streets, but to wait until the hearing...Mr. Lott stated that it appears he is making his closing remarks. Mr. Loving stated that he is trying to appeal to the Council and their sense of fairness and decency; he asked that they take a closer look to see an accurate portrayal. He stated that the Albany Police Department was asked to provide an off-duty officer for their parking lot, someone they could pay to be there in an effort to stop all the things going on in the parking lot. He asserted that often a lot of the people (causing the problems) never come into the facility because it is a private function and they cannot get in. He said that they stand and look around the premises or from across the street to see what mayhem they can create. He stated that because of this, Sweeny Security System was brought in; they thought that one officer would be enough to discourage them, but Sweeny Services felt that four armed security was needed in the parking lot to stop the threats of violence and/or having Brick House shut down. He entreated the Commission to not believe just what is heard on the news or what the police department is telling them as the police department has led them to believe that all the alcohol is in his facility, under his charge and oversight. He said this was explained to the police when they came and kicked the door down and put them out of the facility in the middle of the night with their two children; the apartment is on the far end of the building away from the club with another section in between where there is a bedroom. He reiterated that a lot of times there is no alcohol in the facility and it should be evident by the Drug Unit and the warrant, when they came into the facility and did not find any alcohol other than the kegs that had been left there since 2004. He stated that he has nothing to do with the alcohol that was found in someone's bedroom. He added that it would be hard to run a club with only 106 beers and one liter bottle of Royal Crown; that would be a hard party to sell for anyone thinking that's enough alcohol for a club. He suggested that the evidence shows that they did not have alcohol in the building - in their building with the license. The evidence also shows that the alcohol they did find in the kegs was Mr. Frank Inabinet's. He added that he has paperwork showing the kegs were dated when they came out and that he is not making this up because Budweiser shows when the kegs came out. If the other things that Brick House Production does for the community and the things it does for its 46 artists, a lot of people's dreams will be stopped, along with stopping the hard work done throughout the years. He referred to a

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folder, which shows functions thrown inside the facility, as well as functions held by others there. He mentioned a retirement party in which alcohol was served, but everyone was at least 70 years old; they purchased the alcohol and brought it to the facility. When obtaining the license, he said that he was assured he would be permitted to rent the facility and allow those of age to bring free alcohol inside the facility. He stated that once when Code Enforcement came, there was a fully-stocked bar and alcohol on the floor, but there were no people there; the group was setting up and were going to return at 12:00 and start their party. He stated that at 12:00 there were about five people when Code Enforcement came in and found the alcohol, but there was no cash with the alcohol they found at particular time. The time they came with the warrant, they only found the kegs, of which he was unaware; otherwise he would have asked Mr. Inabinet to remove them. He insisted that no one would ever be able to say they drank draft beer out of Brick City. He reiterated that there are a lot of people trying to make it, but cannot afford to go to a studio charging \$60-80/hour. He said he offers a lot of packages, with most of them being free because he feels they will one day be making money and if he can back them and get them to that point everyone will be happy. He suggested that the citizens of Albany will be better off with them in the studio making music than out in the streets doing something other than trying to make music. He asked if his father, Bishop D. Loving can tell the Commission about things they have done at the facility to show that it is not constant partying. He stated that he has pictures and programs for gospel events, in Albany and Cordele, because Brick House Productions does graphics as well. He pointed out that he is in the yellow pages and is a business owner listed as a recording studio. He added that he does not have a sign outside Brick City, has no ads on the radio; therefore, he is not trying to solicit or entice the public to his facility. He explained that he deals with private parties and functions of Brick House Productions. He mentioned that that he has rented Thronateeska, the Hasan Temple, among other places to host a party/function and alcohol was served. He said he felt it would be a good idea and more profitable to get his own place to hold his functions since it would allow him to put more revenue back into his studio and to further the careers of other individuals. He stated that having security in the parking lot would alleviate the gunfire problems. He said he feels that with this measure, the Commission will not hear any thing else from Brick House Productions other than to see them on MTV or BET.

Mr. Davis asked Bishop Daniel Loving if he is Mr. Loving's father; Bishop Loving replied in the affirmative. Mr. Davis asked Mr. Loving if he wanted to also make an argument or was he going to testify; Bishop Loving replied that he is ignorant to the rules and Mr. Davis can let him know if he's allowed to say something. Mr. Davis stated that he assumes Bishop Loving wants to say something to support his son; Bishop Loving replied in the affirmative and stated that he appreciates his son having the initiative of wanting to help young people. He said that a question was asked 'would you like for your church to...' it was a member of the church that would have liked to use Daniel's facility for a young people's function. He said that he heard stories on the news, but his son (Daniel) told him not to believe all that that he heard; the news is reporting what has been told to them. Therefore, he went to the facility, along with members of the church and everyone had a wonderful time. He explained that his son told him that he wanted all walks of life to enjoy those type activities and he admitted that at one time, he would not have had anything to do with the facility, but now, he said he would hate for it to be closed because if the young people are stopped from what they are trying to do, they will probably find a way through selling drugs, more shootings, etc. He appealed to the Commission to allow it to grow as there are more Little Wayne's and Jeezy's. He said he has heard that they make big money doing what they are doing and they are not shooting others, etc. He said he wants to support his son, he is a praying person and even now he is saying "Lord, what is best, let happen, what is best" he said that 'all of us know what's best' and the Commission has the power to make the decision. He requested that his son be given a chance to get more security. He said that he cannot understand why a City policeman could not come out; his son wanted to pay a City officer, but it was not allowed. He urged everyone to rally behind any young person doing something that has not proven to be any worse than what even the news has put out there. He said he heard about five shootings, but didn't hear about it until it was on the news. He stated that he feels whatever is best; God will allow it to happen. He mentioned that the theme song for

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his radio broadcast was mixed at Brick House Production, with his wife and daughter. He stated that his daughter is full-time in the gospel and more people like her can be produced - he and his son had a lot to do with that. He stated that they are not just clubbing, there are a lot of positive things they are doing and they need to be allowed to mature and grow up and to be something. He said he feels that they will be like others who have made it big and give back to their home communities. He asked that everyone be fair and considerate, saying that the Bible says, 'let them reason' and entreated the Commission to 'let us reason', thanking them for the opportunity to speak.

Molly Loving asked the Commission to take heed of all that has been said here today; weigh the evidence, compare it and do what's best.

Mr. Davis stated that from the standpoint of the evidence that has been presented, on behalf and in support of the complaint, the evidence shows by a substantial amount, and more than just a preponderance of the evidence, that alcohol is readily available at that location. It is sold at that location from the documentary evidence and the other testimony heard that the combination of that and other events such as what has occurred in the parking lot should be taken into consideration by the Commission. He stated that they cannot segregate the parking lot and say since it's in the parking lot it is not connected to the business. He advised that the combination of that supports the revocation of the two occupation tax certificates.

Mayor Pro Tem Pike asked if that concludes the hearing; Mr. Davis replied in the affirmative. Mayor Pro Tem Pike stated that having heard all the evidence, the Commission will move to item #4.

Commissioner Marietta moved to adopt the following, seconded by Commissioner Howard; the motion unanimously carried.

A RESOLUTION #10-R123

Revoking the Occupation Tax Certificates of Molly Loving re 1708 Schilling Avenue

Hearing no further business, the meeting adjourned at 10:45 a.m.

MAYOR PRO TEM

ATTEST

ASST. CITY CLERK