

September Minutes  
Mayor and Council Work Session  
Commerce City Hall Conference Room  
September 6, 2005  
6:00 P.M.

The scheduled work session of the Mayor and Council was held on Tuesday, September 6, 2005 at 6:00 P.M. in the City Hall Conference Room, 27 Sycamore Street. The work session was called to order by Mayor Charles Hardy. City Clerk Shirley Willis called the roll and those in attendance were Mayor Charles Hardy, Mayor Pro Tem Archie Chaney, Council members Donald Wilson, Mark Fitzpatrick, Bob Sosebee and Richard Massey, City Manager Clarence Bryant, Finance Director Steve McKown and three citizens.

Mayor Charles Hardy said he had nothing else except he asked Mayor Pro Tem Archie Chaney to attend the Mayor's meeting on September 12.

Mayor Charles Hardy then turned the work session over to City Manager Clarence Bryant for the agenda items.

City Manager Clarence Bryant said that there were several items, however some were just reports and some would be agenda items for the meeting.

1. Davis Brothers Oxidation Pond Consent Order

City Manager Clarence Bryant said that the EPD had inspected the pond on one of the hottest days of the summer and found violations according to their standards. He said that a meeting would be held with EPD next week for finalization of the citation. He then asked Charles Welch of Stevenson and Palmer to address the citation.

Mr. Welch said to bring the council up to date on June 29 EPD made a site visit to the Davis Brothers Oxidation Pond. That was one of the hottest days of the summer. EPD indicated that solids were floating in the pond. Mr. Welch said the pond was not passive treatment and only air was added to cause the biodegrading. He said that EPD gave a monetary citation and the City had thirty (30) days to answer for a temporary plan and sixty (60) days for an improvement plan. According to Mr. Welch a second meeting with EPD was scheduled on 9/14/05 to address the issue. He said that EPD had called the City of Commerce back regarding the request for a reduction of the fine.

Mr. Welch said the second issue was that the City of Commerce asked for expedition. A new permit would require modification without the consent order. All permits would be changed during 2005. Mr. Welch said the city's options regarding the consent order was to address the issues and wait until after the meeting to make any recommendations.

Water and Sewer Distribution Director, Bryan Harbin, stated that the sampling frequencies at Holiday Inn and Davis Brothers ponds were once a month. There had been

no citations. The additional sampling would cause more work on the staff. Under the new permit disinfection was a requirement.

Charles Welch said that EPD was not picking on the City of Commerce; they were doing the site visits throughout the basin.

City Manager Clarence Bryant said that EPD did not like oxidation ponds. His question was does the City of Commerce spend the money to clean the pond or close the pond. He said that when the pond “turned over” the smell was bad just as in the water when the lake at the water treatment plant “turned over” once a year.

The capacity of the pond was 67,000 gallons per day and the city would hate to lose that volume. According to Mr. Bryant the decision must be made to see what the City of Commerce has to do and that would be contingent upon the findings after the meeting on 9/12/05. Mayor Charles Hardy said the meeting was at 10:30 A.M. on 9/12/05 and anyone that wanted to could go.

City Manager Clarence Bryant said that the fecal requirement would require some type of equipment at the ponds. The “ditch” that went out of the pond in the river would allow bacteria to build up because of the quantity of flow with leaf and debris accumulation.

Bryant Harbin said that other than pictures no samples had been shown to the City of Commerce from the EPD testing.

Councilman Donald Wilson asked if anyone in the City knew about a spill before EPD went out there. Bryan Harbin said the City of Commerce had not had a permit violation and there was not “quote” a spill.

## 2. Hurricane Katrina

### (a) Gas prices and supply

Mr. Bryant said the gas prices were up and the supply was down. He read a synopsis from MGAG regarding the gas supply. It reflected that 8 out of 15 of the rigs in the Gulf area could not be found. Georgia and the pipeline were re-routing to Florida to bypass the damaged area of the Gulf Coast. Accordingly there could be a shortage of gas to the interruptible customers to bring them back to the scheduled monthly allowance. In the Gulf area there was crude oil, diesel and gasoline that came in and was distributed to the refineries. The cost was in the \$11.00 plus range. When the distribution cost and the \$3.00 City margin was added you can expect a higher cost to the customer.

### (b) Conserve gasoline and fuel.

Mr. Bryant had held a staff meeting to plan how the city could conserve gasoline and diesel fuel. Last week the inventory of diesel was 6,200 gallons and the

gasoline was 8,200 gallons in the tanks. Mr. Bryant said the meter readers would accumulate the work orders and when they went out they would do all of them versus going out every time a work order was received.

(c) Payroll deduction for Red Cross Relief

Mr. Bryant reported that a form had been sent to all employees for a \$1.00 per pay period deduction through the month of November. Once a month a check will be sent to the Red Cross.

3. Beer and Wine License Application, Consumption on Premises

The Opera House Italian Restaurant, Robert and Ling Jing House applied for consumption on premises for the restaurant opening in downtown Commerce.

4. Thomaswann Investments, LLC, request for water main extension

Mr. Bryant said this was part of the Jordan property on Whitehill School road and was in Jackson County. The Jackson County Water Authority could not serve the area with enough pressure. The City of Commerce would be required to write a letter to the Jackson County Water Authority and if a response was not received in 15-20 days the City could proceed to furnish the service. Bryan Harbin had spoken with Paul Mims of the Water Authority and he had agreed to allow the City of Commerce to serve the water, however the documentation was required.

Councilman Donald Wilson asked if the tap fees would be the same. The response was that the tap fees would \$1,500 for water and \$2,500 for sewer. Councilman Wilson then asked about the cost for tap fees at the Brentwood subdivision and if those fees were the same. Bryan Harbin told Councilman Wilson that Broughton Cochran paid in advance for 125 lots. There still remained 12-15 lots available that had been paid for. When the quota had been reached the fees paid after that would be the same as anyone else.

5. Water and Sewer Contract Agreements:

- A. Crooked Creek Sewer Main Extension
- B. Tanger Boulevard Water Main Extension

Mr. Bryant said that the contracts agreements had been received and signed.

6. Water and Sewer "Notices to Proceed"

- A. Crooked Creek Sewer Main Extension
- B. Tanger Boulevard Water Main Extension

Mr. Bryant said the notices to proceed on both projects had been received.

7. Public works Projects Update

A. Hospital Road intersection with Homer Road

Mr. Bryant said the realignment for the road had been approved by the Georgia DOT and the City of Commerce would request road assistance funds for the project from DOT.

B. Shankle Road/Nunn Street Widening Bids

The bids were due on September 20, 2005.

C. Drainage improvements on Lathan Road

That project was scheduled to go to bid in the near future.

D. Drainage improvements on Andrew Jackson

Plans would be presented next month on the project.

E. Swimming Pool Renovation Bids

The bids on the swimming pool were due on October 4, 2005. Stevenson and Palmer had assisted Lonnie Dickerson on the bidding process.

Mr. Bryant updated the TE projects grant for sidewalks connecting the schools. He said paperwork had been received announcing the timeframe for applying for the grant and the City of Commerce would apply for funds to complete the sidewalks around the schools.

8. CGI Communications, Inc., Community Video and Banner Program

Mr. Bryant said he had been approached by CGI Communications regarding the program. The cost was \$445 per year for the banner to be hung. A short presentation on the computer screen went through the video for Bainbridge. Mr. Bryant said the company would contact him after the council meeting for a decision. They would install the banners and would give the City of Commerce four or five different videos.

9. Alley Closure – College Street Extension

Mr. Bryant said that Mr. Willard Cartledge presented a plat to him showing that his property lines included the road. He said that a definition if the alley was a public street or close the alley. Users of the alley had complained about overhanging limbs preventing travel down the alley. Mr. Bryant said the plat would be sent to John Stell for direction.

Water and Sewer Superintendent Bryan Harbin asked about the sewer line that ran down the street. The city would need access to maintain the line.

10. Proposed Wrecker Ordinance

Mr. Bryant said an ordinance had been written but Attorney John Stell had not seen it yet. Copies had been sent to the four wrecker services for their input and no one had responded. The ordinance would be sent to Attorney John Stell and it could possibly be adopted on Monday night.

11. Alcoholic Beverage Ordinance

Mr. Bryant said four ordinances from other entities plus the City of Commerce's current ordinance were being looked at. He said he wanted to make sure that portions of the current City of Commerce ordinance were used in the update. Sections from Clarke County, Braselton, Dahlonega and Banks County were under consideration. This ordinance was not complete and not ready for adoption.

12. Old Health Department Renovation for CID

Mr. Bryant said the Health Department would be moving into their new location and the house they occupied would be ready for city usage. The Police Department would move the investigative activity and evidence into that facility. Some minor repairs would have to be made prior to any occupancy. He said that in six or seven weeks the group would be in Commerce to complete any outstanding work prior to the move.

Mayor Charles Hardy asked Councilman Richard Massey if an open house had been planned. Councilman Massey is a member of the Health Board and he said that he had not been notified but he felt sure an open house would be held.

13. Activity Reports

Mr. Bryant said the activity reports would be in the package.

14. Financial Update.

Mr. Bryant said the financial update would be in the package.

Mr. Bryant asked that Leroy Pittman and Captain Roy Smith be remembered in prayer and especially on Monday night (if they were still alive). The prognosis on both of the individuals was not good.

Mayor Charles Hardy asked if anyone else had anything to bring up.

Councilman Bob Sosebee said he had spoken with the mayor of Gonzales, Louisiana which was 60 miles from New Orleans. The city was similar to the City of Commerce

and he said the mayor said imagine your population doubling in two weeks. That had happened to their city as a result of Hurricane Katrina.

Councilman Donald Wilson reported a sewer smell in the middle of the road at Spring and Willow Streets. Councilman Wilson then asked about the detainees. Mr. Bryant said we had them one day per week. Jackson County had no outside guards to send with the detainees but they had a lead on two guys. Once they were hired then it would be approximately seven weeks before they would be trained to come outside with the detainees.

Councilman Donald Wilson then asked about the street paving. Mr. Bryant told him that Atlanta Avenue, Belmont and Brookwood would be paved this month. There were four or five other streets that the City of Commerce was getting in touch with the County to pave this year.

Councilman Donald Wilson inquired about the line across Haynes property at the junkyard. Bryan Harbin said the line could not be put in because Pete Haynes would not give an easement. Councilman Wilson asked about the methadone clinic on the Hospital Road. Mr. Bryant said there was nothing in the zoning ordinance to prohibit it from operation. Councilman Wilson asked if the clinic was the one from Banks Crossing. Mr. Bryant said that John Stell and John Gaissert were both checking the clinic's background history. It was legitimate business and under the current zoning the City could not keep it out.

Mayor Pro Tem Archie Chaney said there was a drainage problem on Northview and Mr. Bryant said he would get with him on it.

Councilman Mark Fitzpatrick said the sidewalk below the telephone main office was in bad shape.

Mr. Bryant updated the council on DOT's visit to the City Hall regarding a driveway repair that was assumed to be done without a permit. It was determined that the renovation was covered under an open permit issued in 1991 for repair and renovation. Mr. Bryant said the main drainage problems were with DOT.

Councilman Donald Wilson said at the corner of Spring Street and Madison the bushes needed to be trimmed back. He said you were almost out in the other street because you could not see oncoming traffic.

Councilman Mark Fitzpatrick reported at the Maysville Road and Hospital Road the overgrowth needed to be cut back and also at the Methadone Lab on Hospital Road.

There was no further business and the meeting was adjourned.

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Charles L. Hardy, Jr., Mayor

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Shirley Willis, City Clerk