

October Minutes
Mayor and Council Work Session
Commerce City Hall Conference Room
October 3, 2005
6:00 P.M.

The regularly scheduled work session of the Mayor and Council was held on Monday, October 3, 2005 at 6:00 P.M. in the Commerce City Hall Conference Room, 27 Sycamore Street. Mayor Charles Hardy called the work session to order. Those in attendance were Mayor Charles Hardy, Mayor Pro Tem Archie Chaney, Council members Riley Harris, Donald Wilson, Mark Fitzpatrick, Bob Sosebee and Richard Massey, City Manager Clarence Bryant, one member of the press and approximately three (3) citizens.

Mayor Charles Hardy stated that if anyone was not at the signing ceremony at 10:00 A.M. Monday, they missed a great event. Councilman Donald Wilson reported that he spoke at the school earlier and had told them it would be something our grandchildren would be proud of.

Mayor Charles Hardy reported other meetings and they were, on October 11, 2005 there would be a meeting with GMA in Jefferson. On October 13, 2005 the Roundtable Meeting would also be held in Jefferson Civic Center and on October 17, 2005 the City of Commerce would be hosting a GMA 5th District Listening Session in the Civic Center.

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

Mr. Bryant covered the agenda items as follows:

1. Planning Commission Hearing Items:
 - A. Willoughby Homes Conditional Use Permit

Mr. Ed Watson, Executive Director of Willoughby Homes had presented a Conditional Use Request to the Planning Commission to renovate/remodel the existing maintenance building and add an administrative building.

The recommendation of the Planning Commission was to approve the request as presented.

2. EPD Consent Order

Mr. Bryant said they had met with EPD the second time and asked Bryan Harbin to expound on the last meeting. Bryan said there had been some discussion at the last meeting regarding the consent order.

Mayor Charles Hardy had spoken with EPD and the City representatives went back to negotiate the consent order on the Davis Brothers Pond. The pond serves twenty-four (24) customers. The City of Commerce must pay \$15,000+ by October 12, 2005 and send the check back with the Consent Order executed. After the execution of the Consent Order the City of Commerce will have sixty (60) days to submit a plan for compliance to EPD.

Mr. Harbin said the City of Commerce has the following options.

- 1) Keep and improve the pond,
 - a. The new permit will be issued any day and it is much stricter.
 - b. Sampling will be done on a weekly basis because of new fecal guidelines
 - c. Add bar screen; it is unbelievable what is flushed through the system at Banks Crossing.
- 2) Divert the flow to the new WPCP and EPD has not approved any diversion to that location. According to Bryan, if the flow is diverted then the permit of 81,000 gallons per day would be given up.
- 3) Close the pond. Mr. Harbin said the cost to close the bond would be in the \$250,000 range for the dredging. The City of Commerce could not continue to pay the monetary fines.

According to Mr. Harbin the City would have thirty (30) days to submit some plans to EPD. A company named Arcadias had contacted the City of Commerce and proposed the use of chemicals to bring the pond in compliance. Some chemical substances had been put in the pond to lower the sludge and there was now less than 15" of sludge and the pond was only 5' in depth.

Councilman Mark Fitzpatrick stated that it would cost more to close the pond than to bring it in compliance. Mr. Harbin said the profit margin was good. Councilman Bob Sosebee said the pond was good and the revenue production was good and he asked about the man made ditch. Mr. Harbin said that EPD considered the ditch as state waters.

Mayor Pro Tem Archie Chaney asked what would happen if the City of Commerce did not pay the fine. The response was that there was no choice; it must be paid. The City of Commerce must spend money to bring the pond into compliance. Mr. Harbin reported that the City of Commerce was not the only location to be checked and fined. If the website of EPD was checked the list of cities was on there. EPD has a formula for calculating the fine and they will not give it out to the cities.

Mr. Harbin said the consent order must be signed and a decision on the action to be taken must be made. Mr. Bryant said the item would be on the agenda.

3. October Clean-Up Week – Monday October 17 – Friday, October 21, 2005

City Manager Clarence Bryant said the clean up week had been scheduled for the third week of October so that the fourth week could be taken to complete all the clean up. The citizens would be encouraged to place the pick up items at the street on Saturday and Sunday before the 17th. Mr. Bryant stated that Mark would publish what could and could not be put out for pick up by the city.

4. MGAG “Subscribed Regulatory Compliance Service Program Agreement”

City Manager Clarence Bryant explained that the City of Commerce subscribed to MEAG with the Economic Development and Distribution Agreement. At the end of the year settlement was made for the unused hours.

According to Mr. Bryant the City of Commerce would be participating in the MGAG program the same way. There would be specific areas such as records management, report preparation, all regulatory functions and the system manual program. Each function must have a manual with descriptions of how each job was done. The Federal Pipeline Safety representatives checked each city for compliance in regulations.

Mr. Bryant said the City of Commerce had a good group of folks working in the gas department and it was not by accident. It had occurred through training.

Mr. Bryant said the cost of participation in the MGAG Agreement would be .1 of .01 cent and that cost would be passed on.

5. Payroll Direct Deposit Software

TBS had offered the payroll direct deposit software for a cost of \$1,500.00. A survey of employees reflected approximately thirty (30) employees would be interested in direct deposit. A budget amendment would have to be made to cover the expense for software and training.

6. Uncollectible Tax List

A list of uncollectible taxes for personal property had been prepared to cover taxes in the digest for the period of 1997- 2002. The taxpayers had either closed their business or moved out of the city. The amount of the taxes to be removed from receivables was \$3,771.83.

7. Retaining Wall at Parking Lot

City Manager Clarence Bryant said that the City was waiting on one other consultant regarding the action taken to repair the wall.

8. Natural Gas Main Relocation Contract – R/W Acquisition for New Extension

Mr. Bryant reported that the gas main relocation punch list was being checked. The system had been in operation for two weeks. The right-of-way extensions on the West side of town were in progress. Only one had been received back at the time of the meeting.

9. Electrical System Upgrade Contract

The contractors had been sent to Louisiana, Mississippi and Texas. They just left where they were and are not expected to be back for three (3) weeks. They would finish within two weeks after their return.

10. Future Electrical Capacity

Mr. Bryant pointed to a set of plans on the wall that showed the next electrical upgrade. At the top of the plan was BJC Hospital. The black lines showed what had been converted and the red dotted lines showed what was to be constructed. The entire project would require 240+ poles.

Mr. Bryant said good bids had been received from contractors in the past. This project would be bid two ways. A decision would be made if one portion or all of the area would be converted. Mr. Bryant said he suspected that all of the project would be completed. Funds were in the Municipal Competitive Trust that would be available. The cost was estimated at \$537,000 and there would be 69 secondary poles in the project.

Rickey with MEAG would finalize and send out the bids for the project. Councilman Donald Wilson asked if that was why John Waldrop was clearing trees on Ridgeway. The response was affirmative.

Mr. Bryant had met with MEAG last week to discuss the next twenty-five (25) years capacity. The City of Commerce presently had a small amount of capacity. In the year of 2011 all excess capacity would be gone and MEAG would have to go to market to purchase.

Councilman Bob Sosebee said the electrical business was long term. Mr. Bryant said in today's market someone did not want to have to go out and buy. Next October is the drop dead date for notification of how much plant capacity the participant wanted. In 2009 another drop dead date will be allowed for changes but there would be no refund for any money invested.

The new industrial park depends on a load factor and that could use a great portion of the excess capacity now held.

Councilman Mark Fitzpatrick said everything done with MEAG was good. Mr. Bryant said MEAG was by far the best organization in the United States and possibly in the world. Mr. Bryant said there was also nothing to be done right now; this information was food for thought.

11. Streets Resurfacing – Both LARP and county resurfacing.

Mr. Bryant advised that the LARP resurfacing would hopefully be done in October. The three streets approved for LARP were Atlanta Avenue, Brookwood Avenue and North Broad Street. According to Mr. Bryant there would be five other streets that would be resurfaced locally (with county assistance) using SPLOST funds.

12. Alcoholic Beverage Ordinance

City Manager, Clarence Bryant updated the council about the ordinance. A draft had been passed out to the Committee and a meeting would be held next week to review. Maybe the ordinance could be on the November agenda.

Councilman Donald Wilson asked why a beer/wine license had to go before the mayor and council if everything was in order. Regulations required that the approval be made by the mayor and council.

Mr. Bryant updated the council about the generator at the WPCP plant. It was 1,500 KVA and not 500 KVA and MEAG must make a \$16,000 adjustment to keep power from backfilling into the plant. The generator was working but it required the adjustment be made.

13. Executive Session to discuss the purchase of two parcels of land.

Mayor Pro Tem Archie Chaney made a motion, seconded by Councilman Donald Wilson to go into executive session.

The vote was unanimous.

14. Councilman Donald Wilson made a motion, seconded by Mayor Pro Tem Archie Chaney to come out of executive session.

The vote was unanimous.

15. Activity Reports and financial update.

Nothing was available for these items but would be included in the agenda package.

Mayor and Council Items

Councilman Donald Wilson reported some areas that needed to be cleaned.

All councilmen talked about the building on North Broad Street adjacent to Commerce Taxi. The building wall was leaning and the building was in serious disrepair. A request was made to notify the owner to repair or demolish.

There was no further business and the meeting was adjourned.

Charles L. Hardy, Jr., Mayor

Shirley Willis, City Clerk