

January Minutes
Commerce Civic Center
January 9, 2006
6:30 P.M.

The regularly scheduled meeting of the Mayor and Council was held on Monday, January 9, 2006 at 6:30 P.M. in the Commerce Civic Center Commerce Room, 110 State Street. Mayor Charles Hardy called the meeting to order and City Clerk Shirley Willis called the roll. 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, City Attorney John Stell, one member of the press and approximately seventy-five citizens.

Councilman Bob Sosebee gave the invocation.

Approval of Minutes

Mayor Pro Tem Archie Chaney made a motion, seconded by Councilman Riley Harris to approve the minutes of the regular December 12, 2005 meeting and the work session of January 3, 2005 as presented.

The vote was unanimous.

Citizens or Delegations – Mr. Peter Degnan, MEAG POWER

Mayor Charles Hardy said the City of Commerce had received a letter by a citizen regarding the procedures of MEAG. He said that some people did not understand what MEAG did and the special guest, Mr. Peter Degnan was legal counsel of Alston and Bird and represented MEAG.

Mayor Hardy then called upon Mr. Degnan to speak to the group. Mr. Degnan said that in 1970 a public authority was created by the General Assembly whereby forty-nine cities formed the Municipal Electric Authority of Georgia (MEAG). The cities filed a legal contest against Georgia Power and the legislation sided with the cities and allowed them to have their own buying power. The cities could supply their own power through the Electric Authority. According to Mr. Degnan there was no profit to MEAG; only charges. No compensation was paid to any board member that served on the MEAG Board. The service was strictly voluntary.

The MEAG Board was comprised of nine (9) members who were all elected by the cities to protect MEAG. The nine members served on behalf of the cities. In looking at the Ethics Ordinance and MEAG there was no conflict of interest and no member of the board had any pecuniary gain. There was no application with the conflict of interest for the City of Commerce officials and MEAG. The board members were an incredible assistance to the cities. The Board acted to make sure MEAG operated for the best interest of the cities.

Mayor Charles Hardy welcomed everyone to the meeting and asked for any questions to Mr. Degnan.

Hearing none Mayor Hardy said the council would go into the Old Business.

OLD BUSINESS:

A. Activity Reports.

Mayor Charles Hardy recognized Police Chief John Gaissert and asked him to give the Police Department report.

Chief Gaissert briefly went over the report and stated the department had made five (5) drug arrests the previous week end.

Chief Gaissert then introduced Cory Almond. He said he was a hometown citizen, had graduated from Commerce High School and would be attending the Police Academy. Chief Gaissert said he was proud to have him on the police force.

Chief Gaissert talked about the “Shop with a Cop” program and its success. He said that there would be two officers honored for their assistance in the program. One was Ken Harmon – medal of merit and Chris Coombs – medal of valor.

The activity of the Police Department for December, 2005 was 1,646 dispatched calls, 53 walk-in reports and 110 SRO calls for a total call volume of 1,809. There were 33 accident reports filed, 116 incident reports, 29 animal control calls and 1 animal citation. The traffic citations issued were 75 speeding, 14 suspended license/no license, 9 no insurance, 12 DUI, 10 drunk/disorderly, 1 shoplifting, 1 obstruction, 15 alcohol related, 32 seatbelt/child restraint violations and 76 other for a total of 245. The arrests were 3 assault/battery, 25 theft/burglary, 6 criminal trespass, 9 felony and 4 misdemeanor drug cases. The total miles driven were 21,709.

The Commerce Police Department Narcotics Unit had made the 9 felony and 4 misdemeanor drug arrests and 2 felony warrant/obstruction arrests.

Mayor Charles Hardy asked for any questions on any of the reports. He said the Fire Department had been busy through December and answered 28 calls.

The Department of Building Inspection report for December, 2005 reflected 57 inspections completed for an average of four (4) per day. There had been 8 building, 4 electrical, 1 sign and 3 mechanical permits issued with a permit value of \$3,776.00. The fiscal year to date building valuation was \$7,730,900 and the calendar year to date valuation was \$13,557,900.

The Building and Housing Inspections Department had completed 8 new, 41 COP, 99 Utility and 33 follow-up inspections. There were 8 letters written, 84 walk-ins handled and 266 calls. The junk cars were 4 and 4 follow-ups on the junk cars. The total activity for the department was 547. Three unsafe dwellings on Duncan Circle were sent letters for removal and clean up. On unsafe dwelling on Bennett Street with an inoperable vehicle was sent a letter for removal and clean-up. 380 Victoria Street was sold and is currently being rehabilitated. 63 Barber Street was cleaned up per the Judge's order and 103 Cross Street, 188 Cedar Drive and the lot and mobile home on M.L.K., Jr. Drive had an administrative hearing. The hearing status was unknown at the time of the meeting.

The Fire Department answered 28 calls, 18 inside the city limits, 7 in the fire district, 3 outside the fire district, 3 structures, 7 grass and woods, 1 gas/electrical, 9 alarms, 7 vehicle/wrecks and 1 miscellaneous. There was one property totally destroyed inside the city. The man hours for this period were 137.

The Electric Department activity for December was 3 new residential homes added and 1 commercial service. There were 1200 residential and 800 commercial size of load – amps added. There had been 137 KVA transformer added, 4 primary poles added, 1,241 feet of primary added. The cut ons were 58 and the cut offs were 56.

The Natural Gas Activity was 4 meters set, 2 meter change outs, 1 meter removed, 13 service calls, 8 leak calls, 294 locates and 11 inspections. The gas load changes were 120 residential heating added and 80 residential heating lost for a net of 40 CFH.

The Water and Sewer Distribution activity was 4 new residential water and 4 new residential sewer services added, 4 residential and 1 non-residential water services repaired. There were 74 turn ons and 64 turn-offs for a net gain/loss of 10. Four new residential water and sewer taps were made. There were 2 hydrants repaired. The work orders received were 53 and 52 were completed. There were 278 locates received.

B. Financial Review

Steve McKown, Finance Director reported that the City of Commerce was in good financial shape overall. In the second quarter there were more funds going out than coming in. The reason for that was that two parcels of property had been purchased for the Library expansion. Also, the debt service repayment began on the Highway 441 gas line relocation.

Mr. McKown said in speaking of the Library purchasing he had requested the council to adopt a resolution to purchase, if necessary, so the GMA Lease Purchase pool could be entered. He asked that the resolution be approved at the meeting. The same resolution could be used at the property closing.

Councilman Donald Wilson asked if there were any grants to help with the costs. Mr. McKown said the City of Commerce was hoping to obtain some state funding. It was not certain the funding would be available he would just have to look and see.

Councilman Bob Sosebee made a motion, seconded by Councilman Donald Wilson to approve the resolution as presented.

The resolution is made a part of these minutes and is as follows:

RESOLUTION FOR DECLARATION OF OFFICIAL INTENT
TO FINANCE COSTS OF LAND ACQUISITION AND EXPANSION OF LIBRARY
PROEPRTY WITH TAX-EXEMPT FINANCING

WHEREAS, the City of Commerce (the “issuer”) plans to acquire, construct, expand, renovate and/or equip the public library (the “Project”); and

WHEREAS, the Mayor and Council of the City of Commerce (the “Governing Body”) desires to declare its official intent to reimburse costs of the Project through the use of a lease-purchase or other financing to provide such reimbursement,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body hereby declares pursuant to Treasury Regulations Section 1.150-2, its official intent to reimburse the costs of the Project through the use of a lease-purchase or other obligations for the purpose of paying or reimbursing costs of the Project up to approximately \$105,000.

BE IT FURTHER RESOLVED, that a copy of this Resolution be placed in the official records of actions of the Governing Body.

ADOPTED, this 9th day of January, 2006.

CERTIFICATE OF ADOPTION

The undersigned hereby certifies that the foregoing resolution was duly adopted at a meeting called and held by the Governing Body on the date set forth in the foregoing, at which a quorum was present and acting throughout, and that said resolution has not been repealed, and is in full force and effect, and a copy of which is contained in the official records of the Governing Body in my control.

S/Shirley Willis
Commerce City Clerk

(Official Seal)

The vote was unanimous.

C. Mayor's Report

Mayor Charles Hardy read and presented a resolution to Riley Harris
The resolution is made a part of these minutes and is as follows:

Resolution

Honoring

RILEY HARRIS, SR.

COUNCILMAN – WARD I

SERVING ON THE COMMERCE CITY COUNCIL FROM 1994-2005

Whereas in 1994, Riley Harris, Sr. took office as Councilman for Ward I of the City of Commerce, and has served this city for more than 11 years, and

Whereas there comes a time when it is most befitting to honor the service of an outstanding individual by passing a resolution of the Mayor and Council that shall be spread across the pages of the minute book of the City of Commerce and thereby become a part of this city's history; and

Whereas we wish to express our sincere appreciation to Riley Harris, Sr. for the service he rendered as a Councilman; and

Whereas not only did our community benefit from his service on the council, but through his leadership in his church and community affairs, and in all activities he became involved in, and

Whereas he gave many years of faithful, loyal and dedicated public service to the people of this community, the citizens of Commerce, and

Whereas through his sense of integrity, his faithfulness to the people of this city, his wisdom in his decisions as a councilman, and his overwhelming desire to always be of help to anyone who needed him, and

Whereas he in some way helped to mold the lives of all he touched, both young and old, by supporting them, befriending them and setting an example for them, and

Whereas even as he retires from office in January, 2006, he has left a legacy in the hearts and minds of all those who served with him and in the hearts of those he served by justifying the faith and public trust placed in him,

Therefore, be it resolved in appreciation of his service, we the Mayor and City Council find it most appropriate to do so, and hereby adopt this resolution in his honor.

Presented this 9th day of January, 2006.

S/Charles L. Hardy, Jr., Mayor

S/Donald Wilson, Councilman Ward II

S/Mark Fitzpatrick, Councilman Ward III

S/Bob Sosebee, Councilman Ward IV

S/Richard Massey, Councilman Ward V

S/Shirley Willis, City Clerk

Mayor Charles Hardy then read and presented a resolution to Archie D. Chaney, Jr. The resolution is made a part of these minutes and is as follows:

RESOLUTION

Honoring

ARCHIE D. CHANEY, JR.

MAYOR PRO TEM

SERVING ON THE COMMERCE CITY COUNCIL FROM 1983-2005

Whereas in 1983, Archie D. Chaney took office as Councilman at Large for the City of Commerce, and later became Mayor Pro Tem, and has served this city for more than 22 years, and

Whereas there comes a time when it is most befitting to honor the service of an outstanding individual by passing a resolution of the Mayor and Council that shall be spread across the pages of the minute book of the City of Commerce and thereby become a part of this city's history; and

Whereas we wish to express our sincere appreciation to Archie D. Chaney, Jr., for the service he rendered as a Councilman and Mayor Pro Tem; and

Whereas not only did our community benefit from his faithful and dedicated public service on the council, but through his leadership in his church and community affairs the annual Mt. Calvary Men's Day Breakfast, the City of Commerce Board of Education and in all activities he became involved in, and

Whereas he was instrumental in helping to lead the City of Commerce into a new era of financial stability and organized growth, and into a true city manager form of government, and

Whereas through his sense of integrity, his faithfulness to the people of this city, his wisdom in his decisions as a councilman, and his overwhelming desire to always be of help to anyone who needed him, and

Whereas he in some way helped to mold the lives of all he touched, both young and old, by supporting them, befriending them and setting an example for them, and whereas his prowess and skill as a golfer was well known throughout the Georgia Municipal Association and will be missed by all, and

Whereas even as he retires from office in January, 2006, he has left a legacy in the hearts and minds of all those who served with him and in the hearts of those he served by justifying the faith and public trust placed in him,

Therefore, be it resolved in appreciation of his service, we the Mayor and City Council find it most appropriate to do so, and hereby adopt this resolution in his honor.

Presented this 9th day of January, 2006.

S/Charles L. Hardy, Jr., Mayor

S/Donald Wilson, Councilman, Ward II

S/Mark Fitzpatrick, Councilman Ward III

S/Bob Sosebee, Councilman Ward IV

S/Richard Massey, Councilman Ward V

S/Shirley Willis, City Clerk

Councilman Donald Wilson made a motion, seconded by Councilman Mark Fitzpatrick to adjourn the old council.

The vote was unanimous.

Charles L. Hardy, Jr., Mayor

Shirley Willis, City Clerk

SWEARING IN CEREMONY – JUDGE JOE BOOTH

Judge Joe Booth administered the Oath of Office to Wayne Gholston as Councilman Ward I for a four year term.

Judge Joe Booth administered the Oath of Office to Dusty R. Slater as Mayor Pro Tem for a four year term.

Judge Joe Booth administered the Oath of Office to Donald Wilson as Councilman Ward II for a four year term.

Mark Beardsley of Mainstreet Newspapers made some pictures.

Mayor Charles Hardy called the meeting of the “new council” to order and City Clerk Shirley Willis called the roll. Those in attendance were Mayor Charles Hardy, Mayor Pro Tem Dusty Slater, Council members Wayne Gholston, Donald Wilson, Mark Fitzpatrick, Bob Sosebee and Richard Massey, City Manager Clarence Bryant, one member of the press and approximately seventy-five citizens.

NEW BUSINESS:

A. Council Appointments

1) City Attorney (1 year)

Councilman Bob Sosebee made a motion, seconded by Councilman Richard Massey to reappoint John Stell as attorney for the City for a one year term.

The vote was unanimous.

2) Municipal Court Judge (2 years)

Councilman Mark Fitzpatrick made a motion, seconded by Councilman Donald Wilson to reappoint Bill Chandler as Municipal Court Judge for a two year term.

The vote was unanimous.

At that time Judge Joe Booth administered the oath of office to Billy Chandler as Municipal Court Judge for a two year term.

B. Planning Commission Hearing Items

1) Donald Wilson’s rezoning request at the corner of Hospital Road and Ridgeway Road from R-2 to C-1.

Councilmen Bob Sosebee and Donald Wilson said they needed to recuse themselves from the meeting during the action on the request. (Councilman Bob Sosebee was the selling agent and Councilman Donald Wilson was the applicant).

Mayor Charles Hardy read the letter from the Planning Commission with their recommendation to rezone the property from R-2 to C-1 on the condition that a Convenience Store/Gas Station or retail sales, excluding medical sales, not be built on the property.

Councilman Mark Fitzpatrick made a motion, seconded by Councilman Richard Massey to rezone the property from R-2 to C-1 with the condition that just a Convenience Store/Gas Station could not be built on the property.

The vote was unanimous with the exception of Council members Bob Sosebee and Donald Wilson not participating in the action.

C. Corporate Application for Package Sales of Beer and Wine – Razn LLC at 4868 Maysville Road.

Councilman Bob Sosebee made a motion, seconded by Councilman Mark Fitzpatrick to approve the application to grant an Occupational Tax Certificate for the package sales of beer and wine for Razn LLC.

The vote was unanimous.

D. Electrical System Bid – 2nd Phase

City Manager Clarence Bryant stated that the reconductoring of the three phase and single phase lines project would cover the areas along Hospital Road, Carson, Ridgeway, Orchard Circle and Orchard Drive, Washington, Hood and other streets. The only bid received was from Over and Under in the amount of \$296,246.40. Mr. Bryant was seeking direction from the council to complete only one or both phases. He said that probably a budget amendment would have to be made.

Councilman Bob Sosebee made a motion, seconded by Councilman Richard Massey to do both phases at one time and complete the upgrade.

Mayor Pro Tem Dusty Slater asked if the project had been publicly advertised for bid. The response was affirmative.

The vote was unanimous.

E. Natural Gas Prices for January

Mayor Charles Hardy said that within the agenda package there was a sheet for gas pricing for the January billings. City Manager, Clarence Bryant covered the gas costs and said he had not seen a cost for January for the February billings. At a discussion in November and December the decision was made to reduce the rate paid for gas by \$.75 from the city's profit margin. The billing cost to the customer would be \$16.42 per mcf in addition to the reduction of 2% as signed by Governor Perdue. The result would be \$3.66 less billing cost to the customer this month versus last month. That reduction, based upon usage of 15mcf would equate to approximately \$64.00 less on the January billing.

No action was required on this item since it was for information only.

F. Edwards Creek Sewer Project approval documents.

Mayor Charles Hardy stated that over one year ago the Edwards Creek sewer project was bid out and the documents were ready for execution.

City Manager Clarence Bryant said that when the project was bid there were six to eight bids that were received. The low bidder was Griffin Brothers at a cost of \$1,500,543.00. The line would cover the industrial park area and behind Craven's Pottery to Highway 98 to the old Simco Wood yard. There was a pumping station installed in 1994-1995 when Tanger located in the area.

Since the project was bid in 2004 and not awarded there have been changes in the cost of commodities. A change order in the amount of \$221,000 is included in the award for the inflation of costs of materials. With the increase the bid remains the lowest of the bids received.

According to Mr. Bryant, the engineers studied the increase in costs and the original bid amount and recommended the change order be approved and not add the extra cost to rebid the project. There is no pipe cost to be bid because of the fluctuating cost on a daily basis. Bidders will not quote a cost on pipe.

Mr. Bryant said the City of Commerce had two options. 1) Rebid the project or 2) accept the original bid and approve the change order. The council consensus was to accept the change order and go with the original bid.

The four documents to be approved were:

1) Notice of Award

Councilman Bob Sosebee made a motion, seconded by Councilman Donald Wilson to authorize the Mayor to sign the Notice of Award as presented.

The vote was unanimous.

2) Contract Agreement

Councilman Bob Sosebee made a motion, seconded by Councilman Donald Wilson to authorize the Mayor to sign the Contract Agreement.

The vote was unanimous.

3) Notice to Proceed

Councilman Donald Wilson made a motion, seconded by Councilman Bob Sosebee to authorize the Mayor to sign the Notice to Proceed.

The vote was unanimous.

4) Change Order # 1

Councilman Bob Sosebee made a motion, seconded by Councilman Mark Fitzpatrick to authorize the Mayor to sign the Change Order # 1.

Mayor Pro Tem Dusty Slater said there was \$8,500 difference in the new cost and what was quoted in the change order. He asked why there was a difference.

Mr. Bryant said he would check the appropriate math and go with \$221,000 change order amount making the total project cost \$1,722,000.

Councilman Bob Sosebee said to make sure the math was right and not to go over the \$221,000.

The vote was unanimous.

Report from the City Manager

City Manager Clarence Bryant said he had nothing to report except the Clayton Street project. There had been a problem with the asphalt that was weather related. Also, there was one property owner that remained for the City to talk to regarding the widening and the project would be completed.

Report from the City Attorney

City Attorney John Stell had nothing to report.

New items proposed by the Mayor and Council

Mayor Pro Tem Dusty Slater reported a stop sign missing at Shankle Road and Neal Street.

Councilman Richard Massey had nothing to report.

Councilman Bob Sosebee had nothing to report.

Councilman Wayne Gholston had nothing to report.

Councilman Donald Wilson reported a light at Rice and South Broad Street was dim.

Councilman Mark Fitzpatrick said the paving below the high school was rough.

Councilman Bob Sosebee made a motion, seconded by Councilman Mark Fitzpatrick to go into Executive Session to discuss personnel.

The vote was unanimous.

Councilman Bob Sosebee made a motion, seconded by Councilman Mark Fitzpatrick to come out of Executive Session.

The vote was unanimous.

No action was necessary as a result of the Executive Session.

Councilman Bob Sosebee made a motion, seconded by Mayor Pro Tem Dusty Slater to adjourn the meeting.

The vote was unanimous.

Charles L. Hardy, Jr., Mayor

Shirley Willis, City Clerk

