

July Minutes
Commerce Civic Center
July 17, 2006
6:30 P.M.

The rescheduled meeting of the Mayor and Council was held on Monday, July 17, 2006 at 6:30 P.M. in the Commerce Civic Center Commerce Room, 110 State Street. Mayor Pro Tem Dusty Slater called the meeting to order and City Clerk Shirley Willis called the roll. Those in attendance were Mayor Pro Tem Dusty Slater, Councilmen Wayne Gholston, Donald Wilson, Mark Fitzpatrick, Bob Sosebee and Richard Massey, City Manager Clarence Bryant, City Attorney John Stell, one member of the press and approximately thirty (30) citizens. Mayor Charles Hardy was out of town and could not be present at the meeting.

Councilman Bob Sosebee gave the invocation.

Approval of Minutes

Councilman Mark Fitzpatrick made a motion, seconded by Councilman Richard Massey to approve the June 12, 2006 regular meeting minutes and the July 10, 2006 work session minutes as presented.

The vote was unanimous.

Citizens or Delegations – None Scheduled

Mayor Pro Tem Dusty Slater welcomed everyone to the meeting and asked if anyone wished to address the council. Hearing none he moved on with the agenda.

New Business:

A. Planning commission Hearing Items

- 1) Bill Butler, Map 47, Parcel 15E (end of Bana Road), Rezoning for Annexation from R-4 in the County to M-2 in the City.

Mayor Pro Tem Dusty Slater asked Planner David Zellner to point out the location on the zoning map which he did.

Councilman Bob Sosebee made a motion, seconded by Councilman Donald Wilson to approve the zoning from R-4 in the County to M-2 in the City.

The vote was unanimous.

Councilman Donald Wilson made a motion, seconded by Councilman Bob Sosebee to annex the property into the city boundaries as M-2.

The vote was unanimous.

B. Edwards Creek Sewer Line Change Order

Mayor Pro Tem Dusty Slater called upon Water and Sewer Superintendent Bryan Harbin to explain the change order.

Mr. Harbin said that the service would be from Beck Road to Highway 98 to serve the I-85 Industrial Park and Highway 98. The contractor had looked at the project and there was a problem at Steven B. Reynolds Boulevard with rock. Mr. Harbin said they would have to put the line in at a depth of 35'. There were three (3) alternatives looked at in an attempt to resolve the problem. According to Mr. Harbin the costs ranged from \$1,540/foot to \$1,750/foot. The decision to do an adjustment on the elevation and do a directional bore at a cost of \$1,000 /foot for a maximum of 190 feet was what the change order represented. As stated the maximum would be \$190,000 but could be lower depending upon the feet required for the installation.

Councilman Bob Sosebee made a motion, seconded by Councilman Wayne Gholston to approve the change order as presented.

The vote was unanimous.

C. GMA Lease Supplement for two Patrol Cars

A Lease Supplement had been prepared to purchase two police vehicles that were in the 2006 budget. The lease purchase would be for a period of three (3) years.

Councilman Donald Wilson made a motion, seconded by Councilman Wayne Gholston to approve the lease as presented.

The vote was unanimous.

D. DDA Board Appointment – To replace Jackie Whitfield

Councilman Richard Massey made the nomination, seconded by Councilman Bob Sosebee to appoint Tricia Massey to the position on the Board.

The vote was unanimous.

E. Civic Center & Tourism Authority Appointment to replace Mr. Bob Teasley

Councilman Mark Fitzpatrick made the motion, seconded by Councilman Donald Wilson to appoint Cynthia Newbury to that position on the Board.

The vote was unanimous.

F. Commerce City Library Board Appointment – Re-appoint Mrs. Ann Rogers

Mrs. Ann Rogers' term on the Library Board was up; however she had agreed to serve another term.

Councilman Donald Wilson made a motion, seconded by Councilman Wayne Gholston to reappoint Mrs. Ann Rogers for a five-year term on the City of Commerce Library Board. The term would expire in June, 2011.

The vote was unanimous.

G. Jackson County Board of Library Trustees – Reappoint Mrs. Mary Wood

The term of Mrs. Mary Wood expired on June 30, 2006. Mrs. Nancy C. Ray, Regional Library Director had requested on behalf of the Jackson County Board of Library Trustees to reappoint Mrs. Wood for a three-year term.

Councilman Richard Massey made the motion, seconded by Councilman Donald Wilson to make the reappointment of Mrs. Mary Wood for a three year term on the Board of Trustees.

The vote was unanimous.

H. MEAG Power Vogtle Development Contract & First Amendment to the Municipal Competitive Trust

Mayor Pro Tem Dusty Slater said all had seen the Resolution to authorize the execution and delivery of the First Amendment of the Declaration of Trust; The Municipal Competitive Trust; and for Other Purposes.

He read the final two paragraphs of the Resolution which are as follows:

NOW, THEREFORE, BE IT RESOLVED that the Mayor is hereby authorized and directed to execute, and the Clerk, or any Assistant Clerk, is hereby authorized to attest and deliver the Amendment in substantially the form thereof that has been presented at this meeting and filed in the Minute File of the Participant; and

FURTHER RESOLVED that the Participant hereby authorizes the Mayor and the Clerk, or any Assistant Clerk, to take any further actions and execute and deliver any other documents necessary to carry out the purpose of this Resolution and the Trust, as amended from time to time.

This 17th day of July, 2006.

CITY OF COMMERCE

S\Charles L. Hardy, Jr.
Mayor

ATTEST:

S/Shirley Willis
City Clerk

(SEAL)

Councilman Richard Massey made a motion, seconded by Councilman Mark Fitzpatrick to authorize the execution of the Resolution.

The vote was unanimous.

Mayor Pro Tem Dusty Slater said the next Resolution was to authorize the execution and delivery of the Development Contract with the Municipal Electric Authority of Georgia; and for Other Purposes.

Mayor Pro Tem Dusty Slater read the final three paragraphs of the Resolution as follows:

NOW, THEREFORE, BE IT RESOLVED that the Participant hereby commits to contribute, to the extent called upon by MEAG Power at its discretion, a contribution for the purpose of funding MEAG Power's Initial Percentage interest of the Cost of Construction, including Carrying Costs, for the Plant Vogtle Additional Units in the amount of \$500,000.00; and

FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute, and the Clerk, or any Assistant Clerk, is hereby authorized to attest and deliver the Contract in substantially the form thereof that has been presented at this meeting and filed in the Minute Book of the Participant; and

FURTHER RESOLVED that the Participant hereby authorizes the Mayor and the Clerk, or any Assistant Clerk, to take any further actions and execute and deliver any other documents necessary to carry out the purpose of this Resolution and the Contract, as amended from time to time.

This the 17th day of July, 2006.

CITY OF COMMERCE

ATTEST:

S/Charles L. Hardy, Jr.
Mayor

S/Shirley Willis
City Clerk

(SEAL)

Councilman Bob Sosebee made a motion, seconded by Councilman Mark Fitzpatrick to authorize the execution of the Resolution.

The vote was unanimous.

Mayor Pro Tem Dusty Slater said the next document was the Development Contract between the Municipal Electric Authority of Georgia and the City of Commerce.

Councilman Richard Massey made a motion, seconded by Councilman Bob Sosebee to authorize the Mayor and Clerk to execute the Contract.

The vote was unanimous.

Mayor Pro Tem Dusty Slater said the final document was the signature for the First Amendment to the Declaration of Trust; The Municipal Competitive Trust.

Councilman Richard Massey made a motion, seconded by Councilman Mark Fitzpatrick to authorize the Mayor and Clerk to execute the Amendment.

I. DOT Right-of-Way Certification – Hospital Road/Homer Road Intersection

City Manager Clarence Bryant said the paperwork had been received for execution for the City right-of-way agreement on the 0.190 miles of relocation and right turn lane construction of Hospital Road at State Route 15A. Mr. Bryant said DOT would provide \$34,000 (42% of the Contract) and would assist the City with the relocation.

Mr. Bryant stated that after the agreement was signed the City of Commerce would be ready to go to bid with the project.

Councilman Bob Sosebee made a motion, seconded by Councilman Wayne Gholston to authorize the Mayor, Clerk and Attorney to execute the Agreement.

Councilman Donald Wilson asked if there would be a purchase involved and the response was no, it was just relocation.

The vote was unanimous.

J. 2006-2007 Final Budget & Resolution

Mayor Pro Tem Dusty Slater read the Final Budget Resolution which is made a part of these minutes and is as follows:

CITY OF COMMERCE

FISCAL YEAR 2006-2007

FINAL BUDGET RESOLUTION

WHEREAS, the City Manager of the City of Commerce has prepared and submitted to the City Council, the Final Budget for fiscal year 2006-2007; and

WHEREAS, the City Council of the City of Commerce has studied the budget and after revisions of same does approve it for beginning the fiscal year July 1, 2006; and

WHEREAS, it is deemed to be in the best interest of the City of Commerce to adopt this final budget beginning July 1, 2006;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Commerce, Georgia and it is hereby resolved by the authority of the same, that this Final Budget for the City of Commerce for Fiscal Year 2006-2007, hereto attached and made a part hereof, is hereby adopted.

BE IT FURTHER RESOLVED that the City Manager is hereby directed to execute this budget as funds become available and keep the Mayor and Council advised at all times concerning the financial affairs of the City.

READ AND APPROVED this 17th day of July, 2006.

S/Charles L. Hardy, Jr.
Mayor, City of Commerce

S/Shirley Willis
City Clerk

City Manager Clarence Bryant told the council the only changes in the final and draft budget were the addition of the \$150,000 from the Electric Authority to supplement the water and sewer rates and some minor line changes for year end.

Councilman Bob Sosebee made a motion, seconded by Councilman Mark Fitzpatrick to approve the Final Budget Resolution as presented.

The vote was unanimous.

K. Activity Reports

Mayor Pro Tem Dusty Slater called upon Police Chief John Gaissert to give the report from the Police Department.

Chief Gaissert said that the month of June was highlighted by a number of special events such as 1) BRAG and 2) the City Lights Festival. Chief Gaissert said that all participants that rode in the Bike Ride across Georgia were complimentary of the City of Commerce. The said that Commerce was one of the most hospitable cities they had visited at that point in their ride.

There were a few less drug arrests in June and some personnel were on vacation.

Chief Gaissert then went into the activity report and said the call activity remained robust. He also stated that the department was continuing to seek grant monies.

He then asked for any questions. Councilman Donald Wilson asked the Chief if it was legal for police cars to travel at tremendous speeds without turning on the blue lights or sirens. Councilman Wilson said that on Saturday afternoon a police vehicle came from South Broad and another one went back toward South Elm driving very fast without blue lights or sirens. He said that if someone had pulled out there would have been no way they could have stopped. He stated the business he was in the remark was made saying look how our police officers are running wide open down through there.

Chief Gaissert responded to Councilman Wilson that he hated to give an accountant's answer but it would depend on the issue being responded to and the actual speed. He asked Councilman Wilson what time it was and he said between 4:15 P.M. and 4:20 P.M. Chief Gaissert said he would investigate and get back to him because normally if a vehicle is responding to a certain type of issue the state law allows them to exceed the speed limit that other individuals are not allowed to do. According to the Chief there were certain operations where neither sirens nor lights were used (such as a burglary in progress) because it could cause a hostage situation.

Councilman Wilson told the Chief that he would call him because he would have to give an answer to the business where he was when the incident occurred.

The Police Department Activity for June was 2,011 calls from 911, 74 walk-in service calls at the Police Department for a total of 2,085 calls. There were 26 accident reports, 146 incident reports and 50 animal control calls. The traffic citations issued were 85 speeding, 29 suspended license/no license, 14 no insurance, 7 DUI, 5 drunk/disorderly, 4 obstruction, 13 alcohol related, 52 seatbelt/child restraint violations and 105 other for a total of 314. The arrests were 1 assault/battery, 22 thefts, 4 burglaries, 3 criminal trespasses, 2 felony, and 4 misdemeanor drug cases. The total miles driven were 21, 961.

The Commerce Police Department Narcotics Arrests in June were 2 felony and 4 misdemeanor drug cases and a seizure of a 1994 Mitsubishi Eclipse.

The Commerce Fire Department answered 34 calls, 21 inside the city limits, 10 in the fire district, 1 outside the fire district, 4 structures, 7 grass and woods, 5 gas/electrical, 3 alarms, 4 vehicle/wrecks, 2 mutual aid (rescue) and 8 miscellaneous. There were three (3) properties totally destroyed inside the city. The man hours for this period were 112.

The Department of Building Inspection issued 8 building, 15 electrical and 3 plumbing permits with a permit value of \$261,464.20. The fiscal year to date building valuation was \$14,401,800.00 and the calendar year to date valuation was \$6,710,900.00.

The Natural Gas Activity Report Operation Statistics were 2 meters set, 1 meter removed, 11 service calls, 2 leak calls, 1 damaged service, 402 locates and 11 inspections. The gas load changes were 40 residential heating, 300 commercial heating, 120 water heating, and 800 cooking.

The Electric Department activity was 3 existing residential services, 5 residential new homes and 1,000 residential size of Load-AMPS. There was 200 security light wattage added and 220' secondary underground added. The cut ons were 65 and the cut offs were 68.

The Water and Sewer Distribution Activity was 8 new residential and 2 non-residential services added on water and 3 residential and 1 non residential sewer services added. There were 16 residential and 2 non-residential water services replaced. The turn-ons were 69 water and 53 sewer and the turn offs were 77 water and 60 sewer. There were 7 water and 4 sewer residential taps completed. Eleven (11) new hydrants were installed, 1 hydrant repaired and 4,500 fee of main extensions (Whitehill Meadows). The work orders received were 49 and work orders completed were 78. There were 424 locates received.

K. Financial Update

Mayor Pro Tem Dusty Slater called upon Steve McKown, Finance Director to give the financial update.

Mr. McKown reported that the City finished the year with all departments operating within budget. The Gas purchases were high as well as the Electric purchases. He said the City simply under budgeted for the electrical costs.

He said the report appeared that the City finished the year \$37,000 in the red. That was not true. It was just that the money was spent in one period and collected in another and he explained the SPLOST funds. He went through the expenditures from the "Old" SPLOST for Roads and Bridges in the amount of \$908,000. Also, the "New" SPLOST was \$572,000 after the Library payment was backed out.

Mr. McKown stated that Stephan Wilcox, Auditor, would begin the field work on the 2006 Audit on July 31, 2006. He also said the 2007 budget was online for the convenience of anyone that wished to look at it.

Mayor Pro Tem Dusty Slater said one item had come up since the agenda was prepared and he called on City Manager Clarence Bryant to explain.

City Manager, Clarence Bryant said at the last council meeting the discussion was held regarding borrowing \$1 million dollars to install the new gas main. The Municipal Gas Authority had prepared the paperwork and it was ready for approval and execution by the City. The loan would be for a fifteen (15) year period at an interest rate of 4.6%.

Mr. Bryant read the title of the Ordinance as follows:

Ordinance approving (A) Execution and Delivery of a Lease and an Agency Agreement with the Municipal Gas Authority of Georgia and (B) The Acknowledgement of a Sale, Assignment and Transfer of Certain Rentals Under the Lease and (C) For Other Purposes.

Councilman Bob Sosebee made a motion, seconded by Councilman Richard Massey to approve the Ordinance.

Councilman Bob Sosebee asked Mr. Bryant if all of the right-of-way acquisition had been completed and Mr. Bryant referred to Jim Eubanks, Gas Superintendent. Mr. Eubanks said that there were six (6) that were not yet complete. The surveys had been completed but there were some that had to be resurveyed and they were 2-3 weeks away from completion.

The vote was unanimous.

Report from the City Manager

City Manager Clarence Bryant had nothing to report.

Report from the City Attorney

City Attorney John Stell had nothing to report.

New Items Proposed by the Mayor and City Council

Mayor Pro Tem Dusty Slater had nothing to report.

Councilman Richard Massey had nothing to report.

Councilman Bob Sosebee had nothing to report.

Councilman Wayne Gholston had nothing to report.

Councilman Donald Wilson had nothing to report.

Councilman Mark Fitzpatrick had nothing to report.

City Manager Clarence Bryant introduced Richard “Rick” Lewis, the new Public Works Director. Mr. Lewis started employment on June 28, 2006.

Councilman Wayne Gholston made a motion, seconded by Councilman Bob Sosebee to adjourn the meeting.

The vote was unanimous.

Dusty Slater, Mayor Pro Tem

Shirley Willis, City Clerk