

January Minutes
January 2, 2007
Mayor and Council Work Session
6:00 P.M.

The regularly scheduled work session of the Mayor and Council was held on Tuesday, January 2, 2007 at 6:00 P.M. in the Commerce City Hall Conference Room, 27 Sycamore Street. Mayor Charles Hardy called the work session to order and City Clerk Shirley Willis called the roll and those in attendance were Mayor Charles Hardy, Mayor Pro Tem Dusty Slater, Council members Donald Wilson, Mark Fitzpatrick, Bob Sosebee and Richard Massey and three citizens.

Mayor Charles Hardy said he hoped everyone had a Merry Christmas and a Happy New Year and stated the only item he had was the Jackson County Chamber of Commerce Breakfast in Jefferson on January 10, 2007 at 7:30 A.M. if anyone could go.

Mayor Hardy then turned the work session over to City Manager Clarence Bryant to cover the agenda.

City Manager Clarence Bryant said the MEAG meeting was 1/25/2007 in Atlanta and it was necessary for all elected officials to attend the meeting because a decision would have to be made that could affect the City of Commerce for the next fifty (50) years. The decision to either purchase additional capacity in the electric plants would be determined by all forty-nine participating cities.

A back out time was in November, 2007 and the absolute drop dead deadline for participation would be in April, 2008.

Councilman Bob Sosebee stated the MEAG Board would need to how much the member cities would need before a decision could be made to purchase excess capacity and sell it. Councilman Sosebee said a lot of decisions had to be made and input from all elected officials was required.

City Manager Clarence Bryant made the statement “did the City of Commerce want to sell off any excess capacity or hold on to all of the power.” If all the cities were based on shares the City of Commerce’s share would be 3.2 MW and all cities would get equal shares until all the shares were gone. He said several rounds would need to be made until all the forty-nine (49) cities had signed up or declined. Mr. Bryant said there were several folks out there that wanted a portion of it

Councilman Bob Sosebee said it was a lot of dollars for a lot of years. Mr. Bryant said those wishing to go could call and everyone could car pool.

The next item of Mr. Bryant’s was the Mayor’s Day function. He said all reservations had been made and there could be no additional reservations nor would there be a refund for any reservations made if someone did not attend.

Old Business:

1. OCR Zoning District designation

Mr. Bryant showed a map and said an OCR zoning district was shown and at the previous meeting the item was tabled because there was the assumption that on some part of it the Planning Commission wasn't straight on at the time. The Planning Commission had at the last meeting approved an OCR zoning district and Mr. Bryant said the outlined district was from City Hall all the way to the old Mt. Vernon Mill, skipped over some residential properties and went to the Old Wal-Mart location.

Councilman Bob Sosebee asked about the properties from Presto's back down North Broad Street. He said some of those properties would be in the same situation as South Elm and South Broad Streets as well as out the Homer Road.

Mayor Pro Tem Dusty Slater asked if they should look at the areas where the houses were located. Mr. Bryant suggested that it be sent back to the Planning Commission to review all corridors into the City.

Councilman Bob Sosebee said he was not against approving the completed portion and ask the Planning Commission to work on the other corridors.

2. Skateboard Ordinance

Mr. Bryant reported that no other ordinances were found in the surrounding cities. He said he had spoken with the Police in Toccoa and they had sent them to the Courthouse in the County.

Councilman Bob Sosebee said maybe the City should look at the Central Business District only. Mr. Bryant would get with Hasco Craver of DDA and Police Chief John Gaissert and an area would be designated for skateboard restriction.

3. Social Security Ordinance

Mr. Bryant said that John Stell had prepared the ordinance which would cover not only the utility applications but also the occupational tax certificate applications. That would be ready for approval on Monday night.

New Business:

Demolition of Library Expansion Property

Mr. Bryant said two bids had been received for the demolition of the South Broad Street and the Elizabeth Street property for the Library expansion.

G&L Hauling had bid \$6,750 for one of the structures and \$3,500 for the other for a total of \$10, 250. Athens Auto Wrecking had bid \$3,120 for one and \$7,240 for the other for a total of \$10,360. Athens Auto Wrecking had also done a combination bid on both properties in the amount of \$10,000.00.

The question was asked if Rucker Landscaping bid on the project and the response was no.

Councilman Bob Sosebee asked if there was a policy in place that if the bids were within 5% that the local bid would be accepted versus an out of town bid. Mr. Bryant said that was used in purchasing and not in bidding.

Councilman Sosebee then asked what the City of Commerce advertised for in the bid. Mr. Bryant said just the two properties and nothing below the station. It would be taken down to the cement pad and the City would take it from there.

Councilmen Bob Sosebee and Mark Fitzpatrick said they thought it would be fair to have G & L to prepare a combination bid also so that the bids would be the same way. Mr. Carlan would be contacted to prepare and submit a combination bid for both properties the same way as Athens Auto Wrecking and it could save some concerns later.

2. DDA Appointments

Mr. Bryant said there were some appointments that needed to be made. The terms of Bob Sosebee and Keith Ariail on the DDA Board were expiring and they needed to be reappointed or a new appointment made.

3. Ordinance to adopt certain technical building and construction codes.

Mr. Bryant said that Billy Vandiver had prepared ordinances to adopt for the new code requirements.

4. Purchase Cemetery Lot from Mrs. William Baker (one lot)

Mrs. Baker lived in North Carolina and her family member was deceased and had been buried in Nicholson and she wanted to sell the lot back to the City.

5. Hospital Board Appointment – Mr. Howard Smith’s term expired on December 31, 2006.

Mr. Bryant read the letter from BJC regarding the submission of three names; however it detailed that Mr. Smith had agreed to service another term if reappointed.

6. Hospital Road Intersection Improvements

Mr. Bryant reported that the bid opening on the intersection improvements had been opened and Griffin Brothers was the only bidder to return his package. Five bidders had picked up packages but they were not returned. The Griffin Brothers bid was in the amount of \$179,595.25. Mr. Bryant read the letter of recommendation from Stevenson & Palmer Engineering, Inc. to rebid the project possibly in the month of March, 2007.

Mr. Bryant brought another item of interest to the council. He said that the LOST and SPLOST receipts had gone from a record high to a record low.

Steve McKown said he had talked to John Hulsey and some other cities as well as the Department of Revenue about the low receipts. The Department of Revenue said the receipts were electronically filed and errors had occurred in the process. According to Steve McKown countywide it would be a \$200,000 loss.

Councilman Bob Sosebee said a letter should be written to the Department of Revenue opposing the calculations and advise them that the city was aware the amounts were incorrect and they expected additional information and the remainder of the receipts. Councilman Sosebee said it should be in writing and a copy kept so that six months in the future there would be documentation to support the complaint and request for the additional funds.

Mr. Bryant said at the manager's meeting, which is held once a quarter, sales tax was discussed in depth and also the negligence in getting a response from the Department of Revenue.

Mr. Bryant updated the progress on Spencer Park. The crepe myrtles had been relocated to the park on Highway 98 and Roosevelt. Oak trees had been planted in Spencer Park and the pavers were delivered immediately after the Christmas Holiday and were being installed.

Items from the Mayor and Council were:

Councilman Mark Fitzpatrick talked about Little Street and the bad condition of it. Mr. Bryant said engineering was being done on the street to see what could be done to improve it because of the heavy traffic on it.

Councilman Donald Wilson reported a big pothole on Harmony Street at South Broad where the Pintos Bakery and Restaurant was located.

Mr. Bryant told the council that Aaron Chaney was being moved from BJC Medical Center to Northeast Georgia Medical Center. Also, Bryan Harbin was scheduled to have a heart catheterization on Wednesday in Athens.

There was no further business and the meeting was adjourned.

Charles L. Hardy, Jr., Mayor

Shirley Willis, City Clerk