

**MINUTES
MEETING OF THE BOARD OF COMMISSIONERS
CITY OF DOUGLAS
JUNE 24, 2010**

A Regular Meeting of the Board of Commissioners was held on Thursday, June 24, 2010 at 7:00 P.M. The meeting was convened in the Council Chambers of City Hall with Mayor Jackie L. Wilson presiding. Mayor Pro Tem Ronnie Anderson, Commissioners Johnnie Lee Roper, Robert Moore, Dennis Josey, and Marty Swain were also in attendance. Commissioner Olivia Pearson was unable to be present at the beginning of the meeting.

INVOCATION

Rev. Sherman Childers, of Gaines Chapel A.M.E. Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Roger Johnson, Parks and Recreation Director, led The Pledge of Allegiance to the American Flag.

MINUTE ADOPTION

The following minutes, were unanimously approved:

**Work Session..... June 14, 2010
Commission Meeting..... June 14, 2010**

A MOTION was received by Mayor Pro Tem Ronnie Anderson, to approve the minutes of the previous meeting; it was seconded by Commissioner Dennis Josey. The motion was unanimously carried by the Mayor and Commission. **(6-0)**

APPROVAL OF THE ORDER OF THE AGENDA

The Mayor and Commission unanimously approved **(6-0)** to accept the order of the agenda.

A MOTION was received by Commissioner Bob Moore, for approval of the order of the agenda; Commissioner Marty Swain seconded the motion.

APPROVAL OF FY'11 BUDGET RESOLUTION FOR ADOPTION

The Mayor and Commission received a recommendation from Joyce Taylor, Finance Director, for the adoption of a Resolution to approve FY' 11 Budget of \$57,585,780.00 as presented. The budget included the restructuring of Public Works to create the Storm Water Utility. The Mayor and Commission unanimously approved **(6-0)** the recommendation.

A MOTION was made by Commissioner Bob Moore for the approval of FY '11 Budget, and Commissioner Johnnie Lee Roper seconded the motion.

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APPROVAL OF REVISED SANITATION RATE INCREASES AND THE ESTABLISHMENT OF A STORM WATER UTILITY & MAINTENANCE PROGRAM

Upon receiving a recommendation from Jacob Lott, Public Works Director/City Engineer, the Mayor and Commission unanimously approved **(6-0)** the revised Consumer Price Index Cost Adjustment increase and fuel surcharge increase per the rates defined in the presented attachment. The changes will become effective July 1, 2010. For new rates, see the table below:

A MOTION was made by Commissioner Johnnie Lee Roper for approval and seconded by Mayor Pro Tem Ronnie Anderson.

Type of Service	Existing Monthly Rate*	CPI Service Increase & Fuel Surcharge New Rate	Proposed Storm water Utility Rate	New Rate	Total Rate Increase
Residential Cart	\$21.37	\$22.20	\$1.80	\$24.00	\$2.63
Commercial Cart	\$30.19	\$31.02	\$2.48	\$33.50	\$3.31
4yd Dumpster	\$80.48	\$85.16	\$3.00	\$88.16	\$7.68
5yd Dumpster	\$96.38	\$102.23	\$3.00	\$105.23	\$8.85
6yd Dumpster	\$112.20	\$119.21	\$3.00	\$122.21	\$10.01
8yd Dumpster	\$144.09	\$153.43	\$3.00	\$156.43	\$12.34

APPROVAL OF THE CLOSING OF ALUNZA STREET

Upon receiving a recommendation from Ray Parker, Code Enforcement Officer, the Mayor and Commission unanimously approved **(6-0)** the request from First Congregational Christian Church to close a portion of Alunza Street on Sunday, July 4th 2010 for a 4th of July Celebration. The street will be closed between the hours of 4:30 p.m. until 10:00 p.m. for safety purposes.

A MOTION was made by Commissioner Johnnie Lee Roper for approval and seconded by Mayor Pro Tem Ronnie Anderson.

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**APPROVAL OF THE RIGHT-OF-WAY CERTIFICATION-
TRANSPORTATION ENHANCEMENT PROJECT-TRESTLE**

Upon receiving a recommendation from Dale Batten, Community Development Director, the Mayor and Commission unanimously approved **(6-0)** the recommendation to authorize Mayor Wilson to execute the Real Property Agreement and City Attorney Jerome Adams to execute the Right-Of-Way Certificate for TE Project No.: CSTE-0009-00 (017); PI No.: 0009017, which is the trestle for the Douglas Greenway Trail.

A MOTION was made by Mayor Pro Tem Ronnie Anderson for approval and seconded by Commissioner Johnnie Lee Roper.

**APPROVAL OF 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT**

Upon receiving a recommendation from Dale Batten, Community Development Director, the Mayor and Commission unanimously approved **(6-0)** a resolution authorizing Mayor Jackie L. Wilson to execute an application for the Edward Byrne Memorial Justice Assistance Grant from the United States Department of Justice Assistance in an amount up to \$12,971; the grant would be used to purchase equipment for the police department. If authorized, the project cost balance of \$21 is to be funded from the Police Department FY'11 Operating Budget. With this approval, Mayor Wilson will be authorized to execute the necessary documents, and upon receipt the Community Development Department staff will then administer the grant. The total project cost is \$12,992.

A MOTION was made by Mayor Pro Tem Ronnie Anderson for approval and seconded by Commissioner Bob Moore.

**APPROVAL OF THE AGREEMENT FOR SHARED USE OF ASHLEY-SLATER
HOUSE**

Upon receiving a recommendation from Georgia Henderson, Central Service Director, the Mayor and Commission unanimously approved **(6-0)** an agreement between the City of Douglas, Douglas-Coffee County Chamber of Commerce, and Economic Development Authority for shared use of the Ashley-Slater House.

A MOTION was made by Commissioner Marty Swain for approval and seconded by Commissioner Johnnie Lee Roper.

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APPROVAL OF RECORDS SECTION/OPERATIONAL HOURS CHANGE

Upon receiving a recommendation from Gary Casteloes, Police Chief, the Mayor and Commission unanimously approved **(6-0)** the change in Records Office hours to 8:00 a.m. to 5:00 pm., Monday through Friday, excluding holidays. This will be done to increase the efficiency and to address specific critical issues regarding records management within Douglas Police Department, as well as, issues in operations within the municipal court.

A MOTION was made by Mayor Pro Tem Ronnie Anderson for approval and seconded by Commissioner Johnnie Lee Roper.

APPROVAL OF A REQUEST FOR QUALIFICATIONS FOR A CERTIFIED UTILITY CONTRACTOR TO ASSIST WITH WASTEWATER TREATMENT PLANT LIFT STATION/ASSOCIATED PIPING

Upon receiving a recommendation from Ernest Crussel, Water and Wastewater Director, the Mayor and Commission unanimously approved **(6-0)** a proposal submitted by Douglas Electric & Plumbing Company, Inc. to assist city crews with necessary work at the Wastewater Treatment Plant, Lift Stations, and Associated Piping projects.

A MOTION was made by Commissioner Dennis Josey for approval and seconded by Commissioner Johnnie Lee Roper.

APPROVAL OF THE UTILITY EASEMENT FOR THE GAS LINE OF PILGRIM'S PRIDE

Upon receiving a recommendation from Mike Hudson, Gas Director, the Mayor and Commission unanimously approved **(6-0)** a permanent Utility Easement permit between Coffee County and the City of Douglas with intentions to provide a 4' gas main installed for Pilgrim Pride Feed Mill.

A MOTION was made by Commissioner Bob Moore for approval and seconded by Commissioner Marty Swain.

UPDATE ON WATER POLLUTION CONTROL PLANT REHABILITATION PROJECT

Ernest Crussel, Water and Wastewater Director, presented the Mayor and Commission with an update concerning the progress of the Water Pollution Control Plant. Mr. Crussel stated that a portion of the project is complete and as of today they have spent the projected amount of \$500,000.00.

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COMMENTS

Mayor Wilson acknowledged Commissioner Pearson's attendance at the meeting.

Upon arrival, Commissioner Olivia Pearson asked if the order of the agenda was approved or if there was a revised agenda since she was absent in the beginning of the meeting.

Mayor Wilson replied that the order of agenda was approved

Commissioner Pearson asked questions regarding the law for Executive Sessions.

City Manager Terrell Jacobs referred to City Attorney Jerome Adams concerning an issue that had transpired earlier that day. Mr. Jacobs felt since the Mayor and Commission would not meet again until July 15, 2010 it would be best to make all commission members aware of the incident details.

Jerome Adams, City Attorney stated that in order to place an Executive Session on the agenda it should be published and the media should be notified, but due to the media being present it would qualify as notification. Mr. Adams also stated that it was possible for the Commission to also delay the executive session until July 15, 2010 if they so desired.

Commissioner Pearson stated that she did not have a problem with postponing meeting on the matter; she questioned the urgency in discussing the matter at this current meeting.

In response to Commissioner Pearson's question, City Manager Terrell Jacobs expressed his efforts to avoid giving details to the situation and explained that he wanted to update the Mayor and Commission on a recent action taken. It was his desire to use the Executive Session to address any questions or concerns the Mayor or Commission may have had since the commission would not meet again until July 15, 2010.

Commissioner Pearson disagreed with the recommended course of action and stated that if the Commission entered into executive session tonight, it would ultimately bias appeals decisions. Commissioner Pearson suggested the situation be handled using standard procedures.

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Mr. Jacobs commented that based on the City of Douglas policy at this particular time the person in question does not have the ability to grieve or appeal this action. In addition, he affirmed that based on the sensitivity of the situation and the current circumstances, it would be best that the Commission be thoroughly informed. Mr. Jacobs went on to explain that every executive session regarding personnel issues will not always relate to an appeal; they will sometimes result in the discussion of personnel issues that he, as City Manager, believes the Commission should be aware of.

Commissioner Pearson then stated her major concern was the legality of going into an Executive Session that has not been publically announced; she contended that the Commission received no prior notification of the City Manager's desire to enter into Executive Session. Commissioner Pearson expressed that when any disciplinary and personnel action had been taken in the past, the Commission was never called into executive session. She questioned if the individual was unable to use the grievance process, what would be the need in entering into Executive Session?

Mr. Jacobs explained that based on policy, individuals on probation status can be terminated or disciplined without an appeals process. Mr. Jacobs stated that if they did not discuss the situation in Executive Session, the Commission would not be completely knowledgeable of all details regarding the situation.

A MOTION was made to enter into Executive Session by Commissioner Dennis Josey and seconded by Commissioner Johnnie Lee Roper.

Mayor Wilson asked City Attorney Jerome Adams if proper notice was given to enter into Executive Session.

Jerome Adams, City Attorney replied that proper notice was given and no action will be taken in executive session.

Mayor Wilson quoted from the Manual Handbook "*notice for emergency meetings and special circumstances occur, the city may hold a meeting of less than 24 hrs notice if the city provides notice of the time, date, and location of meeting and the agenda for the legal organ. The legal organ is responsible for making information available to members of the public upon request*".

Mayor Wilson again asked if the City Manager had notified the media.

City Manager Terrell Jacobs stated that he advised the media at the work session.

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With no further discussion, Mayor Wilson and Commissioners: Josey, Roper, Moore, and Mayor Pro Tem Anderson all voted in favor of the motion to enter into Executive Session. Commissioners Pearson and Swain voted against the motion to enter into Executive Session. **(5-2)**

EXECUTIVE SESSION

PERSONNEL

Terrell Jacobs, City Manager discussed personnel issues with the Mayor and Commission.

The Mayor and Commission unanimously approved **(7-0)** to reconvene to the regular meeting and end the executive session. Mayor Pro Tem Ronnie Anderson made a motion for approval, and seconded by Commissioner Johnnie Lee Roper.

ADJOURNMENT

With no further business to discuss, Commissioner Dennis Josey made a motion to adjourn and his motion was seconded by Commissioner Bob Moore. The Mayor and Commission unanimously approved **(7-0)** the motion to adjourn the meeting at 8:20 pm.

Jackie L. Wilson, Mayor

Wynetta J. Bolder, City Clerk

AFFIDAVIT

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths, Mayor Jackie L. Wilson, who, after being duly sworn, deposes and on oath states the following:

- (1) I was the presiding officer of a meeting of the Douglas City Commission held on the 24th day of June, 2010.
- (2) That it is my understanding that O.C.G.A. 50-14-4(b) provides as follows:
When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the chairperson or other person presiding over such meeting shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.
- (3) The subject matter of the closed meeting or closed portion of the meeting held on the 24th day of June 2010, which was closed for the purpose(s) of Personnel Issues as allowed by O.C.G.A., Title 50, Chapter 24, was devoted to matters within those exceptions and as provided by law.
- (4) This affidavit is being executed for the purpose of complying with the mandate of O.C.G.A. 50-14-4(b) that such an affidavit be executed.

This 24th day of June 2010.

Mayor Presiding Officer

Sworn to and subscribed before me

This _____ day of _____, _____,

Notary Public

MOTION TO ENTER INTO A CLOSED MEETING OF A CITY COUNCIL

Commissioner Mayor Pro Tem Ronnie Anderson makes the following motion:

- (1) That this Mayor and City Commission now enter into closed session as allowed by O.C.G.A. 50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing the following:

Personnel Issues

- (2) That this body, in open session, adopt a resolution authorizing and directing the mayor or presiding officer to execute an affidavit in compliance with O.C.G.A. 50-14-4, and that this body ratify the actions of the council taken in closed session and confirm that the subject matters of the closed session were within exceptions permitted by the open meetings law, said resolution to be in the form as attached hereto.

Motion Approved

Those voting in favor of the motion for closure: Commission Members: Commissioner Dennis Josey, Commissioner Bob Moore, Mayor Pro Tem Ronnie Anderson, Commissioner Johnnie Lee Roper, and Mayor Jackie Wilson.

Those voting against the motion for closure: Commission Members Commissioner Olivia Pearson and Commissioner Marty Swain.

_____, _____,
_____,
_____, _____,
_____, _____.

RESOLUTION OF THE DOUGLAS CITY COMMISSION

BE IT RESOLVED by the Douglas, Ga City Commission as follows: At the meeting held on the 24th day of June, 2010 the Commission entered into closed session for the purpose of discussing Personnel Issues. At the close of the discussions upon this subject, the Commission did vote to re-enter into open session and herewith takes the following action in open session:

- (1) The actions of the Council and the discussions of the same regarding the matter set forth for closed session purposes are hereby ratified.
- (2) Each member of this body does hereby confirm that to the best of his or her knowledge, based upon the advice of the City Attorney, the said subject matter of the meeting and of the closed session portion was devoted to matters within the specific relevant exception(s) as set forth above.
- (3) The Mayor, or the presiding officer, is hereby authorized and directed to execute an affidavit, with full support of the members of this Commission, in order to comply with O.C.G.A. 50-14-4(b).
- (4) The affidavit shall be included and filed with the official minutes of the meeting and shall be in a form as required by the statute, which shall be substantially as follows:

Approved this 24th day, of June, 2010.

Jackie L. Wilson, Mayor

Attest:

Wynetta J. Bolder, City Clerk