

August Minutes
Commerce Civic Center
August 8, 2005
6:30 P.M.

The regularly scheduled meeting of the Mayor and Council was held on Monday, August 8, 2005 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, Councilmen 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 fifty (50) citizens.

Councilman Riley Harris gave the invocation.

Approval of Minutes

Mayor Pro Tem Archie Chaney made a motion, seconded by Councilman Richard Massey to approve the minutes of the regular meeting of July 11, 2005 and the work session of August 1, 2005 as presented.

The vote was unanimous.

Citizens or Delegations

Mayor Charles Hardy welcomed everyone and stated that this was one of the largest crowds that had attended the meeting in quite a while. Some were not on the agenda but would be allowed to speak if they requested to.

Citizens or Delegations

A. Kyle Baber, Jr.

Mr. Kyle Baber, Jr. of Hope Ministries International, 239 Central Avenue said everyone knew why he was at the meeting. There were two issues; 1) the zero distance with alcohol and 2) parking presenting a problem. Mr. Baber said in a letter to the Mayor and Council David Lanphear stated parking would be a problem if churches, schools and restaurants were operating at the same time in the Central Business District. Mr. Baber said the issues would pose a problem for children. He stated that he had spoken to some officials and was told that if someone had a drink served with their meal they would not be drunk. He then brought up the incident with police department personnel that drank too much and got into an altercation. Mr. Baber said he knew the distance would be changed and he asked for consideration of the use for some footage in the distance of 40' - 50'.

Mr. Baber then thanked everyone for allowing him to speak.

- B. Aaron Abreu, 220 Borders Road said he would like to mention two things regarding the issue at hand. Issue number one was the change from a permitted use to a conditional use for churches and schools in the central business district was to insure the safe sale of alcohol. Mr. Abreu said alcohol was the issue because of a letter written to the mayor and council from the planning commission. According to Mr. Abreu the city was looking at the issue to change the distance to zero and that was an abomination to God. The next issue he mentioned was parking and said the sale of alcohol was for money. He said with the sale of alcohol that churches and schools would not move beside a restaurant.

Mr. Abreu said there was no building in the Central Business District that would allow churches or schools to locate and wait forty-five (45) days for approval. He said the change of permitted to conditional was of no use. They would have to get a permit and David Lanphear would make sure that everything was up to code. He gave a scenario regarding the building beside the Commerce Drug Store. Mr. Abreu wanted to use the space for a church and said if a church was there no revenue would come in for retail business. He said the City of Commerce had been a hindrance to him and they needed to be careful with any action taken.

The next person to speak was Robert House, 1824 South Broad Street. Mr. House said he was opening up a restaurant downtown and when he went to the City to apply for the permit he was told that there was a buffer zone that he did not know about. He said the downtown section was the historical strip and he gave Norcross as an example. He stated that Norcross had restaurants and retail side by side and was a booming little town. Mr. House said he liked the idea of an amendment and would like to see Commerce follow the example and he would also like to see maybe five (5) restaurants downtown. Mr. House said that the amendment would make sure there was not a hindrance to future growth.

Citizen Dusty Slater asked if the amendment would not violate the religious constitutional right. City Attorney John Stell replied it would not.

Citizen Steve Ayers of Orchard Circle said if the citizens had known about the amendment when the referendum was held on liquor by the drink it might not have passed.

Claire Gaus of Roosevelt Boulevard spoke and said that one did not plant a church without exploring the regulations. She said that the church that was already located in the Central Business District was in very small quarters and was a situation that already existed and not one that would be forthcoming.

OLD BUSINESS:

- A. Amend Chapter 6, Article III, Section 6-85 “Proximity to Schools, Other Licensees.”

Mayor Charles Hardy read the Ordinance for the second time and it is made a part of these minutes as follows:

**AN ORDINANCE TO AMEND CHAPTER 6 ALCOHOLIC BEVERAGES
OF THE CODE OF THE CITY OF COMMECE
TO PROVIDE FOR DISTANCE REQUIREMENTS IN THE
CENTRAL BUSINESS DISTRICT AND FOR OTHER PURPOSES**

BE IT HEREBY ORDAINED by the City Council of the City of Commerce, Georgia as follows:

That the Code of the City of Commerce, Georgia, is hereby amended by adding a section to be numbered 6-85(d), which section shall read as follows:

6-85(d) the distance requirements of this section are waived in the Central Business District. In the Central Business District a license under this Article may be issued to a retailer regardless of the distance from the location of the licensed premises to any church, school or public park.

IT IS SO ORDAINED this 8th day of August, 2005.

By: S/Charles L. Hardy, Jr.
Mayor

By: S/Archie Chaney
Mayor Pro Tem

By: S/Riley Harris
Councilman

By: S/Bob Sosebee
Councilman

By: S/Richard Massey
Councilman

Councilman Bob Sosebee made a motion, seconded by Mayor Pro Tem Archie Chaney to approve the amendment to change to zero distance in the Central Business District alone, which was the historical district where business was carried on.

Councilman Bob Sosebee said he had served on the city council for twenty-two (22) years and the council had done nothing but support religious churches all the time. Irregardless of what Mr. Abreu said the City of Commerce was not a hindrance to him. Councilman Sosebee said he read the comments about what the City of Commerce was called and he did not appreciate it. Councilman Sosebee said the Presbyterian Church had just completed an expansion under a Conditional Use. All Churches in the City of Commerce were conditional uses. Councilman Bob Sosebee said that irregardless of how anyone voted it did not make anyone believe like everyone else.

Councilman Donald Wilson asked if the church still met in the Civic Center and if alcohol would be served if another restaurant located where Anthony's was. If the restaurant obtained a license to serve mixed drinks and met all the requirements they would be allowed to serve.

The vote was four for (Bob Sosebee, Archie Chaney, Richard Massey and Riley Harris) two opposed (Donald Wilson and Mark Fitzpatrick).

NEW BUSINESS:

A. Planning Commission Hearing Items:

- (1) Zoning Ordinance Amendment – Conditional Uses in Central Business District

Mayor Pro Tem Archie Chaney made a motion, seconded by Councilman Bob Sosebee to concur with the Planning Commission's recommendation and change Churches and Schools from permitted to conditional uses within the Central Business District.

The vote was five for (Archie Chaney, Richard Massey, Bob Sosebee, Riley Harris and Mark Fitzpatrick) one opposed (Donald Wilson).

- (2) Mrs. Beverly Guthrie – Rezoning Request, Map 020, Parcel 031B (Old Parham Motel Property) 8.665 acres from A-R to C-2.

Councilman Bob Sosebee said it was his opinion that the zoning was done in error when the Bypass was annexed. The Planning Commission had recommended tabling the request and when Mrs. Guthrie secured a buyer a special called meeting would be held for the rezoning of the property.

Councilman Bob Sosebee made a motion, seconded by Councilman Riley Harris to rezone from A-R to C-2 because it had been C-2 for fifty (50) years. Councilman Bob Sosebee said that when an error was found the city needed to move to correct it.

The vote was unanimous.

B. 2005 Tax Millage Rate

Mayor Charles Hardy said the millage rate would be set at the September meeting. The City planned to adopt the rate at 1.664.

C. Planning Commission Appointment

Ward III appointment, Joe Leffew's term expired in August.

Councilman Mark Fitzpatrick made a motion, seconded by Councilman Donald Wilson, to reappoint Joe Leffew for a second term that would expire in August, 2009.

The vote was unanimous.

D. Southeastern Power Administration Funding Agreement

Mayor Charles Hardy said that the Funding Agreement would allow participating customers to fund specific, agreed-upon work items at the Corps of Engineers' projects in the Georgia-Alabama-South Carolina System and get an offsetting credit in the rate paid to Southeastern. Also, the participation in the agreement would allow the City of Commerce to nominate and elect three customer representatives to serve on the Project Review Committee to prioritize work items and unanimously agree upon funding for the work items.

The Municipal Electric Authority of Georgia had urged that the member cities sign the agreement.

Mayor Pro Tem Archie Chaney made a motion, seconded by Councilman Richard Massey to approve the Funding Agreement as presented.

The vote was unanimous.

E. Jackson County Certified Literate Community Program Funding Request

Mayor Charles Hardy reported that the City of Commerce had participated in the request for ten years from the time when the program was started. The contribution is based upon population and was \$2,385.00.

Councilman Donald Wilson made a motion, seconded by Councilman Riley Harris to approve the request for the contribution in the amount of \$2,385.00.

The vote was unanimous.

F. Tanger Boulevard Water Extension Bid Approval.

City Manager Clarence Bryant said the bid copies were in the package. Of the bids received Mid-South Builders was the low bidder at a cost of \$106,827.00. Griffin Bothers, Inc. was the next low bidder at a cost of \$107,670.00. The bids had been reviewed by the Engineering staff and the recommendation was to award the bid to Mid-South Builders. The bids had been reviewed by the Engineering staff and the recommendation was to award the bid to Mid-South Builders.

Councilman Richard Massey made a motion, seconded by Councilman Bob Sosebee to award the bid to Mid-South Builders at a cost of \$106,827.00.

The vote was unanimous.

G. Crooked Creek Sewer Extension Bid Approval

The two lowest bidders were Griffin Brothers at \$458,650.95 and Mid-South Builders at \$575,389.00.

Again, the Engineering Staff had reviewed the bids for compliance and recommended that the award be made to Griffin Brothers, Inc. at \$458,650.95.

Mayor Pro Tem Archie Chaney made the motion, seconded by Councilman Donald Wilson to award the bid to Griffin Brothers, Inc. at a cost of \$458,650.96.

The vote was unanimous.

H. Committee Appointment

1) Wrecker Service Ordinance

Mayor Charles Hardy said he had appointed Councilmen Mark Fitzpatrick and Richard Massey along with himself and Police Chief John Gaissert and City Manager Clarence Bryant to work on an ordinance for presentation at the September meeting.

2) Alcohol Pouring License Ordinance

Mayor Charles Hardy said he had appointed Councilmen Bob Sosebee and Archie Chaney along with himself and City Manager Clarence Bryant to work on an ordinance to present at the September meeting.

I. Set Election Qualifying Dates

Mayor Charles Hardy said that qualifying dates must be set at the August meeting because they were required to be advertised two weeks prior to qualifying and the next council meeting would not be held until the first day of qualifying.

Mayor Pro Tem Archie Chaney made a motion, seconded by Councilmen Richard Massey and Donald Wilson to set the qualifying dates for the November, 2005 election from September 12, 2005 at 8:30 A.M. until September 16, 2005 at 4:30 P.M.

The vote was unanimous.

J. Activity Reports

Police Chief John Gaissert went over the Police Department Report. He stated that the drug officers made 18 arrests and the intent of the department was to make sure alcohol was not being sold to anyone under the age of 18.

Police Chief John Gaissert then gave a report on Captain Roy Smith and said his prognosis was very poor. Captain Smith had been in the hospital at ARMC but was home at the present time. The decision was to treat him with a cutting edge drug to counteract chemotherapy. According to the Chief Captain Smith was still working a few hours per day.

The Commerce Police Department Activity for July, 2005 was 1,719 dispatched calls, 116 walk-in reports at PD for a total call volume of 1,835. There were 27 accident reports, 120 incident reports and 70 animal control calls. There were 93 speeding, 14 suspended license/no license, 7 DUI, 4 drunk/disorderly, 1 shoplifting, 2 obstruction, 8 alcohol related, 26 seatbelt, child restraint violations and 85 other for a total of 255 traffic citations. The arrests were 19 theft/burglary and 5 felony and 5 misdemeanor drug cases. The total miles driven were 23,788.

The Narcotics Unit had made the 5 felony, 5 misdemeanor and 4 DUI arrests for a total of 14 cases. They had seized a 1995 GMC Sierra Truck and a 2004 Chevrolet Cavalier.

The Code Enforcement Department had completed 73 inspections for the month that averaged 5 per day. The permits issued were 13 building, 1 electrical and 1 sign permit for a total value of \$4,626.80. The fiscal year to date valuation was \$1,656,600.00 and the calendar year to date valuation was \$7,473,500.00.

The Building Inspection, Code Enforcement, Planning and Zoning Department had completed 23 new, 30 COP and 92 utility inspections; completed 27 follow up, 13 letters, 29 walk-ins and 308 calls. The department handled 7 junk car complaints and done 7 follow ups on junk cars for a total month activity of 536.

The Employment Summary was two new hires and two terminations. New hires were a Finance Director and a rehire in the police department to fill a vacant position. The terminations were resignations in the gas department and police department.

The Electric Department had 2 existing residential services and 8 new home residential services. The size of load – AMPS added were 2,000 residential. There was 187.5 KVA transformer added, 3 primary poles added and 1,539' of secondary underground added. There were 91 cut ons and 79 cut offs by the meter department.

The Natural Gas Department activity was 1 meter set, 3 meters changed out, 1 damaged service, 3 service calls, 6 leak calls, 433 locates and 24 inspections. The gas load changes were 1,200 for cooking.

The Water and Sewer Distribution Activity was 7 new water and 4 new sewer residential services. Five residential water services were replaced. There were 106 turn-ons and 89 turn-offs for a net gain/loss of 17. There was 1 hydrant repaired. The work orders received were 33 and 37 were completed. There had been 174 locates received.

Mayor Charles Hardy asked for any questions or comments on the other monthly reports.

K. Financial Update

According to Steve McKown, Finance Director the City of Commerce ended July \$509,258 revenue over expenditures. He said the whole year looked good and asked for any questions.

Hearing none Mayor Charles Hardy moved forward with the agenda items.

Report from the City Manager

City Manager Clarence Bryant said he had received an agreement from Arcadias regarding the traffic study. The cost of the proposal was \$39,116. Mr. Bryant said the County was doing a railroad study through the county and would meet with the City of Commerce to discuss the percentage paid by the City and the County. Mr. Bryant said engineering for the crossings was also being done.

The update on the gas main relocation was that one-half of the steel and plastic main had been tested. It should be completed in three weeks.

New Items Proposed by the Mayor and Council

Mayor Pro Tem Archie Chaney had nothing to report.

Councilman Richard Massey had nothing to report.

Councilman Bob Sosebee had nothing to report.

Councilman Riley Harris had nothing to report.

Councilman Donald Wilson asked about the burned house on Victoria Street. He said it needed to be cleaned up. The next item of Councilman Wilson was the appreciation for the ditch work in front of the Epps house. Councilman Wilson asked about the paving of Wood Street and Baxter Road and also about the widening project on Shankle Road. Mr. Bryant said the project had not been bid yet and any pipe could not be put in until the project was bid. Mr. Bryant was hopeful that the bid award could be announced at the next council meeting.

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

The vote was unanimous.

Charles L. Hardy, Jr., Mayor

Shirley Willis, City Clerk