

July Minutes  
Commerce Civic Center  
July 11, 2005  
6:30 P.M.

The regularly scheduled meeting of the Mayor and Council was held on Monday July 11, 2005 at 6:30 P.M. in the Commerce Civic Center Commerce Room, 110 State Street. The meeting was called to order by Mayor Charles Hardy. City Clerk Shirley Willis called the roll and 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 Mark Fitzpatrick to approve the minutes of the regular June 13, 2005 meeting and the July 5, 2005 work session as presented.

The vote was unanimous.

Bennett Street CDBG Closeout Public Hearing

Mayor Charles Hardy said the public hearing was for the closeout of the grant funds and asked for any input from the public.

Hearing none Mayor Charles Hardy closed the public hearing on the grant.

Citizens or Delegations

Mayor Charles Hardy recognized Mrs. Emma Nell Henderson who had requested to speak at the meeting.

Mrs. Henderson lived on Barber Street and stated that there was a concern for the young adults and also alcohol and drugs. Mrs. Henderson said the law enforcement needed more authority to make arrests. She said that people were walking the streets and doing drugs as they pleased. According to Mrs. Henderson the law enforcement's hands were tied and they would remain that way until the citizens changed the law. The laws should be changed so that young adults had to abide by them.

Mrs. Henderson said it was her understanding that if a crime was not committed nothing could be done.

Mrs. Henderson said there was smoking, alcohol and seatbelt violations and the laws should be made stricter so everyone would care about it. Mrs. Henderson's questions were 1) does the community care and 2) where are the parents? Mrs. Henderson said that citizens should attend the meeting and let someone know who cared. If the parents and adults sit back and do nothing who is to blame asked Mrs. Henderson. Mrs. Henderson said consideration should be taken for the young adults.

Mrs. Henderson had gone to see Mayor Charles Hardy and asked to be on the agenda.

Mayor Charles Hardy then recognized Mr. Kyle Baber and told him he had five minutes to speak.

Mr. Baber thanked the mayor and council for a better reception at this meeting than at the last meeting. Mr. Baber said the proof was in the pudding and asked how many of the council were Christians. He said he had a God given duty to get the word to understand that the distance was to be abolished to a zero distance to allow churches and restaurants that served alcohol by the drink in the Central Business District. He asked why change the distance to endanger the children? Why would someone drink at lunch and go out and drive and endanger children he asked.

Mr. Baber said that churches and schools had been zeroed in on and that he felt that was a discrimination against churches and schools. He ask the council not to abolish the distance; to reconsider the amendment and get moral standards back up. According to Mr. Baber he said that the children saw that the city encouraged alcohol.

Citizens Steve Ayers asked if the distance was a city or state law distance. Attorney John Stell said city.

Mayor Charles Hardy thanked the citizens for their input.

#### NEW BUSINESS:

##### A. Georgia Power Franchise Amendment

Councilman Bob Sosebee commented that both Attorney John Stell and City Manager Clarence Bryant reviewed and discussed with the Georgia Municipal Association if the amendment gave the cities authority to request relocation of utilities from their current locations and if they would be responsible for the expense of relocating them. The City of Commerce did not win any changes in Section 2.

In regard to a streetscape project the city would be required to pay in advance the cost of the relocation of any utilities within the franchise area.

Councilman Bob Sosebee made a motion, seconded by Councilman Richard Massey to approve the ordinance amendment as presented. A copy of the ordinance is on file in the Clerk's Office at City Hall.

City Manager Clarence Bryant said there was no Georgia Power within the Central Business District.

The vote was unanimous.

- B. Ordinance to Amend Section 6-85 of the Code of the City; Proximity to schools, other licenses.

Mayor Charles Hardy read the Ordinance to Amend Chapter 6 Alcoholic Beverages of the Code of the City of Commerce To Provide for Distance Requirements in the Central Business District and for Other Purposes.

This would be the first reading of the Ordinance and no actions would be taken until the August meeting.

- C. Beer and Wine Occupational Tax Certificate Application – Country Bobs, Inc., 4298 Maysville Road

The application was for package sales only at the location.

Councilman Bob Sosebee made a motion, seconded by Councilman Riley Harris to approve the Occupational Tax Certificate for Country Bobs for Beer and Wine package sales.

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

- D. 2005-2006 Annual Budget and Resolution

Mayor Charles Hardy read the resolution and letter for the adoption of the 2005-2006 annual budget.

City Manager Clarence Bryant went over the minor changes of a revenue item and one expenditure line item related to the credit card machine charges. He told the council there was an 18% increase in the 1% LOST revenue.

Councilman Richard Massey made a motion, seconded by Mayor Pro Tem Archie Chaney to approve the Resolution and Budget Letter to adopt the 2005-2006 Annual Budget.

The vote was unanimous.

## E. Activity Reports

Chief John Gaissert said he would first like to respond to Mrs. Henderson's comments. First the department took seriously the alcohol related issues as reflected in the monthly activity report that showed 64 DUI arrests and 58 other alcohol related and the drug arrests were 83 felony and 73 misdemeanor cases for the year to date from July 2004 – June 2005. Chief Gaissert said when there was probable cause by State Law the applicable action was taken. Chief Gaissert commended his officers for the job done on the limited personnel of the department.

Councilman Donald Wilson said someone had received a call at 8:50 either Saturday or Sunday and talked about seeing a car drifting. Councilman Wilson understood the concern about drugs and alcohol but the report stated that the car was running 75-80 mph. Chief Gaissert questioned if the lights/sirens were on and it was confirmed they were. Chief Gaissert said that State Law said to exercise due regard. When a vehicle has the light flashing it can go up a one way street, run a red light, etc. if the need was there.

Chief Gaissert said the City of Commerce pulled out of the Multi-Agency Drug Task Force approximately 12 months ago. The City had done a better job of making arrests as reflected in the year to date report. The City of Commerce Department had made 83 felony and 73 misdemeanor drug cases arrests, seized \$12,000 in cash and 6 weapons as well as numerous vehicles.

Mayor Pro Tem Archie Chaney said a lot of speeding tickets were reported in the fiscal year. Mayor Charles Hardy asked for any other reports from the Police Department.

The activity for the fiscal year from the Police Department was 19,109 dispatched calls, 1,194 walk-in reports and 1,191 SRO calls for a total call volume of 21,494. There were 346 accident reports filed, 1,155 incident reports, 571 animal control calls and 2 animal control citations issued. The traffic citations for the fiscal year were 989 speeding, 147 suspended license/no license, 131 no insurance, 64 DUI, 43 Drunk/disorderly, 8 shoplifting, 18 obstruction, 58 alcohol related, 207 seatbelt/child restraint violations and 1,367 other for a total of 3,042. The arrests were 29 assault /battery, 129 theft/burglary, 17 criminal trespass, 3 forgery and 156 drug cases. The total miles driven in the fiscal year were 298,692 and the bike patrol was 40 hours.

The Narcotics Unit of the Police Department had only made one felony arrest for the month of June 2005. The department was down a detective during the month of June.

The Department of Building Inspection had completed 68 inspections for an average of 3.7 per day. The permits issued were 4 building, 4 electrical, 1 plumbing and 3 mechanical for a total permit value of \$4,987.00. The fiscal year to date building valuation was \$9,550,400 and the calendar year to date valuation was \$5,827,000.

The Code Enforcement Department had completed 47 new, 43 COP, 8 utility inspections, done 53 follow-up inspections, written 12 letters, handled 70 walk-ins, 268 calls 5 junk cars and 6 junk car follow ups for a total month activity of 591.

The Fire Department had answered 34 calls, 15 inside city limits, 12 in the fire district, 4 outside the fire district, 3 structures, 3 grass and woods, 6 gas/electrical, 10 alarms, 3 vehicle/wrecks, 5 mutual aid (Fire Departments) and 1 miscellaneous. Assistance has been received from MFD and NFD. There had been 217 man hours for the period.

The Employment Summary reflected 3 terminations, 1 resignation in the police department and 2 moving out of state in the library.

The Natural Gas Department activity was 1 meter set, 1 meter changed out, 3 meters removed, 6 service calls, 5 leak calls, 469 locates and 11 inspections.

Councilman Bob Sosebee asked about the timeframe for completion on the gas line utility relocation. City Manager Clarence Bryant said that three weeks ago the time was 30-45 days to completion. That timeframe would be discussed on Tuesday. There was still 1,500 – 1,800 feet out and the process was now cleaning inside the pipe and a group began that cleaning process the beginning of last week.

City Manager Clarence Bryant said that contact had begun with property owners behind the old Wal-Mart building for easements pm the Georgia Power right-of-way.

The Electric Department has worked on 2 existing residential services, had 1 new residential service, added 200 AMPS in residential and installed 475' secondary underground. There were 69 cut ons and 79 cut offs by the meter department.

The Water and Sewer Distribution activity was 5 residential and 1 non-residential new water services, 1 residential new sewer service added. Six residential and 2 non-residential services were replaced. The turn ons were 80 water and 85 sewer and the turn offs were 59 water and 73 sewer for a net gain of 21 water and 12 sewer. Three hydrants were repaired. The work orders received were 50 and there were 34 completed. The locates received were 302.

#### F. Financial Update

City Manager Clarence Bryant reported that the budget had final figures built in and there were two departments that were under budget. He went over the figures for the General Fund and also the enterprise funds.

The city manager then introduced the new finance director, Steve McKown.

#### City Manager's Report

City Manager Clarence Bryant told the council that in Monday's mail the 2005-2006 TE Grant Application paperwork was received. He said that the City of Commerce would be applying for funds for sidewalks.

The next item of Mr. Bryant was a trash truck update. The truck was down with transmission problems. An extra person was riding with Charlie and working the controls manually so that debris could be picked up. Mr. Bryant said the city was working with Jefferson to borrow a truck. Also, there were computer problems in locating the problem and that was being checked on.

The third item of Mr. Bryant was a sphere of influence rezoning request in Jackson County. The property was on the corner of W.E. King Road. Gelu and Eugene Balaban were requesting to put a body shop on the property. Mr. Bryant was seeking input from the council if they wished to object to the rezoning for that purpose. He said the Jackson County Ordinance would be checked.

Mayor Charles Hardy said if the business was operated correctly there should be no problem. Councilman Bob Sosebee said that when specifics were furnished then a decision could be made by the city council.

#### Report from City Attorney

City Attorney John Stell had nothing to report.

#### New Items Proposed by the Mayor and Council.

Mayor Charles Hardy reported he had received a complaint that some of the wrecker owners were not fulfilling their obligations in order to be on the call list for the City of Commerce. He was asking that the council instruct attorney John Stell to look into the matter and bring some regulations and a solution and bring back to the council.

Mayor Pro Tem Archie Chaney had nothing to report.

Councilman Bob Sosebee had nothing to report.

Councilman Richard Massey had nothing to report.

Councilman Donald Wilson mentioned a car on Rice/Spring Street being pulled out.

Councilman Mark Fitzpatrick reported the railroad crossing at the old mill. City Manager Clarence Bryant said he would try to set up a meeting about the railroad spur at the South end of town.

City Manager Clarence Bryant reported that there was an error on the utility bills that were mailed by Tailored Business Systems. A corrected bill was being issued and would be mailed to each customer.

Councilman Donald Wilson made a motion, seconded by Councilman Bob Sosebee to adjourn the meeting.

The vote was unanimous.

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Charles L. Hardy, Jr., Mayor

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Shirley Willis, City Clerk