

February Minutes
Commerce Civic Center
February 13, 2006
Commerce Civic Center
6:30 P.M.

The regularly scheduled meeting of the Mayor and Council was held on Monday, February 13, 2006 at 6:30 P.M. in the Commerce Civic Center Peach 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 Dusty Slater, Council members Wayne Gholston, Donald Wilson, Mark Fitzpatrick, Bob Sosebee and Richard Massey, City Manager Clarence Bryant, one (1) member of the press and approximately twenty (20) citizens.

Councilman Mark Fitzpatrick gave the invocation.

Approval of Minutes

Councilman Donald Wilson made a motion, seconded by Councilman Mark Fitzpatrick to approve the minutes of the regular January 9, 2006 and the February 6, 2006 work session minutes.

The vote was unanimous.

Citizens or Delegations – none scheduled

Mayor Charles Hardy said there were no citizens scheduled, however, Archie Chaney was in attendance and asked to hand out invitations to the Men's' Day Breakfast at Mount Calvary Church on February 26, 2006. Mr. Chaney said the breakfast would begin at 7:00 A.M. and the program should conclude by 9:00 A.M.

Mayor Charles Hardy thanked Mr. Chaney and welcomed everyone to the meeting.

NEW BUSINESS:

A. Library Expansion Pre-Application

Mayor Charles Hardy said the process to begin the grant application must be delivered to Atlanta by February 15, 2006. According to the information the State Grant would pay for 75% of the project and the City of Commerce would fund 25%.

Councilman Donald Wilson made a motion, seconded by Councilman Mark Fitzpatrick to authorize the mayor to sign the pre-application for the grant funding.

The vote was unanimous.

B. Annexation Support Resolution

Mayor Charles Hardy said that the House Bill would severely restrict the rights of cities to annex properties into the city boundaries.

Mayor Charles Hardy read the Resolution and it is made a part of these minutes and is as follows:

RESOLUTION

IN SUPPORT OF ANNEXATION AS A PRIVATE PROPERTY RIGHT

WHEREAS, annexation is a property right issue, allowing owners adjacent to existing city boundaries to petition to come into a city for a more responsive local government; and

WHEREAS, legislation before the General Assembly (house Bill 962 and House Bill 1101) would severely restrict private property rights and empower county commissioners with veto authority over whether a person's private property can or cannot be part of a city; and

WHEREAS, two years ago, significant changes to Georgia's annexation laws were agreed to by the Georgia Municipal Association (GMA) and the Association County Commissioners of Georgia (ACCG). These changes were the result of some two years of negotiation and addressed the annexation concern raised by county commissioners and the staff of ACCG – that state law provide a process to allow county officials to voice concerns over land use changes and service delivery issues as a result of annexations; and

WHEREAS, now county officials around the state at the request of ACCG are passing resolutions urging the General Assembly to change existing law to give county commissioners veto power over annexation requests; and

WHEREAS, the Board of Managers of ACCG and the Board of Directors of GMA recently endorsed the creation of a "Council of Local Governments" comprised of the officers of the two associations to serve as a public policy bridge on issues upon which the two associations may disagree, such as annexation as a property right; and

WHEREAS, the issue of annexation as a private property right is better served by a thorough and deliberate discussion by city and county elected officials rather than taking a localized situation to raft a statewide response.

NOW THEREFORE BE IT RESOLVED, the Georgia Municipal Association, representing the interests of all cities throughout Georgia, and the City of Commerce, opposes any legislation that restricts the rights of property owners seeking to annex into a city.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Commerce urge the author of House Bill 962 and House Bill 1102 to withdraw his legislation and direct his concerns to the GMA-ACCG created *Council of Local Governments*.

RESOLVED, THIS 13th day of February, 2006.

S/Charles L. Hardy, Jr., Mayor

S/Shirley Willis, City Clerk

Mayor Pro Tem Dusty Slater made a motion, seconded by Councilman Richard Massey to approve the execution of the Resolution by Mayor Charles L. Hardy, Jr.

Councilman Bob Sosebee mentioned the typographical error on the House Bill 1101 in the last paragraph. City Manager Clarence Bryant said it has already been corrected.

Mayor Charles Hardy said the Mayor's Association had also passed a resolution to send to the representatives and the authority.

The vote was unanimous.

C. Commerce Fire Department "Knox Box Rapid Entry System"

Mayor Charles Hardy said that the Fire Department had requested a lock box system for businesses to place a lock box to hold an access key to the business. The Fire Department would have possession of the key to the boxes and it would be maintained within the # 1 Fire truck. According to Fire Chief Johnny Eubanks the system would provide a minimum response time, prevent or minimize damage to the building by immediate entry, reduce the likelihood of injury to firefighters from broken glass, metal, etc. and eliminate the need for someone to bring the key. Business owners would be contacted if the key was used or not used.

Mayor Hardy said when you are waiting for someone to get to the business to open the door a lot of damage could occur that would be prevented with the key system and what could be only two to five minutes it would seem like forever to a fire department.

Councilman Richard Massey made a motion, seconded by Councilman Wayne Gholston to approve the lock box entry system.

Mayor Pro Tem Dusty Slater asked if the City would bear the cost of the boxes. Mayor Charles Hardy said the City would bear the cost for their property only. Business owners would pay for their own box.

The vote was unanimous.

D. Memorandum of Understanding with Jackson County Water and Sewer Authority

Mayor Charles Hardy said that basically the Water and Sewer Authority had reached an agreement with the City of Commerce and the document for approval was just a memorandum of Understanding of the terms of the agreement. The agreement is made a part of these minutes and is as follows:

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into this 13th day of February, 2006 by and between the City of Commerce, Georgia (the City), and the Jackson County Water and Sewer Authority (the Authority) to establish and memorialize the intent and understanding of the parties reached in a joint meeting this date.

Both parties agree to exert their best efforts to fulfill the terms of this Memorandum, and to cooperate with each other in completing and implementing the terms hereof. This memorandum is not a final agreement and shall not be construed to be binding on the parties to this Memorandum.

The authority will transfer to the City the Authority's water and sewer service area bounded on the South the City's existing service territory along I-85, on the West by the North Oconee River and Georgia Hwy. 82 Spur, on the North by Maysville's Service Territory and on the East by the existing City water and sewer service area. Hurricane Shoals County Park shall remain in the Jackson County Water and Sewer Authority's service territory. The area to be transferred specifically includes the Bana Road and/or East Concord Road proposed developments. The parties will take all actions necessary to formally amend the Service Delivery Strategies Agreement for Jackson County.

The city will assume ownership of the existing Authority water main along Wheeler Cemetery Road and the City will assume and serve the existing customers along said water main. The City will compensate the Authority for the value of this line in an amount to be determined by an engineering firm mutually agreed upon by the parties.

This City will allow the Authority to use up to a maximum of 50,000 gallons per day of sewer treatment capacity allocated from the Shared Tax Area in order that the Authority may serve customers located West of Ga. Hwy 82. The Authority will be allowed to use such sewer capacity only until the Authority constructs a new wastewater treatment facility for this area. The Authority agrees to move forward in a diligent manner to construct the said new facility.

The City will allocate to the Authority 100,000 gallons per day of sewer treatment capacity, which the Authority may use to serve customers in the Authority's sewer

service area located South and West of the City. The parties will determine terms, rates and other requirements related to this capacity.

The City and Authority will cooperate in seeking to locate, establish and construct an additional connection point between the City Water System and the Authority Water System. The parties shall also enter into discussion to reach an agreement establishing wholesale rates for the City to sell water to the Authority.

The parties will enter into discussions to jointly design, build and operate a new Waste Water Treatment facility located in the Oconee River Basin.

IN WITNESS WHEREOF the parties have authorized their duly designated representative to set the hand and seal of each party as of the date and year first written above.

CITY OF COMMERCE

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

Attest: S/Shirley Willis, City Clerk

**JACKSON COUNTY WATER AND
SEWER AUTHORITY**

By: S/Hunter Bicknell, Chairman

Attest: S/Lisa Lewis, Secretary

Councilman Bob Sosebee made a motion, seconded by Mayor Pro Tem Dusty Slater to approve the Memorandum of Understanding as presented.

The vote was unanimous.

E. Recreation Department – “Code of Conduct” endorsement.

Recreation Director Lonnie Dickerson presented the Code of Conduct and stated it was straight forward and simple. The Code of Conduct would govern poor behavior on behalf of the players, coaches and/or spectators.

According to Mr. Dickerson most recreation departments had Code of Conduct policies. This document would be given to the coaches and parents at the time of registration.

The Code is made a part of these minutes and is as follows:

Commerce Parks & Recreation Department
CODE OF CONDUCT
Adopted 2/13/06

The Commerce Parks & Recreation Department endeavors to create a wholesome recreation environment at all city government-administered sports events for all participants – players, coaches and spectators.

To create and maintain an enjoyable, wholesome environment at these events, it is vital that all participants make it a point to exhibit a positive and respectful attitude toward each other.

The City of Commerce Mayor and Council and its Parks & Recreation staff encourages such behavior so that participants will enjoy themselves to the fullest at these events.

Behavior not conducive to a wholesome, enjoyable environment will be discouraged. Participant behavior which is extreme in nature is unacceptable and cannot be tolerated.

Listed below are specific instances of unacceptable behavior by participants – players, coaches, and spectators – and the prescribed penalties for each. Substandard conduct which should be penalized by disciplinary action is not limited to those specified below.

- A. **PENALTIES ASSESSED DURING A GAME FOR UNSPORTSMANLIKE CONDUCT** (example: technical fouls in basketball) will be reviewed by Parks & Recreation staff. Severe unsportsmanlike action and/or recurring actions over a period of time will be penalized as appropriate.
- B. Players, coaches, or spectators **EJECTED FROM A GAME FOR UNSPORTSMANLIKE CONDUCT** will not be allowed to participate in or attend a minimum of the next game.
- C. Players, coaches or spectators **WHO USE PROFANE LANGUAGE OR PROFANE GESTURES** toward other players, coaches or spectators or against game officials or city staff before, during, or after a game will not be permitted to participate in or attend a minimum of the next two (2) games.
- D. Players, coaches, or spectators **WHO, BY DESIGN, INCITE OTHERS TO BECOME DISORDERLY** through unsportsmanlike conduct during a game will not be permitted to participate in or attend a minimum of the next two (2) games.

- E.** Players, coaches or spectators **WHO ENGAGE IN A PHYSICAL FIGHT** at the playing facilities before, during, or after games will not be permitted to participate in or attend a minimum of the next two (2) games.
- F.** **VIOLATORS OF B, C, D OR E** above will require the player, coach or spectator to immediately leave the facility entirely. Violators will also have no visual or verbal contact with their team during practices or games for the duration of the suspension. Further, violators will be on probationary status for one year from the date of the incident. Subsequent violations will bring progressively greater penalties to be determined by the severity of the violation.
- G.** **ANY COACH WHO VERBALLY ABUSES A PLAYER** will be disciplined according to the severity of such abuse. Such discipline may range from a minimum of counseling by Parks & Recreation staff to a maximum of dismissal.
- H.** **ANY COACH WHO PHYSICALLY ABUSES A PLAYER** will be dismissed with possible repercussion as prescribed by law.
- I.** These rules will apply to games played in Commerce, as well as, to games played in other communities (regular season and all-star competition).
- J.** Additionally, Georgia law specifies that any person who commits the offense of simple battery against a youth sports official during or after a game will be punished for a misdemeanor of high and aggravated nature.

Councilman Donald Wilson made a motion, seconded by Councilman Mark Fitzpatrick to approve the Recreation Department Code of Conduct Policy.

The vote was unanimous.

F. Worker's Compensation Insurance Premium Payment Plan

Mayor Charles Hardy said the City of Commerce took it upon themselves to raise the deductible to \$50,000 per occurrence. By raising the deductible the premium would be \$33,313. According to City Manager, Clarence Bryant the plan was to set aside funds up to \$100,000 for a reserve should there be a high volume case. Mr. Bryant said that over a five-year claims history there would have been three years the City exceeded the \$50,000. By increasing the deductible and lowering the renewal premium saved the City of Commerce money.

H. Demolition Bids for Unsafe Dwellings

Mayor Charles Hardy stated the bids had been opened for the demolition of the unsafe dwellings. The low bidder on two of the structures was Rucker Landscaping and on the

third dwelling there was a tie bid between Rucker Landscaping and Whit's Construction. Mayor Charles Hardy said the council must decide which bidder to award the 314 Cedar Drive project.

Councilman Donald Wilson asked if the second bidder was local and Mr. Bryant said he did not know. Mr. Bryant said his experience in the past was if there was a tie with the low bidder for the other properties that the project with the tie bid would be awarded to the second lowest bidder. A stipulation would be if the second lowest bidder could begin demolition at the same time as the other bidder so that all properties could be removed faster.

Councilman Mark Fitzpatrick made a motion, seconded by Councilman Wayne Gholston to award the demolition of 103 Cross Street and 564 M.L.K. Jr. Drive to Rucker Landscaping. The demolition at 314 Cedar Drive would be awarded to Whit's Construction provided that they could begin demolition at the same time as Rucker Landscaping. If Whit's Construction could not begin at the same time then award all three to Rucker Landscaping.

Councilman Bob Sosebee asked if the demolition costs would go as liens against the properties. The response was affirmative.

The vote was unanimous.

I. Jackson County Senior Center Request for Funds - \$1,500.00

Mayor Charles Hardy said a request from the Jackson County Senior Center had been received for the annual \$1,500.00 contribution. Mayor Hardy said the funds assisted in the transportation for the Commerce City seniors to be carried to the Center.

Councilman Donald Wilson made a motion, seconded by Councilman Richard Massey to approve the contribution in the amount of \$1,500.00.

The vote was unanimous.

J. Activity Reports

Mayor Charles Hardy called upon Police Chief John Gaissert to give the activity report from the Police Department.

Chief Gaissert said the police had been very busy in January. They had handled over 2,100 calls. He was particularly pleased with the drug activity and stated that they had assisted with three other arrests.

Chief Gaissert had one request that required action on behalf of the Mayor and Council. He asked for approval to bid out seized vehicles for sale. There were four listed vehicles that were declared surplus property and would be scheduled to be sold.

The vehicles were 1) 1986 BMW 325E/VIN # WBAAB540XG9681101, 2) 1987 Honda Prelude/ VIN # JHMB A3243HC005869, 3) 1988 Ford Ranger/ VIN # 1FTCR10A6KUA41309 and 4) Ford Thunderbird/VIN # 1FAPP6243PH167192.

The Chief said he would not allow any police officer or police department employee to bid on the vehicles.

Councilman Donald Wilson made a motion, seconded by Councilman Bob Sosebee to approve the sale of the surplus property by bid process.

The vote was unanimous.

Mayor Charles Hardy mentioned the 21 calls in the Fire Department and said that was a heavy month.

Councilman Donald Wilson said he liked the reporting the Code Enforcement Department was doing.

The Police Department activity for the month of January, 2006 were 1,848 dispatched calls, 119 walk-in reports at PD, 138 SRO calls for a total of 2,105 calls. There were 16 accident reports, 130 incident reports, 64 animal control calls and 1 animal control citation. The traffic citations issued were 124 speeding, 14 suspended license/no license, 10 no insurance, 6 DUI, 5 drunk/disorderly, 2 shoplifting, 2 obstruction, 10 alcohol related, 31 seatbelt/child restraint violations and 110 other for a total of 314. The arrests were 23 theft/burglary, 2 criminal trespasses, 9 felonies and 12 misdemeanors. The total miles driven were 24,543.

The Police Department Narcotics Unit had made the 9 felony and 12 misdemeanor drug arrests as well as 3 miscellaneous arrests consisting of 1 DUI, 1 Agency Assistance and 1 Warrant. Seizures had resulted in \$965.00 cash.

The Commerce Fire Department answered 21 calls, 17 inside the city limits, 4 in the fire district, 3 structures, 2 grass and woods, 2 gas/electrical, 8 vehicle/wrecks and 6 miscellaneous. There was one property totally destroyed inside the city. The man hours for this period were 76.

The Department of Building Inspection had completed 64 inspections which averaged 3.8 per day. There had been 5 building, 5 electrical, 15 plumbing and 9 mechanical permits issued with a permit value of \$4,960.00. The fiscal year to date building valuation was \$8,605.900 and the calendar year to date valuation of \$875,000.

The Building & Housing Inspections Department had completed 27 new, 43 COP, 82 Utility inspections and had 41 follow-up inspections. There were 14 letters written and 66 walk-in cases handled. The calls were 311 and the junk car paperwork was 7 with follow up of 8 for a total of 599 activities for the month.

The Water and Sewer Distribution Activity was 5 water and 3 sewer new residential services, and 3 water and 3 sewer non-residential new services. There were 9 residential and 1 non-residential water services replaced. The turn-ons for water were 58 and sewer 45. The turn-offs for water were 58 and 48 for sewer. There were 5 new hydrants installed and 1 hydrant repaired. The main extensions were 2,600 feet. There were 58 work orders received and 48 completed. There were 200 locates received.

The Electric Department Activity was 1 existing and 7 new residential services and 1,400 Size of Load – AMPS added. There was 25 KVA transformer replaced, 1 security light added with 250 security light wattage added. One (1) primary pole was added and 385' secondary underground line added. The cut ons were 50 and cut offs were 57.

The Natural Gas Activity was 2 meters set, 5 meter change outs, 5 meters removed, 2 meters maintained, 5 service calls, 12 leak calls, 307 locates and 804 inspections.

K. Financial Review

Steve McKown, Finance Director reported that the City of Commerce's financial condition at the end of seven (7) months was \$575,000 in the red. The reason for that was the purchase of the property for the library expansion and also the gas line relocations indebtedness was now coming due. The debt service on the WPCP plant would be payable in the near future and there would soon be a need to look at and discuss funding.

He went over the SPLOST revenue funds. He stated that that financial condition was not bad after seven months, however; he did point out the special funds expenditures.

City Manager Clarence Bryant said the third call had been made to the Georgia DOT regarding the \$575,000 assistance promised on the gas line relocations.

Report from the City Manager

City Manager Clarence Bryant said the Wellness Profiles had been scheduled for February 23 and February 24 in the basement at City Hall. Shirley had made the arrangements and a memorandum would be sent to all employees.

The next item of Mr. Bryant was the Clayton Street project was almost completed. The easement on the Jefferson Road/Clayton Street had been secured and a budget amendment would be forthcoming on the project.

Mr. Bryant talked about the sidewalk bids. He said he had met with the engineers before Christmas to establish a bid process to put the sidewalk work out to bid. The package had been put together and sent out to contractors. Mr. Bryant said the city personnel were not adequate to complete the project. He said the money budgeted for sidewalks

would be used and when funds ran out the project would be stopped until the next budget year.

He said the manhole raising cost had increased to around approximately \$500.00. Hopefully, the city could get someone on a continuing basis to raise the manholes.

Councilman Donald Wilson said Grady Sorrow in the Public Works Department did good work. Mr. Bryant agreed but he said it took three people out of the Public Works department. When the detainees worked they made good progress but without them the city got bogged down because of personnel availability.

Report from the City Attorney

Mayor Charles Hardy said that Attorney John Stell had a prior engagement and was unable to attend the meeting.

New Items Proposed by the Mayor and City Council

Mayor Charles Hardy said that the Star Student/Teacher Banquet would be held on February 27, 2006 at 5:30 P.M. at Lanier Tech. He asked Mayor Pro Tem Dusty Slater to represent the City since he would be out of town and unable to return in time for the banquet.

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 reported at 218 Ridgeway Street the driveway at the street was broken and needed to be repaired.

Also, at 222 Hill Street, the sewer line had burst and sewage was bubbling up on the back side of his home.

Councilman Donald Wilson asked if the State was just filling in cracks or if they were preparing to pave. Mr. Bryant said all they were doing was filling the cracks in the pavement.

Councilman Donald Wilson talked about the house at 135 Hickory Street that belonged to William Russell Wall being in such a deplorable condition. He mentioned that he heard they had given it over to a hospital. Mr. Bryant replied that the owner could not be located because Billy Vandiver had been trying to find him to advise that the property needed to be cleaned up.

Councilman Mark Fitzpatrick had nothing to report.

Mayor Charles Hardy stated that Rooker and Associates would be the guest speaker at the Kiwanis meeting on February 16, 2006 as guests of City Manager, Clarence Bryant. He told the council that if they could attend they were welcome to do so.

Councilman Donald Wilson made a motion, seconded by Councilman Mark Fitzpatrick to adjourn the meeting.

The vote was unanimous.

Charles L. Hardy, Jr., Mayor

Shirley Willis, City Clerk