

August Minutes
Mayor and Council Work Session
Commerce City Hall Conference Room
August 7, 2006
6:00 P.M.

The regularly scheduled work session of the Mayor and Council was held on Monday, August 7, 2006 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 asked City Clerk Shirley Willis to call the roll. Those in attendance were Mayor Charles Hardy, Mayor Pro Tem Dusty Slater, Council members Donald Wilson, Mark Fitzpatrick and Richard Massey, City Manager Clarence Bryant, one member of the press and approximately eight (8) citizens. Councilman Bob Sosebee came into the meeting at 6:10 P.M.

City Manager Clarence Bryant passed out copies of the agenda.

Mayor Charles Hardy said there would be a ribbon cutting at 10:00 A.M. on Tuesday, August 8, 2006 at the Station Café located in Brown's Commerce 76 Service Station on South Elm Street.

1. Jackson County Chamber of Commerce's Industry Appreciation Sponsorship.

Mayor Hardy stated he had received a letter from Rick Massey of the Jackson County Chamber of Commerce Economic Development regarding the appreciation day for the developers and businesses. Invitations had been mailed and there was a ticket included in the invitation. Mayor Hardy said there was only one ticket but it represented two so the spouses could attend on the same ticket. Mayor Hardy said the Chamber was asking the City of Commerce to donate \$4,000 to help with the hosting of the event. Mr. Bryant said the amount could be less than \$4,000 when the expenses were calculated. The event would be at the Commerce Civic Center and was a casual attire event.

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

2. Wireless Contract with TechSmart (Georgia Tech)

Mr. Bryant said that Greg Laudeman from Georgia Tech was in attendance to discuss a wireless contract with the City of Commerce. Mr. Bryant said that Greg had met with most of the council in City Hall before. According to Mr. Bryant Greg was here to explain wireless and he had provided a contract for approval by the City of Commerce.

Mr. Laudeman passed out his business cards and said his company was available to assist cities in the field of wireless technology. Mr. Laudeman said they had three objectives; 1) city government, 2) private sector industries and 3) non profit organizations that contributed to the community.

Mr. Laudeman said he had seen some cities that went wireless and had a lot of expenses but were not getting any revenue from it. He said the feelings were strong about citizens competing in technology by working smarter and not harder. He said the idea was that the community had places it wanted to go such as having more business in the downtown area and being more competitive.

Step I according to Mr. Laudeman would be to bring together the private industry, entrepreneurs and businesses. Step II would be the benchmarking status now as to the use of technology and Step III would be working closely to see where the City wanted to go.

Mr. Laudeman said there was a lot of competition so the need was to let the private sector do the "heavy lifting". He said his company would interview businesses and the private sector and conduct workshops. For the service the overall cost would be \$10,000 over a twenty-four month period. The amount would be billed quarterly and should the city perform some of the work the cost would be reduced. He said that TechSmart was a non-party participant.

City Manager, Clarence Bryant said to follow up what Greg had said was that over the past 4-1/2 years many vendors had been talked to. He said there were some in the room that knew more about wireless than he did, however, most were not well versed in the technology.

Mr. Laudeman said he wanted it to be done right. Mr. Bryant said some communities had not been done well and the City of Commerce had a diverse and demanding situation for technology with the industrial developments. Many businesses were in touch with the world via the computer.

Mr. Bryant said all the locations of the City had technology; however they could not be brought together.

Mr. Laudeman thanked everyone for letting him come and speak and said he would be glad to answer any questions.

3. Set 2006 Millage Rate 1.66 Mills

Mr. Bryant said a resolution had been prepared to set the 2006 millage rate at 1.66 mills and that was the same as the 2005 millage rate.

4. Ordinance to Authorize the Collection of Bad Debt Collection Fees

City Manager Clarence Bryant asked Steve McKown to explain the ordinance. Mr. McKown said that currently the collection was handled by a third party through GMA. Negotiations were accomplished to reduce the percentage paid to the third party to 23% versus 40%. If this ordinance was approved the collection fees would be paid by the customer when the bad debt was collected.

5. Approval of Lower Interest Rate on Natural Gas Loan

Due to a technical problem with the loan the City of Commerce went back and was able to lower the interest rate from 4.6% to 4.41% over the life of the loan.

6. Update Soil Erosion Ordinance

City Manager Clarence Bryant stated that the State had mandated a new change in the ordinance and it was a cost change. The new ordinance would be ready for approval on Monday night.

7. Planning Commission Hearing Items

A. Formetco, Inc.'s Request to Rezone from A-2 to M-1 for Annexation

Mr. Bryant said that Formetco, Inc. would be building a manufacturing plant to the East of Highway 334 and West of the railroad tracks at the 441 By-Pass. They were purchasing some property from Toyota to give them additional acreage. Mr. Bryant said he met with Formetco last week regarding the electrical load for their development.

Mr. Bryant said that Ingles was looking at development on the right side of Highway 334.

B. Planning Commission's recommendation to amend Minimum House Sizes in the Zoning Ordinance.

Mr. Bryant had the recommendation from the Planning Commission regarding amending the minimum house sizes in the Zoning Ordinance. Mr. Bryant passed out a work sheet he had prepared to show the recommendation of the Planning Commission as well as the surrounding cities. He said the proposed change was on the first line and the current was on the second line.

By zone the recommendations were as follows:

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|------|--|
| R1-E | 2500H/2900 square feet |
| R-1 | 2000H/2400 square feet |
| R-2 | 1800H/2200 square feet |
| R-3 | 1400H/1800 square feet (Single Family) 1200H/1200 square feet (Two-Family) |
| R-4 | 1400H/1400 square feet (Single Family) 1200H/1200 square feet (Two-Family) 1200H/1200 square feet (Multi-Family) |

R-5 1200H/1200 square feet (Single Family)
 1200H/1200 square feet (MH Subdivision)
 1200H/1200 square feet (MH Park)

Councilman Donald Wilson asked what the mobile home size was and the response was 900H/900 square feet. Councilman Wilson mentioned David Green, owner of Crestwood Mobile Home Park and said he had called him and he inquired if Mr. Green would be allowed to speak.

Mayor Charles Hardy recognized Mr. David Green and allowed him time to address his concerns with the recommended revision.

Mr. Green said he owned Crestwood Village, the nicest in Commerce, and his concern was if his park would be grandfathered in or if he would need to abide by the new regulations.

Mr. Bryant said he did not think it would apply to the existing mobile homes but if a new one was moved in they must comply.

Mr. Green said that within a mobile home park the 14X66 mobile home was his bread and butter. He had just moved in a 28X40 mobile home for an office. Mr. Green said a 14X76 mobile home was too large for the lots in the park. Also, the City of Commerce was very restrictive based upon the zoning ordinance by not allowing a mobile home to be moved in that was over five (5) years old.

Councilman Mark Fitzpatrick asked about the homes under construction in Chandler's Walk Subdivision. He asked if the house size recommendation was approved, would the builder be required to go by the old or new regulations since that were already an approved subdivision. Mayor Charles Hardy asked if it would be grandfathered in.

Councilman Bob Sosebee said all the houses in Chandler's Walk would be within the range of the recommendation.

Mayor Pro Tem Dusty Slater said if the recommendation was approved for the R-5 Zone someone could not upgrade and there would be a reverse effect because the mobile home would have to stay there five years.

Councilman Bob Sosebee said he would like to see 1200 square feet lots but that would almost require a double wide. He had no problem with leaving the size 900/900 in a mobile home park.

Citizen Steve Ayers asked what size lot would be required. The lot size would not change. Mr. Ayers said he had no problem with it but let the rule be city wide. He mentioned houses in his neighborhood that should something happen they would not be

allowed to build back. It was confirmed they could build back if it was an act of God. Mr. Ayers talked about a new house being built below him and said it was not 50' from the street.

Mr. Bryant said that lots that were pre-platted could be built on if they had never been built on. If the plat had been recorded the owner could get a variance to build on the lot. A permit could be issued to build on the lot but the setbacks would have to be complied with.

Also, information was provided that showed the owner of the property referred to by Mr. Ayers had re-platted the property to comply with the R-2 zone lot size regulations. Mr. Ayers said that was all he needed to know.

Mayor Charles Hardy said they had talked to the Planning Commission about the dwelling sizes in the R-2 and R-4 zones. In R-2 the discussion was held about 1600 versus 1800 square feet and in the R-4 zone the dwelling size be 1200 the same as in the R-5 zone.

Councilman Mark Fitzpatrick asked if the R-1 should be bumped back 200 square feet because the R-1 jumped 400 square feet. He said it was his opinion that too much emphasis was being placed on square footage of the house.

The council then went over the chart and the consensus was to amend the dwelling size as follows:

- | | |
|------|--|
| R-1E | 2500H/2900 square feet (no change from recommendation of Planning Commission) |
| R-1 | 1800H/2200 square feet (reduce the dwelling size by 200 square feet from the Planning Commission recommendation) |
| R-2 | 1600H/2000 square feet (reduce the dwelling size by 200 square feet from the Planning Commission recommendation) |
| R-3 | 1400H/1800 square feet (single-family) 1200H/1200 square feet (two-family) ((no change from the recommendation of the Planning Commission) |
| R-4 | 1200H/1200 square feet (single-family) 1200H/1200 square feet (two-family) 1200H/1200 square feet (multi-family) ((reduced the single family dwelling size by 200 square feet from the Planning Commission recommendation)). |
| R-5 | 1200H/1200 square feet (single-family) 1200H/1200 square feet (MH Subdivision) |

900H/900 square feet (MH Park) ((reduced the MH Park dwelling size by 300 square feet from the Planning Commission recommendation))

Councilman Donald Wilson asked Citizen Clifford Slater what was the average size of house that he built. Mr. Slater said that a three bedroom home was 1,400 square feet of heated space and that was a common size.

Mayor Pro Tem Dusty Slater said he would like to hear input from Planner David Zellner. Mr. Zellner said the changes were good especially when you were considering the higher density construction.

Mayor Charles Hardy said there were no permits in waiting at the present time and it was good to make the change in the regulations before another permit was issued. All new homes must comply; they could not be grandfathered in.

Mr. Bryant said the recommendation from the Planning Commission would have to be amended at the council meeting.

8. Building Permit Ordinance Amendment

Mr. Bryant said that developer John Rooker had called him regarding the permit fees. Mr. Rooker told him that in the unincorporated Jackson County the fees were lower than in Commerce. Mr. Bryant said the City of Commerce changed their fees to stay just behind Jackson County. Jackson County changed their fees to a value system and not square footage. He passed out a schedule of the surrounding fees and briefly mentioned those.

Mr. Bryant said that the City of Commerce would be issuing large permits in the next few years and asked if the council wanted to reduce the permitting fee on the large buildings.

Mayor Charles Hardy said he could not believe that Jefferson had cut their fees. He would say that there were underlying cuts from another agency.

Mr. Bryant said this was the first large building to be permitted by the City of Commerce with that much square footage.

Mayor Charles Hardy said it was the first one built in Jackson County. The opinion was that the fee would not be lowered on anything less than 1,000,000 square feet.

Mr. Bryant said whatever was done for Rooker must also be the same for others.

Councilman Mark Fitzpatrick said the permit fee should be \$.15 per square foot. Over that maybe reduce it by \$.05. The fee would be \$.15 on the 500,000 square feet.

Councilman Bob Sosebee said he favored the first option instead of the second. Mr. Bryant said her never thought it was fair to place a value fee system for permitting.

Mayor Pro Tem Dusty Slater asked where it put the fees.

The \$.15 would stay and then it would drop to \$.08 and that would put the City of Commerce more in line with the Hall County fees.

9. Activity Reports

Mr. Bryant said they would be in the agenda package for Monday night.

10. Financial Review

Mr. Bryant said the financial report would be in the agenda package for Monday night.

Mayor Charles Hardy reminded everyone about the ribbon cutting on Tuesday.

There was no further business and the work session was adjourned.

Charles L. Hardy, Jr., Mayor

Shirley Willis, City Clerk