

August Minutes
Commerce Civic Center
August 14, 2006
6:30 P.M.

The regularly scheduled meeting of the Mayor and Council was held on Monday, August 14, 2006 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 Dusty Slater, Councilmen Wayne Gholston, Donald Wilson, Mark Fitzpatrick, Bob Sosebee and Richard Massey, City Manager Clarence Bryant, City Attorney John Stell, one (1) member of the press and approximately twenty-five (25) citizens.

Councilman Bob Sosebee gave the invocation.

Approval of Minutes

Councilman Richard Massey made a motion, seconded by Mayor Pro Tem Dusty Slater to approve the minutes of the regular July 17, 2006 and the August 7, 2004 work session as presented.

The vote was unanimous.

Citizens or Delegations

Mayor Charles Hardy welcomed everyone to the meeting and said there were no citizens or delegations scheduled; however, if someone wished to speak they could at that time.

Mayor Charles Hardy said a public hearing was held at 6:00 P.M. on the tax millage rate and there were no attendees.

NEW BUSINESS:

A. Planning Commission Hearing Items:

- (1) Formetco, Inc. – Request for Rezoning for Annexation – 14.956 acres off Highway 334 from A-2 in the County to M-1 in the City.

Mayor Charles Hardy said the Planning Commission had recommended the rezoning as requested but the council felt that an M-2 zoning would be more appropriate because there would be a small amount of noise created in the manufacturing process.

Councilman Bob Sosebee made a motion, seconded by Mayor Pro Tem Dusty Slater to approve the rezoning from A-2 to M-2.

Mr. Jerry Williams, representative from Formetco said a minor amount of noise would be created. He also said there would be no problem with zoning M-2 versus M-1.

The vote was unanimous.

- 2) Zoning Ordinance Amendment to Chapter 2.03.002, Minimum House Sizes.

Mayor Charles Hardy said the amendment had been discussed at the work session. He read the Ordinance and explained that the Council made some changes from the Planning Commission recommendation. The ordinance as approved is made a part of these minutes and is as follows:

AN ORDINANCE TO AMEND ARTICLE II, CHAPTER 2.03.002 OF THE
ZONING ORDINANCE , CITY OF COMMERCE, GEORGIA TO AMEND
DWELLING UNIT SIZES IN ALL RESIDENTIAL ZONING DISRICTS AND FOR
OTHER PURPOSES

ARTICLE II, Chapter 2.03.002 is hereby amended to change the dwelling unit sizes in all Residential Zoning Districts.

R1-E Zoning District is amended to change the dwelling unit size from 2400/2000H square feet to 2900/2500H square feet.

R-1 Zoning District is amended to change the dwelling unit size from 2000/1600H square feet to ~~2400/2000H~~ **2200/1800H** square feet.

R-2 Zoning District is amended to change the dwelling unit size from 1600/1200H square feet to ~~2200/1800H~~ **2000/1600H** square feet.

R-3 Zoning District is amended to change the dwelling unit size for:

Single-Family - from 1000/1000H square feet to 1800/1400H square feet.

Two-Family - from 900/900H square feet to 1200/1200H square feet.

R-4 Zoning District is amended to change the dwelling unit size for:

Single-Family - from 900/900H square feet to ~~1400/1400H~~ to 1200/1200H square feet.

Two-Family - from 900/900H square feet to 1200/1200H square feet.

Multi-Family - from 900/900H square feet to 1200/1200H square feet.

R-5 Zoning District is amended to change the dwelling unit size for:

Single-Family - from 900/900H square feet to 1200/1200H square feet
Mobile Home Subdivision - from 900/900H square feet to 1200/1200H square feet
Mobile Home Park Unit Size – from 900/900H square feet to ~~1200/1200H~~
900/900H square feet

IT IS SO ORDAINED this 14th day of August, 2006.

CITY OF COMMERCE

S/ Charles L. Hardy, Jr.
Mayor

Attest: S/Shirley Willis
City Clerk

Councilman Donald Wilson made a motion, seconded by Councilman Wayne Gholston to approve the Ordinance as presented.

The vote was unanimous.

B. Millage Rate Resolution

Mayor Charles Hardy said three public hearings had been held on the tax millage rate and there had been no attendance at either one of the hearings. A Resolution had been prepared to set the millage rate. Mayor Hardy then read the Resolution and it is made a part of these minutes and is as follows:

RESOLUTION

WHEREAS, the Mayor and Council of the City of Commerce must reach a decision for the 2006 tax millage rate. After review of this matter the determination has been made that the millage rate shall not increase for the 2006 property taxes; and

WHEREAS, the millage rate for 2006 shall be 1.66 mill(s) for the city tax; and

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the City of Commerce, Georgia, that the proposed Resolution is hereby approved, and the Mayor is herewith authorized to execute on behalf of the City the Resolution to set the tax rate for 2006 at 1.66 mills.

This, the 14th day of August, 2006.

S/Charles L. Hardy, Jr.
Mayor

Attest: S/Shirley Willis
City Clerk

Councilman Richard Massey made a motion, seconded by Mayor Pro Tem Dusty Slater to approve the Resolution setting the millage rate at 1.66 for 2006 as presented.

The vote was unanimous.

C. Soil Erosion and Sedimentation Control Ordinance Amendment

Mayor Charles Hardy said there was a sixteen (16) page ordinance and there was only a changing of words. The changes were mandated by the State and the ordinance presented reflected removal of the old language and implementation the new language.

Mayor Pro Tem Dusty Slater made a motion, seconded by Councilman Donald Wilson to approve the Ordinance as presented.

The vote was unanimous.

D. TechSmart Digital Development Program and Approval of Georgia Tech Research Corporation Service Agreement

Mayor Charles Hardy stated that Mr. Greg Laudeman had made a presentation at the work session explaining the wireless technology. The presentation was made for the City of Commerce to have the option to get involved with wireless communications.

TechSmart would first conduct a survey with high tech communication users to empower sectors of the community to grow, improve, innovate and become more competitive.

According to Mayor Charles Hardy the projected cost of the Program would be \$10,000 maximum. Invoicing would be done on a quarterly basis and if the City participated in the gathering of data the cost could be less.

Mayor Pro Tem Dusty Slater made a motion, seconded by Councilman Mark Fitzpatrick to approve the TechSmart Development Program as presented.

The vote was unanimous.

E. Jackson County Chamber of Commerce Industry Appreciation Sponsorship

Mayor Charles Hardy said the Chamber of Commerce was hosting an Industry Appreciation banquet and was requesting that the City of Commerce contribute \$4,000 to assist in defraying the cost of the banquet. Mayor Hardy said part of the contribution would be in-kind by deducting the Civic Center rental. The contribution of the City would be between \$2,800 and \$3,000.

Councilman Bob Sosebee made a motion, seconded by Councilman Mark Fitzpatrick to approve the sponsorship.

The vote was unanimous.

F. Ordinance to Authorize the Collection of Bad Deb Collection Fees

Mayor Charles Hardy said Steve McKown had come up with a new ordinance regarding the collection of delinquent utility accounts.

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

AN ORDINANCE TO PROVIDE FOR THE COLLECTION OF DELINQUENT UTILITY ACCOUNTS, COLLECTION OF COSTS, COURT FEES AND ATTORNEY'S FEES, USE OF COLLECTION AGENCIES TO COLLECT DELINQUENT UTILITY ACCOUNTS AND FOR OTHER PURPOSES.

The Council of the City of Commerce hereby ordains that the Code of the City of Commerce, Georgia, is hereby amended by adding a Section to be numbered 78-15, which section reads as follows:

Sec. 78-15. Collection costs; Third Party Collections

In addition to all other rates, charges, penalties, fees, expenses and costs otherwise provided for in the collection of delinquent utility accounts, including, but not limited

to, postage expenses, Court filing fees, attorney's fees incurred by the City, and fees paid to third-party collection agencies. The City is authorized to use third-party collection agencies to collect delinquent utility accounts and all costs, fees and expenses of such third-party agencies shall be the responsibility of the delinquent customer.

Be it so ordained this 14th day of August, 2006.

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

Attest: S/Shirley Willis
City Clerk

Mayor Charles Hardy said that it would really help the City of Commerce to offset 23% of bad debt.

Councilman Donald Wilson made a motion, seconded by Councilman Wayne Gholston to approve the Ordinance as read.

The vote was unanimous.

G. Approval of Lower Interest Rate for Natural Gas Loan

Mayor Charles Hardy stated that the Ordinance for the Lease with the Municipal Gas Authority required execution to receive a lower interest rate. The rate had been lowered from 4.600% to 4.410% for the life of the loan.

The Ordinance is incorporated into these minutes and is as follows:

**ORDINANCE RATIFYING (A) EXECUTION AND DELIVERY OF
A LEASE AND AN AGENCY AGREEMENT WITH
THE MUNICIPAL GAS AUTHORITY OF GEORGIA AND (B)
THE ACKNOWLEDGMENT OF A SALE, ASSIGNMENT AND
TRANSFER OF CERTAIN RENTALS UNDER THE LEASE AND
(C) FOR OTHER PURPOSES**

WHEREAS, the City of Commerce, Georgia (the "Municipality"), a municipal corporation of the State of Georgia, has determined that it is in the best interest of the Municipality to lease from the Municipal Gas Authority of Georgia (the "Gas Authority") certain replacements of and additions, extensions and improvements to the Municipality's gas distribution system (the "Project"); and

WHEREAS, in order to lease the Project from the Gas Authority and provide for its acquisition, construction and installation, the Municipality adopted an Ordinance on July 17, 2006 (the "Ordinance") authorizing the execution and delivery of a certain Lease, dated as of July 1, 2006 (the "Lease"), between the Municipality and the Gas Authority, and a certain Agency Agreement, dated as of July 1, 2006 (the "Agency Agreement"), between the Municipality and the Gas Authority, and acknowledgment of a certain Sale, Assignment and Transfer, dated July 21, 2006 (the "Assignment"), from the Gas Authority to Branch Banking and Trust Company; and

WHEREAS, the Municipality's officers and staff made certain determinations respecting the Lease and negotiated a lower interest rate component to the lease payments after adoption of the Ordinance;

THE MAYOR AND CITY COUNCIL OF THE CITY OF COMMERCE, GEORGIA HEREBY ORDAINS as follows:

Section 1. All actions of the Municipality, its officers and staff in connection with the execution, delivery and performance of the Lease and the Agency Agreement, and the acknowledgement of the Assignment, are hereby approved, ratified and confirmed, including specifically (1) the designation of the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3)(A) of the internal Revenue Code and (2) all revisions to the Lease and the Assignment and Schedule I to each, the final form of which Schedule I is attached hereto as Exhibit 1.

Section 2. This Ordinance shall take effect immediately upon its adoption. Any and all ordinances, or parts of ordinances, or any prior proceedings in conflict with this Ordinance this day will be and are repealed, and this Ordinance shall be in full force and effect from and after this adoption, the welfare of the Municipality requiring it.

SO ADOPTED and APPROVED by the Mayor and City Council this 14th day of August, 2006.

APPROVED:

CITY OF COMMERCE,
GEORGIA

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

(SEAL)

ATTEST:

S/Shirley Willis
City Clerk

Mayor Pro Tem Dusty Slater made a motion, seconded by Councilman Donald Wilson to approve the Ordinance as presented.

The vote was unanimous.

H. Building Permit Fee Ordinance Amendment for Industrial and Commercial Buildings

Mayor Charles Hardy said the ordinance had been discussed at the work session and he read the Ordinance that is incorporated into these minutes as follows:

AN ORDINANCE TO AMEND ARTICLE I, Section 14-5 BUILDING CODE FEES OF THE CODE OF ORDINANCES OF THE CITY OF COMMERCE, GEORGIA AND FOR OTHER PURPOSES.

Article I, Section 14-5 is hereby amended by changing the *Commercial and Industrial* Fee, schedule to read as follows:

Commercial and Industrial Fees:

Building and Remodeling

Minimum Fee	\$50.00
First 500,000 sq. ft. heated	\$0.15 per sq. ft.
Over 500,000 sq. ft.	\$0.08 per sq. ft.
First 500,000 sq. ft. unheated	\$0.15 per sq. ft.
Over 500,000 sq. ft.	\$0.08 per sq. ft.
Certificate of Occupancy	\$200.00

IT IS SO ORDAINED this 14th day of August, 2006.

CITY OF COMMERCE

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

Attest:

S/Shirley Willis
City Clerk

The ordinance fee schedule would be made retroactive to July 1, 2006.

Councilman Mark Fitzpatrick made a motion, seconded by Councilman Richard Massey to approve the Ordinance as read.

The vote was unanimous.

Mark Beardsley asked if the fee schedule would include Rooker and the response was yes.

I. Activity Reports

Mayor Charles Hardy recognized Police Chief John Gaissert and he gave the activity report for the Police Department.

Chief Gaissert said the call activity continued to be brisk at the Police Department.

He also said that all uniformed officers had been certified in CPR. Chief Gaissert then said that he had an appointment with BJC Hospital regarding the biohazard materials.

The Chief said there had been twelve (12) drug arrests and two (2) vehicles had been seized.

Councilman Richard Massey said he wanted to commend the Police Department on how they handled things. He referenced an incident where assistance had been given to a 91 year old lady on North Broad Street. He especially acknowledged Chris Coombs for the professional and good job he did. Chief Gaissert thanked Councilman Massey and said he would pass that on to the officer.

Mayor Charles Hardy asked for any comments on any other activities. He mentioned the 29 calls in the Fire Department.

The Commerce Police Department activity was 2,193 calls from 911, 70 walk-in service calls at the Police Department for a total of 2,263 calls. Twenty-five (25) accident reports were filed, 169 incident reports, and 79 animal control calls with 1 animal control citation. The traffic citations issued were 39 speeding, 27 suspended license/no license, 12 no insurance, 26 DUI, 11 drunk/disorderly, 4 obstruction, 10 alcohol related, 98 seatbelt/child restraint violations and 126 other for a total of 353. The arrests included 27 theft, 5 burglary, 1 criminal trespass, 3 felony and 9 misdemeanor drug cases. The total

miles driven were 25,683.

The Narcotics arrests for July were 3 felony and 9 misdemeanor cases and 2 vehicle seizures.

The Department of Building Inspections issued 5 building, 15 electrical, 6 plumbing and 6 mechanical permits with a permit value of \$2,738.52. The building valuation for the fiscal year to date was \$78,000 and the calendar year to date valuation was \$6,788,900.

The Building and Housing Inspections Department handled 118 new, 25 COP and 119 utility inspections. There were 4 follow-ups, 26 letters written, 136 walk-ins and 484 calls. There were 5 junk cars and 5 junk car follow ups. Total activity for the month was 922.

The Fire Department answered 27 calls, 20 inside the city limits, 6 in the fire district, 1 outside the fire district, 1 structure, 6 grass and woods, 1 gas/electrical, 8 alarms, 7 vehicle/wrecks and 4 miscellaneous. The man hours for the period were 95.

The Water and Sewer Distribution Activity was 8 new residential and 2 non-residential water services, 3 residential and 1 non-residential sewer services. Services replaced were 16 residential and 2 non-residential water customers. There were 69 turn-ons and 77 turn-offs. Eight (8) residential taps were made and two (2) non-residential taps. There were 11 new hydrants installed and one (1) hydrant repaired. There was 4,500 feet of main extensions (Whitehill Meadows). The work orders received were 49 and 78 were completed. There were 424 locates received.

The Natural Gas Activity Report was 3 meters set, 1 meter maintained, 2 service calls, 3 leak calls, 246 locates and 9 inspections. The gas load changes were 200 residential heating, 80 water heating and 60 cooking CFH added and 1,200 commercial cooking.

The Electric Department activity was 2 existing residential services, 5 new residential services and 1,000 size of residential load AMPS added. The KVA of transformer added was 15, 4 primary poles, 325' of primary added and 475' of secondary underground added. The cut ons were 82 and the cut offs were 62.

J. Financial Review

Steve McKown said that in July the General Fund ended the month \$195,000 in the Red. However, the Utility Billing had a good month and the Water and Sewer particularly had a good month. Overall, it was a good July.

Report from the City Manager

City Manager Clarence Bryant had to items to report and they are as follows:

- 1) The Steven B. Reynolds Boulevard sewer cut was 98% completed. The asphalt was put down on 8/14/2006 and in there would be a two day wait time before it would be covered.
- 2) The bid opening for the gas loop installation was scheduled for Tuesday, August 15, 2006 at 12:00 Noon.

Report from the City Attorney

City Attorney John Stell had nothing to report.

New Items proposed by the Mayor and Council

Mayor Charles Hardy thanked Mayor Pro Tem Dusty Slater for handling the July meeting and stated he heard it was done in record time.

Councilman Mark Fitzpatrick reported a utility cut at the Waters' Café Building on South Harmony Street.

Mayor Charles Hardy told the council to wear their "blue" shirts to the September council meeting.

Councilman Bob Sosebee asked Planner David Zellner about the new house sizes that were just approved. He said the streets should be zoned to comply with the house sizes. He asked that they go over the zoning map and have the proper zoning on streets comparable to house sizes. Councilman Sosebee said that was an issue that really needed to be worked on. Mayor Charles Hardy said the David was aware of it and would be getting a new map.

Citizen William Stout said he had a concern about what Councilman Bob Sosebee just said. His opinion was that should the houses be zoned differently it would devalue their property. He said that if the older homes were rated R-2 that would be encouragement and invitation for smaller houses in the area.

Mayor Charles Hardy said that public hearings would have to be held and it would have to go through the Planning Commission to change the zoning.

Councilman Bob Sosebee explained that what he said was that the house sizes and zoning on the streets should be compliant. There would not be a lower valuation of property.

Steve McKown said that it could be pointed out that what was R-1 fifty (50) years ago would be an R-2 today.

Councilman Bob Sosebee made a motion, seconded by Councilman Richard Massey to adjourn the meeting.

The vote was unanimous.

Charles L. Hardy, Jr., Mayor

Shirley Willis, City Clerk

