

May Minutes  
May 14, 2007  
Commerce Civic Center  
6:30 P.M.

The regularly scheduled meeting of the Mayor and Council was held on Monday, May 14, 2007 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 Dusty Slater, Council members Wayne Gholston, Donald Wilson, Mark Fitzpatrick and Bob Sosebee, City Manager Clarence Bryant, City Attorney John Stell, one (1) member of the press and approximately twenty (20) citizens.

Mayor Charles Hardy said that Councilman Richard Massey was on vacation traveling out West.

Councilman Wayne Gholston gave the invocation.

Approval of Minutes

Mayor Pro Tem Dusty Slater made a motion, seconded by Councilman Wayne Gholston to approve the minutes of the regular April 9, 2007 meeting and the May 7, 2007 work session meeting as presented.

The vote was unanimous.

Citizens or Delegations – None Scheduled

Mayor Charles Hardy said there were no citizens or delegations scheduled, however he would like to recognize the Public Works department for their work in Spencer Park. He asked Rick Lewis, Public Works Director to introduce the group. The introductions were Jeremy Blalock, horticulturist for the city, Lowell Lord, Grady Sorrow, Donald Angel, Ralph Smith, Brad Lacey and Timmy Anglin. Mr. Lewis praised them for their work

Mayor Charles Hardy said it was not just Spencer Park but all over the city the results of the Public Works department was very evident.

Mayor Charles Hardy asked if anyone wished to speak. Hearing none he moved on with the agenda.

NEW BUSINESS:

A. MEAG Voting Delegate Resolution

Mayor Charles Hardy said there was a misinterpretation of the Resolution in appointing the voting delegate for MEAG. Therefore, a new resolution required approval to appoint the voting delegate.

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

A RESOLUTION

BE IT RESOLVED by the Mayor and City Council of the City of Commerce, Georgia that Clarence H. Bryant is hereby appointed to serve as this City's voting delegate on the Municipal Electric Authority of Georgia's Election committee, with authority to cast all votes to which this City is entitled. Richard Massey is appointed as alternate voting delegate.

This 14<sup>th</sup> day of May, 2007.

City of Commerce

S/Charles L. Hardy, Jr.  
Mayor

S/Bob Sosebee  
Councilmember

S/Donald Wilson  
Councilmember

ATTEST:

S/Shirley Willis  
City Clerk

{SEAL}

Councilman Bob Sosebee made a motion, seconded by Mayor Pro Tem Dusty Slater to approve the Resolution as read.

The vote was unanimous.

B. Building Code Amendment

Mayor Charles Hardy said the amendment would be applicable to new construction when it was inspected to affirm that smoke detectors were installed according to the ordinance. Also, to require smoke detectors to be installed in existing dwellings as per the required time stated in the Ordinance.

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

**AN ORDINANCE TO REQUIRE INSTALLATION OF SMOKE ALARMS AND  
DETECTORS IN RESIDENTIAL DWELLING UNITS, AND FOR OTHER  
PURPOSES.**

The Council of the City of Commerce, Georgia hereby ordains that the Code of the City of Commerce, Georgia, is hereby amended by adding a section to Chapter 14 to be number Section 14-17, which section reads as follows:

**Section 14-17. Smoke Detectors.**

It is required that in all residential dwelling units, whether new or existing, smoke alarms or smoke detectors be installed. Smoke alarms or detectors must be installed in the following locations of the dwelling unit:

- 1) In each sleeping room,
- 2) In a location outside sleeping rooms, but in the immediate vicinity of sleeping rooms, and
- 3) On each additional story of the dwelling unit which does not contain a sleeping room, including basements but not including crawl spaces or uninhabitable attics.

The smoke alarms or smoke detectors must be of a type approved by the fire chief or his designee. Smoke alarms or smoke detectors must be installed in dwelling units existing upon the effective date of this ordinance within 6 months from the effective date of this Ordinance.

IT IS SO ORDAINED this 14<sup>th</sup> day of May, 2007.

CITY OF COMMERCE, GEORGIA

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

Attest: S/Shirley Willis  
City Clerk

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

The vote was unanimous.

Attorney John Stell said the time required for the smoke detectors to be installed in existing dwellings must be filled in.

Councilman Donald Wilson amended his motion, seconded by Councilman Wayne Gholston to designate 6 months in the ordinance.

The vote was unanimous.

C. Jackson County Certified Literate Community Program Request for Funds.

Mayor Charles Hardy read the request for the monetary funding in the amount of \$2,385.00. The funds are used to further the education and skills of adults to assist in getting jobs in Jackson County. The funding amount is based upon the population count.

Councilman Bob Sosebee made a motion, seconded by Mayor Pro Tem Dusty Slater to approve the funding.

The vote was unanimous.

D. Locust Street Widening

Mayor Charles Hardy said the approximate cost to widen Locust Street and add 3' per side was between \$4,500 and \$5,000. The street was very narrow and the widening would make it 16'-17' wide and allow easier access to the businesses. A budget amendment was requested to complete the project.

Mayor Pro Tem Dusty Slater made a motion, seconded by Councilman Donald Wilson to approve the budget amendment to widen the street.

The vote was unanimous.

E. Sprinkler System Permit Fee Amendment

Mayor Charles Hardy stated after the Rooker Spec Building was constructed a review of the comparison of the sprinkler system permit fees was completed and the determination was made that \$10,000 was too high. After discussion of surrounding municipalities' rates the consensus was to amend the fees charged by the City of Commerce.

Councilman Donald Wilson made a motion, seconded by Councilman Mark Fitzpatrick to amend the sprinkler system permit fees to a charge of \$1.00 per sprinkler head up to \$5,000.

The vote was unanimous.

F. Quitclaim Deed - Commerce Veterans Home, Inc.

Mayor Charles Hardy said the Veterans Home had deeded to the City of Commerce the property known as the Veterans Home and the City would now own it.

The deed is as follows and is made a part of these minutes. It is on file in the Clerk's office at City Hall.

QUITCLAIM DEED

STATE OF GEORGIA

COUNTY OF JACKSON

THIS INDENTURE, Made the 26<sup>th</sup> day of April, **2007**, between **Commerce Veterans Home, Inc.** of the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **City of Commerce** of the State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH** that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever **QUITCLAIM** unto the said Grantee,

**See Exhibit "A" attached hereto and made a part hereof.**

**TO HAVE AND TO HOLD** the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof.

**IN WITNESS WHEREOF**, the Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the Presence of:

**COMMERCE VETERANS HOME, INC.**

S/Laura Gooch  
(Unofficial Witness)

By: S/Pat Hodsdon  
Title: Director

S/Gary Morgan  
(Notary Public)

Attest: S/Stan Hodsdon  
Title: Director

EXHIBIT "A"

Tract 1: All that tract or parcel of land situate, lying and being in the State of Georgia, Jackson County, 255<sup>th</sup> District, G.M., City of Commerce and bounded as to metes and bounds as follows: Beginning at oak and running thence S. 6 ½ W. 1.88 to stake, thence N. 61W. 18.41 to rock near pine, thence N. 29 E. 0.33 to stake, thence S. 66 E. 17.88 to the beginning corner, containing one and 88853/1000 (1.8853) acres, more or less.

Tract 2: All that tract or parcel of land lying and being in the City of Commerce, Jackson County, 255<sup>th</sup> District, G.M., Georgia, being a small tract of land cut from the J.B. Hardman lands described as follows: Beginning on iron pin on Northeast corner of Lot No. 1 as shown by plat, thence N. 64 W. 175 feet to iron pin, thence N. 30 ½ W. 171 feet to an iron pin, thence with original park line S. 65 E. 300 feet to iron pin, thence S. 25 W. 103 ½ feet to the beginning corner, containing 24, 556 square feet, more or less, as shown by plat recorded in Clerk's Office of Jackson County Superior Court in Plat Book 2, Page 236.

Tract 3: All that tract or parcel of land situate, lying and being in the State of Georgia, Jackson County, 255<sup>th</sup> District G.M., City of Commerce, and bounded as to metes and bounds as follows, to-wit: Beginning at rock corner running thence N. 66 W. 13.88 to rock, thence N. 29 E. 1.55 to rock, thence S. 65 E. 11.75 to rock, thence S. 30 ½ E. 2.43 to the beginning corner, containing one and 8768/1000 (1.8768) acres, more or less.

Tract 4: All that tract or parcel of land situate, lying and being in Jackson County, 255<sup>th</sup> District, G.M., City of Commerce, Georgia, and being those lots at the corner of Carson Street and Forest Street designated as Lots 17, 18, 19, 20 and 21, as shown by plat, beginning at the corner of the intersection of Carson Street and Forest Street, thence along Forest Street 240 feet to a point, thence 175 feet to a point, thence 210 feet to point on Carson Street, thence 175 feet along Carson Street to point of beginning.

Tract 5: All that tract or parcel of land lying and being in the State of Georgia, Jackson County, 255<sup>th</sup> District, G. M., City of Commerce, lying Northeast of the Veterans

Home of Commerce, beginning at the east corner of the present graded yard on the North side of Park (Carson) Street, thence along said street S. 58 ½ E. 200 feet to Marvin Bray corner, thence along Marvin Bray and Jackson line N. 27 ¾ E. 469 feet to corner of Georgia Power Company, thence along Georgia Power Company line N. 68 ½ W. 617 feet to iron pin corner of Sub-station property, thence S. 21 ½ W. 240 feet to an iron pin on street to old park line, thence along present line back of Veteran building S. 65 W. 176 feet to the beginning corner, containing 4.46 acres, more or less.

Mayor Pro Tem Dusty Slater made a motion, seconded by Councilman Bob Sosebee to accept the Quitclaim Deed as presented.

The vote was unanimous.

#### G. 2007-2008 Proposed Budget

Mayor Charles Hardy called upon Steve McKown to present the budget.

Mr. McKown stated that Georgia Law required the City of Commerce to pass a balanced budget. The budget presented reflected \$29.1 - \$29.2 million dollars in revenue. The difference in the budget was the decrease in the cost of gas prices.

All funds except the General Fund was in balance and the General Fund department heads would look at reducing some of the items to balance the budget.

According to Mr. McKown there was no new debt incurred and no increase in personnel. The police department had added one and the finance department had lost one to net zero.

There was a 3% cost of living increase across the board with a possible 2% merit increase on the anniversary date of employment.

Mr. McKown said no council action was required at the first reading of the budget.

City Manager Clarence Bryant said no projected utility rates were increased in the budget.

Mayor Charles Hardy said a work session would be required to review the budget. The General Fund was out by the amount of \$450,000 but it would be gone back through.

Mayor Charles Hardy asked for dates to hold the work session. City Manager Clarence Bryant reported that a meeting with Steve Condrey of UGA on the salary survey was scheduled for Thursday, May 17.

Steve McKown said that the operations in the General Fund were up 10% and there were capital items that needed to be funded.

A suggestion of either a Tuesday or Thursday would be a good day to meet.

## H. Activity Reports

Mayor Charles Hardy called upon Police Chief Gaissert to go over the Police Department report.

Chief John Gaissert said the call activity remained consistent. The Easter Parade went smoothly. The drug arrests continued to be made. The seizure of \$92,058.00 must be condemned and go through the legal process. According to the Chief it was premature to make a statement of any amount the City would retain.

The Police Department Activity was 2,049 calls dispatched by 911, 66 walk-in service calls at PD, 186 SRO calls, 41 accident reports, 132 incident reports, 57 animal control reports and 1 animal control citation. The citations and arrests were 107 speeding, 21 suspended license/no license, 7 no insurance, 12 DUI, 1 drunk/disorderly, 2 shoplifting, 2 obstruction, 11 alcohol related, 21 seatbelt/child restraint and 69 other for a citation total of 253. The arrests were 2 assault/battery, 20 theft, 5 burglary, 2 criminal trespass, 5 misdemeanor and 1 felony drug cases for a total of 35. The total miles driven were 27,510.

The activity of the Commerce P.D. Narcotics arrests and seizures for April was 1 felony, 5 misdemeanors and \$92,058.00 seized.

The Commerce Fire Department activity was 1 no event type departmental, 1 combustible/flammable spills & leaks, 2 controlled burning, 2 dispatched and cancelled en route, 11 emergency medical service incidents, 1 false alarm, 6 natural vegetation fires, 1 public service assistance, 3 structure fires, 4 system or detector malfunction and 2 wrong location, no emergency found for a total of 33 calls.

The Department of Inspections issued 9 building, 11 electrical, 2 plumbing and 6 mechanical permits with a permit value of \$5,110.03. The fiscal year to date building valuation was \$28,800,798 and the calendar year to date valuation was \$2,095,463.

The Building & Housing Inspections, Code Enforcement activity was 95 new, 47 COP, 62 Utility, 53 follow-up, 41 letters, 62 walk-ins, 491 calls, 5 vehicles and 6 vehicle follow-ups for a total of 862.

The Water and Sewer Distribution activity was 6 new residential water and 4 new residential sewer services, 5 water services and 2 sewer services replaced. There were 74 water and 61 sewer turn-ons and 62 water and 54 sewer turn-offs. One (1) hydrant was repaired. The work orders received were 46 and 74 were completed. The total locates received were 384.

The Natural Gas Department activity was 3 meters set, 1 meter changed out, 1 service call, 2 leak calls, 270 locates and 9 inspections. The gas load changes were 360 residential heating and 120 water heat added.

The Electric Department activity was 6 new residential services added. There was 1,100 residential size of load – AMPS added. The KVA transformer added was 422.5, 480 KVA transformer replaced, 2 primary poles added and 146 primary poles replaced. The primary footage added was 8,441’ and 15,280’ of primary footage replaced. There was 525’ of secondary underground footage added. The cut ons were 62 and the cut offs were 55.

Mayor Charles Hardy asked if there were any questions on the activity reports. Hearing none he asked for the financial review.

#### I. Financial Review

Finance Director Steve McKown reported a good month for April. He said there was \$1M above cash in versus cash out. Some of the electrical upgrade had been paid during the month. The net to date reflected (\$143,952) for this quarter. According to Mr. McKown the City of Commerce was in good financial shape.

#### 6. Report from the City Manager

City Manager Clarence Bryant gave updates as follows:

- 1) The West end Natural Gas loop was done last week. The purging of the main had started and by the end of the week the line should be cleaned and be ready for service next week.
- 2) The electrical load bid for the New Ingles Complex was awarded to the City of Commerce and the permits were being issued.
- 3) The contractors are through and all upgrades are in place and operating efficiently. The difference in the voltage is pure revenue. The contractors could come back and string some additional wire.
- 4) The water main is in the ground and is operational. The Andrew Jackson Street project will tie in and be put in service by the end of the week.
- 5) The Library Campaign update is that Jackson County will participate and Banks County’s commitment has not been received yet.
- 6) The pool at the Recreation Department is in good shape.

#### 7. Report from the City Attorney

Attorney John Stell had nothing to report.

8. New Items Proposed by the Mayor and Council

Mayor Charles Hardy talked about the ribbon cutting on Steve Reynolds Boulevard on Tuesday at 10:30 A.M. All of the Rooker Group, the road building personnel and other officials will be in attendance. He encouraged all of the council that could to go.

Mayor Pro Tem Dusty Slater had nothing to report.

Councilman Bob Sosebee had nothing to report.

Councilman Wayne Gholston had nothing to report.

Councilman Donald Wilson had nothing to report.

Councilman Mark Fitzpatrick had nothing to report.

City Manager Clarence Bryant showed the water sample kit was being placed in resident's yards. He said John Stell would check to see if they could pick up a sample. Mr. Bryant said a sterile sample could not be taken from a faucet inside the house and the City sent twenty-four (24) samples each month to be tested.

Councilman Bob Sosebee made a motion, seconded by Mayor Pro Tem Dusty Slater 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