

June Minutes
Commerce Civic Center
June 11, 2007
6:30 P.M.

The regularly scheduled meeting of the Mayor and Council was held on Monday, June 11, 2007 at 6:30 P.M. in the Commerce Civic Center, Cold Sassy Room, 110 State Street. Mayor Charles Hardy called the meeting to order and City Clerk Shirley Willis called the roll and those in attendance were Mayor Charles Hardy, Mayor Pro Tem Dusty Slater, Councilmen Wayne Gholston, Donald Wilson, Mark Fitzpatrick, Bob Sosebee and Richard Massey, one member of press and approximately twenty-five to thirty citizens.

2. Councilman Donald Wilson gave the invocation.
3. Approval of Minutes

Councilman Richard Massey made a motion, seconded by Councilman Bob Sosebee to approve the minutes of the regular May 9, 2007 meeting, the May 24, 2007 special called meeting, the May 24, 2007 special called work session and the June 4, 2007 regular work session as presented.

The vote was unanimous.

4. Citizens or Delegations

Mayor Charles Hardy recognized Jim Yarborough, Director of BJC Hospital and the Hospital Board. Mayor Charles Hardy said the Hospital Authority was in attendance to accept the Resolution of Support for the new Hospital to be located on the Chatham property.

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

RESOLUTION

Supporting

BJC Medical Center in the Construction of a New Hospital on the Chatham Property

Whereas the BJC Hospital Authority has been studying building a new hospital facility for several years; and

Whereas BJC Medical Center employs more than 450 employees with an annual payroll of \$15.6 million; and

Whereas BJC is one of the City's largest utility customers; and

Whereas BJC Medical Center is a great provider of health care resources serving the Banks-Jackson area providing Emergency care this past year for 12,867 patients, serving 20,249 out-patients and 1,507 in-patients; and

Whereas in order to support and encourage the building of a new hospital facility on the Chatham Property located on U.S. Highway 441, the City of Commerce is willing to give a total utility contribution of \$858,300.00 consisting of the following:

Water: main extension, tap fees, meter/back flow/vault, service main, and irrigation meter totaling \$581,000

Sanitary Sewer: tap fees, grease trap, main to creek totaling \$128,000

Natural Gas: tap, meter, service totaling \$10,000

Electric: service and metering, pole line extension, and on-site equipment totaling \$139,300

Therefore, be it resolved that the Mayor and Council of the City of Commerce do wholeheartedly support the building of this new hospital facility on the Chatham Property and have unanimously agreed to make this contribution of \$858,300.00; and by doing so express their gratitude and appreciation to the BJC Medical Center for the good job they are doing serving the medical needs of our community and their anticipation of being a part of the construction of this state of the art facility to provide healthcare for generations to come.

Presented this 11th day of June, 2007.

S/Charles L. Hardy, Jr.

Mayor

S/Dusty Slater

Mayor Pro Tem

S/Wayne Gholston
Councilman, Ward I

S/Donald Wilson
Councilman, Ward II

S/Mark Fitzpatrick
Councilman, Ward III

S/Bob Sosebee
Councilman, Ward IV

S/Richard Massey
Councilman, Ward V

Councilman Richard Massey made a motion, seconded by Councilman Bob Sosebee to approve the Resolution as read.

The vote was unanimous.

Mayor Charles Hardy said the Resolution had already been signed and he asked Jim Yarborough and the Hospital Authority Board to come forward for the presentation.

After the presentation had been made Mr. Charles Blair said on behalf of the Hospital Authority members he wished to thank the City of Commerce for their vision and support of the new facility.

Mr. Jim Yarborough echoed what Mr. Blair had said and in addition he thanked the City of Commerce for their visionary and support and said this was a major step in achieving a new hospital.

Mayor Charles Hardy then asked if there were any other citizens that wished to address the council and if so they could at that time.

Mrs. Vivian Poe, 759 South Elm Street, Commerce, Georgia said she was concerned about her friend Frances Worley. Mrs. Worley lived on South Broad Extension and was on oxygen all of the time. Mrs. Poe said the street should be paved because of the dust that entered Mrs. Worley's house when traffic was on the road.

Mayor Charles Hardy thanked Mrs. Poe for her comments and told her that the street was the railroad right-of-way. Unsuccessfully in the past the City of Commerce had attempted to pave the street and the railroad would not give permission to let it be paved. Mayor Charles Hardy said the City of Commerce would again contact the railroad personnel to see what could be done.

5. NEW BUSINESS:

A. Planning Commission Hearing Items:

(1) Robby Barnett - Variance Request on Accessory Building

Mayor Charles Hardy read the recommendation letter from the Planning Commission to approve the variance as presented with the condition that the accessory building exterior walls were brick up to the drip line, with vinyl siding up to the roof and that the roof shingles match the principle structure and the garage door faced the house.

Councilman Bob Sosebee asked Planner David Zellner to explain what the drip line was. Councilman Sosebee thought it was the foundation line and Mr. Zellner said it was the line from the roof at the top of the building.

Councilman Bob Sosebee asked Mr. Barnett if he had anything to say and Mr. Barnett said the Planning Commission said he could build a 30 X40 building and then they wanted it bricked on four sides. Mr. Barnett showed pictures of his home that was brick. He said he would brick the front of the garage but wanted to place vinyl on the remainder of the building.

Councilman Bob Sosebee made a motion, seconded by Councilman Donald Wilson to reject the Planning Commission's recommendation.

Councilman Mark Fitzpatrick asked what the Council was going to require Mr. Barnett to do.

Councilman Donald Wilson said he had seen the work that Robby had done and it would not be shabby.

Councilman Wayne Gholston asked if the Council declined the Planning Commission's recommendation could the Planning Commission go back and change what the council did. The response was that the Council made the final decision on the request.

The vote was unanimous.

Councilman Bob Sosebee made a motion, seconded by Councilman Donald Wilson to grant the variance as presented with the conditions that the front of the building would be brick and the remainder vinyl with matching roof as the house.

The vote was unanimous.

- (2) Commerce city School's requests for a Conditional Use Permit for five (5) modular classroom buildings.

Mayor Pro Tem Dusty Slater made a motion, seconded by Councilman Wayne Gholston to approve the Conditional Use Permit.

The vote was unanimous.

B. Water Shed Protection Plan Presentation

Mayor Charles Hardy called upon Water and Sewer Director Bryan Harbin to explain the Plan. Mr. Harbin said that the City of Commerce started a water shed assessment in 2000. In 2004 a Water/Sewer Protection Plan was submitted and approved by EPD. There were six things that the City of Commerce committed to do and those would be discussed in the Power Point presentation.

Mr. Harbin said that every two years a biological testing had to be done and the City of Commerce was not qualified to do that. The sampling was done on fish, bugs, etc. to assure that their environment was not impaired.

Mr. Harbin then introduced Catherine Fox of Fox Environmental Service to give the Power Point presentation.

Ms. Cox worked with Rocky Long regarding the testing and he was assisting her with the presentation.

Ms. Cox passed out copies of the report but said she would have to have them back.

She covered the six points to remind everyone what the City of Commerce agreed to do versus having pollutants entering the stream. They were as follows:

- Stricter enforcement of soil and sedimentation
- Implement new development requirements (David Zellner was working on those)
- Stream buffer ordinance – Ms. Cox said the Ordinance was good
- Educate and involve the public on storm water
- Map the City of Commerce storm sewer system (in progress)
- Metal detection

Mr. Bryan Harbin said the Stream Buffer Ordinance required a 25' buffer and the City of Commerce went further to require an additional 50' from the bank of the stream to allow a 75' total buffer.

Ms. Cox gave the overview and stated that the City of Commerce was doing a good job. However; her opinion of a portion of the pollutants was caused from mud and also from cows that were entering the stream. She reported that the farmers would be supplied with information regarding the pollution of the streams by the cattle.

Mr. Bryan Harbin said a copy of the report would be at the City Hall, the Utility Building and Shirley would have a copy if the public wanted to see it.

C. Appointments

- (1) Housing Authority Appointment - Mr. Joel Benton's term expired May 2007

Mayor Charles Hardy asked for a nomination to appoint Mr. Joel Benton for another five-year term on the Board.

Councilman Donald Wilson made a motion, seconded by Mayor Pro Tem Dusty Slater to nominate Joel Benton.

The vote was unanimous.

- (2) Jackson County Board of Library Trustees – Mrs. Ann Rogers' term expires this month.

Mayor Charles Hardy said Mrs. Rogers' term expires this month and she has agreed to serve another three-year term on the Board that would be from July 2007 until June 2010.

Councilman Richard Massey made a motion, seconded by Councilman Bob Sosebee to appoint Mrs. Rogers for another three-year term.

The vote was unanimous.

D. Downtown Development Authority's request for approval of special events for the 2007 City Lights Festival.

Mayor Charles Hardy said the outline of festivities for the City Lights Festival was as follows:

- 7:00 A.M. until 10:00 A.M - Downtown Farmer's Market
- 9:00 A.M. until 10:30 A.M. - 5th annual City Lights Star Chase 5K Road Race
- 10:00 A.M. until 3:00 P.M. - Stars n' Cars Hot Rod & Antique Car Show
- 9:00 A.M. until Dusk - Kids Zone with family-friendly entertainment (moonwalk, obstacle course, baseball challenge, soccer shoot out, double lane slide)
- 9:00 A.M. until Dusk - Barbeque Cook-off
- 1:00 P.M. - Barbeque tasting by City Council Members

11:00 A.M. – Dusk - Live music on downtown stage

Fireworks at Dusk!

DDA was requesting permission for the following:

- 1) Permission to close Little Street between Pine Street and Oak Street for the purpose of locating and erecting a downtown stage and vendor area;
- 2) Permission to utilize all necessary parking spaces on South Elm Street and South Broad Street between Central Avenue and Spencer Park for the purpose of hosting the Stars n' Cars Hot Rod & Antique Car Show;
- 3) Permission to host the City Lights Star Chase 5K Road Race through the downtown.

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

Councilman Donald Wilson asked if the fireworks would be displayed and the response was they were scheduled. According to Hasco Craver, IV he and Fire Chief Keith Whitfield were going to the Probate Judge's office to get a permit and they had a very good plan for the discharging of the fireworks.

The vote was unanimous.

E. 2007-2008 Proposed Budget

Mayor Charles Hardy called upon Finance Director Steve McKown to go over the budget.

Mr. McKown said it was hard to believe the day was here for the preliminary budget to be approved.

He went over the funds and recapped the total of the revenues within each fund. He explained the Capital Budget and the Special Revenue Funds Budget.

Mr. McKown said that included in the budget was a 3% COLA for each employee as well as the UGA Pay Study plus a proposed merit increase on the anniversary date of employment after an evaluation.

Mr. McKown said that the final budget would be approved in July and he stated there was no utility increase in the budget; however there was a \$.50 per month increase on the garbage rate but that would not go into effect until 2008. The waste company had increased the rate to the city by \$1.12 but only \$.50 was passed on to the customers. The tax millage rate had been decreased from 1.66 mils to 1.00 mil. The final digest would not be received until July or August.

Mr. McKown then read the Budget Resolution as follows and it is made a part of these minutes.

City of Commerce

CITY OF COMMERCE, GEORGIA
City of Commerce, Jackson County, State of Georgia

A RESOLUTION

TO ADOPT THE FISCAL YEAR 2007-2008 PROPOSED BUDGET FOR EACH FUND OF THE CITY OF COMMERCE, GEORGIA, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES/EXPENSES, ADOPTING THE SEVERAL ITEMS OF REVENUE ANTICIPATIONS, AND PROHIBITING EXPENDITURES OR EXPENSES FROM EXCEEDING THE ACTUAL FUNDING AVAILABLE

WHEREAS, sound governmental operations require a budget in order to plan the financing of services for the residents of the City of Commerce; and

WHEREAS, Title 36, Chapter 81, Article I of the Official Code of Georgia Annotated (OCGA) requires a balanced budget for the City's fiscal year, which runs from July 1st to June 30th of each year; and

WHEREAS, the Mayor and City Council of the City of Commerce have reviewed the preliminary FY 2007-2008 budget as presented by the City Manager; and

WHEREAS, each of these funds is a balanced budget, so that anticipated revenues and other financial resources for each fund equal the proposed expenditures or expenses; and

WHEREAS, the Mayor and City Council wishes to adopt this proposal as the Proposed Fiscal Year 2007-2008 Annual Budget, effective from July 1, 2007 through June 30, 2008.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Commerce, Georgia, as follows:

Section 1. That the Proposed Fiscal Year 2007-2008 Budget, attached hereto and incorporated herein as a part of this Resolution is hereby adopted as the Proposed Budget for the City of Commerce, Georgia for Fiscal Year 2007-2008, which begins July 1, 2007 and ends on June 30, 2008.

Section 2. The final version of the 2007-2008 Budget will be presented to the Mayor and Council for consideration on Monday, July 9, 2007 for final adoption;

however, the management, administration, department heads of the City of Commerce may operate under this Proposed Budget until the Adoption of the Final Budget transpires.

Section 3. That the several items of revenues, other financial resources, and sources of cash shown in the budget for each fund in the amounts shown anticipated are hereby adopted, and that the several amounts shown in the budget for each fund as proposed expenditures or expenses, and uses of cash are hereby appropriated to the departments named in each fund.

Section 4. That the “legal level of control” as defined in OCGA §36-81 is set at the departmental level, meaning that the City Manager in his capacity as Budget Officer is authorized to move appropriations from one line item to another within a department, but under no circumstances may expenditures or expenses exceed the amount appropriated for a department without a further Budget amendment approved by the Mayor and City Council.

Section 5. That all appropriations shall lapse at the end of the fiscal year.

Section 6. That this Resolution shall be and remain in full force and effect from and after its date of adoption.

Adopted this 11th day of June, 2007.

CITY OF COMMERCE, GEORGIA

S/Charles L. Hardy, Jr.
Mayor

S/Shirley Willis
City Clerk

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

Mayor Charles Hardy thanked Finance Director Steve McKown for his work on the budget.

The vote was unanimous.

F. Activity Reports

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

Chief John Gaissert stated that the call activity was consistent with last month. He also talked about the Safety Check Program and the telephone number and pin number that were available at the Police Department if anyone had a need to call.

He expounded on the Narcotics activity and the results of the drug related cases. He said when he was hired in 2001 there were approximately 50 drug arrests per year. The Narcotics Unit was making arrests on a monthly basis.

Chief Gaissert asked Chad Knight of the CID Unit to brief the council on the I-85 interdiction. Officer Chad Knight said the DUI arrests had increased, the no license/no insurance arrests had increased and \$190,000 in currency had been seized. Also, confiscated was 1 kilo of cocaine as well as other drugs. Officer Knight said the interdiction had been productive and he was optimistic that it would continue to be.

Chief Gaissert said he would be glad to answer any questions.

The activity in the Police Department was 2,219 calls from 911, 58 walk-in service calls at the PD, 68 SRO calls for a total call activity of 2,345. There were 32 accident reports, 134 incident reports and 54 animal control reports. The citations and arrests were 76 speeding, 21 suspended license/no license, 11 DUI, 5 drunk/disorderly, 1 shoplifting, 3 obstruction, 6 alcohol related, 12 seatbelt/child restraint and 58 other for a total of 193. There were 2 assault/battery, 13 theft, 8 burglary, 3 criminal trespass, 5 misdemeanor and 12 felony drug cases for a total of 43. The total miles driven were 27,230.

The Narcotics arrests were 12 felony, 5 misdemeanor drug cases, 1 other felony arrest, 15 other misdemeanor arrests and \$1,817.00 seizures.

The Fire Department activity was 1 combustible/flammable spills & leaks, 7 emergency medical service incident, 2 false alarm and false call, 4 mobile property fire, 5 natural vegetation fire, 2 outside rubbish fire, 2 smoke, odor problem, 3 structure fire, 1 system or detector malfunction, 2 unintentional system/detector operation and 3 wrong location, no emergency found for a total of 32 calls.

The Building Inspection Department issued 14 building, 7 electrical, 4 plumbing and 3 mechanical permits with a permit value of \$7085.94. The fiscal year to date building valuation was \$29,765,798 and the calendar year-to-date valuation was \$3,060,463.

The Building & Housing Inspections, Code Enforcement had 94 new, 103 COP, 62 Utility inspections, 84 follow-up inspections, wrote 50 letters, handled 160 walk-ins, 588 calls, 13 vehicle incidents and 18 vehicle follow ups for a total of 1,172.

The Water and Sewer Distribution activity was 4 new residential water, 3 new residential sewer, 7 non residential water, 4 non-residential sewer services. There were 6 residential water, 2 residential sewer and 2 non-residential water services replaced. The turn ons were 78 water, 62 sewer and the turn offs were 82 water and 71 sewer. There were 33 new hydrants installed, 1 hydrant repaired and 16,100 feet of main extensions (Steve Reynolds & Homer Road) installed. The work orders received were 1 and 81 completed. There were 352 locates received.

The Electric Department serviced 2 existing residential services, added 1 new residential service, 200 residential size of load in AMPS, had 66 cut ons and 74 cut offs.

The Natural Gas activity was 1 meter set, 8 meters removed, 5 service calls, 29 leak calls, 238 locates and 589 inspections. The gas load changes were 80 residential heating, 180 water heating for residential and 720 commercial heating.

Mayor Charles Hardy asked for any other comments. Councilman Mark Fitzpatrick said that Shane Cobb and Robby Barnett were both in attendance and they were firemen and he thanked them for the good job they did.

Mayor Charles Hardy said that the calls were not slowing down.

G. Financial Review

Mayor Charles Hardy asked Finance Director Steve McKown to give the financial report.

Mr. McKown reported that the City had a good month. He said the water and sewer sales were good and the City was collecting a lot of money from the winter gas sales. According to Mr. McKown year-to-date the city reflected a \$725,000 positive position. As a word of caution this month was the last of the 2007 fiscal year. The positive amount included the seized funds the Police Department made and portions of that would be turned over to other agencies.

Councilman Donald Wilson asked if the taxes were coming in okay. Mr. McKown responded that after Councilman Wilson's first inquiry he checked into it and discovered that a payment the county sent to the City of Commerce was lost in the mail and they reissued that to the City. He also said that positive feedback had been received from the taxpayers and they liked having to write only one check to pay for both of the taxes.

6. Report form the City Manager

City Manager Clarence Bryant said that on June 21, 2007 at 12:00 Noon there would be a luncheon at the Rooker Building in the I-85 Business Park.

The next item of Mr. Bryant was that Jackson County had a problem at the Bear Creek Reservoir and the City of Commerce would supply Jackson County with water until the repairs were completed. The City of Commerce pumped 2.6 million (1 million more than normal) and the city's reservoir was only 1/10 below normal.

Councilman Bob Sosebee asked if the City of Commerce could supply water to Jefferson and Bryan Harbin replied that the only way was through Jackson County. The City of Commerce had no interconnection except through the County. Councilman Bob Sosebee said he would like for the City to help Jefferson if possible.

Councilman Donald Wilson asked how many fire hydrants were outside the City of Commerce. Mr. Harbin said there were 775 on the system and probably 30% were outside the city limits. Within the City the spacing of the fire hydrants was 500' between hydrants and outside the city the spacing was 1,000' between hydrants.

Councilman Donald Wilson then talked about the theft of water outside the City of Commerce. He said the city should have a stipulation on water taken out at a hydrant. Councilman Wilson wanted to know who he should call if he saw it. Bryan Harbin told him to call him and if it was in the county then the Sheriff's officers would have to respond and not the City officers.

7. New Items Proposed by the Mayor and City Council

Mayor Charles Hardy said that Jackson County owed to the City of Commerce the amount of \$302,385.98 on the Steven B. Reynolds Boulevard and Crooked Creek. A request for payment was sent three months ago and there was \$85,000 left in the bond package and the County sent a check for that amount. Mayor Charles Hardy said the City could not wait any longer for the County to pay. Mayor Charles Hardy asked the council to authorize City Manager to set up a meeting with the IDA and Jackson County to discuss the payment arrangement. The joint tax agreement required that the expenses be split 50-50. Mayor Hardy said if they did not want to cooperate in the tax district then the district should be abolished.

Councilman Bob Sosebee made a motion, seconded by Councilman Mark Fitzpatrick to have the meeting.

Councilman Bob Sosebee said the agreement was that the expenses were to be shared 50-50 and it did not matter where they got their money they needed to pay their part.

The vote was unanimous.

Mayor Charles Hardy said they would get the meeting set up in the next week or two.

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 had nothing to report.

Councilman Donald Wilson had nothing to report.

Councilman Mark Fitzpatrick had nothing to report.

Councilman Richard Massey 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