

September Minutes
Commerce Civic Center
September 12, 2005
6:30 P.M.

The regularly scheduled meeting of the Mayor and Council was held on Monday, September 12, 2005 at 6:30 P.M. in the Commerce Civic Center Peach 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 Archie Chaney, Council members Riley Harris, Donald Wilson, Mark Fitzpatrick, Bob Sosebee and Richard Massey, City Manager Clarence Bryant, City Attorney John Stell, one member of the press and approximately twenty-five to thirty citizens.

Councilman Donald Wilson gave the invocation.

Approval of Minutes

A motion was made by Mayor Pro Tem Archie Chaney, seconded by Councilman Richard Massey to approve the minutes of the regular August 8, 2005 and the work session of September 6, 2005.

The vote was unanimous.

Citizens or Delegations (none scheduled)

Mayor Charles Hardy thanked everyone for coming to the meeting. He asked if anyone in the audience wished to come before the council. If so, they would be allowed to speak at that time. Hearing none Mayor Hardy continued with the agenda.

New Business:

A. Commerce Industrial Park Development Agreement

Mayor Charles Hardy read an agreement that required passage and execution. The Agreement was to be entered into between the parties of the Jackson County Industrial Development Authority and John W. Rooker & Associates, Inc. The Agreement is made a part of these minutes and is as follows:

COMMERCE INDUSTRIAL PARK DEVELOPMENT AGREEMENT

This Agreement is entered into by and between the Jackson County Industrial Development Authority, a Development Authority existing under the laws of the State of Georgia, herein referred to as "JCIDA" and John W. Rooker & Associates, Inc., a Georgia Corporation, herein referred to as "Rooker".

WHEREAS, JCIDA is a Development Authority organized under the laws of the State of Georgia whose purpose is to promote the development of commerce, industry, trade, employment and economic development in and for Jackson County and the Municipalities therein, and

WHEREAS, the JCIDA currently owns property in Commerce, Jackson County, Georgia being more particularly described on Exhibit A and Exhibit B attached hereto and incorporated herein by reference thereto, consisting of two (2) parcels containing 84.7 acres and 94.32 acres, referred to herein as the "IDA Property", and

WHEREAS, the JCIDA holds an option to purchase the real estate described in Exhibit C attached hereto and incorporated herein by reference containing 165.75 areas, referred to herein as the "Option Property", and

WHEREAS, JCIDA has entered into a Intergovernmental Contract with the City of Commerce, Georgia, dated June 1, 2005, concerning the development of an Industrial Park on the JCIDA Property and the Option Property (the "Commerce Industrial Park"), said Intergovernmental Contract being referred to herein as the "Intergovernmental Agreement", and

WHEREAS, the City of Commerce, Georgia, herein referred to as the "City" and the IDA have identified other parcels of real estate being described on Exhibit D attached hereto and incorporated herein by reference containing approximately 89 acres herein referred to as the "Long Term Option Property", such Long Term Option Property being suited for inclusion in the Commerce Industrial Park contemplated by the Intergovernmental Contract, and

WHEREAS, the IDA and the City have sought proposals from qualified organizations seeking a developer who will acquire, construct and develop the Commerce Industrial Park as contemplated by the Intergovernmental Agreement, and

WHEREAS, Rooker has submitted a proposal which is acceptable to the IDA and the City to serve as the developer of the Commerce Industrial Park, and

WHEREAS, the parties hereto wish to set forth an agreement of understanding concerning the development of the Commerce Industrial Park.

NOW THEREFORE the parties hereto agree to as follows:

1. Rooker will, upon the execution of this Agreement, commence, at its expense, study, planning and design of the Commerce Industrial Park, including all necessary items such as, but not limited to, a boundary survey, topographic survey, environmental assessment, design and engineering for infrastructure such as private roads and railway service and crossings. Rooker will incorporate into the study road design to be provided by Jackson County and utility design to be provided by the City.

Rooker will consult with and cooperate with all appropriate local, state and federal authorities and utility and transportation providers in the preparation of such studies and the design of the park. Rooker shall prepare an overall concept and design plan for the Commerce Park, which shall incorporate both the JCIDA Property, the Option Property and the Long Term Option Property, such plan being referred to herein as the "Concept and Design Plan".

2. Rooker shall provide the JCIDA and the City with the Concept and Design Plan on or before November 1, 2005. The JCIDA and the City shall then provide comments to Rooker with any suggested changes or modifications to the Concept and Design Plan.
3. Simultaneously with the development of the Concept and Design Plan, Rooker shall also prepare an "Infrastructure Improvement Plan". This plan will set forth the required infrastructure improvements such as roads, utilities and railway service necessary for the operation of the Commerce Industrial Park. This plan will be prepared in consultation between Rooker and the appropriate governmental or utility authorities. The Infrastructure Improvement Plan will include, inter alia, the construction by Jackson County of the Steven Reynolds Industrial Parkway Extension, the railway crossing for the Norfolk Southern Railroad, sewer system improvements to the City of Commerce Natural Gas System, provision of electrical service and water system improvements to the City of Commerce Water System. The Infrastructure Improvement Plan shall set forth the entities responsible for the various infrastructure improvements, estimated costs and estimated times for completion. The Infrastructure Improvements Plan shall be completed at the same time as the Concept and Design Plan.
4. Rooker shall also prepare a "Property Acquisition Schedule" in consultation with the JCIDA and the City. The Property Acquisition Schedule shall set forth a plan for the acquisition of the JCIDA Property, the Option Property and the Long Term Option Property by Rooker. The Property Acquisition Schedule shall insure that adequate funds are received by the JCIDA at times and in amounts sufficient to repay payments required under the \$6,000,000 Jackson County Industrial Development Authority Taxable Revenue Bonds (Industrial Park Project) Series 2005, herein referred to as the "Bonds", specifically including all earnest money or option payments previously advanced by the JCIDA. The Property Acquisition Schedule shall be completed by the same time as the Concept and Design Plan.
5. Rooker shall also develop a "Marketing Plan" for the Commerce Industrial Park. The Marketing Plan shall include, at a minimum, a plan for the publicity and marketing for the Commerce Industrial Park, the cost budget

for such marketing and a plan for the provision of available, speculative buildings and industrial sites to be constructed and maintained in the park.

6. The Concept and Design Plan, the Infrastructure Improvement Plan, the Property Acquisition Schedule and the marketing Plan shall collectively be referred to as the "Master Plan". The Master Plan must be accepted by Rooker, the JCIDA and the City no later than January 1, 2006.
7. All costs of the development and preparation of the Master Plan shall be the responsibility of Rooker. Upon acceptance of the Master Plan by Rooker, the JCIDA and the City, the parties agree to undertake all actions reasonably necessary to implement the Master Plan according to its terms.
8. If the parties cannot come to final agreement on the Master Plan on or before January 1, 2006, then neither party shall have any further obligation to the other under the terms of this Agreement. Prior to January 1, 2006, neither the JCIDA nor the City shall enter into any agreements with any other entity for the development of a master plan for the Commerce Industrial Park.

IN WITNESS WEHREOF, the parties hereto have caused their duly authorized representatives to execute this Agreement this 12th day of September, 2005.

JACKSON COUNTY INDUSTRIAL
DEVELOPMENT AUTHORITY

By: _____
Chairman

Attest: _____
Secretary

JOHN W. ROOKER & ASSOCIATES, INC.

By: _____

Title: _____

Attest: _____

CITY OF COMMERCE

By: _____

Title: _____

Attest: _____

Mayor Charles Hardy said that if authorization was given for him to sign the agreement the signing would happen within the next two weeks with the media and plans present.

Councilman Donald Wilson asked when it would start. Mayor Charles Hardy replied that the design concepts were already in the works. Mayor Charles Hardy said he also thought the official title would become the Commerce I-85 Industrial Park. Rooker would be responsible to pay the City of Commerce when the property sold.

Councilman Bob Sosebee made a motion, seconded by Mayor Pro Tem Archie Chaney to authorize Mayor Charles Hardy to sign the agreement as presented.

The vote was unanimous.

B. Thomaswann Investments, LLC request for water extension

Mr. Adam Swann of Thomaswann Investments, LLC had sent a letter to Bryan Harbin, Director of Water/Sewer Operations and requested water distribution service from the City of Commerce for the proposed White Hill Estates Subdivision located at the intersection of Old Hoods Mill Road and White Hill School Road.

Mayor Charles Hardy said that last week the Jackson County Water Authority agreed that the City of Commerce could serve the development, however, the paperwork requesting permission to serve it had to be forwarded to them for a reply with permission. If they did not respond within fifteen to twenty days the City would proceed to install the water service.

Mayor Pro Tem Archie Chaney made a motion, seconded by Councilman Riley Harris to approve the request for water service.

The vote was unanimous.

C. Ordinance to Regulate Wrecker and Towing Companies

Mayor Charles Hardy read the Ordinance and said the ordinance only added a section that would require towing companies to comply the rules and regulations promulgated from

time to time by the City Police Chief. The Ordinance is made a part of these minutes and is as follows:

AN ORDINANCE TO REGULATE WRECKER AND TOWING COMPANIES IN THE CITY OF COMMERCE, TO PROVIDE FOR MAINTENANCE OF OFFICE LOCATION IN THE CITY, TO PROVIDE FOR SECURING IMPOUNDED VEHICLES AND OTHER PURPOSES.

IT IS HEREBY ORDAINED by the City Council of the City of Commerce that the Code of the City of Commerce, Georgia is hereby amended by adding a new Article IV, Section 18-211 to read as follows:

ARTICLE IV, SECTION 18-211

Any business which operates a wrecker service or towing service in the City limits and which wishes to be placed on the official Call List maintained by the City Police Department for recommended use by the public, shall comply with the rules and regulations promulgated from time to time by the City Police Chief. Such rules and regulations shall be reviewed and approved by the City Council.

IT IS SO ORDAINED this 12th day of September, 2005.

S/Charles L. Hardy, Jr.
Mayor

S/Archie Chaney
Councilman

S/ Riley Harris
Councilman

S/Donald Wilson
Councilman

S/Mark Fitzpatrick
Councilman

S/Bob Sosebee
Councilman

S/Richard Massey
Councilman

Mayor Charles Hardy said there were two lists; 1) Standard Duty Call List and 2) Heavy Duty Call List. He said that 911 would dispatch the call for wreckers and they would follow the list in order. If a wrecker service did not answer the dispatch they would lose their turn for that call.

Mayor Charles Hardy then read the specifications for all wrecker services to comply with. They are as follows:

Wrecker Service on Police Call List.

1. Police Call List.

Any wrecker service desiring to be placed on the Police Call List shall adhere to the qualifications and standards herein. For purposes of this chapter, "wrecker service" means any legal entity, corporation, partnership, or individual person, either as principal, agent, or employee, in the business of removing, towing, and/or storing wrecked, disabled, or abandoned automobiles or other vehicles by the use of a wrecker or other towing device. For purposes of this chapter, towing situations shall include situations in which a vehicle is abandoned or illegally parked, where motorist are unconscious or trapped, or in which the stranded vehicle is in the roadway. There is hereby established two police call lists for those that are qualified to be on the Police Call List:

(a) Standard duty call list.

Each qualified wrecker service can enroll and be placed upon the list. Qualifications for standard duty wreckers are as follows: A "standard duty wrecker" shall be defined as a wrecker with at least 10,000 pounds minimum gross weight rating equipped with an 8,000 P.T.O. mechanically driven power winch, crane and boom having dual wheels or equal capabilities. A standard duty wrecker service shall be capable of towing cars, light trucks, and similar-sized vehicles. A rollback may be used to satisfy the requirements of this section.

(b) Heavy duty call list.

Each qualified wrecker service can enroll and be placed upon the list. Qualification for heavy duty wreckers are as follows: A "Heavy duty wrecker" shall be defined as a wrecker with at least 25,000 pounds minimum gross weight rating equipped with a 16 ton or larger P.T.O. mechanically driven power winch, crane and boom having dual wheels or of equal capabilities. The wrecker service shall have the equipment capable of moving all types of vehicles, including large trucks, buses, and loaded and unloaded tractor trailers.

(c) Logs.

For documentation purposes, the 911 dispatcher shall maintain two police call logs: A standard duty log and a heavy duty log. Each log shall include wrecker call, time, date and location, officer making the request, and 911 dispatcher on duty.

(d) Wrecker service request procedures.

All requests for wrecker service by police personnel shall be made to the E-911 Dispatcher. The dispatcher shall maintain the rotating call lists as authorized. The dispatcher shall make calls for wrecker service on a rotation basis from the appropriate call list. The dispatcher shall enter such call on the proper log.

(e) Emergencies.

In case of emergency (i.e., trapped person or major intersection blocked), the nearest qualified wrecker will be called. Emergency status shall be determined only by the officer on the scene. The wrecker service to be called shall be determined by the officer on the scene, and he or she shall also have the discretion to determine the number of wreckers needed.

(f) Monitoring police radio calls.

No wrecker service shall proceed to the scene of an accident by reason of any information received by monitoring police radio calls.

2. Operation of wrecker service.

(a) Display of business information.

Each wrecker service shall display in a conspicuous manner, either painted or permanently affixed thereto on each side of its vehicles, the name, address, and phone number of its business establishment.

(b) Report of vehicle removal.

Unless directed to respond to the scene of a traffic accident and/or a traffic violation by the police department, no wrecker service shall remove any vehicle from the scene without reporting such removal to the Police Department or the Jackson County E-911 center.

(c) Amber Lights.

Each wrecker service vehicle shall be equipped with an emergency rotation or flashing amber light which shall be operated while at the scene of any disabled and/or abandoned vehicle and while any vehicle is under tow.

(d) Other Equipment.

Each wrecker service shall equip each wrecker service vehicle with dollies, chains, fire extinguisher, broom, shovel and sand or absorbent material to stabilize oil, fuel, or other fluids.

(e) Responsibility of service regarding debris and fluids.

It shall be the responsibility of any wrecker service which shall tow any motor vehicle away from the scene of any wreck which may occur in Commerce to sweep or otherwise remove all broken glass, metal, plastic and other debris located at the scene from public streets and to stabilize all oils, fuels or other fluids with the proper absorbent prior to leaving the scene of a wreck.

(f) State emergency vehicle certification.

All wrecker service vehicles being operated in Commerce shall have a current valid state emergency vehicle certification decal placed in a position on the windshield of each vehicle as specified by the Georgia Department of Public Safety. All wrecker services must comply with the State of Georgia Public Service Commission Certification.

3. Records

Wrecker services shall maintain a daily list of all vehicles towed and/or stored. The list shall contain details as to the make, year, model, color, vehicle I.D. number, license plate number, name of owner, and the purpose of removing and/or storing vehicle. The records shall be retained for a period of 12 months and shall be made available to the police department at any reasonable hour.

4. Rates to be posted

All towing and storage service rates charged by the wrecker service shall be posted in a conspicuous and prominent location at each business location of the wrecker service.

5. Insurance

(1) It shall be unlawful for any operator of any wrecker service to fail to maintain the insurance required hereunder. Wrecker services shall maintain comprehensive automobile and general liability insurance to cover claims for property damage and all other claims that may arise out of or as a result of services performed by the wrecker service.

(2) Minimum coverage for insurance shall be as follows:

Type of Insurance	Per Person	Per Accident
Bodily injury	\$300,000	\$300,000
Property	\$100,000	\$100,000
In Tow - \$30,000		
Garage and storage lot liability - \$30,000		

(3) Each wrecker service shall provide the Police Chief or designee with a copy of the insurance certificate evidencing coverage upon purchases or renewal of the annual Commerce occupation tax certificate. The policy holder (Owner) shall notify the Police Chief up cancellation of the wrecker service's coverage.

6. Business Standards

(a) Location and License

Any business which wishes to operate a wrecker service in the City limits and which wished to be placed on the official call list shall maintain a permanent office location within the City Limits, which shall be open to the public, staffed, and operated between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Said business shall be in compliance with all zoning and occupational tax ordinances.

(b) Listed only under one name.

Wrecker services can only be listed on the Police Department's official call list under one (1) name as registered on the occupation tax certificate.

(c) Subcontractors not eligible.

Only businesses directly operating wrecker service vehicles are eligible for the official call list. Businesses that subcontract for wrecker towing services are not eligible.

(d) Posting of service rates.

All towing and storage service rates charged by the wrecker services shall be posted in a conspicuous and prominent location at each business location of the wrecker service.

7. Business, communications and availability standards for wrecker services on police call list.

(a) Availability.

Wrecker services on the police call list shall be required to be available via listed phone numbers 24 hours a day, seven day a week, with adequate manpower to respond to calls immediately. No pagers or answering machines shall be allowed to answer said calls.

(b) Response time.

Wrecker services on the police call list shall respond to the call within a maximum of 30 minutes for standard duty and within a maximum 45 minutes for heavy duty.

(c) Phone numbers/wrecker titles/license tags.

Wrecker services on the call lists must have a phone number not used by any other wrecker service and a wrecker titled to the business. In order to qualify to be on the police call list, all wrecker service vehicles are required to pay advalorem tax on their vehicles in Jackson County and to have Jackson County license tags for same.

(d) Periods of non-availability.

When a wrecker service is unavailable for calls for more than 48 hours, the wrecker service operator shall inform the E-911 dispatcher of the period of time during which such service is unavailable. The name of the wrecker service will be skipped on the list during the period of non-availability. The wrecker service operator shall be responsible for notifying the E-911 dispatcher of a return to status availability.

(e) Cancellation of calls and rotation.

A wrecker service on either rotating call lists that has been called by the 911 Center and canceled will receive the next rotating call.

(f) Loss of turn.

A wrecker service as required herein, or to answer a telephone call within seven (7) rings from the 911 Center will lose his turn on the list.

(g) Response time.

It shall be deemed an offense under this article if a wrecker service accepts a call for service from an E-911 dispatcher, but fails to arrive on the scene within the maximum response time allowed. Response time shall be measured from the time the wrecker service operator accepts the call for service from the E-911 dispatcher. All wrecker companies are expected to respond to all calls in a timely manner. Companies that habitually exceed 30 minutes response time will be removed from the list.

(h) Personnel to be technically qualified and physically capable.

It shall be the duty of every driver of a wrecker service vehicle on the police call list to tow vehicles in a professional manner. Operating personnel of wrecker units on police call list shall be technically qualified and physically capable of responding immediately to all calls received.

(i) Reasonable care required.

Reasonable care must be taken to ensure no further damage will occur to the vehicle towed pursuant to the police call list be either carelessness or natural elements, and the wrecker service shall use the proper equipment (i.e., dollies, wheel lifts) in order to prevent further damage to the vehicles towed.

8. Storage standards for wrecker services on police call list.

(a) Where vehicles to be towed.

All vehicles towed pursuant to a police call list shall be towed to the wrecker service yard unless otherwise directed by the police officer on the scene.

(b) Location, marking and accessibility of storage yard.

Wrecker service storage yards for tows pursuant to police call list must be within the limits of the City of Commerce, must be clearly marked and must be easily accessible.

(c) Security.

Wrecker services on the police call lists shall provide adequate security for all vehicles they place in storage and shall be held responsible for such vehicles and their contents.

(d) Fences.

All vehicles towed pursuant to a police call list are to be secured and locked inside a locked garage or fenced lot. A qualified storage lot must have a six-foot chain link fence and three strands of barbed wire top for all lots constructed.

(e) Lighting.

Storage lots for vehicles towed pursuant to a police call list shall have sufficient lighting so that the surface of the lot is illuminated to the intensity of at least two foot candles.

(f) Surface standards.

Storage lots shall be paved or graveled. The standard for graveled lots shall be four-inch thickness crushed run or gravel as a minimum surface.

9. Equipment standards for wrecker services on the police call lists.

(a) Wrecker service vehicles of all types shall be commercially manufactured, shall have an adequate chassis, and be in safe operating condition at all times and be required to pass an annual safety inspection.

(b) A representative of the Police Department shall make an annual inspection of all wrecker service vehicles operating under this article. Unscheduled inspections may be performed as authorized by the Police Chief or his designated representative.

10. Fees for standard duty wrecker service on Police Call List.

The maximum fees for standard duty wrecker service shall not exceed the following:

(a) Monday through Friday 8:00 a.m. to 5:00 p.m. - \$85.00

(b) Saturday – 8:00 a.m. to 1:00 p.m. - \$85.00

After hours fee of an additional \$15.00 shall be assessed.

(c) There shall be a storage fee of \$10.00 per 24 hour increment or portion thereof in a secured lot.

(d) The wrecker service must be available to release a vehicle Monday through Friday, 8:00 a.m. to 5:00 p.m.; Saturday 8:00 a.m. to 1:00 p.m.

(e) The wrecker service may at its own discretion, release a vehicle after the above business hours and shall be entitled to an “after normal business hours fee” in the amount of \$35.00.

(f) Whether the day or night schedule of fees applies shall be determined by the time the E-911 dispatcher initiates the call for service.

(g) Any additional charges must be agreeable with all parties concerned prior to services rendered.

11. Fee for Heavy Duty wrecker service on Police Call List.

The fee for heavy duty wrecker service shall not exceed a maximum of \$300 per hour.

Any additional charges, (i.e.) clean up, additional equipment or personnel, must be acceptable with all parties concerned, prior to services rendered.

12. Access to towed vehicles.

Any business that tows a vehicle as a result of an accident, traffic violation or any other circumstance in which the tow is a result of activities of the Commerce Police Department’s Office shall be allowed access to the vehicle by any officer of the

Commerce Police Department, or any individual accompanied by an officer of the department, for investigative purposes or to retrieve personal property of the driver and/or passenger(s); there shall be no charge for this access.

13. Disqualification.

- (a) Any wrecker service that is found to be in non-compliance with the Department of Motor Vehicle Standards or Federal or State Regulatory requirements shall be disqualified from placement on this rotation list.
- (b) Any wrecker service business may be disqualified from placement on this rotation list for actions or omissions on the part of the owner, operator, manager, driver or employee which amounts to: Criminal misconduct; Unethical Business practices; or Unprofessional or inefficient service.

Councilman Mark Fitzpatrick made a motion, seconded by Councilmen Riley Harris and Richard Massey to approve the wrecker service as presented.

Councilman Richard Massey asked if all the wrecker services received a copy of the rules and regulations. Mayor Charles Hardy responded that all companies received a copy and were asked for their input and none was received.

The vote was unanimous.

D. Robert House – Application to Sell Beer and Wine on the premises.

Mr. Robert House and his spouse LiJing Ling had applied for a consumption on premises tax certificate for the Opera House Italian Café located at 1662 S. Broad Street.

Councilman Bob Sosebee made a motion, seconded by Mayor Pro Tem Archie Chaney to approve the tax certificate.

The vote was five for (Bob Sosebee, Archie Chaney, Richard Massey, Riley Harris and Mark Fitzpatrick) one opposed (Donald Wilson).

E. Tanger Boulevard Water Extension Contract Documents and Notice to Proceed

Mayor Charles Hardy said a contract was ready for approval with Mid-South Builders, Inc. to extend the water service to Tanger Boulevard Extension.

A motion was made by Councilman Riley Harris, seconded by Councilman Richard Massey to approve the contract with Mid-South Builders, Inc.

The vote was unanimous.

The Notice to Proceed with the service had been issued and was ready for acceptance.

Councilman Richard Massey made a motion, seconded by Councilman Riley Harris to approve the Notice to Proceed to Mid-South Builders, Inc. on the water extension.

The vote was unanimous.

- F. Crooked Creek Sewer Main extension Contract Documents and Notice to Proceed.

The contract for the sewer main extension was with Griffin Brothers and was ready for approval.

Mayor Pro Tem Archie Chaney made a motion, seconded by Councilman Donald Wilson to approve the contract with Griffin Brothers.

The vote was unanimous.

The notice to proceed was ready for acceptance.

Mayor Pro Tem Archie Chaney made a motion, seconded by Councilman Donald Wilson to approve the Notice to Proceed for Griffin Brothers.

The vote was unanimous.

- G. CGI Communications, Inc., Community Video and Banner Program.

Mayor Charles Hardy stated that Mr. Bryant had explained the program at the work session. He said that CGI Communications, Inc. would sell the banners to the city and would include the videos to show to developers as well as hook to the website. The City of Commerce would not be responsible.

Councilman Bob Sosebee said he would make a motion to table the item for 30 days to let the DDA and the Business Association review. The City of Commerce had invested a lot of money on banners and they were changed seasonally. Before an agreement was made Councilman Sosebee felt it would be fitting for the other groups to have input into it.

The motion was seconded by Councilman Donald Wilson.

Councilman Donald Wilson asked Steve McKown if he came from the town that was utilizing the program. Steve confirmed he did but he also stated that he felt it was an excellent idea that the matter be tabled and gather input from the other entities.

The vote was unanimous.

H. Activity Reports

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

Chief John Gaissert told the group that it was his sad duty to report that Roy Smith passed away Monday morning. The arrangements for the funeral were 2:00 P.M. on Thursday at The Grove and interment would be in the Antioch Church Cemetery on Highway 441. Chief Gaissert said he would be buried with full police honors. Chief Gaissert said he would be the officiating minister with assistance from Rick Darby and Joel Hammond.

Chief Gaissert covered the department report and said there were 14 felony and 8 misdemeanor drug cases for a total of 23 arrests. They had also seized three vehicles.

Mayor Charles Hardy praised the department on the drug arrests.

The Police Department activity was 1,635 dispatched calls, 130 walk-in reports, 136 SRO calls for a total call volume of 1,901. There were 41 accident reports, 118 incident reports, 91 animal control calls and 0 animal citations. The traffic citations issued were 74 speeding, 5 suspended license/no license, 8 no insurance, 8 DUI, 1 drunk/disorderly, 4 shoplifting, 1 obstruction, 8 alcohol related, 10 seatbelt/child restraint violations and 95 other for a total of 214. The arrests were 8 assault/battery, 3 theft/burglary, 1 criminal trespass, 15 felony and 8 misdemeanor drug cases. The total miles driven were 18,984.

The Narcotics Unit had made 14 felony, 8 misdemeanor drug cases and had seized a 1989 Ford Ranger, a 1986 BMW and a 1987 Honda Prelude.

Mayor Charles Hardy said he was always interested in the fire calls. He emphasized the number of calls within the city and in the fire district.

The Fire Department had answered 14 total calls, 5 inside the city limits, 7 in the fire district, 1 outside the fire district, 1 structure, 6 vehicle/wrecks, 3 mutual aid (rescue), 1 mutual aid (fire department) and 1 miscellaneous. The man hours for this period were 71.

The Department of Building Inspection had completed 69 inspections which averaged 4 per day. There were 6 building, 12 electrical, 12 plumbing, 2 mechanical permits issued for a total permit value of \$5,335.00. The building valuation for the fiscal year to date was \$2,581,000 and the calendar year valuation was \$8,408,000.

The Building Inspection/Code Enforcement/Planning and Zoning Department had completed 25 new, 35 COP, 110 utility, 62 follow-up, 27 letters and 64 walk-in inspections. There were 374 calls and 10 junk car activity with 11 junk car follow ups.

The Electric Department had 3 existing residential services, 3 new residential services, 600 residential size of load –amps, 45 KVA transformer added, 875 KVA transformer replaced, 2 primary poles added, 68 primary poles replaced, 2,286’ primary added, 18,260’ primary replaced and 1,152’ secondary underground added. The cut ons were 73 and the cut offs were 77.

The Water and Sewer Distribution Activity was 11 new water and 7 new sewer residential services. One non-residential water and 1 non-residential sewer service added. Seven (7) residential services were replaced. There were 97 turn-ons and 93 turn-offs. Two hydrants were repaired, 90 work orders received and 46 completed. There had been 288 locates received.

The Natural Gas Activity was 3 meters set, 4 meter change outs, 2 meters removed, 1 meter maintained, 4 service calls, 6 leak calls, 458 locates and 11 inspections. There were 60 CFH for residential cooking and 600 CFH for commercial cooking added.

I. Financial Update from Finance Director

Steve McKown reported that the City of Commerce had a great month. There was cash in excess of expenditures of \$453,815 for the first two months of the fiscal year. According to Mr. McKown there had been a lot of capital expenditures; however all departments were operating within their budget.

Report from the City Manager

City Manager Clarence Bryant reported on the following items.

A. Public Works Projects

- 1) Hospital Road Intersection Realignment had been approved by Georgia DOT.
- 2) Shankle Road/Nunn Street Widening had gone out to bid and bids were due September 22.
- 3) Swimming Pool Renovation bid was due back in October.

The application information had been received for a TE Grant and the City of Commerce would apply for funds to complete the sidewalk construction from the new middle school to the high school.

The Natural Gas main relocation testing had begun on Monday. Expected completion of the relocation is scheduled for two-three weeks.

Mr. Bryant told the council that the Old Health Department would be renovated to move the CID Investigative Unit and Evidence into that facility. The County work crew would begin the work in approximately six to seven weeks.

The last item of Mr. Bryant was the notification regarding the GMA Fifth District Meeting to be hosted by the City of Commerce on October 17, 2005 in the Civic Center.

Report from the City Attorney

Attorney John Stell had nothing to report.

New Items Proposed by the Mayor and Council

Mayor Charles Hardy said the council had received a thank you note from Sandra Fite for the contribution to the Jackson County Certified Literate Program.

Mayor Charles Hardy told the group that he, Mr. Bryant, Bryan Harbin and Charles Welch of Stevenson and Palmer would be in Atlanta on Wednesday meeting with EPD for the second time regarding the Davis Brothers Oxidation Pond.

Mayor Pro Tem Archie Chaney asked for prayer for the Leroy Pittman and Roy Smith families. Arrangements for Leroy Pittman, husband of Lula Pittman, would be on Wednesday at 2:00 P.M. and Mr. Smith's service was scheduled for Thursday at 2:00 P.M.

Councilman Richard Massey gave an upgrade on the Health Department. He said that plans had not been finalized for an open house at the facility but the City of Commerce would be notified of the event.

Councilman Bob Sosebee had two things: 1) Jan Harris had resigned to take a position with the city of Acworth. On Friday between 3:00 P.M. and 5:00 P.M. a farewell reception would be held in the Commerce Room at the Civic Center. 2) On an interim basis Tricia Massey would work twenty (20) hours per week to fill in until a replacement for Jan was hired.

Councilman Riley Harris reported trees on the corner of Harper and Ridgeway Drive and also on Ridgeway Drive and Pine Avenue on the side of the road the trees needed to be cut back. Mr. Harris said they were blocking the view of oncoming traffic when someone attempted to pull out into the street.

Councilman Donald Wilson said he was quiet.

Mark Fitzpatrick had nothing to report.

Mayor Charles Hardy asked if there was any other discussion.

Citizen Hazel Benton asked if she could speak. Mayor Hardy gave her the time to speak and Mrs. Benton said they had been dubbed as CAVE people which didn't bother them. She said they were concerned about the people, especially those on fixed income and the

elderly. She was requesting that the city make arrangements with them to pay their utility bills during the winter when the gas costs would be high.

Mayor Pro Tem told Mrs. Benton that the City was already working with citizens to pay their bills.

Mayor Pro Tem Archie Chaney made a motion, seconded by Councilman Bob Sosebee to adjourn the meeting.

The vote was unanimous.

Charles L. Hardy, Jr., Mayor

Shirley Willis, City Clerk