

City Council Meeting
10 N. Public Square
June 16, 2016
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tate

Pledge of Allegiance led by Council Member Wren

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: Kari Hodge, Council Member Ward One; Jayce Stepp, Council Member Ward Two; Lindsey McDaniel Council Member Ward Four; Dianne Tate, Council Member Ward Five; Taff Wren, Council Member Ward Six; Sam Grove, City Manager; Connie Keeling, City Clerk and David Archer, City Attorney. Louis Tonsmeire, Sr., Council Member Ward Three was absent

II. Regular Agenda

A. Council Meeting Minutes

1. June 2, 2016

A motion to approve the June 2, 2016 City Council Meeting Minutes as amended was made by Council Member Tate and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

Mayor Santini stated that there was an item to be added to the agenda. A motion to add an item to the agenda was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

B. Discussion

Frances Rossi, President of Aquafil came forward and expressed concern with his electric service and the cost of this service.

C. Second Reading of Ordinances

1. Budget Ordinance for the Fiscal Year 2016-17

Tom Rhinehart, Finance Director, stated that this ordinance is the Fiscal Year 2016-17 budget. The proposed budget is a balanced budget and increased \$11,392,105 over the Fiscal Year 2015-16 budget. The increase equates to a 7.82% increase. The proposed budget includes salary adjustments in all departments, an increase of 1 mill in the City's property tax rate, school system funding, an increase in staff, and increase in health insurance premiums for both the City

and the employees, and an increase in water and sewer rates. Mr. Rhinehart stated that there have been no additions or corrections since the first reading and recommended approval of the budget and asked that the Mayor be authorized to sign contracts for outside agencies currently in the budget. The list of agencies is as follows:

Cartersville/Bartow Library
City/County Economic Development
Cultural Arts Alliance
Bartow County Juvenile Court
Eddie Lee Wilkins Youth Association, Inc.
Good Neighbor Shelter
Bartow County Library, Inc.
Bartow Health Access

A motion to approve the Fiscal Year 2016-17 Budget Ordinance and to authorize the Mayor to sign any and all documents related to the contracts for outside agencies included in this budget was made by Council Member Tate and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 14-16

NOW BE IT HEREBY ORDAINED by the Mayor and City Council that pursuant to the City of Cartersville Charter; the City of Cartersville Fiscal Year 2016 - 2017 budget.

2016 - 2017 Budget Summary

<u>General Fund</u>	<u>Revenues</u>	<u>Expenditure</u>
		\$
Revenues	\$39,682,275	
Expenditures:		
Legislative		\$17,673,575
Administration		\$ 963,340
Finance Dept.		\$ 1,198,915
Customer Service Dept.		\$ 793,185
Police		\$ 5,423,780
Fire		\$ 6,608,305
Municipal Court		\$ 253,295

Public Works	\$ 2,469,270
Recreation	\$ 3,090,260
Planning & Development	\$ 1,018,310
Downtown Development Authority	\$ 190,040

Special Revenue Funds

GO Park Bonds Series 2014	\$ 5,675,600	\$ 5,675,600
SPLOST – 2003	\$ 323,400	\$ 323,400
SPLOST – 2014	\$ 2,065,000	\$ 2,065,000
DEA	\$ 313,210	\$ 313,210
State Forfeiture	\$ 3,000	\$ 3,000
Hotel/Motel Tax	\$ 656,000	\$ 656,000
Motor Vehicle Rental Tax	\$ 63,000	\$ 63,000
Grant Funds	\$ 750,000	\$ 750,000
Impact Fees	\$ 0	\$ 0
Business Improve Dist Tax	\$ 23,000	\$ 23,000
Development Fees	\$ 5,000	\$ 5,000

Enterprise Funds

Fiber Optics	\$ 1,895,220	\$ 1,895,220
Electric	\$49,703,855	\$49,703,855
Gas	\$30,336,305	\$30,336,305
Solid Waste	\$ 2,380,750	\$ 2,380,750
Stormwater	\$ 1,446,250	\$ 1,446,250
Water & Sewer	\$20,836,040	\$12,036,130
Water Pollution Control Plant		\$ 3,555,690
Water Treatment Plant		\$ 5,244,220

Internal Service Fund

Garage	\$ 850,480	\$ 850,480
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BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 2nd day of June 2016

ADOPTED this 16th day of June 2016. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

2. Amendment to the Utilities Ordinance Regarding Water/Sewer Rates

Tom Rhinehart, Finance Director, stated that the Fiscal Year 2016-17 budget includes a couple of increases in the Water and Sewer Fund to help address the maintenance and capital issues of the water fund. The changes are as follows: 7.5% increase in the residential water and sewer rates; and a 7.5% increase in the base monthly water and sewer rates. The increases will allow the Water Department to continue the maintenance of the existing water and sewer system as well as update and expand the system. For residential customers the increase equates to \$.57 per 100 cubic feet used for City Residents and \$1.05 per 100 cubic feet used for outside the City residents. The total estimated increase will be \$3.38 per month on 7,500 gallons consumed. The 7.5% increase on the base monthly rate will be an increase of \$.57 a month. With these proposed changes, the City of Cartersville Residents will remain one of the lowest paying in the surrounding municipalities. These increases are needed to maintain the existing system and plan for the necessary future expansions. Mr. Rhinehart stated that there have been no additions or corrections since the first reading and recommended approval with new rates to be effective July 1, 2016.

A motion to approve Ordinance No. 15-16 was made by Council Member Stepp and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 15-16

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 24. UTILITIES. ARTICLE IV. WATER SERVICE Section 24-64 (a), (b), (c), (d), (e), and (f) Water and Sewage Rate and Section 24-147 (a.) Sewage Rates is hereby amended by deleting said Section 24-64 (a), (b), (c), (d), (e), and (f), and Section 24-147 (a) in their entirety and replacing them with the following:

Sec. 24-64. Water & Sewage Utility Rates.

(a.) Water Monthly Billing	City	Outside City
Minimum bill according to meter size:		
5/8" or 3/4"	\$ 8.18	\$ 14.99
3/4" full flow	\$ 12.27	\$ 21.81
1"	\$ 19.09	\$ 35.44
1 ¼" or 1 ½"	\$ 38.16	\$ 65.42
2"	\$ 73.61	\$134.93
4"	\$136.30	\$263.73

6"	\$212.62	\$381.64
8"	\$272.60	\$527.47
Plus consumption as follows:		
(i) Residential Meters		
(a) 0 – 8 consumptions per month	\$1.68/100 cu. ft.	\$3.38/100 cu. ft.
(b) 9 – 14 consumptions per month	\$2.76/100 cu. ft.	\$3.48/100 cu. ft.
(c) 15 – 19 consumptions per month	\$4.66/100 cu. ft.	\$4.66/100 cu. ft.
(d) 20 + consumptions per month	\$6.50/100 cu. ft.	\$6.50/100 cu. ft.
(ii) Apartments, Multiples & Commercial Meters		
	\$2.78/100 cu. ft.	\$4.11/100 cu. ft.
(iii) Irrigation System Meters		
	\$4.66/100 cu. ft.	\$4.66/100 cu. ft.
(iv) Industrial and All Other Meters		
	\$1.68/100 cu. ft.	\$3.38/100 cu. ft.

(b.) Sewage Monthly Billing	City	Outside City
Minimum bill according to meter size:		
5/8" or 3/4"	\$ 8.18	\$ 8.18
3/4" full flow	\$ 12.27	\$ 12.27
1"	\$ 19.09	\$ 19.09
1 ¼" or 1 ½"	\$ 38.16	\$ 38.16
2"	\$ 73.61	\$ 73.61
4"	\$136.30	\$136.30
6"	\$212.62	\$212.62
8"	\$272.60	\$272.60
Plus consumption	\$1.85/100 cu. ft.	\$3.73/100 cu. ft.

(c)	Tap Fees—Prior to the issuance of a tap, the following fees are required:				
	(in inches)	Water Tap Inside City	Water Tap Outside City	Sewer Tap Inside City	Sewer Tap Outside City
	¾	\$1,100.00	\$1,200.00	\$950.00	\$1,200.00
	1	1,200.00	1,400.00	1,000.00	1,300.00
	1½	2,200.00	2,400.00	1,150.00	1,600.00
	2	2,500.00	2,700.00	1,200.00	1,900.00
	4	3,000.00	3,200.00	1,775.00	3,050.00
	6	3,500.00	3,700.00	2,150.00	3,800.00
	8	4,000.00	4,200.00	2,620.00	4,740.00

Multi-unit, per unit	1,100.00	1,200.00	950.00	1,200.00
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Other provisions:

For commercial taps and industrial taps (service or sprinklers and residential sprinklers) the fee shall be the cost of installation plus ten (10) percent on materials and one hundred fifty (150) percent on labor (percentages double for outside city) the estimate to be paid in advance.

If developer installs residential taps and meter settings on property to city specifications, then the fee for the city to set meter shall be the cost of metering equipment and installation

(d)	Capacity fees—A capacity fee for water and/or sewer service shall be requested for each new tap or on any increase in volume with respect to an existing tap.		
	<i>Water Capacity Fee (in inches)</i>	<i>City</i>	<i>Outside City</i>
	$\frac{3}{4}$	\$1,020.00	\$930.00
	1	\$1,700.00	\$1,540.00
	1½	\$3,500.00	\$3,090.00
	2	\$5,590.00	\$4,940.00
	3	N/A	\$7,410.00
	4	\$10,100.00	\$9,030.00
	6	\$15,600.00	\$14,450.00
	8	\$20,280.00	\$18,780.00
	multi-unit/per unit	\$1,020.00	\$930.00
	<i>Sewer Capacity Fee (in inches)</i>	<i>City</i>	<i>Outside City</i>
	$\frac{3}{4}$	\$1,300.00	\$1,260.00
	1	\$2,160.00	\$2,520.00
	1½	\$4,320.00	\$4,030.00
	2	\$6,910.00	\$8,050.00
	3	N/A	\$10,040.00
	4	\$13,470.00	\$13,050.00
	6	\$20,200.00	\$19,580.00
	8	\$26,260.00	\$25,454.00

	multi-unit/per unit	\$1,300.00	\$1,260.00
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Other provisions:

Apartments and hotels per unit calculations.

All hotel and apartment units with refrigerator and stove are to be calculated as a single (1) unit ($\frac{3}{4}$ " water meter equivalent) for capacity fees.

All hotel and apartment units without refrigerator and stove are to be calculated as one-half unit ($\frac{3}{4}$ " water meter equivalent) for capacity fees. The following, if part of an apartment or hotel and served by a single meter are to be considered a separate unit for capacity fees. The capacity fee will be calculated as a single (1) unit based on meter size. If the following are served by a master meter, they are considered to be a separate unit to be calculated as a single (1) unit ($\frac{3}{4}$ " water meter equivalent):

- (a)Restaurant;**
- (b)Lounge;**
- (c)Car wash;**
- (d)Lobby;**
- (e)Full kitchen (not part of restaurant);**
- (f)Linen Laundry;**
- (g)Guest Laundry;**
- (h)Swimming Pool.**

Assisted Living Facility, Nursing Home, and Hospital per unit calculations.

All resident/patient rooms with refrigerator and stove are to be calculated as a single (1) unit ($\frac{3}{4}$ " water meter equivalent) for capacity fees.

All patient rooms without refrigerator and stove are to be calculated as one-half unit ($\frac{3}{4}$ " water meter equivalent) for capacity fees. The following, if part of a nursing home, assisted living facility, or hospital and served by a single meter are to be considered a separate unit for capacity fees. The capacity fee will be calculated as a single (1) unit based on meter size. If the following are served by a master meter, they are considered to be a separate unit to be calculated as a single (1) unit ($\frac{3}{4}$ " water meter equivalent):

- (a)Restaurant;**
- (b)Lounge;**
- (c)Car wash;**
- (d)Lobby/Waiting Room;**
- (e)Full kitchen (not part of restaurant);**
- (f)Linen Laundry;**
- (g)Guest Laundry;**
- (h)Swimming Pool.**

(e.) Unmetered Private fire service charges – Monthly Billing	City	Outside City
In Inches:		
2	\$ 16.93	\$ 33.86
4	\$ 25.40	\$ 50.79
6	\$ 33.86	\$ 67.73
8	\$ 67.73	\$135.45
10	\$169.31	\$338.63
12	\$253.97	\$507.94

(f) Fire hydrant flow test.	City	Outside City
	\$250.00	\$250.00

Any new or upgraded fire services will be required to install full flow meters and will pay the normal monthly minimum on meter service. This fee will be in lieu of the sprinkler charges referred in subsection (e) above.

Sec. 24-147. Sewage rates.

(a.) Sewage Monthly Billing	City	Outside City
Minimum bill according to meter size:		
5/8" or 3/4"	\$ 8.18	\$ 8.18
3/4" full flow	\$ 12.27	\$ 12.27
1"	\$ 19.09	\$ 19.09
1 ¼" or 1 ½"	\$ 38.16	\$ 38.16
2"	\$ 73.61	\$ 73.61
4"	\$136.30	\$136.30
6"	\$212.62	\$212.62
8"	\$272.60	\$272.60
Plus consumption	\$1.85/100 cu. ft.	\$3.73/100 cu. ft.

This Ordinance shall become effective on July 1, 2016.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 2nd day of June 2016.

ADOPTED this the 16th day of June 2016. Second Reading.

/s/ Matthew J. Santini
Matthew J. Santini
Mayor

ATTEST:

/s/ Connie Keeling
Connie K. Keeling
City Clerk

3. Hotel/Motel Tax Ordinance Amendment

Dan Porta, Assistant City Manager, stated that the Council approved a resolution that was sent to the Georgia State Legislature asking for an increase in the City's Hotel/Motel tax from 6% to 8% earlier this year. The legislation was passed and submitted to the Governor of Georgia and was signed into law. Due to this approval, the next step is to amend the City's ordinance to increase our Hotel/Motel Tax. If approve this change will become effective on August 1, 2016. Mr. Porta stated that there have been no additions or corrections since the first reading and recommended approval.

A motion to approve Ordinance No. 16-16 was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 16-16

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CODE OF ORDINANCES, CITY OF CARTERSVILLE CHAPTER 10 . LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS. Section 10-43 and 10-44 is hereby amended as follows to be effective August 1, 2016. Until said date the current Section 10-43 and 10-44 shall remain in full force and effect.

1.

Sec. 10-43. Imposition and rate of tax.

(a) There shall be paid a tax of eight (8) percent for the rent for every occupancy of a guest room in a hotel or motel, or occupancy of accommodations for value including, but not limited to, travel trailer spaces in the city. The tax imposed by this article shall be paid upon any occupancy on and after August 1, 2016, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date.

(b) Prior to August 1, 2016, there shall be paid a tax of six (6) percent for the rent for every occupancy of a guest room in a hotel or motel, or occupancy of accommodations for value including, but not limited to, travel trailer spaces in the city. The tax imposed by this article shall be paid upon any occupancy on and after December 1, 1998, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date.

(c) Proceeds of this tax shall be used in accordance with O.C.G.A. § 48-13-51.

1. In each fiscal year during which a tax is collected pursuant to paragraph (2) of subsection (b) of Code Section 48-13-51 of the O.C.G.A., an amount equal to not less than 50 percent of the total amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5 percent shall be expended for promoting tourism, conventions, and trade shows by the destination marketing organization designated by the City of Cartersville, provided however, that the City of Cartersville may exercise its option under paragraph(2) of subsection (e) of Code Section 48-13-51 of the O.C.G.A. to contract with an entity qualified under such provision; and

2. The remaining amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5 percent which are not otherwise expended under paragraph (1) of this section shall be expended for tourism product development.

(d) All taxes due and payable prior to August 1, 2016 under the previous code section shall remain due and payable pursuant to the previous provisions of the Code.

(e) Proceeds of this tax shall be used in accordance with O.C.G.A. § 48-13-51.

2.

Sec. 10-44. Collection of tax by operator.

Every operator maintaining a place of business in this city and renting guest rooms or travel trailer space in this city, not exempted, shall collect a tax of six (6) percent prior to August 1, 2016 and a tax of eight (8) percent on and after August 1, 2016 on the amount of rent from the occupant.

3.

This ordinance is to be effective as of August 1, 2016 until said date the previous provisions of Section 10-43 shall remain in full force and effect.

4.

To comply with the State of Georgia filing requirements and for the proposed ordinance to be effective as of August 1, 2016 it must be filed with the State of Georgia prior to June 30, 2016, and the City Clerk upon adoption is directed to file this ordinance with the State of Georgia

5.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

First Reading this the 2nd day of June 2016.

ADOPTED this the 16th day of June 2016. Second Reading.

/s/ Matthew J. Santini
Matthew J. Santini
Mayor

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

D. Other

1. Emergency Reading of City Ordinance in relation to Fireworks

Scott Carter, Fire Chief stated that in the 2016 session of the Georgia General Assembly there were significant changes under O.C.G.A. 25. The primary changes to the ordinance are:

- A. Does away with temporary tent sales for non-profit organizations and now places those sales of full fireworks in temporary portable structures.
- B. Reduces the hours that consumer fireworks may be ignited from 10:00 a.m. to 9:00 p.m.
Between 9:00 p.m. and 11:59 p.m. they may be ignited if there is no violation of the City's noise ordinance.
These are the year round hours except on the following holidays which are:
January 1, July 3 & 4, and December 31 may discharge until 11:59 p.m.
In addition on New Year's Eve this time is extended until 1:00 a.m.
- C. Enables the city to restrict the use of Consumer Fireworks in all City Parks and on Government Property.

Chief Carter stated that this ordinance is of a time sensitive nature due to the public safety concerns and asked that it be approved on an emergency basis.

A motion to approve Ordinances No. 12-16 and 13-16 as an emergency reading for public safety was made by Council Member Hodge and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

Ordinance
of the
City of Cartersville, Georgia

Ordinance No. 12-16

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CODE OF ORDINANCES, CITY OF CARTERSVILLE CHAPTER 11. MISCELLANEOUS PROVISIONS AND OFFIENSES. ARTICLE III. OFFENSES INVOLVING PUBLIC PEACE AND ORDER, DIVIION 1. GENERALLY. SECTION 11-101 LOUD, UNNECESSARY OR UNUSUAL, ETC., NOISES is hereby amended to add a new paragraph 15 as follows:

1.

(15) *Consumer Fireworks.* It shall be unlawful for any person, firm, corporation, or association to use or ignite, or cause to be ignited, any consumer fireworks on any day beginning at the time of 9:00 p.m. and up to and including the ending time of 11:59 pm, except pursuant to a special use permit and as provided for by O.C.G.A. §25-10-2(3)B(iii) on January 1, July 3, July 4, and December 31 of each year in such a manner as to make, continue, or cause to be made or continued that results in a loud, unnecessary, or unusual noise or in noise which unreasonably or unnecessarily annoys, disturbs, injures, or endangers, the comfort, repose, health, peach or safety of others in the City.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention. Additionally, to allow for enforcement prior to July 4, 2016, this Ordinance is deemed to be emergency in nature.

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED this the 16th day of June 2016. Emergency Reading.

/s/ Matthew J. Santini
Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 13-16

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CODE OF ORDINANCES, CITY OF CARTERSVILLE CHAPTER 9. FIRE AND PREVENTION PROTECTION. ARTICLE III. FIRE AND PREVENTION CODE, Section 9-30 Fireworks and Section 9-32 Sale of consumer fireworks is hereby amended as follows:

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Sec.9-30. - Fireworks.

- (a) Indoor fireworks prohibited. All fireworks and pyrotechnic devices and displays of any nature whatsoever are prohibited in any indoor or enclosed structure or any structure with a roof within the City of Cartersville city limits.
- (b) Outdoor fireworks permitted.
 - (1) Prior to any individual being issued a fireworks special use permit or a permit for a professional fireworks display by the Probate Judge of Bartow County, said person must apply for a permit to use fireworks in the city.
 - (2) Upon application for a permit on the form provided by the Cartersville Fire Department, and receipt of said form by the City of Cartersville Fire Department, the city shall review the applications and issue an approval or denial within five (5) business days of receipt of the application.
 - (3) The fire marshal or his designee shall review the application and determine its compliance with the following requirements:
 - a. All federal and State of Georgia laws, rules and regulations relating to firework displays and or the use of fireworks;
 - b. That said applicant is licensed as required by the State of Georgia to perform fireworks;
 - c. That said fireworks display as planned does not inherently place the public in danger;

d. That all proper safety measures and distance requirements have been complied with.

- (4) The fees for these permits shall be determined by the mayor and city council.**
- (5) If the city approves a professional fireworks permit, the permit applicant then can file for a request from the probate court to present a fireworks display.**
- (6) If the request for a professional fireworks permit is denied, a copy of the denial will be forwarded by the Cartersville Fire Marshal or designee to the probate judge, with the recommendation that the probate judge not authorize said fireworks display.**
- (7) If the applicant makes a request of the probate judge for a professional fireworks display, he must give the city written notice of said application at least three (3) business days prior to a hearing on said application by the probate judge.**
- (8) Public displays consumer fireworks are allowed as part of public exhibitions or displays of fireworks, and the sale and transportation of fireworks for such use shall be allowed if properly permitted according to the provisions of O.C.G.A. ch. 25, art. 10, and section 9-32 of the City of Cartersville Code of Ordinances.**
- (9) It shall be unlawful for any person, firm, corporation, association, or partnership to release or cause to be released any balloon, bag, parachute, or similar device which requires fire underneath for propulsion or to release or cause to be released any floating water lantern or wish lantern which uses a flame to create a lighting effect in any public waterway, lake, pond, stream or river.**
- (c) It shall be unlawful for any person, firm, corporation or other entity to sell, offer to sell or use, explode, cause to be exploded, possess, manufacture, transport or store any fireworks within the corporate limits of the city, except as may be permitted under the provisions of O.C.G.A. tit. 25, ch. 10, and the "Rules and Regulations of the Safety Fire Commissioner", Chapter 120-3-22.**
- (d) No consumer fireworks are allowed to be used, ignited, or caused to ignite on any property owned by, operated by, for or under the custody and control of the City of Cartersville, except pursuant to a special use permit. Said prohibition includes, but is not limited to, City of Cartersville parks, recreation facilities, and buildings**
- (e) Penalty for violation of section. Any person, firm, corporation, association, or partnership violating the provisions of this section shall be subject to a fine of up to one thousand dollars (\$1,000.00) per violation and/or six (6) months in jail per day per violation.**

(Ord. No. 20-00, 6-15-00; Ord. No. 12-03, § 2, 3-6-03; Ord. No. 20-15, § 1, 6-18-15)

Sec. 9-32. - Sale of consumer fireworks.

- (a) "Consumer fireworks" means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission, as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation, as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnic Association, as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles.
- (b) "Consumer fireworks retail sales facility" (CFRS facility) shall have the same meaning as provided by NFPA 1124 as defined pursuant to O.C.G.A. §25-10-1. A permanent or temporary building or structure, consumer fireworks retail stand that is used primarily for the retail display and sale of consumer fireworks.
- (c) "Consumer fireworks retail sales stand". A temporary or permanent building or structure that has a floor area not greater than eight hundred (800) square feet, other than tent, canopies or membrane structures, that is used primarily for the retail display and sales of consumer fireworks to the public.
- (d) "Consumer fireworks retail sales facility" means a permanent or temporary building or structure, stand that is used primarily for the retail display and sale of consumer fireworks to the public. Said definition shall not apply to facilities or stores where the consumer fireworks are in packages in which the total quantity of fireworks on hand does not exceed one hundred twenty-five (125) pounds (net) [56.8 kilograms] of pyrotechnic composition or, in a building protected throughout with an approved automatic sprinkler system installed in accordance with National Fire Protection Association (NFPA) 13, Standard for the Installation of Sprinkler Systems, not to exceed two hundred fifty (250) pounds (net) [113.6 kilograms] of pyrotechnic composition.
- (e) "Consumer fireworks storage building". A building in which finished consumer fireworks are received, stored and shipped, but in which no manufacturing is performed. Said definition shall not apply to facilities or stores where the consumer fireworks are in packages in which the total quantity of fireworks on hand does not exceed one hundred twenty-five (125) pounds (net) [56.8 kilograms] of pyrotechnic composition or, in a building protected throughout with an approved automatic sprinkler system installed in accordance with National Fire Protection Association (NFPA) 13, Standard for the Installation of Sprinkler Systems, not to exceed two hundred fifty (250) pounds (net) [113.6 kilograms] of pyrotechnic composition.
- (f) "Permanent" as applied to buildings or structures: a building or structure affixed to a foundation on a site and having fixed utility connections that is intended to

remain on the site for more than one hundred eighty (180) consecutive calendar days.

- (g) "Temporary" as applied to buildings or structures: a building or structure not meeting the definition for permanent structure. As applied to electrical power and wiring: electrical service in use or in place for a period of ninety (90) consecutive calendar days or less.
- (h) "Fireworks" means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedoes, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance.
- (i) The term "consumer fireworks" or "fireworks" shall not include:
 - (1) Model rockets and model rocket engines, designed, sold and used for the purpose of propelling recoverable aero models; toy pistol paper caps in which the explosive content does not average more than 0.25 grains of explosive mixture per paper cap; nor toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term "consumer fireworks" or "fireworks" include ammunition consumed by weapons used for sporting and hunting purposes; and
 - (2) Wire or wood sparklers of one hundred (100) grams or less of mixture per item; other sparkling items which are non-explosive and non-aerial and contain seventy-five (75) grams or less of chemical compound per tube or a total of five hundred (500) grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party poppers, string poppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.
- (j) It shall be unlawful for any person, firm, corporation or other entity to sell, offer to sell or use, explode, cause to be exploded, possess, manufacture, transport or store any fireworks within the corporate limits of the city, except as may be permitted under the provisions of O.C.G.A. tit. 25, ch. 10, and the "Rules and Regulations of the Safety Fire Commissioner", Chapter 120-3-22.

(Ord. No. 31-05, § 1, 5-19-05; Ord. No. 35-06, § 1, 6-15-06; Ord. No. 21-15, § 1, 6-18-15)

Editor's note— Formerly entitled "Fireworks prohibited", which was amended by Ord. No. 21-15.

3.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to

accomplish such intention. Additionally, to allow for enforcement prior to July 4, 2016, this Ordinance is deemed to be emergency in nature.

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED this the 16th day of June 2016. Emergency Reading.

/s/ Matthew J. Santini
Matthew J. Santini
Mayor

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

E. Resolutions

1. Resolution for Creation of Downtown Festival Zone

Lilly Reed, DDA Director stated that the DDA is hosting a series of Friday evening concerts for the month of July. The events will be each Friday from 7:00 p.m. – 11:00 p.m. and the DDA is seeking the option to set up a festival zone during these times. Ms. Reed stated that the Festival Zone will be limited to Friendship Plaza and would not require any street closures and recommended approval.

A motion to approve Resolution No. 11-16 was made by Council Member Step and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

Resolution No. 11-16

WHEREAS, the Cartersville City Council approved a Festival Ordinance in 2014; and

WHEREAS, the Downtown Development Authority (DDA) wishes to establish a Festival Zone for the following events to be held downtown:

Music Event July 1, July 8, July 15, July 22, July 29

WHEREAS, the DDA Board recommends that for the MUSIC EVENT Friendship Plaza be designated a controlled Festival Zone; and

WHEREAS said Festival Zone will allow those of 21 years and older, who show proof of identification and receive a wristband, be allowed to consume purchased alcoholic beverages within the Festival Zone; and

WHEREAS, DDA board and staff will, in conjunction with event staff and volunteers, keep those with alcoholic beverages inside the allotted Festival Zone; and

WHEREAS, the Director of Planning and Development has received the proposal and application and approved the event with the understanding that alcoholic beverages will only be sold by an approved alcohol-license holding businesses.

NOW, THEREFORE BE IT RESOLVED by the City of Cartersville that the Downtown Cartersville MUSIC EVENT, as planned and implemented by the DDA, and approval by the Director of Planning and Development, be designated a Community Festival Zone.

ADOPTED this the 17th day of June 2016.

**/s/ Matthew J. Santini
Matthew J. Santini
Mayor**

ATTEST:

**/s/ Connie Keeling
Connie Keeling
City Clerk**

F. Contracts/Agreements

1. Floyd County Inmate Work Crews

Wade Wilson, City Engineer stated that this agreement is with Floyd County for 3.5 inmate work crews. Two work crews for Public Works and 1.5 work crews for Recreation Department. The cost is \$62,470.41 per full time crew and \$7.50 per day per each minimum security inmate which will be assigned to the garage and solid waste for a total contract amount of \$218,646.43. Mr. Wilson stated that Floyd County has provided excellent service over the term of the last contract and recommended approval.

A motion to approve the agreement with Floyd County was made by Council Member Stepp and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

G. Bid Award/Purchases

Mayor Santini stated that there were four items to be added to this section. A motion to add these items was made by Council Member Tate and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

1. Dellinger Park Athletic Field Irrigation #16-004

James Gordy, Assistant Parks and Recreation Director stated that bids were solicited to provide and install athletic field irrigation for softball/baseball field's 4, 5, and 6 at Dellinger Park. Mr. Gordy recommended approval of the low bid of \$45,200.00 from Tidwell Lawn Care and Landscaping.

A motion to approve the low bid from Tidwell Lawn Care was made by Council Member Hodge and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

2. Utility Certification Leake Mounds – Etowah RiverWalk Link

James Gordy, Assistant Parks and Recreation Director stated that council had approved the request of Utility Certification with the Georgia Department of Transportation in June 2014 related to Leake Mounds – Etowah RiverWalk Link. With the change in ownership of the transmission lines from Georgia Power to Georgia Transmission Company this letter needs to be re-approved showing the change. Mr. Gordy recommended approval.

A motion to approve Utility Certification with Georgia Transmission Company was made by Council Member Step and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

3. Workers Compensation Insurance Renewal

Dan Porta, Assistant City Manager stated that since July 20, 2007 the city has been self-insured with a high deductible for workers compensation coverage. Midwest Casualty Company provides insurance coverage for any claims that may exceed the \$500,000 deductible and the renewal premium is \$55,621 annually based on a two-year rate guarantee. The increase in the premium is due to higher payroll costs and an increase from the insurance company. The third party administrator that processes the city's workers compensation claims is USIS and the premium for this service remains at the same annual rate of \$9,900. Mr. Porta recommended approval.

A motion to approve the renewal with Midwest Casualty Company and USIS was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

4. Property & Casualty Insurance for FY 2016-17

Dan Porta, Assistant City Manager stated that for the past three years the city has been insured with One Beacon Insurance Company for our property and casualty insurance coverage. At renewal this year they have decided not to renew the city due to losses on our account. Our insurance agents Apex Insurance and Terry Watkins Insurance have received a proposal for coverage from Travelers and Liberty Mutual Insurance. The proposed premium based on the existing property and vehicle schedules for fiscal year 2016-17 is \$403,205. Mr. Porta stated that at this time he is reviewing our existing schedules and anticipates increases in insurance premiums to cover some additional property. Terry Watkins, Insurance Agent came forward and answered question by council. Mr. Porta recommended approval of the policy from Travelers and Liberty Mutual at an annual premium not to exceed \$420,000.

A motion to approve the insurance policy as presented at a cost not to exceed \$420,000 was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried

unanimously. Vote 5-0

5. Mission Road Sewer Replacement – Phase II

Bob Jones, Water and Sewer Superintendent stated that bids were accepted for the Mission Road Sewer Replacement Phase II Project on May 27, 2016. The project will replace approximately 900 feet of sewer, a portion of which runs directly beneath the residence at 633 West Avenue. The design engineer Rindt-McDuff has evaluated the bids and Mr. Jones recommended awarding to the low bidder Wade Coots Company in the amount of \$399,154.

A motion to approve the low bid from Wade Coots Company was made by Council Member Hodge and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

6. Center Road Pump Repair

Bob Jones, Water and Sewer Superintendent stated that council had approved a replacement pump for the Center Road Pump Station. The pump station has two equal size pumps and staff had noticed that the lag pump (the older of the two) does not perform at rated capacity. Mr. Jones stated that the reduced pump capacity will continue to degrade and does jeopardize the city's ability to serve a high demand scenario. Mr. Jones stated that repair of this pump is a sole source company, Patterson Pumps and they had given a price of \$5,580 plus freight for the needed parts. Mr. Jones recommended approval of this purchase at a cost not to exceed \$6,000.

A motion to approve the purchase from Patterson Pumps at a cost not to exceed \$6,000 was made by Council Member Tate and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

7. 130 Ton Crane Rental

Bob Jones, Water and Sewer Superintendent stated that on May 19, 2016 staff discovered that the #5 aerator on the polishing basin #2 had stopped working. This is the most critical of the five aerators and a crane was necessary to remove it because of the location and weight. Southway Crane & Rigging had the first available crane. Mr. Jones stated that this work was an emergency due to the degradation in treatment was immediate and waiting would have caused a plant upset and permit violation. Mr. Jones recommended approval of the cost of the crane rental from Southway Crane & Rigging in the amount of \$5,163.38.

A motion to approve crane rental from Southway Crane & Rigging was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

8. Hydrologic Analysis

Gary Riggs, Gas Superintendent stated that staff has received a bid of \$6,900 for a hydrologic analysis the property on Old Mill Road from Civilogistix. Mr. Riggs recommended

approval.

A motion to approve the bid from Civilogistix for a Hydrologic Analysis was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

9. PE Pipe

Gary Riggs, Gas Superintendent stated that staff had received a price from Consolidated Pipe and Supply of \$5.14/ft for 4,400 feet of 6" PE manufactured by DriscoPlex. Mr. Riggs stated that Consolidated Pipe is a sole source provider for this pipe and recommended approval of the purchase for a total price of \$22,616.

A motion to approve the purchase from Consolidated Pipe was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

10. Geo-Hydro Bid

Gary Riggs, Gas Superintendent stated that he had received a bid from Geo-Hydro in the amount of \$6,800 for soil analysis on Old Mill Road. Mr. Riggs recommended approval.

A motion to approve bid from Geo-Hydro was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

H. Monthly Financial Statement

1. April 2016

Tom Rhinehart, Finance Director presented the April 2016 monthly financial statement with comparisons from the previous year of April 2015 by fund, along with supplemental financial information comparing the year to date revenues and expenses for each fund and a report of cash position through April 2016. No action is needed by Council.

Mayor Santini sent condolences out to the City of Kingston and the family of Mayor Ronald Casey for his passing. After announcements a motion to adjourn the meeting was made by Council Member Stepp and needing no second. Motion carried unanimously. Vote 5-0

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling

City Clerk