

City Council Meeting  
10 N. Public Square  
July 16, 2015  
6:00 P.M. – Work Session 7:00 P.M.

## **I. Opening Meeting**

Invocation by Council Member Tonsmeire

Pledge of Allegiance led by Council Member Pruitt

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; Louis Tonsmeire, Sr., Council Member Ward Three; Lindsey McDaniel Council Member Ward Four; Dianne Tate, Council Member Ward Five; Lori Pruitt, Council Member Ward Six; Sam Grove, City Manager; Connie Keeling, City Clerk and David Archer, City Attorney.

## **II. Regular Agenda**

### **A. Council Meeting Minutes**

#### **1. July 2, 2015**

A motion to approve the July 2, 2015 City Council Meeting Minutes as amended was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

### **B. Second Reading of Ordinances**

#### **1. Revision to Pawnshop Ordinance**

Tommy Culpepper, Police Chief stated that there would be a revision to the Pawnshop Ordinance after meeting with the pawnshop owners. These revisions have the approval of the City of Cartersville Police Department. Chief Culpepper stated that there have been no additions or corrections since the first reading and recommended approval.

A motion to approve Ordinance No. 25-15 was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

**Ordinance**

**of the**

**City of Cartersville, Georgia**

**Ordinance No. 25-15**

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, Georgia CHAPTER 10. LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS. ARTICLE VI. PRECIOUS METALS AND PRECIOUS STONE DEALERS is hereby deleted and is to be replaced in its entirety as follows:

1.

**ARTICLE VI. DEALERS IN PRECIOUS METALS AND GEMS, PAWNBROKERS, PAWNSHOPS AND SCRAP METAL PROCESSOR**

*Sec. 10-151. Definitions.*

For the purposes of this Article VI. Dealers in Precious Metals and Gems, Pawnbrokers, Pawnshops and Scrap metal Processor, the following words and terms shall have the meanings respectively ascribed to them:

*Dealer in precious metals and gems* means any person, whether as owner, agent or employee, who engages in the business of purchasing precious metals or gems or articles containing any precious metal or gem, including coins, from members of the general public for resale to brokers, dealers or melters.

*Electronic reporting system* means a computer based system, as specified by the Chief of Police, which is designed to record and transmit data and information electronically.

*Gems* means any precious or semi-precious stone which is cut and polished.

*Goods* means every species of tangible personal property not specifically defined herein, but does not include goods received on consignment, from wholesalers, or retailers, and/or from bulk purchases at estate sales or closing or relocation sales.

*Pawnbroker* means any person, whether as owner, agent or employee, engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as a part of or in conjunction with the business activities described in this section.

*Pawnshop* means any person, whether as owner, agent or employee, engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition

that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as a part of or in conjunction with the business activities described in this section.

*Person* means an individual, partnership, corporation, joint venture, trust, association, or other legal entity however organized.

*Precious metals* means gold, silver or platinum or any metal containing gold, silver or platinum.

*Scrap metal processor* means any person engaged in the business of buying scrap vehicles, automotive parts, or other metallic waste, with the intent to process such material for resale as scrap or in bulk, by melting, reforming or otherwise.

***Sec. 10-152. Penalty for violation of Article.***

Any person who shall violate any of the provisions of this Article shall be punished upon conviction in the municipal court of the city as provided in Section 1-6. Additionally, the Mayor and City Council may revoke any license issued under this Article, if the Licensee is convicted of a violation of this Article.

***Sec. 10-153. License required.***

It shall be unlawful for a buyer of precious metals and gems pawnbroker, pawnshop, scrap metal processor, to engage in such business within the city without first obtaining a license in compliance with the provisions of this chapter. This license is supplemental to any other license required to operate a business in the City.

***Sec. 10-154. Application for license disqualification.***

Applicants for a license pursuant to this Article shall file with the city clerk a written application under oath, signed by the applicant if an individual, or by all partners if a partnership, or by the president of the corporation, and showing the following:

- (1) The name of the person having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on within the city; the local address of such person while engaged in such business; the permanent address of such person; the capacity in which such person will act, that is, whether as proprietor, agent or otherwise; the name and address of the person on whose account the business will be conducted, if

any; and, if a corporation, the name of the state in which the corporation is incorporated;

- (2) The place within the city where it is proposed to conduct the applicant's business, and the length of time during which it is proposed that such business will be conducted;
- (3) Credentials from the person for which the applicant proposes to do business, authorizing the applicant to act as representative; and
- (4) Such other reasonable information as to the identity and character of the person having the management or supervision of the business and the manner of doing business as the city council may deem proper in order to fulfill the purpose of this chapter in the protection of the public interest.
- (5) An applicant is disqualified for a license if they have been convicted of the offense or receiving stolen property, theft, burglary, robbery, larceny or any other offense involving the receipt, sale, disposal of stolen property.
- (6) No person holding a license under this article shall have any business dealings with any person less than eighteen (18) years of age except with the written consent of the parent or guardian of the minor to each particular transaction. No license shall be issued to any person who is not eighteen (18) years of age or over. No license holder shall employ a person less than eighteen (18) years of age to assist him in his business.
- (7) Additionally, the licensee and any employees thereof must have a criminal history background check performed by the City of Cartersville Police Department.

***Sec. 10-155. Posting of license.***

The license issued pursuant to this Article shall be posted conspicuously and prominently in the place of business named therein. If the applicant desires to do business in more than one place within the city, separate licenses shall be purchased and issued for each place of business, and shall be posted conspicuously and prominently in each place of business.

***Sec. 10-156. Registration fee.***

The fee assessed pursuant to this section is as referenced on the fee schedule in the City of Cartersville Code Section 17-88.

***Sec. 10-157. Revocation of license.***

- (a) The license issued pursuant to this Article may be revoked by the mayor and city council, after notice and hearing, for any of the following causes:**
  - (1) Any fraud, misrepresentation or false statement contained in the application for license;**
  - (2) Any fraud, misrepresentation or false statement made in connection with any purchase transaction;**
  - (3) Failure to maintain the daily record as required in this Article;**
  - (4) Any other violation of this Article; or**
  - (5) Conducting the business licensed under this Article in any unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.**
- (b) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be served on the licensee by handing the notice personally to the person in charge of the licensee's business, or by mailing the notice, postage prepaid, to the licensee, at his last known address, at least five days prior to the date set for the hearing.**

***Sec. 10-158. Records and information to be recorded.***

Every person or business engaged as a pawnbroker, pawnshop, scrap metal processor, or dealer in precious metals and gems within the city shall secure from every person from whom he or she receives any goods, except used books, whether by purchase or through pledge, trade, pawn or exchange, the following:

- (1) Government-issued photo identification card, such as a driver's license, military identification card, state identification card or passport;**
- (2) The name, address, telephone number, race, sex, height, weight, date of birth, and a Social Security or driver's license number;**
- (3) A digital photograph clearly showing a frontal view of the subject's face. Each digital image shall be labeled with the date and time of the transaction and stored in such a manner that they are safe from corruption. If the same subject makes additional transactions within thirty (30) days of the original transaction; provides the same government issued photo identification card as mentioned above; and the subject's appearance has not materially**

changed, a new digital photograph shall not be required until a transaction is made after thirty (30) days from the original transaction;

- (4) A complete and accurate description of the goods acquired, and a digital photograph or image of the goods acquired including the following information, if available:
  - a. Brand name;
  - b. Model number;
  - c. Manufacturer's serial number;
  - d. Size;
  - e. Color, as apparent to the untrained eye;
  - f. Precious metal type, weight, and content if known;
  - g. Gemstone description, including the number of stones;
  - h. In the case of firearms, the type of action, caliber or gauge, number of barrels, barrel length, and finish;
  - i. Any other unique identifying marks, numbers, or letters;
  - j. The date and time of the transaction.
- (5) The pawnbroker, pawnshop, and dealer in precious metals and gems shall maintain the above information and digital photographs or images for a period of three (3) years and make the same available to law enforcement personnel upon request.
- (6) The pawnbroker, pawnshop, and dealer in precious metals and gems shall require the seller to sign a statement verifying that the seller is the rightful owner of the goods or is entitled to sell, consign, or trade the goods.
- (7) This Section shall not apply to the receipt of used books or pawn transactions commonly known as "title pawn" transactions where the pawnbroker takes possession of a motor vehicle certificate of title, takes a security interest in the motor vehicle certificate of title, and retains physical possession of the vehicle certificate of title for the entire length of the pawn transaction.

***Sec. 10-159. Report to police; required format.***

- (a) Every pawnbroker, pawnshop, scrap metal processor, and dealer in precious metals and gems located within the city shall make a computer-generated daily report, in such format as prescribed by the chief of police, of all transactions that occurred during the 24-hour period ending at 9:00 p.m. on the date of the report. A report shall be made each day prior to 11:59 p.m. for each day the operator or dealer transacts business. If an operator or dealer is closed, or does not otherwise engage in any transactions on a

particular day, a report indicating "no transactions" shall be filed for that day. Daily reports shall be filed electronically by posting to a law enforcement web site designated by the chief of police. When technological problems prevent posting the daily report electronically, a printed, typed or legibly handwritten report shall be delivered to the police department in lieu thereof.

- (b) This Section shall not apply to the receipt of used books or pawn transactions commonly known as "title pawn" transactions where the pawnbroker takes possession of a motor vehicle certificate of title; takes a security interest in the motor vehicle certificate of title, and retains physical possession of the vehicle certificate of title for the entire length of the pawn transaction.
- (c) This Section shall not apply to non-profit corporations, business or other entities who receive all personal property from donations.
- (d) This Article shall not apply to any precious metals or gems containing precious metals or gems obtained from industrial producers, manufacturers, licensed dealers, or distributors.
- (e) This Article shall not apply to dealers exclusively engaged in the sale or exchange of numismatic coins or to transactions exclusively involving numismatic coins or other coinage.

***Sec. 10-160. Hold period; police holds.***

- (a) Any pawnbroker, pawnshop, scrap metal processor, dealer in precious metals and gems, or person operating under a license granted pursuant to this Article who takes goods on pawn or who buys goods, taking full title thereto, shall hold the goods so taken in pawn or otherwise acquired for at least seven (7) calendar days before disposing of the goods by sale, transfer, shipment or otherwise.
- (b) The City of Cartersville Police Department, or any other law enforcement agency, has the authority to place property that is the subject of police or law enforcement investigation on "police hold". In that event, the City of Cartersville Police Department, or other law enforcement agency, shall notify the pawnbroker, pawnshop, scrap metal processor, or dealer in precious metals and gems of the need for a "police hold" and identify all property subject to the "police hold". Upon notification, it shall be the responsibility of the pawnbroker, pawnshop, scrap metal processor, or dealer in precious metals and gems to maintain the subject property until such time as the property is released from "police hold" status or the property is confiscated as evidence.

- (c) If any Cartersville Police Officer has probable cause to believe that precious metals or gems have been stolen, he may give notice in writing to the dealer to retain the precious metals or gems for an additional fifteen (15) days; and it shall be unlawful for the dealer to dispose of the property unless the notice is revoked in writing within the fifteen (15) days period.

*Sec. 10-166. Unlawful acts.*

It shall be unlawful for pawnbroker, pawnshop, scrap metal processor, dealer in precious metals and gems or person operating under a license granted pursuant to this Article to commit any of the following acts:

- (1) Fail to make an entry of any material matter in the daily record of said business;
- (2) Make any false entry in the daily record of said business;
- (3) Falsify, obliterate or destroy the daily record of said business or remove the daily record from the place of business;
- (4) Refuse to allow any police officer or duly authorized law enforcement officer to inspect the daily record of said business or any goods in the possession of said business during the ordinary hours of business or at any reasonable time;
- (5) Make any false statement in the permit application and registration provided for in this Chapter;
- (6) Refuse to allow any duly authorized law enforcement officer to inspect such permanent record, or any precious metals or gems or goods made from precious metals or gems in his possession, during the ordinary hours of business or at any reasonable time;
- (7) Sell, exchange, or remove from the legal possession of the buyer, or to alter the form of, any precious metals or gems or goods made from precious metals or gems purchased by remounting, melting, cutting up, or otherwise altering the original form until at least seven (7) calendar days have elapsed from the time of purchase or acquisition;
- (8) Fail to make the report as required in this Article;

- (9) Purchase any precious metals or gems from any person under 17 years of age; or
- (10) Fail to comply with this chapter in any other material way.

***Sec. 10-167. Itinerant Dealers.***

(a) **Itinerant Dealers in Precious Metals or Gems. Applicability.** This section shall be applicable to all itinerant dealers of precious metals or gems, whether their sales, trades and purchases are at retail or wholesale or by any form of pawn. Specifically excluded are wholesalers, buyers and sellers who sell, trade and deal only with mercantile establishments or purchase precious metals or gems from manufacturers, manufacturer's representatives, or other dealers in precious metals or gems.

(b) **Notice of intent to conduct business.**

(1) **Occupational Tax Certificate Required.** Any person, firm or corporation who does business in City of Cartersville as an Itinerant Dealers in Precious Metals or Gems shall, before engaging in such business, obtain a business tax certificate in accordance with this Chapter.

(2) **Permit required.** It shall be unlawful for any person to engage in activities as an itinerant dealer in precious metals or gems in City of Cartersville without having obtained a valid permit for each separate location and for each person engaging in said activities. Prior to advertising any buying, selling, trading or otherwise dealing in precious metals or gems, an itinerant dealer shall, at least 3 business days prior to the initial advertising, file with the Planning and Development Department an application for a regulatory permit to conduct the business of itinerant dealer in precious metals or gems in City of Cartersville.

(3) Such application shall include the following:

- (a) Full name of the person, group or association, and its address;
- (b) The name of the person who will be conducting business in City of Cartersville and his home address, including proper identification as defined;
- (c) The length of the stay in City of Cartersville, including the dates of opening and closing, at each fixed location not to exceed 15 days;
- (d) The fingerprints of the person or persons who will be conducting such business in City of Cartersville; and
- (e) Where the business will be conducted, and during what hours; except that no itinerant dealers in precious metals or gems shall operate at any location in City of Cartersville between the hours of 8:00 p.m. and 8:00 a.m. Monday through Saturday or during any hours on Sunday.

(4) No person who has been convicted of a felony under the laws of this state or any other state of the United States shall be eligible to receive a regulatory permit to conduct business as an itinerant merchant of precious metals or gems within City of Cartersville. This paragraph shall not apply to any person who has been convicted of a felony after ten years have expired from the date of completion of the felony sentence. Prior to the issuance of the regulatory permit, a background investigation shall be required for each person who will be conducting business in City of Cartersville. If the eligibility requirements are met, then the regulatory permit shall be issued for each person meeting the requirements. The provisions of this Article shall apply to the background investigation required herein.

(5) Each regulatory permit issued pursuant to this section shall be nontransferable and valid for period of time listed by the applicant in response to paragraph (c) (3) above, not to exceed fifteen (15) days.

(6) Every itinerant dealer shall admit to the premises where business is being conducted any law enforcement officer, who in the performance of official lawful duties as prescribed by the Chief of Police, may desire at any time to search for articles missing or stolen, or to make any inspection of records authorized by this chapter, without the formality of a search warrant.

(c) Records. All itinerant dealers, both salesmen and buyers, of precious metals or gems shall keep records wherein shall be entered an accurate description of all property pledged, traded or sold by them. Such description shall include to the extent possible the name or the make of the article, any identifying mark or number, and a statement of the kind of material of which it is made. In such records there shall be entered also the full name and address of the person by whom same was deposited or sold, and the time when the same was done, and the name, address, date of birth and drivers' license number of seller; and a photocopy of the proper identification. In the event the seller does not have a drivers' license, other proper identification as defined shall be required and photocopied. All purchased items shall be digitally photographed. These entries shall be made as soon after the transaction as is possible but in no event more than one hour after the time given for daily close of business as provided for in this Article above. Such records may be kept electronically as long as a copy of the electronic records can be provided to the City of Cartersville Police Department or other law enforcement agency upon demand.

(d) Daily Accurate Report to police. Every traveling and itinerant dealer shall make a report to the City of Cartersville Police Department, as required in Section 10-159 (Daily Electronic Reporting). The report shall be in such form as may be prescribed by the Chief of Police, of all property pledged, traded, bought or sold during the period of operation in City of Cartersville, and shall show the name and address of any person who bought, sold, traded or otherwise disposed of or received any item; the date and time of the transaction; the amount paid or advanced, or the item traded; the full description of articles, including kind, style, material, color,

design, kind and number of stones in jewelry; and all identifying names, ranks, and numbers; and a description of persons trading, buying, selling or pawning, including the name, address, race, weight, height, photocopy of proper ID.

(e) Surrender of stolen property. In the event it is determined that any item bought, sold or traded to, or received by the itinerant dealer, salesman or buyer is the subject of any theft of crime, the dealer, salesman or itinerant buyer shall, upon demand of the City of Cartersville Police Department , surrender the same to the City of Cartersville Police Department.

(f) Holding period. Every item covered by this section which is purchased from one seller shall be separately packaged, or kept separately, and not intermingled or confused with items purchased from another seller, for a period of seven (7) calendar days following the purchase of such item. Said items must be kept in the city of Cartersville, at a location designated by the licensee and provided to the Department of Planning and Development. No person engaging in the purchase of precious metals or items as defined this chapter shall sell or otherwise dispose, permit the sale or disposal, remove or permit to be removed from the license holder's place of business, intermingle with other jewelry or stones, alter, change, deface or permit the same of any such precious metals or stones purchased, until after the expiration of thirty days from the date of purchase.

*Secs. 10-167 — 10-180. Reserved.*

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.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 2<sup>nd</sup> day of July 2015.

ADOPTED this the 16<sup>th</sup> day of July 2015. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

C. Change Order

**1. Douthit Ferry Road Environmental Change Order**  
**THIS ITEM REMOVED FROM AGENDA**

**D. Contracts/Agreements**

**1. Carter Grove Road Asphalt Surfacing**  
**THIS ITEM REMOVED FROM AGENDA**

**2. GDOT Local Maintenance and Improvement Grant**

Wade Wilson, City Engineer stated that this is the annual GDOT LMIG grant for resurfacing various city streets. The funding this year is \$178,025.11 with a 30% match by the City. Mr. Wilson recommended approval.

A motion to approve the GDOT Local Maintenance and Improvement Grant was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

**3. Mowing Contract Increase**

Tommy Sanders, Public Works Director stated that the city has an existing contract with Full Circle Contracting and Management Group for mowing the cemetery. This contract is in the third year of a possible five year renewal and allows for a 5% increase. Full Circle has requested the increase for this renewal period. The current price is \$3,200 per mowing and the new price would be \$3,360 per mowing. Mr. Sanders recommended approval.

A motion to approve the mowing contract increase was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

**4. Floyd County Prison Work Detail**

Greg Anderson Parks and Recreation Director stated that this agreement with Floyd County Prison will furnish a prison work crew for the purpose of providing maintenance for the Parks and Recreation Department for six (6) months of the year (April – September) through December 2018. The agreement amount is \$31,148.00 each year for the 7-month period and Mr. Anderson recommended approval.

A motion to approve the Prison Work Detail agreement was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

**E. Bid Award/Purchases**

**1. Firehouse Software System Annual Update**

Scott Carter, Fire Chief stated that this is the annual update of Firehouse Software

System. This is the department Incident Reporting Software and Records Management Program and recommended approval. Mr. Carter stated that there has been no increase over last year and recommended approval of this update in the amount of \$6,850.00.

A motion to approve the annual update with Firehouse Software System was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

## **2. Barracuda Web Filter Annual Maintenance**

Dan Porta, Assistant City Manager stated that this is the renewal to the annual maintenance with Barracuda for the city's web filter in the amount of \$4,398 and VPN Server in the amount of \$3,499 and recommended approval.

A motion to approve the annual maintenance agreement with Barracuda Web Filter was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

## **3. Primary Screw Pump #2 Bottom Bearing**

Bob Jones, Water and Sewer Superintendent stated that the bottom bearing in the #2 primary screw pump has failed rendering the pump inoperable. This pump must be repaired as soon as possible as it is critical for maintenance for full plant pumping capacity. Mr. Jones stated that this is a sole source part that is only available from the original manufacturer (Shriver LLC) and recommended approval of this part in the amount of \$8,024 and recommended approval.

A motion to approve the purchase for the Primary Screw Pump from Shriver LLC was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

## **4. Life, AD&D and Disability Insurance Renewal**

Dan Porta, Assistant City Manager stated that Prudential Insurance has been the insurance provider for the employee life, AD&D and disability insurance for the past two years and the policy is currently up for renewal. There is an increase in the basic life insurance premium (paid by City) of 26% and the optional dependent life and optional life insurance premiums (paid by employees) have increased by 15%. Mr. Porta recommended continuing with Prudential Insurance for this coverage.

A motion to approve the insurance renewals was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

## **F. Presentation**

### **1. Citizen Survey Results Presentation**

Sam Grove, City Manager presented the first of the Citizen Survey Results pertaining to Economy, Reaction & Wellness, Education & Enrichment, Community Engagement, and Governance General.

**G. Monthly Financial Statement**

**1. May 2015**

Tom Rhinehart, Finance Director presented the May 2014 monthly financial statement with comparisons from the previous year of May 2013 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 May 2015. No action is needed by Council

After announcements a motion to adjourn the meeting was made by Council Member Stepp and needing no second. Motion carried unanimously. Vote 6-0

**Meeting Adjourned**

/s/ \_\_\_\_\_  
Matthew J. Santini  
Mayor

ATTEST:

/s/ \_\_\_\_\_  
Connie Keeling  
City Clerk