

City Council Meeting
10 N. Public Square

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 Pruitt

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: 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; Catheryn Hembree, Deputy City Clerk and Keith Lovell, Assistant City Attorney. Connie Keeling, City Clerk; David Archer, City Attorney; Kari Hodge, Council Member Ward One; and Jayce Stepp, Council Member Ward Two were absent.

II. Regular Agenda

A. Council Meeting Minutes

1. June 18, 2015

A motion to approve the June 18, 2015 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

B. Appointments

1. Bartow County Board of Health

Sam Grove, City Manager recommended the appointment of Tonya Emery to the Bartow County Board of Health. Her term will expire December 31, 2016. She will fill an unexpired term due to the death of Edsel Dean.

2. Cartersville-Bartow Library Board

Sam Grove, City Manager recommended the appointment of Ginny Weaver to the Cartersville - Bartow Library Board. Her term will expire June 30, 2018.

A motion to approve Tonya Emery to the Bartow County Board of Health and Ginny Weaver to the Cartersville-Bartow Library Board was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

C. Second Reading of Ordinances

1. Amendment to the Alcohol Ordinance

Randy Mannino, Planning & Development Director, stated that the ordinance currently allows the lasting of wine and wine specialty shops; however it does not allow the tasting of beer for growlers. The amendment to the Alcohol Ordinance will allow for the tasting of beer for growlers. The ordinance allows up to one visit per day and four samples of two ounces each per visit. Mr. Mannino stated that there have been no additions or corrections since the first reading and the Alcohol Control Board has recommended approval.

A motion to approve the Amendment to the Alcohol Ordinance was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

Ordinance

of the
City of Cartersville, Georgia

Ordinance No. 22-15

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 4.ALOCOHOLIC BEVERAGES. ARTICLE II. LICENSE REQUIREMENTS. DIVISION 4. PREMISES RESTRICTIONS. Sec. 4-106 is hereby amended by adding a new paragraph (e) to read as follows:

1.

(e) Establishments licensed to sell Growlers may offer samples under the following guidelines:

(1) Growler malt beverage sampling shall be on limited occasions when a customer requests a sample of a growler malt beverage offered for sale within the premises.

(2) Growler malt beverage tasting for customers shall only be conducted at a counter area constituting no more than ten (10) percent of the entire floor area of the premises.

(3) Growler malt beverage sampling for customers shall be limited to no more than one (1) time per day per customer. Samples shall not exceed two (2) ounces, and no customer shall consume more than eight (8) ounces in any two-hour period.

(4) Only the licensee or an employee shall open, handle, and serve growler malt beverages, and samples shall only be poured by the licensee and/or an employee.

(5) No open growler containers shall be removed from the licensed premises.

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 18th day of June.

ADOPTED this the 2nd day of July. Second Reading.

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

ATTEST:

/s/ Catheryn Hembree
Catheryn Hembree
Deputy City Clerk

D. Public Hearing – 2nd Reading of Zoning/Annexation Requests

1. T15-02: Text Amendment application by City of Cartersville to Revise section 2.2 Definitions and Section 9.6 G-C General Commercial District of the Zoning Ordinance

Randy Mannino, Planning & Development Director, stated that based on the recently approved changes to State Legislation regarding fireworks, Cartersville Fire Department staff

recommends adding information to the existing Zoning Ordinance. The additional information will include: 1. Defining Commercial fireworks retail sales facility, and 2. Limit such facilities to the G-C zoning district with exceptions. Mr. Mannino stated that there have been no additions or corrections since the first reading and the Planning Commission recommended approval.

A motion to approve T15-02 was made by Council Member McDaniel and seconded by Council Member Pruitt. Motion carried 4-1 with the Council Members Tate and Mayor Santini casting the deciding vote.

Ordinance
of the
City of Cartersville, Georgia

Ordinance No. 23-15

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville that City of Cartersville Code of Ordinances, Chapter 26. Zoning, Article II- INTERPRETATIONS AND DEFINITIONS and Article IX-COMMERCIAL DISTRICT REGULATIONS are revised as follows:

1.

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia that the City of Cartersville Code of Ordinances, CHAPTER 26 ZONING, ARTICLE II- INTERPRETATIONS AND DEFINITIONS Section 2.2.3 DEFINITIONS is hereby amended by adding the following definition; the remaining provisions of Chapter 26 Section 2.2.3 shall remain in full force and effect:

“2.2.3. C

***Consumer fireworks retail sales facility* means a permanent or temporary building or structure, stand, tent, canopy, or membrane structure 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 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 250 pounds (net) [113.6 kilograms] of pyrotechnic composition.”**

2.

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia that the City of Cartersville Code of Ordinances, CHAPTER 26 ZONING, ARTICLE IX-COMMERCIAL DISTRICT REGULATIONS Section 9.6.2 is hereby amended by adding the following use; the remaining provisions of Chapter 26 Section 9.6.2 shall remain in full force and effect:

“9.6.2. Use regulations. Within the G-C district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. Permitted uses. Structures and land may be used for only the following purposes:

- **Consumer fireworks retail sales facility.”**

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.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 18th day of June.

ADOPTED this the 2nd day of July. Second Reading.

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

ATTEST:

**/s/ Catheryn Hembree
Catheryn Hembree
Deputy City Clerk**

2. Z15-01: Rezoning Application by LGI Homes (Adam Corder, Representative) for Property located on Center Road and Autumn Canyon Path near I-75 (approximately 37.1 acres) from R-10 with conditions to R-10 Conditions.

Randy Mannino, Planning & Development Director, stated that when the land on the north & south sides of Center Road west of I-75 was rezoned in 2005. It went from R-20 to R-10* (small lot conservation subdivision). The new zoning allowed for lots to be 7,000 sq ft. in size. The applicant had no objections to a zoning condition requiring that a swimming pool, tennis court, and clubhouse. The land sat vacant for several years. In 2014, LGI homes purchased the 37 acre tract with the intent of 75 homes. LGI Homes added a playground in the rear but does not propose to install a pool, tennis court, or clubhouse. The proposal would delete zoning condition #3 for the south side property. Since LGI Homes does not own the north side property on Center Rd west of I-75 and that area is not part of this application, zoning condition #3 would still apply to the north side of the road. Mr. Mannino stated that there have been no additions or corrections since the first reading and the Planning Commission recommends approval.

A motion to approve Z15-01 was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 24-15

Petition No. Z15-01

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by LGI Homes. Property is located Center Road & Autumn Canyon Path. Said property contains 37.1 acres located in the 4th District, 3rd Section, Land Lot(s) 188, 245 – 246 as shown on the attached plat Exhibit “A”. Property is hereby rezoned from R-10 with conditions to R-10 with conditions to eliminate condition #3 to finish south side of subdivision. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 18th day of June 2015.

ADOPTED this the 2nd day of July. Second Reading.

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

ATTEST:

/s/ Catheryn Hembree
Catheryn Hembree
Deputy City Clerk

E. First Reading of Ordinances

1. Revision to Pawnshop Ordinance

Keith Lovell, Assistant City Attorney 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.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

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 2nd day of July 2015.

ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

F. Change Order

1. Leake Mounds-Etowah RiverWalk Link – Engineering
2. Douthit Ferry Road Environmental Change Order

Mayor Santini stated that these items were to be removed from the agenda until further information is available.

G. Contracts/Agreements

1. South of Main LLC Gas Main Relocation

Gary Riggs, Gas Superintendent, stated that this agreement reimburses the Gas Department for the cost of relocating our distribution main on Main Street. This relocation will allow the development and construction of the new Kroger Store. Mr. Riggs recommends approval.

A motion to approve the agreement was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

H. Bid Award

Mayor Santini stated that two items needed to be added to the agenda. A motion to add two items to the agenda; 1) Screw Pump Coating from the Water Department and 2) BIG Project Vault from the Electric Department was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

1. Fluoride Purchase – Key Chemical

Bob Jones, Water Superintendent, stated that in August 2014 Council approved a blanket Purchase order for chemicals at both the Water and Wastewater Plants. The low and only bidder for Sodium Fluoride was Brentag Mid-South. When Brentag was contacted for a mid-supply order we were informed they did not have an adequate supply to meet the City’s needs. An alternate form, Hydrofluorsilicic Acid, was requested from Mosaic Corporation who was the low bidder and approved by the blanket P.O. in August. Mosaic was not able to fill the order due to a shortage.

Due to the shortage of product from the primary vendors, we requested a resupply from Key Chemical who had the second lowest price when bids were taken for the original PO. Key honored their bid price from August, \$10,286.19. This is an additional cost of \$313.74 over the low bid price. This will be paid from the Chemical and Medical Supplies account. Mr. Jones recommends approval.

Mr. Lovell recommended adding to the motion to add Key Chemicals to the approved vendors list.

A motion to approve the bid order for fluoride from Key Chemical and to add Key Chemicals to the approved vendor list was made by Council Member Pruitt and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

2. Fluke 754 Process Calibrator for Water Treatment Plant

Bob Jones, Water Superintendent, stated that their current HART 275 Communicator at the Water Treatment Plant is 15-20 years old. The device is used to configure and calibrate pressure, turbidity, level, and flow meters used throughout the plant. After a lightning strike a new device was necessary. The replacement sensors could not be configured and installed by plant personnel because the communicator was not compatible with new sensors and the unit is too old to be upgraded. Bids were taken:

Graybar	\$7,019.22
Grainger	\$10,097.55
C&C Electric	\$10,281.23 for pieces individually or \$8,437.45 for a package deal

Mr. Jones recommends the low bid from Graybar.

A motion to approve the bid award for a new calibrator from Graybar was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

3. Added Item – Screw Lift Pump Coating

Bob Jones, Water Superintendent, stated that the Screw Pump at the Wastewater

Treatment Plant needed continued work. Bids were sent to three venders but only one responded. Harrison Contracting Company came back with a bid of \$35,650.00. They are the company currently working on site. If Council approves their bid the City would not be charged a mobilization fee for coming back out since they are currently on site and Mr. Jones recommended approval.

A motion to approve the bid award to Harrison Contracting Company for the Screw Lift Pump Coating was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

4. IRS Fine for Incorrect 1099 Filings for 2012.

Tom Rhinehart, Finance Director, stated that at the end of calendar year 2012 the finance department filed the necessary 1099's for the year. The IRS notified the City in August of 2014 that the City was being penalized \$20,000 for infractions of the incorrect filing of the 1099's. The infractions consisted of 1) filing more than 250 venders in paper form and 2) filing erroneous information relating to some of our venders. After researching errors, a letter was sent to the IRS explaining what took place and why the errors occurred. After several correspondences from the IRS stating they needed more time to investigate, we received a letter stating that additional information was needed. After completing the request, on June 15, 2015 the city received a response stating they abated the original fine from \$20,000 down to \$11,700. They requested more information for them to reconsider the fine amount. While putting together information the City received another letter stating they had further reviewed the information and out fine has been lowered to \$5,200 and is due 7-20-2015. Mr. Rhinehart recommended payment to the IRS.

A motion to approve the payment for a fine to the IRS was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

5. Added Item – BIG Project Vault

Don Hassebrock, Electric Superintendent, stated that the Electric Department is needed to purchase a vault and man-hole for the B.I.G. project. A bid request was sent to two known bidders in the state that make pre-formed vaults. Stuart C. Irby was the only company that responded with a bid of \$10,833.00. The Irby bid included the setting of the vault. Mr. Hassebrock recommended approval.

A motion to approve the purchase of a vault from Stuart C. Irby was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

After announcements a motion to adjourn the meeting was made by Council Member Tonsmeire and needing no second. Motion carried unanimously. Vote 4-0

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Catheryn Hembree
Deputy City Clerk