



City of Cartersville

P.O Box 1390 – 10 Public Square – Cartersville, Georgia 30120
Telephone: 770-387-5616 – Fax 770-386-5841 – www.cityofcartersville.org

COUNCILPERSONS:

Matt Santini – Mayor
Dianne Tate – Mayor Pro Tem
Kari Hodge
Lindsey McDaniel, Jr.
Lori Pruitt
Jayce Stepp
Louis Tonsmeire, Sr.

AGENDA

Council Chamber, Third Floor of City Hall– 7:00
PM – 7/2/2015
Work Session – 6:00 P.M.

CITY MANAGER:

Sam Grove

CITY ATTORNEY:

David Archer

CITY CLERK:

Connie Keeling

I. Opening of Meeting

- Invocation
- Pledge of Allegiance
- Roll Call

II. Regular Agenda

A. Council Meeting Minutes

1. June 18, 2015 (Pages 1-30)

[Attachments](#)

B. Appointments

1. Bartow County Board of Health (Page 31)

[Attachments](#)

2. Cartersville-Bartow Library Board (Page 32)

[Attachments](#)

C. Second Reading of Ordinances

1. Amendment to the Alcohol Ordinance (Pages 33-35)

[Attachments](#)

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 Zoning Ordinance (Pages 36-39)

[Attachments](#)

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 (Pages 40-52)

[Attachments](#)

E. First Reading of Ordinances

1. Revision to Pawnshop Ordinance (Pages 53-63)

[Attachments](#)

F. Change Order

1. Leake Mounds-Etowah RiverWalk Link - Engineering (Pages 64-68)

[Attachments](#)

2. Douthit Ferry Road Environmental Change Order (Pages 69-72)

[Attachments](#)

G. Contracts/Agreements

1. South of Main LLC Gas Main Relocation (Pages 73-80)

[Attachments](#)

H. Bid Award/Purchases

1. Fluoride Purchase – Key Chemical (Pages 81-82)

[Attachments](#)

2. Fluke 754 Process Calibrator for Water Treatment Plant (Pages 83-91)

[Attachments](#)

3. IRS Fine for Incorrect 1099 Filings for 2012 (Pages 92-93)

[Attachments](#)

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES OFFICE, ADA COORDINATOR, 48 HOURS IN ADVANCE OF THE MEETING AT 770-387-5616.



City of Cartersville

City Council Meeting
7/2/2015 7:00:00 PM
June 18, 2015

SubCategory:	Council Meeting Minutes
Department Name:	Clerk
Department Summary Recommendation:	Attached are the minutes for your review and approval.
City Manager's Remarks:	The minutes from the June 18th City Council meeting are recommended for your approval.
Financial/Budget Certification:	
Legal:	
Associated Information:	

City Council Meeting
 10 N. Public Square
 June 18, 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 McDaniel

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 Keith Lovell, Assistant City Attorney. David Archer, City Attorney was absent.

II. Regular Agenda

A. Council Meeting Minutes

1. June 4, 2015

A motion to approve the June 4, 2015 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

B. Second Reading of Ordinances

1. Budget Ordinance for Fiscal Year 2015-16

Tom Rhinehart, Finance Director presented the fiscal year 2015-16 budget. Mr. Rhinehart stated that the budget is balanced with an increase of 0.37% from last year and includes salary adjustments for all departments, no city property tax increase, school system funding, increase in staffing, increased health insurance premiums for both the city and employees, an increase in residential water and sewer rates, an increase in the water basic monthly rate, an increase in gas basic monthly rates and an increase in the gas capital improvement rate. Mr. Rhinehart stated that there had been one change in the general fund in the amount of \$394,650 and recommended approval of this budget ordinance as amended.

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

Ordinance

of the
City of Cartersville, Georgia

Ordinance No. 15-15

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 2015 - 2016 budget.

2015 - 2016 Budget Summary

General Fund	Revenues	Expenditures
Revenues	\$40,680,925	
Expenditures:		
Legislative		\$19,385,025
Administration		\$ 899,115
Finance Dept.		\$ 1,154,210
Customer Service Dept.		\$ 727,470
Police		\$ 5,281,395
Fire		\$ 6,368,130
Municipal Court		\$ 249,190
Public Works		\$ 2,416,565
Recreation		\$ 3,027,775
Planning & Development		\$ 995,880
Downtown Development Authority		\$ 176,170
Special Revenue Funds		
GO Park Bonds Series 2014	\$ 5,034,960	\$ 5,034,960
SPLOST – 2003	\$ 360,000	\$ 360,000
SPLOST – 2014	\$ 2,722,540	\$ 2,722,540
DEA	\$ 315,000	\$ 315,000
State Forfeiture	\$ 3,000	\$ 3,000
Hotel/Motel Tax	\$ 530,000	\$ 530,000
Motor Vehicle Rental Tax	\$ 60,000	\$ 60,000
Grant Funds	\$ 0	\$ 0
Impact Fees	\$ 0	\$ 0
Business Improve Dist Tax	\$ 23,160	\$ 23,160
Development Fees	\$ 5,000	\$ 5,000
Enterprise Funds		
Fiber Optics	\$ 1,875,465	\$ 1,875,465
Electric	\$49,860,820	\$49,860,820

Gas	\$23,159,760	\$23,159,760
Solid Waste	\$ 2,388,600	\$ 2,388,600
Stormwater	\$ 1,389,000	\$ 1,389,000
Water & Sewer	\$15,575,145	\$11,219,875
Water Pollution Control Plant		\$ 2,321,935
Water Treatment Plant		\$ 2,033,335
Internal Service Fund		
Garage	\$ 1,632,905	\$ 1,632,905

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED, this 4th day of June 2015. First Reading.

ADOPTED this 18th day of June 2015. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. Amendment to Utilities Ordinance Regarding Gas Rates

Tom Rhinehart, Finance Director stated that in order to balance the Gas Fund Fiscal Year 2016 budget, two revenue increases have been proposed. They are increases in the fixed monthly base rates and an increase in the capital improvement rate. With these proposed increases in rates the residential customers will remain one of the lowest gas rates in the surrounding areas; however these increases are needed to maintain the existing system and plan for any necessary expansions. Mr. Rhinehart stated that there have been no additions or corrections since the first reading and recommended approval of the proposed gas rate increases to begin July 1, 2015.

A motion to approve Ordinance No. 16-15 was made by Council Member Hodge and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 16-15

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 is hereby amended by making the following amendments to **CHAPTER 24. UTILITIES. ARTICLE II. RATES, CHARGES, BILLING AND COLLECTION PROCEDURES.** Section 24-221 - Gas system firm rate schedule - Residential, Section 24-222 - Same – Commercial, Section 24-223 – Same – Industrial, Section 24-224 – Gas system transport rate schedule – Industrial, and Section 24-225 – Gas system interruptible rate schedule - Industrial are hereby amended by deleting Section 24-221, Section 24-222, Section 24-223, Section 24-224, Section 24-225, and Section 24-231, Paragraph (h) in their entirety and replacing them as follows:

- **Sec. 24-221. - Gas system firm rate schedule—Residential.**

(a) *Availability.* Available in all areas served by the city's natural gas system where sufficient capacity is available, subject to the city's service rules and regulations.

(b) *Code 40 - firm - residential - year round (water heater).*

Applicability. This rate is applicable to all residential customers with year round consumption. No gas may be resold or transported to other premises.

Monthly service charge	\$ 10.00
1st 25 therms @	0.175
Next 175 therms @	0.111
Over 200 therms @	0.083
Plus PGCI	

(c) *Code 40A - firm - residential (excess flow valve) - year round (water heater).*

Applicability. This rate is applicable to all residential customers with year round consumption and an excess flow valve installed on their service line. No gas may be resold or transported to other premises.

Monthly service charge	\$ 10.00
Monthly maintenance charge	5.00
1st 25 therms @	0.175
Next 175 therms @	0.111
Over 200 therms @	0.083
Plus PGCI	

(d) *Code 47 - firm residential - heat only.*

Applicability. This rate is applicable to all residential customers that do not have year round consumption. No gas may be resold or transported to other premises.

Monthly service charge	\$ 10.00
All consumption @	0.20
Plus PGCI	

(e) *Code 47A - firm residential - (excess flow valve) heat only.*

Applicability. This rate is applicable to all residential customers that do not have year round consumption and have an excess flow valve installed on their service line. No gas may be resold or transported to other premises.

Monthly service charge	\$ 10.00
Monthly maintenance charge	5.00
All consumption @	0.20
Plus PGCI	

(Ord. No. 17-94, 5-12-94; Ord. No. 11-99, 2-18-99; Ord. No. 21-09, § 1, 3-19-09)

- **Sec. 24-222. - Same—Commercial.**

- (a) *Availability.* Available in all areas served by the city's natural gas system where sufficient capacity is available, subject to the city's service rules and regulations.
- (b) *Code 41 - firm - commercial - year round (Water heater).*
Applicability. This rate is applicable to all commercial customers with year round consumption. No gas may be resold or transported to other premises.

Monthly service charge	\$15.00
1st 25 therms @	0.175
Next 175 therms @	0.111
Over 200 therms @	0.083
Plus PGCI	

- (c) *Code 48 - Firm - Commercial Heat Only.*
Applicability. This rate is applicable to all commercial customers that do not have year round consumption. No gas may be resold or transported to other premises.

Monthly service charge	\$15.00
All consumption @	0.20
Plus PGCI	

(Ord. No. 17-94, 5-12-94)

- **Sec. 24-223. - Same—Industrial.**

- (a) *Availability.* Available in all areas served by the city's natural gas system where sufficient capacity is available, subject to the city's service rules and regulations.
- (b) *Code 42 - firm - industrial - heat only.*
Availability. Available in all areas served by the city's natural gas system where sufficient capacity is available, subject to the city's service rules and regulations.
- (c) *Code 42 - firm - industrial - heat only.*
Applicability. This rate is applicable to all industrial customers that have winter heating requirements. No gas may be resold or transported to other premises.

Monthly service charge	\$100.00
All consumption @	0.20
Plus PGCI	

- (d) *Code 43 - Firm - Industrial Process.*
Applicability. This rate is applicable to all industrial customers with year round consumption. No gas may be resold or transported to other premises.

Monthly service charge	\$100.00
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1st 100 decatherms @	1.31
All over 100 decatherms @	0.95
Plus PGCI	
During cold weather months of October through April, all gas over the summer average (June, July, August) will be \$2.00/decatherm.	

(Ord. No. 17-94, 5-12-94)

• Sec. 24-224. - Gas system transport rate schedule—Industrial.

(a) *Availability.* Available in all areas served by the city's natural gas system where sufficient capacity is available, subject to the city's service rules and regulations.

(b) *Code 44 - Small Transport.*

Applicability. This rate is applicable to all customers with a minimum average consumption of one hundred (100) decatherms per day and using less than twenty thousand (20,000) decatherms on an annual monthly average. No gas may be resold or transported to other premises.

Monthly service charge	\$200.00
1st 1,500 decatherms @	0.80
Next 1,500 decatherms @	0.70
Next 15,000 decatherms @	0.60
Next 82,000 decatherms @	0.48
All additional decatherms @	0.36
Capital improvements	0.178/DT
Storage fee	0.30/DT
Plus PGCIH	

(c) *Code 46 - large transport.*

Applicability. This rate is applicable to all customers with a minimum average consumption of one hundred (100) decatherms per day and using more than twenty thousand (20,000) decatherms on an annual monthly average. No gas may be resold or transported to the premises.

Monthly service charge	\$200.00
1st 20,000 decatherms @	0.55
Next 80,000 decatherms @	0.488
Next 200,000 decatherms @	0.345
All over 300,000 decatherms @	0.14
Capital improvements	0.178/DT
Storage fee	0.30/DT
Plus PGCIH	

(d) *Code 49 - industrial incentive.*

Applicability. This rate is applicable to all customers with a minimum average consumption of three thousand (3,000) decatherms per day and using more than one hundred thousand (100,000) decatherms on an annual monthly average. No gas may be resold or transported to other premises.

Monthly Service Charge	\$200.00
1st 25,000 decatherms @	0.46
Next 75,000 decatherms @	0.38
Next 200,000 decatherms @	0.126

All over 300,000 decatherms @	0.12
Capital improvements	0.178/DT
Storage fee	0.30/DT
Plus PGC III	

(Ord. No. 17-94, 5-12-94; Ord. No. 11-99, 2-18-99)

Sec. 24-225. - Gas system interruptible rate schedule—Industrial.

(a) *Availability.* Available in all areas served by the city's natural gas system where sufficient capacity is available, subject to the city's service rules and regulations.

(b) *Code 45 - interruptible.*

Applicability. This rate is applicable to all industrial customers with a minimum consumption of one hundred (100) decatherms per day. No gas may be resold or transported to other premises.

Monthly service charge	\$100.00
1st 1,500 decatherms @	0.80
Next 1,500 decatherms @	0.70
Next 15,000 decatherms @	0.60
Next 82,000 decatherms @	0.48
All additional decatherms @	0.36
Plus PGCII	

(c) *Code 45A - interruptible asphalt manufacturing facility.*

Applicability. This rate is applicable to all asphalt manufacturing facilities. All gas must be purchased from the City of Cartersville. No gas may be resold or transported to other premises.

Monthly service charge	\$200.00
1st 1,500 decatherms @	0.80
Next 1,500 decatherms @	0.70
Next 15,000 decatherms @	0.60
Next 20,000 decatherms @	0.48
Capital improvements	0.178/DT
Plus PGCII	

It is the intention of the city council and it is hereby ordained that the provisions of Ordinance No. 17-94 shall become and be made part of the Code and the sections of said ordinance may be renumbered to accomplish such intention.

(Ord. No. 17-94, 5-12-94; Ord. No. 38-09, § 1, 6-2-09)

Secs. 24-226, 24-227. - Reserved.

Secs. 24-231.- Generally, Paragraph (h)

h) A capital improvement charge of \$0.0178/therm shall be applied to all purchased gas costs.

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 or alphabetized to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

First Reading this the 4th day of June 2015.

ADOPTED this the 18th day of. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

3. Amendment to Utilities Ordinance Regarding Water/Sewer Rates

Tom Rhinehart, Finance Director stated that in order to balance the Water and Sewer Fund Fiscal Year 2016 budget two revenue increases have been proposed. They are a 5 percent increase in residential water and sewer customers and a 5 percent increase in the base monthly water rate. With these proposed increases in the rates residential water and sewer customers will remain on of the lowest water and sewer rates in the surrounding areas; however these increases are needed to maintain the existing system and plan for any necessary future expansions. Mr. Rhinehart stated that there have been no additions or corrections since the first reading and recommended approval of the proposed water and sewer rate increases to begin July 1, 2015.

A motion to approve Ordinance No. 17-15 was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 17-15

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"	\$ 7.61	\$ 13.94
3/4" full flow	\$ 11.41	\$ 20.29
1"	\$ 17.76	\$ 32.97
1 ¼" or 1 ½"	\$ 35.50	\$ 60.86
2"	\$ 68.47	\$125.52
4"	\$126.79	\$245.33
6"	\$197.79	\$355.01
8"	\$253.58	\$490.67
Plus consumption as follows:		
(i) Residential Meters		
(a) 0 – 8 consumptions per month	\$1.56/100 cu. ft.	\$3.14/100 cu. ft.
(b) 9 – 14 consumptions per month	\$2.57/100 cu. ft.	\$3.24/100 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		
	\$2.59/100 cu. ft.	\$3.82/100 cu. ft.
(iii) Irrigation System Meters		
	\$4.66/100 cu. ft.	\$4.66/100 cu. ft.
(iv) Industrial and All Other Meters		
	\$1.56/100 cu. ft.	\$3.14/100 cu. ft.

(b.) Sewage Monthly Billing	City	Outside City
Minimum bill according to meter size:		
5/8" or 3/4"	\$ 7.61	\$ 7.61
3/4" full flow	\$ 11.41	\$ 11.41
1"	\$ 17.76	\$ 17.76
1 ¼" or 1 ½"	\$ 35.50	\$ 35.50
2"	\$ 68.47	\$ 68.47
4"	\$126.79	\$126.79
6"	\$197.79	\$197.79
8"	\$253.58	\$253.58
Plus consumption	\$1.72/100 cu. ft.	\$3.47/100 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

$\frac{3}{4}$	\$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

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

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 (¾" water meter equivalent) for capacity fees.

All hotel and apartment units without refrigerator and stove are to be calculated as one-half unit (¾" 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 (¾" water meter equivalent):

- (a) Restaurant;
- (b) Lounge;
- (c) Car wash;
- (d) Lobby;
- (e) Full kitchen (not part of restaurant).

(e.) Unmetered Private fire service charges – Monthly Billing	City	Outside City
In Inches:		
2	\$ 15.75	\$ 31.50
4	\$ 23.63	\$ 47.25
6	\$ 31.50	\$ 63.00
8	\$ 63.00	\$126.00
10	\$157.50	\$315.00
12	\$236.25	\$472.50

(f) Fire	City	Outside City
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	hydrant flow test.		
		\$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"	\$ 7.61	\$ 7.61
3/4" full flow	\$ 11.41	\$ 11.41
1"	\$ 17.76	\$ 17.76
1 ¼" or 1 ½"	\$ 35.50	\$ 35.50
2"	\$ 68.47	\$ 68.47
4"	\$126.79	\$126.79
6"	\$197.79	\$197.79
8"	\$253.58	\$253.58
Plus consumption	\$1.72/100 cu. ft.	\$3.47/100 cu. ft.

This Ordinance shall become effective on July 1, 2014.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 1st day of July 2014.

ADOPTED this the 18th day of July 2014. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie K. Keeling
City Clerk

4. Amendment to Fireworks Ordinance

Keith Lovell, Assistant City Attorney stated that due to changes in the laws at the State

Level the city needed to amend its current fireworks ordinances.

1. Section 9-18 Add permit fee of \$100.00
2. Section 9-30 Do away with prohibition of Fireworks
3. Section 9-32 Definition of fireworks
4. Section 9-33 Standards for wire/wood sparklers.

Mr. Lovell stated that there have been no additions or corrections since the first reading and all four ordinances are recommended for approval.

A motion to approve Ordinances No. 18-15; 19-15; 20-15; and 21-15 was made by Council Member Pruitt and seconded by Council Member Hodge. Motion carried. Vote 5-1 with Council Member Tate opposing.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 18-15

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 9. FIRE PREVENTION AND PROTECTION. ARTICLE II. FIRE DEPARTMENT. Sec. 9-18 Miscellaneous fees** is hereby amended by deleting said section in its entirety and replacing it as follows:

1.

Sec. 9-18. Miscellaneous fees.

(a) The following fees shall be charged by the City of Cartersville Fire Department:

- (1) Professional Fireworks permit applications, per day, per event\$100.00**
- (2) Fireworks Special Use permit applications, per day, per event\$100.00**
- (3) Temporary Fireworks Retail Sales permit.....\$500.00**
- (4) Above ground storage tank location approvals, per tank, per site\$100.00**
- (5) Fire extinguisher classes, per class\$15.00**
- (6) Copies of fire incident reports, per report\$3.00**

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 4th day of June 2015.

ADOPTED this the 18th day of. Second 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. 19-15

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 9. FIRE PREVENTION AND PROTECTION. ARTICLE III. FIRE PREVENTION CODE. Sec. 9-30. Fireworks is hereby amended by deleting said section in its entirety and replacing it as follows:

1.

Sec. 9-30. - Fireworks.

(a)Indoor fireworks prohibited.

(1) All fireworks and pyrotechnic devises 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:

(i) All federal and State of Georgia laws, rules and regulations relating to firework displays and or the use of fireworks;

(ii) That said applicant is licensed as required by the State of Georgia to perform fireworks;

(iii) That said fireworks display as planned does not inherently place the public in danger;

(iv) 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 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 Chapter 25, article 10 and Sections 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.

(10) *Penalty for violation of article.* Any person, firm, corporation, association, or partnership violating the provisions of this article shall be subject to a fine of up to one thousand dollars (\$1000.00) per violation and/or six (6) months in jail per day per violation.

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 4th day of June 2015.
ADOPTED this the day of. Second 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. 20-15

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 9. FIRE PREVENTION AND PROTECTION. ARTICLE III. FIRE PREVENTION CODE. Sec. 9-32. Fireworks prohibited is hereby amended by deleting said section in its entirety and replacing it as follows:

1.

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) A permanent or temporary building or structure, CFRS stand, tent, canopy, or membrane structure 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 800 sq./ft. other than tent, canopies, or membrane structures, that is used primarily for the retail display and sales of consumer fireworks to the public.

(e) **“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.”

(d) **“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 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.”

(e) **“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 180 consecutive calendar days.

(f) **“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 90 consecutive calendar days or less.

(g) **“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.

(h) 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 100 grams or less of mixture per item; other sparkling items which are non-explosive and non-aerial and contain 75 grams or less of chemical compound per tube or a total of 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 Chapter 10 of Title 25 of the Official Code of Georgia Annotated and the Rules and Regulations of the Safety Fire Commissioner Chapter 120-3-22

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 4th day of June 2015.
ADOPTED this the day of. Second 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. 21-15

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 9. ARTICLE III. FIRE PREVENTION CODE. Sec. 9-33 wire or wood sparklers and model rockets** is hereby amended by deleting said section in its entirety and replacing it as follows:

1.
Sec. 9-33. 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 4th day of June 2015.
ADOPTED this the day of. Second Reading.

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

ATTEST:

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

C. First Reading of Ordinances

1. Amendment to Alcohol Ordinance

Randy Mannino, Planning and Development Director stated that currently the city ordinance allows the tasting of wine at wine specialty/retail shops; however it does not allow for the tasting of beer for growlers. This ordinance will allow for the tasting of beer for growlers – up to one visit per day and four 2 ounce samples per visit. Mr. Mannino stated that the Alcohol Control Board had recommended approval.

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 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 2015.

ADOPTED this the day of. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

D. Public Hearing – 1st 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 Zoning Ordinance

Randy Mannino, Direct of Planning and Development, stated that this Zoning and Annexation request had no conflicts with the other City Departments and all adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino stated that based on recently approved changes to State Legislation regarding fireworks, the Cartersville Fire Department staff has recommended adding information to the Zoning Ordinance to accomplish the following goals: 1 – Define Commercial Fireworks retail sales facility and 2 – Limit such facilities to the G-C District (with exceptions as noted in the definition). Mr. Mannino stated that the Planning Commission had recommended approval.

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 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 2015.

ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. Z15-01: Rezoning application by LGI Homes (Adam Corder, representative) for property on Center Road and Autumn Canyon Path near I-75 (approximately 37.1 acres) from R-10 with conditions to R-10 with other conditions,

Randy Mannino, Direct of Planning and Development, stated that this Zoning and Annexation request had no conflicts with the other City Departments and all adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino stated that in 2005 the north and south sides of Center road were rezoned from R-20 to R-10 (small lot conservation subdivision) zoning to allow small lots that could be 7,000 sq feet in size. The property was to be a large subdivision with 350 homes with amenities. After only five or so houses had been built on the south side of Center Road, the land sat vacant for several years. In 2014, LGI Homes purchased the 37 acre tract on the south side of Center Road with the intent to build approximately 75 homes; however they have installed a playground in the rear of the subdivision but do not propose to install a tennis court, swimming pool, or clubhouse for the small subdivision. This application would delete zoning condition #3 for the south side of the property. Since LGI does not own the north side of this property that area is not part of this application and condition #3 would still apply. Mr. Mannino stated that the planning commission had recommended approval.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

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 day of. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling
City Clerk

E. Resolutions

1. Commencement Date for TAD #1 East Main Street Redevelopment Plan

Keith Lovell, Assistant City Attorney stated that this Supplemental Resolution sets the commencement date for the TAD #1 East Main Street Redevelopment Plan and recommended approval.

A motion to approve Resolution No. 12-15 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

Resolution No. 12-15

SUPPLEMENTAL RESOLUTION

WHEREAS, the City of Cartersville, Georgia (the “City”), by a resolution adopted on October 9, 2014 (the “City Resolution”), determined that a portion of the City (the “East Main Street Tad #1 Urban Redevelopment Area”) be established as a “redevelopment area” pursuant to O.C.G.A. § 36-44-1, et seq. (the “Redevelopment Powers Law”); and

WHEREAS, pursuant to the City Resolution, a redevelopment plan (attached as an exhibit to the City Resolution) (the “Redevelopment Plan”) was adopted and approved for the East Main Street TAD #1 Urban Redevelopment Area (the “East Main Street TAD”); and

WHEREAS, pursuant to the City Resolution, the City designated itself as redevelopment agency for purposes of implementing the Redevelopment Plan for the East Main Street TAD #1 Urban Redevelopment Area; and

WHEREAS, the City Resolution provides that the East Main Street TAD was created pursuant to the City’s redevelopment powers contained in the Redevelopment Powers Law, and will become effective on December 31, 2014; and

WHEREAS, the Redevelopment Powers Law provides that school district ad valorem property taxes may be included in the computation of the tax allocation increments of the East Main Street TAD #1 if the local legislative body of the school district consents to such inclusion by resolution duly adopted; and

WHEREAS, the City of Cartersville School Board adopted its resolution on October 9, 2014 (the “School Resolution”), which authorized among other things, the approval of the Redevelopment Plan and execution and delivery of an Intergovernmental Agreement with the City, relating to the East Main Street TAD; and

WHEREAS, the City adopted its supplemental resolution on June 18, 2015, providing that the East Main Street TAD shall have an effective date of December 31, 2015.

NOW, THEREFORE, BE IT RESOLVED by the City of Cartersville School Board, and it is hereby resolved by the authority of the same as follows:

Section 1. Effective Date. The Cartersville School System hereby acknowledges and agrees that the East Main Street TAD shall have an effective date of December 31, 2015.

Section 2. Reaffirmation of School Resolution. All of the terms and provisions of the School Resolution, except as specifically modified by this Supplemental Resolution, are hereby ratified and reaffirmed.

Section 3. Repealing Clause. All resolutions and parts of resolutions in conflict with this Supplemental Resolution are hereby rescinded to the extent to such conflict.

PASSED AND ADOPTED by the City of Cartersville School Board, this 8th day of June, 2015

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CITY OF CARTERSVILLE SCHOOL BOARD

**/s/ Linda Benton
Chairman, Linda Benton**

ATTEST:

**/s/ Pat Broadnax
Secretary**

Approved by the Mayor and City Council of the City of Cartersville on the 18th day of June, 2015.

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

ATTEST:

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

F. Other

1. Georgia Municipal Association Membership Dues

Sam Grove, City Manager stated that this invoice is for the Georgia Municipal Association 2015-16 membership dues and recommended approval.

A motion to approve the invoice from GMA was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

G. Contracts/Agreements

1. Contracts for Performing Services

Tom Rhinehart, Finance Director stated that these are the Contracts for Performing Services for those agencies that awarded funds each year as part of the annual budget and recommended approval of the following:

- Cartersville – Bartow Library \$454,500
- Cultural Arts Alliance \$ 51,000
- Juvenile Court \$ 15,000
- Bartow Health Access \$ 2,000
- Good Neighbor Homeless Shelter \$ 2,000
- Summer Hill Learning Center \$ 1,200
- Eddie Lee Wilkins Youth Assoc. \$ 18,000

A motion to approve all contracts as presented was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

2. Invoice Cloud Electronic Bill Presentment and Payment

Tom Rhinehart, Finance Director stated that this is a direct web payment portal that will enhance what the city already uses and will be more user friendly for the customer. Mr. Rhinehart recommended approval.

A motion to approve the agreement with Invoice Cloud was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

3. Optimists for July 4, 2015 Celebration

Sam Grove, City Manager stated that this is the annual contract between the City of Cartersville and the Optimist Club for the festivities at Dellinger Park for the 4th of July Celebration. Additionally, JRM Management Services, Inc. has contracted with the Optimists to coordinate this event. Mr. Grove stated that there is one typographic error in the contract concerning the parking fee and recommended approval with this minor correction.

A motion to approve the Optimist Club agreement with the correction on the parking fee was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

4. Property & Casualty and Workers Comp. Insurance Renewals

Dan Porta, Assistant City Manager stated that this is the renewal for property and casualty and workers compensation insurance. Mr. Porta recommended approval of the renewal of the workers compensation through Midwest Employers Casualty Company at a cost of \$49,914 with third party administration of claims provided by USIS at a cost of \$9,900, and property and casualty insurance coverage with One Beacon Insurance at a cost of \$396,644 which is 2% higher than last year.

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

5. USA Software Annual Support & Maintenance Agreement

Tommy Culpepper, Police Chief stated that this is an annual support agreement with USA Software for the Records Management Systems used by the Police Department in all record keeping. Chief Culpepper recommended approval of this renewal in the amount of \$28,876.30.

A motion to approve USA Software agreement was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

6. Leads Online Agreement

Tommy Culpepper, Police Chief stated that this is an electronic reporting system that will be required for businesses in the pawn, scrap metal, precious metals and stones business. Chief Culpepper recommended approval for the Mayor to sign the agreement with Leads Online.

A motion to approve authorization for the Mayor to sign the agreement with Leads Online was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

H. Bid Award/Purchases

1. Equipment Purchase for Project B. I. G.

Don Hassebrock, Electric Department Director stated that his department needs to purchase various items of equipment needed for the B.I.G. Project. Bids were requested from multiple vendors on June 9, 2015. This project is on a short time line with the plant wanting power by October 2015. Mr. Hassebrock stated that the majority of the equipment has a delivery date of 7 to 14 weeks and recommended approval of the items for a total price of \$415,129.68.

A motion to approve the purchases for Project B.I.G. was made by Council Member Pruitt and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

2. Solid Waste Garbage Cart Purchase

Tommy Sanders, Public Works Director stated that bids were solicited for 400 – 95 gallon residential garbage cans and recommended approval to purchase from the low bidder, Wastequip in the amount of \$19,053.28.

A motion to approve purchase was made by Council Member Hodge and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

Mayor Santini stated that there were three items to be added to the agenda. A motion to add the items to the agenda was made by Council Member Hodge and seconded by Council Member Tonsmeire. 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 and must be repaired as soon as possible. This is a sole source part that is only available from the original manufacturer. Mr. Jones stated that the total cost of the replacement is \$12,250 from Evoqua Water Technologies and recommended approval.

A motion to approve the repairs was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

4. Added Item #1 - #4 Primary Screw Pump Re-Edge

Bob Jones, Water and Sewer Superintendent stated that the #4 Primary Screw Pump is badly worn and in need of re-edging. Due to the severe deterioration of the edge on the #4 pump it is doubtful that it would perform at anything close to its rating when new. Bids were requested for the re-edging the #4 screw and Mr. Jones recommended the approval of the low bid from Southern Machine in the amount of \$23,000.

A motion to approve the low bid from Southern Machine was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

5. Audit Service Extension

Tom Rhinehart, Finance Director stated that this is a request to extend the contract with Carr, Riggs, and Ingram for the city's annual audit at a cost of \$41,500 per year with an additional cost of \$3,500 per year for a single audit if necessary.

A motion to approve the Audit Service Extension with Carr, Riggs, and Ingram was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

6. Added Item #2 – Business Process Review by Cogsdale

Tom Rhinehart, Finance Director stated that this is a review of the utility software to ensure that everything is working properly and that proper procedures are being followed by

employees. The total cost for this process is \$18,000 plus expenses and Mr. Rhinehart feels that this will be well spent by the city as we will get valuable knowledge and recommended approval.

A motion to approve the Business Process Review by Cogsdale was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

I. Presentation

1. Citizen Survey Results Presentation

Sam Grove, City Manager presented the first of the Citizen Survey Results pertaining to Community Characteristics, Safety Mobility, and Natural and Built Environment.

J. Monthly Financial Statement

1. April 2015

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

K. Added Item #3 – DOT Audit – Leake Mounds

Keith Lovell, Assistant City Attorney stated that after a review of the Leake Mounds Project the GA Department of Transportation did not like the special stipulations the property owners requested; therefore the city needs to quit claim this property back to the owners and get a new easement with a separate agreement with stipulations. Mr. Lovell recommended approval.

A motion to approve the easements was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

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

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk



City of Cartersville

City Council Meeting
7/2/2015 7:00:00 PM
Bartow County Board of Health

SubCategory:	Appointments
Department Name:	
Department Summary Recommendation:	To appoint Tonya Emery to the Bartow County Board of Health, term to expire December 31, 2016. She will fill the unexpired term due to the death of Edsel Dean.
City Manager's Remarks:	Your approval of this appointment is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	



City of Cartersville

City Council Meeting
7/2/2015 7:00:00 PM
Cartersville-Bartow Library Board

SubCategory:	Appointments
Department Name:	Administration
Department Summary Recommendation:	To appoint Ginny Weaver to the Cartersville-Bartow Library Board, term to expire June 30, 2018.
City Manager's Remarks:	Your approval of this appointment is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	



City of Cartersville

City Council Meeting
7/2/2015 7:00:00 PM
Amendment to the Alcohol Ordinance

SubCategory:	Second Reading of Ordinances
Department Name:	Planning and Development
Department Summary Recommendation:	Currently our ordinance allows the tasting of wine at wine specialty/retail shops; however it does not allow for the tasting of beer for growlers. This ordinance will allow for the tasting of beer for growlers - up to one visit per day and four samples (2 oz. each) per visit. The Alcohol Control Board has recommended approval.
City Manager's Remarks:	Your approval of this ordinance is recommended by the Alcohol Control Board.
Financial/Budget Certification:	
Legal:	
Associated Information:	

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 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 day of.

ADOPTED this the day of. Second Reading.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk



City of Cartersville

City Council Meeting

7/2/2015 7:00:00 PM

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 Zoning Ordinance

SubCategory:	Public Hearing - 2nd Reading of Zoning/Annexation Requests
Department Name:	Planning and Development
Department Summary Recommendation:	Based on recently approved changes to State legislation regarding fireworks, Cartersville Fire Department staff recommend adding information to the Zoning Ordinance to accomplish the following goals: 1. Define Commercial fireworks retail sales facility 2. Limit such facilities to the G-C district (with exceptions as noted in the definition). Planning Commission recommended approval.
City Manager's Remarks:	Your approval of this item is recommended by Planning Commission.
Financial/Budget Certification:	
Legal:	
Associated Information:	

MEMO

To: Planning Commission, Mayor Santini & City Council
From: Randy Mannino and Richard Osborne
Date: June 10, 2015
Re: Text Amendment T15-02

Based on recently approved changes to State legislation regarding fireworks, Cartersville Fire Department staff recommend adding information to the Zoning Ordinance to accomplish the following goals:

- 1) Define *Commercial fireworks retail sales facility*
- 2) Limit such facilities to the G-C district (with exceptions as noted in the definition).

Planning Commission recommended approval. The following is proposed:

- 1) Add the following definition:
 - *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) Add the following use in the G-C (General Commercial) district:
 - Consumer fireworks retail sales facility.

Ordinance No. _____

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: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
CONNIE KEELING, CITY CLERK



City of Cartersville

City Council Meeting

7/2/2015 7:00:00 PM

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

SubCategory:	Public Hearing - 2nd Reading of Zoning/Annexation Requests
Department Name:	Planning and Development
Department Summary Recommendation:	In 2005, the north and south sides of Center Rd on the west side of I-75 (approximately 200 acres) were rezoned from R-20 to R-10* (small lot conservation subdivision) zoning to allow small lots that could be 7,000 sq ft in size. The property was at that time proposed to be a large subdivision with approximately 350 homes and a variety of amenities. Therefore, the applicant had no objections to a zoning condition requiring that swimming pool, tennis court, and clubhouse be installed. After only five or so houses had been built on the south side of Center Rd, the land sat vacant for several years. In 2014, LGI Homes purchased the 37 acre tract on the south side of Center Rd with the intent of having approximately 75 houses on this land. LGI Homes has a playground in the rear of the subdivision but does not propose to install a swimming pool, tennis court, and clubhouse for the small subdivision. 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. Planning Commission recommended approval
City Manager's Remarks:	Your approval of this item is recommended by the Planning Commission.
Financial/Budget Certification:	
Legal:	
Associated Information:	

ZONING SYNOPSIS

Petition Number(s): **Z15-01**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **LGI Homes**

Representative: **Adam Corder**

Property Owner: **LGI Homes**

Property Location: **Center Road & Autumn Canyon Path**

Access to the Property: **Center Road & Autumn Canyon Path**

Site Characteristics:

Tract Size: Acres: **37.1 acres** District: **4th** Section: **3rd** LL(S): **188, 245-246**

Ward: **1** Council Member: **Kari Hodge**

LAND USE INFORMATION

Current Zoning: **R-10 with conditions**

Proposed Zoning: **R-10 with conditions**

Proposed Use: **Eliminate zoning condition #3 to finish south side subdivision**

Current Zoning of Adjacent Property:

North: **R-10 with conditions**

South: **MN**

East: **R-20**

West: **Bartow County jurisdiction**

The Future Development Plan designates the subject property as:
Suburban Living with recommended zoning districts R-20 and R-15.

ZONING ANALYSIS

City Departments Reviews

Water and Sewer:

No objections.

Public Works:

No objections.

Gas:

No objections.

Electric:

No objections.

Fire:

No objections.

Police:

No comments.

In 2005, the north and south sides of Center Rd on the west side of I-75 (approximately 200 acres) were rezoned from R-20 to R-10 (small lot conservation subdivision) zoning to allow small lots that could be 7,000 sqft in size. The property was at that time proposed to be a large subdivision with approximately 350 homes and a variety of amenities. Therefore, the applicant had no objections to a zoning condition requiring that swimming pool, tennis court, and clubhouse be installed. After only five or so houses had been built on the south side of Center Rd, the land sat vacant for several years. In 2014, LGI Homes purchased the 37 acre tract on the south side of Center Rd with the intent of having approximately 75 houses on this land. LGI Homes has a playground in the rear of the subdivision but does not propose to install a swimming pool, tennis court, and clubhouse for the small subdivision. 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. Planning Commission recommended approval.*

STANDARDS FOR EXERCISE OF ZONING POWERS.

- A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposal to change zoning conditions may permit uses that may be suitable in view of existing residential use and development of nearby properties.
- B. *Whether the zoning proposal will create an isolated district unrelated to adjacent and nearby districts.*
The proposal to change zoning conditions may not create an isolated district since adjacent and properties are also zoned R-10 with conditions.
- C. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The proposal may not adversely affect the existing use of adjacent properties.
- D. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*
As currently zoned for single-family residential development with zoning conditions, one of which requires an amenities package more typical of large subdivisions, the property may not have a reasonable economic use with this condition.
- E. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The proposal may not cause an excessive use of existing streets and facilities. Utility, Public Works, and Planning & Development staff would review any future development/redevelopment based on possible use on roads, utilities, and other factors.
- F. *Whether the zoning proposal is in conformity with the local Comprehensive Land Use Plan.*
The proposal would not change the zoning district.

- F. *Whether the zoning proposal is in conformity with the adopted local Comprehensive Land Use Plan.*
The proposal would not change the zoning district.
- G. Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.
The proposal may not result in a use which could adversely affect the environment. Utility, Public Works, and Planning & Development staff would review any future development/redevelopment.
- H. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
The proposal, to eliminate zoning condition #3 so that the approximately 79-unit subdivision can be built-out while not requiring the developer to install amenities that could be burdensome for the small number of homeowners to maintain in the future, may be reasonable.

STAFF RECOMMENDATION: No objections.

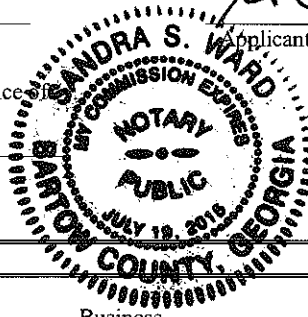
Application for Rezoning

Planning and Development Department
10 North Public Square
City of Cartersville
 (770) 387-5600

\$450
 Paid 4-27-15
 -RO

Application Number 215-01 Council chambers top floor
 Hearing Dates 6-9-15 @ 5:30
6-18-15 @ 7:00
7-2-15 @ 7:00 City Hall

Applicant LGI Homes Business/Cell Phone 281-362-8998
 (applicant's printed name)
 Address 450 Lake Robbins Drive Suite 430 Home Phone _____
 City The Woodlands State TX Zip 77380 Email _____
Adam Corder Phone 770-866-1934 Fax # _____
 (Representative's printed name (if other than applicant))
N/A Applicant's signature
 Representative's signature
 Signed, sealed and delivered in presence of Sandra S. Ward My commission expires: July 19, 2015
 Notary Public



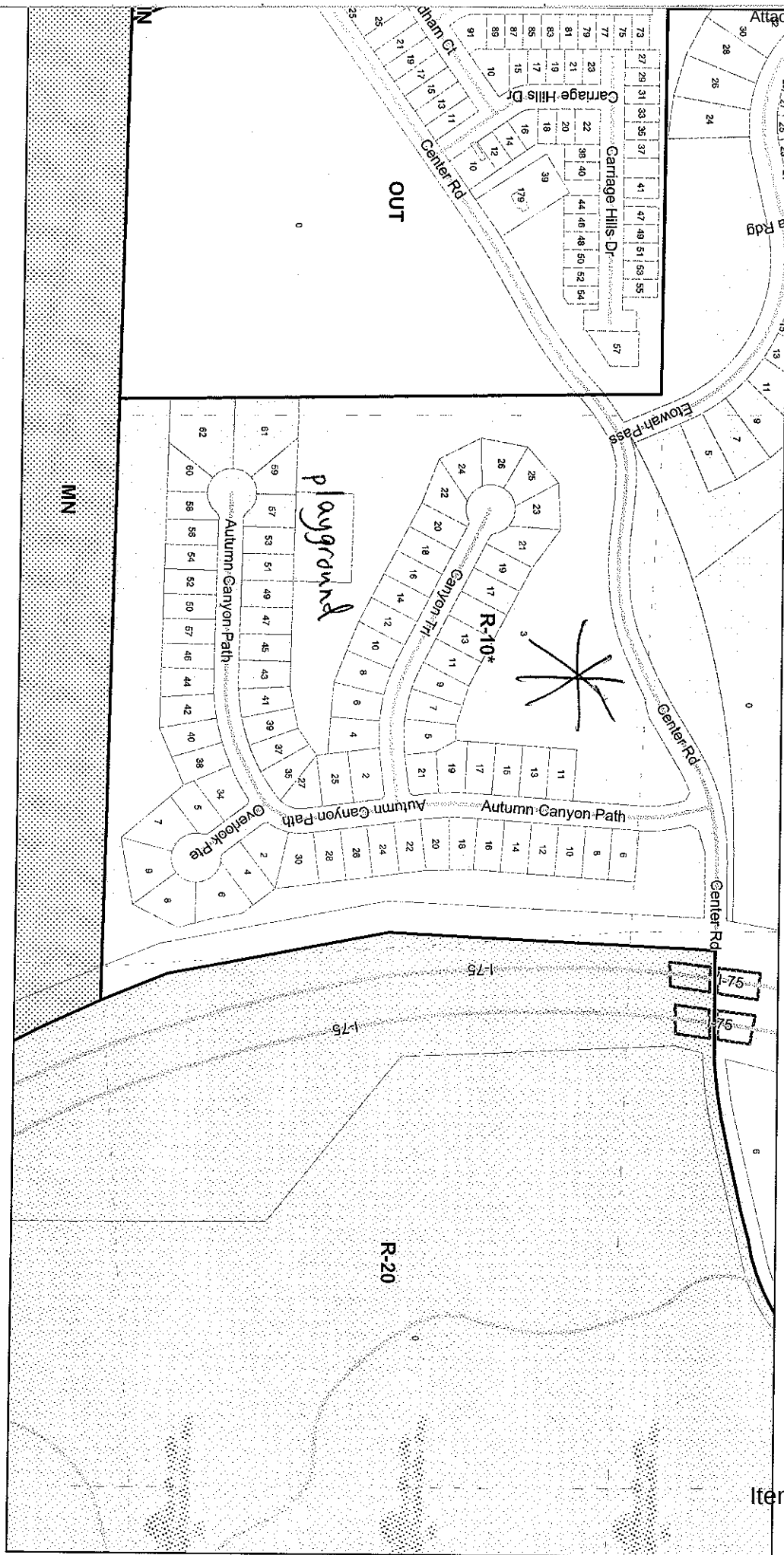
*
 NOTE: A case rep. should attend all mtgs.

Titleholder _____ Business _____ Home _____
 (titleholder's printed name)
 *attach additional notarized signatures as needed on separate application page Address _____
 Signature _____
 Signed, sealed, delivered in presence of: same as above My commission expires: _____
 Notary Public

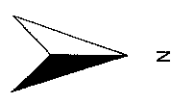
Present Zoning District(s) R-10 * Requested Zoning R-10 *
 Acreage 37.07 Land Lot(s) 188, 245 & 246 District(s) 4th Section(s) 3rd
 Location of Property Center Road & Autumn Canyon Path
 (street address, nearest intersections, etc)
 Reason for requested Rezoning: only to remove #3 zoning condition of Ordinance
 (attach additional statement as necessary) 02-05.

Attach a copy of a current boundary survey showing metes and bounds and indicating all existing site improvements and confirmation of the availability of all public utilities. Said site must meet the proposed zoning district development standards and access requirements of the City's regulations.

Center Rd near I-75 Autumn Canyon subdivision case Z15-01



Item # 6



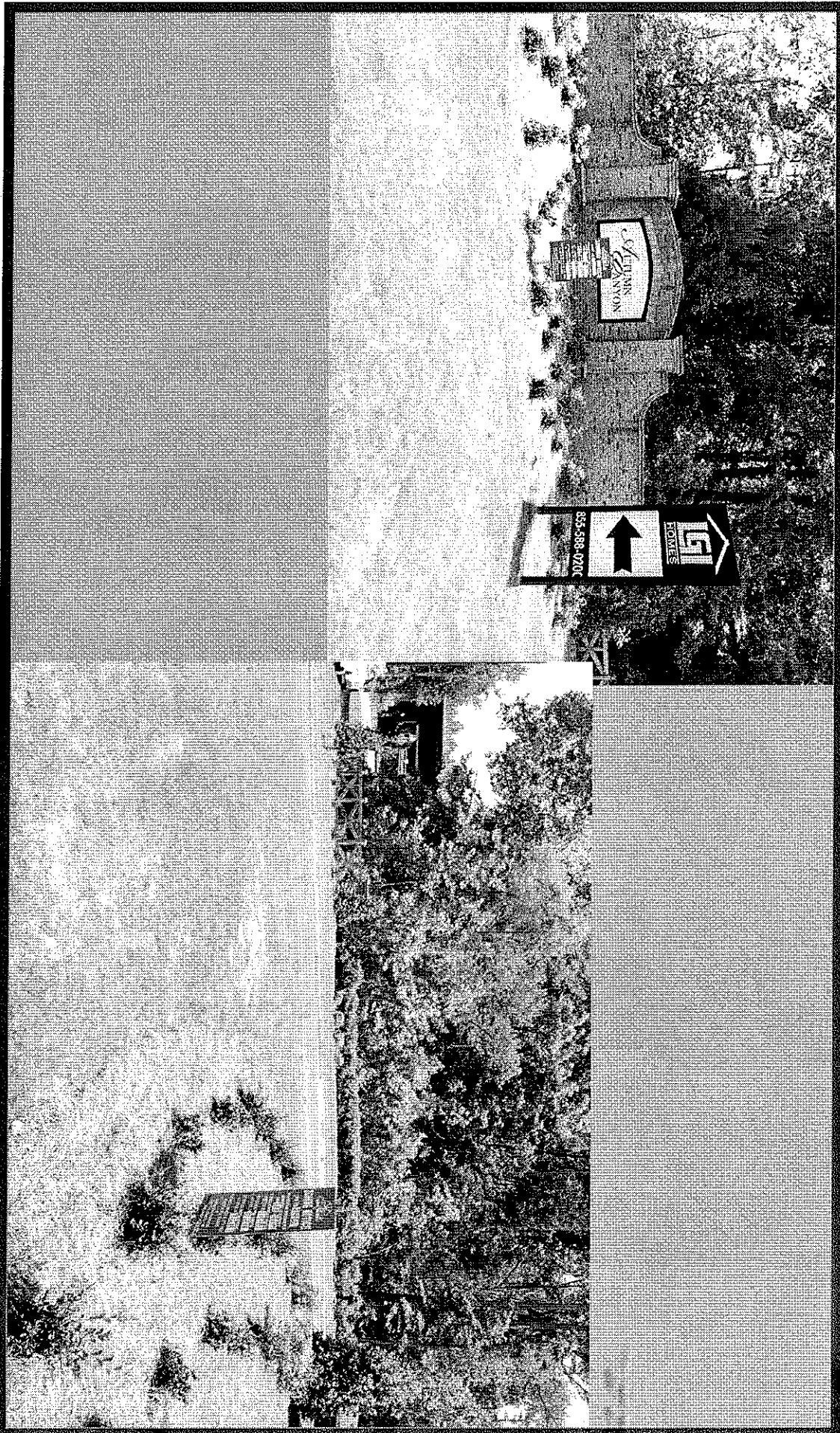


Cartersville

Be Charmed • Be Prosperous • Belong

Center Rd & Autumn Canyon Path Rezoning Z15-01

Item # 6



Ordinance
of the
City of Cartersville, Georgia

Ordinance No. 02-05

Petition No. Z04-14

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 All I Need Homebuilders, Inc. (Mike Garrett). Property is located on the north and south side of Center Road, adjacent to the west side of I-75. Said property contains 202 acres located in the 4th District, 3rd Section, Land Lots 103, 115, 173-174, 187-189, and 245-246 as shown on the attached plat Exhibit "A". Property is hereby rezoned from R-20 (Residential) to R-10 (Residential) with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

1. Maximum of 360 lots total (both sides of Center Rd) provided that no more than 290 lots shall be built below the 1100 feet elevation level.
2. Minimum 1,750 square feet of heated floor area per home.
3. Development must include swimming pool, tennis court(s), and clubhouse as part of the amenity package.
4. Along the entire frontage of Center Road where the proposed development (both sides of road) is adjacent, widen Center Rd out to Minor Collector standards (this includes the donation of required R/W to go from 50 ft to 60 ft or more where necessary for project related improvements). Construct the accel/decel lanes required by the Development Regulations for the proposed development and also add right and left turn storage lanes in the widened portion of Center Rd for access to said development.
5. No development to occur above the 1100 ft elevation prior to approval and consent of the Water Department of an approved plan to be able to provide service above this elevation.
6. A buffer or open space must be provided between the development and both sides of Center Rd, subject to the review and approval of the Planning and Development Department and a 50 ft setback must be provided between the development and the R/W for Interstate 75.
7. Developer to provide necessary easements for gas lines on the property.
8. A minimum of 40 acres of green space.

 Remar *3.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 16th day of December 2004.

ADOPTED this the 6th day of January 2005. Second Reading.

/s/ MICHAEL FIELDS

Michael G. Fields

Mayor

ATTEST:

/s/ SANDRA CLINE

Sandra E. Cline

City Clerk

APPLICANT FOR REZONING ACTION CAMPAIGN DISCLOSURE REPORT

Pursuant to O.C.G.A. 36-67A-3 any and all applicants to a rezoning action must make the following disclosures:

Date of Application: 4-27-15

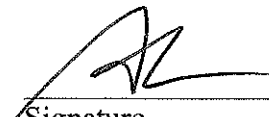
Date Two Years Prior to Application: 4-27-13

Date Five Years Prior to Application: 4-27-10

1. Has the applicant within the five (5) years preceding the filing of the rezoning action made campaign contributions aggregating \$250.00 or more to any of the following:

	YES	NO
Mayor Matt Santini	_____	<u>/</u>
Council Member	_____	_____
Kari Hodge	_____	<u>/</u>
Lindsey McDaniel, Jr.	_____	<u>/</u>
Lori Pruitt	_____	<u>/</u>
Jayce Stepp	_____	<u>/</u>
Dianne Tate	_____	<u>/</u>
Louis Tonsmeire, Sr.	_____	<u>/</u>
Planning Commission	_____	_____
Sandra Cline	_____	<u>/</u>
Harrison Dean	_____	<u>/</u>
Ralph Miller, Jr.	_____	<u>/</u>
Lamar Pendley	_____	<u>/</u>
Lamar Pinson	_____	<u>/</u>
Travis Popham	_____	<u>/</u>
Steven Smith	_____	<u>/</u>

2. If the answer to any of the above is Yes, please indicate below to whom, the dollar amount, date, and description of each campaign contribution, during the past five (5) years.



 Signature

4/21/15

 Date

Adam Corder

 Print Name



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

File # **Z15-01**

DISCLOSURE OF INTERESTS BY LOCAL OFFICIAL

(To be completed by Mayor, City Council, and Planning Commission)

LGI Homes (Adam Corder, rep.) has made a rezoning request on the following property:
Approximately 37.1 acres located on Center Road and Autumn Canyon Path in the 4th District, 3rd Section, Land Lots 188, 245, and 246 to eliminate zoning condition #3 (property would remain zoned R-10 with conditions).

Pursuant to O.C.G.A § 36-67A-2 any local government official considering a rezoning request must disclose if he has any of the following interest:

1. A Property interest in any real property affected by a rezoning request.
Yes _____ No _____ If the answer is Yes, please disclose the nature and extent of such interest.

2. A financial interest in any business entity which has a property interest in any real property affected by a rezoning action.
Yes _____ No _____
If the answer is Yes, please disclose the nature and extent of such interest.

3. A spouse, mother, father, brother, sister, son, or daughter with either of the above interests.
Yes _____ No _____ If the answer is Yes, please disclose the nature and extent of such interest.

TITLE: _____

DATE: _____



City of Cartersville

City Council Meeting
7/2/2015 7:00:00 PM
Revision to Pawnshop Ordinance

SubCategory:	First Reading of Ordinances
Department Name:	Administration
Department Summary Recommendation:	As a result of a meeting with the pawnshop owners and with the approval of the Cartersville Police Dept., revisions have been made to the pawnshop ordinance previously approved by Council.
City Manager's Remarks:	Your approval of these revisions is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	

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 Scrapmetal 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: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
CONNIE KEELING, CITY CLERK



City of Cartersville

City Council Meeting

7/2/2015 7:00:00 PM

Leake Mounds-Etowah RiverWalk Link - Engineering

SubCategory:	Change Order
Department Name:	Parks and Recreation
Department Summary Recommendation:	As the Leake Mounds – Etowah RiverWalk Link trail progresses there have been several items that was/is required to meet the guidelines of Georgia Department of Transportation, Georgia Environmental Division and Federal Highway Authority for the project to proceed and/or be in compliance. Southland Engineering has followed-up and met all requirements and has even had to re-do items not completed or not completed correctly by previous engineering firm. I have reviewed with Dan Porta and Tommy Sanders and negotiated to lesser amount this requested change-order. I recommend the requested change-order from Southland Engineering in the amount of \$21,580.00 for the Leake Mounds-Etowah RiverWalk Link.
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	



PROPOSAL # 12-077-ADD(1)

June 15, 2015
 Greg Anderson
 Park and recreation Director
 City of Cartersville
ganderson@cityofcartersville.org

RE: Change Order to Leake Mounds Trail – Riverwalk Link

Dear Mr. Anderson

We thank you for taking the time to discuss the Leake Mounds Trail Riverwalk Link with Southland Engineering.

The project is designed by the City through a Transportation Enhancement grant administered through GDOT using federal funds with the local match. The project has policies, directives and scheduling come directly from GDOT. We have encountered, over the course of design, some policy changes and directives that have created a change in scope from our original estimate in **2012**.

During the elapsed time the changes beyond the original scope and our control were due to either policy changes, or directives from project managers. **Part A below is a compiled list of changes, descriptions and hours involved performing additional work that has been completed. Part B is a proposed change order for work that will be required to modify the plans or Project Manual to let the project to construction.**

A. Project Change of Scope that are complete

Items

1. **Split project into alternatives** – This was prepared at the request of GDOT.s Transportation Enhancement consultant and confirmed through the City of Cartersville to Split the projects so that cost would not exceed funds available to build and would allow the flexibility to reduce the amount of the project being constructed without violating the Intergovernmental agreement.

90 Hours

2. **EPD Changes** – The project was submitted to the Environmental Protection Division for the review of the erosion control plans. From their review several changes were required to the plans as review and policy changes to the General Permit were adopted in 2013. Plans were modified and EPD approval was received.

68 Hours



PROPOSAL # 12-077-ADD(1)

3. **Porous Concrete** EPD has policy that requires alternate design to reduce impact to buffers several design were proposed for water quality and pervious pavement was selected to be placed in the areas where the trail encroaches on the buffer. We designed the porous concrete section to the satisfaction of EPD. Porous concrete required research and calculations to ensure a correct application was provided. In addition to Meeting GDOT standards and acceptance.

20 Hours

4. **Prepare Final Plans, Certifications, and Bid Documents** – The plan process was altered and required a third party thorough review from Moreland Altobelli. This was a change made in 2013 as GDOT turned all project over to MA for management. Additional time was required to meet their documentation process. We responded to all reviews for M/A, and GDOT (3 offices) plus in house reviews.

24 Hours

B. Project Change of Scope that will need to be completed

1. **Hydrology** – A review from the Federal Highway Authority (FHWA) has required a hydraulic study be prepared. We have in the past attempted to locate a copy of the Hydraulic study that was prepared by PHARR Engineering before we took over. We tried several avenues such as GDOT, The City, and PHARR. Because of the FHWA review it will now be necessary to respond to the question of cut and fill in the floodplain and the effects on the floodplain. This will determine if a no rise certificate is needed or if a LOMAR or a CLOMAR is needed.

90 Hours

2. **Complete Final Plans, Certifications, and Bid Documents** – Given the changes in review offices and policies with GDOT.

20 Hours

3. **Project Letting** – The hours will be used to prepare the Advertisement for letting and coordinate with the contractors that are bidding on the project. This will include meetings with the City and Moreland Altobelli.

20 Hours



PROPOSAL # 12-077-ADD(1)

C. Change Order Request Fee's

Southland is proposing a change order fee adjustment to cover the additional scope of work required by directives and policy changes in Part A that has been completed and for the revision due to the reasons mentioned above. Our proposal is to provide the City with the lowest cost possible without incurring a loss on the project. This would be to cover the employees cost in hours incurred and hard cost from the sub-consultants

Items Under Part A

Southland Engineering Change Order Fee.....202 hrs@\$65/HR

Subtotal \$13,130

Items Under Part B

Southland Engineering Change Order Fee.....130 hrs@\$65/HR

Subtotal \$8,450

PLEASE NOTE IF ITEM B1 FINDS THAT A CLOMR/LOMR IS REQUIRE A CHANGE IN SCOPE WILL ALSO BE REQUIERED.

D. Proposal Acceptance

We are pleased to be working with the City on this project and look forward to a long continued relationship in providing excellent service for your engineering and planning needs.

Please review our proposal for the Change Order and if there are any questions don't hesitate to contact me

Sincerely,

Karl Lufjens, P.E.

Accepted by:

Printed Name

Signature

Date



PROPOSAL # 12-077-ADD(1)

Hourly Billing Rates

Engineering Services

Principal	\$ 125.00 / hr
Senior Engineer / Project Manager / Structural (5-6)	\$ 95.00 / hr
Staff Engineer (3-4)	\$ 75.00 / hr
Engineering Technician (1-2)	\$ 65.00 / hr
CADD Tech	\$ 45.00/hr
Landscape Architect	\$ 65.00/ hr
Construction Manager	\$ 65.00/ hr
Construction Inspector	\$ 45.00/hr
Administrative	\$ 25.00/ hr

Surveying Services

Registered Land Surveyor	\$ 60.00 / hr
Survey Technician	\$ 45.00 / hr
2-Man Crew	\$ 115.00 / hr
3-Man Crew	\$ 125.00 / hr

Item # 8



City of Cartersville

**City Council Meeting
7/2/2015 7:00:00 PM
Douthit Ferry Road Environmental Change Order**

SubCategory:	Change Order
Department Name:	Public Works
Department Summary Recommendation:	This change order is for Phase II archaeology on the proposed West Alignment and for the Indiana Bat Survey. These items are required by GDOT for inclusion in the Draft Environmental Assessment Document. The sub-consultant originally gave us a price of \$112,469.25, but after discussions and negotiations they have revised their price to \$90,174.65. This work will take about 9 months for completion and 4 months for GDOT and FHWA review and comment.
City Manager's Remarks:	This item is offered for Council discussion and determination. Staff needs your direction on this.
Financial/Budget Certification:	
Legal:	
Associated Information:	

Douthit Ferry Road Project Update

- **Meeting held with GDOT Environmental on 5/19/2015.**
- **Next major step is getting Draft Environmental Assessment Document Approved**
- **Draft EA will require additional archaeology, Phase II testing on west side of alignment (Sam Smith Park) and another Bat Survey (required every two years), Total for this work is \$112,469.25**
- **Phase II testing will take approximately 9 months from Notice to Proceed and then 4 months for review by GDOT.**
- **If Phase II has similar findings that were found on the east side, (road construction cause of adverse effect), the next required steps are 1)Avoidance(seek other alignments), 2)minimization(reduce lanes, lane widths, etc.), and 3)mitigation(project situational, but tribes already have thrown out suggestions of scholarship fund, remodel of Etowah Indian Mounds Museum, etc.) All these will cost additional monies.**
- **This is a very rich archaeological area, similar GDOT projects have been in environmental phase for 15 to 20 years, expect the environmental process to take a long time.**

**Douthit Ferry Road Phase II Archaeological Testing, West Side
Bartow County, Georgia**

I. LABOR COSTS			
TASK I - BACKGROUND RESEARCH & FIELDWORK	Est. Hours	Rate/ Hour	Cost (\$)
Project Manager	4	\$43.30	\$173.20
Principal Investigator	204	\$27.80	\$5,671.20
Archaeological Technician	600	\$16.25	\$9,750.00
Subtotal			\$15,594.40

TASK II - REPORT PREPARATION	Est. Hours	Rate/ Hour	Cost(\$)
Project Manager	8	\$43.30	\$346.40
Principal Investigator	320	\$27.80	\$8,896.00
Lab Director	120	\$17.25	\$2,070.00
Subtotal			\$11,312.40
Total Labor Costs: Tasks I and II			\$26,906.80

II. OTHER DIRECT COSTS			
Vehicle	35	\$85.00	\$2,975.00
Report Copies	8	\$65.00	\$520.00
Curation (per box)	5	\$300.00	\$1,500.00
Subconsultant: Copperhead Environmental Consulting - Bat Survey	1	\$15,300.00	\$15,300.00
Total Other Direct Costs			\$20,295.00

III. TOTAL COSTS			
Direct Labor Subtotal			\$26,906.80
Overhead (136.10% x Total Labor)			\$36,620.15
Direct Labor and Overhead Subtotal			\$63,526.95
Other Direct Costs Subtotal			\$20,295.00
Total Direct Labor/Overhead/Other Direct Costs			\$83,821.95
Profit (10% x Direct Labor and Overhead Subtotal)			\$6,352.70

TOTAL COST FOR PROJECT	\$90,174.65
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SPLOST 2003

Estimated Funds Remaining as of June 24, 2015

Bank Balances

BB&T Checkbook Balance - balance as of 3/31/2015 124,351.16

US Bank Investment Account - balance as of 4/30/15 415,629.91

2003 SPLOST Funds Available

539,981.07

Expenses - Approved by City Council

Southland Engineering - Phase 2 Environmental Study -
Original Contract amount \$856,785.89.

Balance Due on Original Contract

187,566.45

Additional Change Order Expenses - Douthit Ferry Road Project

Southland Engineering - Change Order - Part A \$52,306 35,031.00

Southland Engineering - Change Order - Part B \$30,860 30,860.00

Balance Due on Change Order Expenses

65,891.00

FY 2015-16 Budget LMIG Match

53,550.00

Total Approved Expenses

307,007.45

Estimated 2003 SPLOST Funds Remaining

\$232,973.62

Proposed Additional Douthit Ferry Rd. Sub-consultant Expenses

90,174.65

Estimated Funds Remaining with Additional Sub-consultant Expenses

\$142,798.97



City of Cartersville

**City Council Meeting
7/2/2015 7:00:00 PM
South of Main LLC Gas Main Relocation**

SubCategory:	Contracts/Agreements
Department Name:	Gas Department
Department Summary Recommendation:	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. I recommend approval of this agreement.
City Manager's Remarks:	Your approval of this agreement is recommended.
Financial/Budget Certification:	N/A
Legal:	This agreement was approved by the City Attorney's office.
Associated Information:	

ARCHER & LOVELL, P.C.
P.O. Box 1024
Cartersville, GA 30120

RELOCATION AGREEMENT

This Relocation Agreement is made and entered into this 10 day of JUNE, 2019, by and between the **City of Cartersville**, a municipal corporation of the State of Georgia (hereinafter the "City") and **Cherokee Main Street III, LLC**, a Georgia Corporation (hereinafter the "Developer").

WITNESSETH:

WHEREAS, Developer desires to enter into the following Agreement to promote and protect the safety, health, peace, security, good order, comfort, convenience, morals and general welfare of the City and **South of Main, LLC** is the owner of certain property being developed as **Main Street Market Place**, (hereinafter the "**Property**"), which is more particularly described in Exhibit "A" attached hereto;

WHEREAS, the Mayor and City Council of the City of Cartersville deems it is in the interest of the City to enter into the following Agreement to promote and protect the safety, health, peace, security, good order, comfort, convenience, morals and general welfare of the City and its inhabitants and accept this Agreement to allow for the relocation of natural gas utility infrastructure (hereinafter "**natural gas line**") and to obtain the easements required for the relocation and to promote development in Bartow County;

WHEREAS, Developer desires to perform the following services for the City;

NOW, THEREFORE, the parties do hereby agree as follows:

1. Developer will perform the following for the City and its inhabitants: provide a minimum of \$33,801.30 (a breakdown of the costs are attached hereto as Exhibit "B") to relocate the existing natural gas line in accordance with the plans attached hereto and incorporated herein as Exhibit "C". The Developer shall agree to pay any and all reasonable and customary costs overruns and beyond the estimate attached as Exhibit "B". All of the above costs are based upon the Exhibits. If there are any reasonable and customary adjustments, Developer is responsible for all costs related to the scope of work referenced within the attached Exhibits.
2. In exchange for Developer providing the above described funds, the City shall relocate the existing natural gas line as shown in Exhibit "C".

3. Developer agrees to pay the above described sum within the following time period, no later than ten (10) days from the date of this agreement, or no later than ten (10) days from the notice of any additional costs associated with the scope of work referenced herein.
4. Developer shall be responsible for expenses and costs associated with this Agreement and installation of the natural gas line and related appurtenances including, but not limited to, legal fees, closing fees, real estate fees, recording fees, title fees and survey fees.
5. The City agrees to or cause to provide and apply straw or hay mulch to a depth of 6" over all areas disturbed specifically by the construction of the proposed gas facilities within the relocation under this Agreement provided no further disturbance of such areas are planned within 14 days of initial disturbance.
6. With the exception of Paragraph 5 above, the Developer agrees to provide, install, maintain and remove any and all erosion and sediment control measures necessary or required to comply with all local, State and Federal erosion and sediment control requirements which may be associated with the construction of the proposed gas facilities within the relocation under this Agreement. The Developer further agrees to or cause to maintain or re-apply the erosion and sediment control measures called for in Paragraph 5 above as necessary or required to comply with all local, State and Federal erosion and sediment control requirements after initial application.
7. The City has no responsibility and/or liability for any activities and actions of the Developer.
8. Developer agrees to hold harmless the City against any and all claims, actions or suits against it relating to the Agreement or the performance of services pursuant to this Agreement and agrees to defend the City in the event such claims are made against the City. In addition, Developer will reimburse the City for any and all costs incurred by the City in defending any claims against the City arising out of the Agreement or the performance of this Agreement.
9. Notices:

If to the City: City Manager
 P.O. Box 1390
 Cartersville, Georgia 30120
 770.387.5686

If to the Developer: Robert H. Ledbetter, Jr.
 Cherokee Main Street III, LLC
 R. H. Ledbetter Properties, Inc.
 Riverbend Center
 1464 Turner McCall Boulevard, SE
 Rome, GA 30161
 706-291-7283

with copy to:
 Charles F. Doggett

South of Main, LLC
 P.O. Box 1434
 Cartersville, Georgia 30120
 770.386.3954

IN WITNESS WHEREOF, the parties hereto set their hands and affix their seals this
 day of _____

 Unofficial Witness

CITY OF CARTERSVILLE, GEORGIA

 Notary Public

Matt Santini, Mayor

My Commission Expires: _____

ATTEST:

 Connie Keeling, City Clerk

Marsha Apple
 Unofficial Witness

CHEROKEE MAIN STREET III, LLC

Debra S. Cooney
 Notary Public

By: [Signature]

Robert H. Ledbetter, Jr., Manager

My Commission Expires: 4/27/2017

SOUTH OF MAIN, LLC

Kena R. King
 Kena R. King, President of
 Dellinger Management
 Company, Inc. Manager



EXHIBIT "A"



After recording, return to:
White & Choate, LLC
100 West Cherokee Avenue
Cantonville, Georgia 30120
(770) 382-9591

DDC# 009230
FILED IN OFFICE
08/26/2014 04:16 PM
BK:2711 PG:858-858
MELBA SCOGGINS
CLERK OF SUPERIOR
BARTOW COUNTY

Melba Scoggins

REAL ESTATE TRANSFER T
AX
PAID: \$0.00

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF BARTOW

PT61008-2014-003302

THIS INDENTURE, made the 22nd day of August in the year two thousand fourteen (2014) between FRANK TROUTMAN, JR., as party or parties of the first part, hereinafter called GRANTOR, and SOUTH OF MAIN, LLC as party or parties of the second part, hereinafter called GRANTEE (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property to wit:

All of Grantor's right, title and interest in a one-third(1/3) undivided interest in one acre of land located in the southeast corner of Land Lot 387, 4th District, 3rd Section of Bartow County, Georgia, being more particularly set forth in Deed from Swan W. Ray to George W. Satterfield dated July 3, 1891, and recorded in Deed Book CC, Page 582 of the Bartow County Records, which description is incorporated herein and made a part hereof by reference.

It being Grantor's intent to convey all of his undivided interest in the above described property as may have been acquired by Executor's Deed of Distribution, recorded at Deed Book 996, Page 1, Bartow County records.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend, subject to all easements, restrictions and other matters of record, the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Frank Troutman Jr.
FRANK TROUTMAN, JR.

Signed, sealed and delivered this 22nd day of August, 2014, in the presence of:

Susan L. Troutman
Unofficial Witness

Mali L. Ridley
Notary Public
My commission expires June 12, 2017



EXHIBIT "B"

Natural Gas Main Relocation
Main Street Market Place
Turn Lane Relocation
Cartersville Project No. SP-15-001

March 31, 2015

ENGINEER'S ESTIMATE

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>EST. QTY.</u>	<u>UNIT</u>	<u>ESTIMATED UNIT PRICE¹</u>	<u>ESTIMATED TOTAL AMOUNT</u>
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Labor Costs:

1.	6-5/8" O.D.-.219" W.T., F.B.E. Coated, ERW Steel Line Pipe ²	500	L.F.	\$20.24	\$10,120.00
2.	6" Stopper Fitting w/Outlet, ANSI Class 300 (<i>Installation Only</i>)	2	Ea.	\$1,600.00	\$3,200.00
3.	Purge & Abandon In Place	500	L.F.	\$1.00	\$500.00
4.	Grassing	900	S.Y.	\$0.25	\$225.00
5.	Solid Rock Excavation ²	6	C.Y.	\$95.00	<u>\$527.78</u>
ESTIMATED LABOR COST					\$14,572.78

Subcontractor Labor Costs:

1.	6" Stopper Fitting w/Outlet, ANSI Class 300 (<i>Tap & Stop</i>)	2	Ea.	\$4,211.00	<u>\$8,422.00</u>
ESTIMATED SUBCONTRACTOR LABOR COST					\$8,422.00
ESTIMATED LABOR COST					<u>\$14,572.78</u>
TOTAL ESTIMATED LABOR COST					\$22,994.78

Material Costs:

1.	6-5/8" O.D.-.219" W.T., F.B.E. Coated, ERW Steel Line Pipe	500	L.F.	\$10.97	\$5,485.00
2.	6" Stopper Fitting w/Outlet, ANSI Class 300 (<i>Fitting Only</i>)	2	Ea.	\$1,936.00	\$3,872.00
3.	Purge & Abandon In Place	500	L.F.	\$1.00	\$500.00
4.	Grassing	900	S.Y.	\$0.25	\$225.00

Natural Gas Main Relocation
Main Street Market Place
Turn Lane Relocation
Cartersville Project No. SP-15-001

March 31, 2015

ENGINEER'S ESTIMATE

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>EST. QTY.</u>	<u>UNIT</u>	<u>ESTIMATED UNIT PRICE¹</u>	<u>ESTIMATED TOTAL AMOUNT</u>
5.	6"x90° L.R. Elbow, Standard Weight	3	Ea.	\$55.34	\$166.02
6.	6"x45° Elbow, Standard Weight	1	Ea.	\$44.50	\$44.50
7.	2" Thread-O-Ring Fitting	2	Ea.	\$252.00	\$504.00
8.	Warning Tape	500	L.F.	\$0.02	<u>\$10.00</u>
ESTIMATED MATERIAL COST					\$10,806.52
TOTAL ESTIMATED LABOR COST					<u>\$22,994.78</u>
TOTAL ESTIMATED PROJECT COST					\$33,801.30

¹ Estimated unit prices of construction costs are based on the Gas System's Contractor Price List accepted September 26, 2007 unless otherwise noted. Estimated unit prices of material costs are based on the Gas System's Inventory Price List dated November 17, 2014.

² The unit price for this item is the actual unit price paid by the City for the actual construction of this main by Contract dated September 7, 2012.

EXHIBIT "C"

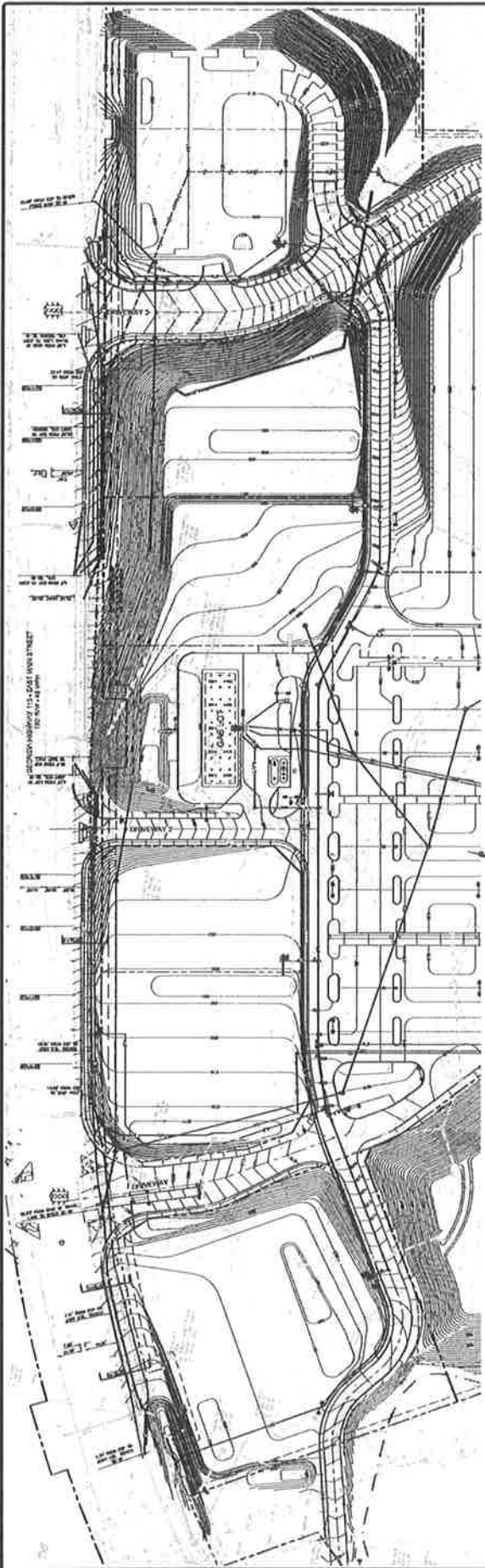
REVISION	BY
1	
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DDG
DESIGN DEVELOPMENT GROUP, LLC
1010 Peachtree Street, N.E., Suite 1000
Atlanta, Georgia 30309
404.525.1111
www.ddgpc.com

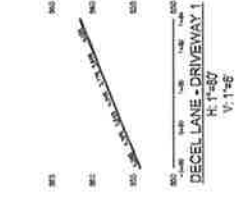
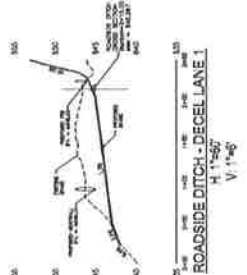
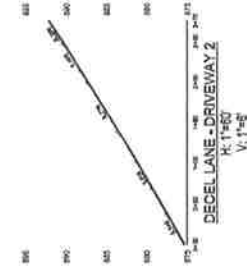
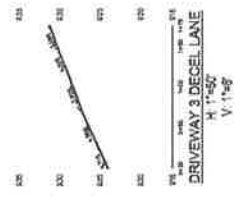


PROPOSED MAIN STREET MARKET PLACE
KROGER STORE # GA-629
CATERSVILLE, BARTOW COUNTY, GEORGIA
FOR CHEROKEE MAIN STREET III, LLC.
ROME, GEORGIA

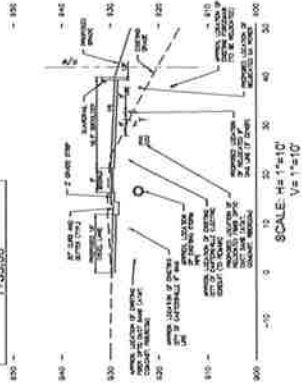
PROJECT NO.	13111000
PROJECT NAME	PROPOSED MAIN STREET MARKET PLACE
PROJECT LOCATION	CATERSVILLE, BARTOW COUNTY, GEORGIA
PROJECT DATE	12/11/2013
PROJECT SCALE	1"=10'
PROJECT SHEET	C-7



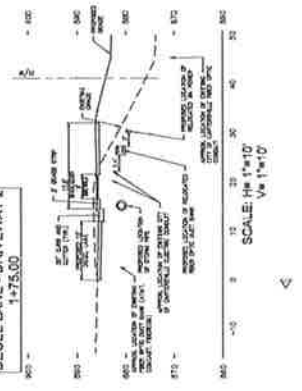
ROADSIDE DITCH
2+15.00



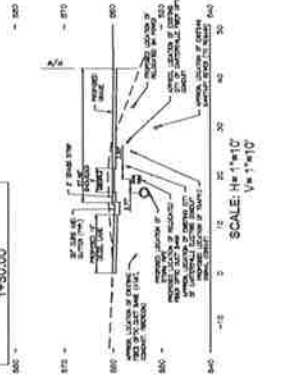
DECEL LANE - DRIVEWAY 3
1+35.00



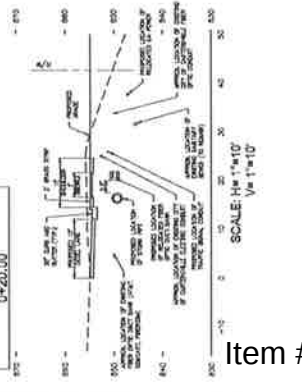
DECEL LANE - DRIVEWAY 2
1+75.00



DECEL LANE - DRIVEWAY 1
1+50.00



DECEL LANE - DRIVEWAY 1
0+20.00



DECEL LANE PROFILES & CROSS SECTIONS



City of Cartersville

City Council Meeting
7/2/2015 7:00:00 PM
Fluoride Purchase – Key Chemical

SubCategory:	Bid Award/Purchases
Department Name:	Water Department
Department Summary Recommendation:	On 8/21/14 Council approved a blanket purchase order for chemicals used at both the Water and Wastewater Plants. The low and only bidder for Sodium Fluorosilicate (dry fluoride) was Brentag Mid-South. When Brentag was contacted for a resupply order we were informed that they did not have adequate supply to meet our needs. An alternate form of fluoride we can feed, Hydrofluorsilicic Acid (liquid fluoride), was requested from Mosaic Corporation who was the low bidder approved by the blanket PO in August. Mosaic was not able to fill the order due to a shortage. Because of the short supply in our primary vendors, we requested resupply from Key Chemical who had the second lowest price when bids were taken for the blanket PO. Key honored their bid price from August and delivered the fluoride as agreed. I am requesting approval of this emergency fluoride purchase in the amount of \$10,286.19 from Key Chemical, Inc. This is an additional cost of \$313.74 over the low bid price. This will be paid from the Chemical and Medical Supplies account 505.3310.53.1150.
City Manager's Remarks:	
Financial/Budget Certification:	This will be paid from the Chemical and Medical Supplies account 505.3310.53.1150.
Legal:	
Associated Information:	

[HOME](#)[PRODUCTS](#)[FLUORIDE](#)[WATER TREATMENT](#)[ENERGY SERVICES](#)[INDUSTRIAL](#)[VISION](#)[CONTACT US](#)

Fluoride

Key Chemical is one of the largest suppliers of Fluorosilicic Acid in the United States. Our Fluorosilicic Acid has been UL certified to meet NSF/ANSI Standard 60.

With the completion of our second storage and blending facility, we have the ability to store up to 700,000 gallons of inventory. This means security of supply for our customers. We have over 5 shipping points from which to supply our customers and our large truck fleet allows for rapid response.

Key Chemical currently supplies the Eastern U.S. and our goal is to be a national supplier in the near future. We have hundreds of customers ranging from large cities to small towns. We also sell to distributors and end users that are looking for competitive pricing and can accept bulk quantities.



Item # 11



NSF/ANSI Standard 60
Drinking Water Treatment Additives
MH49524
Maximum use Level: 6.0 mg/L





City of Cartersville

City Council Meeting

7/2/2015 7:00:00 PM

Fluke 754 Process Calibrator for Water Treatment Plant

SubCategory:	Bid Award/Purchases						
Department Name:	Water Dept						
Department Summary Recommendation:	The current HART 275 Communicator at the Water Treatment Plant (WTP) is 15 to 20 years old. This device is used to configure and calibrate pressure, turbidity, level and flow meters used throughout the plant. After a lightning strike at the plant last month, it became evident that a replacement unit was necessary. The replacement sensors (RTUs) could not be configured and installed by plant personnel because the communicator was not compatible with the new sensors and the unit is too old to be upgraded. Bids were taken for a new device that will allow us to calibrate and configure new devices from the following vendors: <table><tr><td>· Graybar</td><td>\$7,019.22</td></tr><tr><td>· Grainger</td><td>\$10,097.55</td></tr><tr><td>· C&C Electric</td><td>\$10,281.23</td></tr></table> I recommend the low bid from Graybar in the amount of \$7,019.22. This item will be paid for with operating revenue through account 505.3310.52.2361 – Maintenance WTP.	· Graybar	\$7,019.22	· Grainger	\$10,097.55	· C&C Electric	\$10,281.23
· Graybar	\$7,019.22						
· Grainger	\$10,097.55						
· C&C Electric	\$10,281.23						
City Manager's Remarks:	Your approval of this purchase is recommended.						
Financial/Budget Certification:	This item will be paid for with operating revenue through account 505.3310.52.2361 – Maintenance WTP.						
Legal:							
Associated Information:							



2050 NANCY HANKS DRIVE
NORCROSS GA 30071-2956
Phone: 770-441-5580
Fax: 770-446-7693

To: CITY OF CARTERSVILLE/ELEC
320 S. ERWIN ST.
CARTERSVILLE GA 30120-3914
Attn: Daniel Duke
Phone: 770-387-5616
Fax: 000-387-5630
Email: none@none.com

Date: 06/11/2015
Proj Name:
GB Quote #: 222845370
Valid From: 06/11/2015
Valid To: 07/11/2015
Contact: DANIEL ALVAREZ
Email: daniel.alvarez@graybar.com

Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

Item	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
100	1 EA	FLUKE CORP.	*FLUKE-754 DOCUMENTING PROCESS CALIBRATO		\$6,551.27	1	\$6,551.27
Cust Mat #:3405771							
200	1 EA	FLUKE CORP.	FLUKE-750SW DPC/TRACK2		\$3,275.63	1	\$3,275.63
Cust Mat #:4090343							
300	1 EA	FLUKE CORP.	FLUKE-754/750SW BUNDLE DPCTRACK2		\$7,019.22	1	\$7,019.22
Cust Mat #:4465547							
400	1 EA	FLUKE CORP.	FLUKE-700PTPK- PNEUMATIC TEST PUMP KIT		\$655.12	1	\$655.12
Cust Mat #:4124364							
500	1 EA	FLUKE CORP.	FLUKE-750P01- PRESSURE MODULE		\$1,403.83	1	\$1,403.83
Cust Mat #:4352281							

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

To learn more about Graybar, visit our website at www.graybar.com

24-Hour Emergency Phone#: 1-800-GRAYBAR

Subject to the standard terms and conditions set forth in this document. Unless otherwise noted, freight terms are F.O.B. shipping point prepaid and bill.
Unless noted the estimated ship date will be determined at the time of order placement.

To: CITY OF CARTERSVILLE/ELEC
320 S. ERWIN ST.
CARTERSVILLE GA 30120-3914
Attn: Daniel Duke

Date: 06/11/2015
Proj Name:
GB Quote #: 222845370

Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

Item	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
600	1 EA	FLUKE CORP.	FLUKE-750P06	PRESSURE MODULE	\$1,403.83	1	\$1,403.83
			0 TO 100				

Cust Mat #:4352349

Total in USD (Tax not included): \$20,308.90

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

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24-Hour Emergency Phone#: 1-800-GRAYBAR

Subject to the standard terms and conditions set forth in this document. Unless otherwise noted, freight terms are F.O.B. shipping point prepaid and bill.

Unless noted the estimated ship date will be determined at the time of order placement.

To: CITY OF CARTERSVILLE/ELEC
320 S. ERWIN ST.
CARTERSVILLE GA 30120-3914
Attn: Daniel Duke

Date: 06/11/2015
Proj Name:
GB Quote #: 222845370

Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

Item	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
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GRAYBAR ELECTRIC COMPANY, INC. TERMS AND CONDITIONS OF SALE

1. ACCEPTANCE OF ORDER; TERMINATION - Acceptance of any order is subject to credit approval and acceptance of order by Graybar Electric Company, Inc. ("Graybar") and, when applicable, Graybar's suppliers. If credit of the buyer of the goods ("Buyer") becomes unsatisfactory to Graybar, Graybar reserves the right to terminate upon notice to Buyer and without liability to Graybar.
2. PRICES AND SHIPMENTS - Unless otherwise quoted, prices shall be those in effect at time of shipment, which shall be made F.O.B. shipping point, prepaid and bill.
3. RETURN OF GOODS - Credit may be allowed for goods returned with prior approval. A deduction may be made from credits issued to cover cost of handling.
4. TAXES - Prices shown do not include sales or other taxes imposed on the sale of goods. Taxes now or hereafter imposed upon sales or shipments will be added to the purchase price. Buyer agrees to reimburse Graybar for any such tax or provide Graybar with acceptable tax exemption certificate.
5. DELAY IN DELIVERY - Graybar is not to be accountable for delays in delivery occasioned by acts of God, failure of its suppliers to ship or deliver on time, or other circumstances beyond Graybar's reasonable control. Factory shipment or delivery dates are the best estimates of our suppliers, and in no case shall Graybar be liable for any consequential or special damages arising from any delay in shipment or delivery.
6. LIMITED WARRANTIES - Graybar warrants that all goods sold are free of any security interest and will make available to Buyer all transferable warranties (including without limitation warranties with respect to intellectual property infringement) made to Graybar by the manufacturer of the goods. GRAYBAR MAKES NO OTHER EXPRESS OR IMPLIED WARRANTIES, AND SPECIFICALLY DISCLAIMS ALL IMPLIED WARRANTIES INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR PURPOSE. UNLESS OTHERWISE AGREED IN WRITING BY AN AUTHORIZED REPRESENTATIVE OF GRAYBAR, PRODUCTS SOLD HEREUNDER ARE NOT INTENDED FOR USE IN OR IN CONNECTION WITH (1) ANY SAFETY APPLICATION OR THE CONTAINMENT AREA OF A NUCLEAR FACILITY, OR (2) IN A HEALTHCARE APPLICATION, WHERE THE GOODS HAVE POTENTIAL FOR DIRECT PATIENT CONTACT OR WHERE A SIX (6) FOOT CLEARANCE FROM A PATIENT CANNOT BE MAINTAINED AT ALL TIMES.
7. LIMITATION OF LIABILITY - Buyer's remedies under this agreement are subject to any limitations contained in manufacturer's terms and conditions to Graybar, a copy of which will be furnished upon written request. Furthermore, Graybar's liability shall be limited to either repair or replacement of the goods or refund of the purchase price, all at Graybar's option, and IN NO CASE SHALL GRAYBAR BE LIABLE FOR INCIDENTAL, SPECIAL, OR CONSEQUENTIAL DAMAGES. In addition, claims for shortages, other than loss in transit, must be made in writing not more than five (5) days after receipt of shipment.
8. WAIVER - The failure of Graybar to insist upon the performance of any of the terms or conditions of this agreement or to exercise any right hereunder shall not be deemed to be a waiver of such terms, conditions, or rights in the future, nor shall it be deemed to be a waiver of any other term, condition, or right under this agreement.
9. MODIFICATION OF TERMS AND CONDITIONS - These terms and conditions supersede all other communications, negotiations, and prior oral or written statements regarding the subject matter of these terms and conditions. No change, modification, rescission, discharge, abandonment, or waiver of these terms and conditions shall be binding upon Graybar unless made in writing and signed on its behalf by a duly authorized representative of Graybar. No conditions, usage of trade, course of dealing or performance, understanding or agreement, purporting to modify, vary, explain, or supplement these terms and conditions shall be binding unless hereafter made in writing and signed by the party to be bound. Any proposed modifications or additional terms are specifically rejected and deemed a material alteration hereof. If this document shall be deemed an acceptance of a prior offer by Buyer, such acceptance is expressly conditional upon Buyer's assent to any additional or different terms set forth herein.
10. REELS - When Graybar ships returnable reels, a reel deposit may be included in the invoice. The Buyer should contact the nearest Graybar service location to return reels.
11. CERTIFICATION - Graybar hereby certifies that these goods were produced in compliance with all applicable requirements of Sections 6, 7, and 12 of the Fair Labor Standards Act, as amended, and of regulations and orders of the United States Department of Labor issued under Section 14 thereof. This agreement is subject to Executive Order 11246, as amended, the Rehabilitation Act of 1973, as amended, the Vietnam Veterans' Readjustment Assistance Act of 1974, as amended, E.O. 13496, 29 CFR Part 471, Appendix A to Subpart A, and the corresponding regulations, to the extent required by law. 41 CFR 60-1.4, 60-741.5, and 60-250.5 are incorporated herein by reference, to the extent legally required.
12. FOREIGN CORRUPT PRACTICES ACT - Buyer shall comply with applicable laws and regulations relating to anti-corruption, including, without limitation, (i) the United States Foreign Corrupt Practices Act (FCPA) (15 U.S.C. §§78dd-1, et. seq.) irrespective of the place of performance, and (ii) laws and regulations implementing the Organization for Economic Cooperation and Development's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the U.N. Convention Against Corruption, and the Inter-American Convention Against Corruption in Buyer's country or any country where performance of this agreement or delivery of goods will occur.
13. ASSIGNMENT - Buyer shall not assign its rights or delegate its duties hereunder or any interest herein without the prior written consent of Graybar, and any such assignment, without such consent, shall be void.
14. GENERAL PROVISIONS - All typographical or clerical errors made by Graybar in any quotation, acknowledgment or publication are subject to correction. This agreement shall be governed by the laws of the State of Missouri applicable to contracts to be formed and fully performed within the State of Missouri, without giving effect to the choice or conflicts of law provisions thereof. All suits arising from or concerning this agreement shall be filed in the Circuit Court of St. Louis County, Missouri, or the United States District Court for the Eastern District of Missouri, and no other place unless otherwise determined in Graybar's sole discretion. Buyer hereby irrevocably consents to the jurisdiction of such court or courts and agrees to appear in any such action upon written notice thereof.
15. PAYMENT TERMS - Payment terms shall be as stated on Graybar's invoice or as otherwise mutually agreed. As a condition of the sales agreement, a monthly service charge of the lesser of 1-1/2% or the maximum permitted by law may be added to all accounts not paid by net due date. Visa, MasterCard, American Express, and Discover credit cards are accepted at point of purchase only.
16. EXPORTING - Buyer acknowledges that this order and the performance thereof are subject to compliance with any and all applicable United States laws, regulations, or orders. Buyer agrees to comply with all such laws, regulations, and orders, including, if applicable, all requirements of the International Traffic in Arms Regulations and/or the Export Administration Act, as may be amended. Buyer further agrees that if the export laws are applicable, it will not disclose or re-export any technical data received under this order to any countries for which the United States government requires an export license or other supporting documentation at the time of export or transfer, unless Buyer has obtained prior written authorization from the United States Office of Export Control or other authority responsible for such matters.

Signed: _____

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

To learn more about Graybar, visit our website at www.graybar.com

24-Hour Emergency Phone#: 1-800-GRAYBAR

Subject to the standard terms and conditions set forth in this document. Unless otherwise noted, freight terms are F.O.B. shipping point prepaid and bill.

Unless noted the estimated ship date will be determined at the time of order placement.



Customer Quotation

To:

CARTERSVILLE WATER DEPT
HWY 41 S ALTOONA DAM
CARTERSVILLE GA 30120-0000

Information

Date 05/29/2015
Customer Account Number 835900903
Grainger Quote Number 37193431
Customer Job Number
Grainger Representative Camden Patterson
Phone Number
Fax Number
Email
Grainger Tax ID 36-1150280

Item	Description Manufacturer Name & Model	Cat. Pg. #	\$ Each	Qty	\$ Quote	Ext. Price	Start Date	Exp. Date
11A108	Documenting Process Calibrator, HART FLUKE FLUKE-754 Country of Origin: USA	0802	8,094.00	1	6,419.76	6,419.76	05/29/2015	12/31/2015
Total \$						6,419.76		

All orders are subject to the terms and conditions in your current contract with Grainger or to Grainger's current Terms of Sale as set forth on Grainger.com

Thank You!
Visit us at grainger.com

Item # 12



Customer Quotation

Ship To:

CARTERSVILLE WATER DEPT

HWY 41 S ALTOONA DAM
CARTERSVILLE, GA 30120-0000
US
Shipper Account:

Information

Grainger Quote Number 2024050487
Print Date 06/15/2015
Customer Account 835900903
Department Number
Contact Name CARTERSVILLE WTP
Contact Phone 7703875656
Contact Fax
Contact Email WATERTREATMENT@CITYOFCARTERSVILL
Requested by E.ORG
CAMDEN
Requestor Phone No. PATTERSON
Requestor Fax
Requestor Email
CAMDEN.PATTERSON@GRAINGER.COM

eQuote Information:

Quote 2024050487 has been delivered to Grainger websites and Cartersville Wtp has been notified via email that the quote is available for on-line purchasing.

Comments:

Line	Description	MFG Part No	Lead Time Bus.days	Qty.	Unit	Quote Price	Ext. Price
------	-------------	-------------	--------------------	------	------	-------------	------------

10		750 SW	5	1	EA	3,677.79	3,677.79
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DPC/TRACK2 SOFTWARE

Mfr Brand Name FLUKE

Customer Part No.:

Carrier: 29811 - UPS GROUND

Cost expiration date: 07/15/2015

Taxable: NO

Notes: This product is not returnable/not cancelable.

Total Sell Price

3,677.79

This is not an invoice. Changes to product or quantities may result in different pricing. Availability and lead times are subject to change and can be confirmed at order placement. Additional lead time may apply for AK and HI. Unless otherwise stated, these items are sold for domestic consumption in the United States. If exported, purchaser assumes full responsibility for compliance with U. S. export control. Contact Sales Rep. or Grainger branch listed below for questions, order placement or to submit a new request. **Return Policy: Please contact Grainger before returning any product. All returns are subject to the manufacturer's return policy. Special Order items may not be returnable. Restocking fees may apply.**

Thank You!

Call or visit us at

WW GRAINGER INC

Grainger Sourcing

455 Knightsbridge Parkway

Lincolnshire, IL 60069

Page

Item # 12

1 / 1



C & C Electrical Supply Co., Inc.

131 Leake Street
P.O. Box 1262
Cartersville, GA 30120
Phone: (770) 382-7073
Fax: (770) 387-0142

Quote

Customer No.: CI CAR
Quote No.: 18088

Quote To: **CITY OF CARTERSVILLE**
P. O. BOX 1390
CARTERSVILLE, GA 30120

Ship To: **CITY OF CARTERSVILLE**
CARTERSVILLE, GA 30120

Fax Number :

Date	Ship Via	F.O.B.	Terms		
06/02/15	OUR TRUCK	Origin	Net 30		
Purchase Order Number		Required			
		fluke 754	06/02/15		
Quantity		Item Number	Description	Unit Price	Amount
Required	Shipped				
1		FLU-754	FLUKE 754 CALIBRATOR	6999.99	6999.99

Quote subtotal 6999.99

Quote total 6999.99

Thank You

Item # 12

**C & C Electrical Supply Co., Inc.**

131 Leake Street
P.O. Box 1262
Cartersville, GA 30120

Phone: (770) 382-7073
Fax: (770) 387-0142

Quote

Customer No.: CI CAR
Quote No.: 18088

Quote To: **CITY OF CARTERSVILLE**
P. O. BOX 1390
CARTERSVILLE, GA 30120

Ship To: **CITY OF CARTERSVILLE**
CARTERSVILLE, GA 30120

Fax Number :

Date		Ship Via		F.O.B.		Terms	
06/02/15		OUR TRUCK		Origin		Net 30	
Purchase Order Number						Required	
			fluke 754			06/02/15	
Quantity			Item Number	Description	Unit Price	Amount	
Required	Shipped	B.O.					
1			FLU-754	FLUKE 754 CALIBRATOR	6999.99	6999.99	
1			FLU-705SW-CPCTRAC	Fluke CPC Track II Software	3281.24	3281.24	
1			FLU-754/750SW	Fluke Combo 754 Calibration and 750SW CPC TrackII Software	8437.45	8437.45	
Quote subtotal						18718.68	
Quote total						18718.68	

Thank You

Item # 12



Item # 12



City of Cartersville

City Council Meeting
7/2/2015 7:00:00 PM
IRS Fine for Incorrect 1099 Filings for 2012

SubCategory:	Bid Award/Purchases
Department Name:	Finance
Department Summary Recommendation:	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 for calendar year 2012. The infractions consisted of: 1) filing more than 250 vendors in paper form and 2) filing erroneous information relating to some of our vendors (missing or incorrect TIN). After researching the errors, I responded to the claim from the IRS with a letter explaining what took place and why the errors occurred. I received several correspondences from the IRS over the course of the next 9 months telling me that the IRS needed more time to review the case. In May 2015, a letter from the IRS was received explaining that our case had been reviewed and that they needed more information to determine if a fine was still due. I sent a response back to them, and on June 15, 2015, the IRS sent a response back letting me know that they had partially waived/abated the original fine of \$20,000 down to \$11,700. They again requested further information for them to reconsider the fine amount. While gathering the information, I received a final notice from the IRS stating that they had further reviewed our documentation and that our fine had been lowered to \$5,200 and is now due by 7-20-15. Since we have received this fine, we cleaned our files up and have the vendor information reflecting the correct TIN and have filed the 1099's using the correct media (magnetic or paper) as required. I recommend payment of the \$5,200 penalty to the IRS for the infractions of the 1099 filings from the calendar year ending 12-31-2012.
City Manager's Remarks:	This fine has been negotiated down and is recommended for your approval.
Financial/Budget Certification:	This is an unbudgeted expense and will be posted to 100-1510-52-1600 Other Charges and Fees.
Legal:	
Associated Information:	

