

City Council Meeting
10 N. Public Square
June 4, 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 Tate

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

II. Regular Agenda

A. Council Meeting Minutes

1. May 21, 2015

A motion to approve the May 21, 2015 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0

B. Appointments

1. 2015 TopOP Awards

Bob Jones, Water and Sewer Superintendent stated that the TopOP Award is to recognize the Top Operator in each district annually that has been a moving force in the operations of their respective facilities, having increased operations in some way. Jack Dozier, Executive Advisor of the Georgia Association of Water Professionals presented the award to Daniel Duke for the District 1 Water Treatment Plant Top Operator. Jason Hazelwood won the 2015 District 1 Distribution System Top Operator but was unable to attend.

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

1. File T15-01: Text amendment application by City of Cartersville to amend sections 6.1 (R-20 District) and 16.4 (Minimum Special Use Standards).

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 Floyd's Landing has been an informally operating outdoor recreation area on Euharlee Road for approximately six (6) years. This is an approximate 20 acre property largely located in FEMA Floodplain area and backs up to the Etowah River. A text amendment would allow the use of Outdoor kayak/canoe/tube and campsite in the R-20 District with prior approval by Special Use. Mr. Mannino stated that staff has received numerous emails, phone calls, and letters both in favor of and against the request, there have been no additions or corrections since the first reading and the Planning Commission has recommended denial.

Mayor Santini opened the floor for a public hearing. Ronald Thomas came forward to speak for and Boyd Morris came forward to speak against the amendment. With no further comments Mayor Santini closed the public hearing.

A motion to deny the text amendment application was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0

2. File SU15-02: Special Use Application by Ron Thomas for approximately 20 acres located at 311 Euharlee Road to allow Outdoor kayak/canoe/tube/and campsite.

Keith Lovell, Assistant City Attorney stated with the denial of the text amendment this item becomes VOID.

D. First 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 recommended approval of this budget ordinance.

NO ACTION REQUIRED

Ordinance
of the
City of Cartersville, Georgia
Ordinance No.

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

<u>General Fund</u>	<u>Revenues</u>	<u>Expenditures</u>
Revenues	\$40,286,275	
Expenditures:		
Legislative		\$19,378,720
Administration		\$ 888,655
Finance Dept.		\$ 1,140,715
Customer Service Dept.		\$ 720,330
Police		\$ 5,221,110
Fire		\$ 6,296,530
Municipal Court		\$ 245,715
Public Works		\$ 2,259,340
Recreation		\$ 2,999,575
Planning & Development		\$ 962,215
Downtown Development Authority		\$ 173,370
<u>Special Revenue Funds</u>		
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.

First Reading, this 4th day of June 2015.

ADOPTED this ____ 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 the 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 recommended approval of the proposed gas rate increases to begin July 1, 2015.

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 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
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 day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling

Connie Keeling
City Clerk

3. **Amendment to the 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 recommended approval of the proposed water and sewer rate increases to begin July 1, 2015.

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 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
	¾	\$1,100.00	\$1,200.00	\$950.00	\$1,200.00
	1	1,200.00	1,400.00	1,000.00	1,300.00
	1½	2,200.00	2,400.00	1,150.00	1,600.00
	2	2,500.00	2,700.00	1,200.00	1,900.00
	4	3,000.00	3,200.00	1,775.00	3,050.00
	6	3,500.00	3,700.00	2,150.00	3,800.00
	8	4,000.00	4,200.00	2,620.00	4,740.00
	Multi-unit, per unit	1,100.00	1,200.00	950.00	1,200.00

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>
	¾	\$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>
	¾	\$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);**
- (f)Linen Laundry;**
- (g)Guest Laundry;**
- (h)Swimming Pool.**

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

All resident/patient rooms with refrigerator and stove are to be calculated as a single (1) unit (¾" water meter equivalent) for capacity fees.

All patient rooms without refrigerator and stove are to be calculated as one-half unit (¾" water meter equivalent) for capacity fees. The following, if part of a nursing home, assisted living facility, or hospital and served by a single meter are to be considered a separate unit for capacity fees. The capacity fee will be calculated as a single (1) unit based on meter size. If the following are served by a master meter, they are considered to be a separate unit to be calculated as a single (1) unit (¾" water meter equivalent):

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

(e.) Unmetered Private fire service charges – Monthly Billing	City	Outside City
In Inches:		
2	\$ 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 hydrant flow test.	City	Outside City
		\$250.00	\$250.00

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

Sec. 24-147. Sewage rates.

(a.) Sewage Monthly Billing	City	Outside City
Minimum bill according to meter size:		
5/8" or 3/4"	\$ 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, 2015.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 4th day of June 2015.
ADOPTED this the ____ day of June 2015. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

E. Other

1. Ordinance Revision

Keith Lovell, Assistant City Attorney stated that Ordinance No. 08-15 adopted on May 7, 2015 needs to be deleted in its entirety and the pre-existing Section 24-21 remain in full force in effect due to errors in the ordinance and a corrected ordinance be put in place.

A motion to approve to repeal Ordinance No. 08-15 and approve Ordinance No. 16-15 on an emergency basis was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

Ordinance
of the

City of Cartersville, Georgia

Ordinance No. 15-15

WHEREAS, Ordinance No. 08-15 adopted on May 7, 2015, had numerous typographical errors and it is necessary to repeal and void said Ordinance.

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council that Ordinance No. 08-15 adopted on May 7, 2015 is to be deleted in its entirety and is hereby repealed and rendered null and void as it referenced the wrong code section. The pre-existing Sec. 24-21 shall remain in full force and effect.

1.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention. Additionally to correct typographical errors in Ordinance No. 08-15 it is necessary that this Ordinance be adopted by emergency reading.

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED this the 4th day of June 2015. Emergency Reading

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

ATTEST:

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

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 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 CHAPTER 24. ARTICLE X. ELECTRIC SYSTEM. DIVISION 14. RESERVED is hereby amended by deleting said Division 14, Reserved in its entirety and replacing as follows:

1.

Division 14. Competitive BY-PASS RIDER, CBP-4

Sec. 24-321 – Generally.

(a) *Effective Date:* Bills rendered on or after June 5, 2015.

(b) *Availability:* Available in all areas served by the City of Cartersville electric System (CES) and subject to CES's service rules and regulations.

(c) *Applicability:* Applicable to existing and new customers where the following criteria are met:

- (1) Customer takes or is expected to take electric service from CES.
- (2) Customer's load qualifies as "customer choice load" as defined in the Georgia Territorial Electric Service Act of 1973 (the "Territorial Act").
- (3) Customer has received a written, bona fide offer from a legally competing power supplier.

(d) *Purpose:* To allow CES to alter charges calculated in the applicable tariff or rider and to forego the collection of upfront costs for labor and materials for providing power and lighting services to Customer with expectations to recoup said costs in the form of expected revenues to match or beat said offer from a competing power supplier if, and only if, the adjusted charges exceed the incremental costs associated with provision of service to the Customer.

Sec. 24-322 – 24-325. 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. Additionally, to correct errors in a previous Ordinance adoption and to allow for proper billing this Ordinance is deemed to be emergency in nature.

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED this the 4th day of June 2015. Emergency Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

F. Bid Award/Purchases

1. Non-potable Pump Repair

Bob Jones, Water and Sewer Superintendent stated that the non-potable pump at the WPCP has reached the end of its useful life. Bids were requested and Mr. Jones recommended approval of the low bid from GWI (Goforth Williamson, Inc.) in the amount of \$8,111.00.

A motion to approve the low bid from GWI was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

2. Mobile Radios for Fire Department

Scott Carter, Fire Chief stated that this request is for the mobile radio placed within the trucks and the portable radios that staff will use to communicate with Bartow 911 and other emergency personnel. The total price from this communication package is \$8,390 and includes installation and frequency setup. This is a single source quote from Coosa Valley Communications and Chief Carter recommended approval.

A motion to approve the radio purchase from Coosa Valley was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

3. Technical Equipment Package for New Fire Trucks

Scott Carter, Fire Chief stated that this request is a combination of various vendors and

types of equipment to form a package of technical equipment that is required for the new fire trucks soon to arrive. Chief Carter recommended approval of the following:

Extrication Equipment	Fire Line	\$29,962.60
Thermal Imaging	Ten 8 Fire	\$21,172.00
Rapid Intervention Equip	MES	\$ 6,838.00
Firecom	Ten 8 Fire	<u>\$ 9,565.92</u>
Total		\$67,538.52

A motion to approve of the technical equipment package for new fire trucks as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

4. Allied Telesis Fiber Equipment

Dan Porta, Assistant City Manager stated that due to the evolving technology the FiberCom Department has begun changing the service media from dual fiber to single fiber using a dual frequency platform. The equipment is to facilitate expansion with a larger chassis and more ports allowing the existing small equipment to be utilized at another location. Mr. Porta recommended approval of this purchase in the amount of \$17,974.00 from Allied Telesis.

A motion to approve the purchase from Allied Telesis was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

Mayor Santini stated that there are six items to be added to the agenda. A motion to add the items to the agenda was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

G. Added Items

1. Resolution for BIG

Keith Lovell, Assistant City Attorney stated that this is a Resolution to authorize the city to enter into a contract to provide electric service to BIG, USA, Inc. Mr. Lovell recommended approval of the Resolution and accept request for service proposal from BIG, USA, Inc.

A motion to approve Resolution No. 11-15 and accept request for service proposal from BIG, USA, Inc was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0.

Resolution No. 11-15

WHEREAS, B.I.G., USA, Inc. and the City of Cartersville, Georgia have agreed to enter into a Contract For Electric Power Service;

WHEREAS, the City is an electric supplier under the terms of the Georgia Territorial Electric Service Act;

WHEREAS, B.I.G. USA, Inc. will operate a new manufacturing facility to be located at the 1096 Cass White Road, in the City limits of Cartersville, Georgia (“the Premises”) to which the City will furnish electric service; and

WHEREAS, the City of Cartersville and B.I.G. USA, Inc. wish to establish and continue their electric service relationship to satisfy the electric service requirements of the Premises;

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED that the Mayor and City Clerk are authorized to sign the Contract for Electric Power Service.

ADOPTED this the 4th day of June 2015.

/s/ Matthew J. Santini

Matthew J. Santini
Mayor

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. First Reading - Amendment to the 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 all four ordinances are recommended for 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 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 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.

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.

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.

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

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

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk