

City Council Meeting
10 N. Public Square
May 21, 2015
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member McDaniel

Pledge of Allegiance led by Council Member Hodge

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

II. Regular Agenda

A. Council Meeting Minutes

1. May 7, 2015

A motion to approve the May 7, 2015 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

B. Proclamations

1. National Foster Care Month

Mayor Santini presented a proclamation to Shawna Lewis on behalf of the City of Cartersville in recognition of National Foster Care Month. Ms. Lewis thanked the city for its support and spoke of the need for more foster homes for children in Bartow County.

2. Lupus Awareness Month

Mayor Santini presented a proclamation to Penny Fowler on behalf of the City of Cartersville in recognition of Lupus Awareness Month.

3. National Historic Preservation Month

Dianne Tate, Mayor ProTem presented a proclamation to Richard Osborne and the Historic Preservation Commission in recognition of National Historic Preservation Month.

C. Presentations

1. Historic Preservation Commission Annual Awards

Dianne Tate, Mayor ProTem presented the annual Historic Preservation Commission Awards to the following:

- Kimberly Johnston for renovation work at 7 South Bartow Street
- Church of the Ascension for renovation work for an institutional space at 205 West Cherokee Avenue
- Greg Frisbee for single family residence restoration at 105 Fite Street
- Tara O’Gorman for renovation work for single family home at 21 South Avenue

2. Cartersville – Bartow County Metropolitan Planning Organization Update

Tom Sills with the CBMPO presented a power point presentation of the Metropolitan Planning Organization and upcoming milestone dates.

D. Appointments

1. Board of Zoning Appeals Members

Randy Mannino, Planning and Development Director stated that the terms of Malcolm Cooley, David Caswell, Linda Brunt and Ken Wilson are expiring. Mr. Mannino stated that all except Ken Wilson have agreed to continue to serve on the board. Mr. Mannino stated that as this appointment is from Ward 3, Mr. Tonsmeire has selected Alan McDaniel to replace Mr. Wilson and recommended approval with the terms to expire June 2019.

A motion to approve all appointments as recommended was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

E. Second Reading of Ordinances

1. Pawnshop Ordinance Revisions

Tommy Culpepper, Chief of Police stated that staff has found a company that can provide assistance that will help track pawned items, precious metals, and scrap metals that are sold to dealers. In order to implement the new online reporting tool, this ordinance is needed to require pawn brokers, precious metals, and precious stone dealers to report transactions to the Police Department. Mr. Culpepper stated that there had been one change in the ordinance to change the \$50 fee from an annual fee to a one-time fee and that the annual fee for this online reporting service will be paid by the city and recommended approval.

A motion to adopt Ordinance Nos. 11-15 and 12-15 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. 11-15

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, that the Code of Ordinances, City of Cartersville, Georgia **CHAPTER 10. LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS. ARTICLE VI. PRECIOUS METALS AND PRECIOUS STONE DEALERS** is hereby deleted and is to be replaced in its entirety as follows:

1.

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

Sec. 10-151. Definitions.

For the purposes of this Article VI. Dealers in Precious Metals and Gems, Pawnshops and Secondhand dealers, 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 mean any precious or semi-precious stone which is cut and polished.

Goods means every species of tangible personal property.

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.

Secondhand dealer means any person, whether as owner, agent or employee, whose business includes purchasing, storing, selling, exchanging, or receiving secondhand personal property of any kind or description. However, any person, whether as owner, agent or employee, whose business is the purchase and resale of clothing, furniture, or the resale of goods that are donated to a business exempt from federal taxation as a charitable organization shall not be deemed a secondhand dealer under this article.

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, secondhand dealer 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, secondhand dealer, 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, secondhand dealer, 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, secondhand dealer, 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, secondhand dealer, 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 nonprofit 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 secondhand dealer, 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 thirty (30) 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, secondhand dealer, 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, secondhand dealer, 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 Sheriff’s 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 15 days; and it shall be unlawful for the dealer to dispose of the property unless the notice is revoked in writing within the 15 day period.

Sec. 10-166. Unlawful acts.

It shall be unlawful for pawnbroker, pawnshop, scrap metal processor secondhand dealer, 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 10 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 6:00 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 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 and digital thumbprint of said person. (See fingerprint requirement).

(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 thirty (30) days following the purchase of such item. 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.

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 7th day of May 2015.

ADOPTED this the 21st day of May 2015. 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. 12-15

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 17. PLANNING AND DEVELOPMENT. ARTICLE V. PERMIT FEES. Sec. 17-88 Precious metals and precious stones dealers registration fee. is hereby revised as follows:

1.

Sec. 17-88. – Precious metals and precious gems, pawnshops, scrap metal processors and secondhand registration fee.

There is no fee to be paid for the license required by this division; however, there is a one-time registration fee of fifty dollars (\$50.00) per employee per license. (This does not preclude the required annual occupational tax certificate.) The purpose of this fee is to reimburse the City of Cartersville for a records search on the individual applying for the license and administrative costs to protect the public health, safety and welfare. No license shall be issued until the registration fee is paid.

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 7th day of May 2015.

ADOPTED this the 21st day of May 2015. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

F. Public Hearing – 1st 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 and the Planning Commission has recommended denial.

Mayor Santini opened the floor for a public hearing. Those speaking for the request were Ronald Thomas and Donna Floyd. Those speaking against were Boyd Morris, Bayne Dobbins, Sam Freeman, and Ralph Miller. With no further comments Mayor Santini closed the public hearing.

NO ACTION REQUIRED

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.

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. Mr. Mannino stated that this special use application is directly related to the previous text amendment. Ron Thomas of Euharlee Creek Outfitters is working with the Floyd Family to manage the site. Mr. Thomas proposes to use the site for events during the year as well as outdoor kayak/canoe/tube/ and campsites. Mr. Mannino stated that staff has received numerous emails, phone calls, and letters both in favor of and against the request and the Planning Commission has recommended denial.

Mayor Santini opened the floor for a public hearing. Mayor Santini stated that all comments from previous application will be admitted for this application. Ronald Thomas came forward to speak in favor of the application and Ralph Miller came forward to speak against the application. With no further comments Mayor Santini closed the public hearing.

NO ACTION REQUIRED

G. Resolutions

1. Ante Litem Notice

David Archer, City Attorney stated that on or about May 11, 2015 the City of Cartersville received an Ante Litem notice from the Law Offices of Glen Albright concerning Michael West's alleged claim against the City relating to injuries and violations of civil rights. Mr. Archer recommended denial of this claim.

A motion to approve Resolution No. 09-15 denial of the Ante Litem notice was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

Resolution No. 09-15

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY

OF CARTERSVILLE, GEORGIA

WHEREAS, on or about May 11, 2015, the City of Cartersville received an Ante Litem Notice from the Law Offices of Glen Albright, P.C. concerning Michael West's alleged claim against the City relating to injuries and violations of civil rights resulting from his arrest on or about November 12, 2013 at 686 Hwy 93 in Emerson, Georgia.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council that the City of Cartersville denies the Ante Litem Notice claim submitted as referenced above based on the information currently available to it, and directs the City Attorney's Office to inform the Law Offices of Glen Albright, P.C. of said denial.

ADOPTED this the 21st day of May 2015.

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

ATTEST:

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

H. Certification

1. Community Rating System Verification Form

Tommy Sanders, Public Works Director stated that the City currently participates in a volunteer program through Community Rating System (CRS) in order to receive a discount for those seeking flood insurance from the National Flood Insurance Program. Public Works recently had a crosswalk/audit from CRS to verify several floodplain management items are currently being enforced. In order to complete this verification from CRS, the CC-230 Verification form needs to be signed by the Mayor to verify that the items checked are being enforced in this program and Mr. Sanders recommended approval.

A motion to approve the Mayors signature on necessary documents was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

I. Bid Award/Purchases

1. Front Load Container for Solid Waste Department

Tommy Sanders, Public Works Director stated that staff had requested bids for 36 Front Load Containers for the Commercial Solid Waste Service. The low bid was received from Lewis Steel Works from Wren, GA in the amount of \$24,820.00 and Mr. Sanders recommended approval.

A motion to approve the purchase from Lewis Steel Works was made by Council Member McDaniel and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

2. Gas Department Pipe and Valves

Michael Hill, Assistant Gas Superintendent stated that bids were requested for 2,850 feet of 8" steel pipe, one 8" valve and one 6" valve. The materials are to relocate a portion of existing line on Cass-White Road. Mr. Hill stated that the low bid was Consolidated Pipe in the amount of \$47,386.00 and recommended approval.

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

3. Cass-White Road Relocation Tapping and Stopping

Michael Hill, Assistant Gas Superintendent stated that S. J. Patterson Company is a sole source contractor for tapping and stopping operations needed for the relocation of the line on Cass-White Road. The total cost is \$12,017.00 and Mr. Hill recommended approval.

A motion to approve S. J. Patterson for tapping and stopping on Cass-White Road was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

4. Zero Turn Mower for Water Pollution Control Plant

Bob Jones, Water and Sewer Superintendent stated bids were requested for a mower to replace one that was struggling at the end of last year. Mr. Jones recommended the low bid from Action Rent All in the amount of \$9,400.00.

A motion to approve the purchase from Action Rent All was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

5. Water Treatment Plant Filter Building Roof Replacement

Bob Jones, Water and Sewer Superintendent stated that the filter building roof at the Water Treatment Plant has been leaking for some time. Not only is this a building structure problem but because of the location, a water quality issue as well. Mr. Jones recommended the low bid from Elite Roofing in the amount of \$28,890.00 for the repairs.

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

Mayor Santini stated that there were two items to be added to the agenda. A motion to add two items to the agenda was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

6. Added item #1 - Screw Lift Pump Coating

Bob Jones, Water and Sewer Superintendent stated that bids were taken for the coating of two primary and one secondary lift screws at the Water Pollution Control Plant. Mr. Jones recommended the low bid from Harrison Contracting Company in the amount of \$33,750.00.

A motion to approve the low bid from Harrison Contracting Company was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

7. Vehicle Purchase for Parks and Recreation Department

Tom Rhinehart, Finance Director stated that bids were requested for a new SUV for the Recreation Department. Mr. Rhinehart recommended approval the low bid from Pioneer Ford in the amount of \$24,535.00.

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

8. Employee Ancillary Insurance Benefits

Dan Porta, Assistant City Manager stated that requests for proposals were issued to insurance agents and brokers for ancillary insurance benefits which include life, AD&D, short and long term disability coverage. Mr. Porta stated that five proposals were received from insurance brokers or agents and the following three firms were interviewed by the insurance review committee: Corporate Insurance Advisors, Peachtree Planning Corporation, and Shaw Hankins. Mr. Porta stated that the committee recommended Corporate Insurance Advisors.

A motion to approve Peachtree Planning Corporation was made by Council Member

Hodge and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

J. Added Item #2 – Main Street TAD and Resolution

David Archer, City Attorney stated that this is a development agreement between the city and Cherokee Main Street III, LLC for a Tax Allocation District. Mr. Archer stated that there are errors in the main agreement and recommend approval for the Mayor and City Clerk to execute the agreement subject to the City Attorney's approval of the final draft.

A motion to approve Resolution No. 10-15 and for the Mayor and City Clerk to execute the agreement subject to the City Attorney's approval of the final draft was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

Resolution No. 10-15

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA WITH RESPECT TO PROPOSED FINANCING OF THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF CERTAIN PROJECTS RELATING TO THE REDEVELOPMENT OF THE EAST MAIN STREET TAD #1 THROUGH THE ISSUANCE OF ONE OR MORE TAX-EXEMPT DEBT FINANCINGS; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Cartersville, Georgia (the "Governing Body") has determined that it is in furtherance of public good that the City of Cartersville, Georgia, a municipal corporation of the State of Georgia (the "City"), expend money on the costs of certain redevelopment projects, including, but not limited to, road improvements, landfill excavation and disposal and earthwork, storm drainage, sanitary water and sewer and other redevelopment costs authorized under the Redevelopment Powers Law (O.C.G.A. Section 36-44-1 *et seq.*) (the "Project") located within a designated tax allocation district (the "East Main Street TAD #1) in advance of the issuance of tax-exempt debt for such purposes; and

WHEREAS, the Project will require capital expenditures currently estimated at not to exceed \$3,000,000, and the one or more issues of tax-exempt debt to pay the costs of such Project is currently estimated not to exceed \$3,000,000 in aggregate principal amount; and

WHEREAS, the tax-exempt debt to pay the costs of such Project is to be issued by the City; and

WHEREAS, the Governing Body finds it prudent to adopt this Resolution stating its intention to reimburse itself from future proceeds of tax-exempt debt for any such expenditures;

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

(1) The Governing Body hereby indicates its official intent to reimburse expenditures heretofore or hereafter made by itself in connection with the foregoing Project (to the extent permitted by Section 1.150-2 of the Income Tax Regulations of the Internal Revenue Code of 1986, as amended) from one or more future issues of tax-exempt debt.

(2) The maximum principal amount of tax-exempt debt expected to be issued by the City for the acquisition, construction, and installation of the Project hereinabove described is currently estimated not to exceed \$3,000,000.

(3) The Clerk of the City is instructed to file a certified copy of this resolution with instructions that this resolution should be made available to the general public upon reasonable request therefore.

ADOPTED this the 21st day of May 2015.

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

ATTEST:

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

K. Monthly Financial Statement

1. March 2015

Sam Grove, City Manager 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.

Chief Scott Carter spoke about Frank “Pawpaw” Siniard and his service to the City of Cartersville. The Mayor and Council sent condolences to the family on his passing.

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

Meeting Adjourned

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

ATTEST:

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