

City Council Meeting
10 N. Public Square
May 7, 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 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; 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. Lindsey McDaniel Council Member Ward Four was absent.

II. Regular Agenda

A. Council Meeting Minutes

1. April 16, 2015

A motion to approve the April 16, 2015 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

B. Commendation/Recognition

1. Teachers of the Year

Mayor Santini presented the Resolutions to the 2016 Teachers of the Year. Mayor Santini stated how proud he is of the City School System and that this is an annual tradition for the Mayor and Council to honor our teachers of the year. The 2016 Teachers of the Year are:

Deldreqka Scott	Cartersville Primary
Cindy Benefield	Cartersville Elementary
Angie Roper	Cartersville middle School
Linda Templeton	Cartersville High School.

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

1. File AZ15-02: De-annexation application by Paga Mine Properties 8 LLC for approximately 16.28 acres located on the east side of Paga Mine Road to Bartow County Jurisdiction.

Richard Osborne, City Planner, 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. Osborne stated that this subject tract is located on the east side of Paga Mine road mid-way between Highway 293 and Old Alabama Road. This property does not include any structures and was annexed into the City Limits of Cartersville in 2005. The property would, if de-annexed, be in Bartow County jurisdiction. Mr. Osborne stated that there have been no additions or corrections since the first reading and the Planning Commission had recommended approval.

Mayor Santini opened the floor for the public hearings for the de-annexation and with no comments closed the public hearings.

A motion to approve Ordinance No. 09-15 was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

Ordinance
of the
City of Cartersville, Georgia

Ordinance No. 09-15

Petition No. AZ15-02

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 Paga Mine Properties 8 LLC . Property is located on the east side of Paga Mine Road. Said property contains 16.3 acres located in the 4th District, 3rd Section, Land Lot(s) 766-767as shown on the attached plat Exhibit “A”. De-Annexation 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 16th day of April 2015.

ADOPTED this the 7th day of May 2015. Second Reading.

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

ATTEST:

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

2. File AZ15-03: De-annexation application by the City of Cartersville for approximately 12.75 acres located on Old Alabama Road and Paga Mine Road to Bartow County Jurisdiction.

Richard Osborne, City Planner, 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. Osborne stated that this subject tract is located on Paga Mine near Old Alabama Road. This property does not include any structures and was annexed into the City Limits of Cartersville in 2005. The property would, if de-annexed, be in Bartow County jurisdiction. Mr. Osborne stated that there have been no additions or corrections since the first reading and the Planning Commission had recommended approval.

Mayor Santini opened the floor for the public hearings for the de-annexation and with no comments closed the public hearings.

A motion to approve Ordinance No. 10-15 was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Ordinance
of the
City of Cartersville, Georgia

Ordinance No. 10-15

Petition No. AZ15-03

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 City of Cartersville . Property is located on Paga Mine Road near Old Alabama Road and section

of Old Alabama Road. Said property contains 12.8 acres located in the 4th District, 3rd Section, Land Lot(s) 962-965 as shown on the attached plat Exhibit “A”. De-Annexation 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 16th day of April 2015.

ADOPTED this the 7th day of May 2015. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

D. First 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 needed to be one change in the ordinance to change the \$50 fee from an annual fee to a onetime fee and that the annual fee for this online reporting service will be paid by the city and 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 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 mean 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 office 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 maker 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 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 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 day of. Second Reading.**

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

ATTEST:

**/s/ Connie Keeling
Connie Keeling**

City Clerk

2. Amendment to Ordinance – Prohibited Parking

THIS ITEM WAS PULLED FROM THE AGENDA

E. Appointments

1. Development Authority of Cartersville

Sam Grove, City Manager recommended the reappointment of Mike Fields, Brian Edwards, and Beth Tilley to the Development Authority of Cartersville with terms to expire May 11, 2019.

A motion to approve the reappointments to the Development Authority of Cartersville was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

F. Change Order

1. Erwin Chase Storm Culvert

Jeff Geisen, Assistant Public Works Director stated that the Erwin Chase culvert replacement project is nearing completion and due to a few change orders regarding items such as additional backfill, erosion proofing of outlet pipe, additional waterline cap and the additions of sod replacement the contractor will exceed the original contract amount by \$8,469.07. Mr. Geisen recommended approval of this change order in the final amount of \$355,661.96.

A motion to approve the change order for the Erwin Chase Storm Culvert was made by Council Member Pruitt and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

2. Jones Mill Road Sewer Relocation Project – Change Order #1

Bob Jones, Water and Sewer Superintendent stated that on May 15, 2014 council approved the Jones Mill Road Sewer Relocation Project in the amount of \$55,000.00. During construction of this project two issues were encountered that resulted in additional work beyond the original scope of the project – Unsuitable Fill and Rock. The total additional cost of this change order is \$10,051.50 and Mr. Jones recommended approval.

A motion to approve the Jones Mill Road Sewer Relocation Change Order was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

G. Bid Award/Purchases

1. Jones Mill Road Sewer Relocation Project – Stone Backfill

Bob Jones, Water and Sewer Superintendent stated that on May 15, 2014 council approved the Jones Mill Road Sewer Relocation Project. Unsuitable fill material was encountered under and around the area of work in the road. The material could not be replaced because it would not reach proper compaction and provide adequate support for the road bed. Crushed stone was used as a replacement material and in order to avoid the contractor mark up, Mr. Jones stated that the city purchased the stone from the quarry for an additional cost of \$6,448.50. Mr. Jones recommended approval.

A motion to approve cost of stone in the amount of \$6,448.50 was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. Morningside and Fairview Exterior Tank Cleaning

Bob Jones, Water and Sewer Superintendent stated that bids were received for pressure washing the exteriors of the Morningside and Fairview Water Tanks. Mr. Jones recommended approval of the low bid from Hydro Force Pressure Washing Services in the amount of \$9,810.00.

A motion to approve the low bid from Hydro Force Pressure Washing Services was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Mr. Jones also publically thanked several local industries for the cooperation during the recent relocation of the 36" water main. Mr. Jones stated that their cooperation helped speed up the changeover.

3. Equipment Package for New Fire Truck

Scott Carter, Fire Chief stated that this is the small equipment package for two new trucks arriving in June and recommended approval of the low bid from Municipal Fire Equipment in the amount of \$69,827.00.

A motion to approve the low bid from Municipal Fire Equipment was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

4. Janitorial Supplies for Parks and Recreation Department

Greg Anderson, Parks and Recreation Superintendent stated that quotes were received for Janitorial Supplies and recommended approval of the low bid from YPS Holdings of Cartersville in the amount of \$14,000.00.

A motion to approve the low bid from YPS Holdings of Cartersville was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

5. Pool Chemicals

Greg Anderson, Parks and Recreation Superintendent stated that bids were received for pool chemicals and recommended approval to purchase Pulsar Briquettes from Aquatics Consulting and Equipment and algaecide and muriatic acid from Han Chem Corp and the remaining chemicals from Green Acres Pools and Spas. The recreation pools will use approximately \$25,000 per year in pool chemicals.

A motion to approve the purchase of pool chemicals was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

6. Bobcat Toolcat for Parks and Recreation Department

Greg Anderson, Parks and Recreation Superintendent stated that bids were accepted for a Bobcat Toolcat 5600-G Series maintenance vehicle. Mr. Anderson recommended approval of the low bid of \$39,966 from Bobcat of Atlanta.

A motion to approve the purchase from Bobcat of Atlanta was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

7. Pad Mounted Equipment Inspections

Tamara Brock, Key Accounts Manager, Cartersville Electric Systems stated that this is a one year extension for the Pad Mounted Equipment inspection and repairs (as recommended by ECG) and recommended approval to award this contract extension to Southeastern Wood Pole Inspections in the amount not to exceed \$19,200.

A motion to approve the Pad Mounted Equipment Inspections was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously.

Vote 5-0

Mayor Santini stated that there was an item to be added to the agenda. A motion to add an item to the agenda was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

H. Added Item

1. Emergency Reading to Electric Ordinance

Tamara Brock, Key Accounts Manager stated that the Competitive By-Pass Rider is a City Ordinance that allows the Electric Department to provide incentives for customer choice customers. Ms. Brock stated that this ordinance needs to be modified in order to provide lighting under special conditions for customer choice customers. Ms. Brock stated that this ordinance needs to be passed on an emergency basis in order to be selected and competitive on customer choice load projects and recommended approval.

A motion to approve Ordinance No. 05-15 on an emergency basis was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 08-15

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 4-106 is hereby amended by deleting said section in its entirety and replacing as follows:

1.

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

Sec. 24-21 – Generally.

(a) *Effective Date:* Bills rendered on or after May 7, 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 and can make such offer substantially known as CES.**

(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. 24-322-325. 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.

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED this the 7th day of May 2015. Emergency Reading.

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

ATTEST:

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

I. Bid Award/Purchases

1. Computer Support Renewal Agreements

Dan Porta, Assistant City Manager stated that this item is the Fiber Departments annual maintenance support on some computer equipment. The first maintenance support is for 3 Fortinet Firewalls and Firewall Log Analyzer at an annual cost of \$8,339.12. Second is for the Extreme switches and wireless equipment at a cost of \$7,380.00. Both support renewals are from Carousel Industries and Mr. Porta recommended approval.

A motion to approve the Fiber Maintenance and Support was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. Computer Hardware and Software Purchases

Dan Porta, Assistant City Manager stated that Bartow County has requested assistance from the City Fiber Department on the purchase of computer hardware and software needed to operate new software that will benefit public safety personnel in our community. Bartow County has approved a purchase order to not exceed \$182,347.62 and will reimburse the city up to this amount for the computer equipment. Mr. Porta recommended approval.

A motion to approve the purchase was made by Council Member Stepp and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

J. Contracts/Agreements

1. Tabernacle Church Release and Settlement Agreement

Dan Porta, Assistant City Manager stated that in January 2015 a heavy rain backed up from the city's storm sewer causing flooding to the basement of Tabernacle Baptist Church. After investigating the incident, it was determined that when work was being done on Tennessee Street a drainage system line from Tabernacle was cut, potentially causing some of the basement flooding. A release and settlement agreement with Tabernacle in the amount of \$28,293.24 has been agreed upon and Mr. Porta recommended approval.

A motion to approve agreement with Tabernacle Baptist Church was made by Council Member Pruitt and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

2. GDOT Agreement – Gas Department

Gary Riggs, Gas Superintendent stated that this agreement reimburses the city for the relocation of facilities on an existing easement and recommended approval.

A motion to approve this agreement was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

3. Park Bond – Architect, Engineering, Design Services Recommendation

Greg Anderson, Parks and Recreation Director stated that this agreement is for the Architect, Engineering and Design Services for the park facilities improvements. The committee has unanimously chosen Lose and Associates for this phase at an amount not to exceed \$314,000. Mr. Anderson recommended approval.

A motion to approve Lose and Associates at an amount not to exceed \$314,000.00 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

After announcements a motion to adjourn the meeting was made by Council Member Hodge and needing no second. Motion carried unanimously. Vote 5-0

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk