

City Council Meeting  
10 N. Public Square  
January 19, 2012  
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 Stepp

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; Sam Grove, City Manager; Connie Keeling, City Clerk and Keith Lovell, Assistant City Attorney. David Archer, City Attorney and Lori Pruitt, Council Member Ward Six were absent.

## **II. Regular Agenda**

### **A. Council Meeting Minutes**

#### **1. January 5, 2012**

A motion to approve the January 5, 2012 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. Presentations**

#### **1. Police State Certification**

Chief Michael Mansure, representative of the Georgia Association of Fire Chiefs stated that the Cartersville Police Department has renewed its State Certification for another three years. The State Certification program is administered through the Georgia Association of Chiefs of Police. Renewal confirms compliance with 100 national accreditation standards and 18 state specific standards. Chief Mansure stated that these standards insure the department operates under the best practices, policies and procedures in law enforcement and the increase professionalism, efficiency, and overall effectiveness. Chief Tommy Culpepper accepted the certification plaque on behalf of the City and thanked the Mayor and Council for their continued support.

### **C. Second Reading of Ordinances**

#### **1. Amendment to Solid Waste Ordinance**

Bobby Elliott, Public Works Director stated that this amendment to the Solid Waste Ordinance increases the cost of solid waste to city customers by \$2.00 per month to help cover the cost of recycling that will begin in February 2010. The new residential monthly rate will be \$19.00 per month for garbage collection, which includes the cost of collection, curbside recycling, recycling yard waste and disposal. The monthly fee shall be \$17.00 for a residential household with a homestead exemption for elderly, if the proper form has been filed. Mr. Elliott stated that the second reading has modifications to include the \$2.00 increase for residential backyard service and commercial curbie charges and recommended approval with these changes.

A motion to approve the Ordinance No. 03-12 as amended was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

## **Ordinance**

**of the**

**City of Cartersville, Georgia**

**Ordinance No. 03-12**

**NOW BE IT AND IT IS HEREBY ORDAINED** by the Mayor and City Council of the City of Cartersville, Georgia, that the Code of Ordinances City of Cartersville, Georgia CHAPTER 21. SOLID WASTE, Sec. 21-34. Billing and Sec. 21-35 Commercial and multi-dwelling units (having more than six units) collection charges are hereby amended by deleting said sections in their entirety and replacing them as follows:

### **Sec. 21-34**

- (a) Each residential household will be billed a monthly charge of nineteen dollars (\$19.00) minimum for garbage collection; said fee includes the cost of collection, curbside recycling, recycling yard waste, and disposal. The monthly fee shall be seventeen dollars (\$17.00) for a residential household with a homestead exemption for elderly, if the proper form has been filed. For those desiring backyard pickup shall provide their own containers and shall be charged a fee of twenty-three dollars (\$23.00) per month for this service if approved by the Public Works Director. Furthermore, there shall be an additional fee of ten dollars (\$10.00) per month per additional cart per residence.**
- (b) Said fee may be adjusted automatically by the department to cover the increase in landfill disposal costs.**
- (c) All bills for garbage service shall be sent to customers on the billing date for utilities. These bills are due and payable at the city clerk's office on the specified date on the bills. After that date, service may be ceased until all amounts due are paid.**
- (d) A penalty of ten (10) percent shall be added to all bills for garbage service where bills are not paid on the due date as specified on the bill. If a customer is in arrears for a previous month or months, payment shall first be applied to previous bills.**

(e) A fee of ten dollars (\$10.00) per sticker shall be charged to the customers and stickers may only be purchased in person at city hall or by mail order from the city clerk's office for the collection of the waste material referred to in section 21-33(f) of this chapter. Two stickers (\$20.00) are required for all appliances with refrigerant.

(f) Fees for bulk tree limbs and branch collections are described as follows and must be paid for by the customer prior to service being delivered:

- (1) Zero (0) to five (5) cubic yards per week is free pickup.
- (2) From greater than five (5) cubic yards to seven (7) cubic yards per week is fifteen dollars (\$15.00).
- (3) From greater than seven (7) cubic yards to ten (10) cubic yards per week is thirty dollars (\$30.00).
- (4) From greater than ten (10) cubic yards to twelve (12) cubic yards per week is forty-five dollars (\$45.00).
- (5) From greater than twelve (12) cubic yards to fourteen (14) (truck load) cubic yards per week is sixty dollars (\$60.00).
- (6) Greater than fourteen (14) cubic yards will be estimated by the public works director or by his/her designee.

(Code 1976, § 6-4005(c); Ord. No. 38-96, § 1, 8-29-96; Ord. No. 26-97, 7-17-97; Ord. No. 23-28, 7-2-98; Ord. No. 25-99, 6-17-99; Ord. No. 24-00, §§ 5, 6, 6-15-00; Ord. No. 33-06, 6-15-06; Ord. No. 12-10, 5-20-10)

**Sec. 21-35**

(a) Multi-dwelling units having more than six (6) units will be required to have a container and will be charged the following rates:

Container Size	Dumps Per Week	Monthly Rate
2 Yard	1	\$68.00
	2	\$96.00
	3	\$118.00
4 Yard	1	\$88.00
	2	\$133.00
	3	\$167.00
	4	\$212.00
	5	\$257.00
	6	\$336.00
6 Yard	1	\$110.00
	2	\$155.00
	3	\$200.00
	4	\$245.00
	5	\$290.00
	6	\$403.00

<b>8 Yard</b>	<b>1</b>	<b>\$131.00</b>
	<b>2</b>	<b>\$187.00</b>
	<b>3</b>	<b>\$244.00</b>
	<b>4</b>	<b>\$300.00</b>
	<b>5</b>	<b>\$357.00</b>
	<b>6</b>	<b>\$470.00</b>

**Extra dumps for dumpsters/containers** **\$50.00**  
**All small downtown containers** **\$28.00**

(b) **The collection charges for commercial curbies is as follows:**

<b>Commercial Curbies</b>	<b>Once Per Week Pickup</b>	<b>Twice Per Week Pickup</b>
<b>1 Curbie</b>	<b>\$31.00</b>	<b>\$43.00</b>
<b>2 Curbies</b>	<b>\$39.00</b>	<b>\$54.00</b>
<b>3 Curbies</b>	<b>\$47.00</b>	<b>\$65.00</b>
<b>4 Curbies</b>	<b>\$55.00</b>	<b>\$76.00</b>
<b>5 Curbies</b>	<b>\$63.00</b>	<b>\$87.00</b>

- (c) **Said fee may be adjusted automatically by the department to cover the increase in landfill disposal costs.**
- (d) **All bills for garbage service shall be sent to customers on the billing date for utilities. These bills are due and payable at the city clerk's office on the specified date on the bills. After that date, service may be ceased until all amounts due are paid.**
- (e) **A penalty of ten (10) percent shall be added to all bills for garbage service where bills are not paid on the due date as specified on the bill. If a customer is in arrears for a previous month or months, payment shall first be applied to previous bills.**

**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.**

**This Ordinance shall become effective on February 1, 2012.**

**BE IT AND IT IS HEREBY ORDAINED.**

**First Reading this the 5th day of January 2012.**

**ADOPTED this the 19th day of January 2012. Second Reading.**

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

**ATTEST:**

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

**D. Public Hearing – 1<sup>st</sup> Reading of Zoning/Annexation Requests**

**1. File AZ12-01: Annexation and zoning application by A I Cartersville 1 LLC (Jeff Watkins, representative) for property located at 23 Redcomb Drive (approximately 1.6 acres) from Bartow County to City MF-14 (Multi-family 14 units per acre)**

Randy Mannino, Planning and Development Director stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino stated that this tract is located on Redcomb Drive at the intersection with Mount Olive Street, and is the northern half of the Gazebos Apartment Complex. The applicants seek to annex the property and to have MF-14 (Multi Family Residential) zoning to be consistent with the southern half of the complex, which has been in the City limits since the complex was constructed in 2000. Mr. Mannino stated that the Planning Commission recommended approval of the annexation and MF-14 zoning.

Mayor Santini opened the floor for a public hearing on the zoning. Jeff Watkins, representative came forward. With no further comments Mayor Santini closed the floor.

Mayor Santini opened the floor for a public hearing on the annexation. With no comments Mayor Santini closed the floor.

**NO ACTION REQUIRED**

**Ordinance**

**of the**

**City of Cartersville, Georgia**

**Ordinance No.**

**Petition No. AZ12-01**

**NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by A I Cartersville Investments 1LLC. Property is located 23 Redcomb Drive off Porter Street. Said property contains 1.6 acres located in the 4<sup>th</sup> District, 3<sup>rd</sup> Section, Land Lot(s) 340 as**

shown on the attached plat Exhibit "A". 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 19<sup>th</sup> day of January 2012.  
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.**  
  
**Petition No. AZ12-01**

**NOW BE IT AND IT IS HEREBY ORDAINED** by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by A I Cartersville Investments 1 LLC. Property is located 23 Redcomb Drive off Porter Street. Said property contains 1.6 acres located in the 4<sup>th</sup> District, 3<sup>rd</sup> Section, Land Lot(s) 340 as shown on the attached plat Exhibit "A". Property is hereby rezoned from Bartow County R-3 (Multi-family) to MF-14 (Multi Family). Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

**BE IT AND IT IS HEREBY ORDAINED.**

First Reading this the 19<sup>th</sup> day of January 2012.  
ADOPTED this the day of. Second Reading.

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

**ATTEST:**

/s/ Connie Keeling

**Connie Keeling  
City Clerk**

**2. File AZ12-02: Annexation and zoning application by Lara Jeanneret for property located at 40 Natchi Trail (approximately 1.7 acres) from Bartow County to City R-20 (Single Family Residential)**

Randy Mannino, Planning and Development Director stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino stated that this tract is located at 40 Natchi Trail off Indian Mounds Road. This property backs up to Dellinger Park and includes a single-family house built in 2004. If annexed this property would include the last house on the north side of Natchi Trail to be incorporated into the City Limits. Mr. Mannino stated that the applicant stated that they wanted to be annexed for the City Schools, the Planning Commission recommended approval of the annexation and the R020 zoning.

Mayor Santini opened the floor for a public hearing on the zoning. With no comments Mayor Santini closed the floor.

Mayor Santini opened the floor for a public hearing on the annexation. With no comments Mayor Santini closed the floor.

**NO ACTION REQUIRED**

**Ordinance**

**of the**

**City of Cartersville, Georgia**

**Ordinance No.**

**Petition No. AZ12-02**

**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 Lara Jeanneret. Property is located 40 Natchi Trail off Indian Mounds Road. Said property contains 1.7 acres located in the 4<sup>th</sup> District, 3<sup>rd</sup> Section, Land Lot(s) 812 as shown on the attached plat Exhibit "A". 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 19<sup>th</sup> day of January 2012.  
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.**

**Petition No. AZ12-02**

**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 Lara Jeanneret. Property is located 40 Natchi Trail off Indian Mounds Road. Said property contains 1.7 acres located in the 4<sup>th</sup> District, 3<sup>rd</sup> Section, Land Lot(s) 812 as shown on the attached plat Exhibit "A". Property is hereby rezoned from Bartow County A-1 (Agricultural) to R-20 (Single Family Residential). Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

**BE IT AND IT IS HEREBY ORDAINED.**

**First Reading this the 19<sup>th</sup> day of January 2012.**  
**ADOPTED this the day of. Second Reading.**

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

**ATTEST:**

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

**E. Resolutions**

- 1. Annual Update of CIE in accordance with the Impact Fee Requirements**



Randy Mannino, Planning and Development Director stated that Cartersville adopted Impact Fees in the last quarter of 2006 which became effective in January 2007. In accordance with the Development Impact Fee Regulations as outlined by the State the city is required to file an annual update to the Capital Improvements Element (CIE) of the Comprehensive Plan. Mr. Mannino stated that the required public hearing for the updated information was on November 3, 2011, and the Council also approved a resolution allowing this item to be transmitted to the Northwest Georgia Regional Commission and the Department of Community Affairs for review and approval. Mr. Mannino stated that they have approved the document and the city is required to formally adopt the update to the CIE; therefore he recommended approval of the CIE and resolution adopting this annual update.

A motion to approve Resolution No 03-12 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

**Resolution No. 03-12**

**ADOPTION RESOLUTION**  
**Capital Improvements Element**

**WHEREAS, The City of Cartersville adopted a Capital Improvements Element as an amendment to the *Cartersville Comprehensive Plan*; and**

**WHEREAS, The City of Cartersville has prepared an Annual Update to the adopted Capital Improvements Element; and**

**WHEREAS, the Capital Improvements Element Annual Update was prepared, submitted, and reviewed in accordance with the “Development Impact Fee Compliance Requirements” and the “Minimum Planning Standards and Procedures for Local Comprehensive Planning” adopted by the Board of Community Affairs pursuant to the Georgia Planning Act of 1989, and an advertised Public Hearing was held on November 3, 2011 at 7:00 P.M. in the City Council meeting room at Cartersville City Hall; and**

**BE IT THEREFORE RESOLVED, that the City Council of the City of Cartersville does hereby approve and adopt the Capital Improvements Element Annual Update attached hereto and incorporated herein as Exhibit “A” as per the requirements of the Development Impact Fee Compliance Requirements.**

**Adopted this the 19<sup>th</sup> day of January, 2012.**

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

**ATTEST:**

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

**F. First Reading of Ordinances**

**1. Amendment to Planning and Development Ordinance Regarding Planning Commission**

Randy Mannino, Planning and Development Director stated that in 2010 the Zoning Ordinance was amended to allow Planning Commission appointments to be at large; however, the Code of Ordinances under the Planning and Development Section required appointment by ward. Additionally in 2005 the meeting compensation for the Planning Commission members was increased from \$35.00 per meeting to \$50.00 per meeting. This ordinance will correct any conflicts and Mr. Mannino recommended approval.

NO ACTION REQUIRED

**Ordinance**

**of the**

**City of Cartersville, Georgia**

**Ordinance No. 03-12**

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 17. PLANNING AND DEVELOPMENT. ARTICLE II. PLANNING COMMISSION. Section 17-27** is hereby amended by deleting said section in its entirety and replacing it as follows:

**1.**

**Section 17-27. Members.**

**(a) The planning commission shall be composed of seven (7) members, to be appointed as follows:**

**(1) All seven (7) members to be appointed by the mayor and city council from the city at large and to serve until a successor is duly appointed.**

**(b) In addition to the seven (7) members referred to in subsection the City Clerk may be appointed as secretary of the commission.**

**(c) Members of the commission shall be paid fifty dollars (\$50.00) for each meeting attended.**

**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.**

**BE IT AND IT IS HEREBY ORDAINED.**

**First Reading this the 19<sup>th</sup> day of January 2012.**

**Second Reading and Adoption this the 2<sup>nd</sup> day of February, 2012.**

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

**ATTEST:**

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

**2. Amendment to Utilities Ordinance Regarding Electric Distributed Generation Energy Rider**

David Myers, Electric Superintendent stated that the City of Cartersville Electric System has had interest from residential and commercial customers who want to install distributed generation at their home or business such as solar photovoltaics, wind turbines, and fuel cells. By state law, we are obligated to purchase excess energy generated by these systems within certain guidelines. Mr. Myers stated that this ordinance is the Distributed Generation Energy Rider, DGE-1 in which the city will purchase excess energy from qualified customers at a cost of 1.5 cents per kWh above what is required by law 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, Georgia, that the CITY OF CARTERSVILLE CODE OF ORDINANCES, CHAPTER 24. UTILITIES, ARTICLE X. ELECTRIC SYSTEM, DIVISION 34. FLAT ECONOMIC DEVELOPMENT; TARIFF FED-2, Section 24-417 is hereby amended by deleting said Division in its' entirety and replacing it with the following:**

1.

**DIVISION 34. DISTRIBUTED GENERATION ENERGY RIDER;  
SCHEDULE DGE-1**

**Section 24-417. Generally.**

- (a) EFFECTIVE DATE: Bills rendered on or after February 16, 2012.**
- (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: Customers desiring to interconnect and/or sell electrical energy to CES produced by a distributed generation facility must be eligible for participation.**

**A distributed generation facility must:**

- 1) Be owned and operated by an electrical customer of CES for production of electric energy; and,**
- 2) Be located on the customer's premises; and,**
- 3) Be connected to and operate in parallel with CES's distribution facilities; and,**
- 4) Be intended primarily to offset part or all of the customer's requirement for electricity; and,**
- 5) Be a "Renewable Energy Source" as defined by the State of Georgia such that energy supplied is from a technology approved in the Georgia Green Pricing Accreditation Program.**

**(d) TYPE OF SERVICE: Power accepted under this rider shall conform to power quality requirements as outlined in the distributed generation agreement between the customer and the City of Cartersville.**

**(e) METERING: CES will install single directional metering or bi-directional metering for an approved distributed generation facility depending on the customer's method of installation. All installed costs for metering and associated equipment will be paid by the customer prior to distributed generation service being initiated. Net metering is not employed by CES.**

**Bi-directional metering uses one (1) meter to separately measure both the flow of electricity from the utility to the customer and the flow of electricity from the customer to the utility. Bi-directional metering shall be used where distributed generation facilities are connected on the customer's side of the utility meter.**

**Single directional metering uses two (2) meters and is used where the generation facilities are not located on the customer's side of the utility meter. One meter measures the flow of electricity from the utility to the customer for the non-generating facility and the other meter measures the flow of electricity from the customer to the utility for the generating facility.**

**(f) PAYMENT FOR ENERGY:** When electricity supplied by CES exceeds that generated by the customer, the customer shall be billed in accordance with the standard rate. When electricity generated by the customer exceeds that supplied by CES, the customer shall be credited in accordance with the distributed generation energy rider.

**Bi-directional metering:**

- CES shall own the bi-directional meter. CES shall measure electricity provided to customer and electricity received from customer during the billing period.
- Electricity provided to customer shall be billed in accordance with the standard tariff.
- Customer shall be credited for energy delivered to CES in accordance with the distributed generation energy rider.

**Single directional metering:**

- CES shall own both single directional meters. CES shall measure electricity provided to customer and electricity received from customer during the billing period.
- Electricity provided to customer shall be billed in accordance with the standard tariff.
- Customer shall be billed an administration charge each billing period and credited for energy delivered to CES in accordance with the distributed generation energy rider.

**(g) MONTHLY RATE:**

Residential single directional metering Administrative Charge \$10.00

Nonresidential single directional metering Administrative Charge \$15.00

Distributed Generation energy credit Avoided Energy Cost plus 1.5¢ per kWh

**(h) AVOIDED ENERGY COST:** CES's avoided energy cost is the wholesale market cost provided by MEAG. The Avoided Energy Cost will change each year with January's consumption and extend through December's consumption at the average hourly price of the previous calendar year.

**(i) TERMS AND CONDITIONS:**

- 1) CES is not obligated to permit interconnection or to purchase energy from a distributed generation facility that does not meet the requirements above or that has a peak generating capacity exceeding 10 kW per residential installation or 100 kW per nonresidential installation.
- 2) CES will only be required to purchase energy from eligible distributed generation facilities on a first-come, first-served basis until the cumulative generating capacity of all renewable energy sources from all customers equals 0.2% of the City's annual peak demand in the previous year. CES may purchase, but is not obligated to purchase, additional energy at a cost agreed to by it and the customer.

- 3) **CES reserves the right to inspect and test customer's equipment at any time to ensure proper operation, compliance with safety requirements, or compliance with power quality requirements. CES may separate customer generation from utility system when, as determined by CES, customer system is unsafe or not in compliance.**
- 4) **CES reserves the right to separate customer generation from utility system when, as determined by CES, continued parallel operation with distribution system is unsafe or may cause damage to persons or property or when working on de-energized lines to isolate all sources of generation.**
- 5) **If utility service to customer is disconnected for any reason, distributed generation service will also be disconnected.**
- 6) **CES shall not be liable to any person, directly or indirectly, for loss of property, injury, or death resulting from the interconnection of a cogenerator or distributed generation facility to its electrical system.**

**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 19<sup>th</sup> day of January 2012. First Reading.**

**ADOPTED this the 2<sup>nd</sup> day of February 2012. Second Reading.**

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

**ATTEST:**

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

**3. Amendment to Utilities Ordinance Regarding Electric Time of Use Rates**

David Myers, Electric Superintendent stated that the City of Cartersville Electric System has had interest from industrial customers for Time of Use rates. In these type rates, the price varies depending on what time the energy is used. Time of Use rates are not beneficial to all customers but are of benefit to customers that can control their manufacturing process and beneficial to the City in reducing demand costs and peak times. Mr. Myers stated that this ordinance is a Time of Use rate for Large and Extra Large Power customers and are optional for those customers electing to use them 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, Georgia, that the **CITY OF CARTERSVILLE CODE OF ORDINANCES, CHAPTER 24. UTILITIES, ARTICLE X. ELECTRIC SYSTEM, DIVISION 17. LOAD MANAGEMENT ECONOMIC DEVELOPMENT; TARIFF LMED-2, Section 24-336** is hereby amended by deleting said Division in its' entirety and replacing it with the following:

**1.**

**DIVISION 17. LARGE POWER TIME OF USE; TARIFF LP-TOU-1**

**Section 24-336. Generally.**

- (j) EFFECTIVE DATE:** Bills rendered on or after February 16, 2012.
- (k) AVAILABILITY:** Available in all areas served by the City of Cartersville Electric System (CES) and subject to CES's service rules and regulations.
- (l) APPLICABILITY:** Optional to all commercial or industrial electric service which is delivered or compensated to one standard voltage and where the following criteria are met:
  - 1) Billing demand for the current month and the preceding 11 months must be greater than or equal to 1,000 kW and less than 3,500 kW as defined in the Billing Demand section of this tariff.**
  - 2) In the event that Billing Demand becomes permanently less than 1,000 kW, the customer may switch to the appropriate tariff following 12 months of service on this tariff.**
  - 3) Customer must request this rate in writing.**
- (m) TYPE OF SERVICE:** Single or three-phase, sixty (60) hertz, at a standard voltage.
- (n) MONTHLY RATE:**

**Administrative Charge: ..... \$400.00**

**Delivery Charge: ..... \$1.50 per kW of billing demand**

**Power Supply Charge:**

**SUMMER – April through October consumption (kWh):**

**Peak 1 ..... 41.28¢ per kWh**  
**Four-hour period from 1:00 P.M. through 5:00 P.M. for July and August only**

**Peak 2 ..... 9.95¢ per kWh**  
**Eight-hour period from 11:00 A.M. through 7:00 P.M. not including Peak 1 hours**

**Off-Peak ..... 4.81¢ per kWh**  
**All other hours**

**WINTER – November through March consumption (kWh):**

**Peak 3 ..... 8.92¢ per kWh**  
**Four-hour period from 6:00 A.M. through 10:00 A.M.**

**Off-Peak ..... 4.85¢ per kWh**  
**All other hours**

**(o) MINIMUM MONTHLY BILL: Administrative Charge, plus Delivery Charge, plus Power Supply Charge, plus Reactive Demand Charge, plus Power Cost Adjustment as applied to the current month metered energy in kWh, plus charges in any applicable rider.**

**(p) POWER COST ADJUSTMENTS: The amount calculated in this tariff is subject to increase or decrease under the provisions of the effective Power Cost Adjustment Rider.**

**(q) RIDERS: The amount calculated in this tariff is subject to increase or decrease under the provisions of any applicable rider that may be approved by the City Council of the City of Cartersville.**

**(r) PEAK RATING PERIODS: Peak rating periods occur on weekdays only and do not apply on national holidays of the United States of America. Peak periods are stated in Eastern Standard or Daylight Times, whichever is currently in effect.**

**(s) BILLING DEMAND: The maximum billing demand shall be based on the highest thirty-minute kW measurement during the current month and the preceding eleven (11) months.**

**The Billing Demand shall be the greater of:**

- 1) The current actual demand; or**
- 2) Ninety-Five percent (95%) of the highest actual demand occurring in any previous applicable month.**

**However, in no case shall the Billing Demand be less than the greater of:**

- 1) The Contract Minimum Demand; or**
- 2) Fifty-percent (50%) of the contract capacity; or**



3) 950 kW (95% of 1,000 kW).

(t) **REACTIVE DEMAND:** Where there is an indication of a power factor of less than 95% lagging, CES may at its' option install metering equipment to measure Reactive Demand. The Reactive Demand is the highest 30-minute kVAR measured during the month. The Excess Reactive Demand is the kVAR which is in excess of one-third of the measured actual kW in the current month. CES will bill Excess Reactive Demand at the rate of \$0.33 per excess kVAR.

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 19<sup>th</sup> day of January 2012. First Reading.

**ADOPTED** this the 2<sup>nd</sup> day of February 2012. 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, Georgia, that the CITY OF CARTERSVILLE CODE OF ORDINANCES, CHAPTER 24. UTILITIES, ARTICLE X. ELECTRIC SYSTEM, DIVISION 30. WATER HEATING SERVICE; TARIFF WH-14, Section 24-401 is hereby amended by deleting said Division in its' entirety and replacing it with the following:

1.

**DIVISION 30. EXTRA LARGE POWER TIME OF USE;  
TARIFF XLP-TOU-1**

**Section 24-401. Generally.**

- (u) **EFFECTIVE DATE:** Bills rendered on or after February 16, 2012.
- (v) **AVAILABILITY:** Available in all areas served by the City of Cartersville Electric System (CES) and subject to CES's service rules and regulations.
- (w) **APPLICABILITY:** Optional to all commercial or industrial electric service which is delivered or compensated to one standard voltage and where the following criteria are met:
  - 1) Billing demand for the current month and the preceding 11 months must be greater than or equal to 3,500 kW as defined in the Billing Demand section of this tariff.
  - 2) In the event that Billing Demand becomes permanently less than 3,500 kW, the customer may switch to the appropriate tariff following 12 months of service on this tariff.
  - 3) Customer must request this rate in writing.
- (x) **TYPE OF SERVICE:** Three-phase, sixty (60) hertz, at a standard voltage.
- (y) **MONTHLY RATE:**

Administrative Charge ..... \$400.00  
Delivery Charge ..... \$1.50 per kW of billing demand  
Power Supply Charge:

**SUMMER – April through October consumption (kWh):**

Peak 1 ..... 38.21¢ per kWh  
Four-hour period from 1:00 P.M. through 5:00 P.M. for July and August only

Peak 2 ..... 9.21¢ per kWh  
Eight-hour period from 11:00 A.M. through 7:00 P.M. not including Peak 1 hours

Off-Peak ..... 4.45¢ per kWh  
All other hours

**WINTER – November through March consumption (kWh):**

Peak 3 ..... 8.25¢ per kWh  
Four-hour period from 6:00 A.M. through 10:00 A.M.

Off-Peak ..... 4.49¢ per kWh  
All other hours

**(z) MINIMUM MONTHLY BILL:** Administrative Charge, plus Delivery Charge, plus Power Supply Charge, plus Reactive Demand Charges, plus Power Cost Adjustment as applied to the current month metered energy in kWh, plus charges in any applicable rider.

**(aa) POWER COST ADJUSTMENTS:** The amount calculated in this tariff is subject to increase or decrease under the provisions of the effective Power Cost Adjustment Rider.

**(bb) RIDERS:** The amount calculated in this tariff is subject to increase or decrease under the provisions of any applicable rider that may be approved by the City Council of the City of Cartersville.

**(cc) PEAK RATING PERIODS:** Peak rating periods occur on weekdays only and do not apply on national holidays of the United States of America. Peak periods are stated in Eastern Standard or Daylight Times, whichever is currently in effect.

**(dd) BILLING DEMAND:** The maximum billing demand shall be based on the highest thirty-minute kW measurement during the current month and the preceding eleven (11) months.

The Billing Demand shall be the greater of:

- 3) The current actual demand; or
- 4) Ninety-Five percent (95%) of the highest actual demand occurring in any previous applicable month.

However, in no case shall the Billing Demand be less than the greater of:

- 4) The Contract Minimum Demand; or
- 5) Fifty-percent (50%) of the contract capacity; or
- 6) 3,325 kW (95% of 3,500 kW).

**(ee) REACTIVE DEMAND:** Where there is an indication of a power factor of less than 95% lagging, CES may at its' option install metering equipment to measure Reactive Demand. The Reactive Demand is the highest 30-minute kVAR measured during the month. The Excess Reactive Demand is the kVAR which is in excess of one-third of the measured actual kW in the current month. CES will bill Excess Reactive Demand at the rate of \$0.33 per excess kVAR.

## 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 19<sup>th</sup> day of January 2012. First Reading.

**ADOPTED this the 2<sup>nd</sup> day of February 2012. Second Reading.**

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

**ATTEST:**

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

**4. Amendment of Licenses, Taxation and Miscellaneous Business Regulations  
Ordinance Regarding “Pill Mills”**

Keith Lovell, Assistant City Attorney stated that in response to the national outcry of the abuse of pain medication through so-called “pill mills” the Cartersville Police Department is recommending this ordinance be enacted. Mr. Lovell stated that having researched the issue and having discovered that these types of non-beneficial businesses are located within the vicinity of Cartersville, Georgia it is his opinion that such an ordinance should be in place. As proof of the damage that these businesses can do to a community, the Bartow Cartersville Drug Task Force was engaged in what many are calling a landmark case involving “Pill Mills”. Chief Tommy Culpepper and Mark Maton, DEA both came forward to answer any questions from the Mayor and Council. Mr. Lovell stated that this ordinance will be a major enhancement to ensuring that future generations have the quality of life that has become the hallmark of Cartersville and recommended approval.

**NO ACTION REQUIRED**

**Ordinance**

**of the**

**City of Cartersville, Georgia**

**Ordinance No.**

**WHEREAS, the Mayor and City Council of the City of Cartersville are charged with the protection of the public health, safety, and welfare of the citizens of Cartersville;**

**WHEREAS, the State of Georgia authorizes the City of Cartersville to exercise its regulations where it sees fit to maintain the safety and welfare of the citizens;**

**WHEREAS, the City of Cartersville Police Department Drug Task Force has conducted a study and accumulated information regarding Pain Clinics and Pain Medication;**

**WHEREAS, the Marietta-Cobb-Smyrna Prescription Drug Task Force issued a “Final Recommendation Report” recommending that action be taken regarding the licensing of certain entities;**

**WHEREAS, information received from law enforcement officials in several States indicate that criminal activity increases in areas where Pain Management Clinics operating as no more than “pill mills” are located;**

**WHEREAS, the Grand Jury in Broward County, Florida, heard testimony and considered evidence concerning the proliferation of such pain clinics in Broward County and South Florida;**

**WHEREAS, the Broward County, Florida, Grand Jury issued its Interim Report on November 19, 2009, concerning The Proliferation of Pain Clinics in South Florida (“Broward County Grand Jury Report”);**

**WHEREAS, the Broward County Grand Jury Report found that, “In 2007 there were 4 pain clinics operating in Broward County. From those 4 pain clinics in Broward County the number swelled to 66 pain clinics operating in South Florida in 2008. From August 2008 to November 2009 the number of pain clinics opening and operating in South Florida exploded in number from 66 to 176, and the number of pain clinics opening and operating in Broward County increased from 47 to 115. Pain clinics, which dispense prescription drugs on site, dispensed almost 9 million does units of Oxycodone in South Florida during the last months of 2008. 6.5 million dose units of the 9 million does units were dispensed in Broward County alone.” Broward County Grand Jury Report at page 6;**

**WHEREAS, the Broward County Grand Jury Report reported that the Florida Medical Examiners Commission reported as follows:**

<b>Calendar Year</b>	<b>Number of Deaths Detected that were Caused by Lethal Doses of Prescription Drugs</b>	<b>Average Number of Deaths Detected that were Caused by Lethal Doses of Prescription Drugs</b>
<b>2006</b>	<b>2,780</b>	<b>7 deaths/day</b>
<b>2007</b>	<b>3,317</b>	<b>9 deaths/day</b>
<b>2008</b>	<b>3,750</b>	<b>10 deaths/day</b>

**Broward County Grand Jury Report at pages 9-10;**

**WHEREAS, the Broward County Grand Jury Report reported as follows: “The National Survey on Drug Use and Health conducted annually by the Substance Abuse Mental Health Services Administration estimates that in the last 30 days over 5 million Americans used non-medical prescription opioids or narcotic analgesics or pain relievers. In 2005, 11,300,000 Americans age 12 and above had used prescription pain medication in a non-medical use. In 2007, the number increased almost 50% to 16,280,000 Americans.**

One of the age groups that have shown the highest levels of prescription non-medical use has been young adults age 18 to 25. In 2007, 2,147,000 Americans were first time non-medical users of prescription pain medication.” Broward County Grand Jury Report, at pages 11-12;

WHEREAS, the City of Cartersville has great respect for reputable medical practitioners who are attempting to diagnose and treat pain being experienced by their patients;

WHEREAS, the typical pain clinic which is operating as no more than a “pill mill” has little or no interest in treating pain or the symptom of the pain but is interested in only dispensing prescription pain medication with little or no diagnosis of the “patient”. See Broward County Grand Jury Report at pages 19-20;

WHEREAS, the Broward County Grand Jury Report found that “[a] couple of cities in Broward County have attempted to restrict the growing number of clinics in their cities by enacting ordinances to prohibit the location of pain management clinics that dispense narcotic drugs on site.” Broward County Grand Jury Report at page 33;

WHEREAS, the typical “pill mill” prescribes and dispenses the Pain Medications on-site;

WHEREAS, the City of Cartersville has been made aware of numerous news reports describing a “pipeline” of trafficking drugs from pain management clinics in South Florida to users in States such as Georgia, Kentucky, West Virginia and Ohio;

WHEREAS, prescription drug abuse is becoming a major problem in Georgia and according to the Georgia Drug and Narcotics Agency deaths due to prescription drug overdoses have surpassed those of all other illicit drugs;

WHEREAS, some pain clinics have no interest in the diagnosis and treatment of medical issues or problems that are resulting in pain being experienced by the patients, but are operated solely to write prescriptions for highly addictive pain medications which are then sold by the clinic to the “patient” making such a clinic as no more than a “pill mill”;

NOW BE IT AND IT IS HEREBY ORDERED by the Mayor and City Council of the city of Cartersville that the City of Cartersville Code of Ordinances Chapter 10. LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATION is hereby amended by adding a new Article IV. Medical, Pharmacy, Pain Management Establishments as follows:

“ARTICLE XIV. Medical, Pharmacy, Pain Management Establishments

Sec. 10-505. Purpose and findings.

Since the 1990's, the abuse of prescription opioids has risen dramatically, due in large part to the increase in the use of these analgesics to manage pain. Opioids are prescribed to alleviate pain ranging from moderate to severe, as described by the patient. These analgesics principally affect the nervous system, suppressing the signals of pain sent to the brain; examples of these medications can include, but not be limited to morphine, codeine, oxycodone (e.g., OxyContin, Percodan, Percocet), and related drugs. As opioids "block the perception of pain" they also have the affect of creating a state of euphoria, which may be heightened when abused. Side effects can include drowsiness, nausea, constipation, and respiratory constraint.

Opioids are recognized as very effective when taken as prescribed for legitimate purposes, post surgery, for example. As the National Institute on Drug Abuse states, "Many studies have shown that the properly managed, short-term medical use of opioid analgesic drugs is safe and rarely causes addiction – defined as the compulsive and uncontrollable use of drugs despite adverse consequences – or dependence, which occurs when the body adapts to the presence of a drug, and often results in withdrawal symptoms when that drug is reduced or stopped." Unfortunately, opioids taken long-term can create physical dependency in some patients, producing withdrawal symptoms when the medication is not taken. Cessation side effects can include bone pain, insomnia, and vomiting, to name a few.

Since the tragic events of September 11, 2001, the rise in the diversion of legal prescription drugs has grown exponentially, due to increased security at the borders and ports. Amplified security has effectively reduced the supply of illegal drugs, traditional smuggled by the drug trade, necessitating the need to find alternative methods of supplying drugs to users; consequently, legal prescription drugs are now being diverted to illegal uses – "Diversion." These diverted drugs are Schedule II, III, and IV drugs, which principally include opioids as well as complementary drugs.

In recent years, South Florida, including Miami-Dade, Broward, and Palm Counties, have witnessed tremendous growth in the number of "pain clinics" that have opened in addition to the rapid increase of the diversion of prescription drugs. Broward County has been termed "The Painkiller Capital of the Unites States," and "The Columbia for Pharmaceutically Diverted Drugs." Broward County had four pain clinics in 2007, jumping to 115 by November 2009, of a total of 176 such clinics in all of South Florida. The majority of these pain clinics are nothing more than pill mills, diverting these scheduled drugs to illegal uses. As "clinics" have multiplied, the deaths due to overdoses of prescription drug medications, specifically opioids, have skyrocketed.

With Broward County on the forefront of this epidemic, a grand jury was empanelled to investigate, issuing a report on November 19, 2009, after hearing testimony from prescription drug abusers and their families, federal and state law enforcement officials, physicians, prosecutors, and many more stakeholders. The report provides valuable information regarding the current state of this epidemic as well as recommendations to curtail this rapidly growing public safety concern.

As Broward County and other South Florida jurisdictions struggle to eliminate “pill mills”, this outbreak of illicit pain clinics crossed into other states, notably Georgia and Texas. In fact, the *Cobb County Prescription Drug Task Force* reports that in 2007, 82.46% overdose deaths statewide involved pharmaceuticals, going to 85.11% in 2008. Alprazolam, Hydrocodone, and Oxycodone were found to constitute the top five substances involved in all of these overdose deaths. Alprazolam, commonly known by the trade name *Xanax*, an anxiety medications, is often combined and distributed with opioids at illegal pain clinics.

Illegal pain clinics commonly known as “pill mills” dispense large quantities of Schedule II, III and IV drugs for cash, with little examination of the patient conducted. Scheduled drugs are dispensed at these establishments or prescriptions are written to be filled at a legitimate pharmacy. Often, out of jurisdiction and out-of-state license plates are in the parking lots of these clinics, with individuals driving great distances to receive these “prescriptions.” Pill mills often hire security guards to handle unruly patients and perhaps even scout for law enforcement. Individuals seeking these services will often fake an ailment, forging an MRI or providing falsified medical documentation to receive prescriptions. In turn, the physicians conduct lackadaisical examinations of these individuals, simply asking them “what they want” with regard to medication.

The City of Cartersville City Council adopted a 12-month moratorium on the issuance of business licenses to “pain management clinics” on April 21, 2011, to conduct the proper research and vetting to create a new ordinance and municipal code addressing “pill mills.” After thorough research, the City Council has prepared this ordinance to eliminate this rapidly emerging epidemic, creating a new section in the code of the City of Cartersville.

Not all pain clinics are “pill mills,” thus the challenge of regulating this epidemic is daunting. Pill mills could easily be found in establishments that provide physical therapy, chiropractics, or general medicine, through the “pain clinic” title is most commonly associated with such operation. Therefore, the City Council finds that “pill mills,” pose a current and real threat to the health, safety, and welfare of the people of the City of Cartersville, and therefore make the following declarations:

- 1.) The “pill mill” has become a store front for the new illegal drug trade, as legitimate prescription medication is diverted for illicit purposes.
- 2.) “Pill mills” must be regulated and differentiated from legitimate healthcare providers, as they attempt to enter the Georgia market from Florida and other neighboring states which are beginning to adopt regulatory legislation.
- 3.) “Pill mills” are often owned, operated, and staffed by unlicensed proprietors, with little or no medical training.



- 4.) "Pill mills" masquerade as legitimate pain management establishments or medical providers, but instead perform few, if any, medical examinations with often sparsely furnished offices and no typical medical equipment.
- 5.) "Pill mills" operate on a cash basis, usually not accepting checks, credit cards, or health insurance, creating an environment that poses a security threat in light of the clientele seeking these illicit services.
- 6.) Individuals seeking "pill mill" services often falsify symptoms or provide bogus documentation of an ailment to receive powerful Schedule II, III and IV drugs. Alternative methods of treatment – physical therapy, surgery, etc. – are rarely ever proposed to a patient seeking services from a "pill mill".
- 7.) Individuals will often "shop" various "pill mills" receiving multiple prescriptions on the same day or during a short period of time, thereafter reselling the pills to generate a profit to fund their own addiction and purchase additional supplies.
- 8.) "Dealers" or groups of dealers often sponsor individuals who obtain Schedule II, III and IV drugs repeatedly over multiple "pill mills", during a short period of time. These large quantities may then be resold at a much higher value to fund the purchase of larger quantities as well as to continue the abuse of these powerful drugs by the individuals involved.
- 9.) Individuals seeking "pill mill" services will often be consuming these scheduled drugs as they search for the next pill mill. These individuals may be under the influence of one or more of these powerful drugs or suffering from withdrawal symptoms. Pill mills can usually supply scheduled drugs on site for individuals to consume immediately, as well. Both the influence of the scheduled drug as well as the debilitating withdrawal symptoms affecting a driver operating a motor vehicle in City of Cartersville while seeking a "pill mill" is of grave concern.
- 10.) Legitimate pain clinics should be owned, operated, and staffed by licensed physicians, boarded in a pain management-related field recognized by the American Board of Medical Specialists.

**Sec. 10-506. Definitions.**

*Dispense* means to issue one or more doses of any drug in a suitable container with appropriate labeling for subsequent administration to or use by a patient. This excludes hospitals, surgery centers, inpatient care facilities, assisted living facilities, outpatient facilities operated or owned by a hospital system or pharmacy, and pharmacies.

*Dispenser* shall mean any person licensed or authorized by the State of Georgia and any board thereof to dispense drugs.

***Dispensing Physician*** is a state licensed physician who has notified the Georgia Composite Medical Board in writing of their intent to act as a dispensing physician. This notification may be made by letter to the Board, or may be noted on the state license renewal form.

***Medical Establishment*** means, for the purpose of this chapter, any person, sole proprietor, corporation, or entity proposing to offer services to include: general and family medicine, specialists, chiropractic services, physical therapy, physical rehabilitation, urgent care, clinics, or any other similar healthcare services offered to the general public, excluding pain clinics. Shall not include facilities owned and operated by a hospital system.

***Medical Treatment*** means the primary services expected and received from a medical establishment.

***Opioids*** are narcotic drugs typically prescribed to manage pain. For the purposes of this ordinance, included under Schedule II, III and IV drugs.

***Pain Clinic*** means a medical establishment, often multidisciplinary, devoted to the diagnosis and treatment of patients with acute and chronic pain. Also known as “pain management clinics,” “pain relief centers,” and similar variations.

***Patient*** means an individual receiving medical care from a medical establishment and the intended end user of prescribed medication(s).

***Person*** includes sole proprietors, corporations, partnerships, nonprofits or any other form of business organization.

***Pharmacy*** is a commercial establishment with a physical location, where the practice of pharmacy occurs, as defined in O.C.G.A. § 26-4-4, now and as amended.

***Physician*** means a person licensed to practice medicine under O.C.G.A. § 43-34-21, now and as amended.

***Practice of pharmacy*** means the interpretation, evaluation, or dispensing of prescription drug orders in the patient’s best interest; participation in drug and device selection, drug administration, drug regimen reviews, and drug or drug related research; provision of patient counseling and the provision of those acts or services necessary to provide pharmacy care; performing capillary blood tests and interpreting the results as a means to screen for or monitor disease risk factors and facilitate patient education, and a pharmacist performing such functions shall report the results obtained from such blood tests to the patient’s physician of choice; and the responsibility for compounding and labeling of drugs and devices, as defined in O.C.G.A. § 26-4-4, now and as amended. Individuals engaged in the practice of pharmacy shall be properly licensed and in good standing with the State of Georgia (O.C.G.A. 26-4-40 et seq., now and as amended).

***Practicing Medicine*** means holding oneself out to the public as being engaged in the diagnosis or treatment of disease, defects, or injuries of human beings; or the suggestion, recommendation, or prescribing of any form of treatment for the intended palliation, relief, or cure of any physical, mental, or functional ailment or defect of any person with the intention of receiving therefore, either directly or indirectly, any fee, gift, or compensation whatsoever; or the maintenance of an office for the reception, examination, and treatment of person suffering from disease, defect, or injury of body or mind; or attaching the title “M.D.,” “Oph.,” “D.,” “Dop.,” “Surgeon,” “Doctor,” “D.O.,” “Doctor of Osteopathy,” “Allopathic Physician,” “Osteopathic Physician,” or “Physician,” either alone or in connection with other words, or any other words or abbreviations to one’s name, indicating that such person is engaged in the treatment or diagnosis of disease, defects, or injuries to human beings, provided that the terms “doctors of medicine,” “doctors of osteopathic medicine,” “doctors of medicine licensed to practice in the state”, and similar terms wherever used or appearing in O.C.G.A. § 43-34-21 et seq., now and as amended.

***Schedule I, III or IV drugs*** shall mean the drugs defined in O.C.G.A. § 16-13-26 through 16-13-29, now and as amended as well as those so defined and regulated by the Controlled Substances Act adopted by the U.S. Congress in 1970, now and as amended.

**Sec. 10-507. Compliance required.**

**It shall be unlawful for any person to operate a medical establishment or pharmacy without having first complied with the provisions of this chapter.**

**Sec. 10-508. Preliminary information; questionnaire; classification.**

**While studies and research illustrate that “pill mills” more often than not pose as “pain clinics”, this perception can be inaccurate. Many legitimate pain clinics operate daily throughout the state and nation, faithfully treating their patients with the highest ethical standards. Pill mills are capable of posing as urgent care clinics, family medical practices, and neighborhood pharmacies, for example. In fact, any medical “store front” could operate as a pill mill.**

**The reality, however, is that the vast majority of medical establishments and pharmacies are absolutely legitimate. Preliminary information will be gathered from proposed medical establishments and pharmacies to properly route the business through the applicable regulatory and zoning reviews, prior to the issuance of a business license (occupation tax permit). A questionnaire shall be provided to persons seeking to operate a medical establishment or pharmacy in the City of Cartersville (“applicant”), in conjunction with the completion of occupation tax/business license and zoning preclearance forms.**

**The Planning and Development Department and the Police Department are hereby directed to create a questionnaire for those seeking to operate a medical establishment or pharmacy in the City of Cartersville. Included with relevant contact and corporate information as required by the Planning and Development Director and Police Chief, the following questions shall be included:**

- 1.) Detail services offered at the proposed medical establishment or pharmacy.
- 2.) If opening a pain clinic, please detail the methods of evaluation, treatment, and rehabilitation offered at the proposed establishment.
- 3.) If not opening a pain clinic, what percentage of your practice will be devoted to the treatment and diagnosis of acute and chronic pain?
- 4.) If opening a pharmacy, do you intend to provide medical treatment services at the location?
- 5.) Do you intend to prescribe Schedule II, III or IV drugs at your proposed location?
- 6.) Do you intend to dispense Schedule II, III or IV drugs at your proposed location or on the premises?
- 7.) Do you plan to accept healthcare insurance form your patients?

Each applicant, representing a proposed medical establishment or pharmacy, shall in good faith complete this questionnaire, answering the questions to the best of their ability. Signatures of the applicant and establishment owner or corporate officer (if not the same as applicant) shall be required on the questionnaire, attesting that all answers and information provided are true and correct to the best of their knowledge. Deception, false statements, and misrepresentations on the questionnaire shall cause enforcement action and penalties against the entity as detailed under Sec. 10-519 and Sec. 10-521.

The Planning and Development Department shall review each completed questionnaire to determine if a pain clinic's license, as mandates by this article, is required for the proposed establishment. The City Manager, Police Chief, or Planning and Development Director may review each questionnaire to determine if a proposed business shall be classified as a medical establishment, pharmacy, or pain clinic. The decision to classify a proposed business as a pain clinic is at the discretion of the City Manager, Police Chief, or Planning and Development Director, appealable to City Council, as detailed under Sec. 10-520.

#### **Sec. 10-509. Pharmacy Regulations.**

A proposed business classified as a pharmacy under Section 10-508, shall adhere to the following regulations:

- (a) *Supervision.* A pharmacy shall only be operated under the supervision of a state licensed pharmacist.
- (b) *State Licensure Required.* A pharmacy or those seeking to practice pharmacy in the City of Cartersville are required to apply for and receive a business license in accordance with Chapter 10. Additionally, prior to the issuance of a business license, the proposed pharmacy establishment and all employed pharmacists shall provide all current and proper facility and staff licensure in accordance with the laws of the State of Georgia, O.C.G.A. § 26-

4-4; O.C.G.A. 26-4-40 et seq., now and as amended). The most recent state licensure for each pharmacist is due each year with annual occupation tax renewals with the City.

(c) *Clinic Services.* Pharmacies may elect to provide clinic services on site, offered to customers as a convenient ancillary service. These clinics shall not prescribe Schedule II, III and IV drugs.

**Sec. 10-510. Medical establishment regulations.**

A proposed business classified as a medical establishment under Section 10-508, shall adhere to the following regulations:

(a) *Ownership/manager.* The owner or manager of a medical establishment shall be licensed by the State of Georgia, in the respective field corresponding to the provision of services proposed, in good standing.

(b) *State Licensure Required.* All medical establishments, as defined by this article, are required to apply for and receive a business license in accordance with Chapter 22, Article II. Additionally, prior to the issuance of a business license, the proposed medical establishment shall provide licensure for all practitioners in the respective field corresponding to the services proposed in accordance with the laws of the State of Georgia (O.C.G.A. Title 43, now and as amended). Respective state licenses shall remain in good standing and are due each year with annual occupation tax renewals with the City.

(c) *Dispensing.* If the medical establishment proposes to dispense Schedule II, III, or IV drugs to patients on site, the dispenser shall be dispensing physician, as required by the Georgia Composite Medical Board and State of Georgia. All dispensing physicians at the medical establishment shall provide to the City a copy of the notification sent to the board, seeking to dispense.

(d) *Pharmacy.* Should a medical establishment seek to provide pharmacy services on site, compliance with O.C.G.A. § 26-4-4; O.C.G.A 26-4-40 et seq., now and as amended is required. A state licensed pharmacist, in good standing, shall be on site and responsible for the pharmacy operation.

**Sec. 10-511. Pain management establishments and pain clinic requirements.**

A proposed business classified as a pain clinic under Section 10-508, shall adhere to the following regulations:

(a) *Municipal License Required.* Clinics that specialize in the diagnosis and treatment of patients with acute and chronic pain (“pain clinics”) are required to apply for and receive a license from the City of Cartersville. These establishments are often termed “pain clinics”, “pain relief clinics”,

“pain management”, or similar title. Procedures are detailed under Section 10-512 et. seq.

(b) *State License Required.* The owner, physicians, and any managers of a pain clinic shall be state licensed physicians, in good standing. Proof of licensure shall be submitted with each annual renewal. The manager or owner shall maintain an office on site at the establishment. All physicians writing prescriptions shall be on site when the patient is issued said prescription, also maintaining an office at the establishment location.

(c) *Board Certification.* The owner and all staff physicians of a pain clinic shall be board certified by the American Board of Physical Medicine and Rehabilitation or the American Board of Anesthesiology and in good standing. Certification by the American Board of Pain Management or other organizations not recognized by the American Board of Medical Specialists is not accepted. Proof of said board certification shall be submitted with each annual renewal.

(d) *Dispensing.* No dispensing of Schedule II, III or IV drugs shall occur or be permitted on the premises of a pain clinic, unless dispensed by a licensed pharmacist. This restriction includes “Dispensing Physicians.” A pharmacy on the premises is permitted, if constructed and licensed separately as a pharmacy, as mandated by the laws of the State of Georgia. Nothing herein, however, shall preclude licensed surgeons and physicians so qualified from administering injections and medications associated with surgeries and procedures occurring at the establishment.

(e) *Facilities.* The owner or clinic manager and physicians shall maintain separate offices in the structure proposed for the establishment. Physicians may share offices; however, exam rooms shall remain separate from any office space.

#### **Sec. 10-512. Pain clinics license required.**

Regardless of business name, if a proposed establishment seeks to operate or holds itself out to be devoted to the diagnosis and treatment of patients with acute and chronic pain, the City of Cartersville considers said establishment to be a “pain clinic” and a Pain Clinics License “license” from the City of Cartersville is required. The City Manager, Police Chief, or Planning and Development Director, shall be authorized to classify a proposed establishment as a pain clinic, if so determined.

#### **Sec. 10-513. License application; process.**

Business establishments determined to be pain clinics shall apply for the pain clinics license, completing the application and process as follows:

- 1.) Detail all services to be provided on site at the proposed location.
- 2.) Provide corporate name, d/b/a name, corporate address, owner or principal corporate officer name(s), proposed location address for the proposed establishment.
- 3.) Provide physician names, principal address and contact information for each.
- 4.) Demonstrate compliance with Section 10-511, submitting all licensure and certifications.
- 5.) All staff and employee names, addresses, and positions held at the establishment.
- 6.) All staff members and employees requiring a state license shall submit the respective licensure, which must be good standing.
- 7.) List of health insurance carriers accepted and evidence of such acceptance.
- 8.) Proof of malpractice insurance for the physicians must be provided, in the amount as prescribed by state law. Said malpractice insurance shall remain current, submitted with each annual renewal.
- 9.) Provide all additional information on the license application form, as determined by the City Manager, Police Chief, or Planning and Development Director. The completed application along with all attachments shall be submitted to the Planning and Development Department for review.
- 10.) Submit the review fee, established with resolution by City Council from time to time.

**Sec. 10-514. License application review.**

The Planning and Development Director or designee shall review the documentation and information provided under Section 10-513. A copy of the application file shall also be forwarded to the Police Chief or designee for concurrent review. The review shall conclude in no less than thirty (30) days from the date the completed application is submitted to the Planning and Development Department. If the application review is not completed within thirty (30) days, the application shall be void and the applicant may seek review by the City Council in accordance with Section 10-520.

A checklist shall be produced by the Planning and Development Department to complete the application review, verifying compliance with this article. Said checklist shall include the following procedures:

- 1.) Verify the application form is completed.**
- 2.) Verify compliance with Section 10-511 and all other requirements of this article.**
- 3.) License verification of each practitioner with Office of the Secretary of State and/or Georgia Composite Medical Board**
- 4.) Board certification verification for each practitioner, as required.**
- 5.) The Chief Building Official or designee shall conduct a preliminary inspection of the premises for compliance with the provisions of this article as well as adopted building and zoning codes. A final inspection will also occur prior to the issuance of a certificate of occupancy.**
- 6.) All additional information as required by the Planning and Development or Police Departments.**

**Once the review is completed, the Planning and Development Department will confirm findings with the Police Chief or designee for final verification. Upon confirmation of the information and final verification, the Planning and Development Department may then notify the applicant in accordance with Section 10-516.**

**Sec. 10-515. Conditions for disqualifying application.**

**No license under this chapter shall be granted where the following conditions are found to exist:**

- 1.) Failure to complete the application form and/or submit the filing fee.**
- 2.) Failure to comply with any provision of this article.**
- 3.) Failure to provide the requisite state licensure and board certifications in good standing for all applicable owners and employees, as detailed in this article.**
- 4.) Evidence that the applicant failed to answer any question on the application form accurately or failed to provide accurate information to Planning and Development staff.**
- 5.) Failure of the applicant to comply with any other adopted codes of the City.**

**Sec. 10-516. Compliance notification.**



(a) *Approval.* At the conclusion of the license application review, the Planning and Development Director or designee shall notify the applicant by telephone or email, once compliance is verified. Along with occupation taxes due, the applicant must also submit the pain clinics license fee and receive a certificate of occupancy prior to the issuance of the business license. The pain clinics license fee is established with resolution by City Council from time to time.

(b) *Disqualification.* Should the license application be deficient as detailed under Section 10-514, the City Manager, Police Chief, or Planning and Development Director is hereby authorized to disqualify the application, notifying the applicant in writing, U.S. Certified Mail or equivalent commercial carrier, of compliance deficiency(s). Disqualification is appealable directly to the City Council in accordance with Section 10-520.

**Sec. 10-517. Annual renewals; termination; transfers.**

(a) *Renewals, Termination, Suspension.* The pain clinics license expires annually on December 31<sup>st</sup>, requiring renewal. All state licensure and board certifications shall be submitted with each annual pain clinics license renewal. Failure to renew by February 15<sup>th</sup> or the failure to submit state license and board certifications in good standing shall result in the termination of the pain clinics license, requiring the establishment to begin the process anew. Concurrently, the occupation tax permit (business license) shall be suspended by the Police Chief in accordance with Section 10-519.

(b) *Transfers.* Licenses are non-transferable. Each separate location shall apply for and receive a license as prescribed by this article.

**Sec. 10-518. False information in application.**

Any material omission or untrue or misleading information contained in or left out of an original license application or renewal issued under this chapter, shall be unlawful and shall be the cause for the denial thereof, and if any such license or permit has previously been granted under these circumstances, such shall constitute due cause for the suspension of such license, in accordance with Sec.10-519.

**Sec. 10-519. Enforcement; suspension.**

In the judgment of the police chief and egregiousness of the violations of this article, the police chief shall be authorized to suspend a pain clinics license and/or occupation tax permit previously granted herein. In the event the police chief seeks to suspend an occupation tax permit, the police chief shall give written notification to the applicant of such action and such notice shall contain a specification of the violation or violations and shall be served upon the applicant/licensee. A review hearing of the suspension shall be docketed on the agenda of the next regularly scheduled City Council meeting by the City

Clerk, or within thirty (30) days from the date the suspension is issued. The applicant shall be given written notice of the time and place of the hearing, upon notification of the suspension.

(a) The police chief shall be authorized to suspend a pain clinics license and/or occupational tax permit in the vent that any one or more of the following conditions exist:

1.) An applicant provided false or misleading information in the original application;

2.) An applicant has allowed the illegal possession, use, sale, or distribution of controlled substances and Schedule II, III and IV drugs on the premises; or

3.) An applicant has knowingly allowed the violation of an ordinance of the city or a violation of any criminal law of the State of Georgia to occur on the premises; or

4.) An applicant has violated any provision of this article; or

5.) An applicant fails to pay any fee, occupation tax, fine or other amount of money due to the City of Cartersville under this chapter or any other taxing ordinance of the City of Cartersville.

(b) In the event the police chief shall suspend any occupational tax permit or pain clinics license hereunder, the suspension shall remain in effect until the City Council removes the suspension. The applicant, however, shall not be authorized to continue business operations until the suspension is lifted by the City Council.

(c) Should the applicant continue business operations, the Police Chief is hereby authorized to physically close the establishment without notice. The establishment shall remain closed until a decision to lift the suspension is rendered by the City Council.

#### **Sec. 10-520. Appeals; City Council review hearing.**

(a) Any party aggrieved by a staff decision under this article shall have the right of appeal directly to City Council. The aggrieved party shall file a request for appeal with the City Clerk to be docketed on the next regularly scheduled City Council meeting, or within thirty (30) days from filing the appeal.

(b) If the police chief suspends a pain clinics license or occupation tax permit, a review hearing before the City Council shall be schedule in accordance with Section 10-518.

(c) The City Council shall not be bound by the traditional rules of evidence in hearings conducted under this article. Rules of evidence as applied in an administrative hearing shall apply. The City Council may release the suspension of the pain clinics license and/or an occupation tax permit issued under this article; and/or may assess penalties as detailed under Section 10-521. Decisions of the City Council are final and binding.

**Sec. 10-521. Penalties; revocation.**

(a) At the conclusion of the review hearing, the City Council may continue or lift the suspension of a pain clinics license and/or occupation tax permit pending the applicant complying with the provisions of this article; or

(b) Revoke the pain clinics license and/or occupation tax permit, at which time all business operations shall cease and desist indefinitely. Should the applicant fail to comply, the business operation shall be closed by the Police Chief and the establishment shall vacate the premises.

(c) Any person violating the provisions of this article shall be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation per day and/or by imprisonment for a period to exceed six months, or by both such fine and imprisonment.

**Section 2.** If any Section, sub-section, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid. It is hereby declared to be the intent of the City Council to provide separable and divisible parts and does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**Section 3.** This Ordinance shall become effective immediately upon approval by the Mayor and City Council.

**BE IT AND IT IS HEREBY ORDAINED.**

First Reading this the 19<sup>th</sup> day of January 2012.

Second Reading and Adoption this the \_\_\_\_ day of February 2012.

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

**ATTEST:**

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

**5. Amendment to Motor Vehicle and Traffic Ordinance Regarding All-Way Stop at Pointe North Drive and Pointe Way**

Tommy Sanders, City Engineer stated that Public Works and Chief Culpepper met with representatives from the North Pointe Subdivision Homeowners Association concerning the traffic in their subdivision. The HOA has requested that a three way stop be put in at the intersection of Pointe North Drive and Pointe Way. Mr. Sanders stated that Public Works and the City Police Department concur with this request 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 CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 12. MOTOR VEHICLES AND TRAFFIC ARTICLE IX. TRAFFIC SCEDULES CODE SECTION 12-1003. STOP STREETS is hereby amended by inserting the following in Section 12-1003:**

**1.**

**Pointe North Drive at Pointe Way, all directions.**

**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 that section 12-1003 is amended by adding the above provisions and that said section may be alphabetized as necessary to accomplish such intention. The remaining provisions of said section shall remain as is except for alphabetizing.**

**BE IT AND IT IS HEREBY ORDAINED**

**First Reading this the 19<sup>th</sup> day of January 2012.  
ADOPTED this the day of. Second Reading.**

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

**ATTEST:**

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

**G. Contracts/Agreements**

**1. Georgia Department of Transportation: MOA and Mowing and Maintenance Agreement for Main Street Gateway Landscaping**

Tommy Sanders, City Engineer stated that this Memorandum of Agreement along with the Mowing and Maintenance Agreement are for the \$400,000.00 landscaping grant along the Main Street Gateway Project. The GDOT has submitted these documents for signature by the City in order to process the grant and proceed with assembling a contract for this work between the City and GDOT. Mr. Sanders stated that the MOA says the City will abide by their landscaping guidelines and the approved landscaping plans, and the Mowing and Maintenance Agreement says that we will maintain the landscaping that is installed as part of this project.

A motion to approve both agreements was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

**2. Georgia Department of Transportation: Indication of Roundabout Support on Douthit Ferry Road Project.**

Tommy Sanders, City Engineer stated that the Georgia Department of Transportation has requested the City sign this "Indication of Roundabout Support" on the Douthit Ferry Road project for the intersection of Douthit Ferry Road and Pine Grove Road/Walnut Grove Road. As part of the engineering for their project GDOT policy requires that a traffic study be done that looks at alternatives to traffic signalization at all intersections. Mr. Sanders stated that preliminary considerations indicate that a roundabout may be a favorable design at this location according to traffic engineering analysis. This letter states that the City will bear the cost of electricity for any lighting installed and will maintain any landscaping associated with a roundabout in the event that a roundabout is selected as the preferred concept alternative. Mayor Santini stated that this letter does not state that the city will install a roundabout, it only states that if a roundabout is installed the city will provide the electricity and landscaping. Karl Lugens came forward and explained the roundabout design and Mr. Sanders recommended approval for the Mayor to sign the letter of support.

A motion to approve the letter of support to the Georgia Department of Transportation

was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

### **3. First Time Homebuyer: Satisfaction of Subordinate Deed**

Randy Mannino, Planning and Development Director stated that one of our first time home buyers has completed their obligation for the down payment assistance by maintaining residence in her home for five (5) years. The forgivable loan on the property is satisfied. The Satisfaction of Subordination Deed will need to be approved by Mayor and Council in order for the homebuyer to clear the title on this home and Mr. Mannino recommended approval.

A motion to approve the Satisfaction of Subordinate Deed was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

### **4. Blackboard Connect CTY**

Sam Grove, City Manager stated that this is the annual renewal for Blackboard Connect CTY in the amount of \$14,486.00 and recommended approval.

A motion to approve annual renewal of the agreement with Blackboard Connect CTY was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

## **H. Engineer Services**

### **1. Center Road Sewer**

Jim Stafford, Water and Sewer Superintendent stated that a section of old sewer on Center Road has to be upgraded. This section is 10 inches and the rest of the line is 16 inches and will complete the line which will serve east of Highway 41. The engineering contract with Jacobs Engineering (JJ&G) includes document preparation, wetlands, permitting, advertising and bidding the project, and construction administration. Mr. Stafford stated that this engineering proposal is not to exceed \$58,800.00 and recommended approval.

A motion to approve the engineering for the Center Road Sewer was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

## **I. Bid Award/Purchases**

### **1. Inventory Replacement for the Water Department: Distribution and Collections.**

Ed Mullinax, Water Department Assistant Superintendent stated that this bid is for inventory replacement for the Water Department Distributions and Collections. The lead time for brass materials is about eight weeks and the inventory is getting low. Mr. Mullinax stated

that bids were solicited for these products and recommended approval of the low bid from Ferguson Supply Company in the amount of \$20,701.54.

A motion to approve the purchase from Ferguson Supply Company was made by Council Member Tate and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

## **2. Indian Mounds Road Water Main Extension Phase 2**

Ed Mullinax, Water Department Assistant Superintendent stated that the Indian Mounds Road Water Main Extension Project was designed to correct low flow and low pressure conditions at the south end of Indian Mounds Road. This phase of the projects consists of installation water meter for each of the individual units in the Bow and Arrow Mobile Home Park and the installation of an 8-inch water main through the park to allow for an eventual dual feed to the system and for the added benefit of providing fire hydrants to the area. Mr. Mullinax stated that bids were received from three contractors for installation of this water line extension and recommended approval of the low bid from C. H. Kirkpatrick & Sons, Inc. in the amount of \$66,913.01.

A motion to approve the agreement with C.H. Kirkpatrick & Sons was made by Council Member McDaniel and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

## **J. Appointments**

### **1. Recreation Advisory Board**

Greg Anderson, Parks and Recreation Director stated that Wesley Dean, Lori Pruitt's appointee to the Recreation Advisory Board, has served the maximum number of terms allowed according to the City Ordinances. Mr. Anderson recommended approval of Rich Kollhoff as Ms. Pruitt's appointee with his term expiring on December 31, 2015.

A motion to approve the appointment of Rich Kollhoff was made by Council Member Tate and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

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

## **K. Added Item**

### **1. Emergency Reading Ordinance Tampering with Utility Meters**

Keith Lovell, Assistant City Attorney presented an ordinance to prohibit devices to be placed on the utility lines that will interfere with the accuracy of the city meters to read usage. Jim Stafford stated that these devices are placed on the customers side of the meter but can impede the meter operations causing the reading to be less than the actual consumption. Mr.

Lovell recommended approval of this ordinance on an emergency basis.

A motion to approve Ordinance No. 04-12 was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

**Ordinance**  
**of the**  
**City of Cartersville, Georgia**

**Ordinance No. 04-12**

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 I. In General Section 24-4.** is hereby amended by deleting said Section 24-4 in its entirety and replacing it with the following:

**1.**

**Section 24-4. Interference with city property prohibited; responsibility.**

(a) All persons are prohibited from interfering with or disturbing in any manner or form, any electricity, gas or water meters, switches, locks, cutoffs, corporation cocks, above, above and below ground utility lines and infrastructures which includes fiber, gas, water, sewer, storm sewer, or electricity or other appliances of the city. Additionally, appropriation or use any gas or water or sewer or electricity after service has been cut off or discontinued for the nonpayment of the charges therefore or for other cause. The head of the household, property owner, or if a contractor is responsible they shall be held responsible for the violation of this section. Penalties of up to one thousand dollars (\$1,000.00) shall be assessed.

(b) Tampering with meters includes, but is not limited to placement of any device that modifies, alters, nullifies or adjust the accuracy of the city meter that is in place. This includes any device that is mechanical, hydraulic, or electric that creates a pulse, harmonic, or interference in any way with city meters.

(c) Additionally, anyone convicted of tampering with a meter is responsible for reimbursement of all lost charges and all taxes, costs and expenses for the use of said utilities due to said tampering.

(d) Unauthorized operation of a city owned hydrant will result in a fine of up to five hundred dollars (\$500.00).

**2.**



That this ordinance be deemed emergency in nature, to prevent tampering and billing errors as a result of said devices and is to become effective upon adoption on one reading.

3.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

**BE IT AND IT IS HEREBY ORDAINED.**

**ADOPTED this the 19<sup>th</sup> day of January 2012. Emergency Reading.**

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

**ATTEST:**

/s/ Connie Keeling  
Connie Keeling  
City Clerk

**L. Monthly Financial Statement**

**1. November 2011**

Tom Rhinehart, Finance Director, presented the November 2011 monthly financial statement with comparisons from the previous year of November 2010, 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 November 2011.

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