

City Council Meeting
10 N. Public Square
October 3, 2019
6:00 P.M. – Work Session
7:00 P.M. – Council Meeting

I. Opening Meeting

Invocation by Council Member Roth.

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; Cary Roth, Council Member Ward Three; Calvin Cooley Council Member Ward Four; Gary Fox, Council Member Ward Five; Tamara Brock, City Manager; Meredith Ulmer, City Clerk and David Archer, City Attorney.

Absent: Jayce Stepp, Council Member Ward Two and Taff Wren, Council Member Ward Six

II. Regular Agenda

A. Council Meeting Minutes

1. September 19, 2019 City Council Minutes

A motion to approve the September 19, 2019 City Council Meeting Minutes as presented was made by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 4-0.

B. Resolutions

1. Time Change for the December 5, 2019 Council Meeting

Tamara Brock, City Manager stated the first Council Meeting in December conflicts with the annual Christmas Parade. The Council has traditionally opted to change the evening meeting to a morning meeting.

Motion to approve the Time Change for the December 5, 2019 Council Meeting was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0.

C. Proclamations

1. St. Francis Catholic Church 50th Anniversary

Mayor Santini stated St. Francis Catholic Church will be celebrating their 50th anniversary in Cartersville on October 4, 2019.

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

1. SU19-04: Special Use Permit to Allow Apartments Above Retail in a Mixed-Use Development. Location: Hwy 411 and Hwy 20. Applicant: JB Henderson Properties

Randy Mannino, Planning and Development Department Head stated J.B. Henderson Properties is requesting a Special Use permit to allow apartments and condominiums, above, below, or behind commercial and office uses in the same building. Property is located at the southeast corner of the intersection of Hwy 20 & 411, Tax Parcel C101-0001-001. Said property contains 36.7 +/- acres. Approximately 15.5 of the 36.7 acres will be developed in this phase. 208 apartment units are planned within four mixed-use buildings. The current breakdown is (153) 1-bdrm and (55) 2-bdrm units with options to combine some units to create suites marketable to students at Highlands College. Planning Commission recommends approval 4-0.

Public hearing:

Barry Henderson came forward to speak for the application.

Public hearing was closed.

A motion to approve SU19-04 was made by Council Member Hodge and seconded by Council Member Cooley. Motion carried unanimously. Vote: 4-0.

2. SU19-06: Special Use Permit to allow a Title Pawn or Pawn Shop. Location: 323 N. Tennessee St. Applicant: Auto Cash- Cartersville LLC

Mr. Mannino stated Auto Cash-Cartersville LLC, is requesting a Special Use permit to allow a pawn and/ or title pawn business in the M-U (Multiple Use) district. The subject property is located at 323 N. Tennessee Street, Tax Parcel C004-0004-006. Said property contains approximately 0.57 acres. Planning Commission recommends approval with a condition that prohibits outdoor storage (4-0).

Public Hearing:

With no one coming forward the public hearing was closed.

A motion to approve SU19-06 was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0.

E. Resolutions

1. Redevelop Etowah Preserve

Mr. Mannino stated the developers have chosen to redevelop Etowah Preserve from a single-family subdivision to a townhome development. Public Works reviewed the development and has determined that it would be in the best interest for the streets in this development to become private streets and abandoned by the City of Cartersville, with a reservation of all utility and drainage easements as appropriate.

Motion to approve redevelopment of Etowah Preserve was made by Council Member Hodge and seconded by Council Member Cooley. Motion carried unanimously. Vote: 4-0.

F. Second Reading of Ordinances

1. Cartersville Community Transportation Vehicle Ordinance

Mrs. Brock stated Chapter 12, Motor Vehicles and Traffic of the Code of Ordinances is amended by deleting Article V - X Reserved and replacing it as follows:

This ordinance is adopted to address the interest of public safety. Motorized carts, personal transportation vehicles, electric personal assistive mobility devices and other similar vehicles are not designed or manufactured to be used on public highways, streets and roads, (hereafter "public roads") and the City of Cartersville in no way advocates their operation on the public roads within its jurisdiction. Adoption of this ordinance is not to be relied upon as a determination by the City of Cartersville that operation of motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on public roads is safe or advisable if done in accordance with this Article. By regulating such operation, the city is merely addressing safety issues. All persons who operate or ride in motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on public roads do so with their own judgment and at their own risk, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians.

At Council's request, 'recreational paths' has been deleted and 'local streets' has been added. Please refer to the attached ordinance for additional details.

A motion to approve Cartersville Community Transportation Vehicle Ordinance was made by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 12. MOTOR VEHICLES AND TRAFFIC OF THE CODE OF ORDINANCES OF THE CITY OF CARTERSVILLE BY THE MAYOR AND CITY COUNCIL RELATING TO TRAFFIC; TO PROVIDE FOR MOTORIZED CART USE ON CERTAIN DESIGNATED PUBLIC ROADS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY; TO PROVIDE FOR USE OF PERSONAL TRANSPORTATION VEHICLE USE ON CERTAIN DESIGNATED PUBLIC ROADS, AND OTHER PUBLIC PROPERTY; TO PROVIDE FOR USE OF

OTHER VEHICLES ON DESIGNATED PUBLIC ROADS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY; TO DESIGNATE PUBLIC ROADS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY TO BE USED BY SUCH MOTOR VEHICLES; TO PROVIDE FOR PLACES OF CROSSING HIGHWAYS AND PUBLIC ROADS; TO PROVIDE FOR REGISTRATION REQUIREMENTS; TO PROVIDE FOR LICENSING REQUIREMENTS; TO PROVIDE FOR RULES OF OPERATION; TO PROVIDE DEFINITIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

SECTION ONE

Chapter 12. Motor Vehicles and Traffic of the Code of Ordinances of the City of Cartersville is amended by deleting Article V--X Reserved in its entirety and replacing it as follows:

1 Article V

Sec. 12-136. Short Title.

This Article shall be known as the “Cartersville Community Transportation Vehicle Ordinance.”

Sec. 12-137. Findings and Intent.

This ordinance is adopted to address the interest of public safety. Motorized carts, personal transportation vehicles, electric personal assistive mobility devices and other similar vehicles are not designed or manufactured to be used on public highways, streets and roads, (hereafter “public roads”) and the City of Cartersville in no way advocates their operation on the public roads within its jurisdiction. Adoption of this ordinance is not to be relied upon as a determination by the City of Cartersville that operation of motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on public roads is safe or advisable if done in accordance with this Article. By regulating such operation, the city is merely addressing safety issues. All persons who operate or ride in motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on public roads do so with their own judgment and at their own risk, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. Notwithstanding any law to the contrary, the City of Cartersville has no liability in negligence, nuisance or under any other cause of action for losses resulting from the use of motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on roads, sidewalks, rights-of-way or other public property under this Article. Any person who operates motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles is

responsible for procuring appropriate insurance as may be required by any State of Georgia law or this Chapter as a condition of operating motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on the roads of the City of Cartersville.

Sec. 12-138. Definitions.

The following words and phrases when used in this Article shall have the definitions respectively ascribed to them in this Article.

All-Terrain Vehicle shall have the same definition as set forth in O.C.G.A. § 40-1-1(3).

Bicycle shall have the same definition as set forth in O.C.G.A. § 40-1-1(6).

Dealer shall have the same definition as set forth in O.C.G.A. § 40-1-1(11).

Electric personal assistive mobility device (EPAMD) shall have the same definition as set forth in O.C.G.A. § 40-1-1(15.6).

Gross Weight means the unladen weight of the vehicle plus the weight of any load thereon.

Low-Speed Vehicle (LSV) shall have the same definition as set forth in O.C.G.A. § 40-1-1(25.1).

Moped shall have the same definition as set forth in O.C.G.A. § 40-1-1(28).

Motorized Cart shall have the same definition as set forth in O.C.G.A. § 40-1-1(32).

Motor Vehicle shall have the same definition as set forth in O.C.G.A. § 40-1-1(33).

Pedestrian shall have the same definition as set forth in O.C.G.A. § 40-1-1(42).

Personal Transportation Vehicle shall have the same definition as set forth in O.C.G.A. § 40-1-1(43.1).

Public Road means the entire width between the boundary lines of every right-of-way or place open to the use of the public for purposes of vehicular travel within the boundaries of the City of Cartersville, including streets and alleys.

Sidewalk means that portion of public property of a street between the curb lines, or the lateral lines of a railway, and the adjacent property lines, intended for use only by pedestrians.

Recreation Path means a right-of-way adjacent to motor vehicle travel lanes or other portion of public property of a street between the curb lines, or the later lines of a railway,

and the adjacent property lines, or in any other designated public right-of-way or public property designated as a Recreation Path.

Unladen Weight means the weight of a vehicle without load as per the manufacturer's specifications for such vehicle.

Valid Motor Vehicle Driver's License means any current and valid certificate issued by the state, other state of the United States of America, or international agency which permits persons to operate motor vehicles on the public roads of the state.

Vehicle shall have the same definition as set forth in O.C.G.A. § 40-1-1(75).

Sec. 12-139. Nomenclature.

Any personal transportation vehicle, as defined by this Article, which also qualifies as a motorized cart, as defined by this Article, shall only be considered a motorized cart under this Article and be subject only to the requirements, including registration, equipment, and inspections for motorized carts under this Article.

Sec. 12-140. Motorized Cart Registration.

- (a) A fee of \$15.00 to register each and every motorized cart for use on public roads will be charged by the City of Cartersville to cover the costs of implementing and maintaining this Article. It shall be the duty of every owner of a motorized cart that is operated on public roads, rights-of-way or other public property in the jurisdiction of the City of Cartersville to register the motorized cart with the city within ten (10) business days of the date of purchase. Registration is valid for one (1) year from date of issue and is required to be renewed annually.
- (b) Registration with the City of Cartersville shall include a record of the model, make, any vehicle identification number or serial number on such motorized cart, the name and address of the owner, a contact phone number, and any other such information as the city shall require, all of which shall be maintained by the Police Department of the city.
- (c) Upon registration with the City of Cartersville each motorized cart shall be issued a license decal from the city signifying such registration. The decals must be affixed to the driver's side of the motorized cart in such a manner as to be visible at all times and shall remain permanently with such motorized cart unless the motorized cart is sold or the license is destroyed.
- (d) The failure to have a current registration license decal affixed to a motorized cart for use on public roads, rights-of-way or other public property in the City of

Cartersville shall be a violation of this Article and subject the owner of such motorized cart to the penalties set forth in Section 12-152.

- (e) If the motorized cart for use on public roads, rights-of-way or other public property is not registered with the city within ten (10) business days of purchase it shall be considered and unregistered motorized cart and subject the owner of such motorized cart to penalties set forth in Section 12-152. Furthermore, any motorized cart for use on public roads not registered within ten (10) business days of purchase shall be assessed a late registration fee of \$15.00.**
- (f) The decal issued by the city shall be non-transferrable from the motorized cart for which is it was obtained.**
- (g) Upon transfer of the motorized cart to the ownership of another person, the registration must be transferred to the new owner within ten (10) business days of the change in ownership at a cost of \$15.00. If the registration is not transferred within ten (10) business days it shall be considered and unregistered motorized cart and subject the owner of such motorized cart to penalties set forth in Section 12-152. Furthermore, any motorized cart for use on public roads not registered within ten (10) business days of purchase shall be assessed a late registration fee of \$15.00.**
- (h) Motorized cart dealers and distributors, along with other commercial establishments, may rent motorized carts to the public for use on designated public roads, rights-of-way or other public property. Each such establishment renting motorized carts shall be required to register each such motorized cart in accordance with this section and shall maintain a written record of each person who rents each cart. Renters shall be required to furnish positive identification, shall be provided a copy of this Article to read, and must be at least sixteen (16) years of age. The registration fee and transfer fees and regulations, along with all licensing and operation regulations shall be consistent with the provisions of this Article as pertains to motorized carts.**
- (i) Only those persons sixteen (16) years of age and older may register a motorized cart. Motorized cart registration may be in one person's name only, and the registration form must be signed by that person.**
- (j) Any owner or operator registering a motorized cart with the city agrees to abide by all of the requirements of state law and this code. By registering a motorized cart with the city, the owner or operator verifies that the vehicle qualifies to be classified as such under state law and this code.**
- (k) The City Council may, at its discretion, and by resolution, waive registration requirements for special events of a limited duration to which out-of-city residents may bring motorized carts as participants. Such special events shall last no longer than seven calendar days.**

Sec. 12-141. Personal Transportation Vehicle Equipment and Inspections.

- (a) All personal transportation vehicles which do not also qualify as motorized carts shall comply with all applicable provisions of 40-6-330.1, specifically and in general Chapter 8, Title 40 of the Official Code of Georgia Annotated.**

Sec. 12-142. Personal Transportation and Low-Speed Vehicle Registration.

- (a) Any personal transportation vehicle which does not also qualify as a motorized cart, low-speed vehicle, or other motor vehicle required to be registered by Georgia law shall register such motor vehicle with the State of Georgia, as required by law, before being allowed to operate within the boundaries of the City of Cartersville.**
- (b) Only registered personal transportation vehicles and low-speed vehicles may be operated on designated public property within the boundaries of the city, subject to limitations provided in this Article.**

Sec. 12-143. Motorized Cart Operation Regulations.

- (a) Motorized carts may only be driven on designated public roads, rights-of-way or other public property of the city.**
 - (1) The designated public roads shall include all public roads within the jurisdiction of the city which have a speed limit of twenty-five (25 miles per hour or less and are designated as a local street by the City of Cartersville Street Classification Map or on other public roads as the Mayor and City Council shall approve.**
 - (2) Designated rights-of-way or other public property includes all public rights-of-way and public property of the city except public property excluded by this Article, by this subsection, or by state law, and does not include the following: Recreation Paths.**
- (b) Motorized carts shall not be operated on sidewalks at any time.**
- (c) No person shall operate a motorized cart on a public road of the City of Cartersville unless that road is designated for motorized cart use by this Article and appropriate signs giving notice are posted along the public road. The city shall post appropriate signs directing motorized carts and other explicitly allowed vehicles to cross only at designated crossings.**

- (d) No motorized cart may cross any street, road or highway which is part of the state highway system unless such crossing is made at a crossing or intersection designated for that purpose by the Department of Transportation.**
- (e) Motorized carts may cross streets, roads and highways which are part of the City of Cartersville street system and used by other types of vehicles only at crossings or intersections designated for that purpose by the city.**

The city council may designate such crossings or intersections from time to time by resolution.

- (f) Motorized carts may only be operated on public roads, rights-of-way or other public property which are part of the City of Cartersville street system during daylight hours unless the motorized cart complies with equipment regulations which may be promulgated by the Commissioner of Public Safety of the State of Georgia.**
- (g) Motorized cart owners shall maintain their motorized carts in a manner which ensures that an unobstructed view from the driver's seat to the rear is maintained at all times the motorized cart is in operation on public roads.**
- (h) The maximum occupancy of a motorized cart traveling on public roads, sidewalks, paths, rights-of-way or other public property shall be one person per designated seat.**
- (i) All operators of motorized carts shall abide by all traffic regulations applicable to vehicular traffic when using the designated public roads, rights-of-way or other public property of the city.**

Sec. 12-144. Personal Transportation Vehicle, Low- Speed Vehicle and All-Terrain Vehicle Operation Regulations.

- (a) Personal transportation vehicles which are not also motorized carts may only be driven on designated rights-of-way or other public property of the city.**
 - (1) Designated rights-of-way or other public property includes all public rights-of-way and public property of the city except public property excluded by this Article, by this subsection, or by state law, and does not include the following: Recreation Paths.**
- (b) Only personal transportation vehicles which also qualify as a motorized cart may be operated on the public roads within the territorial boundaries of the city. Such personal transportation vehicles must comply with all of the requirements for motorized carts under state law and this Article.**

- (c) **Personal transportation vehicles and low-speed vehicles shall not be operated on sidewalks at any time.**
- (d) **Personal transportation vehicles which do not also qualify as motorized carts may only be operated on designated rights-of-way within the boundaries of the city and may only cross public roads which are part of the City of Cartersville street system at Department of Transportation designated crossings of the state highway system.**
- (e) **All operators shall abide by all traffic regulations applicable to vehicular traffic when using the designated public roads, sidewalks, paths, rights-of-way or other property accessible to the public in the city. Where paths exist for personal transportation vehicles they must be used in preference to parallel roads with the exclusion of privately held paths.**
- (f) **Any low-speed vehicle being operated on the highways of the state, including city roads and rights of way, shall display an amber strobe light which shall be visible under normal atmospheric conditions from a distance of 500 feet from the front and rear of such vehicle**
- (g) **No low-speed vehicle shall be permitted to operate on any public road within the territorial boundaries of the city where the posted speed limit exceeds 35 miles per hour. Except as prohibited by law, low-speed vehicles shall be permitted to cross over streets of which the posted speed limit exceeds 35 miles per hour as long as the low-speed vehicle is traveling from one street with a posted speed limit of 35 miles per hour or less to another street with a posted speed limit of 35 miles per hour or less.**
- (h) **No all-terrain vehicle shall be permitted to operate on any public roads, sidewalks, rights-of-way or other public property of the city. Violations will be prosecuted under the Code of Georgia, Title 40, Chapter 7, pertaining to “off-road vehicles”.**

Sec. 12-145. Gasoline-Powered Motorized Carts and Personal Transportation Vehicles.

- (a) **Every gasoline-powered motorized cart and personal transportation vehicle shall at all times be equipped with an exhaust system in good working order and in constant operation, meeting the following specifications:**

 - (1) **The exhaust system shall include the piping leading from the flange of the exhaust manifold to and including the muffler and exhaust pipes or include any and all parts specified by the manufacturer.**
 - (2) **The exhaust system in its own shall be securely fastened, including the consideration of missing or broken brackets or hangers.**

- (3) The engine and power mechanism of every gasoline-powered motorized cart or personal transportation vehicle shall be so equipped, adjusted, and tuned, as to prevent the escape of excessive smoke or fumes.**
- (b) It shall be unlawful for the owner of any gasoline-powered motorized cart or personal transportation vehicle to operate or permit the operation of such gasoline-powered motorized cart or personal transportation vehicle on which any device controlling or abating atmospheric conditions, which is placed on the gasoline-powered motorized cart or personal transportation vehicle by the manufacturer, to render the device unserviceable by removal, alteration, or other interference with its operation.**
- (c) All gasoline-powered motorized carts or personal transportation vehicles shall be maintained in working order and kept in good condition and shall be subject to inspection by city officials at reasonable times and intervals.**
- (d) All gasoline-powered motorized carts or personal transportation vehicles shall be maintained in such condition so that they are incapable of "backfiring", or otherwise operating so as to make loud noises; or create noise as a result of an operators equipping the gasoline-powered motorized cart or personal transportation vehicle with a certain device.**

Sec. 12-146. Motorized Cart Operator Licensing Regulations.

- (a) Those persons possessing a valid motor vehicle driver's license issued by the state, other state of the United States of America, or international agency which permits such person to operate a motor vehicle on the highways of the state may operate and drive a motorized cart on designated public roads, rights-of-way or other permitted public property of the city.**
- (b) Those persons who are sixteen (16) years of age or older but do not hold a valid motor vehicle driver's license may drive a motorized cart on the on designated public roads, rights-of-way or other public property of the city if they are accompanied by a person at least eighteen (18) years of age who holds a valid motor vehicle driver's license.**
- (c) No person under the age of sixteen (16) years shall be permitted to operate a motorized cart on designated public roads, rights-of-way or other public property of the city.**
- (d) Those persons who are eighteen (18) years of age and older, possessing a valid photo identification card indicating their age may drive a motorized cart on designated public roads, rights-of-way or other public property of the city without possessing a valid motor vehicle driver's license.**

Sec. 12-147. Personal Transportation and Low-Speed Vehicle Operator Licensing Regulations.

Only those persons possessing a valid motor vehicle driver's license issued by the state, other state of the United States of America, or international agency which permits such person to operate a motor vehicle on the public roads of the state may operate a personal transportation vehicle which does not also qualify as a motorized cart or low-speed vehicle on the public roads within the territorial boundaries of the city.

Sec. 12-148. Recreation Path Users – Authorized.

Authorized users of recreation paths are as follows:

- (a) Pedestrians;**
- (b) Non-motorized vehicles;**
- (c) Roller skates, roller blades, non-powered scooters and skateboarders (daylight only);**
- (d) Emergency and authorized maintenance vehicles;**
- (e) Bicycles;**
- (f) Wheelchairs; and**
- (g) Any handicapped transportation as authorized by the Parks and Recreation Director.**

Sec. 12-149. Recreation Path Users – Prohibited.

- (a) Automobiles and trucks (except authorized emergency and maintenance vehicles);**
- (b) Motorcycles;**
- (c) Motorized Bicycles;**
- (d) Mopeds;**
- (e) Horses;**
- (f) Go-carts;**

- (g) Motorized carts;**
- (h) Personal transportation vehicles;**
- (i) Motorized scooters;**
- (j) Low-speed vehicles; and**
- (k) All-terrain vehicles.**

Sec. 12-150. Insurance.

- (a) The owner or operator of a motorized cart is liable for his or her own actions. Any person who operates or owns a motorized cart is responsible for procuring liability insurance and verifying coverage in terms enough to cover risk involved in using such motorized cart on designated public roads, rights-of-way or other public property of the city.**
- (b) The owner or operator of a personal transportation vehicle which does not also qualify as a motorized cart shall keep proof or evidence of required minimum insurance coverage in the personal transportation vehicle at all times during the operation of the motor vehicle as required by state law.**
- (c) The owner or operator of a low speed vehicle shall keep proof or evidence of required minimum insurance coverage in the low speed vehicle at all times during the operation of the motor vehicle as required by state law.**

Sec. 12-151. Hazardous Activities and Special Rules.

- (a) Blocking of public access to any public roads, sidewalks, recreation paths, rights-of-way or other public property of the city shall be prohibited, except for permitted events.**
- (b) Persons crossing recreation paths should always give due consideration and reasonable right of way to other users of the recreation path to ensure safe passage for all parties.**
- (c) A warning or announcement shall be given by persons crossing recreation paths when approaching slower moving parties from the rear. The warning or announcement may be verbal, but it is recommended that users operating vehicles utilize an audible warning device, such as a horn or bell.**

- (d) All operators and passengers of motorized carts, low-speed vehicles, personal transportation vehicles, and other motor vehicles shall remain seated at all times during the operation of motor vehicle.

Sec. 12-152. Penalties.

- (a) Any person who violates the terms of this Article shall be cited to appear before the municipal court or other court of appropriate jurisdiction and, upon conviction, punished as provided in the Code of Ordinance of the City of Cartersville, Georgia.
- (b) In addition to enforcing sanctions against the operator, any violation of this Article shall be charged against the registered owner of the vehicle, and all fines and penalties shall be levied against the registered owner of the vehicle as follows:
 - (1) For the first offense, a fine of not to exceed \$100.00;
 - (2) For the second offense committed within one year of conviction for a first offense, a fine of not to exceed \$250.00; and
 - (3) For a third offense committed within one year of conviction for a second offense for a vehicle, a fine of not to exceed \$1,000.00, and if a motorized cart the registered owner's motorized cart city registration shall be revoked. The registered owner cannot thereafter register a motorized cart for use in the city for a period of two years following the third conviction. Additionally, such person shall be prohibited from operating a motorized cart or personal transportation vehicle on the public roads, rights-of-way, or other public property for a period of two years.
- (c) Any violation by an operator of a low-speed vehicle shall be charged against the operator according to the provisions of Title 40 of the Official Code of Georgia and this Code. Any violation by an owner of a low-speed vehicle shall be charged against the owner according to the provisions of Title 40 of the Official Code of Georgia and this Code.
- (d) Any violation by and operator of a personal transportation vehicle, EPAMD, or other motor vehicle may be charged against the operator according to this Code or according to the provisions of Title 40 of the Official Code of Georgia.

2.

Article VI---X. Reserved

SECTION TWO

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION THREE

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION FOUR

This ordinance shall become effective immediately upon its adoption by the City Council.

First Reading: _____

Second Reading: _____

BE IT AND IT IS HEREBY ORDAINED

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

G. First Reading of Ordinances

1. Sale of Fire Station Property to Village Hill

Mrs. Brock stated the City has redesigned its site plan for the new fire station at 15 Charley Harper Drive. The 0.0832 acres shown on Exhibit A is not needed and is being sold to the abutting property owner. It has been valued at \$18,559.00 and upon approval from Mayor and City Council, is to be sold to Village Hill Eckstein, LLC.

ORDINANCE: _____

WHEREAS, the City of Cartersville has constructed a new fire station at 15 Charley Harper Drive; and

WHEREAS, because of the development on adjacent properties, the City of Cartersville redesigned its site plan for a more functional and secure layout; and

WHEREAS, as a result of said revision, there is approximately 0.0832 acres of land being indicated as Lot 6A on the survey attached hereto as Exhibit "A" out of the City of Cartersville's 1.49 acres that is not needed for the fire station site and has no future viability or use to the City of Cartersville; and

WHEREAS, pursuant to O.C.G.A. § 36-37-6(g), the Mayor and City Council declare that the 0.0832 acres referenced above and indicated as Lot 6A on Exhibit "A" is a narrow strip of land, so shaped and small as to be incapable of being used independently as zoned or under applicable subdivision or other development ordinances, or as streets, whether owned in fee simple or used by easement; and

WHEREAS, pursuant to O.C.G.A. § 36-37-6(g), the Mayor and City Council have determined that it is in the best interest of the City and its inhabitants, to sell the property to the abutting property owner and has determined that its value to be \$18,559.00.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, IN THE STATE OF GEORGIA, AS FOLLOWS:

that the 0.0832 acres as indicated on Exhibit "A" is to be sold to Village Hill Eckstein, LLC, for the sum of \$18,559.00, pursuant to O.C.G.A. § 36-37-6(g).

BE IT AND IT IS HEREBY RESOLVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, this ____ day of October, 2019.

First Reading _____

Second Reading _____

Matthew Santini, Mayor

Meredith Ulmer, City Clerk

This is a first reading and does not require a vote.

H. Change Order

1. WTP Filters 1 – 3 & 7 Rehabilitation Project Change Order No. 1

Bob Jones, Water Department Head stated on December 6, 2018, Council approved the Water Treatment Plant (WTP) Filters 1-3 & 7 Rehabilitation Project. Heavy Constructors, Inc. (HCI) was the low bid for the project at \$928,000 and work began in February 2019. Filter Number 1 is complete and is in service. Work is beginning on Filter Number 2 currently. In the approved contract, there is a \$50,000 contingency to be used with Water Department approval.

Changes to the project are as follows:

Item 1 : To date, two (2) 20-inch and two (2) 14-inch butterfly valves have required replacement in order to facilitate work on Filters 1 and 2. These valves leaked at rates that prevented a dry work area for required concrete work. The total cost of replacing the valves is \$53,025.00.

Item 2: Prior to starting this project, I had asked Wiedeman and Singleton Engineers (WSE), our

design-engineering firm for WTP projects, to look at how a mezzanine platform could be constructed in our existing pipe gallery. The pipe gallery is a maze of pipes, valves, water quality meters and control wiring which requires ongoing maintenance as well as access during our filter projects. To access these areas requires a combination of both creative and questionable ladder and improvised platform use as well as exceptional balance when standing on wet pipes.

WSE prepared plans and an estimated cost of \$281,875 to install the needed platforms. To check their estimate, they asked HCI to prepare an estimate of their cost to install the platforms. HCI submitted a proposal to install the platforms for \$197,338 which is a savings of \$84,537 compared to the WSE estimate. WSE prepared their estimate from similar work at a water treatment plant which was competitively bid in the last year (see attached WSE letter dated September 17, 2019).

Mr. Jones recommended approval of this change order in the amount of \$250,363. This project is a budgeted item. The project will remain under budget even with the addition of this amount.

A motion to approve WTP Filters 1 – 3 & 7 Rehabilitation Project Change Order No. 1 was made by Council Member Cooley and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

I. Certification

1. Community Rating System Annual Recertification

Tommy Sanders, Public Works Department Head stated the City of Cartersville continues to participate in the Community Rating System in order to qualify for reduced flood insurance rates from the National Flood Insurance Program for properties within the city limits. We are requesting the mayor's signature to the attached annual recertification application with CRS to continue participation in this ongoing program.

A motion to approve Community Rating System Annual Recertification was made by Council Member Hodge and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0.

J. Contracts/Agreements

1. Douthit Ferry MPO Funding Request

Mr. Sanders stated the MPO has discussed previously that federal funding can be put in place to finance the Right-of-Way and Utility coordination phases of the Douthit Ferry project (see attached draft budget for the LRTP). As the MPO lays out the projects to be included in the next four years during the transportation planning process, they are proposing to show a balanced, constrained budget for federal funds that includes this work on Douthit Ferry. The use of federal funds would reduce the local costs now shown on these two phases down to \$4,662,273. This is an opportunity to see significant savings to the local government.

The City is seeking permission for the Mayor to sign the letter to GDOT that has been requested by the MPO in order to ask for these funds. Your approval is recommended.

A motion to approve Douthit Ferry MPO Funding Request was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 4-0.

2. Wire2Wire Running LLC

Tom Gilliam, Parks and Recreation Department Head stated The Parks & Rec Dept issued an RFP for Programming on June 24, 2019. Proposals were due on August 9, 2019. For running & running related programs, Wire2Wire Running was chosen as the program provider. They have a combined 47 years of running related programming experience. We believe they will provide a new outlet for both kids & adults to participate as the department expands the program offerings. Wire2Wire will give the City 25% of their gross revenue including all of the non-resident fees.

A motion to approve Wire2Wire Running LLC was made by Council Member Cooley and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

3. Belle Femme Barre

Mr. Gilliam stated the Parks & Rec Dept put out an RFP for Programming on June 24, 2019. Proposals were due on August 9, 2019. Our staff decided on Belle Femme Barre as the yoga program provider. They are a Cartersville company that has almost 20 years of yoga experience. They will provide a new outlet for both kids & adults to participate as the Dept. expands the program offerings. Belle Femme Barre will give the City 30% of their gross registration fees including all of the non-resident fees for programming in Parks facilities and 10% of their gross registration fees, including all of the non-resident fees for programming in Belle Femme Barre facilities.

A motion to approve Belle Femme Barre was made by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 4-0.

4. Trees Unlimited Contract and Allocation

Derek Hampton, Electric Department Head stated the Electric Department uses a contractor annually to keep our lines trimmed and clear. Electric Cities of Georgia (ECG) bids out the Tree Trimming and Right-Of-Way clearing service contract and awards a three-year contract to the lowest, qualified bidder. The lowest bidder, Trees Unlimited, is located in Cave Springs, Georgia and has been doing work for Cartersville for a decade. The prior ECG contract ended last year with our FY18-19 budget. The current bid increase, from \$89.53 per span to \$93.24 per span, will be in place for the next three years if you choose to continue using them over that period.

The Electric Department has budgeted \$98,900 in FY19-20 for Tree Trimming and Right-Of-Way Clearing, which is the same as last year's amount.

The signed contract from Trees Unlimited is ready to be executed should you choose to do so. The Electric Department is recommending that council approve the execution of the Trees Unlimited contract to continue with their Tree Trimming and Right-Of-Way Clearing contract, and to approve the not-to-exceed amount of \$98,900 for FY19-20.

Motion to approve Trees Unlimited Contract and Allocation was made by Council Member Cooley and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

K. Bid Award/Purchases

1. Traffic Signal Upgrades

Mr. Hampton stated the Electric Department has received the official quotes from the Contractor (CBK) which was approved to work with the City on 9/5/19. The quoted cost is \$27,312 per intersection utilizing materials from Temple, our normal supplier. Since we are doing three intersections in this budget year, the total cost is \$81,936. This would include upgrading the traffic signals on Old Mill Road at Douthit Ferry Rd, Etowah Drive, and Erwin Street.

This is a budgeted item with an allocation of \$90,000, and we are requesting your approval of a cost not to exceed that amount, in case there are some unforeseen costs that arise during the upgrades.

Motion to approve the traffic signal upgrades was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

2. ArcGIS Annual Maintenance

Dan Porta, Assistant City Manager stated the annual maintenance for our ArcGIS software from ESRI is \$5,430.14 and is recommended for Council approval.

Motion to approve the ArcGIS Annual Maintenance was made by Council Member Hodge and seconded by Council Member Cooley. Motion carried unanimously. Vote: 4-0.

Council Member Roth made a motion to add three items to the agenda. Motion was seconded by Council Member Fox. Motion carried unanimously. Vote; 4-0.

3. Painting of Hydrants

Chief Scott Carter stated he respectfully requested approval to proceed with a budgeted joint project between the Water Department and Fire Department to inspect, clean and paint a little over 500 hydrants on our City System. Established in 2014, Cartersville City Code Sec. 9-34 states that all City Fire Hydrants are to be tested, maintenance performed and color-coded for

proper GPM (Gallons per Minute). There are approximately 1500 hydrants on the City system. These hydrants also fall under the requirements of the NFPA (National Fire Protection Association) and ISO (Insurance Service Organization). Our water system accounts for 40% of the main credit score for our current Class 1 ISO rating.

A request for proposal (RFP) was posted on our City web site and the proper procurement web sites. There were 16 responses, but 11 did not meet the RFP requirements. Our low qualified bid was Art Threats Inspection Inc. of Alpharetta with a price of \$49.99 per hydrant for the first 300 hydrants and \$40.99 for all hydrants over 300. We are requesting approval of Art Threats Inspection Inc. for this project, in an amount up to, but not to exceed \$25,000.00. This will be paid for with Hydrant Maintenance funds from both the Water Department and Fire Department. Your positive consideration is appreciated.

Motion to approve the painting of hydrants was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 4-0.

Added Items:

1. Quitclaim Deed

David Archer, City Attorney stated Popeye's is giving an easement of sidewalk to the City and approval of this easement is recommended.

Motion to approve the quitclaim deed was made by Council Member Hodge and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

2. Z19-02

Mrs. Brock stated Z19-02 was tabled at the last meeting, and since then the application has been withdrawn. It is recommended that Council remove this item from the table.

Motion to remove Z19-02 from the table was made by Council Member Hodge and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

3. Resolution

Mrs. Brock stated she recommended approval of auction bid conducted by Dempsey Auction for City property that sold for \$475,000. It is recommended to accept the auction bid and sale at that price.

Motion to approve and accept the sale and auction bid in the amount of \$475,000 was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0.

4. Engagement Letters from Mauldin Jenkins, LLC

Tom Rhinehart, Finance Department Head stated in years past, the city attorney has asked that the mayor be authorized to sign the auditor's engagement letter along with the city manager and finance director. The engagement letter spells out the services to be provided by the city's audit firm, Mauldin and Jenkins, LLC. It also lists the responsibilities of the city's management with respect to the documents the city will provide to the audit firm along with the documents that the audit firm will complete. It further spells out the procedures that will be used to audit the city's accounting information, the city's internal controls, and any dispute resolutions. The agreed upon price of \$57,000 for the FY 2019 audit is to be paid by the city. This is done on an annual basis and is standard to the auditing practice.

Also included is an engagement letter from Mauldin and Jenkins, LLC regarding their services for completing the annual MEAG questionnaire. The MEAG questionnaire is an annual document required by MEAG that the city and the auditor's complete. The questionnaire gives MEAG an objective view that the city is following GASB standards and that the city's electric fund financial statements are accurately presented. In years past, the audit firm didn't supply the city with an engagement letter for the completion of the MEAG questionnaire. The letter spells out what the city is responsible for and what the audit firm is responsible for. There is a charge for this service that is outside of the audit fees. Mauldin and Jenkins, LLC charges an hourly rate for their work. Past auditors have charged in the range of \$4,000 for the completion of the questionnaire.

It is recommended for authorization for the Mayor, City Manager and Finance Director to sign both of the engagement letters for Mauldin and Jenkins, LLC as submitted.

Motion to approve both Engagement Letters from Mauldin Jenkins LLC was made by Council Member Fox and seconded by Council Member Hodge. Motion carried unanimously. Vote: 4-0.

L. Monthly Financial Statement

1. July 2019 Financial Report

Mr. Rhinehart gave a summary comparing budgets from July 2018 to July 2019.

Chief Carter came forward to discuss efforts from his firemen for the Boot Drive that will take place from October 3rd to October 5th.

Joseph Bolduc, 14 Allison Circle, Cartersville, GA 30120 came forward to inquire about planning efforts for infrastructure from the City of Cartersville.

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

Meeting Adjourned

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

ATTEST:

/s/ Samantha Fincher
Meredith Ulmer
City Clerk
Samantha Fincher
Deputy City Clerk

