

City Council Meeting
10 N. Public Square
October 18, 2018
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 Fox.

The City Council met in Regular Session with Calvin Cooley, Mayor Pro Tem Ward 4 presiding and the following present: Jayce Stepp, Council Member Ward Two; Cary Roth, Council Member Ward Three; Gary Fox, Council Member Ward Five; Taff Wren, Council Member Ward Six; Tamara Brock, City Manager; Meredith Ulmer, City Clerk and Keith Lovell, City Attorney.

Absent: Kari Hodge, Ward One and Matt Santini, Mayor

II. Regular Agenda

A. Council Meeting Minutes

1. October 4, 2018 City Council Minutes

A motion to approve the October 4, 2018 City Council Meeting Minutes as presented was made by Council Member Stepp and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

B. First Reading of Ordinances

1. T18-05: State Route 113 Billboard Revisions. Applicant: Tilley Properties, Inc. Text Amendment to Chapter 20, Article II, Sign Ordinance, Sec. 20-29, Billboards.

Randy Mannino, Planning and Development Department Head stated billboards are currently not allowed on E. Main Street. The only existing billboard, and focus of this amendment, was approved prior to the current sign ordinance adoption. This amendment would allow static and LED billboards along E. Main St within 2700ft of the centerline of I-75. Revisions to the Main Street Overlay District ordinance are not required.

This is a first reading with no action required.

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 20. SIGNS AND OUTDOOR ADVERTISING. ARTICLE II. SIGN ORDINANCE. SECTION 20-29 BILLBOARDS, PARAGRAPHS (a) AND (b)(2)(a) are revised as follows:

1.

Paragraph (a) is hereby revised by adding Sec. 20-29(a) 5 per the following:

5. State Route 113 (beginning at the centerline of the I-75 Right of Way and continuing west a distance of 2,700 linear feet).

2.

Paragraph (b)(2)(a) is hereby revised by adding Sec. 20-29(b)(2)(a) 5 per the following:

5. State Route 113 (beginning at the centerline of the I-75 Right of Way and continuing west a distance of 2,700 linear feet).

3.

The remaining provisions of Section 20-29 are to remain as is and the revised locations are to be made part of the listed streets in Section 20-29(a) and Section 20-29(b)(2)(a).

4.

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

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

C. Easements

1. Easements for Gas and Electric Departments – Harbin Clinic

Keith Lovell, City Attorney stated this is a permanent gas and electric utility easement for the construction, and operation, maintenance and use of electric and gas utilities on Harbin Clinic property.

A motion to approve Easements for Gas and Electric Departments – Harbin Clinic was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0.

D. Resolutions

1. Resolution for Bartow County SPLOST Election

Mr. Lovell stated this is a resolution approving the election results for the May 22nd SPLOST. Resolutions are attached as exhibits.

A motion to approve Resolution for Bartow County SPLOST Election was made by Council Member Roth and seconded by Council Member Wren. Motion carried unanimously. Vote: 4-0.

2. Time Change for December 6, 2018 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.

A motion to approve Time Change for December 6, 2018 Council Meeting was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote: 4-0.

3. Resolution for Creation of Festival Zone

Lillie Read, Downtown Manager stated two events have been added to the downtown schedule and a festival zone has been requested for both. Staff recommends approval of this resolution.

A motion to approve Resolution for Creation of Festival Zone was made by Council Member Fox and seconded by Council Member Wren. Motion carried unanimously. Vote: 4-0.

Resolution No. - _____

of the

City of Cartersville, Georgia

WHEREAS, the Cartersville City Council approved a Festival Ordinance in 2014; and

WHEREAS, the Downtown Development Authority (DDA) wishes to establish a Festival Zone for the following events to be held downtown:

October 27	Mullinax Team Halloween Movie Night
November 8	Downtown Holiday Open House

WHEREAS, the DDA Board recommends that these events be designated a controlled Festival Zone; and

WHEREAS said Festival Zone will allow those of 21 years and older, who show proof of identification and receive a wristband, be allowed to consume purchased alcoholic beverages within the Festival Zone; and

WHEREAS, DDA board and staff will, in conjunction with event staff and volunteers, keep those with alcoholic beverages inside the allotted Festival Zone; and

WHEREAS, the Director of Planning and Development will receive all necessary proposals and applications prior to each event with the understanding that alcoholic beverages will only be sold by an approved alcohol-license holding businesses.

NOW, THEREFORE BE IT RESOLVED by the City of Cartersville that the aforementioned events, as planned and implemented by the DDA, and approved by the Director of Planning and Development, be designated a Community Festival Zone.

ADOPTED this the 18th day of October, 2018

**/s/ _____
Matt Santini
Mayor**

ATTEST:

**/s/ _____
Meredith Ulmer
City Clerk**

E. Contracts/Agreements

1. Metro Atlanta EMS Agreement

Scott Carter, Fire Chief stated on October 1, 2018, Metro Atlanta Emergency Medical Service began operating via contract with Bartow County as the provider of Emergency Medical Services for our county which includes the City of Cartersville. With Bartow EMS no longer functioning, City Fire thinks that the City of Cartersville should enter into a written agreement with Metro Atlanta EMS to clarify mutual services, training, expectations and field support. Highlights of this agreement include a mutual training program, disposable equipment replacement and field support for our live fire training exercises, participation in drills, and standby activities in support of the health and safety for Cartersville Firefighters.

It is the goal of the City of Cartersville and Metro Atlanta EMS for the citizens and guests to continue receiving quality care with the objective of improving the aid that is provided through this pre-hospital team approach. Cartersville Fire will continue to work toward the licensing and establishment of Basic Life Support services through GA DPH Region 1 EMS Council as a medical first responder. This agreement has been reviewed and approved by the City of Cartersville legal staff and the administration of Metro Atlanta EMS.

A motion to approve Metro Atlanta EMS Agreement was made by Council Member Roth and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0.

2. Corps of Engineers – Storage Payment

Bob Jones, Water Department Head stated the City has two contracts with the Corps of Engineers (Corps) to store raw water in Lake Allatoona. The contracts require an annual payment to the Corps for storage space and a pro-rata portion of operations and maintenance costs associated with operation of the dam. These payments are part of our annual operating budget, have been made for decades and typically fall in a predictable range.

This year, the Corps in its infinite wisdom, decided to load the entire restoration cost related to the powerhouse fire several years ago, into the O&M cost calculations. Our typical bill is in the \$185,000 to \$225,000 range, but this year City Water has been given seven invoices which total \$327,123.25. City Water has budgeted \$250,000 in the current year for this expense based on billing from the previous five years.

Mr. Jones recommended approval to the United States Corps of Engineers despite being far in excess of our budgeted amount. If we want to continue making drinking water from Allatoona, the City really does not have a choice. The excess cost will be covered through cuts to multiple line items or through use of reserve funds, if cuts are not sufficient.

A motion to approve Corps of Engineers – Storage Payment was made by Council Member Wren and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

F. Bid Award/Purchases

1. WPCP Bypass Elimination

Mr. Jones stated the original 1971 Water Pollution Control Plant (WPCP) had an intentional bypass structure built which allowed diversion of the entire wastewater flow directly to the Etowah River.

Bids were taken for the construction of a concrete wall which will eliminate the bypass structure. Bids were solicited from contractors the City has used in the past, as well as advertisement on the State of Georgia Procurement Website. Bids were received from the following: Willow Construction \$14,800; Lanier Construction \$39,245; Southern Champion Construction: No Bid.

In addition to the construction work above, bypass pumping of the entire flow on the 36-inch sewer main will be required. Godwin Pumps has provided the attached estimated cost for bypassing 3,200 gallons per minute 24/7. Mr. Jones asked for a not to exceed authorization to Godwin in the amount of \$35,000 to allow for any unforeseen delays in the work.

Mr. Jones recommended approval of the Willow Construction bid in the amount of \$14,800. Mr. Jones requested approval for a not to exceed authorization to Godwin Pumps (Xylem) in the amount of \$35,000.

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

2. WPCP Camera System

Mr. Jones stated in the last few months, City Water has had a few incidents of people trespassing onto the Water Pollution Control Plant (WPCP) after hours. On one occasion, the operator on duty observed two individuals exiting the Operations Room when returning from a plant check. To date, nothing has been taken or damaged.

Mr. Jones recommended approval of the "4K Quote" in the amount of \$15,960.00 as specified by Fibercom. This price includes all needed hardware, software and labor for installation of the camera system.

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

3. Garbage Truck Purchase

Tommy Sanders, Public Works Department Head stated Solid Waste opened bids on October 5th for a 20 Yd Rear Loader Garbage Truck and received 14 bids. The recommended best bid is for \$148,151.00 from Carolina Environmental for a Heil PT-1000 body on a Kenworth T370 chassis.

This is a budgeted item and is recommended for approval.

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

4. HVAC Purchase

Dan Porta, Assistant City Manager stated one of the Fiber Department's air conditioners had a freon leak and needed a new compressor. Since the air conditioner was over seven years old and used the old type of Freon which will be obsolete in a year or two, the decision was made to replace the unit. The total cost to replace the air conditioner with a 10-year extended parts and compressor warranty was \$7,478.91. Mr. Porta recommended approval of this purchase.

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

5. Matthews Garage Vehicle Repair Invoice

Mr. Porta stated a City vehicle was involved in an accident in August and the other party was at fault. The cost to repair the City's vehicle was \$6,793.29 and this cost is being paid for by the other party's insurance, Progressive Insurance. Mr. Porta recommended approval to pay Matthews Garage for this vehicle repair.

A motion to approve Matthews Garage Vehicle Repair Invoice was made by Council Member Stepp and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0.

G. Discussion

1. 2014 SPLOST Projects

Mr. Porta stated in June 2017, the estimated total 2014 SPLOST collections for the City based on the current collections was \$4,056,000. Based on this, the City Council approved the project list with Fire Station #3 being budgeted at \$2,600,000. As of last week, the City received the estimated Guaranteed Maximum Price (GMP) from the construction manager at risk for Fire Station #3 which totaled \$3,563,044. As you can see, this cost estimate far exceeds our current budgeted amount for this fire station. An estimated breakdown of the projected total costs for Fire Station #3 based on this GMP is as follows:

Abuck, Inc. Construction Manager at Risk GMP	\$3,563,044
Croft & Associates, Architect	150,000
Furnishings, Cameras, Miscellaneous	80,000
Geo-Hydro Engineers – Site Testing Services	28,000
Total Estimated Costs for Fire Station #3	\$3,821,044

Therefore, based on the current projected cost estimates, Fire Station #3 will exceed our

current budgeted funds. The good news is that the 2014 SPLOST collections have improved and through August 2018 collections, the total estimated collections for 2014 SPLOST will be \$5,048,898 or \$992,898 higher than previously estimated based on increases in collections. The reason for the discussion of 2014 SPLOST is for the City Council to decide how to allocate the additional SPLOST collections.

City Council went into discussion about options. Council could rebid the project due to the project being over budget. Mr. Porta could work with Abuck in an attempt to get a price reduction. Construction is the bulk of the expense along with the architect. It was discussed that before the next Council meeting Mr. Porta could try to get a price reduction from Abuck. Chief Carter stated he hopes Council will be prudent, because once this station is done another station will need to be worked on.

Further discussion will take place next Council meeting on November 1, 2018.

H. First Reading of Ordinances

1. FY 2017-18 Budget Amendment

Tom Rhinehart, Finance Department Head stated after Completion of the Fiscal Year 2017-18 close, the General Fund, Special Revenue funds, and the SPLOST Fund's budgets need to be amended. The process of amending these budgets is done annually before the year-end close and will bring the city General Fund, Special Revenue Funds, and SPLOST Funds into compliance with Generally Accepted Accounting Principles (GAAP) standards. These adjustments reflect the necessary changes needed to bring the budgets back into balance where the revenues equal expenses and mirror the actual year-to-date revenues and expenses in each of the funds.

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

I. Monthly Financial Statement

1. August 2018 Financial Report

Mr. Rhinehart went over the changes in each fund in a comparison between August 2018 and August 2017.

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

Meeting Adjourned

/s/ _____
Matthew J. Santini, Mayor

ATTEST:/s/ _____
Meredith Ulmer, City Clerk

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF CARTERSVILLE, GEORGIA DECLARING THE
RESULTS OF AN ELECTION HELD ON MAY 22, 2018 TO
DETERMINE THE REIMPOSITION OR NON-
REIMPOSITION OF A SPECIAL ONE PERCENT SALES
AND USE TAX AND FOR OTHER RELATED PURPOSES.**

WHEREAS, the Commissioner of Bartow County (the “Commissioner”), who is the governing authority of Bartow County, Georgia (the “County”) and who is charged with the duties of levying taxes, contracting debts, and managing the affairs of the County, and the Bartow County Board of Elections and Registration (the “Superintendent of Elections”), which is the Superintendent of Elections of Bartow County, called an election that was held on May 22, 2018, for the purpose of submitting to the qualified voters of Bartow County the question of whether or not a special one percent sales and use tax should be reimposed; and

WHEREAS, the ballots used in the election provided that if reimposition of the tax is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of the City of Cartersville, Georgia (the “City”) in the principal amount of \$20,000,000 (the “General Obligation Debt”); and

WHEREAS, the returns of the election were duly brought up by the managers of such election, as required by law, and were presented to the City and the Superintendent of Elections for consolidation and for the declaration of the result of the election; and

WHEREAS, the returns of the election were received from all of the poll officers and thereupon the Superintendent of Elections canvassed, computed, and consolidated the returns of the election and concurrent with the adoption of this resolution delivered a certified copy of the consolidated return of the election to the City, and the result of the election was as follows:

For the City of
Cartersville, Georgia

Total Votes Cast	1,872
Spoiled Ballots	1
Total number of votes cast FOR the reimposition of a special one percent sales and use tax	1,321
Total number of votes cast AGAINST the reimposition of a special one percent sales and use tax	550

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cartersville, Georgia, and it is hereby resolved by authority of the same, that the election resulted in favor of the reimposition of a special one percent sales and use tax, by an affirmative vote of a majority of the qualified voters of the City voting in the election held for such purpose, that

accordingly the issuance of the General Obligation Debt has been authorized as required by law, and that the results of the election are hereby declared to be as set forth above.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that a duly certified copy of the consolidated election return of the Superintendent of Elections be attached to this resolution as Exhibit “A” and made a part hereof.

PASSED, ADOPTED, SIGNED, APPROVED, and **EFFECTIVE** this 17th day of October 2018.

CITY OF CARTERSVILLE, GEORGIA

(SEAL)

By: _____
Mayor

Attest:

City Clerk

CITY CLERK'S CERTIFICATE

I, **MEREDITH ULMER**, the duly appointed, qualified, and acting City Clerk of the City of Cartersville, Georgia (the "City"), **DO HEREBY CERTIFY** that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution adopted on October 17, 2018 by the City Council of the City in a meeting duly called and assembled in accordance with applicable laws and with the procedures of the City, by a vote of ____ Yea and ____ Nay, which meeting was open to the public and at which a quorum was present and acting throughout, in connection with declaring the results of an election pertaining to the reimposition or non-reimposition of a special one percent sales and use tax, and that the original of the foregoing resolution appears of public record in the Minute Book of the City, which is in my custody and control.

GIVEN under my hand and the seal of the City, this 17th day of October 2018.

(SEAL)

City Clerk, City of Cartersville, Georgia

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF CARTERSVILLE, GEORGIA AUTHORIZING THE
COMMENCEMENT OF VALIDATION PROCEEDINGS
FOR CITY OF CARTERSVILLE, GEORGIA GENERAL
OBLIGATION BONDS AND FOR OTHER RELATED
PURPOSES.**

WHEREAS, the Commissioner of Bartow County (the “Commissioner”), who is the governing authority of Bartow County, Georgia (the “County”) and who is charged with the duties of levying taxes, contracting debts, and managing the affairs of the County, and the Bartow County Board of Elections and Registration, which is the Superintendent of Elections of Bartow County, called an election that was held on May 22, 2018, for the purpose of submitting to the qualified voters of Bartow County the question of whether or not a special one percent sales and use tax should be reimposed; and

WHEREAS, the ballots used in the election provided that if reimposition of the tax is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of the City of Cartersville, Georgia (the “City”) in the principal amount of \$20,000,000 (the “General Obligation Debt”); and

WHEREAS, at the election duly called and held on May 22, 2018, a majority of the qualified voters of the City, voting in the election, voted in favor of the reimposition of the sales and use tax, which vote also constituted approval of the issuance of the General Obligation Debt; and

WHEREAS, on October 18, 2018, the City Council of the City adopted, at a meeting duly called and held, a resolution entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF CARTERSVILLE, GEORGIA DECLARING THE
RESULTS OF AN ELECTION HELD ON MAY 22, 2018 TO
DETERMINE THE REIMPOSITION OR NON-
REIMPOSITION OF A SPECIAL ONE PERCENT SALES
AND USE TAX AND FOR OTHER RELATED PURPOSES.**

declaring the results of the election within the City to be in favor of the reimposition of the sales and use tax; and

WHEREAS, the City wishes to issue all of the General Obligation Debt so authorized in the aggregate principal amount of \$20,000,000, in the form of general obligation bonds of the City, and wishes to authorize the commencement of validation proceedings for such bonds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cartersville, Georgia, and it is hereby resolved by authority of the same, that the attorneys for the City are hereby authorized and instructed to commence validation proceedings in accordance with the requirements of Article 2 of Chapter 82 of Title 36 of the Official Code of Georgia Annotated, as amended, and to take all actions necessary to obtain an order of the Superior Court

of Bartow County, Georgia validating and confirming such bonds, and that the Mayor or Mayor Pro Tempore of the City is hereby authorized and directed to execute any pleadings in connection therewith.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that it is hereby determined that, during each year in which any payment of principal or interest on such bonds comes due, the City will have received from the sales and use tax net proceeds sufficient to fully satisfy such liability, as indicated on Exhibit A attached hereto and made a part hereof.

PASSED, ADOPTED, SIGNED, APPROVED, and EFFECTIVE this ____ day of _____ 2018.

CITY OF CARTERSVILLE, GEORGIA

(SEAL)

By: _____
Mayor

Attest:

City Clerk

EXHIBIT A

SUFFICIENCY DETERMINATION

<u>Year Ending December 31</u>	<u>Estimated Beginning Balance of Net Proceeds of Sales and Use Tax</u>	<u>Estimated Net Proceeds of Sales and Use Tax¹</u>	<u>Principal and Interest Requirements²</u>	<u>Estimated Ending Balance of Net Proceeds of Sales and Use Tax</u>
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¹ Based on assumed growth rate of ____ % per year.

² Based upon maximum interest rate of 6.00% and after deducting funded interest and expected interest earnings thereon.

CITY CLERK'S CERTIFICATE

I, **MEREDITH ULMER**, the duly appointed, qualified, and acting City Clerk of the City of Cartersville, Georgia (the "City"), **DO HEREBY CERTIFY** that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution adopted on _____, 2018 by the City Council of the City in a meeting duly called and assembled in accordance with applicable laws and with the procedures of the City, by a vote of _____ Yea and _____ Nay, which meeting was open to the public and at which a quorum was present and acting throughout, in connection with authorizing the commencement of validation proceedings for the City's general obligation bonds, and that the original of the foregoing resolution appears of public record in the Minute Book of the City, which is in my custody and control.

GIVEN under my hand and the seal of the City, this ____ day of _____ 2018.

(SEAL)

City Clerk, City of Cartersville, Georgia