City Council Meeting
10 N. Public Square
December 7, 2017
8:00 AM. – Work Session
9:00 AM. – Council Meeting

I. Opening Meeting

Invocation by Council Member Tonsmeire.

Pledge of Allegiance led by Council Member Wren.

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; Calvin Cooley Council Member Ward Four; Dianne Tate, Council Member Ward Five; Taff Wren, Council Member Ward Six; Sam Grove, City Manager; Meredith Ulmer, City Clerk and Keith Lovell, City Attorney.

II. Regular Agenda

A. Council Meeting Minutes

1. November 16, 2017 City Council Minutes

A motion to approve the November 16, 2017 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0.

B. Appointments

1. Appointment and Swearing in of Assistant Municipal Court Judge and Municipal Court Judge

Council Member Wren made a motion to reappoint Jay Choate as Assistant Municipal Court Judge and Harry White as Municipal Court Judge. The motion was seconded by Council Member Hodge. Motion carried unanimously. Vote: 6-0.

Mr. Choate and Mr. White were sworn in by the City Clerk.

3. Development Authority of Cartersville

City Manager Sam Grove stated the Terms for Development Authority of Cartersville members Tommy Strickland, Walter Mahone and Ralph "Sonny" Miller will expire on January 6, 2018. Each of these members have agreed to continue serving if reappointed by Council. Their new term would expire on January 6, 2022.

Council Member Tonsmeire made a motion to approve the reappointments of Tommy Strickland, Walter Mahone and Ralph "Sonny" Miller to the Development Authority of Cartersville. The motion was seconded by Council Member Hodge, and the motion carried unanimously. Vote: 6-0.

C. Commendation/Recognition

1. Daneise Archer Historic Preservation Commission Recognition

Council Member Tate acknowledged the accomplishments, hard work and years served by Daneise Archer. Ms. Archer served 15 years on the City Historic Preservation Commission. Mayor Santini and Council Member Tate awarded Ms. Archer for her dedicated service.

D. Second Reading of Ordinances

1. Alcohol Ordinance Amendment New Year's Sunday Sales

Randy Mannino, Planning and Development Department Head stated the ordinance would allow business owners with an alcohol pouring license, without a Sunday Sales license, the opportunity to apply for a permit free of charge to serve alcohol on Sunday, New Year's Eve. Each business would have to submit a qualified 3rd Quarter Report signifying their food sales are over 50% of their gross receipts which is a State requirement for Sunday Alcohol Sales. There are currently 8 pouring establishments within the City that may qualify. This ordinance was recommended unanimously by the Alcohol Control Board.

A motion to approve the Alcohol Ordinance Amendment for New Year's Sunday Sales was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried with a of vote 4-2. Council Member Stepp and Council Member Hodge were in opposition.

ORDINANCE NO. 35-17

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 4 – ALCOHOLIC BEVERAGES. ARTICLE II. – LICENSING REQUIREMENTS. DIVISION 1. – GENERALLY. SEC. 4-36- 4-49. – RESERVED** is hereby amended by deleting said section it in its entirety and replacing it as follows:

Sec. 4-36. – New Year's Eve.

(1) When New Year's Eve is on a Sunday, licensed establishments may apply for a special pouring license upon compliance with the following conditions:
(a) The establishment's third quarter profits for the current year indicate that they had over fifty (50%) percent in food sales.

(2) The conditions of the permit shall be as follows:

(a) Hours for consumption on the premises shall be from 12:30 pm Sunday to 1:30 am on Monday.
(b) No alcohol is allowed to be open in containers or on tables or other areas of the premises after 2:00 am Monday.
(c) The establishment must have submitted third quarter reports and said reports must verifiably indicate that food sales were over fifty (50%) percent of sales.
(d) The establishment cannot have been cited or charged with selling to a minor within the then current year.
(e) All other requirements of the City of Cartersville Code shall be met.
(f) There is no fee for said permit.

2.

Sections 4-37 through 4-49 are reserved. -

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

FIRST READING:	November 16, 2017
SECOND READING:	December 7, 207

____
MATTHEW J. SANTINI, MAYOR

ATTEST: ______________________________
MEREDITH ULMER, CITY CLERK

E. Resolutions

1. February 15th Council Meeting Date Change

Mr. Grove requested that the February 15, 2018 Council Meeting be changed to Tuesday, February 13, 2018 because City Council Members will be at Georgia Municipal Association training.

Motion to approve the Resolution changing the City Council date of February 15, 2018 to February 13, 2018 was made by Council Member Stepp and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0.

F. Contracts/Agreements

1. Renewal of Probation Services

Keith Lovell, City Attorney stated he recommended the renewal contract for the City's service contract with Professional Probation Services for probation services offered through the Municipal Court. The Chief Judge, Harry B. White, and the City Attorney have approved of said contract. It is requested Council approval the contract with Profession Probation Services.

Motion to approve the contract for probation services with Professional Probation Services was made by Council member Cooley and seconded by Council Member Tate. Motion carried unanimously. Vote: 6-0.

2. Joint Consent Agreement

Gary Riggs, Gas Department Head presented the Consent Agreement for the Floyd County County-Wide Safety Plan. Mr. Riggs recommended Council approval of this agreement and authorization for the Mayor and City Clerk to sign the agreement.

A motion to approve Gas Department Joint Consent Agreement was made by Council Member Tonsmeire and seconded by Council Member Wren. Motion carried unanimously. Vote 6-0.

Council Member Tonsmeire made motion to add items to the agenda, and the motion was seconded by Council Member Tate. Motion carried unanimously. Vote: 6-0.

G. Other

1. Utilities Protection Center 2018 Annual Membership Fee

Mr. Riggs stated the Gas Department is required by State Law to be a member of the Utilities Protection Center (UPC). This is the annual membership dues invoice in the amount of $9,714.69. Mr. Riggs recommended Council approval of this invoice.

Council Member Hodge made a motion to approve to the membership dues invoice for the UPC. The motion was seconded by Council Member Tonsmeire and carried unanimously. Vote: 6-0.

2. Bienville Parish Taxes

Mr. Riggs stated he is requesting approval for the payment a tax bill, in the amount of $5,782.95. The tax bill is for property taxes on the gas the City has in storage in Bienville Parish. Mr. Riggs recommended Council approval of this amount.

Motion to approve the payment of the tax bill to Bieville Parish in the amount of $5,782.95 was made by Council Member Tonsmeire and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0.

3. GDOT Southeast Rome Bypass

Mr. Riggs stated Georgia Department of Transportation (GDOT) wants to purchase 9/10 of an acre of City property for an easement for the construction of the Southeast Rome Bypass in the amount of $5,500.00. It is recommended Council approval of this item.

Council Member Tonsmeire made a motion to approve the sale of City property to GDOT, and Council Member Cooley seconded. Motion carried unanimously. Vote: 6-0.

4. Floyd County Property Tax

Mr. Riggs stated the City has tax bill from Floyd County in the amount of $6,845.86 for Cartersville facilities located in Floyd County. Payment of this invoice is recommended.

Motion to approve the payment of property tax to Floyd County in the amount of $6,845.86 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote: 6-0.

Added Item:

Mr. Riggs stated he would like to request Council approval for an appraisal needed in order for the City to purchase some property. It costs $4,000 and the company recommended can complete the appraisal under 30 days.

Motion to approve the appraisal was made by Council member Tonsmeire and seconded by Council member Cooley. Motion carried unanimously. Vote: 6-0.

H. Change Order

1. HSPS No. 2 Throttling Valve

Bob Jones, Water Department Head stated on June 6, 2016 Council approved a design services bid for Wiedeman and Singleton Engineers (WSE) to stabilize the Number 2 High Service Pump Building Number 2 foundation. The approved amount was $271,425.00.

During design of this project the Water Department began experiencing intermittent operational problems with the Number 3 High Service Pump throttling valve. The valve was rebuilt which repaired the problem for a short period of time. The valve failed again. Rather than continue to dump money into a 25 year old valve for which manufacturer support is closing, City Water asked WSE to design a new throttling valve to be installed during reinstallation of pipe. In order to properly design and specify a new valve WSE has requested additional funds in the amount of $19,210.40.

Mr. Jones stated he believes this work is needed and their request is reasonable considering the change in scope. Mr. Jones recommended the requested amount be added to the existing WSE contract for incorporation into the larger project. This is a budgeted item and will be paid from account: HSPB #2 Stabilization.

Motion to approve the requested amount of $19,210.40 for Wiedeman and Singleton Engineers to design a new throttling valve to be installed during reinstallation of pipe was made by Council Member Cooley and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote: 6-0.

Added Item:

Mr. Jones stated it has been discovered there are several manholes in dire need of repair and/or replacement. It would be best to complete this task before the end of year in order to prevent Southern Yard Dyers from shutting down during normal hours. It is recommended to pay for a holiday premium in order to work while the business is closed. Mr. Jones requested a not to exceed amount relative to what Council thinks would be best, but would of course get the lowest price possible for the work.

Council Member Tate made a motion to approve a not to exceed amount of $50,000 to the Water Department in order to accomplish the repair and maintenance of manholes near Southern Yard Dyers. The motion was seconded by Council Member Tonsmeire and the motion carried unanimously. Vote: 6-0.

I. Bid Award/Purchases

1. Truck Shed Expansion

Derek Hampton, Assistant Electric Department Head stated the Electric Department needs to build an addition onto the Department's existing truck shed to keep some City vehicles and equipment out of the weather. Mr. Hampton requested for bids on the City website and received 4 bids. The low bidder was AB Construction & Development, LLC with a bid of $51,351. AB Construction & Development, LLC have been in business for approximately a year and a half and have not done any comparable projects. Because of these reasons, the Electric Department would like to request Council approve the second lowest bidder: Womack, Lewis & Smith with a bid of $55,849.00. The Electric Department would also request Council preapprove City Attorney, Keith Lovell to finalize the contract with Womack, Lewis and Smith.

A motion to approve the Truck Shed Expansion for the Electric Department was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote: 6-0.

2. Cogsdale Software Maintenance Invoice

Tom Rhinehart, Finance Department Head stated the annual Cogsdale software maintenance invoice has been received in the amount of $72,249.53. It represents an increase of about 5.0% from last year's invoice and will cover the increasing cost that Cogsdale has to pass on to its customers for providing support service and on-going product improvements. Mr.

Rhinehart stated he was assured by Cogsdale that all of their clients have had an increase of the 5.0% and that they are striving to constantly improve the level of support service they provide to existing customers. This invoice was a 5% increase versus a 2.71% increase for last year, but again Cogsdale offered reassurance they are doing everything they can to keep the cost down. This is a budgeted item and is recommended for approval of the Cogsdale invoice for payment in the amount of $72,249.53.

A motion to approve the Cogsdale invoice for payment in the amount of $72,249.53 was made by Council Member Tate and seconded by Council Member Cooley. Motion carried unanimously. Vote:6-0.

3. Street Sweeper

Tommy Sanders, Public Works Department Head stated the Stormwater Division of Public Works is requesting the purchase of a new street sweeper to replace an aging street sweeper that has exceeded its viable life expectancy. This Crosswind Single Engine Regenerative Air Sweeper is made by Elgin and will be mounted on a 2018 Freightliner chassis. Public Works recommended the purchase of this street sweeper from Environmental Products-Georgia via a State contract of $234,940.00. This is a budgeted item.

Council Member Tonsmeire made a motion to approve the purchase of a Street Sweeper from Environmental Products-Georgia via a State Contract in the amount of $234,940.00. Motion was seconded by Council Member Cooley. Motion carried unanimously. Vote 6-0.

4. Bid 17-012 – Dellinger Tennis Covered Pavilion

James Gordy, Assistant Parks and Recreation Director stated Bid 17-012 Dellinger Park Tennis Covered Pavilion Construction was legally advertised on the City website and a bid document was emailed to 8 local contractors. The City received 2 bids and have received 2 outstanding references for the low bidder. Parks and Recreation recommended the low bid of $48,041.00 which includes the metal standing seam roof from AB Construction and Development, LLC, Dallas GA. Parks and Recreation requested permission for Mayor Santini to sign any and all related documents. This project is budgeted and funded by GO Bonds.

Motion to approve Bid 17-02 Dellinger Tennis Covered Pavilion and allow Mayor Santini to sign any and all related documents was made by Council Member Tonsmeire. Motion was seconded by Council Member Stepp, and carried unanimously. Vote: 6-0.

5. Bid 17-012 Aubrey St. Pool Fencing

Mr. Gordy stated Bid 17-013 was legally advertised and a bid document was emailed to 2 local contractors. This project is for fencing around the new Aubrey St. bathhouse, pool and splash pad. It was recommended to the low bid: Bartow Fence Company in the amount of $13,433.67. It was also requested that Mayor Santini be approved to sign any and all related documents. This is budgeted item and will be funded by GO Bond.

Motion to approve Bid17-012 Aubrey St. Pool Fencing and allow Mayor Santini to sign any all related documents was made by Council Member Cooley. Motion was seconded by Council Member Tate. Vote carried unanimously. Vote: 6-0.

6. Guardrail Repair

Dan Porta, Assistant City Manager stated on November 8th, an individual had an accident on N. Erwin Street adjacent to the Oak Hill Cemetery that damaged the guardrail along the right of way. The cost to repair the damaged guardrail is $5,168.64 and the other party's insurance has been contacted and has taken responsibility for the repair costs. Mr. Porta recommended approval of this repair quote that will be reimbursed by the other party's insurance.

Motion to approve the Guardrail repair quote in the amount of $5,168.64 to be reimbursed by the other party's insurance company was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote: 6-0.

7. Firefighters Cancer Insurance

Mr. Porta stated Georgia House Bill 146, which was passed earlier this year, requires municipalities to cover firefighter personnel with lump sum cancer benefits and long-term disability insurance. The City received proposals from three companies to provide the minimum insurance coverage as required by State law. The proposals were Chubb Insurance from Watkins Insurance/Apex Insurance $14,688.00 per year, GMA - GIRMA $15,028.00 per year, and Standard Insurance from Peachtree Planning/Standard- estimated $21,008.00 per year. The Chubb Insurance and GMA-GIRMA proposals have a three-year rate guarantee. Chief Carter has reviewed the two best proposals and stated either proposal would be sufficient as both meet the State mandated coverages. It is recommended for approval of the Chubb Insurance proposal of $14,688 per year with a three-year rate guarantee.

Council Member Tonsmeire made a motion to approve Chubb Insurance for $14,688 per year with a three-year rate guarantee. Motion was seconded by Council Member Hodge. Motion carried unanimously. Vote: 6-0.

J. First Reading of Ordinances

1. Amendment to Building Permit Ordinance

Dan Porta, Assistant City Manager stated in June 2017, the City Council approved an amendment to the Building Permit Fee Ordinance. As the City began to apply the new Building Permit Fees with the new CityView Permitting Software, staff noticed that permit fees for remodeling of existing structures was not addressed. The permit fees are being amended to address building remodels and staff recommended approval of the ordinance amendment.

K. Other

1. Donation of Equipment

Mr. Porta stated The Federal Aviation Administration (FAA) has contacted the City in an attempt to donate a motor grader, boring machine and vacuum trailer. The estimated value of the items being donated based on their present condition are: 2000 Case Horizontal Boring Machine for $8,000; 2001 VT500 Vacuum Trailer for $8,000; and 1971 Gallon Motor Grader for $10,000.

City staff has looked at the equipment and recommends approval of these items as the minor costs to get the equipment fully operational outweighs the potential savings from the donated equipment.

Motion to approve the acceptance of the donated items from the FAA was made by Council Member Hodge and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0.

L. Discussion

1. Discussion of Downtown Development Authority (DDA) Communities Grant

Lillie Read, Downtown Development Manager came forward and stated the Downtown Development Authority (DDA) has received a grant award from Georgia Council for the Arts in the amount of $5,000 with a requirement of a $5,000 match from DDA. DDA has the funds from the Business Improvement District (BID) to pay the matching requirement. The funds from the grant are proposed to be used to bring a rotating sculpture walk in the downtown area. The DDA has three locations that they wish to place the sculptures: 1. City Hall – at Cherokee Ave. and N. Public Square 2. Founders Oak parking area and/or 3. In or near Friendship Plaza.

The DDA has a Steering Committee made up of nearby residents, downtown business owners and members at the Booth Western Museum. The committee is working on a proposal for potential artists to see what kind of art sculptures these artists would like to display at the three proposed downtown sites. The goal is to have artists display sculptures on a rotating basis, approximately every 2 years, so new sculptures will be displayed with the goal of attracting visitors to the downtown area. The Steering Committee is using the City of Suwanee as a guideline as they have had this type of program in place for a few years. DDA has released a public art survey to gain input from our citizens on what they think of art in the downtown. This survey is being used to help gather information for the Steering Committee. City Council has been made aware of the grant and potential art sculptures being place in downtown. The estimated timeframe for completion is April 2018.

Mayor Santini asked if there was any additional business that needed to be heard before City Council and Mr. Clay Bennett came forward.

Clay Bennett, of Rockmart GA stated he is the Condominium Association President at 1010 N Tennessee Street in Cartersville, GA. Mr. Bennett expressed his thoughts about previous citations issued to Los Arcos and himself. Mr. Bennett inquired about City Ordinances in regards to dumpster location and screening requirements. Mr. Bennett wanted to know how and when a screen would be enforced at Los Arcos. Council and staff stated they could not presently give him a definite timeframe, but would have Code Enforcement investigate and enforce City Ordinance. A timeframe can be determined by Code Enforcement and Council will receive a report update.

Announcements:

Christmas parade is this evening, and pictures with Santa Claus will be available. The City is prepared for the parade and clean up. All efforts are appreciated to keep City streets clean.

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

Meeting Adjourned

CITY OF CARTERSVILLE INCORPORATED GEORGIA 1850 CORPORATE SEAL

ATTEST:

/s/ Meredith Ulmer
Meredith Ulmer
City Clerk

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