

City Council Meeting  
10 N. Public Square  
September 21, 2017  
8:00 P.M. – Work Session  
9:00 P.M. – Council Meeting

## **I. Opening Meeting**

Invocation by Council Member Tonsmeire.

Pledge of Allegiance led by Council Member Stepp.

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: 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.

Absent: Kari Hodge, Council Member Ward 1

## **II. Regular Agenda**

### **A. Swearing in of Civic Youth Day Officials**

Students selected from the City School System were sworn in by the City Clerk for Civic Youth Day. No action required by City Council.

### **B. Council Meeting Minutes**

#### **1. September 7, 2017 Council Meeting Minutes**

A motion to approve the September 7, 2017 City Council Meeting Minutes as presented was made by Council Member Wren and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0.

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

#### **1. AZ17-03 – Annexation and Zoning Application**

Randy Mannino, Planning and Development Department Head stated the annexation and zoning request is for 5 abutting properties located along Old Tennessee Rd. Zoning A-1 Agriculture, R-2 Residential, C-1 Commercial to G-C General Commercial. It is approximately 19.55 acres with the intention of expanding the commercial and institutional-related development opportunities created by the realignment of Hwy 20 and improvements to the Hwy 20 and 411 intersection. The annexed parcels combined with the existing incorporated parcel along Hwy 20,

approximately 24 acres, will be home to a new car museum. Incorporated and annexed parcels abutting Hwy 411, approximately 9 acres, will be dedicated for retail commercial applications. Mr. Mannino stated the Planning Commission recommended approval, 5-0.

Mayor Santini opened the floor for a public hearing in regards to the zoning request and no one came forward to speak for or against. Mayor Santini closed the public hearing.

Mayor Santini opened the floor for a public hearing in regards to the annexation portion of the request, and with no one coming forward to speak for or against the Mayor closed the public hearing.

(See Exhibit A for proposed property to be annexed/rezoned)

#### **D. Resolutions**

##### **1. Creation of Festival Zones**

Dan Porta, Assistant City Manager stated approval of the resolution was recommended in order to have 3 future festival zones approved.

A motion to approve the festival zones was made by Council Member Tonsmeire and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0.

#### **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:**

|                   |                                                                                 |
|-------------------|---------------------------------------------------------------------------------|
| <b>October 12</b> | <b>Chamber BBQ; 3-6pm (Friendship Plaza)</b>                                    |
| <b>October 20</b> | <b>Quick family wedding reception (Friendship Plaza)</b>                        |
| <b>October 21</b> | <b>Bluegrass Festival; 11:30-7:30 (Friendship Plaza &amp; Founders Oak Lot)</b> |

**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 21st day of September 2017.**

/s/ \_\_\_\_\_  
**Matt Santini**  
**Mayor**

**ATTEST:**

/s/ \_\_\_\_\_  
**Meredith Ulmer**  
**City Clerk**

**E. Contracts/Agreements**

**1. Approval of TRANSCO Agreement**

Keith Lovell, Assistant City Attorney stated the City has reached a settlement with Transco regarding the in-service date of City capacity. It is recommended for Council authorization, and for the Mayor and City Clerk to sign the necessary documents after approval by the City Attorney, City Manager and Gas Director.

A motion to approve the TRANSCO Agreement once approved by the City Attorney was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0.

**2. 51 Morningside Drive Gas Easement**

Michael Hill, Assistant Gas Department Superintendent stated this easement is for the natural gas facilities to supply the new PetSmart store. This item is recommended for Council approval.

A motion to approve the 51 Morningside Drive Gas Easement was made by Council Member Cooley and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote: 5-0.

**F. Other**

**1. Floyd County Taxes**

Mr. Hill stated this is the tax bill from Floyd County for the City property and facilities there. It is recommended for Council approval to pay the charges in the amount of \$5,789.23.

Motion to approve the taxes due to Floyd County was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote: 5-0.

**G. Bid Award and Purchases**

**1. Bid 17-006 Phase II Recreation Buildings**

Greg Anderson, Parks and Recreation Department Head Bid documents and design plans for Bid 17-006 Phase II Recreation Buildings were legally advertised on the City web site. Four buildings are included in this bid, Hicks Park and Cartersville Sports Complex restroom buildings, Senior Aquatic Center women's restroom expansion and Aubrey Street pool bathhouse.

Three competitive bids were received with there being a difference of \$34,000.00 between the low and high base bids. The low base bid was \$1,440,000.00, which exceeds the budgeted amount of \$923,403.00 by \$516,597.00.

City Staff met with the low bidder three times and had numerous phone and email conversations to come up with a dollar amount that works for our GO bond budget and provide the quality park improvements expected by the citizens of Cartersville.

Final proposed negotiated base bid price for all buildings is not to exceed \$1,360,495.00. Not to exceed base bid does not include the proposed cost for HVAC on the Senior Aquatic Center. This price was not available when the agenda item was created. Proposed negotiated bid price exceeds the budget by \$437,092.00 for the buildings.

The negotiated bid price for each building in Phase II Recreation buildings is: Hicks Park restrooms \$286,545.00; Sports Complex \$318,100.00; Aubrey St. Pool Bathhouse \$431,650.00; Sr Aquatic Center Women's Restroom Expansion \$324,200.00. The Total for Phase II Recreation buildings is \$1,360,495.00.

It is recommended to approve the negotiated bid price in the amount of \$1,360,495.00 from Womack, Lewis and Smith of Cartersville GA for the four buildings in Bid 17-006 Phase II Recreation Buildings and request Mayor Santini sign the agreement and any future documents related to this bid award.

A motion to approve Bid 17-006 Phase II Recreation Buildings was made by Council Member Cooley and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0.

## **2. RFP17-007 Aubrey Street Pool Replacement**

Mr. Anderson stated RFP 17-007 Aubrey St. Pool Replacement was posted and legally advertised on the City website. There were three contractors at the pre-bid meeting, but only one bid was received. Their base bid of \$399,000.00 was higher than the budget amount of \$275,000.00 in the GO bond project list. Alternate 1 included the necessary demo of the existing retaining wall and construction of a new one for \$27,302.00, which brings the total bid to \$426,302.00.

As with the Phase II Recreation Buildings, since the bid price exceeds the budgeted amount it was negotiated with the bidder for a cost reduction. The contractor agreed to a reduction of \$20,000.00 for allowing demo of the existing deck to be used as fill under the splash-pad and pool, bringing the negotiated bid price to \$406,302.00.

It is recommended Aquatic Design Systems, with a bid of \$406,302.00 for the construction of Aubrey St. pool as described in RFP 17-007 be approved Mr. Anderson requested City Council to permit Mayor Santini to sign the agreement and any related documents.

A motion to approve RFP17-007 Aquatic Design Systems to construct the Aubrey Street pool was made by Council Member Tonsmeire and seconded by Council Member Cooley. Motion carried unanimously. Vote 5-0.

## **3. Stormwater Components**

Tommy Sanders stated the Stormwater Division of Public Works is requesting to purchase various stormwater components such as frame and grates, manhole covers and rings. These are all cast iron products needed to restock inventory. Three quotes were obtained and US Foundry is the lowest at \$5,146.00. This is a budgeted item and Public Works recommends approval of this purchase.

A motion to approve the purchase of Stormwater Components was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0.

## **4. Belt Filter Press Sludge Pump**

Bob Jones, Water Department Head stated quotes were requested for a new progressing cavity sludge pump for the #1 Belt Filter Press at the Water Pollution Control Plant (WPCP). This pump feeds digested sludge from the aerated digester onto the belt press for dewatering and ultimate disposal to agricultural fields. City Water requested a quote for repairing the existing pump, but found that repair was more expensive than a replacement. Additionally, City Water requested quotes on another brand of pump that would fit the existing suction and discharge piping. This solution cost more than the direct replacement.

Quotes for a new direct replacement Moyno Model 1G065G1CDQ3AAA progressing cavity pump were as follows: Carl Eric Johnson \$9,348.04; Applied Industrial \$12,713.02; Motion Industries no bid. Approval is recommended of the Carl Eric Johnson bid of \$9,348.04.

A motion to approve the purchase of the Belt Filter Press Sludge Pump was made by Council Member Wren and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0.

Council Member Tonsmeire made a motion to add an item to the agenda, and the motion was seconded by Council Member Tate. Motion carried unanimously. Vote: 5-0.

Mr. Lovell recommended approval of a resolution that would allow the City of Cartersville to participate in a class action lawsuit against online discount hotel/motel websites. These companies have allegedly not been paying their fair portion of hotel/motel taxes and City would like permission from Council to participate in the lawsuit. These taxes could be retroactively collected.

Motion to approve the resolution that's grants the City to participate in the lawsuit against online discount hotel/motel websites in Georgia was made by Council Member Tate and seconded by Council Member Tonsmeire.

#### **Resolution No.**

#### **RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA**

**WHEREAS, on November 18, 2005, the City of Cartersville ratified and authorized the filing of a class action lawsuit by the City of Cartersville against a number of internet travel agencies, such as Hotels.com, Priceline.com and Expedia.com for short charging the City of Cartersville and other similarly situated municipalities on the hotel/motel occupancy taxes; and**

**WHEREAS, the above-referenced class action was partially settled and the City of Cartersville, as well as other municipalities and counties in the State of Georgia have been a benefactor of that settlement; and**

**WHEREAS, it has been brought to the City of Cartersville's attention that additional travel agencies and/or companies have been entering the market and failing to remit excise tax on the rental of rooms and/or facilities within the City of Cartersville and other similarly situated municipalities.**

**NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of Cartersville, Georgia that the City Attorney's Office hereby authorized to proceed with whatever actions are necessary, including, but not limited to, the filing of additional class action lawsuits, to collect any hotel/motel tax due to the City of Cartersville, and the Mayor and City Council are authorized to execute any documents in furtherance of said matter.**

**BE IT AND IT IS HEREBY RESOLVED this 21<sup>st</sup> day of September, 2017.**

/s/

**Matthew J. Santini, Mayor**

**ATTEST:**

/s/

**Meredith Ulmer, City Clerk**

## **H. Monthly Financial Statement**

### **1. July 2017 Financial Report**

Tom Rhinehart, Finance Director stated the financial report for the month. Mr. Rhinehart gave a comparison of July 2016 to July 2017, stated the differences in each fund and how they have fluctuated, and went over the City's cash position. Mr. Rhinehart went over expense increases/decreases, and stated the City has paid off a firetruck early.

### **Announcements:**

Mr. Anderson reminded everyone this weekend the City will be hosting the Wingfoot Classic.

Assistant Fire Chief King stated there will be maintenance siren testing conducted.

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

### **Meeting Adjourned**

/s/

**Matthew J. Santini, Mayor**



**Meredith Ulmer, City Clerk**

# Exhibit A

