

City Council Meeting
10 N. Public Square
August 3, 2017
Council Meeting 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tonsmeire.

Pledge of Allegiance led by Council Member Wren.

The City Council met in Regular Session with Dianne Tate, Mayor Pro-Tem 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; 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. July 20, 2017 City Council Minutes

A motion to approve the July 20, 2017 City Council Meeting Minutes as presented was made by Council Member Wren and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0.

B. Second Reading of Ordinances

1. Business Improvement District Ordinance

Lillie Read, Downtown Development Authority Manager came forward and stated the City Council has previously reviewed the Downtown Development Authority Board's request to create a Business Improvement District (BID). This is actually a continuation of the existing BID, however, with changes in the State law, the City had to go through several steps before getting to the BID ordinance which is being presented in this agenda. This is the first reading of the ordinance and the DDA Board requests that the City Council approve this ordinance creating the BID.

A motion to approve the Business Improvement District Ordinance was made by Council Member Tonsmeire and seconded by Council Member Cooley. Motion carried unanimously. Vote 5-0.

Ordinance

of the

City of Cartersville, Georgia

WHEREAS, on the 15th day of June, 2017, the Cartersville Downtown Development Authority (“Authority”) submitted a Petition signed by 62.7% percent of the owners of taxable property in the proposed district to the Mayor and City Council of the City of Cartersville, to adopt a Business Improvement District, pursuant to the requirements of O.C.G.A. § 36-43-5;

WHEREAS, the Authority submitted with said Petition, a Boundary Legal Description, Map, and District Plan, also referred to as the Management Plan;

WHEREAS, the Mayor and City Council forwarded the Petition, District Plan, and Map to Staff to review;

WHEREAS, Staff concluded a review of their numbers on the 6th day of July, 2017, and submitted their comments to the Council in writing;

WHEREAS, after Staff comments were submitted, a legal ad was published in the legal organ of Bartow County, on the 22nd day of June, 2017, advertising a public hearing to be held at least ten (10) days prior to the public hearing, said date of such public hearing being the 6th day of July, 2017;

WHEREAS, after consideration of Staff’s comments, the Mayor and City Council will hold a first reading on the 20th day of July, 2017, and a second reading on the 3rd day of August, 2017, to consider the adoption of the following Ordinance.

Ordinance No. 25-17

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, that the Code of Ordinances, City of Cartersville, Georgia is hereby created by adding the following to CHAPTER 10. LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE XVI. BUSINESS IMPROVEMENT DISTRICT IS HEREBY CREATED AS FOLLOWS:

ARTICLE XVI – Business Improvement District

Section 10-581. - Findings

O.C.G.A. § 36-43-1 et seq. authorizes municipalities to establish city business improvement districts for the purpose of providing supplemental service to such districts by imposing assessments on property and collecting business license surcharges. The city has received a petition requesting the renewal and modification of the Business Improvement District

originally created in 2006, from property owners representing more than 51 percent of the total property value in proposed district.

Section 10-582. - Creation of Business Improvement District; adoption of district plan; management of plan; amendments.

(a) There is hereby created a business improvement district in Cartersville, Georgia (the "District"). The legal boundaries of the District shall be set forth on an official map (the "Business Improvement District Map") which is a part of an official plan for the District (the "District Plan"). A copy of the Business Improvement District Map shall remain on file and available for inspection in the office of the City Clerk of the City of Cartersville, the Bartow County Tax Commissioner and the City of Cartersville Downtown Development Authority. The Business Improvement District Map attached hereto as a part of Exhibit A is hereby adopted and made a part of this chapter.

(b) The District Plan, also known as the Management Plan, attached hereto as Exhibit B, is hereby adopted and made a part of this ordinance. A copy of the District Plan shall remain on file and available for inspection in the office of the Cartersville Downtown Development Authority and the City Clerk of the City of Cartersville.

(c) The District Plan may be amended from time to time by the City Council by adopting an official amendment to this ordinance. The District Plan must set forth, at a minimum, the following:

- (1) The Business Improvement District Map;
- (2) A description of the boundaries of the District;
- (3) The maximum millage rate, if any, to be levied in the District;
- (4) The proposed time for implementation and completion of the District Plan;
- (5) Design and rehabilitation standards, if any, to be applied to buildings and structures within the District;
- (6) The maximum surcharge, if any, to be levied on existing businesses and occupations within the District;
- (7) The supplemental services to be provided within the District;
- (8) Any other rules and regulations applicable to the District;
- (9) The method of management of the District.

(d) The Business Improvement District shall be managed by the Downtown Development Authority for the City of Cartersville. The Downtown Development Authority shall submit an annual financial statement to the City of Cartersville City Council for review and publication.

Section 10-583. - Supplemental services

(a) Supplemental services provided in the District pursuant to the District Plan shall commence on the 3rd day of August, 2017, and the District shall terminate on June 30, 2022, unless renewed by ordinance.

(b) The level of services presently provided to the District by the city will continue to be provided at the same level as before the District was created. It is the intent of the city that the provision of supplemental services within the District shall not reduce or otherwise replace existing services provided by the city.

Section 10-584. - Separation of funds.

Funds collected within the District under this article shall not be used for any other purpose other than those set forth in the District Plan.

Section 10-585. – Utilization.

All funds raised pursuant to the special tax district created in this division shall be used for such purposes as provided for in the District Plan and as the City of Cartersville and Cartersville Downtown Development Authority deem beneficial to the district, including but not limited to the construction and maintenance of road and streets, including curbs, sidewalks, streetlights and devices to control the flow of traffic, parks, recreational areas, programs and facilities, parking facilities, and urban development and revitalization programs. Further, the City is specifically empowered to contract with the Cartersville Downtown Development Authority to provide these services in return for the funds being generated by the special tax district created in this division.

Section 10-586-10-589 Reserved.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____

SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

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

1. AZ17-02: Annexation at 945 Jones Mill Road

Randy Mannino, Planning and Development Director presented an annexation and zoning application by James and Donna Green, owner, for property located at 945 Jones Mill

Road, Land Lot 196, 4th district, 3rd section. Zoning A-1 to R-20, Single family residential. Approximately 1.99 acres.

Mr. Mannino stated all proper notification had been administered and to his knowledge there was no issues stated by other departments, and he had received no local complaints. In addition, Mr. Mannino stated that except for a new storm water fee, there would be no changes to utilities as the applicant currently receives their utility services from Georgia Power, the City or County.

Mayor Pro-Tem Tate opened the floor for a public hearing in regards to zoning and Mr. Randy Green, the applicant, came forward and spoke for the application. With no one else coming forward Mayor Pro-Tem Tate closed the public hearing.

Mayor Pro-Tem Tate then opened the public floor for a public hearing in regards to annexation and no one came forward to speak for or against the annexation of 945 Jones Mill Road. The public hearing closed.

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

A motion to approve the zoning was made by Council Member Hodge and seconded by Council Member Cooley. Motion carried unanimously. Vote 5-0.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 26-17

Petition No. AZ17-02

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by James and Donna Green. Property is located at 945 Jones Mill Road. Said property contains 1.994 acres located in the 4th District, 3rd Section, Land Lot 196 as shown on the attached plat Exhibit "A". Annexation will be duly noted on the official zoning map of the City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 20th day of July 2017

ADOPTED this the 3rd day of August 2017, Second Reading.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Meredith Ulmer
City Clerk

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 27-17

Petition No. AZ17-02

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by James and Donna Green. Property is located 945 Jones Mill Road. Said property contains 1.994 acres located in the 4th District, 3rd Section, Land Lot 196 as shown on the attached plat Exhibit "A". Property is hereby rezoned from County A-1 (Agriculture) to City R-20 (Single-Family Residential). Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 20th day of July 2017.

ADOPTED this the 3rd day of August 2017 Second Reading.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____

Meredith Ulmer
City Clerk

D. Engineering Services

1. Impaired Waters Plan/Monitoring and Implementation Plan

Tommy Sanders, Public Works Director stated the City of Cartersville MS4 permit requires the City to provide the Environmental Protection Division (EPD) with an Impaired Waters Plan and Monitoring and Implementation Plan by February of 2018. This Plan will identify impaired waters within our MS4 or one linear mile downstream of our MS4 outfalls. Within these impaired waters, the Pollutant of Concern will be identified and a monitoring and implementation plan will be proposed. Rindt-McDuff is proposing to perform the professional services to address these requirements for a lump sum cost of \$14,620.00.

These professional services are budgeted. Mr. Sanders stated this agreement is recommended for approval.

A motion to approve Impaired Waters Plan/Monitoring and Implementation Plan was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0.

E. Contracts/Agreements

1. Annual EPD Water Testing Contract

Bob Jones, Water Department Head stated he would like to request approval for payment for an invoice that covers water quality testing that was performed by the Department of Natural Resources – Drinking Water Program. The State laboratory has performed this testing for the City annually for years. The annual fee is the same as last year: \$9,200.00. This fee is cheaper than contracting the same analyses with a private lab and has the added benefit of being 100% method compliant for regulatory purposes. Mr. Jones recommended approval of this contract with the State of Georgia. Mr. Jones stated the funds would be coming from the operating revenue account: Other Services and Fees.

A motion to approve the Annual EPD Water Testing Contract was made by Council Member Stepp and seconded by Council Member Cooley. Motion carried unanimously. Vote 5-0.

F. Bid Award/Purchases

1. Subsequent Injury Trust Fund Assessment

Dan Porta, Assistant City Manager stated since 2007, the City has been self-insured for our workers compensation insurance coverage. As part of being self-insured, the State requires payment into a subsequent injury trust fund that is based on our prior years workers compensation claims. The annual assessment that is due at this time is \$8,230.21 and Mr. Porta

recommended approval of this payment.

A motion to approve the payment of the Subsequent Injury Trust Fund Assessment was made by Council Member Wren and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0.

2. Cable Purchase for Georgia Highlands Expansion Project

Don Hassebrock, Electric Department Head stated the Electric Department needs to order cable for the new building at Georgia Highlands and for other upcoming projects. Electric Cities of Georgia (ECG) has bid out and has awarded the cable purchases to Stuart Irby Company in Kennesaw, GA. The price for the 15,000 feet of cable needed is \$34,650. Mr. Hassebrock stated the Electric Department had budgeted for the cable purchase in the Capital Budget for Fiscal Year 2017-2018. Mr. Hassebrock recommended that Council approve the purchase of cable from IRBY for \$34,650.

A motion to approve the Cable Purchase for Georgia Highlands Expansion Project was made by Council Member Cooley and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0.

3. Vehicle Purchase

Tom Rhinehart, Finance Department Head stated Stormwater is need of a prison work van. A bid package was placed on the City's website advertising for the van. One vendor submitted a bid. Mr. Rhinehart stated he was told there was only one vendor, because the prison work vans are a specialty vehicle and not many vendors have the capabilities to handle them. As a result, Wade Ford submitted the only bid with a price of \$29,981.00. After talking to the garage, it was determined that the bid did meet City's requirements and that Stormwater should proceed with the purchase. The purchase of the prison work van was recommended from Wade Ford in the amount of \$29,981.00 with the addition of a \$1,560.00 extended warranty package.

A motion to approve the purchase of the prison van and extended warranty package for Stormwater was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0.

Council Member Jayce Stepp made a motion to add an item the agenda. Motion was seconded by Council Member Wren and it carried unanimously. Vote:5-0.

Mr. Mannino came forward and stated 1 Carrington Drive was a property that was a part of the CHIP Program. All requirements have been met by the homeowner and Mr. Mannino recommended the City lift the lien.

Motion to approve the removal of the lien from 1 Carrington Drive was made by Council Member Tonsmeire and seconded by Council Member Wren. Motion carried unanimously. Vote:5-0.

David Hardegree, City Planner came forward to make an announcement. Mr. Hardegree stated the City will have a place at the Clarence Brown Center for an event on August 10th from 4:00pm to 7:00pm to go over the Comprehensive Plan.

Mayor Pro-Tem Tate stated she wished all students and teachers a great school year.

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 Santini
Mayor

ATTEST:

/s/ 
Meredith Ulmer
City Clerk

