

City Council Meeting
10 N. Public Square
May 18, 2017
6:00 P.M. – Work Session
7:00 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: Kari Hodge, Council Member Ward One; Jayce Stepp, Council Member Ward Two; Louis Tonsmeire, Sr., Council Member Ward Three; Dianne Tate, Council Member Ward Five; Taff Wren, Council Member Ward Six; Sam Grove, City Manager; Meredith Ulmer, City Clerk and David Archer, City Attorney.

Absent: Lindsey McDaniel Ward 4

II. Regular Agenda

A. Council Meeting Minutes

1. May 4, 2017 Minutes

A motion to approve the May 4, 2017 minutes City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0.

B. Appointment

1. Appointment – Ward 4

Interviews were conducted at 6:00pm in the Council Chambers. Mayor Santini thanked each candidate, Janice Brownlee and Calvin Cooley, for applying to represent 1/6 of the City of Cartersville in Ward 4. Mayor Santini stated although only one candidate can be selected he encouraged the other candidate to seek a service position in another capacity for the City of Cartersville.

Council Member Stepp made a motion to approve Calvin Cooley to City Council Ward 4. Council Member Wren seconded the motion and it passed unanimously. Vote 5-0.

C. Proclamations

1. Georgia Child Care Provider Month

Mayor Santini called Gloria Calhoun forward to receive the Georgia Child Care Provider proclamation. Ms. Calhoun of Cartersville, GA gave a brief overview of the services and programs provided to children. Additional representatives were present for The Sunshine House. Mayor Santini presented the proclamation and thanked the childcare workers for their diligence and hard work.

D. Second Reading of Ordinances

1. Alcohol Text Amendment

Randy Mannino, Planning and Development Department Head came forward and stated there have been no changes made since the first reading.

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

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 4 – ALCOHOL BEVERAGES. ARTICLE I. – IN GENERAL. DIVISION 1 – GENERALLY. SECTION 4-1. – DEFINITIONS IS HEREBY AMENDED BY ADDING A NEW DEFINITION – RETAIL OUTFITTER AND ARTICLE II. - LICENSING REQUIREMENTS. DIVISION 2. APPLICATION AND ISSUANCE. SECTION 4-59. – POURING LICENSES LIMITED TO CERTAIN ESTABLISHMENTS IS AMENDED BY REPLACING THE FIRST PARAGRAPH AND ADDING A NEW SUBSECTION E. RETAIL OUTFITTER AS FOLLOWS:

1.

Sec. 4-1. - Definitions.

Retail Outfitter: A retail outdoor clothing and recreation equipment store that provides fishing and/or hunting guide services away from the store location. Beer, Malt Beverage and Wine pouring are allowed in the designated areas, as established by the Retail Outfitter.

2.

Sec. 4-59. – Pouring Licenses Limited to Certain Establishments.

No application for a pouring license shall be considered from, and no license shall be granted to an applicant whose premises for a pouring outlet is anything other than a restaurant, hotel, motel, private club, lounge, retail cigar shops, retail outfitter, or supermarket as defined in this chapter. It is the intention of this division that wine and malt beverages for consumption on the premises be sold only at bona fide restaurants, hotels, motels, private clubs, retail cigar shops, and

supermarkets under the restrictions herein set out, and not at walk-in bars or sham establishments, as follows:

E. *Retail Outfitter* as defined in the Code, may be issued on an on-premises consumption license for sales of beer, malt beverages, and wine without meeting the requirements that forty-five (45%) percent of its gross annual sales be derived from the sale of prepared meals or food, provided that a) no more than ten (10%) percent of its gross annual sales are derived from the sale of beer, malt beverage, and wine; b) such sales are made during store hours in designated areas; and c) meets all applicable building, fire and safety codes in effect for the City. The Director of Planning and Development or his designee shall review the gross income figures from each establishment which shall provide such information, at the end of the third quarter of each calendar year, and at any other time requested to do so by the Director of Planning and Development or his designee, and determine if the annual sales meet the required ratio and if not, make appropriate recommendations to the Alcohol Control Board regarding same.

2.

All other remaining provisions of Section 4-1 and Section 4-59 are to remain as is and this additional definition is to be made part of the permitted uses in Section 4-1 and Section 4-59.

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: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

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

1. Z17-02 Rezoning Application: Multi Family Housing

Mr. Mannino stated this project proposes to construct 72 age restricted 55 and older, multi-family housing units in 2 buildings on 5.87 acres. Greenspace and outdoor amenities are

also proposed. The project will offer one and two bedroom, garden style rental units within a walkup style, 3-story building unit. The project will be developed using Low-Income Housing Tax Credit financing and will target low to modest income family households earning up to 60% of Area Median Household Income.

Eligibility for low income status will require annual income levels for residents in the range of \$19,000- \$32,000 per year. Income is required to be verified. The proposed 72 unit project breaks down into 30 one bedroom units and 42 two bedroom units. Fourteen of the 72 units 20% are expected to be leased at market value. One bedroom rental rates are expected to range \$500 to \$700 per month. Two bedroom rental rates are expected to range \$600 to \$800 per month.

This project is driven by the Department of Community Affairs's Georgia Initiative for Community Housing program. The lower rental rates generated by LIHTC financing create an affordable housing component. The GICH program requires that a developer commit to a 15-year ownership period with an option for an additional 5 year period which will be exercised for this project. The City of Cartersville became a GICH community in 2004, but has never received approval for a GICH project.

Planning Commission recommended unanimous approval, 6-0, for an age restricted housing development, 55 and over, with the condition that the 55 and over age restriction be included in the deed and zoning for the property.

Mayor Santini opened the floor to a public hearing:

Jeff Watkins, came forward to speak for the application and stated his client, Mr. Gary Hammond, was aware and in agreement to the deed and zoning requirements.

Gary Hammond of Dunwoody, GA came forward and stated there have been no changes to the application since the last Planning Commission meeting. Mr. Hammond stated a preliminary site plan was submitted today. If approved, this project will have 2 buildings with a clubhouse in between with elevators. Each unit would be garden style or a flat style. In comparison to other land uses a senior living community produced the least amount of trips both overall and at peak times.

Wade Wilson, City Engineer was called forward and stated the entrance and deceleration lane would have to be permitted accordingly.

Mayor Santini closed the public meeting.

A motion to approve Z17-02 per the recommendation of Planning Commission was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0.

Ordinance
of the
City of Cartersville, Georgia
Ordinance No. 15-17
Petition No. Z17-02

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 Trish Murphy. Property is located 640 N Tennessee Street. Said property contains 5.87 acres located in the 4th District, 3rd Section, Land Lot 311 as shown on the attached plat Exhibit "A." Property is hereby rezoned from Multiple Use with conditions to the Multiple Use zoning to allow multifamily residential for a senior living development. 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 20th day of April.

ADOPTED this 18th day of May. Second Reading.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Meredith Ulmer
City Clerk

F. First Reading of Ordinances

1. Prohibited Truck Traffic Revision

Wade Wilson, City Engineer stated this ordinance revision adds five new No Thru Trucks

streets to Chapter 12 Motor Vehicles and Traffic, the new streets are in 12-1014i through m. These streets were added for various reasons including physical restrictions that limit truck movement, incorrect Google Map application directions, and horizontal or vertical alignment limitations that make it best to restrict truck traffic.

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 12 – MOTOR VEHICLES AND TRAFFIC. ARTICLE XI. – TRAFFIC SCHEDULES. SECTION 12-1014. – PROHIBITED TRUCK TRAFFIC, IS HEREBY AMENDED BY DELETING IT IN ITS ENTIRETY AND REPLACING IT WITH THE FOLLOWING:

1.

Sec. 12-1014. - Prohibited truck traffic.

- (a) No vehicles over six (6) wheels on Martin Luther King, Jr. Drive, east of Galt Street.
- (b) Latimer Road, no vehicles over six (6) wheels allowed and no dump trucks
- (c) No vehicles over six (6) wheels on Charles Street from Cassville Road to West Cherokee Street.
- (d) No vehicles over six (6) wheels on Brookwood Drive.
- (e) These prohibitions do not apply to moving vehicles on the actual day of a move from a residence or other establishment, authorized emergency vehicles, and authorized government vehicles.
- (f) The city is authorized to post appropriate signage on said roads to notify the public of said restrictions.
- (g) No trucks over six (6) wheels on Lee Street between West Avenue and Etowah Drive.
- (h) No trucks over six (6) wheels to make right turns onto North Erwin Street from West Main Street, westbound (SR 113/61).
- (i) No through trucks over six (6) wheels on West Avenue from its intersection with Etowah Drive to the intersection with South Erwin Street.
- (j) No through trucks over six (6) wheels on Mockingbird Drive from its intersection with Tennessee Street/Georgia Highway 61 to the intersection with Joe Frank Harris Parkway/State Route 3/US Highway 41.
- (k) No through trucks over six (6) wheels on Bartow Street from its intersection with West Main Street/State Route 61 to the intersection with West Avenue.
- (l) No through trucks over six (6) wheels on Jones Mill Road from its intersection with Porter Street to the railroad overpass.
- (m) No through trucks over six (6) wheels on Church Street from its intersection with Bartow Street to the intersection with Wofford Street.

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

2. Prohibited Engine Brake Revision

Wade Wilson, City Engineer stated this ordinance revision is to add a new section to Chapter 12 Motor Vehicles and Traffic, to restrict the use of truck engine brakes in residential areas; it specifically creates a No Engine Brake area on parts of West Ave and Etowah Drive. The recommendation for this came from a meeting between a citizen group and Councilman Jayce Stepp.

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 12 – MOTOR VEHICLES AND TRAFFIC. ARTICLE XI. – TRAFFIC SCHEDULES. IS HEREBY AMENDED BY ADDING THE NEW SECTION 12-1016 – ENGINE BRAKE PROHIBITED AS FOLLOWS:

1.

Sec. 12-1016. – Engine Brake Prohibited.

(a) *Purpose.* The purpose of this ordinance is to prohibit the excessive, loud, unusual or explosive use of engine and compressed air-braking devices within designated areas in the City of
Cartersville.

(b) *Definitions.* For the purposes of this ordinance the following words and phrases are defined as follows:

1. *Compression Brake.* Any device which, by the release of compressed air within an engine cylinder prior to the ignition of fuel therein, results in the slowing of said vehicle and/or braking without the use of wheel brakes and said devices are commonly referred to as "Jacob's Brakes," "Jake Brakes," "Dynamic Brake," "C-Brake," or "Paccar Brake."

2. *Engine Brake.* Any device which, by the release of compressed air within an engine cylinder prior to the ignition of fuel therein, results in the slowing of said vehicle and/or braking without the use of wheel brakes, said devices commonly referred to as "Jacob's Brakes," "Jake Brakes," "Dynamic Brake," "C-Brake," or "Paccar Brake."

(c) *Prohibitions.* It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within designated areas in the City of Cartersville, any engine brake, Compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, unless such use is necessary to avoid imminent danger. Such prohibition shall be applicable only to those public highways or portions specifically identified in this Ordinance.

(d) *Areas of Prohibition.* The prohibition set forth herein shall apply to the following public highways in the City of Cartersville, Georgia or portions thereof:

1. State Route 61 from its intersection with Attaway Drive to the intersection with West Main Street.

(e) *Signage.* Signs stating "VEHICLE NOISE LAWS ENFORCED" or "ENGINE BRAKE ORDINANCE ENFORCED" may be installed at locations deemed appropriate by the Public Works Director to advise motorists of the prohibitions contained in this ordinance, except that no sign stating "VEHICLE NOISE LAWS ENFORCED" or "ENGINE BRAKE ORDINANCE ENFORCED" shall be installed on a state highway without a permit from the Georgia Department of Transportation. The provisions of this ordinance shall be in full force and effect even if no signs are installed.

(f) *Exceptions.* Emergency vehicles shall be exempt from the application of this ordinance.

2.

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.

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MATTHEW J. SANTINI, MAYOR

ATTEST:

MEREDITH ULMER, CITY CLERK

G. Bid Award/Purchases

1. Hydraulic Cylinder Purchase

Wade Wilson, City Engineer came forward and stated Solid Waste would like to purchase two hydraulic cylinders from Waste Built for \$2,714.20 each for a total of \$5,428.58. These cylinders provide the compaction for one of our Commercial Front Loader Garbage Trucks that service dumpsters. The existing cylinders started leaking hydraulic fluid and this item is on a four-month back order from the manufacturer, but we found a parts warehouse that had two in stock. This is a budgeted item and we recommend approval of this purchase.

A motion to approve Hydraulic Cylinder Purchase was made by Council Member Tonsmeire and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0.

2. Distribution and Collection Copier

Bob Jones, Water Department Head stated that currently the Water Department Distribution and Collection System Office uses a circa 2000 Canon Copier with a total copy count approaching 96,000 pages. The machine has been increasingly problematic requiring frequent reboots, error messages and paper handling issues. The machine no longer feeds paper and is leaving streaks on copies.

David Stiles with IT was contacted regarding a replacement machine. In order to insure compatibility with the City computer network, Mr. Stiles specified and obtained a quote from Canon. Per Mr. Stiles' recommendation, this is a sole source purchase. Mr. Jones recommended approval of the purchase of the Canon unit detailed on quote S0683914.01 in the amount of \$6,837.00. This will be paid through the machinery account.

A motion to approve the purchase of the distribution and collection copier was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0.

3. Distribution and Collection Annual Fire Hydrant Restock

Mr. Jones stated the Distribution and Collection Division budgets annually for replacement of ageing, obsolete and damaged fire hydrants. Quotes were requested from the following for hydrants needed to replenish our stock: Kendall Supply \$24,659.20; Ferguson Waterworks \$24,755.37; Fortiline Waterworks \$24,908.25; and HD Supply \$33,496.02. Mr. Jones stated he recommended approval of the Kendall Supply bid in the amount of \$24,659.20. This is a budgeted item and will be paid through Fire Hydrants account.

A motion to approve Distribution and Collection Annual Fire Hydrant Restock was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried

unanimously. Vote 5-0.

4. Sewer Push Camera for Water Department Engineering

Mr. Jones stated in 2013, the Water Department purchased a RIDGID Tool push camera for inspecting small diameter sewer pipes in the 4 – 8-inch range. This camera has become indispensable in diagnosing pipe defects, blockage causes and locating mains that have not been mapped.

Mr. Jones expressed he would like to purchase a second camera unit for use by the Engineering Department. The current camera is used almost daily by the collection system crews and as a result often unavailable for use by others. Quotes for the same camera system as was purchased in 2013 were requested from the following vendors Ferguson Waterworks for \$11,319.27; P&H Supply Company for \$13,981.20 and Rumfol Sales & Service \$14,995.00.

Mr. Jones recommend approval of the Ferguson Waterworks bid in the amount of \$11,319.27. This will be paid through Instruments & Implements account.

A motion to approve Sewer Push Camera for the Water Department was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0.

5. Electric Department Recloser Upgrade

Dona Hassebrock, Electric Department Head stated the Electric Department has a group of electronic equipment that it uses on our system for automatic power restoration. Effective immediately, the company that provided the electronic communications with these devices no longer provides this service, because of antiquated technology. The equipment has been in service since 2004.

Mr. Hassebrock stated the City is partnering with FiberCom to provide a fiber communications network to the reclosers. The Electric Department is requesting to upgrade the recloser controls to be able to gather system data to improve the efficiency and reliability of our system.

The Electric Department has received bids from two companies that specialize in this technology, Eaton Company and Power Connections. The total of the two bids from Eaton is for \$31,049.57 and the total bid from Power Connections is for \$28,600.00.

The Electric Department is recommending the low bid from Power Connections for \$28,600.00. This is a budgeted item.

A motion to approve the Electric Department Recloser Upgrade was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote: 5-0.

6. Telenet Systems Fiber Installation

Dan Porta, Assistant City Manager stated the Fiber Department had three new customers to connect and needed the assistance of Telenet Systems for this installation. I request approval of this work in the amount of \$5,730.

A motion to approve the Telenet Systems Fiber Installation was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0.

7. Worker Compensation Third Party Administrator

Dan Porta, Assistant City Manager stated the third party administrator that processes the city's workers' compensation claims is USIS, and the premium for this service remains at the same annual rate of \$9,900. To Mr. Porta's knowledge there were no local vendors to administer this service. Mr. Porta stated he recommended approval of this contract renewal.

A motion to approve the Worker Compensation Third Party, USIS, Administrator was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0.

H. Contracts/Agreements

1. Georgia Department of Transportation Contract for Airport

Dan Porta, Assistant City Manager stated the Georgia Department of Transportation will be providing an updated contract for the Cartersville-Bartow Airport for the appraisal value of the proposed easement and land acquisition. This funding amount is based on the appraised value. Approval is requested of this grant subject to the City Attorney's review and approval, and then request the Mayor and City Clerk be authorized to sign all related documents. The funding split for this will be 90% Federal, 5% State and 5% local.

A motion to approve the Georgia Department of Transportation Contract pending approval of the City Attorney for the Airport was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0.

I. Change Order

1. Athletic Field Fencing Bid #16-001

Greg Anderson, Parks and Recreation Department Head stated Cartersville City Council approved Bid #16-001 in April 2016 in the amount of \$270,412.71 from Cartersville Fence Company. Two requested changes resulted in two price changes. First change requested is a change in how the top rail fencing was connected. This change resulted in a deduction from the contractor in the amount of \$624.88. Mr. Anderson requested the knee walls to be enlarged by 2 inch length and 6 inch height. This change resulted in a price increase from contractor in the

amount of \$10,503.02. Mr. Anderson recommended the total change orders in amount of \$9,860.14.

Total price for Cartersville Fence Company is \$280,272.85 for the Athletic Field Fencing Bid.

A motion to approve the Athletic Field Fencing Bid #16-001 was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0.

2. Leake Mounds Trail Construction Project

Mr. Anderson stated a Change Order has been requested by Lewallen Construction Company for the Leake Mounds Trail construction project. A Change Order is necessary because of 3 low areas that require: 1. removal of soft soils and filling void with surge stone filter fabric to raise grade above low areas; 2. build catch-basins install drainage pipes, both while staying out of the environmental sensitive area; 3. a slight shift in alignment of the trail, in the area behind the city's fenced in lot to avoid removing a portion of the lot. This alignment shift keeps the fenced in lot intact, thereby keeping this an asset for the City.

This Change Order has been reviewed by Southland Engineering, the construction manager of the trail project. Mr. Anderson recommended accepting the requested Change Order in the amount of \$37,897.07.

A motion to approve the Leake Mounds Trail Construction Project was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0.

J. Surplus Equipment

1. Surplus Vehicle

Police Chief Frank McCan stated that city vehicle number 4226, 2008 Dodge Charger with 115,000 miles needs to be surplus and donated to the City of Emerson, Georgia. The City of Emerson requested the donation of a patrol vehicle because they are attempting to start a take-home vehicle program. It is not cost effective for us to repair this vehicle; however, we will be removing all the equipment that we can re-use in our new vehicles.

A motion to approve the surplus police car to the City of Emerson was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0.

K. Other

1. Quitclaim Deed

Sam Grove, City Manager stated the title company for the purchaser of the Douthit Ferry Road school property, would like for us to execute this additional Quitclaim Deed in regards to the reservation of rights in the Deed.

A motion to approve the execution of the Quitclaim Deed was made by Council Member Wren and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote:5-0.

Mayor Santini stated an item needed to be added to the agenda. Council Member Tate made a motion to add an item to the agenda and Council Member Tonsmeire seconded the motion. Motion carried unanimously. Vote: 5-0.

L. Added Item

Randy Mannino came forward and stated he would like to request authorization for the Mayor to sign a GICH letter if he so chooses. It was discussed that it was ultimately the Mayor's choice to sign or not to sign the GICH letter. Council Member Hodge made a motion to authorize the Mayor to sign the GICH letter and Council Member Tonsmeire seconded the motion. Motion carried unanimously. Vote: 5-0.

M. Monthly Financial Report

Tom Rhinehart came forward and went over the monthly budget including the finance report for each fund and compared it to the month of the prior year.

Clay Bennett of Rockmart, GA came forward to address some of his concerns at the shopping center located at 1010 N Tennessee Street. Mr. Bennett provided his own documentation and photos to display his issues with the area. City Attorney David Archer stated because this issue is pending in City Municipal court the Council could not take action at this time.

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



Meredith Ulmer
City Clerk

/s/ 
Matthew J. Santini
Mayor