

City Council Meeting
10 N. Public Square
May 4, 2017
6:00 P.M. Work Session
7:00 P.M. City 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; Dianne Tate, Council Member Ward Five; Taff Wren, Council Member Ward Six; Sam Grove, City Manager; Samantha Dover, Deputy City Clerk and David Archer, City Attorney.

II. Regular Agenda

A. Council Meeting Minutes

1. April 20, 2017 Meeting Minutes

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

B. Commendation/Recognition

1. Teacher of the Year

Mayor Matt Santini presented the resolution to the 2017 teachers of the year to: Lauren Robinson, Cartersville Primary, Elizabeth Hensley, Cartersville High School, Kate DeBoard Cartersville Elementary, and Lindsey Montgomery, Cartersville Middle School.

C. Proclamations

1. National Safe Boating Week

Mayor Santini stated that he supported the goals of the North American Boating Campaign by proclaiming May 20-26, 2017 as "National Safe Boating Week." Robert George, United States Coast Guard came forward and accepted this proclamation, and thanked Mr.

Santini and Council for the support.

2. National Historic Preservation Month

Mayor Santini proclaimed May 2017 as National Historic Preservation Month. Mayor Santini thanked the individuals who have dedicated the time to preserve the historic value and preserve overall community character. Valerie Holt, Historic Preservation Board Member accepted this Proclamation.

D. Resolutions

1. U.S. Highway 411/Rome-Cartersville Corridor

Sam Grove, City Manager stated that the purpose of this resolution is to affirm and support the construction of the Highway 411 Rome-Cartersville Corridor on the Alternative 2 Alignment. A similar Resolution has been adopted by Floyd and Bartow County.

A motion to approve the U.S Highway 411/Rome-Cartersville Corridor was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0.

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

1. Z17-02 Rezoning Application: Multi Family Housing

Randy Mannino, Planning and Development Department Head came forward and stated that this is a rezoning application for property located at 640 N. Tennessee Street, zoned Multiple Use with conditions. Applicant requests a change in zoning conditions to allow multi-family residential for the construction of a multi-family housing project. The Planning Commission recommended denial of the application. The concern of the board was the traffic volume the Multi-Family Housing would bring.

Since the first reading there have been some changes and additions to the application. The applicant would like to add an age restriction of 55 and over. The applicant provided a traffic study and sewer capacity report.

Mayor Santini opened the floor for a public hearing.

Gary Hammond, of Dunwoody, GA representing Landbridge Development stated that he would like to propose changes to the original application. There would be a 20-year land use restriction for affordability. Mr. Hammond stated that he would build 1-2 bedroom apartments and charge between \$500-\$700 for a one bedroom and \$600-\$800 for two bedroom. Council had three concerns, which Mr. Hammond addressed traffic, sewer, and stormwater. In regards to traffic Mr. Hammond provided a traffic study that compared trips of multi-family to varied businesses. The traffic study provides that the proposed project of senior living has less trips than

other types of businesses. Mr. Hammond stated that he is having a sewer report conducted and should be done next week. If approved this project would adhere to all regulations and ordinances for stormwater drainage. It was discussed that Mr. Hammond intended to still have the senior living community registered under the Georgia Initiative for Community Housing program if possible and understood that he was in competition with other projects.

Ty Mitcham, Cartersville real estate agent represented the land owner in the case stated that as the land sits today they could develop a new shopping center which would potentially bring a higher traffic volume than a residential dwelling. Mr. Mitcham spoke with Planning Commission Chair Lamar Pinson who was not present at the Planning Commission Meeting where the denial was recommended. Mr. Mitcham asked the Council to consider what they ideally want at that location.

Mayor Santini closed the public hearing.

Council Member Hodge stated that because of all the new information submitted to Council she would like the project to be reconsidered by Planning Commission because had they known of these new details the outcome could have been different. Council Member Hodge made a motion to send the application back to the Planning Commission with the proposed changes. Council Member Wren seconded the motion. Motion was withdrawn.

Gary Hammond, Applicant came forward and stated that if the project was sent back to The Planning Commission the project would not go forward because the application is due by May 25 and would have to have the appropriate zoning by that date.

Council Member Wren asked if it would be possible to have the second hearing at the next council meeting to meet that deadline. David Archer, City Attorney stated that there was an opinion released out of The Georgia Supreme Court which would allow it to go to Council without running a 15-day notice. It would be the second reading as amended. Randy stated that if the Planning Commission heard this case again without re-advertising the public will not be notified of the changes to the project.

Council Member Wren made a motion to send the application back to the Planning Commission the following Tuesday May 9, 2017 and second reading to be heard by Council at the May 18, 2017 City Council Meeting. Council Member Tonsmeire seconded the motion. Motion carried unanimously. Vote 5-0.

F. First Reading of Ordinances

Alcohol Text Amendment-Retail Outfitter

Randy Mannino stated that that this is a proposed amendment that will allow Retail Outfitters to serve alcohol. The Alcohol Control Board recommended approval for this item.

Jeff Watkins, representative for Cohutta Fishing Company came forward

to speak for the application. The goal of being able to serve alcohol is to enhance the experience for customers. Mr. Bowen will have to go through the Alcohol Application process to serve beer and wine and will have to abide by the Alcohol Ordinance which includes paying all Alcohol License fees like all other pouring establishments.

Andy Bowen, owner of Cohutta Fishing Company came forward to speak for the application. There will be signage for designated drinking areas. Mr. Bowen stated he would like his business to be more authentic and create more relationships.

This is a first reading of the Ordinance. The second reading will be heard May 18, 2017.

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

G. Second Reading of Ordinances

1. Ordinances to Amend Festival Zone

Dan Porta, Assistant City Manager came forward and stated this amendment is to clean up language in our existing festival zone ordinance and to request the addition of signage as an acceptable means of festival zone boundary designation. Mr. Porta recommended approval of this item.

A motion to approve the Ordinance to amend the festival zone was made by Council Member Stepp and seconded by Council Member Hodge. 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 15 – PARKS AND RECREATION. ARTICLE III. – FESTIVALS. SECTION 15-54. – DESIGNATION AND MANAGEMENT OF CONTROLLED ZONE, IS HEREBY AMENDED BY DELETING PARAGRAPHS (a)(1), (2) AND (6) IN THEIR ENTIRETY AND REPLACING AS FOLLOWS:

1.

Sec. 15-54. - Designation and management of controlled zone.

- (1) *Designation of controlled Festival Zone.* Identifying designated controlled zone(s) by means of prominent signage or fencing placed around the perimeter of the event area at entrance and exit points indicating that alcohol cannot be taken beyond the boundaries of festival zone with violators being subject to ticketing or other enforcement actions.
- (2) *Identification, entrance criteria.* Entrance criteria may include, but are not limited to, prohibiting persons from entering with weapons (if allowed under Georgia law), alcoholic beverages, pets, skates, bicycles, and other items which may be dangerous, disruptive, or inconvenient in crowded conditions, and prohibiting entry by persons appearing to be intoxicated. The designated event manager also reserves the right to remove persons from the festival zone who are deemed to be in violation of posted entrance criteria or festival zone rules.
- (6) *Designation of festival manager within controlled zone.* The mayor and city council and/or the Downtown Development Authority, acting as their agent, may designate a festival manager to organize and manage festival activities within a controlled zone, as set forth in this section 15-54. Furthermore, the designated festival manager and/or the Downtown Development Authority will be responsible for approving or not approving the vendors/establishments that seek participation in the festival. The mayor and city council retain the right to approve or deny vendors/participants as they deem fit.

2.

All other remaining provisions of Section 15-54 are to remain as is and the replacement paragraphs herein are to be made part of the permitted uses in Section 15-54.

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

2. Car Wash Recycle Ordinance

Bob Jones, Water Department Head came forward and stated that we are required by the Metropolitan North Georgia Water Planning District to adopt an ordinance which requires a minimum of 50% water recycle rate for all new tunnel type car wash facilities constructed after 6/1/2017. The ordinance is required for compliance with our recently completed water, wastewater and storm water compliance audit. This has been a requirement since 2010. Mr. Jones stated that this Ordinance should not have a negative impact because all car washes have already had to meet these standards.

A motion to approve was made by Council Member Louis Tonsmeire and seconded by Council Member Kari Hodge. 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 24 – UTILITIES, ARTICLE IV. – WATER SERVICES IS AMENDED BY ADDING SECTION 24-66

1.

Sec. 24-66. – Recycled Water - Car Washes.

(a) General Provisions

- (1) Purpose and Intent - The purpose of this ordinance is to reduce water consumption from commercial car wash facilities by requiring all new conveyor car washes to install operational recycled water systems.
- (2) Applicability - This ordinance applies to all new conveyor car washes permitted and constructed after January 1, 2011, regardless of the water source.
- (3) The provisions of this ordinance do not apply to conveyor commercial car washes that were permitted or constructed before January 1, 2011.
- (4) The provisions of this ordinance do not apply to self-service car washes or in-bay car washes.

(b) Definitions - The following words and phrases, whenever used in this ordinance, have the meaning defined in this section:

- (1) *In-bay automatic car wash* means a commercial car wash where the driver pulls into the bay and parks the car. The vehicle remains stationary while a machine moves back and forth over the vehicle to clean it, instead of the vehicle moving through the tunnel.
- (2) *Conveyor car wash* means a commercial car wash where the car moves on a conveyor belt during the wash. The driver of the vehicle can remain in the vehicle or wait outside of the vehicle.
- (3) *Recycled water system* means a water system that captures and reuses water previously used in wash or rinse cycles.
- (4) *Self-service car wash* means a commercial car wash where the customers wash their cars themselves with spray wands and brushes.

(c) Commercial Car Wash Water Recycling Requirement

- (1) All new commercial conveyor car washes, permitted and constructed after January 1, 2011 must install operational recycled water systems. A minimum of 50% of water utilized will be recycled.

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.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

H. Engineering Services

1. West Avenue Water Line Replacement

Mr. Jones stated that The West Avenue Water Line Replacement Project was developed to replace aging and undersized water mains on West Avenue. The project begins near the intersection with Plymouth Drive where the previous phase of this area's water main replacement terminated and continues along West Avenue to tie-in to the water line on Etowah Drive.

Southland has prepared the estimate to resume and complete the initial design. The included scope of work covers design completion through bidding. Their estimated cost for those services is \$37,400.00. Mr. Jones recommended approval of this proposal.

A motion to approve the West Avenue water line replacement was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0.

I. Change Order

1. WTP Roof Change Order

Mr. Jones stated that on March 16, 2017 Council approved the low bid for roof replacement on the High Service Building and Operations Building. When the roof was removed from High Service Building it was discovered that the roof deck was not poured flat. The deck had a slight concave defect that caused the roof to act like a bowl. The original roof had been built up to compensate for the defect.

In order to correct the problem, Elite Roofing had to order a custom tapered thermal isolation board. This resulted in an additional expense of \$5,425.00 bringing the total cost of the project to \$36,041.00. This is \$13,860.34 below the next lowest bidder. Mr. Jones recommends approval of this change order.

A motion to approve the roof change order was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0.

J. Bid Award/Purchases

1. WPCP Door Replacement

Mr. Jones stated that most of the building entry doors in the Water Pollution Control Plant are damaged or dysfunctional. All doors with the exception of the laboratory and primary lift buildings are original construction dating back to the mid-1980s. The doors have defective locksets, hinges, rusted out door slabs, frames and hinges. Bids were solicited for repair and/or replacement of these doors from the following contractors: Robinson Door Security \$23,674.00, Graham Commercial Contracting \$28,615.00, and Overhead Door of Atlanta \$32,280.00. Mr. Jones recommended approval of the Robinson Door & Security bid in the amount of \$23,674.00.

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

2.Refuse and Recycling Cart Purchases

Tommy Sanders, Public Works Director, stated due to the increase in development and addition of new customers, Solid Waste needs to purchase additional Refuse and Recycling Carts. Both bidders from a previous awarded purchase have agreed to honor their prices, therefore we recommend purchasing 400 recycling carts from Otto for \$14,300.00 and 400 refuse carts from Toter for \$19,510.88. This is a budgeted item.

A motion to approve to refuse and recycling cart purchases was made by Council Member Stepp and seconded Council Member Hodge. Motion carried unanimously. Vote 5-0.

3.Dumpster Purchase

Tommy Sanders, Public Works Department Head stated that Solid Waste needs to restock the dumpster inventory by purchasing 18 - 8 cubic yard dumpsters. Mr. Sanders solicited bids and recommended the best bid from Baker Waste Equipment for \$15,768.00. Baker Waste Equipment dumpsters provide features that are not provided by the low bidder, Interior protective tar coating, blunderbuss sleeves and corner bracing at the door openings. This is a budgeted item.

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

4.Odorant

Gary Riggs, Gas Department Head came forward and stated Federal regulations require that we odorize our gas for safety purposes. GPM Equipment Sales, Inc. is the sole provider for mercaptan, odorant, in this area. Annually 240 gallons between the two stations. Mr. Riggs requested approval, not to exceed 700 gallons at \$24.50 per gallon, or \$17,780.

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

5. Infield Groomer

Greg Anderson, Parks and Recreation Department Head stated that quotes were solicited for an infield groomer to be used on the baseball and softball fields. These machines are used 5 to 6 days a week approximately 8-months of the year by park staff, Cartersville School System and Cartersville Little League coaches. Mr. Anderson requested quotes which included; scraping blade, digging/leveling tines, and rake/drag.

Staff had the opportunity to demo one of the ABI units at East Cobb Baseball. The machine exceeded their expectations. Mr. Anderson recommended the low quote of \$17,255.00 for the ABI S360. This is budgeted item.

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

Mayor Santini made the following announcements:

Civic Youth Day will be moved from the Spring to the Fall due to test scheduling.

Roselawn will be hosting May Market this weekend.

The Georgia Municipal Association will be in town next week. Mr. Santini wanted to publicly thank the Mayor of Dallas Boyd Austin for bringing a prestigious event to Cartersville.

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 at 8:15 p.m.

/s/ 
Matthew J. Santini
Mayor

ATTEST:

/s/ 
Samantha Dover
Deputy City Clerk

