

City Council Meeting
10 N. Public Square
November 17, 2016
6:00 P.M. – Work Session 7:00 P.M.

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; Connie Keeling, City Clerk and David Archer, City Attorney. Lindsey McDaniel Council Member Ward Four was absent

II. Regular Agenda

A. Council Meeting Minutes

1. November 3, 2016

A motion to approve the November 3, 2016 City Council Meeting Minutes as amended was made by Council Member Tate and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

B. Proclamations

1. Pancreatic Cancer Awareness

Mayor Santini stated that November is Pancreatic Cancer Awareness Month and Dianne Tate read the proclamation and she and the Mayor presented the proclamation to the friends and relatives of Linda Parmenter.

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

1. File Z16-05: Rezoning application by the City of Cartersville for property located on Old Mill Road from R-20 (Single Family Residential) to P-I (Public Institutional). Approximately 22.0 acres

Randy Mannino, Direct of Planning and Development, stated that this Zoning and Annexation request had no conflicts with the other City Departments and all adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino stated that the subject property is approximately 22 acres and is located in LL627 & 628, 4th

District, 3rd Section on Old Mill Rd across from the Hillendale community. This property has been owned by the City since 2011 and must be rezoned to P-I (Public– Institutional) to reflect the city’s ownership. As part of the rezoning application, the property is proposed to be the new location for the City of Cartersville Gas Department. In 2015, the current gas department property on Cook Street was impacted by a series of sinkholes that opened up. The property has been deemed uninhabitable and the city needs to locate the gas department facilities to a new location. In addition to the gas facilities, the city proposes a new green space with walking trails on the western half of the property. The property will also be used for local storm water management. Mr. Mannino stated that there have been no additions or corrections since the first reading and the Planning Commission had recommended approval.

Mayor Santini opened the floor for a public hearing. Jennifer Wiggins Matthews came forward with concerns regarding noise and buffers for the development. With no further comments the Mayor closed the public hearing.

A motion to approve Ordinance No. 23-16 was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 23-16

Petition No. Z-16-05

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 City of Cartersville. Property is located on Old Mill Road. Said property contains 22 acres located in the 4th District, 3rd Section, Land Lot 627 and Land Lot 628 as shown on the attached plat Exhibit “A”. Property is hereby rezoned from R-20 (Single Family Residential) to P-I (Public Institutional) with the following conditions. 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 3rd day of November 2016.

ADOPTED this 17th day of November 2016. Second Reading.

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

ATTEST:

/s/ **Connie Keeling**
Connie Keeling
City Clerk

2. File T16-02: Applicant – Thomas and Lindsay Menerey. Tex Amendment to the Zoning Ordinance, Section 9.4.2A, Downtown Business District (DBD) Permitted Uses.

Randy Mannino, Direct of Planning and Development, stated that this Zoning and Annexation request had no conflicts with the other City Departments and all adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino stated that the proposed applicant initiated text amendment is for the purpose of expanding residential use in the Downtown Business District (DBD). Presently apartments and/or condominiums are allowed above, behind, and below commercial uses in the district. Part of the intent is to allow residential uses while not eliminating the viable commercial opportunities in the area which help the district thrive. The applicant's proposal is to allow residential uses by right in the district without having to be above, behind, or below a commercial use, but only on streets that are not primary shopping or commercial corridors.

This proposal will allow residential living along Noble Street and Thompson Street. Neither street should detract from the viable commercial activity in the DBD. In the future staff will be looking at additional options to bring more residential opportunities into the downtown area. As seen in other thriving downtown areas, having close by and intermingled residential options contributes to the success and attraction of a downtown district. The proposal has been reviewed and endorsed by the Downtown Development Authority (DDA) and the DDA manager. Mr. Mannino stated that there have been no corrections or additions and the Planning Commission had recommended approval.

Mayor Santini opened the floor for a public hearing and with no comments Mayor Santini closed the public hearing.

A motion to approve Ordinance No. 24-16 was made by Council Member Wren and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 24-16

File T16-02

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 26. ZONING. ARTICLE IX COMMERCIAL DISTRICT REGULATIONS. SECTION

9.4 DBD DOWNTOWN BUSINESS DISTRICT, PARAGRAPH 9.4.2. USE REGULATIONS, SUBPARAGRAPH (A) PERMITTED USES, is hereby amended by adding the following use:

1.

Sec. 9.4. - DBD Downtown business district.

9.4.2. *Use regulations.* Within the DBD district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Apartments and condominiums (without having to be above, below, or behind commercial uses in the same building) along Noble Street and Thompson Street

2.

The remaining provisions of Section 9.4.2A are to remain as is and the additional uses herein are to be made part of the permitted uses in Section 9.4.2A, which is to be re-alphabetized.

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 this the 3rd day of November 2016.

ADOPTED this the 17th day of November 2016. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

3. File T16-03: Applicant City of Cartersville. Text amendment to Zoning Ordinance, Article XI. Public Institutional District, Section 11.1.2A Permitted Uses.

Randy Mannino, Direct of Planning and Development, stated that this Zoning and Annexation request had no conflicts with the other City Departments and all adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino stated that the proposed staff/City initiated text amendment is for the purpose of expanding the allowed uses in the Public Institutional (P-I) zoning district. Some typical institutional uses are not presently in the ordinance, and we are recommending the inclusion of Nursing Homes, Retirement Centers, Medical Offices/Clinics, Hospitals, and Hospice Facilities. Mr. Mannino stated that there have been no additions or corrections since the first reading and the Planning Commission had recommended approval.

Mayor Santini opened the floor for a public hearing and with no comments Mayor Santini closed the public hearing.

A motion to approve Ordinance No. 25-16 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

Ordinance
of the
City of Cartersville, Georgia
Ordinance No. 25-16
File T:16-03

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 26. ZONING. ARTICLE XI. – PUBLIC INSTITUTIONAL DISTRICT. SECTION 11.1. – P-I PUBLIC/INSTITUTIONAL DISTRICT, PARAGRAPH 11.1.2. USE REGULATIONS, SUBPARAGRAPH (A) PERMITTED USES, is hereby amended by adding the following uses:

1.

Sec. 11.1. - P-I Public/institutional district.

11.1.2. Use regulations. Within the P-I district, land and structures shall be used in accordance with the standards herein. Any use not specifically designated as allowed shall be prohibited.

A. Permitted uses. Structures and land may be used for only the following purposes:

- Hospice Facilities.
- Medical Offices, clinic.

- **Nursing Home.**
- **Retirement Center.**
- **Hospitals**

2.

The remaining provisions of Section 11.1.2A are to remain as is and the additional uses herein are to be made part of the permitted uses in Section 11.1.2A, which is to be re-alphabetized.

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 this the 3rd day of November 2016.

ADOPTED this the 17th day of November 2016. Second Reading.

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

ATTEST:

/s/ **Connie Keeling**
Connie Keeling
City Clerk

D. Second Reading of Ordinances

1. Ordinance Revision to Add School Zone to Church Street at Cartersville High School.

Tommy Sanders, Public Works Director stated that this proposed Ordinance Revision was requested by the Cartersville School System to add a school zone on Church Street in front of Cartersville High School. This will allow citations to be written for 1 MPH over the posted speed of 25 MPH during the posted school zone times at the start and end of each school day. Mr. Sanders stated that staff had conducted a speed study and found that of the 5194 vehicles that crossed our counter, only 672 were compliant with the posted speed (4522 were speeding) and 944 vehicles were going more than 10 MPH over the posted speed in a 24 HR period.

Mr. Sanders stated that there have been no additions or corrections since the first reading and recommend approval, this item will not affect the budget other than installing two sign

arrays indicating the school zone.

A motion to approve Ordinance No. 26-16 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE

2. Erosion and Sediment Control Ordinance Revision

Tommy Sanders, Public Works Director stated as per the Georgia Erosion and Sedimentation Act, Local Issuing Authorities must amend their ordinances within 12 months of any amendment of the Act. Since the act has been revised, the City of Cartersville must revise our erosion and sedimentation ordinance by December 31, 2016.

This ordinance reflects minor changes that involve additions of definitions and changes to technical terms that are found in the model ordinance that is issued by the Georgia Soil and Water Conservation Commission. Mr. Sanders stated that there have been no additions or corrections since the first reading and recommended approval of this ordinance replacement.

A motion to approve Ordinance No. 27-16 was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE

E. Public Hearing

1. Annual update to Capital Improvement Element and Short Term Work Program

Randy Mannino, Planning and Development Director stated that Cartersville adopted Impact Fees in 2006 which became effective starting in January of 2007. In accordance with the Development Impact Fee Regulations as outlined by the State, we are required to file an annual update to the Capital Improvements Element (CIE) of the Comprehensive Plan. The update gives the impact fee receipts and expenditures for fiscal year 2016 (July 1, 2015 through June 30, 2016). Since the city revised the impact fee schedule back in 2010 to \$0, there are no longer any receipts and expenditures. Mr. Mannino stated that the city is required to hold a public hearing regarding the update and forward it with a transmittal resolution to the Northwest Georgia Regional Commission (RC) and the Department of Community Affairs (DCA). After review from the RC and DCA, the document then needs to be adopted by the Council, and a copy sent to the RC (just like the Comp Plan process). Mr. Mannino recommended that Council approve this resolution to allow staff to forward the update to the RC and DCA for their review.

Mayor Santini opened the floor for a public hearing and with no comments Mayor Santini closed the public hearing.

A motion to approve the Transmittal Resolution No. 24-16 was made by Council

Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Resolution No. 24-16

Resolution No.

TRANSMITTAL RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA.

Capital Improvements Element

WHEREAS, The City of Cartersville adopted a Capital Improvements Element as an amendment to the *Cartersville Comprehensive Plan*; and

WHEREAS, The City of Cartersville has prepared an Annual Update to the adopted Capital Improvements Element; and

WHEREAS, the Capital Improvements Element Annual Update was prepared in accordance with the “Development Impact Fee Compliance Requirements” and the “Minimum Planning Standards and Procedures for Local Comprehensive Planning” adopted by the Board of Community Affairs pursuant to the Georgia Planning Act of 1989, and a duly advertised Public Hearing was held on November 17, 2016, at 7:00 P.M. in the City Council meeting room at Cartersville City Hall;

BE IT THEREFORE RESOLVED, that the City Council of the City of Cartersville does hereby submit the draft Capital Improvements Element Annual Update to the Northwest Georgia Regional Commission for Regional and State review, as per the requirements of the Development Impact Fee Compliance Requirements.

ADOPTED this the 17th day of November 2016.

Matthew J. Santini
Mayor, City of Cartersville, Georgia

ATTEST:

Connie Keeling
City Clerk

F. Other

1. Utility Protection Center Annual Dues for Locate Services within the City of Cartersville

Gary Riggs, Gas Superintendent stated that the city is required by state law to be a member of the UPC. Mr. Riggs stated that this is the annual membership dues invoice in the amount of \$9,537.86 and recommend council approval.

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

G. Contracts/Agreements

1. Consulting Services for Water Department

Tamara Brock, Assistant to the City Manager stated that this agreement will authorize Hawksley to explore various water billing structures throughout the US. The research conducted by Hawksley will show how systems throughout the country generate revenue to cover the additional expenses of increasingly stringent water quality requirements. As the City becomes subject to these additional requirements, the information will be used to understand all options for cost recovery that are available. Ms. Brock stated that legal staff has reviewed the agreement and made the necessary changes and recommended approval

A motion to approve Consulting Services Agreement was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

H. Bid Award/Purchases

1. Blue Cross Blue Shield Insurance Renewal for 2017

Dwight Hale, Human Resources Director stated that Shaw Hankins Insurance Brokers met with staff to review the health insurance renewal from Blue Cross & Blue Shield (BC/BS) for 2017. The good news is that BC/BS has offered a renewal at the same rates as the current year with no changes in plan design. Shaw Hankins also showed us proposals received from some other insurance carriers, but BC/BS is still our best option. Even better news is that you will recall that due to the fact we left Cigna at the end of 2016, we had to pay them \$637,315 for terminal (run-out) insurance premiums. This amount was added to the current 2016 BC/BS insurance premiums and paid for by the city and our employees. Due to the fact that we do not need to pay the \$637,315 again, this means for 2017 we can reduce the insurance premiums by this amount which equates to an 11.5% decrease in premiums to the city and our employees.

Mr. Hale stated that during the meeting, we asked Shaw Hankins to check with BC/BS to see what the increase would be to reduce the insurance deductibles from the current \$3,000 single/\$6,000 family to something lower and to look at increasing the emergency room co-pay which is currently at \$100. The premium option includes an additional savings if the voluntary vision plan is offered with BC/BS for 2017. Mr. Hale stated that due to the fact that employees are concerned with the high deductible which makes the cost to seek medical treatment unaffordable, it is recommended that deductibles be reduced to a lower amount and that the city stay with BC/BS for 2017.

A motion to approve renewal with Blue Cross Blue Shield was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

2. Telecommunications & Security Infrastructure for Dellinger Park Buildings

Greg Anderson, Parks and Recreation Superintendent stated as construction continues on the new buildings at Dellinger Park, material and equipment such as data infrastructure for computers, phones, etc., alarm security equipment, access control equipment, wireless access points, IP phones and indoor and outdoor cameras need to be purchased. These items will be installed at the new Administration, Tennis and Concession buildings as well as additional cameras around the park.

Mr. Anderson stated that the estimated cost for the above items is \$58,000 and is a budgeted item within the Parks & Recreation Bond Project Budget. Mr. Anderson asked for approval of an amount not to exceed \$60,000.

A motion to approve the purchases at an amount not to exceed \$60,000 was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

3. Annual Cogsdale Software Maintenance Invoice

Tom Rhinehart, Finance Director stated that this is the annual software maintenance invoice from Cogsdale. The invoice is \$68,808.98 and represents an increase of about 2.71% from last year's invoice. The increase, like last year, 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 that he was assured by Cogsdale that all of their clients have had an increase of the 2.7% along with Cogsdale's assurance that they are striving to constantly improve the level of support service they provide to their existing customers. Mr. Rhinehart stated that this is a budgeted item and recommended approval.

A motion to approve the annual Cogsdale Software Maintenance Invoice was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

I. Monthly Financial Statement

1. September 2016

Tom Rhinehart, Finance Department Head came forward and presented the September 2016 Monthly Financial Statement and with comparisons from September 2015 by fund along with supplemental financial information comparing the year to date revenues and expenses for each fund and a report of cash position through September 2016.

Mayor Santini stated that there was one item to be added to the agenda. A motion to add an item to the agenda was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0.

J. Added Item

1. Bartow Cartersville Land Bank

David Archer, City Attorney stated that recently council had approved and intergovernmental agreement for the Bartow Cartersville Land Bank. Mr. Archer stated that there were some blanks in the agreement and Bartow County has requested an additional paragraph be added stating that any action by the Land Bank that affects property in unincorporated Bartow County require at least one vote from the county and any action that affects property in the City require at least one vote from the City. Mr. Archer recommended approval for the previous agreement be canceled and the new agreement be adopted.

A motion to cancel the previous agreement and the new agreement be adopted was made by Council Member Wren and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0.

Mayor Santini wanted to convey his sympathies to the family of Assistant City Manager Dan Porta on the loss of his brother and to wish the citizens of Cartersville a Happy Thanksgiving. 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

ATTEST:

/s/ _____
Connie Keeling

City Clerk