

City Council Meeting
10 N. Public Square
November 3, 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 Tate

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; Lindsey McDaniel Council Member Ward Four; Dianne Tate, Council Member Ward Five; Taff Wren, Council Member Ward Six; Sam Grove, City Manager; Connie Keeling, City Clerk and Keith Lovell, Assistant City Attorney. Kari Hodge, Council Member Ward One and David Archer, City Attorney were absent.

II. Regular Agenda

A. Council Meeting Minutes

1. October 20, 2016

A motion to approve the October 20, 2016 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. Public Hearing – 2nd Reading of Zoning/Annexation Requests

1. File Z16-04: Rezoning application by Howren Family Properties LLP for properties located at 418, 420, and 422 Grassdale Road from O-C (Office Commercial) to G-C (General Commercial). Approximately 1.51 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 this is approximately 1.51 acres located at 418, 420, and 422 Grassdale Road. The three properties have previously been used as rental properties with single-family detached homes on site. The applicant is requesting rezoning from O-C (Office Commercial) to G-C (General Commercial). The properties are located in an area that is a transition zone between Heavy Industrial, Commercial, and Residential. A self-storage warehouse operation is, generally, a low impact site use that may be appropriate for the location. Mr. Mannino stated that if the rezoning is granted, the applicant would likely construct two brick buildings with tin roofs similar to the self-storage unit fronting the highway at 1310 Highway 411. Mr. Mannino

stated that there have been no corrections or additions since the first reading and the Planning Commission had recommended approval.

Mayor Santini opened the floor for a public hearing. Michelle Favero and Lavonna Underwood came forward with concerns about the rezoning. Mike Howren came forward to answer questions from the Mayor and Council. With no further comments Mayor Santini closed the public hearing.

A motion to approve Ordinance No. 22-16 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. 22-16
Petition No. Z16-04

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 Howren Family Properties, LLC. Property is located at 418, 420, and 422 Grassdale Road. Said property contains 1.51 acres located in the 4th District, 3rd Section, Land Lot(s) 17 as shown on the attached plat Exhibit "A". Property is hereby rezoned from O-C (Office-Commercial) to G-C (General-Commercial) 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 the 20th day of October 2016.

ADOPTED this 3rd day of November 2016. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

C. Public Hearing – 1st 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 greenspace with walking trails on the western half of the property. The property will also be used for local stormwater management. Mr. Mannino stated that the Planning Commission had recommended approval.

Mayor Santini opened the floor for a public hearing. Jennifer Wiggins Matthews came forward with concerns about the zoning. With no further comments the Mayor closed the public hearing.

NO ACTION REQUIRED

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 the Planning Commission had recommended approval.

Mayor Santini opened the floor for a public hearing. TJ Menerey came forward to speak in favor of the application. With no further comments Mayor Santini closed the public hearing.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

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 the Planning Commission had recommended approval.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

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. First 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.

GDOT requires all City Council member's signatures as well as the Mayor's signature. Mr. Sanders recommend approval, this item will not affect the budget other than installing two sign arrays indicating the school zone.

NO ACTION REQUIRED

(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 involves 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 recommended approval of this ordinance replacement.

NO ACTION REQUIRED

(Insert Ordinance)

E. Bid Award/Purchases

1. Telescopic Handler Purchase

Tommy Sanders, Public Works Director stated that he would like to purchase a GEHL RS6-34 Telescopic Handler from Franklin Tractor for \$81,853.51. Franklin Tractor was the only local vendor that could meet our specifications and Mr. Sanders recommended approval.

A motion to approve the purchase through lease pool was made by Council Member Wren and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. HP Design Jet Printer Scanner (This item was removed from the agenda)

3. Ingles Water Main

Bob Jones, Water and Sewer Superintendent stated that the Ingles located at 879 Joe Frank Harris Parkway (corner of JFH Pkwy and Felton Rd) is currently building a fuel center in their parking lot. As a part of that construction, Ingles is extending an 8-inch water main from Felton Road across their property in order to get sufficient fire service. The Water Department would like to construct an additional 400-feet from the fire hydrant in front of Sonic to the end of the Ingles line extension so that 1,000-feet of 1950's vintage 6-inch cast iron main (cyan line) can be abandoned. The old line is unlined cast iron pipe. This pipe is brittle and prone to breaks. Mr. Jones stated that because it is unlined, it is more sensitive to changes in water velocity which cause discolored water in the area. Additionally, the line is located under

pavement in the DOT right of way and would be difficult/expensive to work on. Mr. Jones stated that bids were solicited and recommended approval of the low bid from T. J. Lyle & Company bid in the amount of \$14,020.00.

A motion to approve the low bid from T. J. Lyle & Company was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

4. Smart Cover Sewer Monitoring System

Bob Jones, Water and Sewer Superintendent stated that the Smart Cover system is a proprietary satellite sewer monitoring system that allows 24/7 real-time monitoring of sewer flows from under a manhole lid. The system can be configured with set points that when triggered will send a message directly to service personnel greatly reducing the response time to a surcharge event. With additional equipment (sensors) the system can be used to survey sewer lines for inflow and infiltration. The system can monitor and record flow levels to track how a sewer system responds to a rain event. Sewers that show a direct response to rain events can be identified and further evaluated for repair. Mr. Jones state that he was requesting an initial purchase of three smart covers to be initially located in areas of concern to study sewer flow patterns. This information will aid in prioritizing sewer rehabilitation work and understanding the remaining capacity in existing lines. Mr. Jones stated that this is a sole source bid and recommended approval for this purchase from Templeton and Associates at a cost for three smart cover sewer lids of \$15,477.00.

A motion to approve the purchase from Templeton and Associates was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

5. UHC Retiree Medicare Supplement Renewal

Dan Porta, Assistant City Manager stated that staff has met with Shaw Hankins Insurance Brokers to discuss the annual insurance renewal for city retirees covered under the Medicare supplement insurance plan. Retirees have been covered under United Healthcare (UHC) Medicare Supplement Insurance for the past several years. The 2017 insurance renewal premium with UHC is proposed to increase by 7.2%. Shaw Hankins provided us with another option for our retirees, however, staff recommends to continue coverage with UHC.

A motion to approve the UHC Retiree Medicare Supplement Renewal was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

F. Contracts/Agreements

1. American Red Cross Emergency Public Sheltering Facility Use

Greg Anderson, Parks and Recreation Superintendent stated that this agreement with the American Red Cross allows the Cartersville Civic Center to be used by Red Cross during

disaster situations for “emergency public sheltering”. Mr. Anderson recommend approval of the agreement

A motion to approve American Red Cross Emergency Public Shelter at the Cartersville Civic Center was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

2. Tupelo Ecological Aspects, Inc.

Gary Riggs, Gas Superintendent stated that the city has two locations where gas pipe is exposed in the bottom of a creek bed. This contract is to determine if we need to get a permit from the Corps of Engineers in order to remediate the cover over our pipelines. Mr. Riggs recommended approval at a cost not to exceed \$2,500..

A motion to approve the agreement with Tupelo Ecological Aspects, Inc. at a cost not to exceed \$2,500 was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Mayor Santini stated that there were 4 items 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

G. Resolutions

1. Bond Resolution for East Main Street TAD

Keith Lovell, Assistant City Attorney stated that the East Main Street TAD was previously approved by the City Council to allow for the redevelopment of property along Main Street that once was a city landfill and now is the site of the new Kroger Marketplace and several other tenants. Due to this redevelopment taking a couple of years, the original approved numbers in the Bond Resolution has to be updated. The City Attorney, Financial Advisor Gabe Agan and city staff have been working with the developer to update the original approved documents and recommended approval.

A motion to approve the bond Resolution No. 23-16 for East Main Street TAD was made by Council Member Tate and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

Bond Resolution No. 23-16 is on file at the City Clerk’s Office

H. Added Items

1. Amendment to Raymond James agreement

Keith Lovell, Assistant City Attorney stated that this is an amendment to the agreement with Gabe Agan of Raymond James associated with the bond item. Due to changes in security

regulations this agreement is necessary for the city to make payment to Mr. Agan. Mr. Lovell recommended approval.

A motion to approve amendment to the agreement with Raymond James was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. Easement with MEAG

Keith Lovell, Assistant City Attorney stated that this is an easement with MEAG for the transmission line right of way to install a new substation at Aquafil. Mr. Lovell recommended approval.

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

3. Deed of Dedication

Keith Lovell, Assistant City Attorney stated that this is a deed of dedication for Pugmire Ford for additional right of way for the Gas Department. Mr. Lovell recommended approval.

A motion to approve the Deed of Dedication was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

4. Anti Litem Notice

Keith Lovell, Assistant City Attorney stated that in July 2016 Thomas Allen Jordan was driving a motorcycle near Zaxbys at Old Mill Road and Walnut Grove when he lost control of his motorcycle and died. The insurance company has denied the claim. Mr. Lovell recommended approval of the Anti Litem Notice to deny the claim against the City.

A motion to approve Resolution No. 22-16 was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

RESOLUTION NO. 22-16

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

WHEREAS, on or about September 27, 2016, the City of Cartersville received an Ante Litem Notice from Ryan A. Johnson, P.C. concerning Leah Jordan and the Estate of Thomas Allan Jordan's alleged claim against the City relating to injuries resulting from an incident which occurred on or about July 7, 2016.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council that the City of Cartersville denies the Ante Litem Notice claim submitted as

referenced above based on the information currently available to it, and directs the City Attorney's Office to inform Ryan A. Johnson, P.C. of said denial.

BE IT AND IT IS HEREBY RESOLVED this 3rd day of November, 2016.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

Mayor Santini wanted to send condolences on behalf of the City to the family of Battalion Chief Tim McClung with the passing of his mother. 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