

City Council Meeting  
10 N. Public Square  
October 6, 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 Wren

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: Kari Hodge, Council Member Ward One; 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. Jayce Stepp, Council Member Ward Two, and David Archer, City Attorney were absent.

## **II. Regular Agenda**

### **A. Council Meeting Minutes**

#### **1. September 15, 2016**

A motion to approve the September 15, 2016 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. Presentations**

#### **1. Georgia Municipal Association to Present Recognition of Service Award to State Representative Paul Battles**

Michael McPherson with the Georgia Municipal Association presented the Champion of Georgia Cities to State Representative Paul Battles in recognition of his service and dedication to the municipalities in Georgia. Mr. Battles thanked the GMA for the award and stated that he will continue to serve to the best of his ability. Mayor Santini also thanked him for his service.

### **C. Second Reading of Ordinances**

#### **1. Chapter 6 Article 10 & 11 Unfit Building and Structures and Blighted Property**

Randy Mannino, Planning and Development Director stated that this is a revision update for the unfit building ordinance that is already in place. Additionally, it adds a tax penalty and tax credit opportunity to help encourage compliance. Mr. Mannino stated that there have been

no additions or corrections since the first reading and recommended approval.

A motion to approve Ordinance No. 19-16 was made by Council Member Tonsmeire and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

**Ordinance**  
**of the**  
**City of Cartersville, Georgia**

**Ordinance No. 19-16**

**NOW BE IT AND IT IS HEREBY ORDAINED** by the Mayor and City Council of the City of Cartersville, that the Code of Ordinances, City of Cartersville, Georgia **CHAPTER 6. BUILDINGS AND BUILDING REGULATIONS** is hereby amended by deleting Article X. in its entirety and replacing it with a new Article X and Article XI as follows:

**1.**

**Article X. Unfit Building and Structures**

**Sec. 6-279. Short Title.**

This Article shall be known as the “City of Cartersville Unfit Building and Structures Ordinance.”

**Sec. 6-280. Definitions.**

As used in this article, the term:

(a) *Applicable codes* means any optional housing or abatement standard provided in O.C.G.A. title 8, chapter 2 as adopted by ordinance or operation of law, or other property-maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; any fire or life safety code as provided for in O.C.G.A. title 25, chapter 2; and any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. title 8, chapter 2 after October 1, 1991, provided that such building or minimum standard codes for real-property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

(b) *Closing* means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

(c) *Drug crime* means an act which is a violation of O.C.G.A. title 16, chapter 13, article 2, known as the "Georgia Controlled Substances Act".

(d) *Dwellings, buildings, or structures* means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. As used in this article, the term "dwellings, buildings, or structures" shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

(e) *Graffiti* means any inscriptions, words, figures, paintings, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by means of any aerosol paint container, broad-tipped marker, gum label, paint stick, graffiti stick, etching equipment, brush, or other device capable of scarring or leaving a visible mark on any surface without prior authorization from the owner or occupant of the property.

(f) *Governing authority* means the Mayor City Council of the City of Cartersville, Georgia.

(g) *Interested party* means:

(1) The "owner";

(2) Persons in possession of said property and premises;

(3) Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;

(4) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9; and

(5) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the municipality or records maintained in the county courthouse or by the clerk of court; provided, however, interested party shall not include the holder of the benefit or burden of any easement or right-of-way whose interest is properly recorded which interest shall remain unaffected.

(h) *Municipality* means the City of Cartersville, Georgia.

(i) *Owner* means the holder of the title in fee simple and every mortgagee of record.

(j) *Public authority* means any member of the governing authority, any director of a public housing authority, or any officer who is in charge of any department or branch of government (municipal, county or state) relating to health, fire, life safety, building regulations, or to other activities concerning dwellings, buildings, or structures, or use of private property within the city.

(k) *Public officer* means the Building Official, who is authorized to exercise the powers prescribed by this article, and any officer or employee of the city to whom he or the City Manager delegates such authority.

(l) *Repair* means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

(m) *Resident* means any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

#### **Sec. 6-281. Duty of owners of real property and structures thereon.**

It is the duty of the owner of every dwelling, building, structure, or private property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the city or such laws and ordinances which regulate and prohibit activities on private property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or use private property in violation of such codes, laws or ordinances.

#### **Sec. 6.282. Declaration of public nuisance.**

Every dwelling, building, or structure within the city which (i) is constructed or maintained in violation of applicable codes in force within the city; (ii) is unfit for human habitation or commercial, industrial, or business use or occupancy due to inadequate provisions for ventilation, light, air, sanitation, or open spaces; (iii) poses an imminent harm to life or other property due to fire, flood, hurricane, tornado, earthquake, storm or other natural catastrophe; (iv) is vacant and used in the commission of drug crimes; (v) is occupied and used repeatedly for the commission of illegal activities, including facilitating organized crime or criminal enterprises, after written notice to the owner of such activities conducted therein; (vi) is abandoned; or (vii) otherwise constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, is hereby declared a public nuisance. Every private property within the city on which is being regularly conducted any activity or land use in violation of applicable laws and ordinances, including the zoning ordinance of this city, is hereby declared to be a public nuisance. Property which may be deemed esthetically substandard or deteriorating shall not meet the definition of a public nuisance unless the overall condition or use of the property results in impaired health, safety, transmission of disease, infant mortality, or crime.

#### **Sec. 6-283. Powers of city Building Official or his designee.**

(a) In carrying out his duties pursuant to this article, the Building Official or his designee to whom his authority is assigned shall, in addition to those powers otherwise conferred upon or delegated to him by the Charter and other ordinances of the city, be empowered to:

(1) Investigate and inspect the condition of dwellings, buildings, structures, and private property within the city to determine those structures and property uses in violation of this article. Entries onto private property shall be made in a manner so as to cause the least possible inconvenience; provided, however, the public officer shall not enter into any occupied dwelling or structure without first having obtained the consent of the owner or a person in possession. In those cases where consent to entry is denied after reasonable request, the public officer may apply to the municipal court for an administrative search warrant upon showing probable cause that a violation exists.

(2) To retain experts including certified real estate appraisers, qualified building contractors, and qualified building inspectors, engineers, surveyors, accountants, and attorneys.

(3) To appoint and fix the duties of such officers and employees of the city as he deems necessary to carry out the purposes of this article; and

(4) To delegate any of his functions and powers under this article to such officers, employees and agents as he may designate.

(b) In addition to the procedures set forth in this article, the Building Official or his designee(s) may issue citations for violations of state minimum standard codes, optional building, fire, life safety and other codes adopted by ordinance, and conditions declared to constitute a public health or safety hazard or general nuisance, and to seek enforcement of such citations before the municipal court prior to issuing a complaint in rem as provided in this article. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by other summary proceedings.

#### **Sec. 6-284. Complaint in rem in municipal court; procedure; lien; appeal.**

(a) Whenever a request is filed with the public officer by a public authority or by at least five residents of the municipality charging that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may make an investigation or inspection of the specific dwelling, building, structure, or property and make a written report of his findings. Such officer shall be guided in his investigation by documenting conditions, which include but are not limited to:

- (1) Defects therein increasing the hazards of fire, accidents, or other calamities;
- (2) Lack of adequate ventilation, light, or sanitary facilities;
- (3) Dilapidation;
- (4) Disrepair by failure to conform to applicable codes and ordinances;
- (5) Structural defects which render the structure unsafe for human habitation or occupancy;
- (6) Uncleanliness; or

(7) The presence of graffiti which is visible from adjoining public or private property.

(b) If the public officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall file a complaint in rem in the municipal court of the city against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties in such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be held before the municipal court at a date and time certain and at a place within the county or municipality where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

(c) If, after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state, in writing, findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:

(1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation; and, if applicable, to secure by closing the structure so that it cannot be used in connection with the commission of drug crimes; or

(2) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

For purposes of this section, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building, or structure without consideration of the

value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered; and, provided further, that if the unsatisfactory condition is limited solely to the presence of graffiti, the dwelling, building or structure shall not be ordered demolished or closed, but its owner may be ordered to repair the same by cleaning or removal of the graffiti. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in O.C.G.A. title 43, chapter 39A, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

(d) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer shall cause such dwelling, building, or structure to be repaired, altered, or improved, or to be vacated and closed, or demolished within 270 days of the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to subsection (c) of this section or any equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action shall commence. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."

(e) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and governing authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.

(f) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.

(g) The lien provided for in subsection (e) shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court in Bartow County and shall relate back to the date of the filing of the lis pendens notice required under subsection (a). The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the clerk of superior court, the public officer shall, within 90 days of the completion of repairs, demolition or closure, forward a copy of the order and a final statement of costs to the county tax commissioner.

(h) It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem taxes, including specifically O.C.G.A. § 48-4-5; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply; provided, further, that redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80 and 48-4-81. The tax commissioner may initiate enforcement of liens imposed under this section at any time following receipt of the final determination of costs from the public officer. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.

(i) The tax commissioner shall remit the amount collected to the governing authority of the municipality whose ordinance is being enforced. The tax commissioner may retain an amount equal to the cost of administering collection of the lien. Any such amount collected and retained for administration shall be deposited in the general fund of the county to pay the cost of administering the lien.

(j) The governing authority may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the municipality agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

(k) Review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court under O.C.G.A. § 5-3-29.

**Sec. 6-285. Service of complaints or orders upon owners and parties in interest.**

(a) Summons and copies of the complaint shall be served in the following manner:

(1) In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, structure, or property within three business days of filing of the complaint and at least 14 days prior to the date of the hearing.

(2) At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint and summons by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are readily ascertainable. Copies of the complaint and summons shall also be mailed by first-class mail to the property address to the attention of the occupants, if any;

(3) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing; and

(4) A notice of lis pendens shall be filed in the office of the clerk of superior court in which the dwelling, building, structure, or property is located at the time of filing the complaint in municipal court.

(b) The public officer shall cause an affidavit of service to be filed of record in the municipal court prior to the hearing showing compliance with the service requirements of this section. Such affidavit shall constitute a prima facie showing of minimum procedural due process and shall constitute sufficient proof that service was perfected.

(c) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this section on every interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

#### **Sec. 6-286. Limitation of liability for code enforcement; no special duty created.**

It is the intent of this article to protect the public health, life safety and general welfare of properties and occupiers of buildings and structures within the city in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of the city. Approval of a permit and inspection of a property shall in no manner guarantee or warrant to the owner or occupants thereof that said property has been constructed, maintained, or operated in conformance with applicable codes, laws and regulations. The city reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the city, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any federal or state law, regulation, or ordinance requires compliance as a condition precedent to the issuance of a permit, plan or design approval, inspection or other activity by the city, its officers, employees and agents, issuance of such permit, approval, or inspection shall not be deemed to constitute a waiver or estoppel of the

condition precedent, and it shall remain the obligation and responsibility of the owner, his design professional(s), and contractor(s) to satisfy such legal requirements.

**Sec. 6-287. General cleanliness of premises.**

The owner and occupant of property within the city shall each be independently responsible for keeping the premises, including all buildings thereon and the full yard thereof, clean and free from all garbage, refuse, filth, dirt, ashes, trash, rubbish and other offensive materials.

**Sec. 6-288. Disorderly house.**

(a) Any person who keeps and maintains, either by himself or others, a common, ill-governed and disorderly house, to the encouragement of gaming, drinking, illicit drug activity, or other misbehavior, to the common disturbance of the neighborhood or orderly citizens, shall be guilty of an offense against the city; provided, however, before any person is charged under this subsection, written notice shall be given the owner of the property and the person in possession thereof by the chief of police stating the general, customary and common habits of the house, giving fair notice of this subsection and the conduct proscribed thereby.

(b) Any person who shall allow any boisterous, noisy, drunken or riotous persons to assemble or remain in their house, apartment or upon their property, after receiving oral notice from a police officer that boisterous, noisy, drunken or carousing activities have caused complaint and annoyance to the common disturbance of the neighborhood or orderly citizens, shall be guilty of an offense against the city; provided, however, no person shall be charged under this subsection unless the owner or person in possession of the premises has been afforded an opportunity to disburse the assembly or offending person from the premises. This subsection shall not preclude a police officer from arresting any individual for criminal trespass where such individual knowingly and without authority remains on private property after being notified by the owner or lawful occupant to depart.

**Sec. 6-289. Violations; enforcement penalties.**

Any person who willfully refuses to comply with the provisions of this article shall be cited to appear before the municipal court and, upon conviction, shall be fined not less than \$100.00 and up to \$1,000.00; each day of continued violation, after citation, shall constitute a separate offense. In addition to the foregoing fines, upon conviction, the Water Superintendent shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary, by-pass, or inter-connection has been discontinued.

**Sec. 6-290. - Prior ordinances relating to repair, closing, or demolition of unfit buildings or structures.**

Ordinances and Code sections of this Code relating to the subject matter of this article and in effect prior to \_\_\_\_\_, being the effective date of this article, shall continue in force and effect for actions commenced thereunder and have the same force and

effect after said date as this article. All new actions commenced on or after \_\_\_\_\_ shall be brought pursuant to this article.

**Sec. 6-291. - Burned structures.**

(a) In the event that a structure burns or has substantial fire damage, the building official or fire official may declare that the structure constitutes a public hazard if in its after condition, it is a fire hazard, pursuant to the City Building and/or Fire Codes, to the health, safety and welfare of the public and is considered to be an unsafe building pursuant to the provisions of this article.

(b) Upon service of the notice, either by a duly appointed police officer, process server or by certified mail, the property owner shall within ten (10) days of the notice submit a written plan of corrective action to the fire official and building official according to the specifications contained in the notice.

(c) The building official and fire official shall then make a determination if the plans, as submitted, comply with all local, state and federal codes, laws, regulations and ordinances. If they are not in compliance, the applicant shall then have five (5) days from receipt of comments and suggested revisions to resubmit the final corrected plans for rehabilitation. Once the plans, as submitted, are approved, the building official and the applicant shall agree on a rehabilitation schedule for said building. The city has five (5) days from receipt of the plans to approve, disapprove or return for corrections.

(d) If plans are not submitted or are not approved or have not been approved within thirty (30) days from receipt of the notice as provided for in this section, the city is authorized to begin condemnation proceedings under this chapter.

(e) Any denial of plans and/or variances may be appealed to the Board of Zoning Appeals within ten (10) days of the denial

**.Sec. 6-292 – 299. Reserved.**

**Article XI. Blighted Property**

**Sec. 6-300. Short Title.**

**This Article shall be known as the “City of Cartersville Blighted Property Ordinance.”**

**Sec. 6-301. Purpose.**

The existence of real property which is maintained in a blighted condition increases the burden of the state and local government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for such government services.

In furtherance of its objective to eradicate conditions of slum and blight within the city, this Mayor and City Council, in exercise of the powers granted to municipal corporations at Chapter 61, Urban Redevelopment, of Title 36 of the Official Code of Georgia Annotated, has designated those areas of the city where conditions of slum and blight are found or are likely to spread.

In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia.

**Sec. 6-302. Definitions.**

(a) 'Blighted property', 'blighted', or 'blight' means any urbanized or developed property which:

(1) Presents two or more of the following conditions:

(A) Uninhabitable, unsafe, or abandoned structure;

(B) Inadequate provisions for ventilation, light, air, or sanitation;

(C) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this division shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;

(D) A site identified by the federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental contamination to an extent that requires remedial investigation or a feasibility study;

(E) Repeated illegal activity on the individual property of which the property owner knew or should have known; or

(F) The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner; and

(2) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property.

Property shall not be deemed blighted solely because of esthetic conditions.

(b) 'Building inspector' means a certified inspector possessing the requisite qualifications to determine minimal code compliance.

(c) 'Community redevelopment' means any activity, project, or service necessary or incidental to achieving the redevelopment or revitalization of a redevelopment area or portion thereof designated for redevelopment through an urban redevelopment plan or thorough local ordinances relating to the repair, closing, and demolition of buildings and structures unfit for human habitation.

(d) 'Governing authority' means the Mayor and City Council of the City of Cartersville, a Georgia municipal corporation.

(e) 'Millage' or 'millage rate' means the levy, in mills, which is established by the governing authority for purposes of financing, in whole or in part, the levying jurisdiction's general fund expenses for the fiscal year.

(f) 'Person' means such individual(s), partnership, corporations, business entities and associations which return real property for ad valorem taxation or who are chargeable by law for the taxes on the property.

(g) 'Public officer' means the Building Official or such officer or employee of the city as designated by the city manager to perform the duties and responsibilities hereafter set forth in this article.

#### **Sec. 6-303. Ad Valorem Tax Increase on Blighted Property**

(a) There is hereby levied on all real property within the city which has been officially identified as maintained in a blighted condition an increased ad valorem tax by applying a factor of seven (7.0) to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate generally applied in the municipality, or otherwise provided by general law; provided, however, real property on which there is situated a dwelling house which is being occupied as the primary residence of one or more persons shall not be subject to official identification as maintained in a blighted condition and shall not be subject to increased taxation.

(b) Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted.

(c) Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be segregated by the city manager and used only for community redevelopment purposes, as identified in an approved urban redevelopment program, including defraying the cost of the city's program to close, repair, or demolish unfit building and structures.

#### **Sec. 6-304. Identification of Blighted Property.**

**(a) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:**

**(1) An inspection must be performed on the parcel of property. In order for an inspection to be performed,**

**(A) A request may be made by the public officer or by at least five residents of the city for inspection of a parcel of property, said inspection to be based on the criteria as delineated in ordinance, or**

**(B) The public officer may cause a survey of existing housing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five years, to locate or identify any parcels which may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this article for designation as being maintained in a blighted condition.**

**(2) A written inspection report of the findings for any parcel of property inspected pursuant to subsection (1) above shall be prepared and submitted to the public officer. Where feasible, photographs of the conditions found to exist on the property on the date of inspection shall be made and supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the city are in question, the inspection shall be conducted by a certified inspector possessing the requisite qualifications to determine minimal code compliance.**

**(3) Following completion of the inspection report, the public officer shall make a determination, in writing, that a property is maintained in a blighted condition, as defined by this article, and is subject to increased taxation.**

**(4) The public officer shall cause a written notice of his determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax digest of Bartow County as responsible for payment of ad valorem taxes assessed thereon; provided, however, where through the existence of reasonable diligence it becomes known to the public officer that real property has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 shall constitute sufficient notice to the property's owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.**

(b) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person of the public officer's determination the real property is being maintained in a blighted condition and shall advise such person of the hours and location at which the person may inspect and copy the public officer's determination and any supporting documentation. Persons notified that real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have 30 days from the receipt of notice in which to request a hearing before the city's municipal court. Written request for hearing shall be filed with the public officer and shall be date stamped upon receipt. Upon receipt of a request for hearing, the public officer shall notify the municipal court and the building inspector or person who performed the inspection and prepared the inspection report.

(c) Within 30 days of the receipt of a request for hearing, the municipal court clerk shall set a date, time and location for the hearing and shall give at least ten business days notice to the person(s) requesting the hearing, the public officer and the building inspector or person who performed the inspection and prepared the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the Daily Tribune News, or other designated legal organ in Bartow County, at least five days prior to the hearing. Hearings may be continued by the municipal court judge upon request of any party, for good cause.

(d) At the hearing, the public officer shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this article. The municipal court judge shall cause a record of the evidence submitted at the hearing to be maintained. Upon hearing from the public officer and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the judge of municipal court shall make a determination either affirming or reversing the determination of the public officer. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the court shall be deemed final. A copy of such determination shall also be served upon the Tax Commissioner of Bartow County, who shall include the increased tax on the next regular tax bill rendered on behalf of the city.

(e) Persons aggrieved by the determination of the court affirming the determination of the public officer may petition the Superior Court of Bartow County for a writ of certiorari within 30 days of issuance of the court's written determination.

#### **Sec. 6-305. Remediation or Redevelopment.**

(a) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property which has been officially designated pursuant to this article as property maintained in a blighted condition may petition the public officer to lift the designation, upon proof of compliance with the following:

(1) Completion of work required under a plan of remedial action or redevelopment approved by the city's planning and development director which

addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or

(2) Completion of work required under a court order entered in a proceeding brought pursuant to Article X, Unfit Buildings and Structures, of Chapter 6 of the Code of City of Cartersville, Georgia.

(b) Before action on a petition to lift the designation, the public officer shall cause the property to be thoroughly inspected by a building inspector who, by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be satisfactorily performed, the public officer shall issue a written determination that the real property is no longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the Tax Commissioner of Bartow County.

(c) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the director of the city's planning and development department, and contain the following:

(1) The plan shall be consistent with the city's comprehensive plan and all laws and ordinances governing the subject property, and shall conform to any urban redevelopment plan adopted for the area within which the property lies;

(2) The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal statewide codes; where structures are demolished, the plan shall include provisions for debris removal, stabilization and landscaping of the property;

(3) On parcels of five acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;

(4) The plan shall contain verifiable funding sources which will be used to complete its requirements and show the feasibility thereof;

(5) The plan shall contain a timetable for completion of required work; and

(6) Any outstanding ad valorem taxes (state, school, county and city, including the increased tax pursuant to this article) and governmental liens due and payable on the property must be satisfied in full.

**Sec. 6-306. Decrease of Tax Rate.**

(a) Real property which has had its designation as maintained in a blighted condition removed by the public officer, as provided in Section 6-305, Identification of Blighted Property, of this Article, shall be eligible for a decrease in the rate of city ad valorem taxation by applying a factor of 0.5 to the city millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law; such decreased rate of taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted. The decreased rate of taxation may be given in successive years, depending on the amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on the property to satisfy its remediation or redevelopment, with every \$25,000.00 or portion thereof equaling one year of tax reduction; provided, however, that no property shall be entitled to reduction in city ad valorem taxes for more than four successive years.

(b) In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with payment of ad valorem taxes on the property shall submit a notarized affidavit to the public officer, supported by receipts or other evidence of payment, of the amount expended.

**Sec. 6-307. Notice to Tax Commissioner.**

It shall be the duty of the public officer to notify the Tax Commissioner of Bartow County in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street address and tax map, block and parcel number, as assigned by the Bartow County Tax Assessor's Office. The public officer shall cooperate with the tax commissioner to assure accurate tax billing of those properties subject to increased or reduced ad valorem taxation under this article.

**Sec. 308 – Sec. 319. Reserved.**

3.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

4.

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

5.

**This ordinance shall become effective immediately upon its adoption by the City Council.**

6.

**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 15<sup>th</sup> day of September 2016.**

**ADOPTED this the 6<sup>th</sup> day of October 2016. Second Reading.**

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

**ATTEST:**

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

**2. Chapter 10 Article 13 Tourist Accommodations and Extended Stay Rentals**

Randy Mannino, Planning and Development Director stated that these revisions update the existing ordinance requirements, with the main change being reference and adoption of State regulations. The change would make it easier for enforcement and prosecution in Municipal Court of violations of State regulations. Mr. Mannino stated that there was one change needed to this ordinance in the title section 10-503 to eliminate the words “and security camera”. Mr. Mannino recommended approval.

A motion to approve Ordinance No. 20-16 with the change to eliminate the words “and security camera” was made by Council Member Tonsmeire and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

**Ordinance**

**of the**

**City of Cartersville, Georgia**

**Ordinance No. 20-16**

It is hereby ordained by the Mayor and City Council of Cartersville, Georgia that the Code of Ordinances, Chapter 10. LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS. ARTICLE XIII. HOTELS/MOTELS is hereby deleted in its entirety and substituted with the following Ordinance.

1.

**ARTICLE XIII – TOURIST ACCOMODATIONS AND EXTENDED STAY RENTALS**

**Sec. 10-500 – Definitions.**

(a) Tourist Accommodation is as defined in Georgia Department of Human Resources Rules, Chapter 290-5-18.01(a), which is hereby adopted by reference as if fully set out in, but by way of illustration only, includes certain defined tourist courts, tourist cottages, tourist homes, trailer parks, trailer courts, motels, motor hotels, hotels...and further includes camp grounds, recreational vehicle parks and bed and breakfast inns.” For purposes of this Ordinance the definition of Tourist Accommodations includes Extended Stay Rentals.

(b) Extended Stay Rentals is defined by in Georgia Administrative Code, Department of Revenue, Rule 560-13-2.01 2(a), which is adopted herein by reference and states: ‘Extended stay rental’ means providing for value to the public a hotel room for longer than 30 consecutive days to the same customer.’

**Sec. 10-501 – State Regulations Adopted.**

(a) The rules and regulations of the Georgia Department of Human Resources entitled and published as Rules of Department of Human Resources Chapter 290-5-18 – TOURIST ACCOMODATIONS are hereby adopted as written as of April 27, 1984 and as amended from time to time, which are incorporated by reference as if fully set out herein.

(b) ENFORCEMENT. Upon violations of this Ordinance being made known to the Bartow County Board of Health or its representatives/inspectors, or the City Code Enforcement Officers and/or Police Officers, there shall be caused a Citation to issue by said Code Enforcement Officers and/or Police Officers, requiring the violator to appear before the Judge of the Municipal Court, on a day and time certain, then and there to stand trial for violation of this Code Section, pursuant to O.C.G.A. § 36-32-10.2.

**Sec. 10-502 – Duties of Owners, Keepers or Proprietors.**

a) *Register Number of persons in rooms.* Every owner, keeper or proprietor of any Tourist Accommodation and/or Extended Stay Rentals shall keep registration forms on which all guests, roomers or lodgers shall inscribe their names upon their procuring lodging, a room or accommodations. Said owner, keeper or proprietor shall verify the credit card signature of each guest, roomer or lodger making payment by way of credit

card, with the signature inscribed upon the hotel registration form. If the signature as inscribed on the form does not appear to reasonably match the signature on the credit card, further identification shall be requested of the type requested of persons paying in cash. Said owner, keeper or proprietor shall require identification of any guest, roomer or lodger paying in cash, at the time of registration, and in a valid and current format showing the person's name and date of birth, and may be, but is not limited to, a driver's license, state issued picture identification card, or such other form as will reasonably assure that the registrant is, in fact, the person under whose name such lodging, room or accommodation is, in fact, being procured, and shall maintain a photocopy of such identification. For any guest, roomer or lodger taking occupancy through a prearranged reservation in the name of a corporation, business, association or any other entity, the owner, keeper or proprietor shall request such identification of the specific guest, roomer or lodger at the time of registration as will reasonably assure such person to be the person for whom the lodging, room or accommodations have been procured.

(b) *Responsible front desk clerk.* Every owner, keeper or proprietor of any Tourist Accommodation and/or Extended Stay Rentals shall, at all times during which the premises accommodate guests, roomers or lodgers maintain on duty a responsible front desk clerk capable of assisting, communicating, and cooperating with the police or other law enforcement officials in maintaining the public health, welfare, and safety.

(c) *Access for law enforcement persons.* All information required to be procured and kept pursuant to subsection (a) of this section shall be provided to any federal, state, or local sworn law enforcement officer having the lawful power to arrest, upon demand of the officer and a representation by said officer that a reasonable suspicion exists that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirement shall be construed as giving any such officer any greater right or license to enter a room or invade privacy than the officer shall otherwise possess as a matter of common law, probable cause, constitutional law, statutory right, or warrant.

(d) *Telephone required.* Every owner, keeper, or proprietor of any Tourist Accommodation and/or Extended Stay Rentals shall keep and maintain in each and every rental unit, a telephone equipped to place a direct call to 911.

(e) *Misrepresentation.* No person shall procure or provide Tourist Accommodation and/or Extended Stay Rentals, or any services therefrom, through misrepresentation or production of false identification, or identification which misrepresents the identity of the person procuring or sharing in such lodging or service.

(f) *Number of renters.* No owner, keeper or proprietor of any Tourist Accommodation and/or Extended Stay Rentals shall rent or provide a room for any number of persons greater than the sleeping accommodations provided within the particular rental unit or temporary sleeping accommodations provided by the Tourist Accommodations and/or Extended Stay Rentals.

**(g) *Number of persons congregating in a room.*** No owner, keeper, or proprietor, guest or resident of any Tourist Accommodation and/or Extended Stay Rentals shall allow to congregate within any room or single rental unit a number of persons which is greater than three (3) times the number of persons for whom sleeping accommodations are provided within the single room or rental unit.

#### **Sec. 10-503 - Illumination.**

The open parking area and all areas surrounding any building or proposed building being a Tourist Accommodation and/or Extended Stay Rentals shall have an average maintained foot-candle intensity of at least one (1) foot-candle with a minimum allowable intensity of three-tenths of a foot-candle. The covered parking area of any building or proposed building being Tourist Accommodation shall have an average maintained foot-candle intensity of five-tenths of a foot-candle.

#### **Sec. 10-504 – Inspections.**

**(a)** All Tourist Accommodations and/or Extended Stay Rentals shall be subject to random inspections at reasonable hours and as often as deemed necessary by City Code Enforcement Officers and/or City Police Officers to ensure adequate compliance with the provisions of this Ordinance.

**(b)** The owner, keeper or proprietor of a Tourist Accommodation and/or Extended Stay Rental is responsible for providing a person or persons at the time of the inspection who are authorized and able to provide access to all rooms, facilities, premises and records of the Tourist Accommodation and/or Extended Stay Rental, and who can demonstrate that there is sufficient daily oversight of employees and routine monitoring of operations to ensure compliance with the provisions of this Ordinance.

**(c)** An owner, keeper or proprietor shall be presumed unwilling or unable to comply if he/she refuses to allow the City Code Enforcement Officers, Fire Marshal's Division, and/or Police Officers to enter the premises of the Tourist Accommodation and/or Extended Stay Rental at any reasonable time and in a reasonable manner; and, such refusal shall be a violation of this Ordinance.

#### **Sec. 10-505 – Penalty and Other Remedies.**

**(a)** Any person violating the terms of this Ordinance, may be punished by fine, not to exceed \$1,000.00; or imprisonment, not to exceed 6 months; or both. Separate offenses shall be deemed to be committed on each day during on or which a violation occurs or continues.

**(b)** In addition to all other provisions of this Ordinance, any violation of this Ordinance is hereby deemed to be a continuing nuisance and may be abated by an application for injunction, mandamus, or other appropriate relief in the county superior court or other court of competent jurisdiction. Further, the City may bring suit in a court

of competent jurisdiction to seek an injunction or other appropriate relief, to halt any violation of this Ordinance. Such action may include seeking a temporary restraining order or temporary injunction and other appropriate temporary relief. Nothing in this Ordinance shall be deemed to restrict a suit for damages on behalf of the city or on behalf of any other person or entity.”

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 this the 15<sup>th</sup> day of September 2016.**

**ADOPTED this the 6<sup>th</sup> day of October 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. Amendment to Budget Ordinance for Fiscal Year 2015-16**

Tom Rhinehart, Finance Director stated that after completion of the Fiscal Year 2015-16 close, the General Fund, Special Revenue funds and the SPLOST fund budgets need to be amended. The process of amending these budgets is done annually before the year-end close and will bring the city into compliance with Generally Accepted Accounting Principles. These adjusts reflect the necessary changes needed to bring the budgets back into balance and Mr. Rhinehart recommended approval.

**Ordinance**

**of the**

**City of Cartersville, Georgia**

**Ordinance No.**

NOW BE IT HEREBY ORDAINED by the Mayor and City Council that pursuant to the City of Cartersville Charter; the City of Cartersville Fiscal Year 2015 - 2016 budget.

2015 - 2016 Budget Summary

| <u>General Fund</u>             | <u>Revenues</u> | <u>Expenditures</u> |
|---------------------------------|-----------------|---------------------|
| Revenues                        | \$49,295,470    |                     |
| Expenditures:                   |                 |                     |
| Legislative                     |                 | \$27,371,305        |
| Administration                  |                 | \$ 1,049,440        |
| Finance Dept.                   |                 | \$ 1,178,240        |
| Customer Service Dept.          |                 | \$ 746,340          |
| Police                          |                 | \$ 5,122,265        |
| Fire                            |                 | \$ 7,266,790        |
| Municipal Court                 |                 | \$ 232,420          |
| Public Works                    |                 | \$ 2,407,325        |
| Recreation                      |                 | \$ 2,899,195        |
| Planning & Development          |                 | \$ 866,300          |
| Downtown Development Authority  |                 | \$ 155,850          |
| <u>Special Revenue Funds</u>    |                 |                     |
| GO Park Bonds Series 2014       | \$ 1,827,705    | \$ 1,827,705        |
| SPLOST – 2003                   | \$ 105,170      | \$ 105,170          |
| SPLOST – 2014                   | \$ 2,655,040    | \$ 2,655,040        |
| DEA                             | \$ 232,165      | \$ 232,165          |
| State Forfeiture                | \$ 3,000        | \$ 3,000            |
| Hotel/Motel Tax                 | \$ 557,530      | \$ 557,530          |
| Motor Vehicle Rental Tax        | \$ 65,815       | \$ 65,815           |
| Grant Funds                     | \$ 394,635      | \$ 394,635          |
| Cartersville Building Authority | \$ 2,099,370    | \$ 2,099,370        |
| Supplemental Disaster Rec       | \$ 25,480       | \$ 25,480           |
| Business Improve Dist Tax       | \$ 36,215       | \$ 36,215           |
| Development Fees                | \$ 17,045       | \$ 17,045           |
| <u>Enterprise Funds</u>         |                 |                     |
| Fiber Optics                    | \$ 1,875,465    | \$ 1,875,465        |
| Electric                        | \$49,860,820    | \$49,860,820        |
| Gas                             | \$23,159,760    | \$23,159,760        |
| Solid Waste                     | \$ 2,388,600    | \$ 2,388,600        |
| Stormwater                      | \$ 1,389,000    | \$ 1,389,000        |
| Water & Sewer                   | \$15,575,145    | \$11,219,875        |
| Water Pollution Control Plant   |                 | \$ 2,321,935        |
| Water Treatment Plant           |                 | \$ 2,033,335        |
| <u>Internal Service Fund</u>    |                 |                     |
| Garage                          | \$ 1,632,905    | \$ 1,632,905        |

**BE IT AND IT IS HEREBY ORDAINED.**

**ADOPTED, this 6<sup>th</sup> day of October 2016. First Reading.**

**ADOPTED this \_\_\_\_ day of October 2016. Second Reading.**

**/s/ Matthew J. Santini**

**Matthew J. Santini**

**Mayor**

**ATTEST:**

**/s/ Connie Keeling**

**Connie Keeling**

**City Clerk**

**NO ACTION REQUIRED**

**E. Resolutions**

**1. Commencement Date for TAD – East Main Redevelopment Plan**

Keith Lovell, Assistant City Attorney stated that this Resolution is related to the capture of the property tax increment on the Kroger Development. It is needed to support the bonds that were utilized by the developer to remove the landfills on the property. Mr. Lovell stated that Bartow County had already approved this and the City School Board was voting also. Mr. Lovell recommended approval.

A motion to approve Resolution No. 20-16 was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

**Resolution No. 20-16**

**SUPPLEMENTAL RESOLUTION**

**WHEREAS, the City of Cartersville, Georgia (the “City”), by a resolution adopted on October 9, 2014 (the “City Resolution”), determined that a portion of the City (the “East Main Street Tad #1 Urban Redevelopment Area”) be established as a “redevelopment area” pursuant to O.C.G.A. § 36-44-1, et seq. (the “Redevelopment Powers Law”); and**

**WHEREAS, pursuant to the City Resolution, a redevelopment plan (attached as an exhibit to the City Resolution) (the “Redevelopment Plan”) was adopted and approved for the East Main Street TAD #1 Urban Redevelopment Area ( the “East Main Street TAD”); and**

**WHEREAS, pursuant to the City Resolution, the City designated itself as redevelopment agency for purposes of implementing the Redevelopment Plan for the East Main Street TAD #1 Urban Redevelopment Area; and**

**WHEREAS, the City Resolution, as supplemented on June 18, 2015, provided that the East Main Street TAD was created pursuant to the City's redevelopment powers contained in the Redevelopment Powers Law, and became effective on December 31, 2015; and**

**WHEREAS, the Redevelopment Powers Law provides that school district ad valorem property taxes may be included in the computation of the tax allocation increments of the East Main Street TAD #1 if the local legislative body of the school district consents to such inclusion by resolution duly adopted; and**

**WHEREAS, the City of Cartersville School Board adopted its resolution on October 9, 2014, as supplemented on June 18, 2015 (collectively, the "School Resolution"), which authorized among other things, the approval of the Redevelopment Plan, the execution and delivery of an Intergovernmental Agreement with the City, relating to the East Main Street TAD, and the inclusion of City of Cartersville School District's (the "School District") tax allocation increment in the East Main Street TAD, so long as Covered Bonds (as defined in the County Resolution) were issued prior to December 31, 2015; and**

**NOW, THEREFORE, BE IT RESOLVED by the City of Cartersville School Board, and it is hereby resolved by the authority of the same as follows:**

**Section 1.     Covered Bonds.     The School Resolution is hereby supplemented to provide that the School District's consent contained in the School Resolution to the inclusion of the School District's tax allocation increments in the East Main Street TAD shall remain in effect so long as Covered Bonds are issued prior to June 30, 2017.**

**Section 2.     Reaffirmation of School Resolution. All of the terms and provisions of the School Resolution, except as specifically modified by this Supplemental Resolution, are hereby ratified and reaffirmed.**

**Section 3.     Repealing Clause. All resolutions and parts of resolutions in conflict with this Supplemental Resolution are hereby rescinded to the extent to such conflict.**

**PASSED AND ADOPTED by the City of Cartersville School Board, this \_\_\_\_ day of October, 2016**

**.**

**CITY OF CARTERSVILLE SCHOOL BOARD**

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**Chairman, Linda Benton**

**ATTEST:**

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**Secretary**

**Approved by the Mayor and City Council of the City of Cartersville on the 6<sup>th</sup> day of October, 2016.**

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

**ATTEST:**

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

**F. Other**

**1. American Public Gas Association Dues**

Michael Hill, Assistant Gas Department Superintendent stated that this is the annual membership dues for the American Public Gas Association in the amount of \$7,794.40 and recommended approval.

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

**2. Burn Building Inspections/Engineer**

Tim McClung, Fire Department Battalion Chief stated that this is a NFPA required inspection of the training center burn building. The total inspection price is \$11,100. This is a joint project with Bartow County and the portion billed directly to the city will be \$5,550. Chief McClung stated that this is the first time the building has been inspected since its construction in 2009 and recommended approval.

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

**3. Lien Release for 56 Quail Run Participating in First Time Homebuyers Program**

Randy Mannino, Planning and Development Director stated that this is part of the “First Time Homebuyers Program”. The applicant has fulfilled their obligation of the five year ownership as set forth in the program and Mr. Mannino recommended approval to authorize this lien release.

A motion to approve the lien release for 56 Quail Run was made by Council Member Wren and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

#### **4. Time Change for the December 1, 2016 City Council Meeting**

Sam Grove, City Manager stated that the first City Council Meeting in December conflicts with the annual Christmas Parade and recommended changing the evening meeting for a morning meeting.

A motion to approve Resolution No. 21-16 regarding the time change for the December 1, 2016 City Council Meeting was made by Council Member Wren and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

#### **Resolution No. 21-19**

**WHEREAS, The Mayor and City Council has determined that it is in the best interest of the City of Cartersville and it’s inhabitants and their general health, safety and welfare to reschedule the below referenced meetings of the Mayor and City Council pursuant to the authority provided by the CODE OF ORDINANCES, CITY OF CARTERSVILLE, GEORGIA; and**

**THEREFORE, NOW BE IT RESOLVED, by the Mayor and City Council of the City of Cartersville that the meetings listed below of the Mayor and City Council are hereby rescheduled pursuant to Section 2-17 of the City of Cartersville Code of Ordinances:**

- **December 1, 2016 at 7 PM rescheduled to December 1, 2016 at 9 AM**

**NOW BE IT AND IT IS HEREBY RESOLVED.**

**ADOPTED this 6th day of October, 2016.**

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

**ATTEST:**

**/s/ Connie Keeling  
Connie Keeling**

## **City Clerk**

### **G. Contracts/Agreements**

#### **1. Intergovernmental Contract for the Bartow-Cartersville Land Bank**

Sam Grove, City Manager stated that this is an intergovernmental agreement between the city and county for redevelopment purposes. This agreement will establish a Land Bank, the purpose of which would be to acquire tax delinquent and other properties in order to foster the public purpose of returning property which is nonrevenue generating and nontax producing to an effective utilization status in order to provide housing, new industry and jobs for the citizens. Mr. Grove stated that a board of directors consisting of four (4) city appointees and three (3) county appointees would be established to carry out and effectuate the purposes and provisions of this contract and the land bank. Mr. Grove recommended approval.

A motion to approve the Intergovernmental Contract for the Bartow – Cartersville Land Bank was made by Council Member Hodge and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

#### **2. Electric Department – MV-90 License & Support Renewal**

Don Hassebrock, Electric Department Director stated that his department uses Itron MV-90 System for remote data collections and billing information for larger customers. This is the annual renewal for the software maintenance and support in the amount of \$7,615.50 and Mr. Hassebrock recommended approval.

A motion to approve the annual renewal for the MV-90 software was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

### **H. Bid Award/Purchases**

#### **1. Line Truck for Electric Department**

Don Hassebrock, Electric Department Director stated that he needs to replace a 1991 model Line truck. Bids were received from two vendors and Mr. Hassebrock recommended approval of the low bid from Altec Inc. in the amount of \$213,338.00.

A motion to approve the purchase from Altec Inc. was made by Council Member Tate and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

#### **2. Cable for Electric Department**

Don Hassebrock, Electric Department Director stated that he has three large cable projects coming up, Voestalpine, BeauFloor and Highway 20 Road widening for which he needs 1000MCM AL UD cable. Mr. Hassebrock recommended that council approve the low bid from

Irby for the total price of \$75,658.00.

A motion to approve the low bid from Irby was made by Council Member Hodge and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

### **3. Electric Department Switching Cubicle Purchase**

Don Hassebrock, Electric Department Director stated that he had received bids for tow (2) switching cubicles, one for Voestalpine and one for a spare unit. Mr. Hassebrock recommended approval of the low bid from Gresco for a total price of \$45,837.00.

A motion to approve the purchase from Gresco was made by Council Member Wren and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

### **4. Residential Garbage Cart Purchase**

Wade Wilson, City Engineer stated that he had solicited bids for 400 residential carts and recommended approval of the best qualified bid from Toter, LLC in the amount of \$19,270.48. Mr. Wilson stated that this bid was \$900 above the low bid; however this product has proven to have better performance and durability.

A motion to approve the purchase from Toter, LLC was made by Council Member Tate and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

### **5. Sweeper Truck Component Purchase**

Wade Wilson, City Engineer stated that staff needed to replace a sweeper head of one of the sweeper trucks. This head is custom for this brand sweeper and therefore is a sole source quote. Mr. Wilson stated that the head and associated parts are \$8,869.72 from Tractor and Equipment Company and recommended approval.

A motion to approve the purchase from Tractor and Equipment Company was made by Council Member Wren and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

### **6. One Beacon Insurance Company Deductible**

Dan Porta, Assistant City Manager stated that the city has three insurance claims that One Beacon Insurance has been processing and they have billed the city \$8,307.81 which is part of the city's deductible on the claims. Mr. Porta recommended approval of the payment to One Beacon Insurance.

A motion to approve the payment to One Beacon Insurance was made by Council Member Tonsmeire and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

## **7. 2016-2017 Water Department Annual Purchase Order Approval**

Bob Jones, Water and Sewer Superintendent stated that chemicals are purchased for the water treatment plant and wastewater treatment plant on a weekly, bi-weekly, monthly, semi-annual, or annual basis. Often orders in excess of \$5,000 are required. Fixed prices have been requested from each vendor for a 12 month period to eliminate the need for multiple recurring agenda items and expedite staffs ability to order chemicals on an as needed basis. Mr. Jones recommended approval of the following.

|                                  |                                 |
|----------------------------------|---------------------------------|
| Sodium hypochlorite \$0.75/gal   | Ortho-Poly Phosphate \$1.46/lb  |
| Chlorine gas \$0.197/lb          | Sodium Fluorosilicate \$0.46/lb |
| Polymer \$1.66/lb                | Hydrofluosilicic Acid \$0.22/lb |
| Sodium Bisulfite \$0.1137/lb     | Diesel Fuel Mkt.Price/gal       |
| Aluminum Sulfate \$0.1435/dry lb | Degreaser \$22.50/gal           |
| Lime Slurry \$0.0495/lb          |                                 |

A motion to approve the annual costs and related purchases was made by Council Member Hodge and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

## **8. Water Pollution Control Plant TMDL Analytical Testing**

Bob Jones, Water and Sewer Superintendent stated that one of the first steps in designing the TMDL upgrades is to run an extensive battery of analyses on the existing plant at various stages of treatment. This data will be used to access the efficiency of each unit process and to construct a model of the treatment plant. The model is then used to do iterative analysis of different treatment processes and to evaluate the most cost effective method of treatment. Bids were solicited from two laboratories for the pricing on the required analysis and only one bid was returned from Pro-Quality Laboratories in the amount of \$8,004.45. Mr. Jones stated that this is a local company and he has used this company in the past with good results. Mr. Jones recommended approval at a cost not to exceed \$10,000.00.

A motion to approve the bid from Pro-Quality Laboratories at a cost not to exceed \$10,000 was made by Council Member Tate and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

## **9. Center Road Pump Station**

Bob Jones, Water and Sewer Superintendent stated that council had previously approved the purchase of a new pump for the Center Road Pump Station. A request to Patterson Pump Company was made for labor and material to repair the original lead pump which was replaced by the new pump. They have quoted a price of \$5,469. Mr. Jones stated that this is a sole source

provider and recommended approval.

A motion to approve the bid from Patterson Pump Company was made by Council Member Wren and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

## **I. Engineering Services**

### **1. Cook Street Culvert and Sanitary Sewer Improvements – Engineering Services**

Bob Jones, Water and Sewer Superintendent stated that this is an agreement for engineering services to relocate the existing sanitary sewer crossing under the railroad tracks at Cook Street and to remove the existing culvert in the storm water drainage channel. Rindt-McDuff Associates has agreed to provide design, permitting and bidding services on the project for a fee not to exceed \$94,890. Mr. Jones stated that this is a joint project with Public Works and recommended approval.

A motion to approve the engineering services of Rindt-McDuff Associates was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

## **J. Change Order**

### **1. US 41/411 Engineering Services Change Order**

Bob Jones, Water and Sewer Superintendent stated that this item is directly related to the road changes at US 41/SR-3 and US 411/SR 61. In order to construct the new bridges at Pettit Creek temporary bridges will be built beside the existing structures. The depth of fill required to construct the temporary bridges is greater than originally shown in the GDOT plans from which the water main relocations were designed. In some areas as much as 35 feet of fill was placed over the water main. A protective concrete slab had to be engineered to protect the pipe from structural failure due to the excessive weight. This change order with Jacobs Engineering in the amount of \$18,000 is for additional engineering related to the design of the concrete cap. Mr. Jones recommend approval.

A motion to approve the change order with Jacobs Engineering was made by Council Member Wren and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Mayor Santini wished to express condolences to the Bill Trott family for the loss of Mr. Trot's son and to the family of Granny Marler. Granny Marler was a teacher in the Cartersville School System for many years and Mayor Santini stated that she would be greatly missed. After announcements a motion to adjourn the meeting was made by Council Member Hodge and needing no second. Motion carried unanimously. Vote 5-0

**Meeting Adjourned**

/s/ \_\_\_\_\_  
Matthew J. Santini  
Mayor

ATTEST:

/s/ \_\_\_\_\_  
Connie Keeling  
City Clerk