City Council Meeting
10 N. Public Square
February 4, 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 Boy Scout Troop 15

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

II. Regular Agenda

A. Council Meeting Minutes

1. January 21, 2016

A motion to approve the January 21, 2016 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

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

1. File Z15-04: Rezoning application by TPA Group (Jeff Watkins, representative) for property located at 118 Old Mill Road (approximately 63.5 acres) from R-20 (Single Family Residential) to H-I (Heavy Industrial).

Randy Mannino, Director 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 property is located at 118 Old Mill Road on the south side of the road near the intersection with South Erwin Street. There are no structures on this section of property proposed for rezoning. The adjacent 17 acres to the east of the subject request was annexed and zoned to H-I zoning in 2008. The applicant seeks to rezone a 63.5 acre portion of the property from R-20 to H-I with conditions for development of the highest and best use based on the application. Mr. Mannino stated that because the applicant has noted that they are seeking up to a million square feet, the request met the threshold for requiring it to proceed through the States Development of Regional Impact (DRI) review process. The Northwest Georgia Regional Commission (NWGRC) did return a favorable recommendation noting the proposed project is consistent with local and regional plans, and encouraged to review and implement comments and guidelines presented. Mr. Mannino stated that since this application had been heard the applicant had requested to downgrade from H-I (Heavy Industrial) to L-I (Light Industrial) and both parties had negotiated conditions for the development. There have been no additions or corrections since the last reading and Mr. Mannino stated that the Planning Commission had recommended approval. Mr. Lovell stated that the City had received a list of conditions that the parties had agreed on and the City had revised to meet city zoning requirements along with an email from the applicant stating that he had no objections to the conditions and asked that they be made public record. (These documents are on file at the City Clerk's Office)

Mayor Santini opened the floor for a public hearing. The following came forward to speak against the application: Brandon Bowen, Bill Gambill, Ted Boone, David Sinclair, Jeff Eslinger, Her Upton, Allison Bentley, and Janet Waldie. The following came forward to speak in favor of the application: John Lewis, Joe McGorey, and Billy Wright. With no further comments Mayor Santini closed the public hearing.

A motion to deny the application was made by was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried. Vote 3-3 with Tonsmeire, Tate and Stepp voting for the motion; Hodge, McDaniel, and Wren voting against the motion and the Mayor broke the tie by voting for the motion.

2. File AZ16-01: Annexation/Rezoning application by Paul Melvin King for property located at 115 Cherokee Circle (approximately 2.2 acres) from County A-1 (Agricultural) to Cartersville R-20 (Single Family Residential). (City Donut Hole Initiative)

Randy Mannino, Director 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 tract is approximately 2.2 acres with a single family home and is located at 115 Cherokee Circle south of the intersection with Indian Trail. This property is part of a larger donut hole of properties on Cherokee Circle and Indian Trail. The owner is selling the house on approximately 1 acre and retaining the remaining acre. Mr. Mannino stated that the Planning Commission recommended approval of both the annexation and zoning at R-20 (Single Family Residential)

Mayor Santini opened the floor for Public Hearings for the annexation and zoning and with no comments Mayor Santini closed the Public Hearings.

A motion to approve Ordinance No. 02-16 for the annexation was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

A motion to approve Ordinance No. 03-16 for the zoning was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 02-16

Petition No. AZ16-01

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 Paul King. Property is located 115 Cherokee Circle. Said property contains 2.2 acres located in the 4th District, 3rd Section, Land Lot(s) 701 & 740 as shown on the attached plat Exhibit "A". Annexation 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 21st day of January 2016.
ADOPTED this the 4th day of February 2016. Second Reading.

/s/ <u>Matthew J. Santini</u>
Matthew J. Santini
Mayor

ATTEST:

/s/ <u>Connie Keeling</u>
Connie Keeling
City Clerk

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 03-16

Petition No. AZ16-01

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 Paul King. Property is located 115 Cherokee Circle. Said property contains 2.2 acres located in the 4th District, 3rd Section, Land Lot(s) 701 & 740 as shown on the attached plat Exhibit "A". Property is hereby rezoned from A-1 (Bartow County Agricultural) to R-20 (Single Family Residential). 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 21st day of January 2016.
ADOPTED this the 4th day of February 2016. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

C. First Reading of Ordinances

1. Amendment to Utility Fees Ordinance

Tom Rhinehart, Finance Director stated that in June 2015 Council signed a contract with Invoice Cloud to process the city's payments. The City currently charges 2.5% per transaction for the convenience fee. When we go live with Invoice Cloud on February 8, 2016, they will be charging a flat fee of $3.95 per transaction for the convenience fee and the city needs to amend its fee structure to reflect this change. Mr. Rhinehart recommended approval of this ordinance change on an emergency reading in order to be consistent with Invoice Cloud.

A motion to approve Ordinance No. 04-16 on an emergency basis was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 04-16

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that the Code of Ordinances City of Cartersville, Georgia CHAPTER 24. UTILITIES, Sec. 24-21. Schedule of Charges, etc., (14) i. Additional charges is hereby amended by deleting said section in its entirety and replacing as follows:

Section 24-21. Schedule of Charges, etc.
"(14) Additional charges.

i. City customers who pay for utility bills and other city invoices with a credit or debit card will be charged a flat convenience fee of $3.95 per transaction.

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED this the 4th day of February 2016. Emergency Reading

/s/ <u>Matthew J. Santini</u>
Matthew J. Santini
Mayor

ATTEST:

/s/ <u>Connie Keeling</u>
Connie Keeling
City Clerk

D. Appointments

1. Approval of Board Appointments for Downtown Development Authority

Lillie Read, DDA Director stated that there are two vacant positions on the DDA Board and recommended approval of the appointments of Mary Ann Henry who will be finishing out the last two years on Joe Billue's term and Pam Wilson who will be replacing Bill Chandler for a four year term.

A motion to approve the appointments as presented was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

E. Resolutions

1. Time Change for Civic Youth Day March 17, 2016

Sam Grove, City Manager stated that this is an annual occurrence allowing the City Council to accommodate Civic Youth Day on March 17, 2016 by changing the meeting from 7:00 p.m. to 9:00 a.m.

A motion to approve Ordinance No. 04-16 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

Resolution No. 04-16

WHEREAS, The Mayor and City Council has determined that it is in the best interest of the City of Cartersville and its inhabitants and their general health, safety and welfare to reschedule the below referenced meeting 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 meeting of the Mayor and City Council scheduled on the 17th day of March, 2016 at 7 PM in pursuant to Section 2-17 of the City of Cartersville Code of Ordinances is hereby rescheduled to the 17th day of March, 2016 at 9 AM.

NOW BE IT AND IT IS HEREBY RESOLVED.

ADOPTED this February 4, 2016

/s/ <u>Matthew J. Santini</u>
Matthew J. Santini
Mayor

ATTEST:

/s/ <u>Connie Keeling</u>
Connie Keeling
City Clerk

2. Hotel Motel Tax Increase

Dan Porta, Assistant City Manager stated that the city is currently collecting hotel/motel tax at 6%. The proposed resolution will ask the State Legislature to allow Cartersville (and Bartow County) to increase this tax to 8%. Mr. Porta stated that currently the city collects approximately $83,000 annually for every 1% of tax. If this average holds true then it would mean approximately $249,000 additional annual tax collected. Mr. Porta stated that per State Law these funds must be spent for tourism product development and recommended approval of this resolution.

A motion to approve Resolution No. 03-16 was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

Resolution No. 03-16

STATE OF GEORGIA
CONTY OF BARTOW

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA. PURSUANT TO O.C.G.A. §48-13-51(B) TO SPECIFY A NEW EXCISE TAX (HOTEL/MOTEL TAX); TO IDENTIFY THE PROJECT FOR TOURISM DEVELOPMENT PURPOSES; TO SPECIFY THE ALLOCATION OF PROCEEDS, AND FOR OTHER PURPOSES

WHEREAS, pursuant to O.C.G.A. §48-13-51(a)(3), the City of Cartersville, Georgia (“City”) currently imposes an excise tax rate in the amount of Five percent (5%) on the value of rooms, lodgings and accommodations (Hotel/Motel Tax); and

WHEREAS, pursuant to a 2009 Act of the Georgia General Assembly, City of Cartersville, Georgia increased the tax by One percent (1%) for a total of Six percent (6%) with one half of the tax collected above the rate of Five percent (5%) through a contract with the Cartersville Bartow Visitors Bureau as provided by O.C.G.A. §48-13-51(b) for the purpose of promoting tourism and enhancing the experience of visitors within the City of Cartersville; and

WHEREAS, the additional one half of the tax collected above the rate of Five percent (5%) as provided by Subsection (b) for future and current projects that may include, but would not be limited to the purchase, lease, or construction, operating and maintenance of a conference and civic facility, parking related thereto all that would benefit the major tourism area of the City, for special events, promoting tourism, conventions and trade shows by the Cartersville Bartow Visitors Bureau and for promotional purposes related thereto; and

WHEREAS, City of Cartersville, Georgia desires to continue to expend the Six percent (6%) as herein provided and desires to increase the excise tax in the amount of Two percent (2%) for a total of Eight percent (8%) on the value of rooms, lodgings and accommodations (Hotel/Motel Tax) as provided by O.C.G.A. §48-13-51(b) and pursuant thereto one half of the tax collected above said Six percent (6%) rate shall be expended to the Cartersville Bartow Visitors Bureau for promoting tourism, conventions and trade

shows by said organization and the remaining one half shall be extended for tourism project development for future and current projects that may include but would not be limited to the purchase, lease or construction, operating and maintenance of a conference and civic facility, and parking related thereto that would benefit the major tourism area of the City for special events, promoting tourism and trade shows and promotional purposes related thereto; and

WHEREAS, this Resolution requests that the Bartow County Legislative Delegation to introduce the enactment of a local act by the General Assembly to allow this excise tax to fund tourism and capital projects that will enhance private investment, destination shopping and dining in the City of Cartersville.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED that the Mayor and City Council of the City of Cartersville, Georgia supports having the local option to increase the excise tax (Hotel/Motel Tax) from Six percent (6%) to Eight percent (8%) and does hereby request the Bartow County Legislative Delegation to introduce and support the enactment of a local Act to provide for such increase as provided by O.C.G.A. §48-13-51(b).

BE IT FURTHER RESOLVED that a copy hereof be provided to the Bartow County Legislative Delegation for Enactment during the 2016 Session of the Georgia General Assembly

SO RESOLVED this 4th day of February, 2016.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

F. Bid Award/Purchases

1. Geo Hydro Engineers Subsurface Exploration Agreement

Dan Porta, Assistant City Manager stated that the city has received a proposal from Geo Hydro Engineers for the subsurface exploration of the northwest corner of the Cook Street property (adjacent to the electric substation) for a potential spot to relocate the Fiber Department Building. The field exploration and report is as a cost of $4,160 and if this site has potential sinkhole issues then we would like to pursue looking at the southwest corner of this property with an exploration cost of $1,200. Mr. Porta stated that there are potential additional costs if they have to drill in excess of 120 feet and if they have to backfill some of the test holes; therefore he recommended approval of this agreement with an amount not to exceed $7,500.00.

A motion to approve the agreement with Geo Hydro Engineers at an amount not to exceed $7,500 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

2. Barracuda Email Archive Annual Support

Dan Porta, Assistant City Manager stated that this is the annual renewal for maintenance support for the Barracuda email archive that the City currently uses and recommended approval.

A motion to approve the annual support agreement was made by Council Member

Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

3. City View Software

Dan Porta, Assistant City Manager stated that the Planning and Development Department currently uses Cogsdale Utility Software for business license and permits; however the software is very limited and does not provide the Department with reports. Over the past few years city staff has been evaluating options for new software and have chosen CityView Software. This will integrate with the Cogsdale software but will allow us much more functionality and more tools to report and track permits, licenses, and code enforcement issues. The total cost of the CityView Software is $89,420 for the software plus estimated travel costs of $9,000 for a total of $98,420. The additional server memory will cost $3,601 for a total estimated cost of $102,021. Mr. Porta recommended approval.

A motion to approve the purchase of City View Software was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

G. Grant Application/Acceptance

1. GDOT Supplement LMIG Application for Off System Safety Project

Tommy Sanders, Public Works Superintendent stated that GDOT has recently called for applications for a Supplemental Local Maintenance Improvement Grant (LMIG) for purposes of an Off-System Safety Project. Mr. Sanders stated that he is seeking permission for the Mayor to sign the cover letter, grant application and any other associated documents. The grant is for thermoplastic striping and raised pavement markers for 52 City Streets for a total of $295,167. The 30% match requirement will be made with in-kind work consisting of crack filling roadway patching, and sidewalk repair valued at $88,550. Mr. Sanders recommended approval.

A motion to approve GDOT Supplement LMIG Application and the Mayor to sign any and all related documents was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

H. Engineering Services

1. ATCO Sewer Survey

Bob Jones, Water and Sewer Superintendent stated that the city has a complex sewer repair that needs to be made to the sewer main that serves Ohio Street in the ATCO Village. This fix will require an extensive survey with depth measurements taken on each existing manhole. Mr. Jones stated that he is planning to relocate a portion of the sewer main. The existing main ranges from 10 – 15 feet deep and is under multiple driveways, storage buildings, and very close to the foundation of several homes. Relocating the sewer will replace the most problematic section of the line and relocate it away from structures which prevent our ability to properly maintain the line. Additionally, this survey will provide needed data for a larger relocation project planned for the future in the area. Mr. Jones stated that a request for pricing was sent to Smith & Smith Land Surveyors and recommended approval at a price not to exceed $6,900.

A motion to approve ATCO Sewer Survey was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

2. North Erwin Street Water Main – Phase III Engineering

Bob Jones, Water and Sewer Superintendent stated that the North Erwin Street Water Main – Phase III project will complete a replacement program of some of the oldest water pipe in our system. The project will replace the final leg of the Erwin Street water main from Aubrey Street to Porter Street (2,250 feet). A request for proposal was sent to Sweitzer Engineering for the design and permitting services. The total proposal from Sweitzer is an amount not to exceed $34,500 and Mr. Jones recommended approval.

A motion to approve North Erwin Street Water Main – Phase III Engineering at an amount not to exceed $34,500 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

Mayor Santini stated that there was one item to be added to the agenda. A motion to add an item to the agenda was made by Council Member Stepp and seconded by Council Member Tonsmeire. Vote 6-0

I. Added Item

1. Center Road Pump

Bob Jones, Water and Sewer Superintendent stated that the Center Road Pump Station is a two pump system that fills the Center Road 3 million gallon storage tank. The lead pump is blowing water out of the seals and will need to be sent to the manufacturer for a complete teardown and rebuild. Mr. Jones recommended purchasing a third pump and keeping one for a spare – this would keep two pumps in place at all times. In the event a single pump was to fail the water department would have approximately 6 hours to get something pumping or run dry on the high pressure system. The pump is a sole source item due to the way the pump station is constructed and needs to be the exact same brand and model so that it will bolt up to the existing mounts without modification. Patterson Pump provided a quote on a duplicate unit in the amount of $9,850 and Mr. Jones recommended approval.

A motion to approve purchase the pump from Patterson Pump was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

J. Surplus Equipment

1. Surplus Equipment – Athletic Field Lighting Systems

Greg Anderson, Parks and Recreation Director recommended approval to surplus the athletic field lighting systems (fixtures, ballasts, electrical boxes, etc.) for Richard Bell Field and Dellinger Park Fields #4, #5, and #6.

A motion to approve the surplus of lighting systems was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

K. Other

1. Visioning Retreat Summary

Sam Grove, City Manager stated that presented a recap from the facilitator of the Council Visioning Retreat.

After announcements a motion to adjourn the meeting was made by Council Member Tonsmeire and needing no second. Motion carried unanimously. Vote 6-0

Meeting Adjourned

/s/ ___________________________
Matthew J. Santini
Mayor

ATTEST:

/s/ ______________________________
Connie Keeling
City Clerk