

City Council Meeting
10 N. Public Square
March 5, 2015
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member McDaniel

Pledge of Allegiance led by Council Member Tate

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; Lori Pruitt, 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. February 19, 2015

A motion to approve the February 19, 2015 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 T14-01: Text Amendment application by the City of Cartersville to revise various sections of the Sign Ordinance.

Randy Mannino, Planning and Development Director stated that this Text Amendment T14-01 is a proposal by City Staff for changes to the Sign Ordinance. Mr. Mannino stated that this is a housekeeping measure based on implementation since the 2012 ordinance revision Mr. Mannino stated that there have been no additions or corrections since the first reading and the Planning Commission has recommended approval.

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

A motion to approve Ordinance No. 01-15 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 01-15

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 20 SIGNS AND OUTDOOR ADVERTISING is hereby amended as follows:

1.

That Section 20-18 is hereby amended by deleting the definition of *Billboard* in its entirety and replacing it with the following:

Billboard. A freestanding sign with an area of more than 250 square feet and a height not to exceed 30 feet, except as stated herein. Such signs shall have no more than two faces.

2.

That Section 20-18 is hereby amended by deleting the definition of *Sign* in its entirety and replacing it with the following:

Sign. Any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building, or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public. All signs shall have no more than two faces.

3.

That Section 20-18 is hereby amended by deleting the definition of *Zoning district DBD* in its entirety and replacing it with the following:

Zoning district DBD. Designated area of the City of Cartersville as indicated on the Official Zoning Map of the City of Cartersville.

4.

That Section 20-23, Subsection A (1), is hereby amended by deleting it in its entirety and replacing it with the following:

1. Animated illumination or effects, electronic, and/or flashing signs are prohibited in the Downtown Business District (DBD) and on residential use properties. Such signs are allowed on a limited basis as further stated herein. Freestanding electronic signs are allowed on the list of roads identified in Section 20-25, and require a permit.

5.

That Section 20-24, Subsection B (4), is hereby amended by deleting it in its entirety and replacing it with the following:

4. *Flags or insignias, ground-based or roof-mounted.* Flags or insignias of a temporary nature shall have a maximum area of thirty (30) square feet. For each business on a lot, one (1) ground-based or one (1) roof-mounted flag or insignia shall be allowed. Ground-based flags (including but not limited to pennant and feather flags) shall be located within twenty-five (25) feet of the main business entrance and shall be a minimum of five (5) feet back of property line. The height of a ground-based flag shall not exceed fifteen (15) feet, and the height of a roof-mounted flag shall not exceed four (4) feet above the roof line of the building. Such flags or insignias shall be flown in compliance with the standards applicable under state and/or federal law.

6.

That Section 20-25, Subsection B, is hereby amended by deleting it in its entirety and replacing it with the following:

B. Electronic freestanding signs.

1. Electronic freestanding signs which are directly illuminated; exhibit animation; blink; change copy; display moving pictures or images; flash; contain Light Emitting Diode (LED); and/or contain Liquid Crystal Display (LCD) shall be prohibited for residential use properties and the Downtown Business District (DBD).
2. Electronic freestanding signs on nonresidential use properties shall be prohibited except when located adjacent to one of the following roads:

- a) Burnt Hickory Rd (beginning at, and including, the intersection with West Ave and running north)
 - b) Cassville Rd (beginning at, and including, the intersection with North Erwin St and running northwest)
 - c) Church St (beginning at, and including the intersection with North Tennessee St and running east)
 - d) Collins Dr
 - e) Douthit Ferry Rd (beginning at, and including, the intersection with West Ave and running south until, and including, intersection with Indian Mounds Rd)
 - f) Felton Rd (beginning at, and including, the intersection with Tennessee St and running east until, and including, the intersection with US 41)
 - g) Gentilly Blvd
 - h) Grassdale Rd (beginning at, and including, the intersection with US 41 and running north)
 - i) Henderson Dr
 - j) Old Mill Rd (beginning at, and including, the intersection with Henderson Dr and running west)
 - k) State Route 20
 - l) Tennessee St
 - m) US 41 and corresponding frontage roads
 - n) US 411 and corresponding frontage roads
 - o) West Ave (beginning at, and including, the intersection with Henderson Dr and running southwest)
3. Electronic freestanding signs, including Animated illumination or effects; Electronic sign; Electronic sign, stationary; and/or Flashing as defined herein, shall in no case exceed fifty percent (50%) of total sign face.
 4. No more than one (1) electronic freestanding sign may exist on a single lot.
 5. No electronic freestanding sign may be located within 100 feet of a single-family residential dwelling.
 6. Any permit for an electronic freestanding sign shall include a maximum number of displays per cycle for the structure. No more than six (6) displays per minute shall be allowed, and each display shall not change more frequently than once every ten (10) seconds.
 7. Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of moving text or images. In any event, such signs may not have movement, or the appearance of or illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.
 8. All such signs shall be programmed to automatically freeze in a single display in the event of a malfunction or computer / system error.
 9. The Planning and Development Department shall be provided with an on-call contact person and phone number for each permitted electronic freestanding sign. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise. In the event the contact person is unobtainable or unresponsive, the permit holder grants to the Planning and Development Department the authority to access and disable the sign in cases of emergency or when the sign poses a threat to public safety.

7.

That Section 20-26, Subsection A, is hereby amended by deleting it in its entirety and replacing it with the following:

- A. *Area.* Wall signs shall have an aggregate area not to exceed two (2) square feet for each linear foot of building face, not to exceed two hundred (200) square feet in area. Canopy and awning signage shall be deducted from allocated wall sign area.

8.

That Section 20-27, Subsection A (6), is hereby amended by deleting it in its entirety and replacing it with the following:

6. *Wall signs.*

- a) Wall signs shall have an aggregate area not to exceed two (2) square feet for each linear foot of building face, not to exceed two hundred (200) square feet in area. Canopy and awning signage shall be deducted from allocated wall sign area.
- b) No wall sign shall be closer than eighteen (18) inches to an adjacent property line and shall not be installed or extend over a party wall.
- c) Wall signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings and cornices.
- d) Wall signs shall be no greater than twenty-four (24) inches in height. (Excludes permanent window signage)
- e) Animated illumination or effects, electronic, blinking, flashing, rotating, and/or scrolling wall signs shall be prohibited.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 19th day of February 2015.

ADOPTED this the day of 5th March 2015. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. File T14-02: Text Amendment application by the City of Cartersville to revise the Nonconforming uses sections of the Zoning Ordinance.

Randy Mannino, Planning and Development Director stated that this Text Amendment T14-02 is a proposal by City Staff for changes to the Zoning Ordinance related to Non-conforming uses. Based upon proposals to expand uses in the few years, staff has noted that it may be appropriate to clarify Article 18 of the Zoning Ordinance related to non-conforming uses of structures and land. Mr. Mannino stated that there have been no additions or corrections since the first reading and the Planning Commission has recommended approval.

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

A motion to approve Ordinance No. 02-15 was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville Georgia

Ordinance No. 02-15

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville that City of Cartersville Code of Ordinances, Chapter 26. Zoning, Article XII-NONCONFORMANCES is revised as follows:

1.

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia that the City of Cartersville Code of Ordinances, CHAPTER 26 ZONING, ARTICLE XIII-NONCONFORMANCES Section 18-3 NONCONFORMING USE OF STRUCTURES is hereby amended by deleting said Section 18-3 in its entirety and replacing it with the following:

“Section 18.3 Nonconforming Use of Structures

Nonconforming uses consisting of structures and/or land or appurtenances used in conjunction with the primary purpose of the structure, at the time of the passage of this chapter, for purposes not permitted in the district in which they are located shall in addition to the other requirements of this chapter be governed by the following restrictions.

- A. An existing nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure may be changed to another nonconforming use that is similar in its operation and effect on surrounding properties or may be changed to a conforming use.
- B. An existing nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure shall not be changed to another nonconforming use that generates more automobile or truck traffic, creates more noise, vibration, smoke, dust or fumes, is a more intensive use of structures than the existing nonconforming use, and is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.
- C. A nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure shall not be extended or enlarged except into portions of the structure which at the time the use became nonconforming were already erected and arranged or designed for such nonconforming use. No structural alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area, or volume of space occupied by the use, except that the Mayor and Council may, after a public hearing and review of the proposed plan, grant a special use if it is determined that said use will not be detrimental to the neighboring properties and is not contrary to the intent of this chapter.
- D. When any nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure is discontinued for a period in excess of twelve (12) months, any future use of the structure shall be limited to those uses permitted in that district unless otherwise approved by the Mayor and Council. Vacancy and/or nonuse of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.”

2.

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia that the City of Cartersville Code of Ordinances, CHAPTER 26 ZONING, ARTICLE XIII-NONCONFORMANCES is hereby amended by creating a new Section 18-7 as follows:

“Section 18-7. Expansion of Existing Nonconforming Uses Requiring Special Use Permits

No nonconforming use, building, structure and/or land or appurtenances used in conjunction with the primary purpose of the structure, requiring a special use permit under the terms of this chapter, including any use, building or structure that was

authorized as of right prior to the adoption of this chapter but would require a special use permit upon the adoption of this chapter, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of a special use permit. Normal repair and maintenance of buildings and structures is authorized without the need for special use permits. No such use, building, or structure which has been discontinued for a continuous period of six (6) months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property.

3.

It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 19th day of February 2015.

ADOPTED this the 5th day of March 2015. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

C. Second Reading of Ordinances

1. Amendment to Alcohol Ordinance

Randy Mannino, Planning and Development Director stated that currently Cigar Shops are allowed to obtain a pouring license for beer and wine. This amendment will allow a pouring license for distilled spirits. A Cigar Shop is currently required to show at least seventy (70) percent of its gross annual sales be derived from the sale of full sized, hand rolled cigars and Mr. Mannino stated that this stipulation will not change. Mr. Mannino stated that there have been no additions or corrections since the first reading and the Alcohol control Board had reviewed this ordinance and recommended approval.

A motion to approve Ordinance No. 03-15 was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 03-15

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 4. ALCOHOLIC BEVERAGES. ARTICLE II. LICENSING REQUIREMENTS. DIVISION 2. APPLICATION AND ISSUANCE. Sec. 4-59 Pouring licenses limited to certain establishments paragraph (c) is hereby amended by deleting said paragraph in its entirety and replacing it as follows:

1.

(c) Retail cigar shops as specifically defined in this Code, may be issued an on-premises consumption license for sales of beer, malt beverages, and wine, and distilled spirits, without meeting the requirements that forty-five (45) percent of its gross annual sales be derived from the sale of prepared meals or food, provided that at least seventy (70) percent of its gross annual sales be derived from the sale of full-sized, hand-rolled cigars, and expressly excluding from the calculation of gross annual sales the sale of cigarettes, bongs, bubblers, glass pipes, water pipes, Turkish pipes, pipe screens, pipe filters, dug-outs, stash boxes, rolling papers, rolling devices, rolling trays, grinders, incense, pipe cleaners, and other smoking paraphernalia if all allowed to be sold pursuant to the ordinance. The director of planning and development or his designee shall review the gross income figures from each establishment which shall provide such information, at the end of the third quarter of each calendar year, and at any other time requested to do so by the director of planning and development or his designee, and determine if the annual sales meet the required ratio and make appropriate recommendations to the alcohol control board.

(1) In regards to seating, parking and occupancy requirements, those applicable to the cigar store shall supersede those listed in chapter 4.

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 19th day of February 2015.

ADOPTED this the 5th day of March 2015. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

D. First Reading of Ordinances

1. Flood Ordinance Revisions

Wade Wilson, City Engineer stated that the metropolitan North Georgia Water Planning District is requiring all counties and municipalities within the district to modify their current floodplain ordinances to the proposed district model floodplain management/flood damage prevention ordinance. The City's current floodplain ordinance was adopted in August 2006 to meet the then required ordinance. Mr. Wilson stated that most of the changes in this ordinance involve additions of definitions, changes in technical terms and some added provisions; however the most significant change is the reduction of the required lowest first floor elevation or flood-proofing elevation in non-residential construction. Mr. Wilson recommended approval.

NO ACTION REQUIRED

Ordinance on File at the City Clerk's Office

E. Appointments

1. DDA Board Appointment

Tara Currier, DDA Director stated that the Downtown Development Authority Board of Directors has recommended the appointment of Maureen Kirkland to the board. Ms. Currier

stated that this appointment will expire February 2019 and will replace Jill Mitchell whose term expired February 2015.

A motion to approve the appointment of Maureen Kirkland was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

F. Certification

1. Good Neighbor Homeless Shelter Grant Application

Sam Grove, City Manager stated that this is the annual approval/certification for the Good Neighbor Homeless Shelter to make application for grant funds from the Georgia Department of Community Affairs. By approving this document the city is saying that based on a review of the application and/or supporting documents that the shelter is within the jurisdiction of this local government and they are approved for funding by DCA. Mr. Grove recommended approval.

A motion to approve the Good Neighbor Homeless Shelter Grant Application was made by Council Member Stepp and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

G. Contract/Agreements

1. Workers Compensation TPA Agreement

Dan Porta, Assistant City Manager stated that since July 20, 2007, the city has been self-insured with a high deductible for workers compensation coverage and have used a third party administrator, USIS, Inc. to process any claims. This is the renewal for the July 1, 2015 through June 20, 2016 agreement in the amount of \$9,900.00. Mr. Porta stated that there has been no increase since last year and recommended approval subject to review and approval of the City Attorney.

A motion to approve the Workers Compensation TPA Agreement subject to review and approval of the City Attorney was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

H. Bid Award/Purchases

1. Allot Bandwidth Shaper Maintenance Renewal

Dan Porta, Assistant City Manager stated that the annual support agreement for our Allot AC-1440 Bandwidth Shaper is due for renewal in April. This device is used to create bandwidth levels for our FiberCom internet customers. Mr. Porta stated that the annual renewal price is \$5,875.72 and recommended approval.

A motion to approve the annual renewal for Allot Bandwidth Shaper Maintenance was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

2. Pole and Cargo Trailer Replacement

Don Hassebrock, Electric Department Director stated that he had solicited bids to replace a 1991 Pole and Cargo Trailer to haul poles, transformers, wire and various materials. Mr. Hassebrock recommended approval of the low bid from Altec Supply Company in the amount of \$19,925.00.

A motion to approve the purchase from Altec Supply Company was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

3. Transformer Purchase for Electric Department

Don Hassebrock, Electric Department Director stated that he had solicited bids for two transformers to provide service for buildings B & C at Voestalpine and recommended approval of the low bid from Stuart C. Irby which has the lowest Total Ownership Cost as well as the lowest total purchase price of \$36,956.00 for both units.

A motion to approve the transformer purchase from Stuart C. Irby was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

I. Surplus Equipment

1. Surplus Vehicles and Equipment

Tom Rhinehart, Finance Director presented a list of vehicles and equipment to be declared surplus. Most of the items will be sold on the GovDeals.com auction website but some will be sold as scrap. Mr. Rhinehart recommended approval of the surplus items.

A motion to approve the list of surplus items was made by Council Member Stepp and seconded by Council Member McDaniel. 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 Hodge and Seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

J. Added Item

1. Resolution to Authorize Mayors Signature for De-annexation

Keith Lovell, Assistant City Attorney stated that this resolution will authorize the Mayor to sign and application on behalf of the City of Cartersville for the de-annexation of Paga Mine Road and Old Alabama Road. Mr. Lovell stated that the city had received this request from Bartow County and the City of Emerson and recommended approval.

A motion to approve Resolution No. 05-15 to authorize the Mayor to sign the de-annexation application was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

Resolution No. 05-15

WHEREAS, Bartow County and the City of Emerson to promote economic development and growth in the region have requested that the City of Cartersville de-annex certain acres to allow for a proposed development tract to be under a single jurisdiction;

WHEREAS, the Mayor and City Council of the City of Cartersville deems it in the best interest of its citizens to promote economic development and growth;

WHEREAS, the property in question is 12.749 acres of land lying and being in land lots 911, 962, 963, 964, 965, 982 and 983 of the 4th District, 3rd Section, Bartow County, Georgia; and

WHEREAS, de-annexing said property shall not create any unincorporated islands or effect to provisions of services to citizens of the City of Cartersville.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Mayor and City Council that the Mayor is authorized to file an application for de-annexing to be presented by the City Attorney's Office for the consideration of the de-annexation of 12.749 acres of land lying and being in land lots 911, 962, 963, 964, 965, 982 and 983 of the 4th District, 3rd Section, Bartow County, Georgia more particularly shown on a survey attached hereto as Exhibit "A" and incorporated herein by reference.

BE IT AND IT IS HEREBY RESOLVED.
This the 5th day of March, 2015.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

Scott Carter, Fire Chief made the announcement that the City of Cartersville Fire Department had received an ISO rating of Class 1, the highest rating possible. Chief Carter wanted to thank the Mayor and Council for their support and all of the departments for their assistance in achieving this goal.

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

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk