

City Council Meeting
10 N. Public Square
October 17, 2013
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tate

Pledge of Allegiance led by Council Member Stepp

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: Kari Hodge, Council Member Ward One; Jayce Stepp, Council Member Ward Two; Louis Tonsmeire, Sr., Council Member Ward Three; Lindsey McDaniel Council Member Ward Four; Dianne Tate, Council Member Ward Five; Sam Grove, City Manager; Connie Keeling, City Clerk and David Archer, City Attorney. Lori Pruitt, Council Member Ward Six was absent.

II. Regular Agenda

A. Council Meeting Minutes

1. October 3, 2013

A motion to approve the October 3, 2013 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

B. Proclamations

1. Anheuser Busch 20th Anniversary

Mayor Santini read a proclamation recognizing the 20th anniversary of Anheuser Busch and the positive impact they have made to our community.

C. Presentations

1. Chamber of Commerce Report to Council

Chief Executive Officer, Joe Harris and Board Chairman Wayne Moore presented an update to the Mayor and City Council on the State of the Cartersville-Bartow County Chamber of Commerce.

D. Second Reading of Ordinances

1. Emergency Management Ordinance

Scott Carter, Fire Chief stated that this ordinance is to create an Emergency Management Section within the city codes. This ordinance has been recommended by GMA and works in conjunction with Bartow County Emergency Management Agency and Georgia Emergency Management Agency. Chief Carter stated that this ordinance does not replace, repeal, or conflict with any practices of Bartow County or the State of Georgia and allows the city to be more self-sufficient. This ordinance will enable the city to provide protection of public health, safety, and welfare of the citizens of Cartersville. Chief Carter stated that there have been no additions or corrections since the first reading and recommended approval.

A motion to approve Ordinance No. 22-13 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 22-13

WHEREAS, O.C.G.A. §§ 38-3-27 through 38-3-54 through 38-3-56 authorizes the City of Cartersville to provide emergency management within the City of Cartersville and

WHEREAS, the city governing authority believes that an ordinance should be adopted to protect for the health and safety of persons and property during an emergency or disaster resulting from manmade or natural causes.

WHEREAS, the Georgia Emergency Management Agency is the state agency assigned responsibility for the coordination of all organizations for emergency management activities within this state; and

WHEREAS, the Bartow County Emergency Management Agency is an established emergency management agency; and

WHEREAS, to insure an effective and coordinated response to disasters the City of Cartersville wishes to coordinate emergency management activities and response with the Georgia Emergency Management Agency and the Bartow County Emergency Management Agency.

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 by creating a new CHAPTER 8.5. EMERGENCY MANAGEMENT to read as follows:

1.

Chapter 8.5 Emergency Management

Sec. 8.5-1. Regulations continued in effect.

All ordinances, resolutions, motions and orders pertaining to civil defense, emergency Management and disaster relief, which are not in conflict with this chapter, are continued in full forces and effect. Such ordinances, etc., are on file in the office of the City Clerk.

Sec. 8.5-2. Emergency management and response powers.

(A) *Declaration of local emergency.*

1. *Grant of authority.* In the event of an actual or threatened occurrence of a disaster or emergency, which may result in the large-scale loss of life, injury, property damage or destruction or in the major disruption of routine community affairs, business or governmental operations in the city and which is of sufficient severity and magnitude to warrant extraordinary assistance by federal, state and local departments and agencies to supplement the efforts of available public and private resources, the Mayor may declare a local emergency for the City of Cartersville. The form of the declaration shall be similar to that provided in subsection (b) of this Code section.

2. *Request for state assistance.* Consistent with a declaration of local emergency, the Mayor may request the Governor to provide assistance, provided that the disaster or emergency is beyond the capacity of the city meet adequately and state assistance is necessary to supplement local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.

3. *Continuance.* The declaration of local emergency shall continue until the Mayor finds that emergency conditions no longer exist, at which time, the Mayor shall execute and file with the City Clerk a document marking the end of the state of emergency. No state of local emergency shall continue for longer than 30 days, unless renewed by the Mayor. The

city governing authority may, by resolution and in accordance with the city charter, end a state of local emergency at any time.

4. *Effect of declaration of local emergency.*

(a) *Activation of emergency operations plan.* A declaration of emergency by the Governor or a declaration of local emergency by the Mayor shall automatically activate the local emergency operations plan and shall be authority for the deployment of personnel and use of any forces to which the plan applies and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available pursuant to the Georgia Emergency Management Act or any other laws *applicable to emergencies or disasters*.

1. The Fire Chief and/or his/her designees shall have the legal authority to exercise the powers and discharge the duties conferred by law. Including the implementation of the local emergency operations plan, coordination of the emergency response of public and private agencies and organizations, coordination of recovery efforts with county, state and federal officials, and inspection of emergency or disaster sites.

2. In responding to the emergency and conducting necessary and appropriate survey of the damages caused by the emergency, the Fire Chief or his/her designee is authorized to enter at a reasonable time upon any property, public or private, for the purpose of evaluating sites involved with emergency management functions to protect the health, safety, and welfare of the public.

3. The Fire Chief is authorized to execute a right of entry and/or agreement to use property for these purposes on behalf of the city; however, any such document shall be later presented for ratification by the city governing authority.

4. No person shall refuse entry or access to any authorized representative or agent of the city who requests entry for purposes of evaluating sites involved with emergency management functions to protect the health, safety, or welfare of the public, and who presents appropriate credentials. Nor shall any person obstruct, hamper or interfere with any such representative while that individual is in the process of carrying out his or her official duties.

(b). *Emergency powers.* Following a declaration of emergency and during the continuance of such state of emergency, the Mayor is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control. In exercising this authority, the Mayor may cause to become effective any of the sections of this chapter as appropriate. If any of these sections is included in a declaration of local emergency, the same shall be filed in the office of the City Clerk and shall be in effect until the declaration of local emergency has been terminated.

(c). *Authority to waive procedures and fees.* Pursuant to a declaration of emergency, the city governing authority is authorized to cause to be effective any of the subsections of Sec.8.5-4 of this chapter as appropriate. The implementation of such subsections shall be filed in the office of the City Clerk.

(d). *Additional emergency powers.* The Fire Chief shall have and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:

1. To direct and compel the evacuation of all or part of the population from any stricken or threatened area, for the preservation of life or other disaster mitigation, response or recovery:

2. To prescribe routes, modes of transportation and destinations in connection with evacuation;

3. To make provision for the availability and use of temporary emergency housing, emergency shelters and/or emergency medical shelters.

4. To transfer the direction, personnel or functions of any city departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

5. To utilize all available resources of the city and subordinate agencies over which the city has budgetary control as reasonably necessary to cope with the emergency or disaster;

6. To utilize public property when necessary to cope with the emergency or disaster or when there is compelling necessity for the protection of lives, health and welfare; and/or the property of citizens;

7. To suspend any law, code provision or regulation prescribing the procedures for conduct of city business, or the orders, rules or regulations of any city agency, if strict compliance with any ordinance, resolution, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when practicable, specialists shall be assigned to avoid adverse effects resulting from such suspension;

8. To provide benefits to citizens upon execution of an intergovernmental agreement for grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by an emergency disaster in cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching state and federal funds are available for such purposes;

9. To perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety, including the individuals with household pets and service animals prior to, during, and following a major disaster or emergency.

(B) Form of declaration.

Upon the declaration of local emergency, an official “Declaration of Local Emergency,” in substantially the same form set forth below, shall be signed and filed in the office of the City Clerk and shall be communicated to the citizens of the affected area using the most effective and efficient means available. The declaration shall state the nature of the emergency or disaster, the conditions that require the declaration and any sections of this chapter which shall be in effect.

“DECLARATION OF LOCAL EMERGENCY”

WHEREAS, the City of Cartersville, Georgia has experienced an event of critical significance as a result of [DESCRIPTION OF EVENT] on [DATE]; and

WHEREAS, in the judgment of the Mayor of the City of Cartersville, there exists emergency circumstances located in [DESCRIBE GEOGRAPHIC LOCATION] requiring extraordinary and immediate corrective actions for the protection of the health, safety and welfare of the citizens of the City of Cartersville, including individuals with household pets and service animals; and

WHEREAS, to prevent or minimized injury to people and damage to property resulting from this event;

NOW, THEREFORE, pursuant to the authority vested in me by local and state law;

IT IS HEREBY DECLARED that local state of emergency exists and shall continue until the conditions requiring this declaration are abated.

WHEREFORE, IT IS ORDERED:

(1) That the applicable local emergency operations plan is hereby activated;

(2) That the following sections of the City of Cartersville Code be implemented; [If deemed appropriate, choose from the following: Section 8.5-5, Overcharging; Section 8.5-6, Registration of Building and Repair Services; Section 8.5-7, Closed or Restricted Areas and Curfews]; and

(3) That the following measures also be implemented; Section 8.5-2(A)(4) c, d or such other measures as appropriate.

ENTERED at [TIME] on [DATE].

[Signed]

Mayor, City of Cartersville.”

(C) *Contracts with local governments.*

In addition to the normal agreements embodied in the applicable local emergency operations plan for mutual emergency assistance, the city may contract with any municipality or county for the administration of a local emergency response program.

Sec. 8-5.3. Enforcement and remedies.

(a) *Law enforcement.* In accordance with O.C.G.A. §38-3-4, city police department shall be authorized to enforce the orders, rules and regulations contained in this chapter and/or implemented by the Fire Chief or local governing authority during a declared emergency.

(b) *Penalties.* Failure to comply with any of the requirements or provisions of the regulations contained in this chapter, or with any code section, order, rule or regulation made effective by the Fire Chief or local governing authority upon or after the declaration of an emergency shall constitute a violation of the provisions of this chapter. Any person who violates any provision in this chapter shall, upon conviction thereof, be punishable by a fine not exceeding \$1000.00, imprisonment for a term not exceeding six (6) months, or both such fine and imprisonment, for each violations. Each person assisting in the commission of a violation, shall be guilty of separate offenses. Each day during which a violation or failure to comply continues shall constitute a separate violation.

(c) *Injunctive relief.* In accordance with O.C.G.A § 38-3-5, in addition to the remedies described in this section, the Fire Chief is authorized to obtain an injunction to restrain violation of laws, code sections, orders, rules and regulations which are contained in the Georgia Emergency Management Act and/or this code, and/or which are implemented by the local governing authority during a declared emergency.

(d) *Enforcement.* Except as otherwise provided in this chapter, this ordinance may be enforced by the city police department.

Sec. 8-5.4. Authority to waive procedures and fee structures.

(a) *City Business.* Upon declaration of an emergency or disaster by the Governor or Mayor, the affairs and business of the city may be conducted at places other than the regular or usual location, within or outside of the city, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside the city, all actions taken by the city governing authority shall be as valid and binding as if performed within the city. Such meetings may be called by the presiding officer or any two members of the governing body without regard to or compliance with time-consuming procedures and formalities otherwise required by law.

(b) *Public Works Contracts.* Upon declaration of an emergency or disaster by the Governor or Mayor, the city may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that the emergency must be of such nature that immediate action is required and that the action is necessary for the protection

of the public health, safety and welfare. Any public works contract entered into pursuant to this subsection shall be entered on the minutes of the city as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. §36-91-22(e). Any E-Verify affidavit or other state required affidavit shall be obtained from any contractor if otherwise required by law.

(c) *Purchasing.* Upon declaration of an emergency or disaster by the Governor or Mayor, the purchasing ordinances, regulations or policies may be suspended. City officials shall continue to seek to obtain the best prices during the state of local emergency.

(d) *Code Enforcement.* Upon declaration of a state of emergency or disaster by the Governor or Mayor, the city governing authority may temporarily suspend the enforcement of the ordinances of the city, or any portion thereof, where the emergency is of such nature that immediate action outside the code is required, such suspension is consistent with the protection of the public health, safety and welfare, and such suspension is not inconsistent with any federal or state statutes or regulations.

(e) *Fees.* Upon declaration of a state of emergency or disaster by the Governor or Mayor, the city may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency. The term “fees” include fees or rates charged by the city for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits and other fees relating to the reconstruction, repair and clean-up of areas impacted by the disaster or emergency. The term “fees” does not include fees collected by the city on behalf of the state or federal government or fees charged by the city pursuant to a state or federal statute or regulation.

(f) *Temporary Dwellings.* Upon the declaration of a state of emergency or disaster by the Governor or Mayor, the city or its designees may issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district, even though not otherwise permitted by development code, while the primary dwelling is being repaired. The temporary permit shall not exceed six months in duration. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.

Sec. 8-5.5. Registration of building and repair services.

(a) In accordance with O.C.G.A. § 38-3-56, before building, constructing, repairing, renovating or making improvements to any real property, including dwellings, homes, buildings, structures or fixtures within an area in the city designated in a declared emergency or disaster, any person, firm, partnership, corporation or other entity must register with the city clerk and secure a building permit that is posted at the work site. Each day any such entity does business in the city without complying with this ordinance constitutes a separate offense.

(b) The cost of registration fees in a declared emergency or disaster is fixed at \$50.00 per annum. Registration is nontransferable. The cost of the emergency building permit shall be equal to the cost for a building permit under existing regulations. The permit shall only be authorized for repairs.

(c) When registering, any person, partnership, corporation or other entity making application must, under oath, complete an application, providing the following information:

- (1) Name of applicant;
- (2) Permanent address and phone number of applicant;
- (3) Applicant’s Social Security number or federal Employer Identification Number;
- (4) If applicant is a corporation, the state and date of incorporation;

- (5) Tag registration information for each vehicle to be used in the business;
- (6) List of cities and/or counties where the applicant has conducted business within the past 12 months;
- (7) Georgia sales tax number or authorization;
- (8) Georgia business license number, if required.
- (9) Copy of license from Secretary of State, if required.
- (10) A signed and sworn affidavit verifying the applicant's legal presence in the United States as required by O.C.G.A. § 50-36-1.
- (11) At least one secure and verifiable document as defined in O.C.G.A. § 50-36-2.

(d) *Effective date.* This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect. Unless otherwise specified in the declaration of emergency or otherwise extended by the city governing authority, the provisions of this Code section shall remain in effect during the state of emergency and for a subsequent recover period of three months.

Sec. 8-5.6. Closed or restricted areas and curfews during emergency.

(a) To preserve, protect or sustain the life, health, welfare or safety of persons, or their property, within a designated area under a declaration of emergency, it shall be unlawful for any person to travel, loiter, wander or stroll in or upon the public streets, highways, roads, lanes, parks or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any other place during a declared emergency between hours specified by the Mayor until the curfew is lifted.

(b) To promote order, protect lives, minimize the potential for looting and other crimes, and facilitate recovery operations during an emergency, the Mayor shall have discretion to impose reentry restrictions on certain areas. The Mayor shall exercise such discretion in accordance with the applicable local emergency operations plan, which shall be followed during emergencies.

(c) The provisions of this section shall not apply to persons acting in the following capacities:

- (1) Authorized and essential law enforcement personnel;
- (2) Authorized and essential health care providers;
- (3) Authorized and essential personnel of the city;
- (4) Authorized National Guard or federal military personnel;
- (5) Authorized and essential firefighters;
- (6) Authorized and essential emergency response personnel;
- (7) Authorized and essential personnel or volunteers working with or through an emergency management agency (EMA);
- (8) Authorized and essential utility repair crews;
- (9) Citizens seeking to restore order to their homes or businesses while on their own property or place of business;
- (10) Other authorized and essential persons as designated on a list compiled by the Fire Chief for the City of Cartersville.

(d) *Enforceability.* This section shall be enforced by officers of the law enforcement personnel approved to provide aid and assistance during the emergency. Nothing contained in this section shall prohibit a law enforcement officer from bringing other charges under state law.

(e) *Effective date.* This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect.

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 3rd day of October 2013.

ADOPTED this the 17th day of October 2013. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

E. Public Hearing – 1st Reading of Zoning/Annexation Requests

1. File SU13-05: Special Use application by Jay Frazier for property located at 310 N. Tennessee Street (approximately 0.46 acres) to allow a pawn and/or title pawn shop in the M-U District.

Randy Mannino, Planning and Development Director, stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino stated that this lot is located at 310 North Tennessee Street and includes a multi-tenant office, retail and service use building. The applicant has operated a gun store in one of the tenant spaces for the last few years, and now proposes to expand his business to include pawn and/or title pawn. Mr. Mannino stated that all City Departments have reviewed the application and the Cartersville Police Department stated that it would be a concern if there would be outside storage. Mr. Mannino stated that the Planning Commission recommended approval with the condition that there shall be no outside storage on the property.

Mayor Santini opened the floor for a public hearing. Mrs. Frazier came forward to address the concerns of the council. With no further comments Mayor Santini closed the public hearing.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. SU13-05

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Jerry Williams. Property is located at 310 North Tennessee Street. Said property contains 0.46 acres located in the 4th District, 3rd Section, Land Lot(s) 410 as shown on the attached plat Exhibit "A". Property is hereby rezoned to M-U (Multiple Use) Special Use to allow pawn and/or title pawn shop as part of existing business with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

- a. There will be no outside storage on property.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 17th day of October 2013.

ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. File AZ13-03: Annexation and zoning application by Shaw Industries Group (John Wilkinson, representative) for property located at the southeast corner of Douthit Ferry Road and Old Mill Road (approximately 5.92 acres) from Bartow County jurisdiction to City O-C (Office Commercial)

Randy Mannino, Planning and Development Director, stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino stated that these tracts are located at the southeast intersection of Douthit Ferry Road and Old Mill Road. The properties include a bank built in approximately 2004. Although these properties are not donut holes all lots to the north, east, and west are in the city limits. The applicant has stated that he would like the green field lot of nearly five acres to be annexed and combined with adjoining Shaw property. The bank on the corner would need to be annexed at the same time since future annexations cannot create new donut holes. Mr. Mannino stated if annexed the properties would be zoned O-C (Office Commercial) and the Planning Commission had recommended approval.

Mayor Santini opened the floor for a public hearing for the zoning and annexation. John Wilkinson came forward and with no further comments Mayor Santini closed the public hearing.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. AZ13-03

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 Shaw Industries Group, Inc. Property is located Douthit Ferry Road and Old Mill Road. Said property contains 5.92 acres located in the 4th District, 3rd Section, Land Lot(s) 632 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 17th day of October 2013.
ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. AZ13-03

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 Shaw Industries Group Inc. Property is located Douthit Ferry Road and Old Mill Road. Said property contains 5.92 acres located in the 4th District, 3rd Section, Land Lot(s) 632 as shown on the attached plat Exhibit “A”. Property is hereby rezoned from County C-1 (Commercial) and A-1 (Agricultural) to O-C (Office Commercial). 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 17th day of October 2013.
ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

3. File Z13-05 Rezoning application by John Adams for property located at 217 Cassville Road (approximately 0.43 acres) from MF-14 (Multi Family) to O-C (Office Commercial)

Randy Mannino, Planning and Development Director, stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino stated that

this tract is located at 217 Cassville Road, near the Cartersville Public Safety Headquarters. The property includes a house built in approximately 1945. In early 2013, City staff discovered that a Halfway House was operating in this residence. Since this use is not allowed at the property's current zoning the property owner has chosen to apply to rezone the property. Mr. Mannino stated that the Cartersville Fire Department officials have conducted a site visit, viewing the interior and exterior of the house. CFD staff has stated that they do not have objections to the application as long as the persons responsible for this use follow all adopted fire codes relating to the type of occupancy that exists at the location. Mr. Mannino stated that the Planning Commission had recommended approval.

Mayor Santini opened the floor for a public hearing. John Adams came forward and reassured Council that he is making changes to meet the fire codes. With no further comments Mayor Santini closed the public hearing.

NO ACTION REQUIRED

Ordinance of the City of Cartersville, Georgia

Ordinance No.

Petition No. Z13-05

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by John Adams. Property is located 217 Cassville Road. Said property contains .043 acres located in the 4th District, 3rd Section, Land Lot(s) 342 as shown on the attached plat Exhibit "A". Property is hereby rezoned from MF-14 (Multi Family) to O-C (Office Commercial). 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 17th day of October 2013.
ADOPTED this the day of. Second Reading.**

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

ATTEST:

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

F. Resolutions

1. Urban Redevelopment Plan

Richard Osborne, City Planner stated that the City Staff has been working on a revision to the Urban Redevelopment Plan (URP), adopted on September 2, 2010 and amended on May 19, 2011. The revision would add a new boundary area of 36 parcels adjacent to Cassville White Road, one of which would be in the city limits. If council approves the amendment to the URP, staff would work cooperatively with Bartow County representatives to apply for a joint City – County Opportunity Zone. Mr. Osborne recommended approval of this resolution.

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

A motion to approve Resolution No. 19-13 was made by Council Member McDaniel and

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

Resolution No. 19-13

A RESOLUTION AMENDING THE ADOPTED URBAN REDEVELOPMENT PLAN

CITY OF CARTERSVILLE, GEORGIA

WHEREAS, the City of Cartersville has prepared an amendment to the adopted Urban Redevelopment Plan in accordance with Official Code of Georgia Annotated Section 36-61-1 et. seq. to rehabilitate, conserve, or redevelop the Cassville-White Road area; and

WHEREAS, the Urban Redevelopment Act can be used alone, or in combination with many of Georgia's other legislative redevelopment tools to support local comprehensive planning, revitalize faltering commercial corridors, recruit and nurture small businesses, rehabilitate older homes and neighborhoods, ensure architecturally compatible infill development, and generate new adaptive reuse for old industrial facilities; and

WHEREAS, the City of Cartersville has identified the geographic Cassville-White Road area boundary that contains slum, which constitutes one of the Urban Redevelopment Areas, and can be described as:

That certain area lying within the corporate limits of the City of Cartersville and being enclosed by the boundary identified in Exhibit "E", City of Cartersville, Georgia Urban Redevelopment Area.

WHEREAS, conditions in this delineated area suffers from slum and blighting influences that are detrimental to the public's health, safety, and welfare and that the property's deterioration is negatively affecting the community; and

WHEREAS, the City of Cartersville desires to work with public and private sector partners to ensure the desired redevelopment is achieved; and

WHEREAS, the City of Cartersville hereby identifies the influences on the geographic area designated and intends to work to foster conditions conducive to redevelopment within this area;

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Mayor and Council of the City of Cartersville, Georgia does hereby adopt the amended attached Urban Redevelopment Plan (Exhibit "D"), to include the Cassville-White Road Area.

This Resolution is adopted this 17th day of October, 2013.

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

ATTEST:

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

2. Cartersville Bartow County Metropolitan Planning Organization

Mr. Mannino stated that this resolution sets the members of the policy committee for the new Metropolitan Planning Organization to include the Mayor, Director of Planning and Development and the City Manager. Mr. Mannino recommended approval.

A motion to approve Resolution No. 20-13 was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Resolution No. 20-13

A RESOLUTION OF THE CITY OF CARTERSVILLE, GEORGIA ADOPTED BY THE CITY COUNCIL FOR THE PURPOSES OF APPOINTING A POLICY COMMITTEE MEMBER TO THE CARTERSVILLE-BARTOW COUNTY METROPOLITAN PLANNING ORGANIZATION (CB-MPO); AND FOR OTHER PURPOSES, ADOPTED THIS THE 17TH DAY OF OCTOBER, 2013.

WHEREAS, under the 2010 decennial census, additional portion of Cartersville-Bartow County were designated urban areas, thereby qualifying the creation of a separate Metropolitan Planning Organization for transportation planning purposes; and

WHEREAS, Bartow County and the Cities of Cartersville, Adairsville, Emerson, Euaharlee, Kingston, White and Taylorsville entered into a Memorandum of Understanding in December 2012 regarding the Cartersville-Bartow County Metropolitan Organization; and Governor Nathan Deal authorized the creation of said CB-MPO; and

WHEREAS, the CB-MPO requires the designation of members of a Policy Committee to adopt goals, work programs and plans, and to direct future transportation improvements in the Regional Transportation Study areas; and

WHEREAS, the City of Cartersville shall have three members of the Policy Committee, and desires to designate its representatives by Resolution of the governing authority;

NOW THEREFORE BE IT RESOLVED, and it is hereby resolved, that the members of the Cartersville-Bartow County Metropolitan Planning Organization representing the City of Cartersville shall be 1) the Mayor of Cartersville or such person as the Mayor shall designate as a permanent or temporary proxy; 2) the City Manager of Cartersville or such person as the City Manager shall designate as a permanent or temporary proxy; and 3) the Planning and Development Director of the City of Cartersville or such person as the Planning and Development Director shall designate as a permanent or temporary proxy. Such representatives shall have a term of one year commencing July 1, but shall serve until a replacement is appointed.

ADOPTED this the 17th day of October 2013.

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

ATTEST:

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

G. Contracts/Agreements

1. Subordination Agreement 19 Roving Road

Richard Osborne, City Planner stated that this item is needed to allow the owners at 19 Roving Road to refinance a single-family home. This property is part of the CHIP five year forgivable first time homebuyers program. Previously the property owner had a security deed on the house that served as the primary debt and the deed to the City of Cartersville was secondary. This agreement allows the property owner to maintain the primary and secondary agreement with a new mortgage to serve as the primary debt and the City will remain in the same security position as before. Mr. Osborne recommended approval of this subordination agreement.

A motion to approve the subordination agreement for 19 Roving Road was made by

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

H. Certification

1. National Flood Insurance Program's (NFIP) Community Rating System (CRS)

Wade Wilson, City Engineer/Storm water Program Manager stated that the National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions. Mr. Wilson stated that in order to participate in this program the City is required annually to complete a re-certification form that the Mayor has to sign. Mr. Wilson recommended approval.

A motion to authorize the Mayor's signature for the recertification was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

I. Change Order

1. 6" Drill Pipe

Michael Hill, Assistant Gas Superintendent stated that at the August 1, 2013 council meeting the purchase of a 6" drill pipe from Consolidated Pipe was approved for a total of \$7,011.90 with a three week delivery. The pipe was ordered on August 2, 2013 is part of the material for the relocation of the facilities on SR 20. As of October 8, 2013 the pipe had not been delivered. Mr. Hill stated that new prices were requested and recommended that the original order with Consolidated Pipe be cancelled and the approval of the purchase from CAVCO, Inc for a total of \$8,236.62.

A motion to approve the cancellation of the order from Consolidated Pipe and approve the purchase from CAVCO, Inc. was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

J. Bid Award/Purchases

1. Purchase and Installation of Cameras and Cabling at Conference Center

Lamar Greeson, Telecommunications Manager stated that the Convention and Visitor's Bureau (CVB) requested that additional cameras be installed at the Clarence Brown Conference Center. Since the Fiber Department maintains this equipment at this facility they have met with the CVB staff and determined the type of equipment needed. Mr. Greeson recommended approval for the purchase and installation of the cameras and cabling from Telenet Systems in the amount of \$11,590.80.

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

2. Retiree Medicare Insurance Supplement Renewal

Dwight Hale, Human Resources Director stated that City Staff has met with ShawHankins and reviewed the Medicare insurance renewal options for city retirees over the age of 65. Currently the retirees are covered by a Medicare Supplement from United Healthcare (UHC). ShawHankins presented the renewal without any benefit changes and it had a 5.9% rate increase. Also, retirees will begin to pay the increased cost in dental insurance which is \$2.50 more per month for single coverage and for family coverage. After reviewing all options, Mr. Hale recommended approval to renew the coverage with UHC with no benefit plan changes and a 5.9% increase.

A motion to approve the Insurance Supplement Agreement with UHC with no benefit plan changes and a 5.9% increase was made by Council Member Stepp and seconded by Council

Member Tonsmeire. Motion carried unanimously. Vote 5-0

3. Bartow – Cartersville Second Joint Development Authority Payment

Tom Rhinehart, Finance Director stated that in 2011 the Bartow-Cartersville Second Joint Development Authority was created by the City and County to act as a conduit for the land debt service of the industrial park. The Second JDA allows the debt on the park to be paid off by the bond call date in 2015 or as soon thereafter as possible, saving an estimated \$5,000,000.00 in interest alone. Mr. Rhinehart recommended approval of the payment of \$7,000.00 to the Second JDA for the purpose of being used to pay its operating expenses for the calendar year 2013. Calendar year 2012 expenses were absorbed by the first JDA and the city/county attorneys have the legal opinion that the expenses from each authority should be maintained separately.

A motion to approve the city's portion of the JDA Payment was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

4. Heating and Air Unit Replacement for Finance Department

Tom Rhinehart, Finance Director stated that the heating and air conditioning unit in the Finance Department is in need of replacement. The current unit is approaching 30 Years of age. Five local vendors and building code staff were walked through the scope of work to be performed. Staff made recommendations on the needs of the replacement and the duct work associated with the work. After reviewing the tabulation it was recommended that Pendley Heating and Air be awarded the replacement based on the materials to be used and past experience dealing with this unit. Mr. Rhinehart stated that Pendley's quote is not the lowest nor is it the highest but staff feels that this is the best bid. Mr. Rhinehart recommended approval of the bid from Pendley Heating and Air in the amount of \$19,734.55 for a Trane 10 ton unit and new metal duct system.

A motion to approve the bid from Pendley Heating and Air was made by Council Member Hodge and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

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

K. Added Items

1. National Register of Historic Places Designation – Downtown

Richard Osborne, City Planner stated that staff has been working to nominate the Downtown Business District to the National Register of Historic Places. This nomination application needs to be sent to the State Department of Natural Resources, Georgia Historic Preservation Division by October 31, 2013 to be in the review time frame for a possible 2014 designation and recommended approval for the Mayor to sign a letter of support to accompany the application.

A motion to authorize the Mayor to sign a letter of support for the DBA application was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

2. Anti Litem Notice

David Archer, City Attorney stated that the city had received an ante litem notice from Dexter Elroy Flemming from an arrest on February 27, 2013. Mr. Archer recommended approval of this Ante Litem Resolution to deny the claims and to direct the City Attorney's Office to inform Mr. Flemming of the denial.

A motion to approve Resolution No. 21-13 was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

Resolution No. 21-13

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

WHEREAS, on or about October 11, 2013, the City of Cartersville received an Ante Litem Notice from Dexter Elroy Flemming concerning an arrest on February 27, 2013 and other matters.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council that the City of Cartersville denies the Ante Litem Notice claim submitted as referenced above based on the information currently available to it, and directs the City Attorney's Office to inform Dexter Elroy Flemming of said denial.

BE IT AND IT IS HEREBY RESOLVED this 17th day of October, 2013.

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

ATTEST:

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

L. Monthly Financial Statement

1. August 2013

Mr. Tom Rhinehart, Finance Director, presented the August 2013 monthly financial statement with comparisons from the previous year of August 2012 by fund, along with supplemental financial information comparing the year to date revenues and expenses for each fund and a report of cash position through August 2013

M. Presentations

1. Citizen's Survey Results

Sam Grove, City Manager presented a portion of the results from the recently completed Citizens Survey pertaining to Cultural Arts and Education.

After announcements a motion to adjourn the meeting was made by Council Member Stepp and needing no second. Motion carried unanimously. Vote 5-0

Meeting Adjourned

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

ATTEST:

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