

City Council Meeting  
10 N. Public Square  
October 15, 2020  
6:00 P.M. – Work Session  
7:00 P.M. – Council Meeting

## **I. WORK SESSION**

Mayor Matthew Santini opened Work Session at 6:03 P.M. Board Members discuss each item from the agenda with corresponding Staff Member.

A motion was made to enter into Closed Session for the purposes of personnel and potential litigation by Council Member Stepp and seconded by Council Member Fox.

Mayor Santini closed Work Session at 6:43 P.M.

## **II. OPENING MEETING**

Invocation by Council Member Roth

Pledge of Allegiance led by Council Member Fox

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; Cary Roth, Council Member Ward Three; Calvin Cooley, Council Member Ward Four; Gary Fox, Council Member Ward Five; Taff Wren, Council Member Ward Six; Dan Porta, City Manager; Julia Drake, City Clerk and Keith Lovell, Assistant City Attorney.

Absent:

## **III. REGULAR AGENDA**

### **A. COUNCIL MEETING MINUTES**

#### **1. October 1, 2020 Meeting Minutes**

A motion to approve the October 1, 2020 Meeting Minutes as presented was made by Council Member Stepp and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0

### **B. APPOINTMENTS**

#### **1. DDA Board**

Lillie Read, Downtown Development Authority Director, stated that they would like to recommend the reappointment of Dan Kramer to the Downtown Development

Authority. He would like to continue serving on the board and this term would expire on February 18, 2021.

A motion to approve the reappointment of Dan Kramer to the Downtown Development Authority made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously.  
Vote: 6-0

## **C. SECOND READING OF ORDINANCES**

### **1. FiberCom Department**

Dan Porta, City Manager, stated this ordinance would officially create the FiberCom Department.

A motion to approve the Ordinance to create the FiberCom Department was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0

ORDINANCE NO. 22-20

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 24. UTILITIES. is hereby amended by creating a new article as follows:

I.

CHAPTER 24. UTILITIES. ARTICLE XIV. FIBER COM DEPARTMENT. is hereby created as follows:

**Sec. 24-300. – FiberCom Department.**

There is to be created a FiberCom Department for the City of Cartersville to be managed by the FiberCom Director. The Department shall be responsible for the operation, maintenance, and construction of all current or necessary service lines or extensions, the restoration or establishment of residential, governmental, and commercial internet, data, and fiber services, the bidding for commercial service when applicable, the information technology needs of the City, the supervision and maintenance of the City's geographic information system, and all software used by the City, and all other responsibilities for tasks and employees assigned to this department as approved by the City Manager.

II.

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 and/or alphabetized accordingly to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: October 1, 2020  
SECOND READING: October 15, 2020

  
MATTHEW J. SANTINI, MAYOR

ATTEST:   
JULIA DRAKE, CITY CLERK



## 2. FiberCom Director

Mr. Porta stated with the establishment of the FiberCom Department, a director position to oversee the department needs to be created.

A motion to approve the Ordinance to create a FiberCom Director position was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0

### Ordinance no. 23-20

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 2 - ADMINISTRATION, ARTICLE IV - DEPARTMENTS Sec. 2-101. - Department heads, paragraph (a) is hereby amended by adding a new subparagraph (a)(11) and paragraph (b) is hereby amended by adding a new subparagraph (b)(11) as follows:

1.

#### Sec. 2-101. - Department heads.

(a) The following positions in the city government shall be the department head positions:

(11) FiberCom Director.

2.

(b) The department head positions of the city shall have the following job description, function and duties:

(11) FiberCom Director. The FiberCom Director shall be responsible for the operation, maintenance, and construction of all current or necessary service lines or extensions, the restoration or establishment of residential, governmental, and commercial internet, data, and fiber services, the bidding for commercial service when applicable, the information technology needs of the City, the supervision and maintenance of the City's geographic information system, and all software used by the City, and all other responsibility for tasks and employees assigned to this department as approved by the City Manager. Additionally, the FiberCom Director shall be responsible for the supervision of all employees working for this division and the day to day administration of the same.

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 and/or alphabetized accordingly to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: October 1, 2020

SECOND READING: October 15, 2020

ATTEST:

  
JULIA DRAKE, CITY CLERK

  
MATTHEW J. SANTINI, MAYOR



## **D. CONTRACTS/AGREEMENTS**

### **1. Approval of Memorandum of Understanding (MOU) with Anheuser Busch**

Keith Lovell, Assistant City Attorney, stated in January 2020, the City approved a resolution for a bond transaction for the expansion of Anheuser Busch for \$80,000,000.00. Anheuser Busch has decided to increase the instrument to \$150,000,000.00. The City Council will need to approve the amended resolution and MOU.

A motion to approve Memorandum of Understanding (MOU) with Anheuser Busch was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0

### **2. Red Top Industrial Agreement**

Tom Gilliam, Parks and Recreation Department Head stated that due to an accident that happened a few weeks ago, the bridge at the Pettit Creek Trail off Cassville Rd and Goodyear Ave was heavily damaged along with the guardrail and the historical marker. After receiving four quotes for this project, Red Top Industrial was chosen as the contractor to repair the bridge. The total cost for the bridge repair will be \$77,661.16. This project will be paid from the insurance company of the person who damaged the bridge.

A motion to approve the Red Top Industrial Agreement was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0

## **E. FIRST READING OF ORDINANCES**

### **1. Post Construction Stormwater Management for New Development and Redevelopment**

Wade Wilson, City Engineer, stated he Georgia Environmental Protection Division (EPD) requires local jurisdictions with Municipal Separate Storm Sewer System (MS4) permits to adopt ordinances, or update existing ordinances when necessary, for compliance with their MS4 permit, in order to address development and redevelopment, and enforce post-construction controls. Recent updates to the MS4 permit now require the Stormwater management system to be designed to retain the first 1.0 inch of rainfall on the site, to the maximum extent practicable, and has prompted an update to existing ordinances.

This Model Ordinance was drafted for use by local jurisdictions in the Metropolitan North Georgia Water Planning District (District) and was adopted by the District Board on December 4, 2019. The Model Ordinance was developed to match the

substance and language of the current MS4 permit and the Georgia Stormwater Management Manual (GSMM).

Jurisdictions within the District also have requirements to adopt ordinances that “provide for effective storm-water management [and]... shall also include minimum design and development standards for local development as it may affect Stormwater runoff quality and Stormwater conveyance” as outlined in the Districts enabling legislation. In the District Water Resource Management Plan (Plan), action items are identified for integrated water resource planning and management. These action items are implemented by local jurisdictions, and implementation is periodically audited by the EPD. Within the Plan, the Watershed-1 action item states, “... that each local government shall adopt the Model Ordinance or an equivalent ordinance at least as effective based on the guidance in the latest GSMM and MS4 permit as applicable.

This model ordinance meets the requirements by the EPD and the District. Public Works recommends replacing the previous Post - Construction Stormwater Management for New Development and Redevelopment Ordinance with this edited model ordinance.

Mr. Lovell stated this would go into effect December 6, 2020 if approved.

This is a first reading and no vote is required.

Ordinance no. \_\_\_\_\_

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 7.5 - DEVELOPMENT REGULATIONS, ARTICLE IX. - POST-DEVELOPMENT STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT, is hereby deleted in its entirety and replaced as follows:

1.

**Article IX. Post-Construction Stormwater Management for New Development and Redevelopment.**

Section 7.5 - 221. Purpose and Intent. The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post- construction stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. Additionally, the **City of Cartersville** is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post- construction stormwater runoff.

Section 7.5-222. Definitions. For this Article, the terms below shall have the following meanings:

“administrator” means the person appointed to administer and implement this Article on Post-Construction Stormwater Management for New Development and Redevelopment in accordance with Section 7.5-224.

“applicant” means a person submitting a land development application for approval.

“BMP” or “best management practice” means both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

“BMP landscaping plan” means a design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

“channel” means a natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.

“detention” means the temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

“detention facility” means a structure designed for the storage and gradual release of stormwater runoff at controlled rates.

“development” means new development or redevelopment.

“extended detention” means the storage of stormwater runoff for an extended period of time.

“extreme flood protection” means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

“flooding” means a volume of surface water that exceeds the banks or walls of a BMP, or channel; and overflows onto adjacent lands.

“GSMM” means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

“hotspot” means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

“impervious surface” means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil.

“Industrial Stormwater General Permit” means the National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

“infiltration” means the process of percolating stormwater runoff into the subsoil.

“inspection and maintenance agreement” means a written agreement providing for the long-term inspection, operation, and maintenance of the stormwater management system and its components on a site.

“land development application” means the application for a land development permit on a form provided by the City of Cartersville along with the supporting documentation required in Section 7.5-230.

“land development permit” means the authorization necessary to begin construction-related, land-disturbing activity

“land disturbing activity” means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing



activity does not include agricultural practices as described O.C.G.A. 12-7-17(5) or silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities.

“linear transportation projects” means construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

“MS4 Permit” means the NPDES permit issued by Georgia Environmental Protection Division for discharges from the City of Cartersville’s municipal separate storm sewer system.

“new development” means land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

“nonpoint source pollution” means a form of water pollution that does not originate from a discrete point such as a wastewater treatment facility or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water or groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

“overbank flood protection” means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain).

“owner” means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

“person” means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

“post-construction stormwater management” means stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

“post-development” means the conditions anticipated to exist on site immediately after completion of the proposed development.

“practicability policy” means the latest edition of the Metropolitan North Georgia Water Planning District’s Policy on Practicability Analysis for Runoff Reduction.

“pre-development” means the conditions that exist on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

“pre-development hydrology” means (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

“previously developed site” means a site that has been altered by paving, construction, and/or land disturbing activity.

“redevelopment” means structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

“routine maintenance” means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

“runoff” means stormwater runoff.

“site” means an area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

“stormwater concept plan” means an initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

“stormwater management plan” means a plan for post-construction stormwater management at the site that meets the requirements of Section 7.5-228 and is included as part of the land development application.

“stormwater management standards” means those standards set forth in Section 7.5-227.

“stormwater management system” means the entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

“stormwater runoff” means flow on the surface of the ground, resulting from precipitation.

“subdivision” means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Other terms used but not defined in this Article shall be interpreted based on how such terms are defined and used in the GSMM and the City of Cartersville’s MS4 permit.

Section 7.5-223. Adoption and Implementation of the GSMM: Conflicts and Inconsistencies.

(a) In implementing this Article, the City of Cartersville shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.

(b) This Article is not intended to modify or repeal any other Article, ordinance, rule, regulation or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the City of Cartersville’s MS4 permit and this Article, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this Article and the GSMM, the provision from this Article shall control. In the event of any other conflict or inconsistency between any provision of this Article and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.

(c) If any provision of this Article is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Article.

Section 7.5-224. Designation of Administrator. The City Engineer is to administer and implement this Article.

Section 7.5-225. Applicability Criteria for Stormwater Management Standards. This Article applies to the following activities:

(a) New development that creates or adds 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre of land or greater;

(b) Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre or more;

(c) New development and redevelopment if

(i) such new development or redevelopment is part of a subdivision or other common plan of development, and

- (ii) the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (a) and (b) above;
- (d) Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Article; and
- (e) Linear transportation projects that exceed the threshold in (a) or (b) above.

Section 7.5-226. Exemptions from Stormwater Management Standards. This Article does not apply to the following activities:

- (a) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
- (b) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
- (c) Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
- (d) Repairs to any stormwater management system deemed necessary by the administrator;
- (e) Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in 7.5-225 (a) or (b);
- (f) Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in 7.5-225 (a) or (b);
- (g) Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and
- (h) Single-family or duplex residential lots platted prior to the adoption of this ordinance, whether or not they are part of a subdivision or phased development project.
- (i) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
- (j) Additions or modifications to existing single-family or duplex residential structures;

Section 7.5-227. Stormwater Management Standards. Subject to the applicability criteria in Section 7.5-225 and exemptions in Section 7.5-226, the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

(a) Design of Stormwater Management System: The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

(b) Natural Resources Inventory: Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):

- (i) Topography (minimum of 2-foot contours) and Steep Slopes (i.e., Areas with Slopes Greater Than 15%),
- (ii) Natural Drainage Divides and Patterns,
- (iii) Natural Drainage Features (e.g., swales, basins, depressional areas),
- (iv) Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors,
- (v) Predominant soils (including erodible soils and karst areas), and
- (vi) Existing predominant vegetation including trees, high quality habitat and other existing vegetation.

(c) Better Site Design Practices for Stormwater Management: Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.

(d) Stormwater Runoff Quality/Reduction: Stormwater Runoff Quality/Reduction shall be provided by using the following:

(i) For development with a stormwater management plan submitted before December 6, 2020, the applicant may choose either (A) Runoff Reduction or (B) Water Quality.

(ii) For development with a stormwater management plan submitted on or after December 6, 2020, the applicant shall choose (A) Runoff Reduction and additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (B) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

(A) Runoff Reduction - The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.

(B) Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2-inch rainfall event.

(iii) If a site is determined to be a hotspot as detailed in Section 7.5-225, the City of Cartersville may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

(e) Stream Channel Protection: Stream channel protection shall be provided by using all of the following three approaches:

(i) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;

(ii) Erosion prevention measures, such as energy dissipation and velocity control; and

(iii) Preservation of any applicable stream buffer.

(f) Overbank Flood Protection: Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event.

(g) Extreme Flood Protection: Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

(h) Downstream Analysis: Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

(i) Stormwater Management System Inspection and Maintenance: The components of the stormwater management system that will not be dedicated to and accepted by the City of Cartersville, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement

for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Section 7.5-236.

Section 7.5-228. Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.

- (a) Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the City of Cartersville. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the City of Cartersville when applying for a Determination of Infeasibility through the Practicability Policy.
- (b) The stormwater concept plan shall be prepared using the minimum following steps:
  - (i) Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).
  - (ii) Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).
  - (iii) Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).
- (c) The stormwater concept plan shall contain:
  - (i) Common address and legal description of the site,
  - (ii) Vicinity map, and
  - (iii) Existing conditions and proposed site layout mapping and plans (recommended scale of 1" = 50'), which illustrate at a minimum:
    - (A) Existing and proposed topography (minimum of 2-foot contours),
    - (B) Perennial and intermittent streams,
    - (C) Mapping of predominant soils from USDA soil surveys.

(D) Boundaries of existing predominant vegetation and proposed limits of clearing and grading.

(E) Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.).

(F) Location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

(G) Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements.

(H) Preliminary estimates of unified stormwater sizing criteria requirements.

(I) Preliminary selection and location, size, and limits of disturbance of proposed BMPs.

(J) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains.

(K) Flow paths.

(L) Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage, and

(M) Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.

(d) The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the state of Georgia. Items (iii), (iv), (v), and (vi) shall be sealed and signed by a registered Professional Engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7)

- (i) Natural Resources Inventory
- (ii) Stormwater Concept Plan
- (iii) Existing Conditions Hydrologic Analysis
- (iv) Post-Development Hydrologic Analysis
- (v) Stormwater Management System



- (vi) Downstream Analysis
- (vii) Erosion and Sedimentation Control Plan
- (viii) BMP Landscaping Plan
- (ix) Inspection and Maintenance Agreement
- (x) Evidence of Acquisition of Applicable Local and Non-Local Permits
- (xi) Determination of Infeasibility (if applicable)
- (xii) Performance Bonds

The City of Cartersville may require the developer to post an irrevocable letter of credit, or other means of security acceptable to the city, prior to the issuance of any land disturbance permit for the construction of a development requiring a stormwater management system, or prior to a final plat in certain situations. The amount of the security shall not be less than the total estimated construction cost of the stormwater management system. The bond required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all of the provisions of this ordinance, other applicable laws and regulations, and any time limitations.

The bond shall not be fully released without a final inspection of the completed work by the City of Cartersville Public Works Department, submission of "as-built" plans, a signed maintenance agreement, and a certification of completion by a design engineer that the stormwater management system complies with the approved plan and provisions of this ordinance.

(e) For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures

- (i) As-built Drawings
- (ii) Hydrology Reports
- (iii) Current inspection of existing stormwater management structures with deficiencies noted
- (iv) BMP Landscaping Plans

Section 7.5-229. Application Fee. The fee for review of any land development application shall be based on the fee structure established by the City of Cartersville, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

Section 7.5-230. Application Procedures. Land development applications are handled as part of the process to obtain the land disturbance permit or building permit pursuant to Chapter 6 and/or Chapter 7.5 of the City of Cartersville Code of Ordinance, as applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

- (a) File a land development application with the City of Cartersville on the City of Cartersville's form of application with the following supporting materials:
  - (i) the stormwater management plan prepared in accordance with Section 7.5-228(d),
  - (ii) a certification that the development will be performed in accordance with the stormwater management plan once approved,
  - (iii) a Runoff Reduction Infeasibility (RRI) Form for Determination of Infeasibility, and
  - (iv) an acknowledgement that applicant has reviewed the City of Cartersville's form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.
- (b) The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.
- (c) If the application or supporting materials are disapproved, the administrator shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same for the administrator to again consider and either approve or disapprove.
- (d) If the application and supporting materials are approved, the **City of Cartersville** may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

Section 7.5-231. Compliance with the Approved Stormwater Management Plan. All development shall be:

- (a) consistent with the approved stormwater management plan and all applicable land disturbance and building permits, and

- (b) conducted only within the area specified in the approved stormwater management plan.

No changes may be made to an approved stormwater management plan without review and advanced written approval by the administrator.

Section 7.5-232. Inspections to Ensure Plan Compliance During Construction. Periodic inspections of the stormwater management system during construction shall be conducted by the staff of the City of Cartersville or conducted and certified by a professional engineer who has been approved by the City of Cartersville. Inspections shall use the approved stormwater management plan for establishing compliance. All inspections shall be documented with written reports that contain the following information:

- (a) The date and location of the inspection;
- (b) Whether the stormwater management system is in compliance with the approved stormwater management plan;
- (c) Variations from the approved stormwater management plan; and
- (d) Any other variations or violations of the conditions of the approved stormwater management plan.

Section 7.5-233. Final Inspection; As-Built Drawings; Delivery of Inspection and Maintenance Agreement. Upon completion of the development, the applicant is responsible for:

- (a) Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis.
- (b) Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer.
- (c) Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan, and
- (d) Delivering to the City of Cartersville a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

The required certification under part (a) shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to the City of Cartersville with the request for a

final inspection. The City of Cartersville shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

Section 7.5-234. Violations and Enforcement. Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to Chapter 6 and/or Chapter 7.5 of the City of Cartersville Code of Ordinances, as appropriate. To address a violation of this Article, the City of Cartersville shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

(a) Any action or inaction which violates the provisions of this article or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

- (1) *Notice of violation.* If the City of Cartersville determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this article, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
  - a. The name and address of the owner or the applicant or the responsible person;
  - b. The address or other description of the site upon which the violation is occurring;
  - c. A statement specifying the nature of the violation;
  - d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this article and the date for the completion of such remedial action;
  - e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
  - f. A statement that the determination of violation may be appealed to the City of Cartersville by filing a written notice of appeal within thirty (30) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours' notice shall be sufficient).
- (2) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one (1) or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Cartersville shall first notify the applicant or other responsible person in writing of its intended action, and

shall provide a reasonable opportunity, of not less than ten (10) days (except, that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City of Cartersville may take any one (1) or more of the following actions or impose any one (1) or more of the following penalties.

- a. *Stop work order.* The City of Cartersville may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
- b. *Withhold certificate of occupancy.* The City of Cartersville may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- c. *Suspension, revocation or modification of permit.* The City of Cartersville may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the City of Cartersville may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- d. *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the City of Cartersville shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours' notice shall be sufficient) after the City of Cartersville has taken one (1) or more of the actions described above, the City of Cartersville may impose a penalty not to exceed one thousand dollars (\$1,000.00) (depending on the severity of the violation) for each day the violation remains un-remedied after receipt of the notice of violation. If said penalty is not paid within the time presented by the city, the city has the right to enforce said claim in a court of competent jurisdiction and/or in the alternative to pursue the criminal penalties detailed in subsection e. below. Additionally, the penalty shall become a special assessment against the property and shall constitute a lien on the property in the amount of the assessment.
- e. *Criminal penalties.* For intentional and flagrant violations of this article, the City of Cartersville may issue a citation to the applicant or other responsible person, requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for sixty (60) days or both. Each

act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Section 7.5-235. Maintenance by Owner of Stormwater Management Systems Predating Current GSMM. For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

Section 7.5-236. Inspection and Maintenance Agreements.

(a) The owner shall execute an inspection and maintenance agreement with the City of Cartersville obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by the City of Cartersville. After the inspection and maintenance agreement has been signed by the owner and the City of Cartersville, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site.

(b) The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the City of Cartersville. Upon any sale or transfer of the site, the new owner shall notify the City of Cartersville in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.

(c) The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:

(i) The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to the City of Cartersville.

(ii) In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

Section 7.5-237. Right of Entry for Maintenance Inspections. The terms of the inspection and maintenance agreement shall provide for the City of Cartersville's right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have

an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the City of Cartersville shall have the right to enter and make inspections pursuant to the City of Cartersville's general provisions for property maintenance inspections pursuant to the International Property Maintenance Code as adopted by the City of Cartersville and referenced in Chapter 6 of the City of Cartersville Code of Ordinances.

Section 7.5-238. Owner's Failure to Maintain the Stormwater Management System. The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to the City of Cartersville. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

- (a) An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to International Property Maintenance Code as adopted by the City of Cartersville and referenced in Chapter 6 of the City of Cartersville Code of Ordinances; and
- (b) To address such a failure to maintain the stormwater management system, the **City of Cartersville** shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

Section 7.5-239. Effective Date. This Ordinance is effective December 6, 2020.

Section 7.5-240. Reserved.

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 and/or alphabetized accordingly to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: 10-15-2020  
SECOND READING: 11-5-2020

\_\_\_\_\_  
MATTHEW J. SANTINI, MAYOR

ATTEST: \_\_\_\_\_  
JULIA DRAKE, CITY CLERK

## **F. BID AWARD/PURCHASES**

### **1. Guardrail Anchor Repair**

Mr. Wilson stated this repair is needed due to an auto accident on North Erwin Street adjacent to Oak Hill Cemetery. An insurance claim has been filed and we expect reimbursement from Allstate. The total for the repair is \$5,697.00 from Martin-Robbins Fence Co., Inc.

The funds will come out of the Property & Casualty Insurance Fund until the reimbursement is received.

A motion was made to approve the Guardrail Anchor Repair by Council Member Stepp and was seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0

### **2. Mower Purchase**

Mr. Wilson stated this agenda item is a request to purchase a mower to replace one that was damaged last month when one of our trailers was hit from behind in an auto accident. The mower was totaled and we have received compensation from the at fault driver's insurance.

The replacement purchase is from Taylor Outdoor Power Equipment for a Turf Tracer S 48" for \$5,993.19.

A motion was made to approve the Mower Purchase by Council Member Roth and was seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0

### **3. Residential Garbage Cart Purchase**

Mr. Wilson stated Solid Waste needs to re-stock residential garbage carts. The best bid is from Wastequip for a total of \$29,122.64. This will be a truckload (624 carts) at \$44.86 each plus shipping costs.

This is a budgeted item.

A motion was made to approve the Contract associated with the Residential Garbage Cart Purchase was by Council Member Fox and was seconded by Council Member Cooley. Motion carried unanimously.  
Vote: 6-0

### **4. Fiber Service to Anheuser Busch**

Steven Grier, Network Administrator, stated FiberCom is finalizing a five-year agreement with Anheuser Busch located at 100 Busch Dr. to provide internet service



to them. In order to serve them, FiberCom would like to hire NCI to bore and install fiber conduit to this customer location at a cost of \$62,914.65. There will also be some ancillary charges of approximately \$13,634.00 for materials and permitting with Georgia Power and the Bartow County Water Department. Anheuser Busch has agreed to pay \$15,000 over a 5-year term toward the capital cost of this fiber build.

On completion of this build, we will be closer to the new development along Busch Dr. and it will allow for future expansions under I-75 for a completed fiber ring to the Highland 75 Corporate/Industrial Park.

A motion to approve the Fiber Service to Anheuser Busch was made by Council Member Wren and was seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0

## **5. Diversity Training Agreement with GMA**

Mr. Porta stated one of the goals is to provide training for all city employees to assist them in their work environment. We have confirmed with GMA that they can provide all city employees with Diversity Training for a cost of \$6,000.

A motion was made to approve the Diversity Training Agreement by Council Member Stepp and was seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0

## **6. WPCP – Belt Filter Press Conveyor System Repair**

Bob Jones, Water Department Head, stated The Water Pollution Control Plant (WPCP) uses three (3) Ashbrook Simon-Hartley 2-meter belt filter presses (BFP) to dewater residual solids produced as a by-product of wastewater treatment. Presses 1 and 2 were installed in 1991 and Press 3 was installed in 2000. The dewatered solids are transferred from the Press Building into dump trailers by two (2) Serpentix Conveyor belts. Both belts are original equipment installed in 1991 and 2000.

Recently the tensioning system began giving us trouble. The system is near the end of its adjustment due to stretching of the drive links in the belt. Per the manufacturer, belt links are 2-3/4 inches long when new. They recommend replacement of the belt when the links stretch to 3-0 inches. Our drive links are 3-1/4 inches.

A quote for replacement conveyor belts and associated hardware was requested from Serpentix. They have provided the two attached quotes. This is a sole source item due to compatibility with the existing conveyor equipment. The total of both quotes is \$102,176.20.

A motion was made to approve the WPCP – Belt Filter Press Conveyor System Repair by Council Member Roth and was seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0

## **G. ENGINEERING SERVICES**

### **1. Fairview Tank Exterior Painting - Engineering**

Mr. Jones stated the Fairview Tank is a 5,000,000-gallon steel water storage tank constructed in 1968. The exterior coating has failed and needs to be replaced. Due to the date of construction, the tank has a lead based exterior paint that will require complete removal to bare metal along with full containment of the work area.

Wiedeman and Singleton Engineering (WSE) was asked to provide a proposal to design the safe removal, disposal and recoating of the structure. Because of the lead, WSE will sample and produce a comprehensive report on the existing exterior coating. This report will be provided to prospective contractors who will be prequalified based on experience with lead based paint removal. WSE will evaluate all proposed containment, encapsulation and disposal methods and make a recommendation as to the best proposal for completion of the work. Additionally, WSE will provide project administration and inspection throughout the project. This will be funded by the 2018 Revenue Bond.

Their estimate for these services is \$63,515.00.

A motion to approve the Fairview Tank Exterior Painting subject to Mayor and City Clerk signing the contract was made by Council Member Stepp and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0

## **H. BID AWARD/PURCHASES**

### **1. Third Payment for 50 (Model X26P) Tasers**

Frank McCann, Police Chief, stated on August 8, 2018, the P.D. purchased 50 Taser Model #X26P (electronic control weapons). This purchase was for replacement of our current Tasers at the time which were not supported by Taser any longer.

Taser is sole source item and the price is as follows:

50 Tasers, holsters, cartridges, and down load kit - \$70,800.00

Taser has a payment plan for five years and it is as follows:

Year 1 (2018/2019)	\$14,800.00
Year 2 (2019/2020)	\$14,000.00
Year 3 (2020/2021)	\$14,000.00
Year 4 (2021/2022)	\$14,000.00
Year 5 (2022/2023)	\$14,000.00

Total \$70,800.00

We are using a payment plan and I am requesting to pay Taser (Axon) \$14,000.00 this fiscal year. We will be using federal asset forfeiture funds to purchase these items. The E-Verify and E-Save documents have been submitted to the police department and are on file.

A motion to approve the Third Payment for 50 (M26P) Tasers was made by Council Member Fox and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0

## **I. AUCTION**

### **1. 2011 Chevrolet 1500 4x4 Seized Vehicle**

Mr. McCann stated approximately 18 months ago, one of our Investigators assigned to the DEA Task Force seized a 2011 Chevrolet 1500 4X4, pursuant to a multi-state methamphetamine investigation. The vehicle was forfeited to the City of Cartersville and must be auctioned off within 90 days and 90% of the proceeds will be awarded to the City of Cartersville. I am requesting that the council approve the surplus of this forfeited vehicle.

A motion to approve the auction of the 2011 Chevrolet 1500 4x4 Seized Vehicle was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0

### **2. Added Item**

A motion was made to add an item to the meeting for the Kyle Russell Painting Proposal for under the Bridge and the purchase of additional Christmas decorations was made by Council Member Stepp and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0

## **J. OTHER**

### **1. Letter of Engagement for FY 2020 Audit**

Tom Rhinehart, Finance Department Head, stated the engagement letter from Mauldin and Jenkins, LLC regarding their services for completing the annual MEAG questionnaire is attached for your review. The MEAG questionnaire is an annual document required by MEAG that the city complete part and the auditor's complete part. The questionnaire gives MEAG an objective view that the city is following GASB standards and that the city's electric fund financial statements are accurately presented. In years past, the audit firm did not supply the city with an engagement letter for the completion of the MEAG questionnaire. The letter spells out the responsibility of the city and the responsibility of the audit firm. There is a charge for this service that is

outside of the audit fees. Mauldin and Jenkins, LLC charges an hourly rate for their work.

A motion to approve the audit of the Letter of Engagement for FY 2020 Audit was made by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0

## **2. Letter of Engagement for FY 2020 MEAG Questionnaire**

Mr. Rhinehart stated the engagement letter from Mauldin and Jenkins, LLC regarding their services for completing the annual MEAG questionnaire is attached for your review. The MEAG questionnaire is an annual document required by MEAG that the city complete part and the auditor's complete part. The questionnaire gives MEAG an objective view that the city is following GASB standards and that the city's electric fund financial statements are accurately presented. In years past, the audit firm didn't supply the city with an engagement letter for the completion of the MEAG questionnaire. The letter spells out what the city is responsible for and what the audit firm is responsible for. There is a charge for this service that is outside of the audit fees. Mauldin and Jenkins, LLC charges an hourly rate for their work.

A motion to approve the audit of the Letter of Engagement for FY 2020 MEAG Questionnaire was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0

## **3. Church Street Bridge Painting**

Mr. Porta stated that Kyle Russell Painting has offered to paint the cross beams and columns for only the cost of the material which would be \$28,000. Ellen Archer and Barry Henderson have been working with Mr. Russell on this proposal and feels that this is a good opportunity to update the look of the bridge at a reduced cost. The color being discussed is a medium to dark bronze color. Fees will be paid from the Hotel Motel Tax Fund

A motion to approve the Kyle Russell Bridge Painting Proposal was made by Council Member Hodge and was seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0

## **4. Christmas Decoration Silhouette Purchase**

Mr. Porta stated the purchase additional Christmas Decoration Silhouettes that attach to the light posts would complete the replacement of the items that was started last fiscal year. The proposed cost for the 61 silhouettes is \$26,630.50.

A motion to approve the Christmas Decoration Silhouette Purchase was made by Council Member Hodge and was seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0

## **K. MONTHLY FINANCIAL STATEMENT**

### **1. August 2020 Financial Report**

Tom Rhinehart, Finance Department Head, compared the August 2020 Financial Report to that of August 2019.

Mr. Porta stated that City of Cartersville is doing very well compared to years past. He also stated that the Governor has stated that Phase Two and Phase Three of the Cares Act Funding have been revoked to pay the Employee Trust Fund.

## **L. DISCUSSION**

### **1. Downtown Entertainment District**

Mayor Matthew Santini stated this is a discussion item to gather citizen input on the possibility of a Downtown Entertainment District. Mayor Santini also stated that the first portion of the discussion would be for the Council Members to discuss ideas for parameters and the second portion of the discussion would be to allow public to come forward to speak for or against the proposals.

Council Member Stepp stated that Council entertained the idea of a Downtown Entertainment District in 2018 but never succeeded. Mr. Stepp stated that he was born and raised in Cartersville and has a vested interest in what the City does. Furthermore, he explained the mapped area would allow patrons to walk from one establishment to the next with an open container. With respect to the local religious establishments, the idea of having set hours for the Downtown Entertainment Zone could be beneficial with possibly Thursday-Saturday and certain holidays such as Fourth of July and New Years Eve.

Council Member Hodge questions Mr. Lovell if the Downtown Entertainment District would supersede the Festival Zone District. Mr. Lovell explained that if the map includes the area of the Festival Zone District, then yes, it would supersede. However, if the Festival Zone District is not included in the Downtown Entertainment District, then no, it would not supersede.

Mayor Santini stated that the Festival Zone would need to remain if the Downtown Entertainment District is ultimately approved by Council.

Council Member Roth stated the Festival Zone District is in place but does not always work effectively. There are boundaries in which the Festival Zone District is located, however, there are no barriers to enforce such boundaries. Furthermore, Mr. Roth stated that he believed the Downtown Entertainment District would change the view and character of our City.

Mayor Santini stated that the ordinance and map are just an idea of what it could possibly look like and is not a direct representation of what is being proposed.

Mayor Santini opens the discussion for anyone in the audience to come forward to speak for or against the Downtown Entertainment District.

Grady Clark, pastor of Calvary Chapel River Oaks of 232 Nelson St., Cartersville, came forward to speak against the Downtown Entertainment District.

Bob Lawrence of 53 Stonewall St. came forward to speak against the Downtown Entertainment District.

Kenneth Dowdy, pastor of Floyd Creek Baptist Church of 14 Currant St., came forward to speak against the Downtown Entertainment District.

Jennifer Capes, of 8 Granger Drive, also owner of Coconuts Ice Cream located at 115 S. Gilmer St. came forward to speak against the Downtown Entertainment District.

Will Dowdy, of Rome, Ga., came forward to speak against the Downtown Entertainment District.

Janet Thornbrough, 34 W. Main St. came forward to speak against the Downtown Entertainment District.

Ronald May, 224 Walker Hill Circle came forward to speak against the Downtown Entertainment District.

Ron Goss, 120 W. Cherokee Avenue, came forward to speak against the Downtown Entertainment District.

Allan Sanders, 41 Whistlestop Drive, came forward to speak for the Downtown Entertainment District.

Jennifer Smith, 11 Noble Street, came forward to speak for the Downtown Entertainment District.

Sam Franklin, 14 Riverside Court, came forward to speak against the Downtown Entertainment District.

Ted Thornbrough, 34 W. Main St. came forward to speak against the Downtown Entertainment District.

Lillie Read, came forward to read a statement from Justin Owen, owner of Owen Security and 101 on Main who was for the Downtown Entertainment District.

Brian Waters, Cartersville, GA., came forward to speak against the Downtown Entertainment District.

#### IV. TABLED

##### A. Public Hearing – 2<sup>nd</sup> Reading of Zoning/Annexation Request


1. AZ20-04 175 E. Main St. – Tabled until November 5, 2020
2. Z20-03 175 E. Main St. – Tabled until November 5, 2020
- 3.

A motion to adjourn the meeting was made by Council Member Wren and needing no second. Motion carried unanimously. Vote: 6-0


#### Meeting Adjourned

ATTEST:

/s/

  
Julia Drake  
City Clerk

/s/

  
Matthew J. Santini  
Mayor

