

City Council Meeting
10 N. Public Square
November 5, 2020
6:00 P.M. – Work Session
7:00 P.M. – Council Meeting

WORK SESSION

Mayor Matthew Santini opened Work Session at 6:00 P.M. Board Members discussed each item from the agenda with corresponding Staff Member.

A motion was made to enter Closed Session regarding Personnel by Council Member Cooley and seconded by Council Member Roth. Vote: 4-0

Mayor Santini closed Work Session at 6:44 P.M.

OPENING MEETING

Invocation by Council Member Cooley.

Pledge of Allegiance led by Council Member Wren.

The City Council met in Regular Session with Matthew Santini, Mayor presiding and the following present: 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.

Via Telephone: Kari Hodge, Council Member Ward One

Absent: Jayce Stepp*, Council Member Ward Two (Arrived late – See Minutes)

REGULAR AGENDA

A. COUNCIL MEETING MINUTES

1. October 15, 2020 Meeting Minutes

A motion to approve the October 15, 2020 Meeting Minutes as

presented was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

B. SECOND READING OF ORDINANCES

2. Post Construction Stormwater Management for New Development and Redevelopment

Wade Wilson, City Engineer, stated The 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 District’s 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.

A motion to approve the Post Construction Stormwater Management for New Development and Redevelopment was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

Ordinance no. 28-20

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 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:

I.

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.

(c) **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: October 15, 2020
SECOND READING: November 5, 2020



Julia Drake
JULIA DRAKE, CITY CLERK

Matthew J. Santini
MATTHEW J. SANTINI, MAYOR

C. FIRST READING OF ORDINANCES

3. Alcohol Ordinance Section 4-7

Randy Mannino, Planning and Development Department Head, stated that this is a proposed Ordinance to the Code of Ordinance Section 4-7 regarding Alcoholic Beverage and Gambling. Approved by Alcohol Control Board on October 14, 2020.

This is a first reading and no vote is required.

Ordinance no. 25-20

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 4 – ALCOHOLIC BEVERAGES. ARTICLE 1 – IN GENERAL. DIVISION 2. – REGULATION OF ESTABLISHMENTS. SECTION 4-7. – GAMBLING. is hereby amended as follows:

1.

Sec. 4-7. - Gambling.

There shall be no gambling as defined by O.C.G.A. tit. 16, Ch. 12, art. 2, in any place of business licensed under this article, or in any room adjoining same, owned, leased, or controlled by a licensee. Any violation of this section shall be cause for suspension or revocation of a license.

- (A) The prohibition outlined in this section does not apply to:
- (1) The sale of Georgia Lottery tickets by a licensed dealer;
 - (2) The playing of bona fide coin-operated amusement machines and the concomitant noncash redemption associated with these machines as defined, set forth and permitted in O.C.G.A. §§ 48-17-1(2)(A) and (B) and O.C.G.A., §§ 16-12-35 (a.1)—(j);
 - (3) Raffle operated in accordance with O.C.G.A. § 16-12-22.1; or
 - (4) A licensed bingo hall governed by O.C.G.A. §§ 16-12-51—16-12-62 and the applicable regulations relating to same.
- (B) In the event that an employee of a licensed establishment, patron of a licensed establishment, and/or the license holder is convicted of gambling as defined by O.C.G.A. § 16-12-2, on the premises of a licensed establishment or in any room adjoining same, owned, leased, or controlled by a licensee, employee; then said establishment is in violation of the City of Cartersville Alcohol License Ordinance, and their license is subject to suspension and or revocation as provided for herein, and said suspension or revocation shall follow the license holder and location as provided for herein.

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: November 5, 2020

SECOND READING: November 19, 2020

MATTHEW J. SANTINI, MAYOR

ATTEST:

JULIA DRAKE, CITY CLERK

4. Alcohol Ordinance Section 4-112

Mr. Mannino stated this is a proposed Ordinance to the Code of Ordinance Section 4-112 regarding Cameras for malt beverage package outlets. Approved by Alcohol Control Board on October 14, 2020.

This is a first reading. No vote is required

Ordinance no. 26.20

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 4 – ALCOHOLIC BEVERAGES, ARTICLE II. – LICENSING REQUIREMENTS, DIVISION 4. - PREMISES RESTRICTIONS, SECTION 4-112. – CAMERAS FOR MALT BEVERAGE PACKAGE OUTLET, paragraph (a)(3). is hereby amended by deleting said paragraph in its entirety and replacing it as follows:

1.

Sec. 4-112. - Cameras for malt beverage package outlet.

- (a) Each outlet for the retail sale of malt beverages by the package shall install and maintain security cameras in the outlet of a type and number approved by the chief of police.
- (3) Such cameras shall be maintained in proper working order at all times and shall be subject to periodic inspection by the chief of police or his designee. If a sale of alcohol to a minor, robbery, misdemeanor, or other felony occurs in such outlet, the film or tape recording such event shall immediately be made available to the chief of police or his designee. All films, tapes or images required by this Code section shall be retained by the outlet, in its original, viewable format, for a period of no less than thirty (30) days after recording.

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: November 5, 2020
SECOND READING: November 19, 2020

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK

5. Alcohol Ordinance Section 4-114

Mr. Mannino stated this is a proposed Ordinance to the Code of Ordinance Section 4-114 regarding cameras for on premises consumption. Approved by Alcohol Control Board on October 14, 2020.

This is a first reading. No vote is required.

Ordinance no. 27-20

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 4 – ALCOHOLIC BEVERAGES. ARTICLE II. – LICENSING REQUIREMENTS. DIVISION 4. - PREMISES RESTRICTIONS. SECTION 4-114- 4-119. – RESERVED. is hereby amended by deleting said section in its entirety and replacing it as follows:

1.

Sec. 4-114. - Cameras for on premises consumption.

- (a) Each outlet for the retail sale of on premises for consumption of alcoholic beverages, shall install and maintain security cameras in the outlet of a type and number approved by the chief of police.
 - (1) Cameras shall be placed as follows:
 - a. On the premises so as to record activities in the check out or cash register area(s), to include both customer and employee.
 - b. On the premises so as to record all entrance and exit doors.
 - (2) All cameras shall be capable of producing a retrievable color image on digital film or tape that can be made a permanent record and enlarged through projection or other means.
 - (3) Such cameras shall be maintained in proper working order at all times and shall be subject to periodic inspection by the chief of police or his designee. If a sale of alcohol to a minor, robbery, misdemeanor, or other felony occurs in such outlet, the film or tape recording such event shall immediately be made available to the chief of police or his designee. All films, tapes or images required by this Code section shall be retained by the outlet, in its original, viewable format, for a period of no less than thirty (30) days after recording.
 - (4) All cameras must be in working order and checked by the licensee on a weekly basis. A log of said checks and repairs, if any, are to be kept and provided to the Cartersville Police Department on a quarterly basis. Additionally, said logs may be kept internally by the security camera, and if so, shall be made available for review by the Cartersville Police Department on a quarterly basis.
- (b) The effective date for this section shall be January 1, 2021, and as of said date, all newly licensed and existing licensed malt beverage package establishments must be in compliance with said provisions.

2.

Sec. 4-115 – 4-119. Reserved.

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: November 5, 2020
SECOND READING: November 19, 2020

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK

6. Purchase Orders

Dan Porta, City Manager, stated the Code of Ordinances, Chapter 2, Article V, Division 2 is being amended by deleting Sec. 2-143, 2-144, and 2-147 and replacing them as stated in the attached ordinance. This will allow department heads to make purchases up to two thousand five hundred dollars (\$2,500.00) without receiving a prior purchase order. Purchases between \$2,500.00 and seven thousand five hundred dollars (\$7,500.00) will require approval of the City Manager while purchases above \$7,500.00 will require Council approval.

This is a first reading. No vote is required

Ordinance no. 29-20

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 V. - FINANCIAL AFFAIRS. DIVISION 2. - PURCHASES. SECTION 2-143. PURCHASE ORDERS REQUIRED, SECTION 2-144. LIMITED PURCHASES WITHOUT PRIOR PURCHASE ORDER, AND SECTION 2-147 COUNCIL APPROVAL AND CITY MANAGER APPROVAL REQUIRED FOR CERTAIN PURCHASING. is hereby amended by deleting said Sections in their entirety and replacing them as follows:

1.

|
Sec. 2-143. – Purchase orders required.

Purchase orders are not required, except when specifically requested by the Purchasing Agent.

2.

Sec. 2-144. - Limited purchases without prior purchase order.

In order to expedite purchasing, each department head may make purchases of up to two thousand five hundred dollars (\$2,500.00) without receiving a prior purchase order, if required.

3.

Sec. 2-147. - Council approval and city manager approval required for certain purchasing.

(a)The purchasing agent shall make no purchases that include any item, the price of which exceeds two thousand five hundred dollars (\$2,500.00) but is less than seven thousand five hundred dollars (\$7,500.00) without the approval of the city manager, who may prescribe terms under which the purchases may be made.

(b)The purchasing agent shall make no purchase that includes any item the price of which exceeds seven thousand five hundred dollars (\$7,500.00) without the approval of the council, which may prescribe the terms under which the purchase may be made, including advertisement for bids.

(c)The purchasing agent shall be authorized to purchase any items which do not exceed two thousand five hundred dollars (\$2,500.00) as he is requested to do so on behalf of the city by the department heads and/or the city manager.

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: November 5, 2020
SECOND READING: November 19, 2020

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK

D. CONTRACTS/AGREEMENTS

7. Disc Golf Course

Tom Gilliam, Parks and Recreation Department Head, stated the course located at Deerfield Park is an all wooded course where disc golfers play with some open area under trees and some tight technical shots included. The course will have 20 holes with one additional practice basket. They have volunteers/sponsors/donations for placing the baskets and signage needed. There is a total of 21 baskets needed and each basket requires a \$400 donation. There are several additional players wanting to sponsor holes if anyone drops out.

All the tree trimming, trash pickup and piling up of debris, limbs, and trees has been completed. All the baskets and signs, once ordered, should be in place within a month. The City will place the tee pads, which we already have, from the turf pads on hand from baseball and installing the signs. The only regular maintenance by the City will be to mow the grass and empty the trash as normal.

From Sam Barfield with USDGA: “the players of Cartersville want and need an additional course in the area. September 18, 19, 20 I had a tournament that had over 200 different players (with players on a wait-list) from seven different states playing at Etowah. If we had an additional course

here, I could have players rotating courses and would be able to have even more players”.

Mr. Gilliam also explained that there is currently a 50’ – 60’ buffer between the playing area and the residents of Deerfield Subdivision. There will be no encroachment into this buffer. The Parks and Recreation Department would like to ask for approval to place a Disc Golf Course in Deerfield Park for personal use for Residents and Non-Residents without a fee and tournaments supervised by Sam Barfield and the City would receive twenty percent (20%) of the gross registration fees.

A motion to approve Disc Golf Course was made by Council Member Fox and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0

E. BID AWARD/PURCHASES ORDINANCES

8. GO Bond Park Projects

Mr. Gilliam stated The GO Bond Park Projects for Matthew Hill Park include resurfacing the tennis courts and the outdoor basketball court, replacing the basketball goals and poles, and adding amenities such as picnic tables and benches for the park and tennis courts.

Picnic tables and benches for a linear park at the Pettit Creek Trail on the Mission Road side and benches for the canoe/kayak launch are also included.

This the breakdown of the costs:

1) Matthew Hill Park Improvements	
• Tennis/Basketball Court Resurfacing	\$14,400
• Amenities	\$10,522
• Outdoor Basketball Goals & Poles	\$7,700
• Benches on tennis courts	\$2,200
2) Linear park at Pettit Creek Trail	\$5,629
3) Canoe/Kayak launch benches	<u>\$1,722</u>
TOTAL	\$42,173

The tennis/basketball court resurfacing will be completed by Signature Tennis Courts, which completed the Dellinger and Hicks Park courts as well as the outdoor basketball court. The courts will look like the ones we currently have with the royal blue and light green color scheme. All the amenities, basketball goals and poles, picnic tables and benches will be purchased through BSN Sports.

Mayor Santini took a moment to thank Council Member Cooley for bringing awareness of the displeasing state of Matthew Hill Park to the attention of the City. Appreciation was also directed toward the Parks and Recreation Department for their hard work and dedication to clean up the parks located in the City.

Council Member Hodge inquired about the ongoing maintenance plan for Matthew Hill Park to ensure that it does not reach the unsatisfactory condition as before. Mr. Gilliam stated that Matthew Hill Park was originally the responsibility of the Etowah Area Consolidated Housing Authority. Due to the neglect that the park received, Parks and Recreation will take over the maintenance plan with weekly visits, along with all other parks, to ensure a pleasant and clean park to visit.

A motion to approve the GO Bond Park Projects was made by Council Member Cooley and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

9. Purchase of a 2021 Dodge Ram 1500 4X4 Truck

Frank McCann, Chief of Police, stated that the City of Cartersville Police Department is requesting approval to purchase a 2021 Dodge Ram 1500 4X4 truck. This vehicle will replace an older vehicle in our fleet (2005 Ford F-150). This vehicle will be paid for using federal asset forfeiture funds.

The police department sent a request for bids (RFB) for a 2021 Dodge Ram 1500 4X4 truck to several local car dealerships, the Georgia Procurement Registry, and placed the RFB on the city's web site. We subsequently received three bids from the dealerships. The following are the bids for the 2021 Dodge Ram 1500 4X4 truck from each dealership that met the specifications:

Robert Loehr Dodge	\$33,400.00 per vehicle
Don Jackson Dodge	\$36,542.00 per vehicle
Cooper Motor Company	\$33,839.00 per vehicle

It was recommended that the low bid Robert Loehr Dodge for the Dodge Ram 1500 4X4 truck. If equipment is needed (Lights, siren, cage, computer, in-car camera, etc.) I am requesting to add \$5,000.00 to the bid amount not to exceed \$38,400.00. The E-Verify and E-Save documents have been submitted to the police department and are on file.

A motion was made to approve the Purchase of a 2021 Dodge Ram 1500 4X4 Truck by Council Member Wren and was seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

10. Purchase of a Replacement Patrol Vehicle

Mr. McCann stated that he is requesting approval to purchase a patrol vehicle to replace one that was totaled on September 6, 2020. An officer was responding to a help call at Highway 41 and Church Street and was involved in an accident which resulted in the patrol car being totaled. This will be a replacement vehicle for the 2018 Dodge Charger and will be paid for out of insurance funds and federal asset forfeiture funds.

The police department sent a request for bids (RFB) for a patrol vehicle to several local car dealerships, the Georgia Procurement Registry, and placed the RFB on the city's website. The City of Cartersville Police Department received three bids from the dealerships. The following are the bids for the patrol vehicle from each dealership that met the specifications:

Robert Loehr Dodge	\$25,978.00 per vehicle
Don Jackson Dodge	\$27,901.00 per vehicle
Ginn Commercial	\$27,104.00 per vehicle

Mr. McCann recommends the low bid, Robert Loehr Dodge, for the patrol vehicle. Any equipment needed (Lights, siren, cage, computer, in-car camera, etc.) will be removed from the totaled 2018 Dodge Charger. The P.D. will use previously approved vehicle purchase federal asset forfeiture funds for the striping of vehicle. The E-Verify and E-Save documents have been submitted to the police department and are on file.

A motion was made to approve the Purchase of a Replacement Patrol Vehicle by Council Member Roth and was seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

11. Southern Actuary Services Invoice

Tom Rhinehart, Finance Department Head, stated this invoice from Southern Actuary Services is for the annual pension actuarial valuation and individual benefit statements for FY2020 in the amount of \$12,500. This is a budgeted item.

A motion was made to approve the Southern Actuary Services Invoice was by Council Member Cooley and was seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

12. SiteMed Annual Firefighters Physicals

Scott Carter, Fire Department Head, stated that the OSHA 29 CFR 1910 and National Fire Protection Association (NFPA) 1582 require fire fighters cleared on an annual basis. This clearance is both medical and physical. In addition, there is a health and wellness component for firefighters requiring a fitness program within Cartersville Fire. We are seeking your approval to have our annual physicals performed by the Site-Med Corporation. SiteMed has been performing physicals for Cartersville Fire for several years. They are the single source due to the complexity and ability to perform all testing on site at our PSHQ. All suppression personnel will have full medical examinations, vision, hearing, pulmonary function, EKG as well as strength evaluation, flexibility and aerobic capacity. In addition, all of our current hazardous material team members will receive heavy metal profiles and additional tests to meet Haz-Mat requirements. Beyond the physicals, our department receives yearlong consultation service by Dr. Walker and his staff for return to work clearance and rehabilitation assistance for any firefighter injuries we may have during the year. The cost for the annual physical and medical program is \$23,975.00. This is the same rate as 2019. Because of the nature of the testing and the potential for addition cardiac screening that may be necessary after the base physical, we are respectfully requesting an amount up to and not to exceed \$26,500.00. This is a budget item and this amount is still below our budget.

A motion to approve the SiteMed Annual Firefighters Physicals was made by Council Member Fox and was seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0

13. Excavator Mulching Head

Derek Hampton, Electric Department Head, stated the Electric Department is recommending approval of the purchase of the mulching attachment from Vermeer for \$25,490. This is a budgeted expense and includes all hoses and mounting brackets required to use the attachment on all of our excavators.

A motion was made to approve the Excavator Mulching Head by Council Member Roth and was seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

14. SEGAS Invoice

Mr. Hampton stated the Electric Department is recommending approval for payment of the SEGAS invoice for \$6,840.00. The customer was required to cover the expense of the bore to the building, and they have already reimbursed us for the cost.

A motion was made to approve the SEGAS Invoice by Council Member Roth and was seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

15. Highland 75 Cable Vault

Mr. Hampton stated that it was recommended for approval for the purchase of the 6'x10'x7' underground vault from Irby Utilities, built to our specs for \$7,732.00. This is a budgeted capital expense.

A motion was made to approve the Highland 75 Cable Vault by Council Member Cooley and was seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

16. Highland 75 Switching Cubicle

Mr. Hampton stated the Electric Department recommends approval of the purchase of the S&C PMH-10 Switching Cubicle from Gresco for

\$21,435.00. This is a sole-sourced item for the type that we have standardized on, and was budgeted in our capital expenses.

A motion was made to approve the Highland 75 Cable Vault by Council Member Roth and was seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

Council Member Roth took a moment to thank Mr. Hampton and his team for the diligent work that was performed during the storms from Hurricane Zeta. Mr. Hampton explained it was a collective effort from all departments to clean up the debris and restore power to City residents.

Mr. Porta brought it to the Council and public's attention that while North Georgia suffered from extensive wind damage and power outages from the storm, most citizens of North Georgia were out of power for several days. Within 38 hours of power outage, all City residents' power was restored. Special thanks to all of the departments that had a hand in the clean up the endless hours spent ensuring that City of Cartersville was a step above the rest.

17. 4" PE Pipe for SR 113/Old Alabama Rd CP-14-002

Michael Dickson, Gas Department Assistant Director, stated that this 4" PE Pipe is for project CP-14-002 for the S.R. 113/Old Alabama Road Relocation from Pumpkinvine Creek to C.R. 699. Consolidated Pipe is our sole source provider for this item. I recommend the approval for this PE Pipe, totaling 13,200 LF at \$2.96/LF. The total of this item is \$39,072.00. This is a budgeted item.

A motion was made to approve the 4" PE Pipe for stock/Old Alabama Rd CP-14-002 by Council Member Fox and was seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

18. 8" Line Stopper Fittings

Mr. Dickson stated that the 8" line stopper fittings are to replenish our stock. Mueller is our sole source provider for these fittings. Each fitting is \$4,419.87, totaling \$8,839.74. This is a budgeted item.

A motion was made to approve the 8” Line Stopper Fittings by Council Member Fox and was seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

19. 8 5/8” Coated Steel Line Pipe for SR113/Old Alabama Road CP-14-002

Mr. Dickson stated that the 8 5/8” coated steel line pipe is for project CP-14-002 for the S.R. 113/Old Alabama Road Relocation from Pumpkinvine Creek to C.R. 699. Consolidated Pipe is our sole source provider for this item. I recommend the approval for this PE Pipe, totaling 1,220 LF at \$16.15/LF. The total of this item is \$19,703.00. This is a budgeted item.

A motion was made to approve the SEGAS Invoice by Council Member Roth and was seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

20. WPCP – Secondary #2 Gearbox Rebuild

Bob Jones, Water Department Head, stated at approximately 02:00 A.M. on Friday, October 2, 2020, the Number 2 gearbox in the secondary lift station expired. The gearbox drives the Number 2 screw pump which feeds raw sewage into the wastewater plant. The gearbox was pulled and sent to Motor & Gear Engineering (M&GE) for an expedited rebuild. A quick turnaround was requested due to the scheduled arrival of heavy rain from Hurricane Delta on Friday, October 9, 2020.

M&GE returned the completed box and the pump was returned to operation on Friday, October 9, 2020. The expedited turnaround enabled us to avoid rental of expensive bypass pumps the cost of which would far exceed the overtime charges from M&GE.

The Water Department recommended approval of the M&GE invoice for \$16,324.28 and stated that this is a budgeted item and will be paid from account 505.3330.52.2361 – Maintenance to WPCP.

A motion was made to approve the WPCP – Secondary #2 Gearbox Rebuild Invoice by Council Member Fox and was seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

21. Health and Vision Insurance Renewal

Mr. Porta stated City staff has met with One Digital, our health insurance agent, to review the health insurance proposals for 2021. Currently, city employees are covered through Anthem (BC/BS) Insurance with the option of Point of Service (POS) or a Health Savings Account (HSA) insurance plan. One Digital was able to have Anthem renew these two plans at the same rates we are currently paying.

One Digital has provided a proposal from Anthem for Vision Insurance, which is a voluntary insurance (employee pays 100% of premium) at the same premium cost that is currently provided by Avesis. The Anthem Vision Insurance coverage has better benefits and if the city approves to switch to Anthem Vision coverage, they will provide the health insurance plan with a 1% discount for 2021, which equals approximately \$50,000 in savings. Therefore, I recommend approval of the renewal of health insurance coverage with Anthem Insurance and the switch to Anthem Vision Insurance coverage for 2021.

A motion was made to approve the Health and Vision Insurance Renewal by Council Member Fox and was seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

22. Life and Disability Insurance Renewal

Mr. Porta stated the city has provided life insurance and short-term and long-term disability insurance coverage through Standard Insurance Company by our agent Jay Milam with Peachtree Planning for several years. Standard's 41-month rate guarantee expires on 12/31/20 and they initially came in with a 30% rate increase. He asked our agent to shop the market and they have provided a life insurance and short-term disability proposal with no rate increase with a two-year rate guarantee. The long-term disability coverage which is voluntary (employee pays 100%) is a 15% decrease under the Equitable Insurance proposal.

Also, he asked One Digital, our health insurance agents, to provide a proposal from Anthem Insurance for life, short-term and long-term disability. Anthem's proposal matched the current expiring rates and they guaranteed the rates for two years. Upon meeting with both agents, I asked if any additional rate discounts can be applied to the city's accounts or extension of the rate guarantee. Due to an aging workforce, the longer we can lock in the life insurance rates will benefit the city long term. One

Digital was able to get Anthem to provide a three-year rate guarantee and in addition, if the city elects to go with Anthem for the life and disability coverages, then the city will receive a one-time 1.5% savings on the health insurance renewal premium. Based on the Anthem three-year rate guarantee, I recommend moving the life, short-term and long-term disability coverage to Anthem Insurance.

A motion was made to approve the Life and Disability Insurance Renewal by Council Member Fox and was seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

23. Wellness Program 2021

Mr. Porta stated for the past two years, city employees, excluding fire personnel, have been required to have a biometric screening done and one follow up visit with a health coach. This service has been provided by Corporate Health Partners (CHP) and for 2021 they have proposed the cost for this same testing to be \$89.00 per employee, plus \$2,500 in management fees. For 239 employees this totals \$23,771.00 which if approved can be paid from the \$50,000 wellness credit given to us by Anthem (BCBS) Insurance.

A motion was made to approve the Wellness Program 2021 by Council Member Roth and was seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

24. Fire It Up BBQ Invoice

Mr. Porta stated the city hired Fire It Up BBQ to provide the meals for the employee lunches that were held last week and the invoice totaled \$6,204.12. It was recommended to approve this purchase. This is a budgeted expense.

A motion was made to approve the Fire it Up BBQ Invoice by Council Member Roth and was seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

25. Straight-Line Collision Invoice

Mr. Porta stated that a city vehicle was involved in an accident in August and the other driver was at fault. The vehicle was taken to Straight-Line Collision to be repaired. The repair costs were \$9,248.47 and was recommended for approval. We will pay for the repair costs and be reimbursed by the insurance of the driver at fault.

A motion was made to approve the Straight-Line Collision Invoice by Council Member Roth and was seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

Council Member Stepp joins the meeting at 7:38 P.M.

F. TABLED ITEMS

26. AZ20-04 175 E. Main Street

27. Z20-03 175 E. Main Street

A motion was made to remove AZ20-04 175 E. Main Street and Z20-03 175 E. Main Street from the table for discussion. Motion was made by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0

Mr. Porta stated that the applicant, Robert Ledbetter, Ledbetter Properties, chose not to withdraw his application, but would rather extend the application to the December 17, 2020 City Council Meeting. This extension would allow additional time in hopes that all parties can meet before then and come to an agreement on the amendment to the TAD.

A motion was made to table AZ20-04 175 E. Main Street and Z20-03 175 E. Main Street until the December 17, 2020 City Council meeting. The motion was made by Board Member Fox and seconded by Board Member Roth. Motion carried unanimously. Vote: 6-0

G. DISCUSSION

28. Downtown Entertainment District

Mayor Matthew Santini stated that this discussion is to allow Council Members to express opinions and suggestions and citizens to express their opinions regarding a Downtown Entertainment District. Mr. Santini further

explained that the discussion would initially begin with the Council Members and will follow up with comments from the public. Each citizen was given 3 minutes to express their concern and/or opinions on the matter.

Council Member Cooley starts off the discussion stating that he would like to see a plan put in place to address additional trash and debris left behind and also recommended decreasing the drink size from 16 ounces to possibly 8 ounces. Mr. Cooley inquired about the penalties for violators. One of his concerns was the lack of well lighted areas and a Code of Moral Conduct needs to be established.

Council Member Roth expressed his opinion regarding the vitality of the downtown area. The City's vitality is thriving without the need for open container. He believes that an ordinance to allow open container should not be the drawing point for our city. He asked, "How does alcohol/open container add to the appeal of our city?"

Mayor Santini expressed that his role is not to advocate either way. He wants all voices heard. He asked, "What is the benefit? What are we trying to accomplish here?" Furthermore, Mr. Santini stated that he had spoken with several of the downtown business owners to get their opinions on the possibility of a Downtown Entertainment District. Some business owners stated that they were in favor of the concept, as it would allow them the possibility of outdoor dining, ultimately giving restaurants a larger capacity. Other business owners stated they would consider extending their business hours as they felt the Downtown Entertainment District would generate more foot traffic in the area resulting in more business. In closing, Mayor Santini stated that he reached out to City of Acworth and City of Kennesaw, who currently have similar open container policies, and was informed that there have not been any increased crime or police activity. However, trash and debris were problematic.

Council Member Stepp reminded the Council and the public that the Downtown Entertainment District did not come from the Council Members but instead, was presented by the downtown business owners in 2018, before Covid-19.

Mayor Santini opens the floor for public comments.

Grady Clark, 232 Nelson Street, came forward to speak against the Downtown Entertainment District.

Wesley Morris, 131 Etowah Drive, came forward to speak against the Downtown Entertainment District.

Chuck Smith, 216 McCaskey Creek, came forward to speak against the Downtown Entertainment District.

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

Mike Abernathy, 10 Hardin Bridge Road, came forward to speak against the Downtown Entertainment District.

David Franklin, 2031 Hwy 113, came forward to speak against the Downtown Entertainment District.

Allan Sanders, 41 Whistlestop Drive, came forward to speak in favor of the Downtown Entertainment District.

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

James Black, 11 Gordon Road, came forward to speak against the Downtown Entertainment District.

Bobby Lawrence, 53 Stonewall Street, came forward to speak against the Downtown Entertainment District.

Barbara Hoffman, 43 Miltons Walk, came forward to speak against the Downtown Entertainment District.

Lillie Read, Downtown Development Authority Director, came forward to share statistics from a social media platform and explained that of forty eight (48) comments regarding the proposed Downtown Entertainment District, only two of which were negative feedback. The remaining were positive.

With no one else to come forward, Mayor Santini closes the public comment portion of the discussion and turns the discussion back over to the Council Members.

Council Member Roth stated that he does not feel this is something that need to progress and that this is not the direction we want our city to move towards. In 2018, when the proposal of a Downtown Entertainment District was initially brought before the Council, it was not passed then and should not be moved forward now. Furthermore, he stated that the character of our downtown should not rely on open container.

Council Member Fox proposed the drafting of an ordinance to reflect the suggestions given to allow Council to view and modify as deemed necessary. Council Member Wren, Council Member Cooley, Council Member Hodge, and Council Member Stepp agreed on the proposal. Council Member Roth opposed the proposal of an ordinance.

Mayor Santini stated that since the majority of Council Members would like to see an ordinance proposal, he will gather all of the suggestions and parameters shared during the two discussion sessions and will forward to the City Attorney so that an ordinance can be drafted for the Council Members for review.

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

Meeting Adjourned

/s/ 
Matthew J. Santini
Mayor

ATTEST:
/s/ 
Julia Drake
City Clerk

