

City Council Meeting
10 N. Public Square
January 5, 2017

6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tonsmeire

Pledge of Allegiance led by Troop 15 of Trinity Methodist Church.

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: Kari Hodge, Council Member Ward One; Louis Tonsmeire, Sr., Council Member Ward Three; Dianne Tate, Council Member Ward Five; Taff Wren, Sam Grove, City Manager; Connie Keeling City Clerk, Meredith Ulmer Deputy Clerk and David Archer, City Attorney. The following City Council Members were absent: Jayce Stepp, Ward 2; Lindsay McDaniel, Ward 4; and Taff Wren, Ward 6.

II. Regular Agenda

A. Council Meeting Minutes

1. December 15, 2016

A motion to approve the December 15, 2016 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0.

B. Appointments

1. City Clerk and Deputy Clerk

Randy Mannino, Planning and Development Director came forward and stated Connie Keeling, the current City Clerk is retiring and a new city clerk needs to be appointed. Mr. Mannino recommended Meredith Ulmer, the current Deputy City Clerk. Mr. Mannino added with Meredith Ulmer being appointed City Clerk the Deputy City Clerk position needed to be filled; he recommended Samantha Dover to be appointed Deputy City Clerk.

3. Conventions and Visitors Bureau Board

Sam Grove, City Manager, stated he recommended Shawn Jervis be appointed to the Conventions Visitors Bureau Board. Shawn Jervis is the General Manager at Barnsley Gardens Resort located in Adairsville, Georgia.

A motion to approve the appointment of Shawn Jervis to the Conventions and Visitors

Board was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0.

C. Presentations

1. Fiscal Year 2016 Audit Presentation

Tom Carmichael from Carr, Riggs, and Ingram, LLC, the City's external audit firm, came forward and gave a presentation on Fiscal Year 2016 and included the Comprehensive Annual Financial Report.

D. Second Reading of Ordinances

1. Adoption of the 2017 City of Cartersville Pension Plan and Amendment to the City of Cartersville Pension Plan

Sam Grove, City Manager stated the proposed amendment changes the multiplier in the pension plan from 2% to 1% for new employees hired after January 1, 2017. Mr. Grove stated this change does not apply to any current employees or retirees. Mr. Grove also stated this change has been approved by the Retirement Board.

A motion to approve 2017 City of Cartersville Pension Plan was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote: 4-0.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 01-17

NOW BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, THAT CHAPTER 16 - PERSONNEL. ARTICLE II. - EMPLOYEE BENEFITS. DIVISION 2. - RETIREMENT PLAN SEC. 16-51. - ADOPTED; SHORT TITLE; DEFINITION is hereby amended by adding the following new paragraphs (c), (d), and (e) the remaining provisions shall remain as is:

1.

Sec. 16-51. - Adopted; short title; definition.

(c) That the Second Amendment to the Plan most recently adopted and restated on April 28, 2011, is adopted as amended and restated as of the date of the adoption by the City Council of the City of Cartersville being January 5, 2017. A copy of the Second

Amendment to Plan is kept by and maintained at the City Clerk's Office. This Plan covers employees hired before January 1, 2017.

- (d) That the 2017 Pension Plan is adopted as of the date of the adoption by the City Council of the City of Cartersville being January 5, 2017. A copy of the 2017 Pension Plan is kept by and maintained at the City Clerk's Office. This Plan covers employees hired on or after January 1, 2017.**
- (e) Upon adoption of an amendment to the Pension Plan, the proper officers of the Employer and the Pension Board are hereby authorized and directed to take each other and further action on the advice of counsel, including the making of additional amendments not inconsistent with the general tenor of the foregoing, so that the Plan, as amended, continues to meet the qualification requirements of Section 401(a) of the Internal Revenue Code of 1986, as amended (the "Code"), and the implementing trust there under continues to be tax-exempt under said Code, and the 2017 Plan satisfies the qualification requirements of Section 401(a) of the Code, and the implementing trust there under is tax-exempt under said Code.**

2.

All other remaining provisions of Section 16-51 are to remain as is and the additional paragraphs herein are to be made part of the permitted uses in Section 16-51.

3.

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

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 15th day of December 2016.

ADOPTED this the day of. Second Reading.

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

ATTEST:

**/s/ Meredith Ulmer
Meredith Ulmer
Deputy City Clerk**

2. Revision to Municipal Court Ordinances

David Archer, City Attorney stated the reevaluation and adjustment to Municipal Court fees and sessions. Mr. Archer stated Regular Session Ordinance 13-2 is to allow for the judge to schedule court around holidays and not have Court on the 5th Monday of any month with five Mondays. Mr. Archer stated Sec 13-24 updates the Municipal Court fee structure related to the State mandatory minimum. Mr. Archer stated this would add more fees to the fee schedule and referenced Exhibit A.

A motion to approve the Revision to Municipal Court Ordinances with the inclusion of the fee schedule displayed in Exhibit A was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 02-17

NOW BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, THAT THE CODE OF ORDINANCES, CITY OF CARTERSVILLE CHAPTER 13. MUNICIPAL COURT, SECTION 13-24. – SURCHARGES AND COURT COSTS, BY DELETING PARAGRAPHS (C) AND (D) AND RENUMBER THE REMAINING AS FOLLOWS:

1.

- a) *Fine Amounts.* Fine amounts for ordinance and traffic law violations are hereby revised and updated as shown on Attachment “A.”**
- (b) *State surcharges.* The municipal court shall impose all add on fees or surcharges required by state, federal or local law.**
- (c) *Interpreter fees.* The municipal court shall be authorized to impose fees for providing an accused with the services of an interpreter in accordance with the rules and regulations set forth by the Georgia Supreme Court.**
- (d) *Bail or bond.* In all cases in which bail or bond is posted, all required surcharges are to be added to same and shall be posted.**
- (e) All surcharges shall be paid into the city's general fund or dedicated accounts as may be established from time to time and are to be disbursed as provided for by law.**
- (f) The Judge, Mayor, or City Council may impose additional surcharges as authorized by the Charter or State Law.**

2.

This ordinance shall become effective immediately upon its adoption by the City Council.

3.

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

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 15th day of December 2016.

ADOPTED this the day of. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Meredith Ulmer

Meredith Ulmer

City Clerk

Exhibit A on file at the City Clerk's Office.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 03-17

NOW BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, THAT THE CODE OF ORDINANCES, CITY OF CARTERSVILLE CHAPTER 13. MUNICIPAL COURT, SECTION 13-2. – REGULAR SESSION, BY DELETING SAID SECTION IN ITS ENTIRETY AND REPLACING IT WITH THE FOLLOWING:

1.

“Sec. 13-2. – Regular sessions.

(a) A regular session of the court shall be held once each week at a fixed hour of a fixed day as may be determined by the judge, provided such session may be dispensed with when there is no business pending in the court and no cases ready for trial.

(b) There shall be no regular session of Court the weeks of Thanksgiving, Christmas, and New Year's, or on any legal holiday unless otherwise determined by the Judge. Additionally, in any month with five (5) Mondays, there shall be no

regular session of court on the fifth (5th) Monday of the month unless determined by the Judge.

2.

CHAPTER 13. MUNICIPAL COURT. SECTION 13-2. – SURCHARGE AND COURT COSTS is hereby amended by deleting paragraphs (c) and (d) in their entirety and renumbering paragraphs (e) to (c) and (f) to (d) as follows:

(c) *Bail or bond.* In all cases in which bail or bond is posted, all required surcharges are to be added to same and shall be posted.

(d) All surcharges shall be paid into the city's general fund or dedicated accounts as may be established from time to time and are to be disbursed as provided for by law.

3.

This ordinance shall become effective immediately upon its adoption by the City Council.

4.

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

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 15th day of December 2016.

ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Meredith Ulmer
Meredith Ulmer
City Clerk

E. First Reading of Ordinances

1. Alcohol Ordinance Amendment

Randy Mannino, Planning and Development Director came forward and stated this amendment was in regards to the old "Wheeler" building, a tenant strip retailer, located on North

Bartow Street. Mr. Mannino stated in order for this location to have a convenience store with beer and wine sales he proposed a minimum of a 100 feet of separation from a residence in the Multi Use District.

Mayor Santini stated the second reading of this Alcohol Ordinance Amendment will take place at the next City Council meeting on January 19, 2017.

Ordinance
of the
City of Cartersville, Georgia
Ordinance No. 04-17

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 I. IN GENERAL. Division 4. Premises Restrictions. Sec.4-109. Distance Requirements (b)(3)** is hereby amended by deleting said Section Sec. 4-109(b)(3) in its entirety and replacing it with the following:

1.

Sec.4-109. Distance Requirements

(b)(3) No retail dealer's license shall be granted to any person for any proposed location of a retail package store which is within one hundred (100) feet of any private residence which is located within a nonresidential city zoning district. The distance shall be measured in all directions from the nearest wall enclosing the proposed premises where distilled spirits are to be sold to the nearest point of any residential property line within the city; provided, however, the distance from the rear of the premises of a licensee to the property line of any residence may be reduced to not less than fifty (50) feet, if the licensee installs and maintains a buffer in accordance with the City of Cartersville Zoning Ordinance section 4.17 or a fence not less than six (6) feet in height, nor more than eight (8) feet in height. Notwithstanding anything to the contrary in this Ordinance, and only for purposes of this Section 4-109, a multi-use zoning district shall be considered a nonresidential city zoning district and any proposed location of a retail package store shall be no less than one hundred (100) feet to any private residence The zoning administrator shall determine if a fence or planted buffer is appropriate in light of the surrounding property and applicable zoning districts and standards. Once the zoning administrator has made his/her determination, the request is to be forwarded to the alcohol control board for their review and approval, approval with conditions or rejection based on the following standards.

- a. Visual and lighting impact on surrounding properties.**
- b. Surrounding property uses.**
- c. Noise impact on surrounding properties.**
- d. Location of dumpsters, loading areas, and drive and parking configuration.**

2.

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

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____

SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____

MEREDITH ULMER, CITY CLERK

F. Resolutions

1. Capital Improvements and Short Term Work Program Elements for Comprehensive Plan

Randy Mannino, Planning and Development Director stated in accordance with the Development Impact Fee Regulations as outlined by the State, the City is required to file an annual update to the Capital Improvements Element of the Comprehensive Plan, because impact fees are collected and the City has adopted an impact fee ordinance. Mr. Mannino stated the required public hearing was held, Council passed the resolution and it was transmitted and approved by both the Northwest Georgia Regional Commission and the Georgia Department of Community Affairs. The City of Cartersville is required to formally adopt it.

A motion to approve the Capital Improvements and Short Term Work Program Elements was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0.

Resolution No. 01-17

ADOPTION RESOLUTION

Capital Improvements Element

WHEREAS, The City of Cartersville adopted a Capital Improvements Element as an amendment to the *Cartersville Comprehensive Plan*; and

WHEREAS, The City of Cartersville has prepared an Annual Update to the adopted Capital Improvements Element; and

WHEREAS, the Capital Improvements Element Annual Update was prepared, submitted, and reviewed in accordance with the “Development Impact Fee Compliance Requirements” and the “Minimum Planning Standards and Procedures for Local Comprehensive Planning” adopted by the Board of Community Affairs pursuant to the Georgia Planning Act of 1989, and an advertised Public Hearing was held on November 17, 2016 at 7:00 P.M. in the City Council meeting room at Cartersville City Hall; and

BE IT THEREFORE RESOLVED, that the City Council of the City of Cartersville does hereby approve and adopt the Capital Improvements Element Annual Update attached hereto and incorporated herein as Exhibit “A” as per the requirements of the Development Impact Fee Compliance Requirements.

ADOPTED THIS DAY, THE 5th OF JANUARY, 2017.

Mayor, City of Cartersville, Georgia

ATTEST:

City Clerk

G. Other

1. Floyd County Taxes

Gary Riggs, Gas Department Head came forward and stated the Gas Department has a facility in Floyd County and the department has received a tax bill of \$6,893.31. Mr. Riggs recommended approval of this expenditure.

A motion to approve the payment for Floyd County Taxes was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0.

2. Natural Gas Association of Georgia Dues

Gary Riggs, Gas Department Head stated the annual dues to be a member of the Natural Gas Association of Georgia is \$5,000.00. Mr. Riggs recommended approval.

A motion to approve the Natural Gas Association of Georgia Dues was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0.

H. Bid Award/Purchases

1. Gas Department Backhoe Trailer

Gary Riggs, Gas Department Head stated one of the department's backhoe trailers needs the dial axle assembly replaced. The garage estimates the cost to be \$5,500.00. Mr. Riggs requested and received five quotes to replace the trailer. The lowest bid for a new trailer is \$7,505.00 from Rides the Wind Trailers and Accessories. Mr. Riggs stated purchasing a new trailer is more cost effective than an attempt to repair the old trailer. He stated this is not a budgeted item.

A motion to approve the purchase of a new backhoe trailer for the City Gas Department was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0.

2. Electric Department 300kVA Transformer Purchase

Don Hassebrock, Electric Department Head came forward and stated the Electric Department needs to purchase a transformer to replace the transformer at Kroger Outparcel 1. Three bids were received and the Electric Department recommends approval of the purchase of a General Electric transformer from Irby for \$7,826.00. This transformer was not the lowest price, but it has the lowest Total Ownership Cost. It also has the shortest delivery time. Mr. Hassebrock stated this was a budgeted item.

A motion to approve the purchase of a new transformer for the Electric Department was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0.

3. Water Department Center Road Pump Station – Operation Control Valve

Bob Jones, Water Department Head came forward and stated the operation control valve for the number one pump in the Center Road pump station has failed. Mr. Jones stated the valve is original to the pump station which was built in by Bartow County in 1998. The valve has been rebuilt multiple times in the past several years. An emergency replacement quote from Peachtree Valves and Equipment was obtained December 19th, 2016. Peachtree Valves and Equipment had the fastest delivery time of 5 to 7 weeks and quoted the department \$5,198.00 with shipping. Mr. Jones recommended approval of the emergency replacement.

A motion to approve the purchase of an emergency operation control valve for the Water Department was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote: 4-0.

4. Water Department Pettit Creek Temporary Bridge Construction

Bob Jones, Water Department Head stated the water department has a 24-inch main installed causing the piles to shift toward the main while being driven. Because the main is installed in Georgia Department of Transportation right-of-way instead of an easement, GDOT can require us to move the pipe in order to facilitate construction of their facilities. The estimated cost to relocate this main is \$600,000 - \$700,000. CW Matthews has proposed an alternate method. CW Matthews is requesting \$78,612.78 to complete the rock socket drilling per the attached quote.

Mr. Jones stated he recommended approval of the CWM bid of \$78,612.78 as an emergency sole source award. Mr. Jones stated this was not a budgeted item. Funds will be transferred from ATCO – Water Main Replacement Phase I to Hwy 41/411 Water Main Relocation from which this expense will be paid.

A motion to approve the Pettit Creek Temporary Bridge Construction was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote: 4-0.

I. Contracts/Agreements

1. Real Estate Lease Agreement

Dan Porta, Assistant City Manager came forward and stated the city has advertised a property for lease at 1540 West Avenue for the placement of a trailer. The lease agreement will be through June 30, 2019. The only company to submit a proposal to lease the space was Bartow Paving. This will allow Bartow Paving to have a construction trailer on site through the end of the lease term.

A motion to approve the Real Estate Lease Agreement was made by Council Member Tate and seconded by Council Member Tonsmeire. The motion carried unanimously. Vote 4-0.

2. Professional Services Agreement

Dan Porta, Assistant City Manager stated approval was needed by City Council in order to move forward with Professional Services Agreement which will assist the City in assessing the City's situation in administering municipal government services.

A motion to approve the Professional Services Agreement was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0.

Mayor Santini stated there was an item to add to the agenda in regards to maintenance at the Public Safety building.

Council Member Hodge made a motion to add Public Safety building maintenance cost

to the agenda. The motion was seconded by Council Member Tonsmeire. Motion carried unanimously. Vote: 4-0.

J. Added Item

1. Fire Department Planned Maintenance on the Public Safety Building

Chief Scott Carter came forward and stated this is a renewal of the annual service and maintenance contract for the Public Safety Headquarters building. This is a joint project between Fire and Police with shared cost. Chief Carter stated new proposals were sought from three different recommended companies. Chief Carter stated he recommended to go with the low bid of Galgon for an annual price of \$16,209.00. This will be paid in quarterly payments of \$4052.25, splitting the cost in half between the Fire and Police budgets.

There is an additional one time flushing charge of \$1520.00 for a new loop that was found in the system. This is a budgeted item and will be in force until January 1, 2019. Chief Carter Stated he respectfully requested approval of the annual maintenance contract with the low bid of Galgon in the amount of \$16,209 with the additional flushing of \$1520.00 for a total of \$17,729.00.

Council Member Tonsmeire made a motion to approve the Planned Maintenance on the Public Safety Building and Council Member Hodge seconded the motion. The motion carried unanimously. Vote: 4-0.

Mayor Santini asked Chief Carter about a weather update due to the predictions of inclement weather. Chief Carter stated last he heard is tomorrow Cartersville could see 1 to 2 inches of snow. He stated thus far, the prediction is only snow, no high winds or ice.

Sam Grove, City Manager stated that with the passing of Lamar Greeson, the Information Technology Department Head, we need to have our thoughts and prayers with his family and loved ones.

After announcements a motion to adjourn the meeting was made by Council Member Tonsmeire and needing no second. Motion carried unanimously. Vote 4-0.

Meeting Adjourned

/s/ 
Matthew J. Santini
Mayor

ATTEST:

