City Council Meeting
10 N. Public Square
March 17, 2016
8:00 A.M. – Work Session 9:00 A.M.

I. Opening Meeting

Invocation by Council Member Tonsmeire

National Anthem sang by the Cartersville High Men's Quartet

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; Lindsey McDaniel Council Member Ward Four; Dianne Tate, Council Member Ward Five; Taff Wren, Council Member Ward Six; Sam Grove, City Manager; Connie Keeling, City Clerk and Keith Lovell, Assistant City Attorney. David Archer, City Attorney and Jayce Stepp, Council Member Ward Two were absent.

II. Regular Agenda

A. Swearing in of Civic Youth Day Officials

1. Civic Youth Day Officials

Mayor Santini welcomed and introduced the participants of Civic Youth Day to their city counterparts. Connie Keeling administered the oaths of office to the students.

B. Council Meeting Minutes

1. March 3, 2016

A motion to approve the March 3, 2016 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

C. Proclamation

1. Proclamation to Cartersville High Robotics Team

Mayor Santini stated that the Cartersville High School Robotics Team consisted of 17 members and 5 coaches. This team won first place in the "For Inspiration and Recognition of Science and Technology (FIRST)" Robotics State Championship and finished 14^{th} out of 72 teams at the 2016 FTC South Super Regional in San Antonio, Texas. Mayor Santini presented a proclamation to each member and coach on behalf of the city for their achievement.

D. Certification

1. Good Neighbor Homeless Shelter Grant Application

Jessica Mitchum, with the Good Neighbor Homeless Shelter stated that this is the annual certification request in order for the Good Neighbor Homeless Shelter to make application for grant funds from the Georgia Department of Community Affairs. Ms. Mitchum stated that by approving this document the city is stating that the shelter is within the jurisdiction of this local government and they are approved for funding by DCA. Ms. Mitchum recommended approval.

A motion to approve the Grant Application was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

E. Appointments

1. Etowah Area Consolidated Housing Authority

Sam Grove, City Manager stated that Hazel Stephenson's term on the Etowah Area Consolidated Housing Authority expires as of April 1, 2016. Ms. Stephenson has agreed to serve for another five year term ending on April 1, 2021 and Mr. Grove recommended approval.

A motion to approve the reappointment of Hazel Stephenson was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

F. First Reading of Ordinances

1. Amendment to Public Safety – Indoor Firing Range

Randy Mannino, Planning and Development Director stated that this ordinance allows the discharge of firearms in the City Jurisdiction as long as it is in the confines of an approved firing range. Mr. Mannino recommended approval.

NO ACTION REQUIRED

2. Amendment to Business License – Indoor Firing Range

Randy Mannino, Planning and Development Director stated that this ordinance amendment provides for standards of the establishment and operation of a firing range in the City. Mr. Mannino recommended approval.

NO ACTION REQUIRED

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

1. File T16-01: Text amendment application by the City of Cartersville to allow Indoor Firing Ranges in certain districts as, and Special Use standards for Indoor Firing

Ranges

Randy Mannino, Planning and Development Director stated that this Zoning and Annexation request had no conflicts with the other City Departments and all adjacent property owners have been notified and the required legal notices have been advertised. The City ordinances currently do not allow for the discharge of firearms in the City and this ordinance includes indoor firing range facilities. There have been discussions about the possibility of modifying the general ordinance to allow for Indoor Firing Ranges. If said general ordinance is changed, the City's zoning ordinance would also have to be modified to provide for zoning districts where this use would be appropriate. Mr. Mannino stated that there two districts being considered and they are G-C (General Commercial) and L-I (Light Industrial). These districts were chosen because of other indoor recreation and training type facilities that are already allowed in these districts. Mr. Mannino stated that the Planning Commission had recommended approval.

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

NO ACTION REQUIRED

2. File SU16-02: Special Use application by Douglas Street United Methodist Church for the addition of a Portable Classroom to be placed on the church property located at 219 Douglas Street. The manufactured building will be used for classrooms. Said property contains approximately 2.8 acres.

Randy Mannino, Direct of Planning and Development, stated that this Zoning and Annexation request had no conflicts with the other City Departments and all adjacent property owners have been notified and the required legal notices have been advertised. The Douglas Street United Methodist Church has been operating at the current location for many years. Current ordinance guidelines require a Special Use be granted for the establishment of a religious institution in the majority of the zoning districts. However, the applicant is in the process of bringing in a modular classroom which is considered an expansion. The Special Use approval does bring the zoning into compliance, and allow for the expansion of the use. The applicant would still be required to comply with applicable building and fire code requirements of the new structure after approval. Mr. Mannino stated that the Planning Commission has recommended approval, subject to the portable classroom being approved for seven (7) years. At said time owner should either be ready to build a permanent structure, or come back through the process to seek a time extension.

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

NO ACTION REQUIRED

3. ZMA16-01: Zoning Map amendment by the City of Cartersville to include previous year's zonings and annexations on the official zoning map.

Randy Mannino, Planning and Development Director stated that this is the annual re-adoption of the official zoning map of the City of Cartersville. It includes the previous year zoning actions approved by City Council as well as the previous year's annexations. Additionally, it includes the County owned site of the Clarence Brown Conference Center that has been previously annexed and zoned into the City. It was formerly shown as P-I (Public Institutional) on the zoning map. Based on discussions with County and City officials, the more appropriate G-C (General Commercial) zoning will better fit the purpose of the conference center and ancillary uses. Mr. Mannino stated that the Planning Commission had recommended approval.

H. Bid Award/Purchases

1. Fire Department Protective Equipment

Scott Carter, Fire Chief stated that three sets of protective gear had been damaged while on a mutual aid call with Bartow County Fire Department. The cost of replacement for this equipment is $5,182.50 from Fire Master and if the cost can be recovered through insurance the department will seek reimbursement. Chief Carter recommended approval.

A motion to approve the replacement of the damaged protective gear was made by Council Member Tonsmeire seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

2. Fire Department Breathing Apparatus Replacement

Scott Carter, Fire Chief stated that three breathing apparatus had been damaged while on a mutual aid call with Bartow County Fire Department. The cost of replacement for this equipment is $13,820.88 from Municipal Emergency Services (MES) and if the cost can be recovered through insurance the department will seek reimbursement. Chief Carter recommended approval

A motion to approve the damaged breathing apparatus was made by Council Member Hodge and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

3. Water Administration Copier

Bob Jones, Water and Sewer Superintendent stated that he needed to replace his 2003 Cannon Copier. After consulting with the IT Department it was recommended that he purchase a Cannon Copier to insure compatibility with the City Computer Network. Mr. Jones recommended approval of the new copier at a cost of $7,495.00.

A motion to approve Cannon Copier was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

4. Fiduciary Insurance Policy for Pension Board

Dan Porta, Assistant City Manager stated that currently city personnel that serve on the city's Pension Board are not covered for decisions they make regarding the investment of the pension plan assets. The Pension Board has sought insurance coverage that will cover them individually if someone decides to sue over the performance of the pension plan. The annual cost of this premium is $8,756 for a $2 million limit. The Pension Board requests approval to purchase this fiduciary insurance policy using funds from the pension plan.

A motion to approve the Fiduciary Insurance Policy was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

5. Allot Bandwidth Shaper Renewal Agreement

Dan Porta, Assistant City Manager stated that the bandwidth shaper allows staff to divide the Internet bandwidth that we purchase and then resell this service to our external customers. The annual maintenance for this product from ALLOT is $5,875.72 and Mr. Porta recommended approval.

A motion to approve renewal agreement was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

I. Contracts/Agreements

1. Hotel/Motel Tax Compliance Enhancement Program

Dan Porta, Assistant City Manager stated that city staff has contracted with GMA about their hotel/motel audit compliance enhancement program and found that the cost of the program is $500 per facility. Currently the city has eleven (11) lodging facilities making the total cost for the program $5,500. Mr. Porta stated that the program will review various components of the law and if an audit is recommended, the cost would be an additional cost of $500 per facility. Mr. Porta recommended approval.

A motion to approve the Hotel/Motel Tax Compliance Enhancement Program was made by Council Member Wren and seconded by Council Member Taff. Motion carried unanimously. Vote 5-0

2. Pettit Creek Trail Phase III – GADOT Memorandum of Understanding

Greg Anderson, Parks and Recreation Director stated that this GADOT Memorandum of Understanding is for Pettit Creek Trail Phase III. Mr. Anderson stated that a MOU for Pettit Creek Trail was previously approved by the City Council in January 2016, but it did not include the railroad provision which this one does. Mr. Anderson recommended approval.

A motion to approve the GADOT Memorandum of Understanding was made by Council Member Tonsmeire and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

J. Other

1. Event Application – Infinity Productions II

Keith Lovell, Assistant City Attorney stated that Cat Kagan, location manager for Infinity Productions II, has submitted a request to allow film crews to use downtown Cartersville to shoot scenes for an upcoming movie. The proposed preparation/filming dates are April 21 – 24 or, in case of rain, April 28 – May 1. They are also requesting the closure of four streets on the Sunday Film days: Tennessee Street from Leake Street to Church Street; Church Street from Erwin Street to Tennessee Street; Erwin Street from Leake Street to Church Street; and Leake Street from Tennessee Street to Erwin Street. Mr. Lovell recommended approval.

A motion to approve the event application was made by Council Member Wren and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

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

K. Added Items

1. Corrective Easement

Keith Lovell, Assistant City Attorney stated that in 1976 the City was granted an easement and during a property search a typo was found stating that the city has a 50 foot easement instead of a 5 foot easement and this document corrects that error. Mr. Lovell recommended approval.

A motion to approve the corrective easement was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

2. Close Bakers Alley

Keith Lovell, Assistant City Attorney stated that this item is to close Bakers Alley just north of Long John Silvers. This property was platted in 1915 or 1916 and was never open. Mr. Lovell stated that this item had been advertised for two weeks and he had received no objections. Harry White, representative came forward to speak for the closing. Mr. Lovell recommended approval.

A motion to approve Resolution No. 06-16 to issue a quit claim deed was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Resolution No. 06-16

WHEREAS, the Mayor and City Council have determined that it is in the best interest and promotes the public's general health, safety, and welfare of the citizens of the City of Cartersville to relinquish ownership of the abandoned road right-of-way which consists of a never opened 40' R/W of Baker Street, an unimproved and unopened public street;

WHEREAS, after consideration the Mayor and City Council has determined that the road right-of-way of Baker Street, as referenced on Exhibit "A", a copy of which is available at the office of the Assistant City Manager, P.O. Box 1390, 1 North Erwin Street, Cartersville, Georgia 30120, has been abandoned and that it is in the best interest of the City of Cartersville to relinquish ownership subject to an easement reservation for a utilities including a natural gas line to said road right-of-way by executing a Quit-Claim Deed between the City of Cartersville and the adjoin property owners Annie Canty, WCW Properties, LLC, Tim Warren, Ronald Bruce and James Paul Maggard, and Richard Cole;

WHEREAS, the City of Cartersville has caused a copy of this resolution to be published in the Daily Tribune on Thursday, March 3 and Thursday, March 10, 2016 and has received a boundary line agreement between the owners in regard to said abandoned road;

WHEREAS, the City of Cartersville has an existing natural gas line along the west right of way of Warren Drive and shall reserve a 15' easement for utilities including said natural gas line; and

WHEREAS, the Mayor and City Council will consider this Resolution to relinquish ownership subject to a reservation of an easement of the abandoned road right-of- on Thursday, March 17, 2016 at 9:00 a.m. at the City Council Chambers, 3rd Floor, City Hall, 10 Public Square, Cartersville, Georgia.

THEREFORE NOW BE IT RESOLVED by the Mayor and City Council of Cartersville that it is in the best interest of the citizens of the City of Cartersville to relinquish ownership of the abandoned road right-of-way subject to the reservation of an easement and execute a Quit Claim Deed of the property to adjoining property owners as agreed to by them.

BE IT AND IT IS HEREBY RESOLVED this 17th day of March, 2016.

/s/ Matthew J. Santini
Matthew J. Santini, Mayor
City of Cartersville, Georgia

ATTEST:

/s/ Connie Keeling
Connie Keeling, City Clerk
City of Cartersville, Georgia

This 26th Day of February, 2016.

E. Keith Lovell
Assistant City Attorney
Cartersville, Georgia
Post Office Box 1024
Cartersville, GA 30120
(770) 386-1116

EXHIBIT "A"

PUBLIC NOTICE

The Mayor and City Council of the city of Cartersville will hold a public hearing and consider a Resolution to relinquish ownership of the abandoned road right-of-way which consists of a never opened 40' R/W of Baker Street.

Any members of the public who wish to attend said hearing may do so.

The hearing is at City Hall, Third Floor, City Council Chambers at 10 Public Square, Cartersville, Georgia on Thursday, March 17, 2016 at 9:00 a.m.

RESOLUTION NO. 06-16

WHEREAS, the Mayor and City Council have determined that it is in the best interest and promotes the public's general health, safety, and welfare of the citizens of the City of Cartersville to relinquish ownership of the abandoned road right-of-way which consists of a never opened 40' R/W of Baker Street, an unimproved and unopened public street;

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THEREFORE NOW BE IT RESOLVED by the Mayor and City Council of Cartersville that it is in the best interest of the citizens of the City of Cartersville to relinquish ownership of the abandoned road right-of-way subject to the reservation of an easement and execute a Quit Claim Deed of the property to adjoining property owners as agreed to by them.

BE IT AND IT IS HEREBY RESOLVED this 17th day of March, 2016.

/s/ Matthew J. Santini
Matthew J. Santini, Mayor
City of Cartersville, Georgia

ATTEST:

/s/ Connie Keeling
Connie Keeling, City Clerk
City of Cartersville, Georgia

This 26th Day of February, 2016.

E. Keith Lovell
Assistant City Attorney
Cartersville, Georgia
Post Office Box 1024
Cartersville, GA 30120
(770) 386-1116

3. Natural Gas Main Extension

Gas Riggs, Gas Department Superintendent stated that a portion of the anticipated routing of the natural gas 8" expansion from Transco to Brown Farm Road extends across property owned by Georgia Power Company. In order for GPC to consider allowing us to encroach within their property with this main they have requested a detailed route of the proposed extension. It will be necessary for our personnel to physically access GPC property to review, assess, and identify the proposed route to provide a plan of such detail as requested. Mr. Riggs stated that this is an agreement entitled License for Access to Property for Purposes of Visual

Assessment allows our personnel physical access to their property located within the route of this proposed main extension and recommended approval.

A motion to approve the agreement with Georgia Power Company was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously.
Vote 5-0

L. Monthly Financial Statement

1. January 2016 Financial Report

Tom Rhinehart, Finance Director presented the January 2015 monthly financial statement with comparisons from the previous year of January 2014 by fund, along with supplemental financial information comparing the year to date revenues and expenses for each fund and a report of cash position through January 2016. No action is needed by Council

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

Meeting Adjourned

/s/ ___________________________
Matthew J. Santini
Mayor

ATTEST:

/s/ ______________________________
Connie Keeling
City Clerk