City Council Meeting
10 N. Public Square
November 19, 2015
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tonsmeire

Pledge of Allegiance led by Council Member Stepp

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

II. Regular Agenda

A. Council Meeting Minutes

1. November 5, 2015

A motion to approve the November 5, 2015 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

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

1. File Z15-04: Rezoning application by TPA Group (Jeff Watkins, representative) for property located at 118 Old Mill Road (approximately 63.5 acres) from R- 20 (Residential) to H-I (Heavy Industrial)

Randy Mannino, Director 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. Mr. Mannino stated that this property is located at 118 Old Mill Road on the south side of the road near the intersection with South Erwin Street. There are no structures on this section of property proposed for rezoning. The adjacent 17 acres to the east of the subject request was annexed and zoned to H-I zoning in 2008. The applicant seeks to rezone a 63.5 acre portion of the property from R-20 to H-I with conditions for development of the highest and best use based on the application. Mr. Mannino stated that because the applicant has noted that they are seeking up to a million square feet, the request met the threshold for requiring it to proceed through the States Development of Regional Impact (DRI) review process. The Northwest Georgia Regional Commission (NWGRC) did return a favorable recommendation noting the proposed project is consistent with local and regional plans, and encouraged to review and implement comments and guidelines presented. Mr. Mannino stated that the applicant is willing to reduce the zoning to L-I (Light Industrial) from H-I (Heavy Industrial) as the Planning Commission recommended. Mr. Mannino stated that the city ordinance does allow the Mayor and Council to accept the change in zoning if they so desire.

Mayor Santini opened the floor for a public hearing. Jeff Watkins came forward to speak for the zoning. Brandon Bowen, Bob Carroll, John Cotter, Mary Hoganson, Fred Genrigh, Ted Boone, Terry Howren, Scott Painter, Troy Weaver, Janet Waldie, Richard Lewis, David Hayes, Paul Harten, and Joe Head came forward to speak against the zoning. With no further comments Mayor Santini closed the public hearing.

NO ACTION REQUIRED

2. File Z15-07: Rezoning application by Thoro LLC (Jeff Watkins, representative) for property located at 49 North Avenue (approximately 1.03 acres) from

L-I (Light Industrial) to G-C (General Commercial)

Randy Mannino, Director 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. Mr. Mannino stated that this property includes a building constructed in approximately 1950 and was used for many years as offices. In the last 10 years, there have been a variety of tenants in the building including a church. The applicant seeks to rezone from L-I (Light Industrial) to G-C (General Commercial and there is no specified future use. Mr. Mannino stated that staff had no objections and the Planning Commission had recommended approval.

Mayor Santini opened the floor for a public hearing. Jeff Watkins came forward to speak for the zoning and with no further comments Mayor Santini closed the public hearing.

NO ACTION REQUIRED

C. Second Reading of Ordinances

1. Erosion and Sediment Control Ordinance Change

Tommy Sanders, Public Works Director, stated that the Stormwater Management Planed approved by the Georgia EPD states that the City is required to update our ordinance to ensure that construction waste language is included in our Erosion and Sediment Control Ordinance or Litter Ordinance by December 31, 2015. The requested ordinance change will add, "construction site operators shall control waste at the construction site, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste" to our existing ordinance. This change has been reviewed by the City Attorney and Mr. Sanders stated that there have been no additions or corrections since the first reading and recommended approval.

A motion to approve Ordinance No. 35-15 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 35-15

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 VII. SOIL EROSION AND SEDIMENT CONTROL CODE SECTION 7.5-184 (C) is hereby amended by inserting the following numbered paragraph to Section 7.5-184(C):

1.

(17) Construction site operators shall control waste at the construction site, such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste.

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 that section 7.5-184(c) is amended by adding the above paragraph (17). The remaining provisions of said section shall remain as is.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 5th day of November 2015.

ADOPTED this the 19th day of November 2015. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. Amendment to Budget Ordinance for Fiscal Year 2014-15

Tom Rhinehart, Finance Director, stated that after the completion of the FY 2014-15 close, the General Fund and the Special Revenue Fund budget need to be amended. The process of amending these budgets is done annually after the year end close and will bring the city General Fund and Special Revenue funds back into compliance with the Generally Accepted Accounting Principles standards. These adjustments reflect the necessary changes needed to bring the budgets back into balance where the revenues equal expenditures for the fiscal year. Mr. Rhinehart stated that there has been one correction of an incorrect date since the first reading and recommended approval with corrections.

A motion to approve Ordinance No. 36-15 with corrections was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 36-15

NOW BE IT HEREBY ORDAINED by the Mayor and City Council that pursuant to the City of Cartersville Charter; the City of Cartersville Fiscal Year 2014 - 2015 budget.

2014 - 2015 Budget Summary

General Fund	Revenues	Expenditures
Revenues	$39,589,590	
Expenditures:		
Legislative		$18,998,790
Administration		$ 932,505
Finance Dept.		$ 1,130,100
Customer Service Dept.		$ 647,630
Police		$ 5,058,275
Fire		$ 6,225,725
Municipal Court		$ 218,735
Public Works		$ 2,574,400
Recreation		$ 2,864,830
Planning & Development		$ 783,095
Downtown Development Authority		$ 155,505
Special Revenue Funds		
SPLOST – 2003	$ 360,490	$ 360,490
SPLOST – 2014	$ 3,038,250	$ 3,038,250
DEA	$ 1,150,460	$ 1,150,460
State Forfeiture	$ 3,000	$ 3,000
Hotel/Motel Tax	$ 552,340	$ 552,340
Motor Vehicle Rental Tax	$ 61,085	$ 61,085
Grant Funds	$ 0	$ 0
Impact Fees	$ 0	$ 0

Business Improve Dist Tax	**$ 29,335**	**$ 29,335**
Development Fees	**$ 13,075**	**$ 13,075**
GO Park Bond Cons Series 2014	**$ 153,500**	**$ 153,500**
Supplemental Disaster Rec Grant	**$ 17,390**	**$ 17,390**
Cartersville Building Authority	**$ 1,226,890**	**$ 1,226,890**
<u>Enterprise Funds</u>		
Fiber Optics	**$ 1,839,960**	**$ 1,839,960**
Electric	**$49,027,080**	**$49,027,080**
Gas	**$26,770,995**	**$26,770,995**
Solid Waste	**$ 2,448,375**	**$ 2,448,375**
Stormwater	**$ 1,645,065**	**$ 1,645,065**
Water & Sewer	**$15,373,335**	**$11,010,755**
Water Pollution Control Plant		**$ 2,159,160**
Water Treatment Plant		**$ 2,203,420**
<u>Internal Service Fund</u>		
Garage	**$ 1,600,885**	**$ 1,600,885**

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED, this 5th day of November 2015. First Reading.
ADOPTED this 19th day of November 2015. Second Reading.

/s/ <u>Matthew J. Santini</u>
Matthew J. Santini
Mayor

ATTEST:

/s/ <u>Connie Keeling</u>
Connie Keeling
City Clerk

3. Amendment to Capacity Fee Ordinance

Bob Jones, Water Superintendent, stated that during the review of Municipal Code updates an error was caught and needed to be corrected. During the adoption of the FY15-16 budget language was omitted and it must be approved again to return it to the ordinance for its originally intended purpose. The language is Sec. 24-64(d) "Other Provisions". Mr. Jones stated that there have been no additions or corrections since the first reading and recommended approval.

A motion to approve Ordinance No 37-15 was made by Council Member Tate and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 37-15

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the <u>CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 24. Utilities. Article IV. Water Service 24-64. Water and Sewage Utility Rates (d) Other Provisions</u> is hereby amended by deleting Section 24-64 (d) Other Provisions only in its entirety and replacing it with the following:

1. OTHER PROVISIONS

1. <u>Apartments and hotels per unit calculations.</u>

All hotel and apartment units with refrigerator and stove are to be calculated as a single

(1) (¾" water meter equivalent) for capacity fees.

All hotel and apartment units without refrigerator and stove are to be calculated as one- half unit (¾" water meter equivalent) for capacity fees. The following, if part of an apartment or hotel and served by a single meter are to be considered a separate unit for capacity fees. The capacity fee will be calculated as a single (1) unit based on meter size. If the following are served by a master meter, they are considered to be a separate unit to be calculated as a single (1) unit (¾" water meter equivalent):

(a) Restaurant;
(b) Lounge;
(c) Car wash;
(d) Lobby;
(e) Full kitchen (not part of restaurant).
(f) Linen Laundry
(g) Guest Laundry
(h) Swimming Pool

2. Assisted Living Facility, Nursing Home and Hospital per unit calculations:

All resident/patient rooms with refrigerator and stove are to be calculated as a single (1) unit (¾" water meter equivalent) for capacity fees.

All patient rooms without refrigerator and stove are to be calculated as one-half unit (¾" water meter equivalent) for capacity fees. The following, if part of a nursing home, assisted living facility or hospital and served by a single meter are to be considered a separate unit for capacity fees. The capacity fee will be calculated as a single (1) unit based on meter size. If the following are served by a master meter, they are considered to be a separate unit to be calculated as a single (1) unit (¾" water meter equivalent):

(a) Restaurant;
(b) Lounge;
(c) Car wash;
(d) Lobby/Waiting Room;
(e) Full kitchen (not part of restaurant).

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 5th day of November 2015.
ADOPTED this the 19th day of November 2015. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

4. Revision to Gas Ordinances

Gary Riggs, Gas Department Superintendent, stated that this revision to the Gas Ordinance eliminates a conflict between ordinances. Tampering fees were stated in two separate sections. Mr. Riggs stated that there have been no additions or corrections since the first reading and recommended approval

A motion to approve Ordinance No 38-15 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 38-15

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, Georgia <u>CHAPTER 24. ARTICLE IX. GAS SYSTEM. DIVISION 4. NATURAL GAS TERMS OF SERVICE. Section 24-231 – Generally paragraph (j)(2)</u> is hereby deleted in its entirety and replaced as follows:

1.

2) Tampering fees. Gas service cut off by the city for non-payment that the customer has turned back on illegally will be reinstated upon payment of the bill, late charge, reconnection fee and a tampering fee.

Meters that had to be removed due to repeated tampering by the customer will be subject to a reinstallation charge.

Meters that are damaged or broken by customer tampering will be repaired or replaced at the customer's expense. Cost may include labor and equipment charges.

Tampering fee and Reinstallation fee shall be as indicated in Section 24-21.

2.

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

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 5th day of November 2015.
ADOPTED this the 19th day of November 2015. Second Reading.

/s/ <u>Matthew J. Santini</u>
Matthew J. Santini
Mayor

ATTEST:

/s/ <u>Connie Keeling</u>
Connie Keeling
City Clerk

D. Appointments

1. Police Chief

Sam Grove, City Manager recommended approval to appoint Frank McCann Police Chief on November 25, 2015, which is the effective date of Chief Culpepper's retirement.

A motion to approve the appointment of Frank McCann as Police Chief effective November 25, 2015 was made by Council Member Stepp and seconded by Council Member

Tonsmeire. Motion carried unanimously. Vote 6-0

E. Resolutions

1. Land Water Fund Conservation Grant Application

Greg Anderson, Parks and Recreation Director stated that they wish to apply for a Land and Water Conservation Fund Grant. Grant funds will be applied toward the Dellinger picnic shelters replacement project. Mr. Anderson stated that the maximum grant award is $100,000 with a 50/50 match which will be paid from the recreation bond project. Mr. Anderson recommended approval for the Mayor to sign any and all documents related to this grant application.

A motion to approve the Mayor to sign any and all documents related to Resolution No. 23-15 was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

Resolution No. 23-15

STATE OF GEORGIA
COUNTY OF BARTOW

WHEREAS, at the regular meeting council meeting of City of Cartersville, of Bartow County, Georgia, held on Thursday November 19, 2015, a motion was made and duly seconded that City of Cartersville agrees to submit a Pre-application for funding from the Land and Water Conservation Fund. The City of Cartersville further agrees that in the event the City of Cartersville pre-application is recommended for funding by the Department of Natural Resources, the City of Cartersville certifies and assures that it has the ability and intention to finance their 50 percent of total project cost and will forward with due diligence to prepare, or have prepared, appropriate documentation required for a formal LWCF application.

ADOPTED this the 19th day of November 2015.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. Electric Cities of Georgia Voting Delegate Resolution

Don Hassebrock, Electric Department Director stated that the Electric Cities of Georgia (ECG) has asked the City to pass a resolution that appoints a Primary and alternate voting delegate for the ECG Board of Directors Elections. Typically the Director is appointed as the primary voting delegate with the Assistant Director as the alternate voting delegate. Mr. Hassebrock recommended the appointment of Don Hassebrock as the primary and Derek Hampton as the Alternate Voting Delegates.

A motion to approve Resolution No. 24-15 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

Resolution No. 24-15

BE IT RESOLVED by the *City of Cartersville* ("Participant") that the following individuals are hereby appointed to serve as this Participant's primary & alternate voting delegates for the annual Electric Cities of Georgia, Inc. Board of Director's election, with authority to cast all votes to which this Participant is entitled.

Primary: **Don Hassebrock**

Alternate: **Derek Hampton**

BE IT FURTHER RESOLVED that all resolutions and ordinances, in actual conflict herewith be and the same shall thereupon stand superseded, repealed and terminated, respectively.

ADOPTED this the 19th day of November 2015.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

F. Other

1. Georgia Utilities Protection Center Dues

Gary Riggs, Gas Department Superintendent stated that this is the annual invoice from the Georgia Utilities Protection Center for the 2016 membership dues. Mr. Riggs stated that the city is required by state law to be a member of the UPC and recommended approval of the annual dues in the amount of $8,311.62.

A motion to approve the annual UPC membership dues was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

2. November 3, 2015 Election Results

Connie Keeling, City Clerk presented the certified results from the November 3, 2015 General Election for approval.

A motion to approve the November 3, 2015 Election Results was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

G. Engineering Services

1. Center Road 24-inch Sewer Replacement – Phase II

Bob Jones, Water and Sewer Superintendent stated that this is a proposal submitted by Jacobs Engineering in the amount of $34,300.00 to provide engineering services for Phase II of the Center Road 24 inch Sewer Replacement. Jacobs provided the same services for Phase I and is already familiar with the project and the desired outcome and Mr. Jones recommended approval.

A motion to approve the engineering services with Jacobs Engineering was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

H. Bid Award/Purchases

1. Distribution and Collection Restock

Bob Jones, Water and Sewer Superintendent stated that bids were accepted for materials needed to restock the repair parts inventory for Distribution and Collection. Mr. Jones recommended the low bid from Kendall Municipal in the amount of $6,075.65.

A motion to approve the purchase from Kendall Municipal was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

2. Smart Cover Sewer Monitoring System

Bob Jones, Water and Sewer Superintendent stated that the Smart Cover System is a proprietary satellite sewer monitoring system that allows 24/7 real-time monitoring of sewer flows from under a manhole lid. The system can be configured with set points that when triggered will send a message directly to service personnel greatly reducing the response time to a surcharge event. With additional equipment (sensors) the system can be used to survey sewer lines for inflow and infiltration. The system can monitor and record flow levels to track how a sewer system responds to a rain event to identify and be evaluated for repair. Mr. Jones requested three smart covers which will initially be placed at the Gas Department Campus on Cook Street to monitor lines affected by sinkhole activity from Templeton and Associates at a cost of $15,477.

A motion to approve the purchase from Templeton and Associates was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

3. 2016 Calendar

Sam Grove, City Manager stated that this is the annual cost for printing and distribution of the 2016 Calendar and recommended the low bid of $10,047.91 from A New Dimension.

A motion to approve the low bid from A New Dimension was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

4. Annual Cogsdale Software Maintenance

Tom Rhinehart, Finance Director stated that this is the annual software maintenance invoice from Cogsdale in the amount of $66,969.46. Mr. Rhinehart stated that this represents an increase of about 2.50% from last year and recommended approval.

A motion to approve annual Cogsdale Software Maintenance invoice was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

5. Renewal of United Healthcare Retiree Medicare Supplemental Insurance

Dan Porta, Assistant City Manager stated that city retirees are currently covered under a Medicare Supplement through United Healthcare (UHC) Insurance. UHC has a 15.2% increase in the premium for 2016 and Mr. Porta recommended approval.

A motion to approve the renewal of Untied Healthcare Insurance was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

I. Monthly Financial Statement

1. September 2015

Tom Rhinehart, Finance Director presented the September 2014 monthly financial statement with comparisons from the previous year of September 2013 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 September 2015. No action is needed by Council

After announcements a motion to adjourn the meeting was made by Council Member Stepp and needing no second. Motion carried unanimously. Vote 6-0

Meeting Adjourned

/s/ ______________________________
Matthew J. Santini
Mayor

ATTEST:

/s/ ______________________________
Connie Keeling
City Clerk