

City Council Meeting
10 N. Public Square
November 5, 2015
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tate.

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; Sam Grove, City Manager; Catheryn Hembree, Deputy City Clerk and Keith Lovell, Assistant City Attorney. Lori Pruitt, Council Member Ward Six; Connie Keeling, City Clerk; and David Archer, City Attorney were absent.

II. Regular Agenda

A. Council Meeting Minutes

1. October 15, 2015

A motion to approve the October 15, 2015 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

B. Commendation/Recognition

1. Recognition of Martha Wellsandt

Rick Napps, Chairman of the Alcohol Control Board, recognized Martha Wellsandt for being a founding member of the Alcohol Control Board and served for 10 years until she resigned in 2014. The City would like to thank her for her dedicated service.

C. Proclamations

1. World Pancreatic Cancer Day

Diane Tate, Mayor Pro Tem, read a proclamation supporting the observance of November 13, 2015 as World Pancreatic Cancer Day in the City of Cartersville to help raise awareness in our community. Julie Parmenter said a few words and accepted the proclamation.

D. Public Hearing – 2nd Reading of Zoning/Annexation Requests

1. File #Z15-05: Rezoning application by Andy Womack for property located at 802 West Avenue (approximately .68 acres) from O-C (Office Commercial) to G-C (General Commercial).

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. Mr. Mannino stated that this property includes a building constructed in approximately 1965. The current applicant seeks to rezone the property from O-C (Office Commercial) to G-C (General Commercial) to construct a new tunnel-style car wash. Mr. Mannino stated that there had been no corrections or deletions since the first reading, city staff had no objections and the Planning Commission recommended approval to allow the property to be zoned G-C and allow all O-C uses and a car wash only.

Mayor Santini opened up the floor for a public hearing. No one came forward. Mayor Santini closed the public hearing.

A motion to approve the rezoning of 802 West Avenue was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

Ordinance
of the
City of Cartersville, Georgia

Ordinance No. 34-15

Petition No. 15-06

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Boyd Morris. Property is located at 802 West Avenue. Said property contains .68 acres located in the 4th District, 3rd Section, Land Lot(s) 558 as shown on the attached plat Exhibit “A”. Property is hereby rezoned from O-C to G-C with the following conditions; O-C district uses plus car wash. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 15th day of October, 2015.

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

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

ATTEST:

/s/ Catheryn Hembree
Catheryn Hembree
Deputy City Clerk

E. First Reading of Ordinances

1. 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 recommends approval. This being a first reading, a vote is not required.

Ordinance
of the
City of Cartersville, Georgia

Ordinance No.

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

Enterprise Funds

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

Internal Service Fund

Garage	\$ 1,600,885	\$ 1,600,885
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BE IT AND IT IS HEREBY ORDAINED.

ADOPTED, this 5th day of June 2015. First Reading.

ADOPTED this day of June 2015. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

2. Revision to Gas Ordinance

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 recommends approval. This being a first reading, a vote is not required

Ordinance
of the
City of Cartersville, Georgia

Ordinance No.

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 **CHAPTER 24. ARTICLE IX. GAS SYSTEM. DIVISION 4. NATURAL GAS TERMS OF SERVICE. Section 24-231 – Generally paragraph (j)(2)** 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 day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

3. Erosion and Sediment Control Ordinance Change

Tommy Sanders, Public Works Director, stated that the Stormwater Management Plan approved by the Ga 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 recommends approval. This being a first reading, a vote is not required.

Ordinance

of the
City of Cartersville, Georgia

Ordinance No.

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES, CHAPTER 7.5. DEVELOPMENT REGULATIONS ARTICLE 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 day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

4. 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 recommends approval of this item.

Mayor Santini opened the floor up for a public hearing. No one came forward. Mayor Santini closed the public hearing. This being a first reading, a vote is not required.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES, CHAPTER 24. Utilities. Article IV. Water Service 24-64. Water and Sewage Utility Rates (d) Other Provisions 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. Apartments and hotels per unit calculations.

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

(1) ($\frac{3}{4}$ " water meter equivalent) for capacity fees.

All hotel and apartment units without refrigerator and stove are to be calculated as one-half unit ($\frac{3}{4}$ " 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 ($\frac{3}{4}$ " 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 ($\frac{3}{4}$ " water meter equivalent) for capacity fees.

All patient rooms without refrigerator and stove are to be calculated as one-half unit ($\frac{3}{4}$ " 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 ($\frac{3}{4}$ " 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 day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

F. Grant Application/Acceptance

1. GEFA IIb Technical Assistance Grant

Bob Jones, Water Superintendent, stated that in August of 2015 the Water Department applied for a GEFA IIb Technical Assistance Grant and were recently approved for the grant which requires no local match. The grant will fund the testing and calibration of both finished water meters at the water treatment plant. Based on recent water audit and data validity scores, this area was identified as “Critical” and thus qualified for the grant. The value of the work being done is approximately \$7,000.00. Mr. Jones recommends approval.

A motion to approve the acceptance of the grant was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

G. Added Item

Mayor Santini asked for a motion to add an item to the agenda. Council Member Tate made a motion to add an item to the agenda. Council Member Tonsmeire seconded the motion and it passed unanimously. Vote 5-0

Bob Jones, Water Superintendent, stated that there is an emergency leak at the Water Treatment Plant. The pipe is about 18 feet underground and it needs to have 5- 48” joints, and 1- 58” joint repaired to stop the leak. Miller Pipeline is able to fix the leak for \$15,950.00 by crawling in the pipe and not digging it up. This method will save the City money. If approved Miller Pipeline can start repairs on Tuesday.

A motion to approve the repairs on the pipe was made by Council Member Hodge. The motion was seconded by Council Member Tonsmeire and it passed unanimously. Vote 5-0

H. Resolutions

1. Public Hearing for Capital Improvements Element Annual Update Regarding Impact Fees and Corresponding Transmittal Resolution if Approved

Randy Mannino, Planning & Development Director, stated that Cartersville adopted impact fees in 2006. In accordance with the Development Impact Fee Regulations as outlined by the state, we are required to file an annual update to the Capital Improvements Element of the Comprehensive Plan. The update is required to have a public hearing and then forwarded with the transmittal resolution to the Northwest Georgia Regional Commission and the Department of Community Affairs. After review the document needs to be approved by council. Staff recommends approval of the resolution that allows us to forward the update to the regional commission and the DCA for their required review.

Mayor Santini opened the floor for a public hearing. No one came forward. Mayor Santini closed the public hearing.

A motion to approve Resolution No. 21-15 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

Resolution No. 21-15

TRANSMITTAL RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA.

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 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 a duly advertised Public Hearing was held on November 5, 2015, at 7:00 P.M. in the City Council meeting room at Cartersville City Hall;

BE IT THEREFORE RESOLVED, that the City Council of the City of Cartersville does hereby submit the draft Capital Improvements Element Annual Update to the Northwest Georgia Regional Commission for Regional and State review, as per the requirements of the Development Impact Fee Compliance Requirements.

ADOPTED this the 5th day of November 2015.

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

ATTEST:

**/s/ Catheryn Hembree
Catheryn Hembree
Deputy City Clerk**

2. Freeport Exemption

Keith Lovell, Assistant City Attorney, stated that the City’s Freeport exemption is at 80% for certain classes of inventory as allowed by law. As a way to continue to help with economic development this resolution proposes the increase of the Freeport tax exemption to 100% beginning in 2016. The Cartersville School Board has approved this increase and Mr. Lovell recommends approval.

A motion to approve Resolution No. 22-15 was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

Resolution No. 22-15

WHEREAS, on Tuesday, June 17, 2003 pursuant to the provisions of O.C.G.A. §48-5-48.2, a referendum was held in the City of Cartersville, Georgia, known as the Freeport Referendum, regarding the exemption of certain property from ad valorem taxation as described in the aforementioned provisions; and

WHEREAS, the electors of the City of Cartersville, Georgia have approved in said Referendum the exemption of all three classes of inventory described in the aforementioned provisions, namely:

- a. Inventory of goods in the process of manufacture or production which shall include all partly finished goods and raw materials held for direct use or consumption in the ordinary course of the taxpayer's manufacturing or production business in this State.**
- b. Inventory of finished goods manufactured or produce in this State in the ordinary course of the taxpayer's manufacturing or production business when held by the original manufacturer or producer of such finished goods, and**
- c. Inventory of finished goods which, on January 1, are stored in a warehouse, dock, or wharf, whether public or private, and which are destined for a shipment to a final destination outside this State and inventory of finished goods which are shipped into this State from outside this State and store for transshipment to a final destination outside this State.**

WHEREAS, the governing authority of the City of Cartersville,

Georgia wishes to implement the exemptions approved by the voters as hereinbefore described.

WHEREAS, the Mayor and City Council have received a Resolution of support from the Cartersville School Board to increase the Freeport exemption by an additional twenty percent (20%).

WHEREAS, by Resolution No. 23-03 dated July 17, 2003, the Mayor and Council resolved that all three classes of inventory described above be hereby exempt from ad valorem taxation at the rate of twenty (20%) percent of the value of said property as defined in O.C.G.A. §48-5-48.2, with said exemptions commencing January 1.

WHEREAS, by Resolution No. 05-12 dated February 15, 2012, the Mayor and Council resolved to increase for all three classes of inventory as described above are to be hereby exempt from ad valorem taxation at the rate of forty (40%) percent of the value of said property as defined in O.C.G.A. §48-5-48.2, with said exemptions commencing January 1, 2013.

WHEREAS, by Resolution No. 07-13 dated February 21, 2013 the Mayor and City Council resolved to increase for all three classes of inventory as described above are to be hereby exempt from ad valorem taxation at the rate of sixty percent (60%) of the value of said property as defined in O.C.G.A. § 48-5-48.2 with said exemptions commencing January 1, 2014.

WHEREAS, by Resolution No. 24-14, dated November 20, 2014, the Mayor and City Council resolved to increase for all three classes of inventory as described above are to be hereby exempt from ad valorem taxation at the rate of eighty percent (80%) of the value of said property as defined in O.C.G.A. §48-5-48.2 with said exemptions commencing January 1, 2015.

NOW THEREFORE by it hereby resolved by the Mayor and City Council that commencing January 1, 2016, said ad valorem taxation for all three classes of inventory described above is to be increased twenty percent (20%) and is to be hereby exempt at the rate of one hundred percent (100%) of the value of said property as defined in O.C.G.A. § 48-5-48.2, with said exemptions commencing January 1, 2016; and the Mayor is further directed to immediately transmit a certified copy of this Resolution to the Georgia State Revenue Commissioner and the Bartow County Tax Commissioner.

BE IT AND IT IS HEREBY RESOLVED.

ADOPTED this the 5th day of November 2015.

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

ATTEST:

/s/ Catheryn Hembree
Catheryn Hembree
Deputy City Clerk

H. Other

1. Auditor's Management Letter

Tom Rhinehart, Finance Director, stated that the auditor's engagement letter is presented for the Mayor, City Manager, and Finance Director to sign. The engagement letter spells out the understanding of the services to be provided by the city's audit firm, Carr, Riggs, and Ingram, LLC. It lists the responsibilities of the city's management with respect to the documents that the city will provide to the audit firm along with the documents the audit firm will complete. It also mentions the agreed upon price of \$41,500.00 to be paid for the FY 2015 audit to be completed.

This is standard auditing practice and Mr. Rhinehart recommends approval.

A motion to approve the Auditor's Management Letter was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

2. Quitclaim Deed Page Mine Properties 8, LLC

Keith Lovell, Assistant City Attorney, stated that Page Mine Properties 8, LLC is donating a piece of property to Advocates of Children located at 49 Monroe Crossing. This property is adjacent to City of Cartersville property which houses the Advocates administration office and the Flowering Branch Children's Shelter. Mr. Lovell recommends approval.

A motion to approve the quitclaim deed was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

I. Bid Award/Purchase

1. 2016 Employee Health Insurance Renewal

Dan Porta, Assistant City Manager, stated that the City's current health insurance provider will increase at a rate of 10.6% for the 2016 calendar year. The City's health insurance broker, Shaw-Hankins, has shopped for our coverage again and has received proposals with Blue Cross/Blue Shield being the best option. The BC/BS is a fully insured insurance product the is 4.1% less than the current year's insurance premium from Cigna. In order for the City to move coverage the City would have to pay Cigna a supplemental premium from of \$637,315.00 to cover run out insurance claims. When you add this expense to the proposed insurance premium from BC/BS the estimated increase to the city is 9.4% compared to Cigna's 10.6% proposed rate increase.

A motion to approve moving the City's health insurance to BC/BS was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0 with Council Member Stepp recusing himself.

2. Steel Pipe for Gas Department

Gary Riggs, Gas Superintendent, stated that the Gas Department received bids from 3 vendors for 2,790 feet of 4" steel pipe. This pipe is for a gas main extension to supply gas to the Cartersville Business Park. Mr. Riggs recommends accepting the low bid of \$18,972.00 from Consolidated Pipe.

A motion to approve the purchase of pipe from Consolidated Pipe was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

3. Garbage Cart and Recycling Cart

Tommy Sanders, Public Works Director, stated that the Public Works Department accepted bids for 400 Residential Garbage Carts and 400 Recycling Carts. The City received 5 bids ranging from \$33,667.99 to \$37,184.00. Mr. Sanders recommends accepting the low bid of \$33,667.99 from Toter, LLC.

A motion to approve the purchase of carts from Toter, LLC was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

J. Contracts/Agreements

1. Stormwater Work-order/Inspection Software Agreement

Tommy Sanders, Public Works Director, stated that the Public Works Department currently utilizes HiperWeb work order software for solid waste, maintenance, grounds, and stormwater divisions to track upcoming and completed work orders. The stormwater division

requests that we enter into an agreement with Electric Cities of Georgia to implement a module within HiperWeb that has a configuration for stormwater inspections that interfaces with the City’s GIS. It will also assist in asset management and reporting that is vital in our MS4 annual report to Ga EPD. The cost of implementation is \$12,570 and an annual maintenance cost will be \$5,303.00. These fees are budgeted and Mr. Sanders recommends approval.

A motion to approve the software agreement with HiperWeb was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

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

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Catheryn Hembree
Deputy City Clerk