

City Council Meeting
10 N. Public Square
December 18, 2014
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: 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; Connie Keeling, City Clerk and Keith Lovell, Assistant City Attorney. David Archer, City Attorney; Kari Hodge, Council Member Ward One; and Lori Pruitt, Council Member Ward Six were absent.

II. Regular Agenda

A. Council Meeting Minutes

1. December 4, 2014

A motion to approve the December 4, 2014 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 – (Items 2-6 were voted as one motion)

1. Appointment and Swearing in of Municipal Court Judge and Assistant Municipal Judge

Keith Lovell, Assistant City Attorney stated that this is the annual reappointment of Municipal Court Judge, Harry White and Assistant Municipal Court Judge, Jay Choate as required by statute and recommended approval.

A motion to approve both appointments was made by Council Member Stepp and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

Connie Keeling, City Clerk administered the oath of office.

Mayor Santini stated that there was an item to be added to the agenda. A motion to add an item to the agenda was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

Sam Grove, City Manager stated that there were several board appointees whose terms have expired and recommended the following appointments.

- 2. Appointment to the Downtown Development Authority of Cartersville Board of Directors** – Dan Kramer – term to expire February 18, 2017
- 3. Convention and Visitors Bureau**– Jennifer Wiggins Mathews and Michael Gordon – term to expire December 31, 2018
- 4. Bartow-Cartersville Joint Development Authority**– Ralph “Sonny” Miller, Tommy Strickland, and James Jarrett – terms to expire December 31, 2014
- 5. Joint Cartersville-Bartow County Regional Industrial Development Authority**– Ralph “Sonny” Miller, Tommy Strickland and James Jarrett – terms to expire December 31, 2018
- 6. Cartersville Development Authority**– Mike Fields, Tommy Strickland, Walter Mahone, Robert Dabbs, and Ralph “Sonny” Miller – terms to expire January 6, 2020

A motion to approve all appointments was made by Council Member Tonsmeire and

seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

C. Second Reading of Ordinances

1. Park and Recreational Facilities Bond, Series 2014

Sam Grove, City Manager stated that this is the initial draft of the Park and Recreational Facilities Bond Series 2014 Ordinance proposed for adoption by City Council. Mr. Grove stated that this bond issue annual payments will be paid for with an increase in the yearly millage rate voted in by the citizens in November. Mr. Grove stated that the only change to the ordinance is the information based on the current 2014 tax digest and recommended approval.

A motion to approve Ordinance No. 36-14, the bond purchase, and for the Mayor and City Clerk to sign all related documents was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

(Ordinance is on file at the City Clerk's Office)

D. Contracts/Agreements

1. GADOT TE Agreement – Etowah RiverWalk-Leake Mounds Link

Greg Anderson, Parks and Recreation Superintendent stated that this agreement and related documents is between the Georgia Department of Transportation and the City of Cartersville and requires several city signatures. Mr. Anderson stated that he is asking that council approve the Mayor, City Clerk and City Manager to sign any and all related documents to this GDOT TE Agreement.

A motion to approve the Mayor, City Clerk and City Manager to sign all related documents to Resolution No. 29-14 and the GADOT TE Agreement was made by Council Member Stepp and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

(Agreement with GADOT is on file at the City Clerk's office)

Resolution No. 29-14

Resolution authorizing the City of Cartersville hereinafter referred to as "SPONSOR") and the Georgia Department of Transportation (hereinafter referred to as "DEPARTMENT") to contract for funding under the Transportation Equity Act for the 21st Century (hereinafter referred to as "TEA-21").

WHEREAS, the Secretary of the United States Department of Transportation (hereinafter referred to as "US DOT) and the Commissioner of the DEPARTMENT are authorized to contract for Transportation Enhancement Projects; and

WHEREAS, the contract for financial assistance imposes certain duties upon SPONSOR including but not limited to the provision of its local share of the project costs; and

WHEREAS, SPONSOR guarantees that it will comply with Title VI of the Civil Rights Act of 1964, all other pertinent directives and all US DOT requirements; and

WHEREAS, to complete the project, SPONSOR will use Disadvantaged Business Enterprises to the fullest extent possible and will implement and administer procedures to ensure that minority businesses are competitive for contracts and purchase orders when procuring services including but not limited to construction contracts, supplies, equipment contracts or consultant contracts.

NOW, THEREFORE, BE IT RESOLVED BY SPONSOR THAT:

- 1. Matthew J. Santini is authorized to execute the contract on behalf of the City of**

Cartersville with the DEPARTMENT for aid in financing construction, and all other activities incidental thereto, of Transportation Enhancement Activity pursuant to Public Law 105- 178 (1998); and all other provisions as set forth in the contract with the DEPARTMENT.

2. Samuel E. Grove, City Manager is authorized to execute and file an assurance or any other document required by the US DOT and the DEPARTMENT certifying compliance with Title VI of the Civil Rights Act of 1964.
3. Samuel E. Grove, City Manager is authorized to furnish any and all additional information that may be required by US DOT or the DEPARTMENT in connection with the application for the Transportation Enhancement Activity project and budget.
4. That Samuel E. Grove, City Manager is authorized to set forth and execute affirmative disadvantaged business policies in connection with the participation goal established by the Georgia Department of Transportation.

ADOPTED this the 18th day of December 2014.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. Meritage Homes Agreement

Keith Lovell, Assistant City Attorney stated that this is an update of a portion of the Carter Grove agreement pertaining to natural gas service with a new builder and recommended approval.

A motion to approve the agreement with Meritage Homes was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

3. Water Testing with EPD

Bob Jones, Water and Sewer Superintendent stated that this is the annual agreement for water quality testing performed by the Department of Natural Resources – Drinking Water Program. The State Laboratory has performed this testing for the City annually for the past few years. Mr. Jones stated that there was no increase from last year and recommended approval of the invoice in the amount of \$9,200.00.

A motion to approve annual agreement with the EPD was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 4-0

4. Carter Street Crossing – Memorandum of Understanding with GDOT

Tommy Sanders, Public Works Director stated that GDOT is requesting this Memorandum of Understanding to allow them to install train activated warning devices (gates) on Carter Street at its intersection with CSX Railroad. GDOT will be responsible for installing the gates and the City will be required to adjust the proposed utilities and improve the road and drainage. Once these changes are made and the gates installed Bangor Street will need to be made a one-way street which will require an ordinance revision at a later date. Mr. Sanders recommended approval of this MOU for the Carter Street Crossing.

A motion to approve the Memorandum of Understanding with GDOT was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried

unanimously. Vote 4-0

E. Bid Award/Purchases

1. GMA Telecommunications Management Services

Sam Grove, City Manager stated that the Georgia Municipal Association provides the city annual assistance on Cable and Telecommunications like help in negotiating our cable franchise agreement. The 2015 annual fee for this assistance is \$8,000.00 and Mr. Grove recommended approval.

A motion to approve GMA 2015 annual fee was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

2. Pension Plan IRS Determination Letter

Sam Grove, City Manager stated that the IRS has completed its review of the city's Pension Plan and determined that the Plan needed to be amended to be in compliance before an IRS Determination Letter could be issued. The Pension Plan Document defines the plan, the length of time an employee must work to be vested, retirement benefit options, disability options, etc. The fee that has been imposed by the IRS for the Pension Plan to come into compliance is \$17,500.00. Mr. Grove stated that given the fact that the city has not had to pay an ERISA attorney over the past 16 years to keep the plan in compliance, the charge seems reasonable and recommended approval.

A motion to approve the IRS Determination Letter was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

Mayor Santini stated that there were three resolutions to be added to the agenda. A motion to add the items to the agenda was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

F. Added Items

1. Ante Litem Notice Carolyn Lynn

Keith Lovell, Assistant City Attorney stated that this anti litem notice was filed on behalf of Carolyn Lynn regarding injuries resulting from a slip and fall on a sidewalk on or about November 12, 2014 at the Cartersville Library. Mr. Lovell recommended approval of the ante litem notice.

A motion to approve Resolution No. 26-14 regarding an anti litem notice was made by Council Member Tate and seconded by Council Member Stepp. Motion carried unanimously. Vote 4-0

Resolution No. 26-14

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

WHEREAS, on or about November 19, 2014, the City of Cartersville received an Ante Litem Notice from The Hartford Eastern GL Office At Law concerning Carolyn Lynn's alleged claim against the City relating to injuries resulting from a slip and fall on sidewalk on or about November 12, 2014 at Cartersville Library, Cartersville, Georgia 30120.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council that the City of Cartersville denies the Ante Litem Notice claim submitted as referenced above based on the information currently available to it, and directs the City Attorney's Office to inform The Hartford Eastern GL Office of said denial.

BE IT AND IT IS HEREBY RESOLVED this 18th day of December, 2014.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. Ante Litem Notice Gary Brown

Keith Lovell, Assistant City Attorney stated that this anti litem notice was filed on behalf of Gary Brown regarding injuries resulting from an automobile accident on or about November 19, 2014 on I-75 involving a city vehicle. Mr. Lovell recommended approval of the ante litem notice.

A motion to approve Resolution No. 28-14 regarding an anti litem notice was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

Resolution No. 28-14

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

WHEREAS, on or about November 24, 2014, the City of Cartersville received an Ante Litem Notice from Law Offices of Sheryl L. Burke At Law concerning Gary Brown's alleged claim against the City relating to injuries resulting from an automobile accident with Don Hassebrock on or about November 19, 2014 on I-75.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council that the City of Cartersville denies the Ante Litem Notice claim submitted as referenced above based on the information currently available to it, and directs the City Attorney's Office to inform Law Offices of Sheryl. L. Burke of said denial.

BE IT AND IT IS HEREBY RESOLVED this 18th day of December, 2014.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

3. Ante Litem Notice Avery Burns

Keith Lovell, Assistant City Attorney stated that this anti litem notice was filed on behalf of Avery Burns regarding injuries resulting from a leg injury on a bouncy house on or about September 27, 2014 at Cartersville Gymnastics. Mr. Lovell recommended approval of the ante litem notice.

A motion to approve Resolution No. 29-14 regarding an anti litem notice was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

Resolution NO. 27-14

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF
CARTERSVILLE, GEORGIA**

WHEREAS, on or about November 10, 2014, the City of Cartersville received an Ante Litem Notice from Coghlan Law, LLC At Law concerning Avery Burns alleged claim against the City relating to injured leg on bouncy house on or about September 27, 2014 at Cartersville Gymnastics, Cartersville, Georgia 30120.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council that the City of Cartersville denies the Ante Litem Notice claim submitted as referenced above based on the information currently available to it, and directs the City Attorney's Office to inform Coghlan Law, LLC of said denial.

BE IT AND IT IS HEREBY RESOLVED this 18th day of December, 2014.

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

ATTEST:

**/s/ Connie Keeling
Connie Keeling
City Clerk**

G. Monthly Financial Statement

1. October 2014

Mr. Tom Rhinehart, Finance Director, presented the October 2014 monthly financial statement with comparisons from the previous year of October 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 October 2014.

H. Discussion

1. Downtown Design Plan

Tara Currier, Downtown Development Director stated that the Downtown Development Authority of Cartersville is working on a proposed Design Plan for Downtown – specifically the four quadrants around the train depot. Ms. Currier presented the council the recommended design and a list of goals desired by the DDA.

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

Meeting Adjourned

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

ATTEST:

**/s/ _____
Connie Keeling
City Clerk**