City Council Meeting
10 N. Public Square
November 20, 2014
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 Hodge

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; Sam Grove, City Manager; Connie Keeling, City Clerk and David Archer, City Attorney. Jayce Stepp, Council Member Ward Two and Lori Pruitt, Council Member Ward Six were absent.

II. Regular Agenda

A. Council Meeting Minutes

1. November 6, 2014

A motion to approve the November 6, 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. Public Hearing – 1st Reading of Zoning Annexation Requests

1. File SU14-03: Special Use application by Mark Harris to allow a title pawn business at 422 North Tennessee Street in the M-U Zoning District.

Randy Mannino, Planning and Development Director, stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino stated that this application is for 422 North Tennessee Street and the applicant proposes to operate a title pawn shop in this building. The applicant has stated in writing that there would be no outdoor storage on the property. The Planning Commission has recommended approval with the condition that there be no outdoor storage.

Mayor Santini opened the floor for a public hearing and Mark Harris came forward to answer any questions the council may have. With no further comments Mayor Santini closed the public hearing.

NO ACTION REQUIRED

C. Resolutions

1. Use of Ad Valorem Taxes for East Main Street

Sam Grove, City Manager stated that this is two resolutions regarding the TAD (Tax Allocation District). The Mayor and City Council have previously approved the TAD and as such, resolutions were sent to the City Schools and Bartow County to see if they were onboard with the sharing of ad valorem taxes. Mr. Grove stated that both have approved and now the City needs to consent to the approval. An intergovernmental agreement will be drawn up between parties to reflect same and Mr. Grove recommended approval.

A motion to approve the resolutions by the City School System and Bartow County regarding TAD was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

2. EIP Grant for Sheet Metal Components
(This item was removed from the agenda)

3. Freeport Tax Exemption

Dan Porta, Assistant City Manager stated that the City of Cartersville Freeport exemption is at 60% for certain classes of inventory as allowed by law. He stated that as a way to continue to help with Economic Development this resolution proposes to increase the Freeport tax exemption to 80% beginning in 2015. Mr. Porta stated that the Cartersville School Board has approved this increase and recommended approval.

A motion to approve Resolution No. 24-14 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

Resolution No. 24-14

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.

NOW THEREFORE by it hereby resolved by the Mayor and City Council that commencing January 1, 2015, 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 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; 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.

This the 20th day of November, 2014.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

4. November 4, 2014 Election Results

Connie Keeling, City Clerk presented the results and Resolution for the November 4, 2014 General Election in reference to the Park and Recreational Facility Bond and recommended approval.

A motion to approve Resolution No. 25-15 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

A RESOLUTION DECLARING THE RESULTS OF A BOND ELECTION HELD ON NOVEMBER 4, 2014; PROVIDING FOR NOTIFICATION OF THE DISTRICT ATTORNEY; AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City Council of the City of Cartersville, Georgia (the "Governing Body"), which is charged with the duties of levying taxes, contracting debts, and managing the affairs of the City of Cartersville, Georgia (the "City"), and the Bartow County Board of Elections and Registration (the "Elections Board"), which is the Municipal Election Superintendent of the City, called an election that was held on November 4, 2014, for the purpose of submitting to the qualified voters of the City for their determination the question of whether or not $8,200,000 in aggregate principal amount of City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds (the "Bonds") should be issued for the purpose of providing funds to pay or be applied toward the cost of acquiring, constructing, reconstructing, renovating, repairing, improving, and installing park and recreational facilities and other facilities, equipment, and property, both real and personal, useful or desirable in connection therewith, to pay capitalized interest incident thereto, and to pay expenses incident to accomplishing the foregoing; and

WHEREAS, the returns of the bond election were duly brought up by the managers of such election, as required by law, and were presented to the Governing Body and the Elections Board for consolidation and for the declaration of the result of the election; and

WHEREAS, the returns of the election were received from all of the poll officers and thereupon the Elections Board canvassed, computed, and consolidated the returns of the election and concurrent with the adoption of this resolution delivered a certified copy of the consolidated return of the election to the Governing Body, and the result of the election was as follows:

Total number of votes cast	4,540

Total number of spoiled ballots	0
Total number of votes cast **FOR** the issuance of $8,200,000 City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds	3053
Total number of votes cast **AGAINST** the issuance of $8,200,000 City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds	1487

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cartersville, Georgia, and it is hereby resolved by authority of the same, that the election resulted in favor of the issuance of the Bonds, by an affirmative vote of a majority of the qualified voters of the City voting in the election held for such purpose, that the issuance of the Bonds has been authorized as required by law, and that the results of the election are hereby declared to be as set forth above.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that a duly certified copy of the consolidated election return of the Elections Board be attached to this resolution as Exhibit "A" and made a part hereof.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that, after the expiration of the period provided by law for the filing of a petition in the office of the Clerk of the Superior Court of Bartow County contesting the results of the election, there shall be given to the District Attorney of the Cherokee Judicial Circuit personal notice in writing that such election was held and that the result of the election was in favor of the issuance of the Bonds, and requesting him to take immediate and proper steps to institute proceedings for the validation of the Bonds as required by law.

PASSED, ADOPTED, SIGNED, APPROVED, AND EFFECTIVE this 20th day of November 2014.

(SEAL)

CITY OF CARTERSVILLE, GEORGIA

Matthew J. Santini
Mayor

Attest:

Connie Keeling
City Clerk

A RESOLUTION OF THE BARTOW COUNTY BOARD OF ELECTIONS AND REGISTRATION DECLARING THE RESULTS OF A BOND ELECTION HELD ON NOVEMBER 4, 2014; AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City Council of the City of Cartersville, Georgia (the "Governing Body"), which is charged with the duties of contracting debts and managing the affairs of the City of Cartersville, Georgia (the "City"), and the Bartow County Board of Elections and Registration (the "Elections Board"), which is the Municipal Election Superintendent of the City, called an election which was held on November 4, 2014, for the purpose of submitting to the qualified voters of the City for their determination the question of whether or not $8,200,000 in aggregate principal amount of City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds should be issued; and

WHEREAS, the returns of the bond election were duly brought up by the Managers of such election, as required by law, and were presented to the Governing Body and the Elections Board for consolidation and for the declaration of the result of the election; and

WHEREAS, the returns of the election were received from all of the poll officers and thereupon the Elections Board canvassed, computed, and consolidated the returns of the election, and the result of the election was as follows:

Total number of votes cast	4,540

Total number of spoiled ballots	0
Total number of votes cast **FOR** the issuance of $8,200,000 City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds	3,053
Total number of votes cast **AGAINST** the issuance of $8,200,000 City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds	1,487

NOW, THEREFORE, BE IT RESOLVED by the Bartow County Board of Elections and Registration, and it is hereby resolved by authority of the same, that the election resulted in favor of the issuance of the Bonds, by an affirmative vote of a majority of the qualified voters of the City voting in the election held for such purpose, that the issuance of the Bonds has been authorized as required by law, and that the results of the election are hereby declared to be as set forth above.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that the election returns of the several Managers on file with the Elections Board are incorporated herein by this reference.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that a duly certified copy of this resolution be furnished to the Governing Body so that it may declare the results of the election as provided by law.

EXHIBIT A

PASSED, ADOPTED, SIGNED, APPROVED, AND EFFECTIVE this 7th day of November 2014.

BARTOW COUNTY BOARD OF ELECTIONS AND REGISTRATION

By: Neil Hopper
Chairman

Arthur L. Contre
Member

Bobby L. Wilson
Member

Member

Janet L. Owen
Member

ATLANTA 5541935.2

SECRETARY'S CERTIFICATE

I, JOSEPH KIRK, Secretary of the Bartow County Board of Elections and Registration, **DO HEREBY CERTIFY** that the foregoing pages constitute a true and correct copy of a resolution adopted by the Bartow County Board of Elections and Registration at an open public meeting duly called and lawfully assembled at 5:05p.m., on the 7th day of November 2014, in connection with declaring the results of an election pertaining to the issuance or non-issuance of City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds, the original of such resolution being duly recorded in the Minute Book of the Bartow County Board of Elections and Registration, which Minute Book is in my custody and control.

I do hereby further certify that the following members of the Bartow County Board of Elections and Registration were present at such meeting:

Neil Hopper, Chairman Janet
Queen, Vice Chairman
Bobby Wilson
Arthur Carter
Mike Powell

and that the following members were absent:

____

____

and that such resolution was duly adopted by a vote of:

Aye 5 Nay 0.

WITNESS my hand and the official seal of the Bartow County Board of Elections and Registration, this the 7th day of November 2014.

(SEAL)

____
Secretary

ATLANTA 5603159.1

CITY CLERK'S
CERTIFICATE

I, **CONNIE KEELING,** City Clerk of the City of Cartersville, Georgia, **DO HEREBY CERTIFY** that the foregoing pages constitute a true and correct copy of a referendum resolution adopted by the City Council of the City of Cartersville, Georgia (the "Governing Body") at an open public meeting duly called and lawfully assembled at 7:00p.m., on the 20th day of November 2014, in connection with declaring the results of an election pertaining to the issuance or non-issuance of City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds, the original of such referendum resolution being duly recorded in the Minute Book of the Governing Body, which Minute Book is in my custody and control.

I do hereby further certify that the following members of the Governing Body were present at such meeting:

Matt Santini,
Mayor
Dianne Tate, Mayor Pro
Tempore
Kari Hodge
Lindsey McDaniel,
Jr.
Lori Pruitt
Jayce
Stepp
Louis Tonsmeire,
Sr. and that the following members were absent:

Lori Pruitt
Jayce Stepp

and that such resolution was duly adopted by a
vote of: Aye 4
Nay 0

WITNESS my hand and the official seal of the City of Cartersville, Georgia, this the 20th day of November 2014.

Connie Keeling
City Clerk

D. Grant Application/Acceptance

1. Georgia Department of Natural Resources Recreational Trails Grant

Greg Anderson, Parks and Recreation Director stated that they wish to apply for the annual Georgia Department of Natural Resources Recreational Trails grant. This grant will be used to construct restrooms and a pavilion at the canoe/kayak launch on the Etowah River Water Trail at Leak Mounds. Mr. Anderson stated that although the final estimated budget was not complete before the agenda item was due he did not expect the project to exceed $80,000 which would require a match of approximately $16,000 (20%) and recommended approval of the resolution and to authorize the mayor to sign all related documents.

A motion to approve Resolution No. 23-14 and the approval for the Mayor to sign all related documents was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

Resolution No. 23-14

WHEREAS, the Georgia Department of Natural Resources has notified the City of Cartersville and other general purpose governments that federal funds, managed by said state agency, are available to local governmental units under the Georgia Recreational Trails Program for the purpose of expanding the supply of said trails in the state; and

WHEREAS, the purpose of said grant shall be to enhance the Etowah River Water Trail at Leake Mounds by enhancing the trailhead at the canoe/kayak launch along the Etowah River at Highway 61/113; and

WHEREAS, the City of Cartersville is committed to working cooperatively with the Georgia Department of Natural Resources, multiple federal project participants, property owners and the citizens of Cartersville to implement the Project in accordance with federal and state guidelines as defined by Recreation Trails Program staff of the Georgia Department of Natural Resources in such a manner as to assure that the Project is developed, operated and maintained as a community asset designed to benefit current and future residents of the City of Cartersville; and

WHEREAS, the City of Cartersville deems the Project to be in the best interests of the citizens of Cartersville; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of Cartersville acting in his official capacity and in behalf of the Cartersville City Council is hereby authorized to file an application with the Georgia Department of Natural Resources in order to obtain said Recreation Trails Program Grant in order to perform those activities specified within this resolution; and

BE IT FUTHER RESOLVED, that the City of Cartersville shall be committed to the operation and maintenance of trailways and other facilities developed through the Grant resources herein specified as a part of its permanent parks and recreation inventory; and

BE IT FUTHER RESOLVED, that the Mayor of Cartersville is hereby authorized to execute any and all documents as may be required to accompany said application and to provide the Georgia Department of Natural Resources any and all Support Documentation which is considered to be part of said application process.

SO ADOPTED, this 20th day of November 2014.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

E. Other

1. GADOT Letter – Leake Mounds and Pettit Creek Trails

Greg Anderson, Parks and Recreation Director stated that with the passage of the Parks and Recreation Bond Referendum, the city is ready to move forward with two of the GDOT Transportation Enhancement grant projects – the Leake Mounds – Etowah River Walk Link and Pettit Creek Trail Phase III. Mr. Anderson recommended approval for the Mayor to sign all related documents.

A motion to approve the Mayor to sign all related documents was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

2. 30 Topridge Drive Lien Release

Richard Osborne, City Planner stated that this is a part of the first time homebuyer program with the five-year forgivable loan. The owner of 30 Topridge Drive is selling before the five year period and will reimburse the city for the balance of the loan and Mr. Osborne recommended approval.

A motion to approve the Lien Release for 30 Topridge Drive was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

3. Utilities Protection Center Invoice

Gary Riggs, Gas Superintendent stated that this is the annual dues for being a member of the Georgia One Call System required by state law. Mr. Riggs recommended approval of the annual dues in the amount of $7,869.74.

A motion to approve Utilities Protection Center Invoice was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

F. Change Order

1. Etowah Drive Water Main Engineering Services Change Order No. 1

Bob Jones, Water and Sewer Superintendent stated that this change order is for the investigation and incorporation of the line stop system into the design and additional construction time for the replacement of non-operations existing valves for the Etowah Drive Water Main Replacement. Mr. Jones stated that the additional engineering cost is $17,400.00 and recommended approval.

A motion to approve the Etowah Drive Change Order No. 1 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

2. US 41/411 Engineering Services Change Order

Bob Jones, Water and Sewer Superintendent stated that this change order is for the design, permitting and contract administration for the expanded scope of work for the US41-411 Project.. The total additional engineering cost is $31,900.00 and Mr. Jones recommended approval.

A motion to approve the US 41/411 Engineering Services Change Order was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

3. Center Road 24-inch Gravity Sewer Replacement

Bob Jones, Water and Sewer Superintendent stated that this change order if for the design, permitting and contract administration of the revised Center Road 24 inch Gravity Sewer Replacement project. The total additional engineering cost is $19,100.00 and Mr. Jones recommended approval.

A motion to approve the change order for the Center Road Sewer Replacement was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0

G. Bid Award/Purchases

1. WPCP Polymer Feed System Upgrade

Bob Jones, Water and Sewer Superintendent stated that the current polymer feed system in use at the Water Pollution Control Plant (WPCP) was installed in 1992. The controls for this process are a relay logic system which was state of the art at the time, but is now obsolete. Mr. Jones stated that malfunctions of the system waste valuable time when needing to remove solids from the plant quickly. Bids were received from three companies and Mr. Jones recommended approval of the low bid from Fox Systems Inc in the amount of $28,500.00.

A motion to approve the low bid from Fox Systems Inc. was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

2. Site Med Fire Fighter Physicals 2014

Dan Porta, Assistant City Manager stated that this is the annual Firefighter Physical Exams by Site Med in the amount of $19,003.00 and recommended approval.

A motion to approve the annual exams by Site Med was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

3. Council Chamber Sound System

Connie Keeling, City Clerk stated that the sound system in the Council Chamber was not working properly and the IT Department has recommended a new system and installation by Telenet Systems for a total amount of $5,504.50 and Ms. Keeling recommended approval.

A motion to approve the purchase and installation by Telenet Systems was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

4. Annual Cogsdale Software Maintenance

Tom Rhinehart, Finance Director stated that this is the annual utility software maintenance agreement with Cogsdale Corporation in the amount $65,339.33 (an increase of about 6.7%). Mr. Rhinehart stated that he had spoke with the Director of Support for Cogsdale regarding the increase and was informed that this was a system wide increase. Mr. Rhinehart recommended approval.

A motion to approve annual Cogsdale Software Maintenance agreement was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

H. Monthly Financial Statement

1. September 2014

Mr. 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 2014.

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

Meeting Adjourned

/s/ ___________________________
Matthew J. Santini
Mayor

ATTEST:

/s/ ______________________________
Connie Keeling
City Clerk