

City Council Meeting
10 N. Public Square
December 19, 2013
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. December 5, 2013

A motion to approve the December 5, 2013 City Council Meeting Minutes as presented was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

B. Appointments

1. Bartow – Cartersville Second Joint Development Authority

Keith Lovell, Assistant City Attorney stated that the terms of Greg Frisbee and Lamar Pendley will expire this month and recommended that they be reappointed to a new term to expire December 31, 2017.

A motion to approve the appointments of Greg Frisbee and Lamar Pendley was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

2. Planning Commission

Randy Mannino, Planning and Development Director stated that there are four (4) members of the Planning Commission whose terms will expire January 31, 2014. Mr. Mannino stated that these appointments coincide with the terms of Mayor and Council and recommended that Lamar Pendley (Mayor) be reappointed to a term ending January 31, 2016 and Travis Popham (Ward 1), Ralph Miller (Ward 3) and Sandra Cline (Ward 5) all be reappointed to a term ending January 31, 2018.

A motion to approve the reappointments to the Planning Commission was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

C. First Reading of Ordinances

1. Revision to Ordinance Chap 4, Art II, Div 2, Sec 4-56

Randy Mannino, Planning and Development Director stated that the Bartow County Tax Commissioner has adopted a policy to not issue occupation tax certificates (business license) or alcohol license until proof of payment of outstanding ad valorem taxes have been paid. This policy has cleared up a great number of backlogs in the county and felt that the same policy would be beneficial to the City. Mr. Mannino stated after a review of city ordinances this is

already required for Occupation Taxes; however no similar provision exists under the alcohol license. Mr. Mannino recommended approval of this amendment to the Alcohol License Ordinance.

NO ACTION 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 4. ALCOHOLIC BEVERAGES. ARTICLE II. LICENSING REQUIRMENTS. DIVISION 2. APPLICATION AND ISSUANCE. Section 4-56. Limitations on issuance is hereby amended by adding a new paragraph (d) as follows:

1.

(d) Upon the payment of all occupation, specific, special, or ad valorem taxes due the City by such person or entity being the applicant or other parties of interest in the application for any previous year

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

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 19th day of December 2013.
ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. Amendment to Swimming Pool and Spa Code

Randy Mannino, Planning and Development Director stated that on January 1, 2014 the now codes adopted by the DCA (Department of Community Affairs) will be in effect. Mr. Mannino stated that the code for pools, spas, and water parks was last amended in 2001 and these new codes apply to new construction not pools in existence. Mr. Mannino recommended approval.

NO ACTION 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 6. BUILDINGS AND BUILDING REGULATIONS VIII. SWIMMING POOLS. Sec. 6-161 Standard Swimming Pool Code-Adopted is hereby amended by deleting said Section Sec. 6-161 in its entirety and replacing it with the following:

1.

Sec. 6-161. - Standard Swimming Pool Code—Adopted.

The International Swimming Pool and Spa Code 2012 Edition, and all amendments thereto, are adopted by reference.

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 19th day of December 2013.

ADOPTED this the day of. Second Reading.

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

ATTEST:

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

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

1. File T13-05: Text Amendment application by the City of Cartersville to amend various sections of the Zoning Ordinance

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 by the City of Cartersville is to revise the Optional Density Bonus section of various residential district portions of the Zoning Ordinance, as requested by the City Attorney's Office. The Optional Density Bonus allow single family houses to be built on smaller lots than would normally be allowed in a residential zoning district if a builder chooses to use one of the options written into the ordinance. Mr. Mannino stated that the City Attorney's Office has requested that item three (3), one of the options used to obtain the density bonus related to donation of land be removed from the list. This removal would affect the R-20, R-15, R-10, R-7, and R-D Districts. Mr. Mannino recommended approval.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. T13-05

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 26. ZONING. ARTICLE VI. SINGLE FAMILY DWELLING DISTRICT REGULATIONS.** is hereby amended by deleting the following subsections:

1.

Sec. 6-1. R-20 Single-Family Dwelling District 6.1.3 Development Standards K. Optional Density Bonus (3).

2.

Sec. 6.2.R-15 Single-Family Dwelling District 6.2.3 Development Standards K. Optional Density Bonus (3).

3.

Sec.6.3.R-10 Single-Family Dwelling District 6.3.3 Development Standards K. Optional Density Bonus (3).

4.

Sec. 6.5.3.R-7 Single-Family Dwelling District 6.5.3 Development Standards N. Optional Density Bonus (3).

5.

Sec. 6.6. R-D Single Family Dwelling District 6.6.3 Development Standards L. Optional Redevelopment Density Bonus (3).

6.

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 19th day of December 2013.
ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. File Z13-08: Rezoning application by Randy Cochran for property located at 150 Old Mill Road (approximately 20.3 acres). Applicant proposes to delete condition two (2) from this property zoned MF-14 with conditions.

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 this is an amendment for the Hillendale Senior Condo Complex located at 150 Old Mill Road. This property was rezoned from the industrial to multi-family residential in 1998 with a timeframe on the use of River Drive for construction access to the property for a maximum of two years from the issuance of a Certificate of Occupancy on the first units completed. Mr. Mannino stated that only a portion of this complex has been constructed and the applicant seeks to temporarily use River Drive and an industrial property to the south for construction access. Mr. Mannino stated that the Planning Commission has recommended approval of modifying the zoning condition (keeping the property zoned MF-14) with the condition that the rear access expires two (2) years from the issuance of the first building permit.

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

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. Z13-08

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 Hillendale – Cartersville LLC. Property is located at 150 Old Mill Road. Said property contains 20.28 acres located in the 4th District, 3rd Section, Land Lot(s) 627 and 670 as shown on the attached plat Exhibit “A”. Property is hereby rezoned from MF-14 with conditions to MF-14 with conditions the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

1. **Allow the use of River Drive for temporary construction vehicle access to complete the final phase of the Hillendale Senior Condo Complex with access limited to two years from the issuance of the first building permit.**

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 19th day of December 2013.

ADOPTED this the day of. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

3. **File SU13-06: Special Use Application by James Forte to operate a pawn shop with no outdoor storage at 617 North Tennessee Street (approximately 0.26 acres).**

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 property is located at 617 North Tennessee Street, near the intersection with Porter Street. The property includes a freestanding, single-use commercial building constructed in approximately 1969. The applicant proposes to operate a pawn shop in this building without outdoor storage. Mr. Mannino stated that the Planning Commission has recommended approval.

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

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. SU13-06

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 Kathy Allen. Property is located 617 North Tennessee Street. Said property contains 0.26 acres located in the 4th District, 3rd Section, Land Lot(s) 337 as shown on the attached plat Exhibit "A". Property is hereby rezoned from M-U (Multiple Use) to M-U (Multiple Use) with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

1. **To allow pawn and/or title pawn shop with no outdoor storage.**

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 19th day of December 2013.

ADOPTED this the day of. Second Reading.

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

ATTEST:

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

E. Contracts/Agreements

1. Pettit Creek Flood Study

Wade Wilson, City Engineer stated that this Pettit Creek Flood Study Proposal was submitted by Southland Engineering at the City's request to study the impacts of the recent work done adjacent to Pettit Creek. The new owners have completed grading work for their horse pastures and the City wants to determine the impact to the flood plain and adjacent properties. Mr. Wilson stated that this agreement includes \$2,390.00 for surveying and database preparation and \$5,700.00 for modeling and reporting for a total study cost of \$8,090.00 and recommended approval.

A motion to approve the Pettit Creek Flood Study was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

2. GMA Telecommunication Management Services

Dan Porta, Assistant City Manager stated that this is the annual contract with GMA (Georgia Municipal Association) for telecommunications management services. Mr. Porta stated that this amount reflects an increase of \$1,500.00 for a total of \$6,500.00 and recommended approval.

A motion to approve the contract with GMA was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

F. Bid Award/Purchases

1. Computer Management Software

Dan Porta, Assistant City Manager stated that this software is to maintain the integrity of city workstations by only allowing approved software application to be installed. This will help defend against malicious software that impedes city employees from getting work done and reduces the amount of time spent by IT staff to remove unwanted software. Mr. Porta stated that the cost is \$9,270.50 and recommended approval.

A motion to approve purchase for computer management software was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

2. Trench Box

Michael Hill, Assistant Gas Superintendent stated that the Gas Department had received bids for a trench box to be used in holes to provide safety for employees. Mr. Hill recommended approval of the low bid from J & B Tool in the amount of \$8,320.00.

A motion to approve the low bid from J & B Tools was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

3. Cleaning Water Storage Tank

Bob Jones, Assistant Water Superintendent stated that bids were received to clean the five (5) million gallon water storage tank on Tank Hill Road. Mr. Jones recommended the low bid in the amount of \$5,950.00 from SE Diving Services, LLC.

A motion to approve the low bid from SE Diving Services, LLC was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

4. Annual Software Maintenance

Tom Rhinehart, Finance Director stated that this is the annual software maintenance invoice from Cogsdale. This invoice reflects an increase of 6% over last year due to the increased cost of providing support services and ongoing product improvements. Mr. Rhinehart recommended approval of this agreement in the amount of \$61,229.03.

A motion to approve annual maintenance agreement with Cogsdale was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

4. WRS Benefits Invoice (Actuary)

Tom Rhinehart, Finance Director stated that this is an invoice to WRS Benefits for work performed on the annual GASB45 (OPED) valuation needed for the audit. This invoice total is \$15,400.00 for the FY 2013-14 valuations and Mr. Rhinehart recommended approval.

A motion to approve the invoice from WRS Benefits was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

G. Monthly Financial Statement

1. October 2013

Mr. Tom Rhinehart, Finance Director, presented the October 2013 monthly financial statement with comparisons from the previous year of October 2012 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 2013

H. Discussion

1. TANs Payment Due 12/31/13

Tom Rhinehart, Finance Director stated that the TANs are due on December 31, 2013 in the amount of \$4,318,490.00. The current balance on the SPLOST funds are \$2,988,436.83. The city should receive two more SPLOST checks and three more TAVT checks from the county totaling an estimated \$565,000.00. This will give the SPLOST checking account a total amount to pay toward the retirement of the TANs of \$3,553,436.83 and will result in a shortfall of approximately \$765,000.00. Mr. Rhinehart stated that the city had two options – (1) pay the balance using general funds or (2) re-issue TANs early in the calendar year 2014 in the amount of \$765,000.00 and requested direction from council.

A motion to add an item to the agenda was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

A motion to authorize staff to pay off the TANs from the General Fund was made by Council Member Pruitt and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

2. Parks and Recreation Property Bond

Greg Anderson, Parks and Recreation Director stated that the Parks and Recreation Advisory Board voted unanimously to recommend the City Council to call for a special election be held on May 20, 2014 that would call for a one (1) millage property tax increase, not to exceed 10 years for Park/Facility Improvements and Trails. Mr. Anderson stated that this one (1) mill should generate an estimated \$8,000,000.00 over the projected 10 years. No action was made at this time.

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