City Council Meeting
10 N. Public Square
December 5, 2013
8:00 a.m. – Work Session 9:00 a.m.

I. Opening Meeting

Invocation by Council Member Tonsmeire

Pledge of Allegiance led by Council Member Tate

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; Connie Keeling, City Clerk and David Archer, City Attorney. Lori Pruitt, Council Member Ward Six was absent

II. Regular Agenda

A. Council Meeting Minutes

1. November 21, 2013

A motion to approve the November 21, 2013 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

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

1. File T13-04: Text Amendment application by Womack Two LLC (Ray Womack, Representative) to add the use of Automotive Storage Yards and Wrecker Service in the L-I (Light Industrial) 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 text amendment is an application by Womack Two LLC to add the following as a permitted use in the L-I (Light Industrial) zoning district: *Automotive storage yard and wrecker service.* This use is currently only allowed in the GC District. Mr. Mannino stated that the 2010 Zoning Ordinance revision included changes to the L-I zoning district to allow some auto-related and equipment- related uses and this proposed text amendment would expand the list of options for properties zoned L-I. Mr. Mannino stated that there have been no additions or deletions since the first reading and the Planning Commission had recommended approval.

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

A motion to approve Ordinance No. 29-13 was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 29-13

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

26 ZONING. ARTICLE X. INDUSTRIAL DISTRICT REGULATIONS. Section 10.1.2. Use Regulations is hereby amended by adding the following use to Section 10.1.2 as indicated herein:

1.

That Article X. Industrial District Regulations, Section 10.1.2., is hereby amended by adding the following use:

Automotive storage yards and wrecker service.

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 or alphabetized to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 21st day of November 2013.
ADOPTED this the 5th day of December 2013. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. File Z13-07: Rezoning application by James Kareken to rezone property located on Old Alabama Road (north side) near Douthit Ferry Road (approximately 23.2 acres) from RA-12 (Townhouse Residential) with conditions to R-20 (Single Family Residential)

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 tract is located on Old Alabama Road, near the intersection with Douthit Ferry Road. In 2007 this tract was approved for a rezoning request from R-20 to RA-12 (detached or attached residential 12 units per acre) for a senior development. After approval of the rezoning, no site plans were submitted to City Staff and no grading work occurred on the property. Due to the significant amount of floodplain on this tract the current applicant has submitted a request to rezone the property to a lower-density zoning to R-20. Mr. Mannino stated that there have been no additions or deletions since the first reading and the Planning Commission had recommended approval.

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

A motion to approve Ordinance No. 30-13 was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 30-13

Petition No. Z13-07

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 James Kareken. Property is located on Old Alabama Road. Said property contains 23.15 acres located in the 4th District, 3rd Section, Land Lot(s) 918-919 and 954-955 as shown on the attached plat Exhibit "A". Property is hereby rezoned from RA-12 with conditions to R-20 (Single Family Residential) with the following conditions. 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 21st day of November 2013.
ADOPTED this the 5th day of December 2013. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

C. Second Reading of Ordinances

1. Amendment to Budget Ordinance for Fiscal Year 2012-13

Tom Rhinehart, Finance Director stated that after completion of the Fiscal Year 2012-13 close, the general fund and special revenue fund budgets need to be amended. By amending these budgets, the city general fund and special revenue funds will be in compliance with Generally Accepted Accounting Principles (GAAP). Mr. Rhinehart stated that there have been no changes or corrections since the first reading and that these adjustments reflect the necessary changes needed to keep the budgets of these funds at a zero based level for the fiscal year and recommended approval.

A motion to approve Ordinance No. 31-13 was made by Council Member Hodge and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 31-13

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 2012 - 2013 budget.

2012 - 2013 Budget Summary

General Fund	Revenues	Expenditures
Revenues	$39,488,170	
Expenditures:		
Legislative		$19,831,025
Administration		$ 986,810
Finance Dept.		$ 1,089,225
Customer Service Dept.		$ 684,000
Police		$ 5,040,625
Fire		$ 5,536,095
Municipal Court		$ 213,670

Public Works		**$ 2,356,960**
Recreation		**$ 2,908,935**
Planning & Development		**$ 718,045**
Downtown Development Authority		**$ 122,780**
Special Revenue Funds		
SPLOST – 2003	**$ 3,811,505**	**$ 3,811,505**
SPLOST – 2007	**$ 8,303,395**	**$ 8,303,395**
SPLOST – 2014	**$ 1,018,545**	**$ 1,018,545**
DEA	**$ 1,133,160**	**$ 1,133,160**
State Forfeiture	**$ 3,000**	**$ 3,000**
CDBG Supplemental Dis Rec	**$ 11,305**	**$ 11,305**
Hotel/Motel Tax	**$ 465,755**	**$ 465,755**
Motor Vehicle Rental Tax	**$ 52,990**	**$ 52,990**
Grant Funds	**$ 307,510**	**$ 307,510**
Impact Fees	**$ 317,254**	**$ 317,254**
Business Improve Dist Tax	**$ 77,750**	**$ 77,750**
Development Fees	**$ 5,000**	**$ 5,000**
Cartersville Building Auth	**$ 1,487,150**	**$ 1,487,150**
Enterprise Funds		
Fiber Optics	**$ 1,635,335**	**$ 1,635,335**
Electric	**$44,591,295**	**$44,591,295**
Gas	**$23,123,195**	**$23,123,195**
Solid Waste	**$ 2,397,270**	**$ 2,397,270**
Stormwater	**$ 1,323,050**	**$ 1,323,050**
Water & Sewer	**$20,710,175**	**$16,263,215**
Water Pollution Control Plant		**$ 2,254,970**
Water Treatment Plant		**$ 2,191,990**
Internal Service Fund		
Garage	**$ 1,592,565**	**$ 1,592,565**

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED, this 24th day of November 2013. First Reading.
ADOPTED this the 5th day of December 2013. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. Water and Sewer Capacity Fee Restoration

Ed Mullinax, Assistant Water Superintendent recommended approval of the ordinance revision to restore Water and Sewer Capacity Fees to the original amounts effective December 31, 2013. Mr. Mullinax stated that there have been no changes or corrections since the first reading.

A motion to approve Ordinance No. 32-13 was made by Council Member Stepp and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 32-13

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. UTILITIES. ARTICLE IV. WATER SERVICE. Sec. 24-64 Water and Sewage Utility Rates (g) is hereby amended by deleting it in its entirety

2.

The effective date of this Ordinance shall be December 31, 2013

3.

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 21st day of November 2013.
ADOPTED this the 5th day of December 2013. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

D. Contracts/Agreements

1. Cable Franchise Agreement

Dan Porta, Assistant City Manager stated that the city has reached an agreement on the cable franchise agreement with Comcast Cable. Mr. Porta stated that this is a ten (10) year agreement that separates the pole attachment agreement and recommended approval.

A motion to approve Cable Franchise Agreement was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

2. Comcast Pole Attachment Agreement

Don Hassebrock, Electric Department Director stated that this is a Pole Attachment Agreement with Comcast. Mr. Hassebrock stated that the city has been without a contract for several years and the signing of the contract will allow a new contract to be in effect for twelve (12) years and recommended approval.

A motion to approve the Comcast Pole Attachment Agreement was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

3. Public Service Commission Consent Agreement

Gary Riggs, Gas Department Superintendent stated that this agreement allows the city to mitigate the penalty associated with the Public Awareness Program Inspection by providing additional training for the Bartow County Fire Department. Mr. Riggs recommended approval.

A motion to approve the Public Service Commission Consent Agreement was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

4. Memorandum of Understanding between the Federal Bureau of Investigations and the Bartow Cartersville Drug Task Force for Office Expansion

Tommy Culpepper, Police Chief stated that the FBI has agreed to expand the office space at the Drug Task Force and to install secure computer terminals at no expense to the city. Chief Culpepper recommended approval.

A motion to approve the Memorandum of Understanding with the FBI was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

E. Bid Award/Purchases

1. New Police Vehicles

Tommy Culpepper, Police Chief stated that bids were sent out for three (3) new Dodge police vehicles and only one bid was returned from Robert Loehr Dodge of Cartersville. Chief Culpepper recommended approval of funds not to exceed $97,000.00 for these vehicles and all associated equipment.

A motion to approve an amount not to exceed $97,000.00 for the purchase of vehicles and associated equipment was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. ITRON Handheld Unit

Gary Riggs, Gas Department Superintendent stated that the gas system needs to purchase an ITRON handheld unit for programming and reading electronic remote transmitters for gas meters. Mr. Riggs stated that this is a sole source provider and recommended approval of the purchase from H-D Supply in the amount of $5,178.00.

A motion to approve the purchase from H-D Supply was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

3. Academy Sports Lighting

Derek Hampton, Electric Department Engineering Manager stated that this bid is for materials from Irby to provide area lighting service to the new Academy Sports Store at 4453 West Main Street. This is a thirty-six (36) month agreement for lighting service (which Academy Sports has already paid $16,200.00 leaving a balance due of $27,210). Mr. Hampton stated that this investment will pay back in twenty-two (22) months and recommended approval.

A motion to approve the purchase from Irby was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

Mayor Santini stated that there were two items to be added to the agenda. A motion to add the items was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

F. Added Items

1. Subordination Agreement

Richard Osborne, City Planner stated that this is a subordination agreement to release the lien for the 5-year, $10,000.00 forgivable loan at 3 Larkwood Circle. Mr. Osborne recommended approval.

A motion to approve the Subordination Agreement was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. Ante Litem Notice

David Archer, City Attorney stated that he had received an Ante Litem Notice from the attorney of David Brian Hale's alleged claim of personal injury. Mr. Archer stated that he has turned this matter over to the city insurance and recommended approval of the resolution to deny the claim.

A motion to approve Resolution No. 26-13 and deny the Ante Litem Notice was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

Resolution No. 26-13

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

Whereas, on or about November 6, 2013, the City of Cartersville received an Ante Litem Notice from Perrotta & Cahn Attorneys At Law concerning David Brian Hale's alleged claim against the City relating to a foot and knee injury due to an incident that occurred on or about June 20-21, 2013 at 10 Spring Street, Cartersville, Georgia 30120.

NOW THEREFORE BE IT AND IT IS HERE 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 Perrotta & Cahn Attorneys At Law of said denial.

ADOPTED this the 5th day of December 2013.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

G. Presentations

1. Citizen's Survey Results

Sam Grove, City Manager, stated that this is the final presentation of the Citizen's Survey and this week spoke about Information/Awareness, Public Trust & Cartersville Employees topics of the Citizen's Survey Results.

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/ ________________________________
Connie Keeling
City Clerk