

City Council Meeting
10 N. Public Square
October 3, 2013
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tonsmeire

Pledge of Allegiance was led by Etowah Valley Young Marines Corporal Hartley and Private First Class Massengell.

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

II. Regular Agenda

A. Council Meeting Minutes

1. September 19, 2013

A motion to approve the September 19, 2013 City Council Meeting Minutes as presented was made by Council Member Hodge and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

B. Proclamations

1. Red Ribbon Week sponsored by Etowah Valley Young Marines

Mayor Santini presented a proclamation to Young Marine Corporal Emma Hartley and Private First Class Massengell to proclaim October 23-31, 2013 as Red Ribbon Week in the City of Cartersville.

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

1. File Z13-04: Rezoning application by Consolidated Holdings, Inc. (Jeff Royal, representative) for property located on Overlook Parkway east of I-75 exit 288 (approximately 33.67 acres) from O-C (Office Commercial) and Main Street Overlay District to G-C (General Commercial) and Main Street Overlay 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 tract is located on Overlook Parkway. Recently staff has been working with Jeff Royal regarding development-related issues for this property. Mr. Royal has proposed to rezone the property from O-C to G-C to allow for a four story building (no taller than 60 feet). Mr. Mannino stated that there have been no additions or deletions since the first reading and the Planning Commission recommended approval.

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

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 21-13

A motion to approve Ordinance No. 21-13 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Petition No. Z13-04

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 Consolidated Holdings Inc. Property is located Overlook Parkway (east of I-75 exit 288). Said property contains 33.67 acres located in the 4th District, 3rd Section, Land Lot(s) 328 – 330 as shown on the attached plat Exhibit “A”. Property is hereby rezoned from O-C (Office Commercial) and Main Street Overlay District to G-C (General Commercial) and Main Street Overlay District. 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 19th day of September 2013.

ADOPTED this the 3rd day of October 2013. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

D. First Reading of Ordinances

1. Emergency Management Ordinance

Scott Carter, Fire Chief stated that this ordinance is to create an Emergency Management Section within the city codes. This ordinance has been recommended by GMA and works in conjunction with Bartow County Emergency Management Agency and Georgia Emergency Management Agency. Chief Carter stated that this ordinance does not replace, repeal, or conflict with any practices of Bartow County or the State of Georgia and allows the city to be more self-sufficient. This ordinance will enable the city to provide protection of public health, safety, and welfare of the citizens of Cartersville and Chief Carter recommended approval.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. _____

WHEREAS, O.C.G.A. §§ 38-3-27 through 38-3-54 through 38-3-56 authorizes the City of Cartersville to provide emergency management within the City of Cartersville and

WHEREAS, the city governing authority believes that an ordinance should be adopted to protect for the health and safety of persons and property during an emergency or disaster resulting from manmade or natural causes.

WHEREAS, the Georgia Emergency Management Agency is the state agency assigned responsibility for the coordination of all organizations for emergency management activities within this state; and

WHEREAS, the Bartow County Emergency Management Agency is an established emergency management agency; and

WHEREAS, to insure an effective and coordinated response to disasters the City of Cartersville wishes to coordinate emergency management activities and response with the Georgia Emergency Management Agency and the Bartow County Emergency Management Agency.

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** by creating a new **CHAPTER 8.5. EMERGENCY MANAGEMENT** to read as follows:

1.

Chapter 8.5 Emergency Management

Sec. 8.5-1. Regulations continued in effect.

All ordinances, resolutions, motions and orders pertaining to civil defense, emergency Management and disaster relief, which are not in conflict with this chapter, are continued in full forces and effect. Such ordinances, etc., are on file in the office of the City Clerk.

Sec. 8.5-2. Emergency management and response powers.

(A) Declaration of local emergency.

1. *Grant of authority.* In the event of an actual or threatened occurrence of a disaster or emergency, which may result in the large-scale loss of life, injury, property damage or destruction or in the major disruption of routine community affairs, business or governmental operations in the city and which is of sufficient severity and magnitude to warrant extraordinary assistance by federal, state and local departments and agencies to supplement the efforts of available public and private resources, the Mayor may declare a local emergency for the City of Cartersville. The form of the declaration shall be similar to that provided in subsection (b) of this Code section.

2. *Request for state assistance.* Consistent with a declaration of local emergency, the Mayor may request the Governor to provide assistance, provided that the disaster or emergency is beyond the capacity of the city meet adequately and state assistance is necessary to supplement local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.

3. *Continuance.* The declaration of local emergency shall continue until the Mayor finds that emergency conditions no longer exist, at which time, the Mayor shall execute and file with the City Clerk a document marking the end of the state of emergency. No state of local emergency shall continue for longer than 30 days, unless renewed by the Mayor. The city governing authority may, by resolution and in accordance with the city charter, end a state of local emergency at any time.

4. *Effect of declaration of local emergency.*

(a) *Activation of emergency operations plan.* A declaration of emergency by the Governor or a declaration of local emergency by the Mayor shall automatically activate the local emergency operations plan and shall be authority for the deployment of personnel and use of any forces to which the plan applies and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available pursuant to the Georgia Emergency Management Act or any other laws *applicable to emergencies or disasters*.

1. The Fire Chief and/or his/her designees shall have the legal authority to exercise the powers and discharge the duties conferred by law. Including the implementation of the local emergency operations plan, coordination of the emergency response of public and private agencies and organizations, coordination of recovery efforts with county, state and federal officials, and inspection of emergency or disaster sites.

2. In responding to the emergency and conducting necessary and appropriate survey of the damages caused by the emergency, the Fire Chief or his/her designee is authorized to enter at a reasonable time upon any property, public or private, for the purpose of evaluating sites involved with emergency management functions to protect the health, safety, and welfare of the public.

3. The Fire Chief is authorized to execute a right of entry and/or agreement to use property for these purposes on behalf of the city; however, any such document shall be later presented for ratification by the city governing authority.

4. No person shall refuse entry or access to any authorized representative or agent of the city who requests entry for purposes of evaluating sites involved with emergency management functions to protect the health, safety, or welfare of the public, and who presents appropriate credentials. Nor shall any person obstruct, hamper or interfere with any such representative while that individual is in the process of carrying out his or her official duties.

(b). *Emergency powers.* Following a declaration of emergency and during the continuance of such state of emergency, the Mayor is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control. In exercising this authority, the Mayor may cause to become effective any of the sections of this chapter as appropriate. If any of these sections is included in a declaration of local emergency, the same shall be filed in the office of the City Clerk and shall be in effect until the declaration of local emergency has been terminated.

(c). *Authority to waive procedures and fees.* Pursuant to a declaration of emergency, the city governing authority is authorized to cause to be effective any of the subsections of Sec.8.5-4 of this chapter as appropriate. The implementation of such subsections shall be filed in the office of the City Clerk.

(d). *Additional emergency powers.* The Fire Chief shall have and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:

1. To direct and compel the evacuation of all or part of the population from any stricken or threatened area, for the preservation of life or other disaster mitigation, response or recovery:

2. To prescribe routes, modes of transportation and destinations in connection with evacuation;

3. To make provision for the availability and use of temporary emergency housing, emergency shelters and/or emergency medical shelters.

4. To transfer the direction, personnel or functions of any city departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

5. To utilize all available resources of the city and subordinate agencies over which the city has budgetary control as reasonably necessary to cope with the emergency or disaster;

6. To utilize public property when necessary to cope with the emergency or disaster or when there is compelling necessity for the protection of lives, health and welfare; and/or the property of citizens;

7. To suspend any law, code provision or regulation prescribing the procedures for conduct of city business, or the orders, rules or regulations of any city agency, if strict compliance with any ordinance, resolution, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when practicable, specialists shall be assigned to avoid adverse effects resulting from such suspension;

8. To provide benefits to citizens upon execution of an intergovernmental agreement for grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by an emergency disaster in cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching state and federal funds are available for such purposes;

9. To perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety, including the individuals with household pets and service animals prior to, during, and following a major disaster or emergency.

(B) Form of declaration.

Upon the declaration of local emergency, an official “Declaration of Local Emergency,” in substantially the same form set forth below, shall be signed and filed in the office of the City Clerk and shall be communicated to the citizens of the affected area using the most effective and efficient means available. The declaration shall state the nature of the emergency or disaster, the conditions that require the declaration and any sections of this chapter which shall be in effect.

“DECLARATION OF LOCAL EMERGENCY”

WHEREAS, the City of Cartersville, Georgia has experienced an event of critical significance as a result of [DESCRIPTION OF EVENT] on [DATE]; and

WHEREAS, in the judgment of the Mayor of the City of Cartersville, there exists emergency circumstances located in [DESCRIBE GEOGRAPHIC LOCATION] requiring extraordinary and immediate corrective actions for the protection of the health, safety and welfare of the citizens of the City of Cartersville, including individuals with household pets and service animals; and

WHEREAS, to prevent or minimized injury to people and damage to property resulting from this event;

NOW, THEREFORE, pursuant to the authority vested in me by local and state law;

IT IS HEREBY DECLARED that local state of emergency exists and shall continue until the conditions requiring this declaration are abated.

WHEREFORE, IT IS ORDERED:

(1) That the applicable local emergency operations plan is hereby activated;

(2) That the following sections of the City of Cartersville Code be implemented; [If deemed appropriate, choose from the following: Section 8.5-5, Overcharging; Section 8.5-6, Registration of Building and Repair Services; Section 8.5-7, Closed or Restricted Areas and Curfews]; and

(3) That the following measures also be implemented; Section 8.5-2(A)(4) c, d or such other measures as appropriate.

ENTERED at [TIME] on [DATE].

[Signed]

Mayor, City of Cartersville.”

(C) *Contracts with local governments.*

In addition to the normal agreements embodied in the applicable local emergency operations plan for mutual emergency assistance, the city may contract with any municipality or county for the administration of a local emergency response program.

Sec. 8-5.3. Enforcement and remedies.

(a) *Law enforcement.* In accordance with O.C.G.A. §38-3-4, city police department shall be authorized to enforce the orders, rules and regulations contained in this chapter and/or implemented by the Fire Chief or local governing authority during a declared emergency.

(b) *Penalties.* Failure to comply with any of the requirements or provisions of the regulations contained in this chapter, or with any code section, order, rule or regulation made effective by the Fire Chief or local governing authority upon or after the declaration of an emergency shall constitute a violation of the provisions of this chapter. Any person who violates any provision in this chapter shall, upon conviction thereof, be punishable by a fine not exceeding \$1000.00, imprisonment for a term not exceeding six (6) months, or both such fine and imprisonment, for each violations. Each person assisting in the commission of a violation, shall be guilty of separate offenses. Each day during which a violation or failure to comply continues shall constitute a separate violation.

(c) *Injunctive relief.* In accordance with O.C.G.A § 38-3-5, in addition to the remedies described in this section, the Fire Chief is authorized to obtain an injunction to restrain violation of laws, code sections, orders, rules and regulations which are contained in the Georgia Emergency Management Act and/or this code, and/or which are implemented by the local governing authority during a declared emergency.

(d) *Enforcement.* Except as otherwise provided in this chapter, this ordinance may be enforced by the city police department.

Sec. 8-5.4. Authority to waive procedures and fee structures.

(a) *City Business.* Upon declaration of an emergency or disaster by the Governor or Mayor, the affairs and business of the city may be conducted at places other than the regular or usual location, within or outside of the city, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside the city, all actions taken by the city governing authority shall be as valid and binding as if performed within the city. Such meetings may be called by the presiding officer or any two members of the governing body without regard to or compliance with time-consuming procedures and formalities otherwise required by law.

(b) *Public Works Contracts.* Upon declaration of an emergency or disaster by the Governor or Mayor, the city may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that the emergency must be of such nature that immediate action is required and that the action is necessary for the protection of the public health, safety and welfare. Any public works contract entered into pursuant to this subsection shall be entered on the minutes of the city as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. §36-91-22(e). Any E-Verify affidavit or other state required affidavit shall be obtained from any contractor if otherwise required by law.

(c) *Purchasing.* Upon declaration of an emergency or disaster by the Governor or Mayor, the purchasing ordinances, regulations or policies may be suspended. City officials shall continue to seek to obtain the best prices during the state of local emergency.

(d) *Code Enforcement.* Upon declaration of a state of emergency or disaster by the Governor or Mayor, the city governing authority may temporarily suspend the

enforcement of the ordinances of the city, or any portion thereof, where the emergency is of such nature that immediate action outside the code is required, such suspension is consistent with the protection of the public health, safety and welfare, and such suspension is not inconsistent with any federal or state statutes or regulations.

(e) *Fees.* Upon declaration of a state of emergency or disaster by the Governor or Mayor, the city may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency. The term “fees” include fees or rates charged by the city for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits and other fees relating to the reconstruction, repair and clean-up of areas impacted by the disaster or emergency. The term “fees” does not include fees collected by the city on behalf of the state or federal government or fees charged by the city pursuant to a state or federal statute or regulation.

(f) *Temporary Dwellings.* Upon the declaration of a state of emergency or disaster by the Governor or Mayor, the city or its designees may issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district, even though not otherwise permitted by development code, while the primary dwelling is being repaired. The temporary permit shall not exceed six months in duration. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.

Sec. 8-5.5. Registration of building and repair services.

(a) In accordance with O.C.G.A. § 38-3-56, before building, constructing, repairing, renovating or making improvements to any real property, including dwellings, homes, buildings, structures or fixtures within an area in the city designated in a declared emergency or disaster, any person, firm, partnership, corporation or other entity must register with the city clerk and secure a building permit that is posted at the work site. Each day any such entity does business in the city without complying with this ordinance constitutes a separate offense.

(b) The cost of registration fees in a declared emergency or disaster is fixed at \$50.00 per annum. Registration is nontransferable. The cost of the emergency building permit shall be equal to the cost for a building permit under existing regulations. The permit shall only be authorized for repairs.

(c) When registering, any person, partnership, corporation or other entity making application must, under oath, complete an application, providing the following information:

- (1) Name of applicant;
- (2) Permanent address and phone number of applicant;
- (3) Applicant’s Social Security number or federal Employer Identification Number;
- (4) If applicant is a corporation, the state and date of incorporation;
- (5) Tag registration information for each vehicle to be used in the business;
- (6) List of cities and/or counties where the applicant has conducted business within the past 12 months;
- (7) Georgia sales tax number or authorization;
- (8) Georgia business license number, if required.
- (9) Copy of license from Secretary of State, if required.

(10) A signed and sworn affidavit verifying the applicant's legal presence in the United States as required by O.C.G.A. § 50-36-1.

(11) At least one secure and verifiable document as defined in O.C.G.A. § 50-36-2.

(d) *Effective date.* This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect. Unless otherwise specified in the declaration of emergency or otherwise extended by the city governing authority, the provisions of this Code section shall remain in effect during the state of emergency and for a subsequent recover period of three months.

Sec. 8-5.6. Closed or restricted areas and curfews during emergency.

(a) To preserve, protect or sustain the life, health, welfare or safety of persons, or their property, within a designated area under a declaration of emergency, it shall be unlawful for any person to travel, loiter, wander or stroll in or upon the public streets, highways, roads, lanes, parks or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any other place during a declared emergency between hours specified by the Mayor until the curfew is lifted.

(b) To promote order, protect lives, minimize the potential for looting and other crimes, and facilitate recovery operations during an emergency, the Mayor shall have discretion to impose reentry restrictions on certain areas. The Mayor shall exercise such discretion in accordance with the applicable local emergency operations plan, which shall be followed during emergencies.

(c) The provisions of this section shall not apply to persons acting in the following capacities:

(1) Authorized and essential law enforcement personnel;

(2) Authorized and essential health care providers;

(3) Authorized and essential personnel of the city;

(4) Authorized National Guard or federal military personnel;

(5) Authorized and essential firefighters;

(6) Authorized and essential emergency response personnel;

(7) Authorized and essential personnel or volunteers working with or through an emergency management agency (EMA);

(8) Authorized and essential utility repair crews;

(9) Citizens seeking to restore order to their homes or businesses while on their own property or place of business;

(10) Other authorized and essential persons as designated on a list compiled by the Fire Chief for the City of Cartersville.

(d) *Enforceability.* This section shall be enforced by officers of the law enforcement personnel approved to provide aid and assistance during the emergency. Nothing contained in this section shall prohibit a law enforcement officer from bringing other charges under state law.

(e) *Effective date.* This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect.

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 3rd day of October 2013.

ADOPTED this the day of 2013. Second Reading.

/s/ Matthew J. Santini

Matthew Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

E. Other

1. Historic Preservation Commission Appeal of Denial – 19 S. Public Square

Randy Mannino, Planning and Development Director stated that Tina Chung, property owner at 19 S, Public Square and the owner/operator of Locks Salon, is appealing the Historic Preservation Commission's denial of her August 20 2013 HPD application for a Certificate of Preservation. Mr. Mannino stated that on August 20, 2013 Ms. Chung spoke to the HPC about her request to replace the wood windows with metal framed window. The windows are leaking water and rotting and the cost to replace the windows with wood was too expensive.

Tina Chung came forward and presented pictures of the current windows and stated that she takes on one large project a year with this store front and the cost to replace the windows with wood was twice the cost to replace them with metal. Ms. Chung stated that she wants to retain the look of the current windows but cannot afford the wood window replacement.

A motion to reject the determination of the HPC and allow the metal replacement windows and retain the current look and characteristic of the windows pending approval of the Planning and Development Director was made by Council Member Hodge and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

2. Department of Justice Equitable Sharing Annual Report

Tommy Culpepper, Police Chief stated that this is the required annual report for the Equitable Asset Sharing as mandated by the Department of Justice. This report covers all expenses made using federally seized assets in FY 2013. Chief Culpepper stated that this report is required for the Agency to be in compliance with the Equitable Sharing Program rules and to receive further seized funds. Chief Culpepper recommended approval.

A motion to approve the Mayor's Signature and submission to the Department of Justice was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

F. Contracts/Agreements

1. Crime Mapping Support Agreement

Tommy Culpepper, Police Chief stated that this is the annual agreement with USA Software for the Crime Mapping System through the Omega Group. This is the second year this has been in place and is used to identify crime activity by specific areas. Chief Culpepper recommended approval of this agreement in the amount of \$7,200.00.

A motion to approve the Crime Mapping Support Agreement with USA Software was

made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. Ford Street Quit Claim Deed

Tommy Sanders, Public Works Director stated that this quit claim deed to Bartow County involves an approximate 150 feet section of Ford Street that is located south of Johnson Street. This section of Ford Street borders the Bartow Water Department Complex on all sides and is needed for their complex. Mr. Sanders stated that this property is not needed by the City and recommended approval of the quit claim deed and the Mayors signature on all necessary documents.

A motion to approve the Quit Claim Deed and the Mayors Signature was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

3. Amendment – GA Department of Natural Resources

Greg Anderson, Parks and Recreation Director stated that this is an amendment to the agreement signed October 20, 2011 for the Etowah River “Blue Trail” at Leake Mounds between the City and the Georgia Department of Natural Resources for the purpose of constructing a canoe/kayak launch on the Etowah River with a Recreational Trails grant. This amendment increases the grant award from \$32,924.00 to \$80,000.00 with a minimum local match of \$20,000.00. Mr. Anderson stated that the additional grant money was requested because the project bid came in approximately \$34,000.00 over budget and recommended approval.

A motion to approve the amendment to the agreement was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

4. Tennessee Street Water Main Replacement Project – Easement Acquisition Services

Ed Mullinax, Assistant Water and Sewer Superintendent stated that the water main on Tennessee Street between Leake Street and Opal Street is in deteriorated condition and in need of replacement. The design for the replacement of these mains utilized existing DOT right of way where possible. Some easements on private property were necessary. The DOT has set a strict deadline for completion of this project. Mr. Mullinax stated that they have retained the services of Satterfield and Associates for easement acquisition services at a rate of \$750 per easement. Mr. Mullinax requested approval for Satterfield and Associates to handle negotiations for up to 50 easements at this rate.

A motion to approve Satterfield and Associates to obtain up to 50 easements was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

5. Tennessee Street Water Main Replacement Project – Easement Property Appraisals

Ed Mullinax, Assistant Water and Sewer Superintendent stated that the water main on Tennessee Street between Leake Street and Opal Street is in deteriorated condition and in need of replacement. The design for the replacement of these mains utilized existing DOT right of way where possible. Some easements on private property were necessary. The DOT has set a strict deadline for completion of this project. Mr. Mullinax stated that they have retained the services of AGW Enterprises, Inc. for property appraisals necessary for easement acquisition at the rate of \$800 per easement and requested approval for AGW Enterprises to appraise up to 50 easements at this rate.

A motion to approve AGW Enterprises to appraise up to 50 easements was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

G. Engineering Services

1. Proposal for Construction Engineering Services for Water Main Relocation for DOT State Route 20 Widening and Relocation Project

Ed Mullinax, Assistant Water and Sewer Superintendent stated that the Water Department has retained the firm of Sweitzer Engineering, Inc. to provide engineering services for the design and bidding of the water main relocation needed for the DOT State Route 20 Widening and Relocation Project. Design work has been completed and a contract for construction awarded. Mr. Mullinax requested approval of an amendment to the existing contract to include Construction Engineering Services for this project. The proposal is for an amount not to exceed \$31,000.00 and Mr. Mullinax recommended approval.

A motion to approve the amendment to the agreement with Sweitzer Engineering, Inc. was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

H. Bid Award/Purchases

1. Brown Farm Road Pump Station Rehabilitation

Ed Mullinax, Assistant Water and Sewer Superintendent stated that while the rehabilitation work was underway it was discovered that the control panel would need to be replaced. Mr. Mullinax recommended approval to amend the contract with Lanier Contracting Company to include the control panel at a total cost of \$72,395.00.

A motion to approve the replacement of the control panel at the Brown Farm Road Pump Station was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

2. Inventory Restock

Ed Mullinax, Assistant Water and Sewer Superintendent stated that bids were accepted for materials to restock inventory for Distribution and Collection. Mr. Mullinax recommended approval of the low bid from Kendall Municipal at a cost of \$17,816.06.

A motion to approve the low bid from Kendall Municipal was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

3. Emergency Electrical Repairs at Water Treatment Plant

Ed Mullinax, Assistant Water and Sewer Superintendent stated that a section of electrical conduit was found to be in conflict of excavation for installation of valve vaults at the Water Treatment Plant and was removed to allow work to proceed. This conduit and associated wiring had to be replaced before final backfilling could be completed around the vaults. East Electrical Contractors, Inc. was contacted to provide a quote for the repair work. Mr. Mullinax stated that they were the contractors that originally installed the wiring and conduit and recommended approval for materials and labor to replace the electrical system in the amount of \$11,130.00.

A motion to approve the Emergency Repairs by East Electrical Contractors, Inc. was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

4. Metering Software – Annual Maintenance and Support

Don Hassebrock, Electric Department Director stated that they currently use ITRON MV-90 system to remotely collect, tabulate, process, and provide billing data for the industrial and commercial customers. The cost of the annual software maintenance and support agreement is \$6,969.27 and Mr. Hassebrock recommended approval.

A motion to approve the annual agreement with ITRON was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

I. Resolutions

1. Council Meeting Time Change for Christmas Parade

Sam Grove, City Manager stated that this resolution changes the December 5, 2013 City Council Meeting to 9:00 a.m. to avoid conflict with the annual Christmas Parade and recommended approval.

A motion to approve the time change for the December 5, 2013 City Council Meeting was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Resolution No.

WHEREAS, The Mayor and City Council has determined that it is in the best interest of the City of Cartersville and its inhabitants and their general health, safety and welfare to reschedule the below referenced meetings of the Mayor and City Council pursuant to the authority provided by the CODE OF ORDINANCES, CITY OF CARTERSVILLE, GEORGIA; and

THEREFORE, NOW BE IT RESOLVED, by the Mayor and City Council of the City of Cartersville that the meetings listed below of the Mayor and City Council are hereby rescheduled pursuant to Section 2-17 of the City of Cartersville Code of Ordinances:

- **December 5, 2013 at 7 PM rescheduled to December 5, 2013 at 9 AM**

NOW BE IT AND IT IS HEREBY RESOLVED.

ADOPTED this 3rd day of October, 2013.

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

ATTEST:

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

J. Presentations

1. Citizen's Survey Results

Sam Grove, City Manager presented a portion of the results from the recently completed Citizens Survey pertaining to Public Safety.

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

Meeting Adjourned

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

ATTEST:

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