City Council Meeting
10 N. Public Square
September 5, 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 Cub Scout Pack 15

The City Council met in Regular Session with Dianne Tate, Mayor Pro-Tem presiding and the following present: Louis Tonsmeire, Sr., Council Member Ward Three; Lindsey McDaniel Council Member Ward Four; Lori Pruitt, Council Member Ward Six; Dan Porta, Assistant City Manager; Connie Keeling, City Clerk and David Archer, City Attorney. Matt Santini, Mayor; Kari Hodge, Council Member Ward One; Jayce Stepp, Council Member Ward Two; and Sam Grove, City Manager; were absent.

II. Regular Agenda

A. Council Meeting Minutes

1. August 15, 2013

A motion to approve the August 15, 2013 City Council Meeting Minutes as presented was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

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

1. File AZ13-02: Annexation application by Marlon Lashawn Harris for property located at 11 Green Acre Lane (approximately 0.49 acres) to annex for City Services (property would, if annexed be zoned R-20)

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 at 11 Green Acre Lane off Little Valley Road includes a single-family residence built in the 1970's. This property is part of a donut hole in unincorporated Bartow County and if the annexation is approved the zoning would be R-20 (Single Family Residential) The applicant has stated that he would like to be annexed in for City Services. Mr. Mannino stated that there have been no additions or corrections since the first reading and the Planning Commission recommended approval

Mayor Pro-Tem Tate opened the floor for a public hearing on File AZ13-02 for zoning and with no comments Mayor Pro-Tem Tate closed the public hearing.

Mayor Pro-Tem Tate opened the floor for a public hearing on File AZ13-02 for annexation and with no comments Mayor Pro-Tem Tate closed the public hearing.

A motion to approve annexation Ordinance No. 18-13 was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

A motion to approve Zoning Ordinance No. 19-13was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 18-13

Petition No. AZ13-02

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 Marlon Lashawn Harris. Property is located 11 Greenacre Lane. Said property contains 0.49 acres located in the 4th District, 3rd Section, Land Lot(s) 17 as shown on the attached plat Exhibit "A". Annexation 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 15th day of August 2013.
ADOPTED this the 5th day of September 2013. Second Reading.

/s/ Dianne Tate
Dianne Tate
Mayor Pro Tem

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 19-13

Petition No. AZ13-02

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 Marlon Lashawn Harris. Property is located 11 Greenacre Lane. Said property contains 0.49 acres located in the 4th District, 3rd Section, Land Lot(s) 17 as shown on the attached plat Exhibit "A". Property is hereby rezoned from County C-1 (Commercial) to R-20 (Single Family Residential). 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 15th day of August 2013.
ADOPTED this the 5th day of September 2013. Second Reading.

/s/ Dianne Tate
Dianne Tate
Mayor Pro Tem

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. File SU13-04: Special use application by Randy Wimpy (Shep Helton, representative) for property located at 416 and 420 North Tennessee Street (approximately 0.38 acres) to allow expansion of an auto business onto this property.

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 these lots near the intersection of Martin Luther King Junior Drive formerly contained single family residences which were cleared from the lots many years ago. The applicant has operated a used automotive business on the adjacent lot for many years and now proposes to expand his business to operate on these lots. Mr. Mannino stated that there have been no additions or corrections since the first reading and the Planning Commission recommended approval.

Mayor Pro-Tem Tate opened the floor for a public hearing on the Special Use Application. Shep Helton, Representative, came forward to speak in favor of the special use and answer any questions the council may have. With no further comments Mayor Pro-Tem Tate closed the public hearing.

A motion to approve Special Use Ordinance No. 20-13 was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 20-13

Petition No. SU13-04

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 Randy Wimpy. Property is located 416 and 420 North Tennessee Street. Said property contains 0.38 acres located in the 4th District, 3rd Section, Land Lot(s) 383 as shown on the attached plat Exhibit "A". Property is hereby granted a Special Use to expand the adjacent auto lot north onto these M-U Lots. 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 15th day of August 2013.
ADOPTED this the 5th day of September 2013. Second Reading.

/s/ Dianne Tate
Dianne Tate
Mayor Pro Tem

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

C. Grant Application/Acceptance

1. GDOT Grant for Airport Drainage

Dan Porta, Assistant City Manager stated that the Georgia Department of Transportation has tentatively allocated $95,000.00 of federal funding assistance for a Design Airfield Drainage improvement project at the Cartersville-Bartow Airport. This grant has a requirement of matching funds estimated at $2,500.00. Mr. Porta stated that these matching funds will be paid from the Cartersville – Bartow Airport Authority and recommended approval for the Mayor to sign a letter confirming the city's intent to proceed with the and fund this project. Mr. Porta also requested approval for the Mayor and City Clerk to be authorized to approve and sign any grant paperwork related to this project after is has been reviewed by the City Attorney.

A motion to approve the grant application and to authorize the Mayor and City Clerk to approve and sign any grant paperwork related to this project was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

D. Bid Award/Purchases

1. Install Access Points by Telenet Systems

Dan Porta, Assistant City Manager stated that the Fiber Department contracted with Telenet Systems to install access points at the City Water Treatment Plant to serve a new fiber customer. The cost to install the new access points was $5,245.45. Mr. Porta stated the return on this investment is less than eight months and recommended approval.

A motion to approve the contract with Telenet Systems was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

2. Firehouse Software Annual Support

Dan Porta, Assistant City Manager stated that this is the annual software support agreement to continue the use of Firehouse Software in the amount of $6,400.00. Mr. Porta stated that this software is used by the fire inspectors to maintain files on buildings and by firefighters to do incident reports. Mr. Porta recommended approval.

A motion to approve the annual Firehouse Software Support Agreement was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

3. Dellinger Park Tennis/Basketball/Track Resurfacing

Greg Anderson, Parks and Recreation Director stated that bids were received for Dellinger Park Tennis/Basketball/Track repair/resurface/stripe. Mr. Anderson stated that he has spoken with the Etowah Valley Tennis Association and has received a letter of commitment for $2,000.00. CPRD has also applied for a USTA tennis court maintenance grant that would reimburse the city for 20% of expenses. The total bid award would be $111,250.00 if grant is received and $93,250.00 if not. Mr. Anderson stated that this would require an approximate $8,250.00 transfer within the Parks and Recreation budget as there is only $85,000 budgeted for this project. Mr. Anderson recommended approval of the low bid from Signature Tennis Courts, Inc. for Work Scope I in the amount of $52,000.00 and portions of Work Scope II with priority courts listed in order.

Tennis Courts 6-7	$18,000	Contingent on receiving the USTA Grant	
Tennis Courts 1-5	$22,500	Tennis Courts 11-14	$18,000
Tennis Courts 8-10	$ 750		

A motion to approve the bid for $93,250.00 and contingent of receiving the USTA Grant up to $111,250.00 was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

4. Intoxilyzer for Police Department

Frank McCann, Assistant Police Chief stated that the Cartersville Police Department has been awarded a grant to purchase a new Intoxilyzer as required by State mandate. This grant was approved by Council on March 7, 2013 and accepted on June 20, 2013 and will reimburse the City for the complete cost of $8,833.00. Chief McCann recommended approval of this purchase.

A motion to approve the purchase of a new Intoxilyzer was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

5. Etowah Drive 12-inch Water Main Replacement Project – Construction Contract

Ed Mullinax, Assistant Water and Sewer Superintendent stated that the water main on Etowah Drive between Old Mill Road and West Main Street is in deteriorated condition and in need of replacement. The Water Department has designed and received bids on construction of this project and Mr. Mullinax recommended approval of the low bid from C. H. Kirkpatrick & Sons in the amount of $1,295,319.98 which will be paid from bond funds.

A motion to approve the contract with C. H. Kirkpatrick & Sons was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

6. Tennessee Street Water Main Replacement Project – Construction Contract

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. A design for replacement of these mains has been completed and bids have been received for construction. Mr. Mullinax recommended approval of the low bid from Site Engineering, Inc. in the amount of $2,934,230.00 and will be paid from bond funds.

A motion to approve the contract with Site Engineering, Inc. was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

7. Mission Road Gravity Sewer Replacement Project Phase 1 – Construction Contract

Ed Mullinax, Assistant Water and Sewer Superintendent stated that the sewer serving the drainage basin extending from Mission Road near Pettit Creed to the areas above Etowah Drive is in deteriorated condition and in need of replacement. The Water Department has received bids on construction of Phase 1 of a sewer replacement project which extends from West Avenue to Etowah Drive. Mr. Mullinax recommended approval of the low bid from Corley Contractors, Inc. in the amount of $66,727.10 and will be paid from bond funds.

A motion to approve the contract with Corley Contractors, Inc. was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

8. Relocation of Water Main on North Highway 411 – Construction Contract

Ed Mullinax, Assistant Water and Sewer Superintendent stated that portions of the water main on north Highway 411 between Apex Drive and Peeples Valley Road require relocation due to the DOT project for widening and relocating Highway 20. The Water Department has designed and received bids on construction of this project. Mr. Mullinax recommended approval of the low bid from John Pruett Construction Co in the amount of $243,363.05. Portions of this project will be paid with reimbursement funds to be received from the GDOT in the amount of $67,000 for sections of the line on private easement with the balance from the department budget.

A motion to approve the contract with John Pruett Construction Co. was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

9. Pump Repair for Water Pollution Control Plant

Ed Mullinax, Assistant Water and Sewer Superintendent stated that one of the major process pumps for the Water Pollution Control Plant is in need of a rebuild. This unit is one of a pair of pumps that were originally put in service in 1990. This pump was sent to the manufacturer for diagnostic inspection and they have provided a quote in the amount of $16,031.60 for the needed repairs. Mr. Mullinax stated that this is a considerable savings over replacement of the pump with a new unit and recommended approval of the agreement with Xylem Water Solutions in the amount of $16,031.60.

A motion to approve the repairs by Zylem Water Solutions was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

10. Automatic Opening Doors at Municipal Court

Tom Rhinehart, Finance Director stated that the municipal court building is in need of the installation of two automatic door openers one at the front entrance and the other at the back entrance. This is a requirement to become ADA Compliant. After consulting with Public Works and the contractor doing the remodel it has become apparent that this is a specialized market Mr. Rhinehart recommended approval of the bid from Court ADA Doors in the amount of $7,950.00.

A motion to approve the installation by Court ADA Doors was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

E. Surplus Equipment

1. Surplus Equipment

Tom Rhinehart, Finance Director presented a list of surplus vehicles and equipment that are no longer usable and recommended approval to declare these items as surplus and for the items to be sold on the GovDeals website. Mr. Rhinehart stated that there were two changes to the list, the three van seats had been used by the garage and the fifteen (15) bed frames should be declared scrap.

A motion to declare the listed equipment surplus with the exception of the bed frames which are to be declared scrap was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

F. Resolutions

1. Resolution on Unopened Alley

Tommy Sanders, Public Works Director stated that Mr. J. C. Waters has requested that the city declare the unopened alley adjacent to his properties at 6 Porter Street to be no longer necessary for the municipal street system. Mr. Sanders stated that this alley is only on paper and was never actually constructed or used by the city and recommended approval for the Mayor to sign this resolution to grant Mr. Waters' request.

A motion to approve Resolution No. 16-13 was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

Resolution No. 16-13

WHEREAS, the Mayor and City Council after certification from the City Staff that an unopened alley in Land Lots 310 & 339, 4th District, 3rd Section, City of Cartersville, Bartow County, Georgia shall be closed; and

WHEREAS, the notice is attached hereto as Exhibit "A"; and

WHEREAS, the Certification from the Director of Public Works that an unopened alley in Land Lots 310 & 339, 4th District, 3rd Section, City of Cartersville, Bartow County, Georgia is no longer needed for public purposes as attached hereto as Exhibit "B"; and,

WHEREAS, the Mayor and City Council has determined that the surrounding streets in the corporate limits of the City of Cartersville provide substitute and adequate access; and,

WHEREAS, based upon the above, the Mayor and City Council feels it is in the best interest of the citizens of the City of Cartersville, and to provide for better traffic flow to protect the health, safety, and welfare of its inhabitants; and,

WHEREAS, the City of Cartersville has caused a copy of this resolution to be published in the Daily Tribune on Thursday, August 22, 2013 and August 29, 2013 and

posted a sign indicating the closing on August 21, 2013, and mailed notices to adjacent property owners on an unopened alley in Land Lots 310 & 339, 4th District, 3rd Section, City of Cartersville, Bartow County, Georgia prior to August 15, 2013; and,

WHEREAS, the Mayor and City Council will consider this Resolution to close an unopened alley in Land Lots 310 & 339, 4th District, 3rd Section, City of Cartersville, Bartow County, Georgia on Thursday September 5, 2013 at 7:00 p.m. at the City Council Chambers, 3rd Floor, City Hall, 10 Public Square, Cartersville, Georgia.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council of the City of Cartersville declares that the unopened alley in Land Lots 310 & 339, 4th District, 3rd Section, City of Cartersville, Bartow County, Georgia as indicated on Exhibit "C" is no longer necessary for the municipal street system and no substantial public purpose is served by it and that the City shall be relocating traffic in the adjacent area and as such; that an unopened alley in Land Lots 310 & 339, 4th District, 3rd Section, City of Cartersville, Bartow County, Georgia indicated on Exhibit "C" is declared to longer be part of the City of Cartersville Municipal Street System and the rights of the public in and to that section of the Municipal Street Section shall cease as of September 5, 2013.

The City shall reserve any and all utility easements located thereon.

BE IT AND IT IS HEREBY RESOLVED this the 5th day of September, 2013.

/s/ Dianne Tate
Dianne Tate
Mayor Pro Tem

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

G. Contracts/Agreements

1. Southern Natural Gas Contract Extension

Gary Riggs, Gas Superintendent stated that since November 2012 Southern Natural has been negotiating a rate settlement with their customers, in lieu of filing a rate case. The result of these negotiations is a 7% reduction in transportation charges and a 17.2% reduction in storage charges effective September 1, 2013 with an additional 4% reduction in transportation charges effective November 1, 2015. As part of the settlement, customers are required to extend their contracts to at least August 31, 2016 but no longer than August 31, 2018. Mr. Riggs stated that this contract extension is until August 31, 2017 and preserves an additional discount received on a portion of the city's firm transport and recommended approval.

A motion to approve the agreement with Southern Natural Gas was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

2. Bartow County School System – Adairsville High School Pool

Greg Anderson, Parks and Recreation Director stated that this agreement with the Bartow County School System will extend the current agreement for use of the Adairsville High School Aquatic Center for the Cobias Swim Team. The affordable month rental fee ($500.00 per month for 7 months) allows the in-door swim program to operate in the positive which was a condition of continuing the program. Mr. Anderson recommended approval.

A motion to approve the agreement with the Bartow County School System was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

3. ICMA Comparative Performance Measurement Program Renewal

Dan Porta, Assistant City Manager stated that this is for the renewal of the ICMA Comparative Performance Measurement Program. This program is designed to help cities and counties obtain accurate, fair, and comparable data about the quality and efficiency of service delivery to the citizens and Mr. Porta recommended approval.

A motion to approve the ICMA Program Renewal was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

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

H. Added Items

1. Senior Aquatic Center Water Heater

Greg Anderson, Parks and Recreation Director stated that during a scheduled maintenance week a leak was discovered in the water heater tank and it needed to be replaced immediately. Bids were received and Mr. Anderson recommended approval of two (2) Rinnai Tankless Water Heaters in the amount of $5,884.00 from Rapid Flow Plumbing.

A motion to approve the low bid from Rapid Flow Plumbing was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

2. Payroll Change for Municipal Judge

Tom Rhinehart, Finance Director stated that Judge Harry White has requested compensation for added jail time in the amount of $2,600.00 per year for in custody hearings. Mr. Rhinehart stated that with Judge White going to the jail instead of the prisoners coming to the court room it will be more secure and will eliminate the need for two officers. Mr. Rhinehart recommended approval

A motion to approve the annual pay increase for Judge White was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

I. Presentations

1. Citizen Survey Results

Dan Porta, Assistant City Manager presented a portion of the results from the recently completed Citizens Survey pertaining to Housing, Land Use, and Zoning.

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

Meeting Adjourned

/s/ ____________________________
Dianne Tate
Mayor Pro Tem

ATTEST:

/s/ ______________________________
Connie Keeling
City Clerk