

City Council Meeting
10 N. Public Square
April 4, 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; 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. March 21, 2013

A motion to approve the March 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. Proclamations

1. Recognition of Ray Southern by Keep Bartow Beautiful

Sherri Henshaw, Director of Keep Bartow Beautiful stated to honor and acknowledge Ray Southern's efforts to preserve the beauty of his community, Keep Bartow Beautiful would like to proclaim April 20, 2013 as "Ray Southern Day". Ms. Henshaw stated that Mr. Southern was always an integral part of the Atco Church and Community and KBB would like the annual clean up to be named the "Ray Southern Memorial Cleanup" in the Atco Community on this day. Mayor Santini read a Proclamation proclaiming this and presented it to the family of Ray Southern.

C. Commendation/Recognition

1. Citizen's Academy Graduation

Tom Quist, Assistant to the City Manager stated that the first Citizen's Academy has drawn to a close after a very successful inaugural effort. Mr. Quist stated that there was 21 deeply committed citizens attend the Academy and from the evaluations the participants were very pleased with the program. Mr. Quist formally recognized the participants with a certificate from the city and thanked them for their commitment to the community.

D. Appointments

1. Appointment and Swearing in of Municipal Court Judge

Mayor Santini stated that this is the annual reappointment of Municipal Court Judge Harry White as required according to the statute as well as David Archer, City Attorney. David Archer stated that he had been sworn in by the city in 1976 and this is just a formality for the record. Connie Keeling, City Clerk administered the Oaths of Office to Judge White and Mr. Archer.

OATH OF OFFICE

I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Georgia; that I will in all respects, observe the provisions of the charter and ordinances of the City of Cartersville, and that I will faithfully discharge the duties of the office of Municipal Court Judge, and that I will truly, honestly, and faithfully discharge the duties of this office to the best of my ability without fear, favor or partiality. So help me God.

This 4th day of April, 2013.

/s/ Harry White
HARRY WHITE
MUNICIPAL COURT JUDGE
CITY OF CARTERSVILLE, GEORGIA

On this 4th day of April, 2013 at 7:20 p.m., before me appeared Harry White, the person who signed the above Oath of Office in my presence and who swore or affirmed that he understood the oath and freely declared it to be truthful.

By: Connie Keeling

Title: City Clerk

Notary Public
My Commission Expires: 6/21/15
(SEAL)

OATH OF OFFICE

I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Georgia; that I will in all respects, observe the provisions of the charter and ordinances of the City of Cartersville, and that I will faithfully discharge the duties of the office of City Attorney. So help me God.

This 4th day of April, 2013.

/s/ David Archer
DAVID G. ARCHER
CITY ATTORNEY
CITY OF CARTERSVILLE, GEORGIA

On this 4th day of April, 2013 at 7:22 p.m., before me appeared Harry White, the person who signed the above Oath of Office in my presence and who swore or affirmed that he understood the oath and freely declared it to be truthful.

By: Connie Keeling

Title: City Clerk

Notary Public
My Commission Expires: 6/21/15
(SEAL)

2. Historic Preservation Commission

Randy Mannino, Planning and Development Director stated that this appointment to the Historic Preservation Commission will fill the vacancy left after the term for Floyd Braid expired. Mr. Mannino recommended approval of Valerie Holt to the commission for a three year

term to expire September 2015.

A motion to approve the appointment of Valerie Holt was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

E. Presentations

1. Fiscal Year 2012 Audit Presentation

Lloyd Williamson from Williamson and Company gave a brief presentation on the FY 2012 audit and included the Comprehensive Annual Financial Report for the year ended June 30, 2012.

F. Contracts/Agreements

1. Airport Engineering Assistance Grant with GDOT

Dan Porta, Assistant City Manager stated that the Cartersville-Bartow Airport Authority has received grant funding from the GDOT for Airport Engineering Assistance. The funding will be used to hire an engineering firm to design airfield drainage improvements at the airport. The grant is 97.5% funded from Federal Airport Administration and GDOT funds, and the balance of the grant \$1,351.00 (2.5%) will be paid for from the Cartersville-Bartow Airport Authority. Mr. Porta stated that the grant would be administered by the city and recommended approval.

A motion to approve the acceptance of the Airport Engineering Assistance Grant was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

2. Amendment to Intergovernmental Agreement Dated 04-11-07

Tom Rhinehart, Finance Director stated that on April 11, 2007, an intergovernmental agreement was signed with Bartow County that spelled out the SPLOST 2007 projects for the city. Item "E" in the attachment "R" was incorrectly stated as "Acquire property and rebuild Fire Headquarters and Station #3"; however, it should have stated "Acquire property and rebuild Fire Headquarters and Stations." Mr. Rhinehart stated that the error was found in the recent audit by the auditors who asked that the verbiage be amended. The other municipalities along with the County will also be approving the amendment as presented.

A motion to approve the amended agreement as presented was made by Council Member Stepp and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

G. Second Reading of Ordinances

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

Mr. Tom Rhinehart, Finance Director, explained there is a need for a budget amendment due to adding the Downtown Development Authority as a City department. Also, the remaining funds of the Impact Fee Fund must be spent in this current fiscal year. This budget amendment takes care of both of these issues.

The Impact Fee Fund budget is amended by allocating the remaining funds of \$153,668.73 to several other funds as stated in the ordinance. Mr. Rhinehart further explained that all of the projects these funds are being allocated to were listed in the original Impact Fee Fund documentation and are still considered eligible projects for use of these funds. Mr. Keith Lovell, Assistant City Attorney, stated there is a 6 year limit on spending these funds or we lose them. The Downtown Development Authority will be shown as a separate department within the General Fund; therefore, the General Fund Budget will need to be amended as shown in the ordinance. Mr. Rhinehart stated that there have been no additions or corrections since the first reading and recommended approval of the amendment to the Fiscal Year 2012-2013 Budget Ordinance.

A motion to approve the amendment to the Fiscal Year 2012-13 Budget Ordinance No. 05-13 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. 05-13

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 amendment to the Impact Fee Fund.

Budget Amendment Report
Fiscal Year 2012 - 2013

Department: Impact Fees

Acct No-	Description	2012-13 Approved Budget	Amendments	2012-13 Amended Budget
<u>REVENUES</u>				
	Prior Year Carryover	150,000	153,668.73	303,668.73
	Total Revenues - Impact Fees	150,000	153,668.73	303,668.73
<u>Expenses</u>	Expense			
271-6120-52-1200	Administration		20,025.88	20,025.88
271-6120-54-2500	Fire Protection	110,000	7,475.74	117,475.74
271-6120-54-2501	Police		85,694.34	85,694.34
271-6120-54-2502	Parks & Recreation	40,000	9,433.59	49,433.59
271-6120-54-2503	Roads		31,039.18	31,039.18
	Total Expenses - Impact Fees	150,000	153,668.73	303,668.73

**Department: General Fund, SPLOST 2003 Fund, and
SPLOST 2007 Fund**

Acct No-	Description	2012-13 Approved Budget	Amendments	2012-13 Amended Budget
<u>REVENUES</u>				
100-1000-39-1009	Transfer from Impact Fee Fund	150,000	36,935.21	186,935.21
321-9100-39-1009	Transfer from Impact Fee Fund	0	31,039.18	31,039.18
322-9300-39-1009	Transfer from Impact Fee Fund	0	85,694.34	85,694.34
	Total Revenues	150,000	153,668.73	303,668.73
	Expenses			
<u>Expenses</u>				
100-1300-52-1300	Other Professional Services	15,000	20,025.88	27,025.88
100-2400-54-2200	Vehicles	0	7,475.74	7,475.74
100-5100-54-3100	Pettit Creek Trail Phase II	0	9,433.59	9,433.59
321-9100-54-1601	Douthit Multi-Lane	250,000	31,039.18	281,039.18
322-9300-54-1627	Police/Fire Joint Station	3,500,000	85,694.34	3,585,694.34
	Total Expenses	3,765,000	153,668.73	3,918,668.73

General Fund - Downtown Development Authority

Account Number		2012-13 Approved Budget	Amendments	2012-13 Amended Budget
Revenues				
100-1000-38-3008	DDA Admin Fee-15% BID Funds	0	1,500	1,500

100-1000-38-3009	DDA Special Events Sponsorship	0	8,000	8,000
100-1000-38-3010	DDA - Concession Income	0	1,500	1,500
100-1000-38-3011	DDA Bartow County Contribution	0	8,000	8,000
100-1000-35-1160	Fine & Forfeitures	779,000	44,000	823,000
100-1000-39-3700	Proceeds from Capital Leases	236,760	7,500	244,260
100-1000-39-1012	Operating Trans In-Motor Vehicle Tax	0	30,000	30,000
Total Revenues		1,015,760	100,500	1,116,260
Personnel Expenses				
100-6110-51-1100	Regular Salaries	0	44,535	44,535
100-6110-51-1101	Salaries-Part Time Employees	0	20,285	20,285
100-6110-51-2100	Health & Dental Insurance	0	7,025	7,025
100-6110-51-2120	Life & Disability Insurance	0	340	340
100-6110-51-2200	Social Security Contributions	0	4,960	4,960
100-6110-51-2300	Retirement Contributions	0	3,000	3,000
100-6110-51-2500	Unemployment Insurance	0	3,000	3,000
100-6110-51-2600	Worker's Compensation Insurance	0	50	50
Total Personnel Expense		0	83,195	83,195
Operating Expenses				
100-6110-52-1200	Professional Services	0	7,500	7,500
100-6110-52-1300	Other Professional Services	0	15,000	15,000
100-6110-52-1301	Prof. Services-GIS Mapping	0	500	500
100-6110-52-2100	Utilities	0	3,000	3,000
100-6110-52-2210	Uniform/Clothing Allowance	0	250	250
100-6110-52-2310	Maintenance - Office Equipment	0	2,500	2,500
100-6110-52-2320	Maintenance - Computer	0	300	300
100-6110-52-2330	Maintenance - Software	0	300	300
100-6110-52-2340	Maintenance - Building & Grounds	0	500	500
100-6110-52-2350	Maintenance - Heating & A/C	0	300	300
100-6110-52-2410	Equipment Lease	0	5,000	5,000
100-6110-52-3210	Communication-Phones & Cellular	0	7,640	7,640
100-6110-52-3300	Advertising	0	5,000	5,000
100-6110-52-3400	Postage	0	1,000	1,000
100-6110-52-3510	Travel & Related Expenses	0	1,250	1,250
100-6110-52-3520	Convention & Seminar Registration	0	1,500	1,500
100-6110-52-3530	Employee Training	0	1,500	1,500
100-6110-53-1110	Office Equipment & Supplies	0	750	750
100-6110-53-1111	Minor Equipment & Office Machinery	0	1,500	1,500
100-6110-53-1120	Minor Computer Supplies	0	1,000	1,000
100-6110-53-1122	Computer Equipment & Software	0	2,365	2,365
100-6110-53-1130	Minor Equipment & Supplies	0	1,000	1,000
100-6110-53-1134	Special Events Expense	0	1,000	1,000
100-6110-53-1135	Concession Stand Supplies	0	1,500	1,500
100-6110-53-1140	Janitorial Supplies	0	500	500
100-6110-53-1260	Fuel Expense	0	250	250
100-6110-53-1400	Memberships & Subscriptions	0	1,750	1,750
100-6110-58-2150	Lease Pool Payment-Interest	0	150	150
Total Operating Expenses		0	64,805	64,805
Capital Outlay Exp				
100-6110-54-2300	Office Furniture & Equipment - Major	0	7,500	7,500
Total Capital Outlay Expenses		0	7,500	7,500
Total DDA Expenses		0	155,500	155,500
Other Expenses				
100-1100-57-1070	DDA Exp	55,000	(55,000)	0
280-1150-57-1070	DDA Exp-Motor Vehicle Tax Fund	30,000	(30,000)	0

280-1150-61-1100	Transfer to General Fund	0	30,000	30,000
	Total Expenses	85,000	100,500	185,500

Net impact on the general fund budget is \$51,500 to incorporate the DDA budget of \$155,500

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED, this 21st day of March 2013. First Reading.

ADOPTED, this 4th day of April 2013. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

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

1. File T13-01: Text Amendment to add definitions to 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. Randy Mannino, Planning and Development Director, explained this is an application to amend the definitions section of the Zoning Ordinance. The applicant, Brooke Hodge, owner of Willow Day Spa, would like to offer permanent makeup, also known as cosmetic tattooing, as part of her spa services. This business is currently located downtown under the bridge. There are currently no definitions of tattoo parlors and piercing parlors. City staff has researched definitions from state governments and health departments for this information. The goal of adding these definitions, as well as defining permanent makeup, is to allow cosmetic tattooing while still limiting traditional tattooing and piercing. Mr. Mannino stated that there had been one change to alter the definition of camouflage tattoo and recommended approval of the revised amendment.

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

A motion to approve Ordinance No. 06-13 as amended 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. 06-13

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 II. INTERPRETATION AND DEFINITIONS. Section 2.2 Definitions is hereby amended by adding the following definitions to Section 2.2 as indicated herein:

1.

That Article II. Interpretations and Definitions, Section 2.2.16.P, is hereby amended by adding the following definitions:

Permanent makeup is synonymous with cosmetic tattooing and includes the application of permanent eyeliner, eyebrows, full lip color, re-pigmentation or camouflage using tattooing techniques of placing pigments under the skin. Camouflage, a method of disguising or concealing permanently blotchy or irregularly pigmented skin, acne scarring or other permanent skin irregularities by the use of blending pigments into the skin, is allowed. Tattoo camouflage, using tattooing methods to cover up, mask, or alter an existing tattoo so that it is either rendered less noticeable or takes on a different design, thereby obliterating the original design, is prohibited.

Piercing parlor is any place in which a fee is charged for the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. Does not include the use of a mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

2.

That Article II. Interpretations and Definitions, Section 2.2.20.T, is hereby amended by adding the following definition:

Tattoo parlor is any place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, excluding permanent makeup (also known as cosmetic tattooing), by the aid of needles or any other instrument designed to touch or puncture the skin.

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 or alphabetized to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 21st day of March 2013.

ADOPTED this the 4th day of April 2013. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

I. Other (Items 1 & 2 voted as one motion)

1. Quit Claim Deed 30 Ann Circle

2. Quit Claim Deed 119 Mercer Lane

Richard Osborne, City Planner stated that this item is needed to allow the release of two liens in the amount of \$10,000 each for properties located at 30 Ann Circle and 119 Mercer Lane. These liens, are for the first-time homebuyers forgivable loan program as part of a federal

grant that the City received. The property owners have resided in the homes for the required five (5) year period, and the loan may now be forgiven by approval of Council. Mr. Osborne recommended approval.

A motion to approve the Quit Claim Deeds for both properties was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

J. Engineering Services

1. Water Treatment Plant Filter Rehab Project

Ed Mullinax, Assistant Water Superintendent stated that staff has retained the firm of Wiedeman and Singleton, Inc. to provide Engineering Design Services for the Water Treatment Plant Filter Rehab Project. Design work has been completed and the project is in the process of being advertised for bids. Mr. Mullinax requested approval of an amendment to their existing contract to include Construction Engineering Services for the Filter Rehab Project. The proposal is for an amount not to exceed \$69,010.00 and will be paid for with the 2012 Bond Funds. Mr. Mullinax recommended approval.

A motion to approve the Amended Engineering Services Contract for the Water Treatment Plant was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

K. Bid Award/Purchases

1. No-Lead Brass/Inventory Restock

Ed Mullinax, Assistant Water Superintendent stated that bids were accepted for materials to restock inventory and “pre-purchase” no-lead brass in advance of the January 4, 2014 compliance deadline. Mr. Mullinax recommended approval of the low bid from HD Supply in the amount of \$35,297.67.

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

2. Dellinger Park Pool Lighting

Greg Anderson, Parks and Recreation Director stated that bids were solicited for lighting up-grades on the Dellinger Pool. Bids include security lighting for dusk to dawn deck/area lighting and an outdoor lighting system that meets the requirements of Georgia State Health Department for use of a public pool during night hours. Mr. Anderson recommended approval of the second lowest bid from West Georgia Lighting in the amount of \$51,106.00 because the low bid from North Georgia Electric Services did not meet specifications. Ken Mrozinski of North Cobb Electric Services and Rob Staples representative of Musco Lighting came forward to explain the reason for their bid choices and to ask the Mayor and Council to reconsider their bid.

A motion to approve the bid from West Georgia Lighting was made by Council Member Stepp and seconded by Council Member McDaniel. Vote 3-1-1 with Council Member Tonsmeire abstaining and Council Member Hodge voting against. Mayor Santini stated that there had to be at least four (4) votes to pass and he voted for West Georgia Lighting making the vote 4-1-1 with Council Member Tonsmeire abstaining and Council Member Hodge voting against

Mayor Santini stated that there was one item to add to the agenda. A motion to add an item to the agenda was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

L. Added Item

1. Appointment of Public Works Director

Sam Grove, City Manager stated that he had received the resignation of Public Works Director Bobby Elliott to pursue other opportunities. Mr. Grove stated that Tommy Sanders has been working for the City as the City Engineer in the Public Works Department since 2007 and recommended that Mr. Sanders be appointed new Public Works Director.

A motion to approve the appointment of Tommy Sanders as the Public Works Director was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Tim McClung with the Cartersville Fire Department wanted to thank the Mayor and Council and City Employees for their concern and support during his recent illness. 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