City Council Meeting
10 N. Public Square
February 21, 2013
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member McDaniel

Pledge of Allegiance led by Council Member Hodge

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; Lori Pruitt, Council Member Ward Six; Sam Grove, City Manager; Connie Keeling, City Clerk and David Archer, City Attorney. Dianne Tate, Council Member Ward Five was absent.

II. Regular Agenda

A. Council Meeting Minutes

1. February 7, 2013

A motion to approve the February 7, 2013 City Council Meeting Minutes as presented was made by Council Member Hodge and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

B. Second Reading of Ordinances

1. Amendment to Streets and Sidewalks Ordinance Regarding Sign Retro-reflectivity Method

Bobby Elliott, Public Works Director stated that this ordinance revision will establish a MUTCD Method and Procedure for evaluation of street signs for retro-reflectivity. The FHWA has passed a rule that requires all responsible agencies to adopt a method and procedure for a sign maintenance program that can regularly address new sign minimum retro-reflectivity requirements and begin implementation before January 2014. Mr. Elliott stated that he had reviewed the acceptable methods of the Visual Nighttime Inspection using a consistent parameter procedure. There have been no changes since the first reading and Mr. Elliott recommended approval.

A motion to approve Ordinance No. 02-13 was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 02-13

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 is hereby amended by making the following amendments to CHAPTER 22. STREETS AND SIDEWALKS. ARTICLE IV. DESIGN STANDARDS FOR PUBLIC WORKS. DIVISION 1. Section 22-82 Reserved is hereby amended by deleting said section its entirety and replacing it as follows.

1.

Sec. 22-82. Sign Retro-reflectivity Procedure.

The 2009 Manual on Traffic Control Devices (MUTCD) – Section 2A.08 latest edition, as may be amended or republished is adopted and is to be enforced in regard to the visual Nighttime Inspection Method and the Consistent Parameters Procedure as the City's technique for maintaining sign retro-reflectivity levels. The guidelines for inspection are the current page 20 and page 22 of the FHWA "Sign Retro-reflectivity Guidebook" for small agencies, dated September 2009 as may be amended or republished. The Public Works Department of the City of Cartersville is responsible for carrying out this method and procedure.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 7th day of February 2013.
ADOPTED this the 21st day of February 2013. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. Amendment to Traffic Ordinance Regarding Puckett Street

Bobby Elliott, Public Works Director stated that the Etowah Housing Authority has requested that the City create a no parking zone on both sides of Puckett Street between Tennessee Street and Stonewall Street. Mr. Elliott stated as part of the upgrade to their housing they have added parking in other locations. Mr. Elliott stated that there have been no changes since the first reading and recommended approval

A motion to approve Ordinance No. 03-13 was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 03-13

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 12. MOTOR VEHICLES AND TRAFFIC ARTICLE IX. TRAFFIC SCEDULES CODE SECTION 12-1005. PARKING PROHIBITED is hereby amended by inserting the following to Section 12-1005 under the subparagraph for *Parking is prohibited in the following locations:*

1.

"Puckett Street, both sides of street between Tennessee Street and Stonewall Street"

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 that section 12-1005 is amended by adding the above provisions and that said section may be alphabetized as necessary to accomplish such intention. The remaining provisions of said section shall remain as is except for alphabetizing.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 7th day of February 2013.
ADOPTED this the 21st day of February 2013. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

3. Amendment to Alcohol Ordinance Regarding Standardizing Identification Requirement Language

Randy Mannino, Planning and Development Director stated that in August 2012 council approved an amendment to the Alcohol Ordinance regarding required identification for an alcohol license application; however the section for the contact person was overlooked. Mr. Mannino stated that this standardizes required identification for all sections of the ordinance and with no changes since the first reading he recommended approval

A motion to approve Ordinance No. 04-13 was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 04-13

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 4. ALCOHOLIC BEVERAGES. ARTICLE II. LICENSING REQUIREMENTS. DIVISION 2. APPLICATION AND ISSUANCE Sec. 4-51 is hereby amended by deleting paragraph (11)(a) in its entirety and replacing it with the following:

1.

(a) The following identification items shall be presented to the Cartersville Police Department prior to an application or renewal being filed for all licenses issued pursuant to this Chapter.

1) A picture identification being either a Naturalization documents, valid passport, valid driver's license or valid state identification card; and
2) Social security number or work visa.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of

Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 7th day of February 2013.
ADOPTED this the 21st day of February 2013. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

C. First Reading of Ordinances

1. Amendment to Ordinance: Chapter 13. Municipal Court – Fine Schedule

Tom Rhinehart, Finance Director stated that in July 2012 the city council approved a municipal court fine schedule based on recommendations from a committee established to revamp the fine schedule. After using the new schedule for several months, Judge White asked the committee to revisit the schedule because he felt that some of the fines did not agree with the crime. Mr. Rhinehart stated that the schedule of fines is used by Judge White as a starting point to fine the clients based on what he feels is appropriate and recommended approval.

NO ACTION REQUIRED

D. Other

1. Quit Claim Deed – 11 Barrett Lane

Richard Osborne, City Planner stated that this Quite Claim Deed is needed to allow the release of a lien in the amount of $10,000.00 for property located at 11 Barrett Lane in the Wingfoot Park Subdivision. This lien was for the first-time homebuyer's forgivable loan program as part of a federal grant that the City received. Mr. Osborne stated that the property owners have fulfilled the requirements and the loan may be forgiven with the lien released and recommended approval.

A motion to approve the Quit Claim Deed for 11 Barrett Lane and to release the lien was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

E. Bid Award

1. Subordination Agreement 73 Mercer Lane

Richard Osborne, City Planner stated that the owners of 73 Mercer Lane received $10,000.00 as part of the first time homebuyers forgivable loan program in November 2010. At this time the property owners wish to refinance. This agreement allows the property owner to maintain the primary and secondary/subordinate agreement with a new mortgage loan to serve as the primary debt and the City to remain in the same security position. Mr. Osborne recommended approval.

A motion to approve the Subordination Agreement for 73 Mercer Lane was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. North Towne Grant Program Administrator

Richard Osborne, City Planner stated that this contract would approve a Program Administrator for the North Towne Residential Rehabilitation Project for owner occupied houses. The City of Cartersville received the grant award in 2011 to renovate residences in the North Towne area and in February 2012 council approved a contract with HDR, Inc. However, in November 2012 council terminated the agreement. Mr. Osborne stated that and RFP was advertised and sent to ten (10) firms with only one bid returned from Gilbert and Associates, Inc. in the amount of $30,625.00. Mr. Osborne recommended approval of the Gilbert and Associates as the Grant Program Administrator. Mr. Osborne also stated that this meeting serves as the quarterly update for the Urban Redevelopment Authority. .

A motion to approve Gilbert and Associates, Inc. as North Towne Grant Administrator was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

3. Cogsdale Annual Software Maintenance
(This item was removed from the agenda)

4. GMA Telecommunication Management Service Agreement

Dan Porta, Assistant City Manager stated that the city has an annual agreement with Georgia Municipal Association for Telecommunication Management Services. These services provide the city with assistance on our cable franchise agreement and telephone service agreement. Mr. Porta stated that the annual cost is $5,000.00 and recommended approval.

A motion to approve the agreement with GMA was made by Council Member Stepp and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

5. Intergovernmental Agreement for Collection of Ad Valorem Taxes

Dan Porta, Assistant City Manager stated that with the change in Bartow County Commissioner and the Tax Commissioner, the new administration would like to update the intergovernmental agreement for collection of ad valorem taxes. Mr. Porta stated that the fee charged for the collection of city property taxes has not changed and recommended approval.

A motion to approve the Intergovernmental Agreement for collection of Ad Valorem Taxes was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

6. Georgia Highlands College – User Agreement

Greg Anderson, Parks and Recreation Director stated the Cartersville Parks and Recreation Department and the Cartersville Flight Force Booster Club are hosting the "Cartersville Invitational", a sanctioned USA Gymnastics Tumbling meet at Georgia Highlands College. Rental of this facility requires a signature on the "User's Agreement" which requires authorization from council. Mr. Anderson recommended approval of the agreement with one change (per the City Attorney) to omit the indemnification clause.

A motion to approve the Mayors signature for the Georgia Highlands College User Agreement with recommended changes was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

F. Bid Award/Purchases

1. Dellinger Pool Fencing

Greg Anderson, Parks and Recreation Director stated that he had solicited bids from three local fence contractors for the Dellinger Park Pool Fencing. Mr. Anderson recommended approval of the low bid from Cartersville Fence Company in the amount of $11,186.00,

A motion to approve the low bid from Cartersville Fence Company was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. Electrical Material – Dellinger Park

Greg Anderson, Parks and Recreation Director stated that he had solicited bids from three local electrical supply companies for items and material to be used for the Dellinger Park Office and the Pool electrical upgrades. The bids consisted of two groups:

1. Electrical Panels, Disconnects, Transformers & Breakers
2. Wire

Mr. Anderson recommended the approval of the low bids from City Electric Supply Company for both groups in the amounts of $3,815.19 for group 1 and $1,661.46 for group 2.

A motion to approve the low bids from City Electric Supply Company was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

3. Recycling Containers

Bobby Elliott, Public Works Director stated that bids had been solicited for recycling containers and recommended the low bid from Otto USA at $37.00 each for a total (with shipping) of $8,050.00.

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

4. Repair of Warning Sirens

Scott Carter, Fire Chief stated that the city has 13 speaker drivers on the warning sirens that are not working properly. Chief Carter stated that this is a sole vender and recommended the repairs be done by McCord Communications in the amount of $16,537.72.

A motion to approve repairs by McCord Communications was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

5. Municipal Court Asbestos Floor Tile Abatement

Tom Rhinehart, Finance Director stated that the city is renovating the existing municipal court to increase the size of the courtroom. During renovations it was discovered that the floor tiles installed in the early 1970's contain asbestos. In order to move forward and use the GA Department Of Corrections for the renovations the floor tile and mastic will have to be removed. Mr. Rhinehart recommended the low bid from Southern Environmental Services, Inc in the amount of $5,610.00.

A motion to approve the low bid from Southern Environmental Services Inc. was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

6. Heavy Duty Vehicle Lifts

Dan Porta, Assistant City Manager stated that the City Garage is in need of heavy duty mobile vehicle lifts to allow them to work on city vehicles in a safe manner. Bids were issued for the lifts and Mr. Porta recommended the approval of the low bid from Reliable Hydraulics to purchase of six mobile vehicle lifts in the amount of $52,980.00.

A motion to approve the purchase of six mobile lifts from Reliable Hydraulics was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

G. Resolutions

1. Freeport

Sam Grove, City Manager stated that the council had planned to increase the Freeport Resolution 20% a year until a 100% Freeport Tax Exemption is reached. This is the second resolution in the process to increase the exemption on all classes of eligible inventory and personal property from 40% to 60%. Mr. Grove recommended approval.

A motion to approve Resolution No. 07-13 was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Resolution No. 07-13

WHEREAS, on Tuesday, June 17, 2003 pursuant to the provisions of O.C.G.A. §48-5-48.2, a referendum was held in the City of Cartersville, Georgia, known as the Freeport Referendum, regarding the exemption of certain property from ad valorem taxation as described in the aforementioned provisions; and

WHEREAS, the electors of the City of Cartersville, Georgia have approved in said Referendum the exemption of all three classes of inventory described in the aforementioned provisions, namely:

a. **Inventory of goods in the process of manufacture or production which shall include all partly finished goods and raw materials held for direct use or consumption in the ordinary course of the taxpayer's manufacturing or production business in this State.**
b. **Inventory of finished goods manufactured or produce in this State in the ordinary course of the taxpayer's manufacturing or production business when held by the original manufacturer or producer of such finished goods, and**
c. **Inventory of finished goods which, on January 1, are stored in a warehouse, dock, or wharf, whether public or private, and which are destined for a shipment to a final destination outside this State and inventory of finished goods which are shipped into this State from outside this State and store for transshipment to a final destination outside this State.**

WHEREAS, the governing authority of the City of Cartersville, Georgia wishes to implement the exemptions approved by the voters as hereinbefore described.

WHEREAS, by Resolution No. 23-03 dated July 17, 2003, the Mayor and Council resolved that all three classes of inventory described above be hereby exempt from ad valorem taxation at the rate of twenty (20%) percent of the value of said property as defined in O.C.G.A. §48-5-48.2, with said exemptions commencing January 1.

WHEREAS, by Resolution No. 05-12 dated February 15, 2012, the Mayor and Council resolved to increase for all three classes of inventory as described above are to be hereby exempt from ad valorem taxation at the rate of forty (40%) percent of the value of said property as defined in O.C.G.A. §48-5-48.2, with said exemptions commencing January 1.

NOW THEREFORE by it hereby resolved by the Mayor and City Council that commencing January 1, 2014, said ad valorem taxation for all three classes of inventory described above is to be increased twenty percent (20%) and is to be hereby exempt at the rate of sixty percent (60%) of the value of said property as defined in O.C.G.A. § 48-5-48.2, with said exemptions commencing January 1, 2014; and the Mayor is further directed to immediately transmit a certified copy of this Resolution to the Georgia State Revenue Commissioner and the Bartow County Tax Commissioner.

BE IT AND IT IS HEREBY RESOLVED.

This the 21st day of February, 2013.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. Time Change for Civic Youth Day

Sam Grove, City Manager stated that this in an annual occurrence allowing the City Council to accommodate Civic Youth Day (scheduled from March 21, 2013) by changing the meeting time from 7:00 p.m. to 9:00 am. Mr. Grove recommended approval.

A motion to approve Resolution No. 08-13 was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Resolution No. 08-13

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 meeting 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 meeting of the Mayor and City Council scheduled on the 21st day of March, 2013 at 7 PM in pursuant to Section 2-17 of the City of Cartersville Code of Ordinances is hereby rescheduled to the 21st day of March, 2013 at 9 AM.

NOW BE IT AND IT IS HEREBY RESOLVED.

ADOPTED this February 21, 2013

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

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

H. Added Item

1. Etowah River Emergency Pump Station Intake Piping Change Order.

Ed Mullinax, Assistant Water Superintended stated that during the ongoing construction work on the Etowah River Emergency Pump Station Raw Water Intake, the existing 48 inch steel casing has been evaluated for structural integrity. A determination has been made indicating the wall thickness of this casing may be too thin. In order to increase the structural safety factor a decision has been made to replace the existing steel casing with another casing with increased wall thickness. Additionally the engineers have recommended increasing the diameter of the suction piping for the pump station. Mr. Mullinax stated that the total of all items considered under this Change Order total $99,863.00 and recommended approval to avoid a work stoppage and a possible delay claim.

A motion to approve the change order was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

I. Monthly Financial Statement

1. December 2012

Mr. Tom Rhinehart, Finance Director, presented the December 2012 monthly financial statement with comparisons from the previous year of December 2011, by fund, along with supplemental financial information comparing the year to date revenues and expenses for each fund and a report of cash position through December 2012.

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