

City Council Meeting
10 N. Public Square
December 20, 2012
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tate

Pledge of Allegiance led by Council Member Pruitt

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: 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; Lori Pruitt, Council Member Ward Six; Sam Grove, City Manager; Connie Keeling, City Clerk and David Archer, City Attorney. Kari Hodge, Council Member Ward One was absent.

II. Regular Agenda

A. Council Meeting Minutes

1. December 6, 2012

A motion to approve the December 6, 2012 City Council Meeting minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

B. First Reading of Ordinances

1. Amendment to Development Regulations Ordinance – Emergency Reading

Dan Porta, Assistant City Manager stated that the refuse dumpster detail in Article III of the Development Regulations needed to be revised because the old drawing did not allow enough room to place the dumpster inside the enclosure or allow the commercial truck to access it and empty the container. Mr. Porta requested approval on an emergency basis so that any new development project plans submitted would be required to conform to the new regulations.

A motion to approve Ordinance No. 71-12 on an emergency basis 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. 71-12

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 7.5 DEVELOPMENT REGULATIONS. ARTICLE III. GENERAL DESIGN REGULATIONS. Section 7.5-70 Standard Details is hereby amended by deleting “Standard Details 3.8.26(a) Dumpster Enclosure Single, 3.8.26(b) Dumpster Enclosure Double, and 3.8.26(c) Dumpster Enclosure Rates” in their entirety and replacing them with the following.

1.

See Exhibit “A” which is attached hereto and incorporated herein as follows:

2.

To be in place by the first of the year so all applications are treated equally, it is necessary that said ordinance be deemed emergency in nature and adopted with one reading.

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

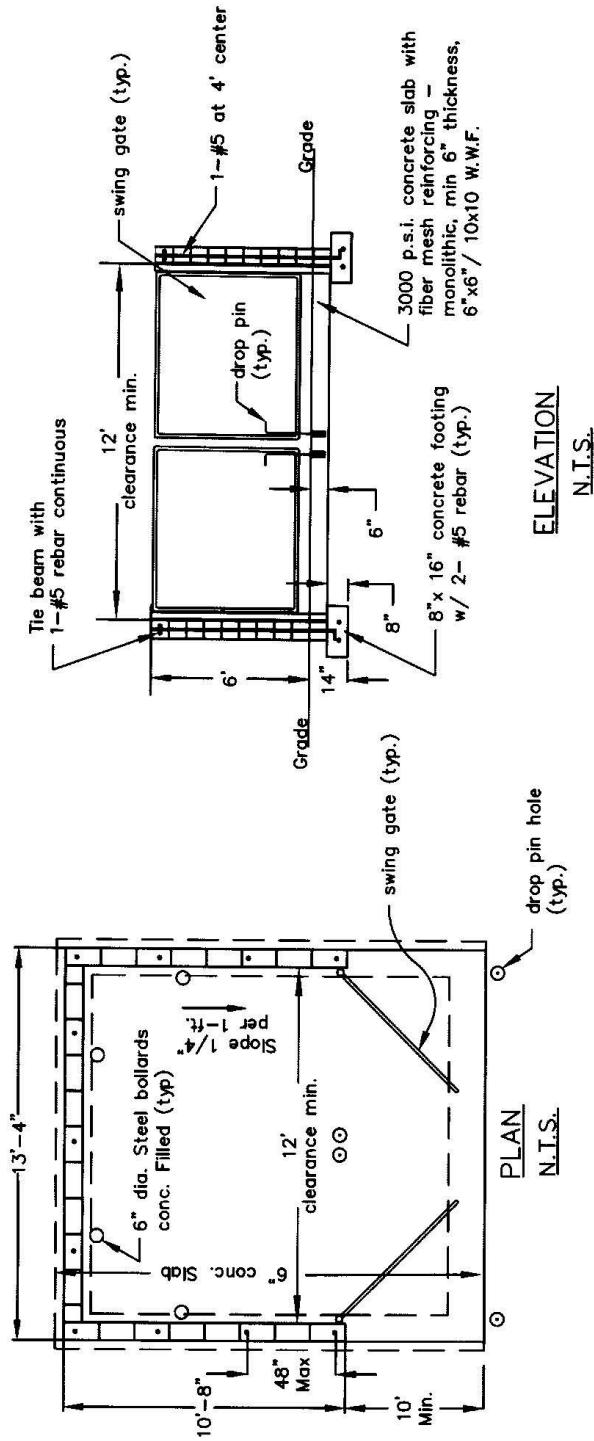
BE IT AND IT IS HEREBY ORDAINED

ADOPTED this the 20th day of December 2012. **Emergency Reading.**

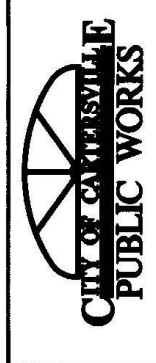
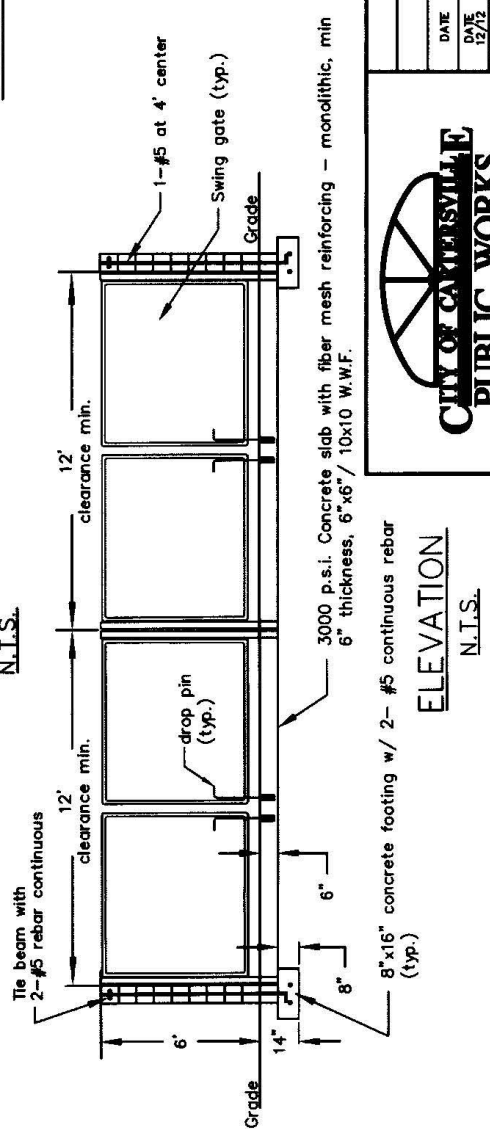
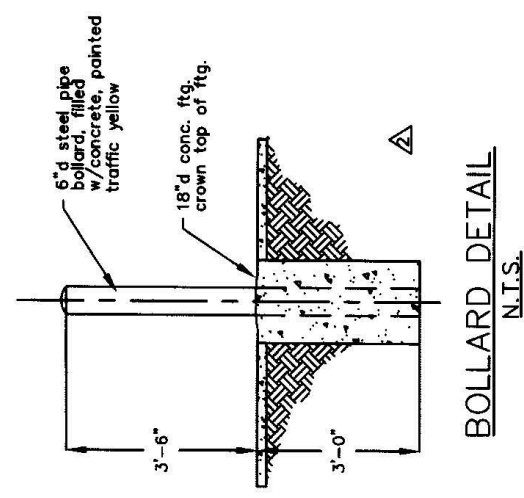
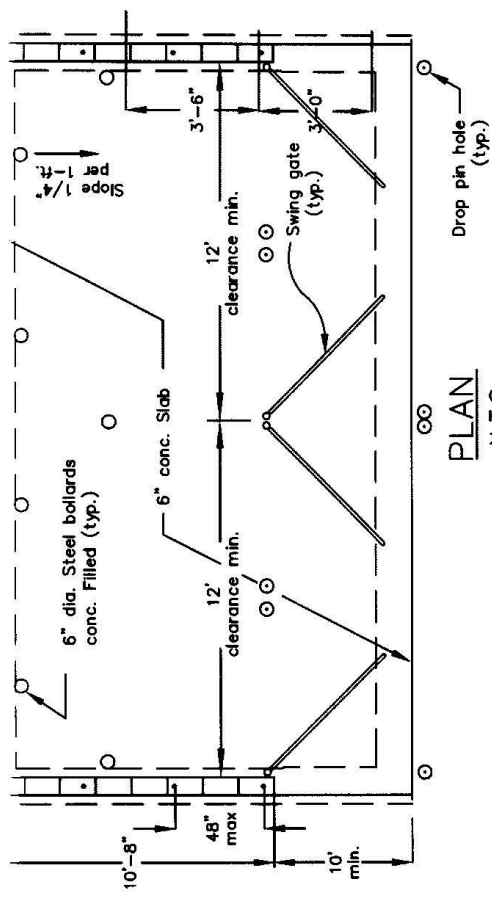
/s/ Matthew J. Santini
Matthew J. Santini
Mayor

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk



		DATE	APP.
		12/12	
		DRAWN BY	
		BC	
		DESCRIPTION	
		DUMPSTER ENCLOSURE	
		SINGLE	
			3.8.26g



DATE	DESCRIPTION	APP.
DATE	DUMPSTER ENCLOSURE	
DRAWN BY	DOUBLE	
DATE		3.6.20b

NO ACTION REQUIRED

2. File T12-03: Text Amendment application by the City of Cartersville to amend various sections of the Zoning Ordinance

Richard Osborne, City Planner 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. Osborne 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. Osborne stated that this is a proposal by City Staff for changes to sections of the Zoning Ordinance since the 2010 revision. Mr. Osborne stated that this is a housekeeping measure to clean up the ordinance and recommended approval.

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

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

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 is hereby amended as follows:

1.

That Article II. Interpretations and Definitions, Section 2.2.18.R, is hereby amended by deleting the definition of *Recreational vehicle* in its entirety therein and replacing it with the following:

Recreational vehicle. Boat trailers and any type of portable structure without a permanent foundation, which can be towed, hauled or driven or designed for temporary living accommodations for recreational, camping, and travel use, including, but not limited to, travel trailers, truck campers (on or off the truck), camping trailers and self-propelled motor homes.

2.

That Article IV. General Provisions, Section 4.23.4, is hereby amended by deleting it in its entirety and replacing it with the following:

4. Intentionally omitted.

3.

That Article VI. Single-Family Dwelling District Regulations, Section 6.5.2.A, is hereby amended by adding the following uses to the list of permitted uses:

Nursing home facilities (SU).*
Retirement centers (SU).*

4.

That Article VI. Single-Family Dwelling District Regulations, Section 6.6.2.A, is hereby amended by adding the following uses to the list of permitted uses:

Nursing home facilities (SU).*
Retirement centers (SU).*

5.

That Article IX. Commercial District Regulations, Section 9.1.2.A, is hereby amended by deleting the use *Apartments and condominiums, above or behind commercial office uses in the same building (SU).** in its entirety from the permitted uses; and adding the following uses to the list of permitted uses:

Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).*
Hospices (SU).*
Nursing home facilities (SU).*
Retirement centers (SU).*

6.

That Article IX. Commercial District Regulations, Section 9.2.2.A, is hereby amended by deleting the use *Apartments and condominiums, above or behind commercial office uses in the same building (SU).** in its entirety from the permitted uses; and adding the following uses to the list of permitted uses:

Apartments and condominiums, above, below, or behind commercial uses in the same building (SU).*
Hospices (SU).*

7.

That Article IX. Commercial District Regulations, Section 9.3.2.A, is hereby amended by deleting the use *Apartments and condominiums, above or behind commercial office uses in the same building (SU).** in its entirety from the permitted uses; and adding the following uses to the list of permitted uses:

Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).*
Bed and breakfast inn (SU).*
Hospices (SU).*
Nursing home facilities (SU).*
Retirement centers (SU).*

8.

That Article IX. Commercial District Regulations, Section 9.3.3.T, is hereby deleted in its entirety and replaced with the following:

Maximum commercial building floor area, fifteen thousand (15,000) square feet.

9.

That Article IX. Commercial District Regulations, Section 9.4.2.A, is hereby amended by deleting the use *Apartments and condominiums, above or behind commercial office uses in the same building (SU).** in its entirety from permitted uses; and adding the following uses to the list of permitted uses:

Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).*
Hospices (SU).*
Nursing home facilities (SU).*
Retirement centers (SU).*

10.

That Article IX. Commercial District Regulations, Section 9.5.2.A, is hereby amended by deleting the use *Apartments and condominiums, above or behind commercial office uses in the same building (SU).** in its entirety from permitted uses; and adding the following uses to the list of permitted uses:

Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).*

Automotive and truck sales or rental (properties fronting an arterial or major collector street only) (SU).*

11.

That Article IX. Commercial District Regulations, Section 9.6.2.A, is hereby amended by deleting the use *Apartments and condominiums, above or behind commercial office uses in the same building (SU).** in its entirety from permitted uses; and adding the following uses to the list of permitted uses:

Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).*

12.

That Article X. Industrial District Regulations, Section 10.1.1, is hereby amended by deleting it in its entirety and replacing it with the following:

Regulations in this section are the L-I district regulations. The L-I district is intended to provide locations and land areas for the development of industrial and business parks and uses which meet the needs of processing, manufacturing, fabricating, and warehousing, research, related office uses, and other uses as further described in section 3.1.20 of this chapter.

Light manufacturing establishments shall consist of any manufacturing establishment which does not use water in the manufacturing operation either for processing, cooling, or heating and which shall emit no smoke, noise, odor, dust, vibrations, or fumes beyond the walls of the building in which housed.

Manufacturing establishments which use limited water in the manufacturing operation either for processing, cooling, or heating; or which emit smoke, noise, odor, dust, vibrations, or fumes beyond the walls of the building in which housed shall not be allowed, except with approval of a special use in accordance with standards further described in section 16.4.9.

13.

That Article X. Industrial District Regulations, Section 10.2.2.A, is hereby amended by deleting the following use *Manufacturing, processing, warehousing, distribution, and research facilities which would not be allowed in the L-I district* in its entirety from said permitted uses; and replacing it with the following:

Manufacturing, processing, warehousing, distribution, and research facilities.

14.

That Article XIII. Main Street Overlay District Regulations, Section 13.10, is hereby amended by deleting it in its entirety and replacing it with the following:

Section 13.10. Reserved.

15.

That Article XIV. Business Park Overlay District, Section 14.9, is hereby amended by deleting it in its entirety and replacing it with the following:

Section 14.9. Reserved.

16.

That Article XVI. Special Uses, Section 16.1, is hereby amended by deleting it in its entirety and replacing it with the following:

- A. This article specifies uses which are not classified as permitted uses as a matter of right in zoning districts, and are therefore only allowed through the approval of a Special use. The standards which apply to each use are enumerated and must be met in order for an application to be granted.**
- B. In granting a Special use, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors in order to assimilate the proposed development or use into the neighborhood with minimal impact.**

17.

That Article XVI. Special Uses, Section 16.3, is hereby amended by deleting it in its entirety and replacing it with the following:

- A. In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site proposed for a use which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special use:**
 - 1. The effect of the proposed activity on traffic flow along adjoining streets;**
 - 2. The availability, number and location of off-street parking;**
 - 3. Protective screening;**
 - 4. Hours and manner of operation of the proposed use;**
 - 5. Outdoor lighting;**
 - 6. Ingress and egress to the property; and**
 - 7. Compatibility with surrounding land use.**
- B. Any use which may be authorized by Special use shall comply with all other City regulations, zoning district regulations and other regulations contained herein, and conditions of zoning approval if applicable. Whenever a standard contained in this section is in conflict with another provision of this chapter, the more restrictive provision shall prevail.**

18.

That Article XVI. Special Uses, Section 16.4.2, is hereby amended by deleting the heading for this section and replacing it with the following:

Apartment, above, below, or behind commercial and office uses in the same building.

19.

That Article XVI, Special Uses, Section 16.4.13.A, is hereby amended by adding the following to the list of allowable districts:

P-S, N-C, DBD

20.

That Article XVII. Off-Street Parking and Service Requirements, Section 17.10, is hereby amended by deleting it in its entirety and replacing it with the following:

Recreational vehicles parked in any residential zone or residentially-used area shall not be permitted to be parked in any required buffer area, nor in any front-yard area. Recreational vehicles on residential property shall only be parked in the side or rear yard, on an all-weather surface material, and a minimum of five (5) feet from all property lines. No more than three (3) recreational vehicles shall be parked on any single residential lot.

BE IT AND IT IS HEREBY ORDAINED.

**First Reading this the 20th day of December 2012.
ADOPTED this the day of 2013. Second Reading.**

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

ATTEST:

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

D. Contracts/Agreements

1. Metropolitan Planning Organization Memorandum of Understanding

Randy Mannino, Planning and Development Director stated that previously the Mayor and Council had approved a Resolution supporting the designation of the Bartow County Community Development Department as the Metropolitan Planning Organization for the Cartersville-Bartow urbanized area. The next step in this process is to put agreements in place with Bartow and all of the local jurisdictions within the county, and to get the Governor's approval by March of 2013. Mr. Mannino recommended approval to authorize the Mayor to sign this Memorandum of Understanding.

A motion to approve the acceptance of the Metropolitan Planning Organization Memorandum of Understanding was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

2. Georgia Main Street Program Memorandum of Understanding

Tara Currier, DDA Director stated that Cartersville has been a member of the Georgia Main Street Program since 1987. To remain in good standing of that program both the DDA Board and the City must sign a yearly Memorandum of Understanding. Ms. Currier stated that the term of the agreement is for 12 months beginning January 1, 2013 and ending December 31, 2013. Ms. Currier recommended approval.

A motion to approve the acceptance of the Georgia Main Street Program Memorandum of Understanding was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

3. American Red Cross

Greg Anderson, Parks and Recreation Director stated that the American Red Cross has requested the use of the Cartersville Civic Center as an "Emergency Shelter" during a disaster and recommended approval.

A motion to approve the use of the Civic Center by the American Red Cross was made by Council Member Tate and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

4. Vaulted Vending

Greg Anderson, Parks and Recreation Director stated that this is an agreement with Vaulted Vending to provide machine(s) that allow park patrons to purchase food to feed ducks, fish, and geese. Although the park rules now state that “Feeding Wildlife” is not permitted, this has been impossible to enforce. Staff has discussed this with the local DNR Ranger who was in full support of allowing a more healthy diet for both fish and fowl other than a bread/cracker product. Mr. Anderson stated that Vaulted Vending will furnish equipment, service, and maintain equipment as well as split the revenue on a 50-50 basis and recommended approval.

A motion to approve the agreement with Vaulted Vending was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

E. Other

1. Quit Claim – Ruby Street

David Archer, City Attorney stated that this is a quitclaim deed for a section of Opal Street that had never opened. Georgia Power is acquiring this property off Opal Street (old plat shows Ruby Street) and is asking us to quitclaim it to the adjacent property owners. Mr. Archer stated that he does not believe that there are any city easements involved, but has a reservation on them just in case and recommended approval.

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

F. Bid Award/Purchase

1. Billing System Changes for New Electric Rates

David Myers, Electric Superintendent stated that the City of Cartersville Utility Billing System will need to modifications by Cogsdale Corporation to accommodate the recently approved changes to the electric rates. This modification needs to be in place for the February deadline when the new rates are scheduled to take effect. Mr. Myers stated that the cost for these changes is \$12,870.00 and recommended approval.

A motion to approve the billing changes by Cogsdale Corporation was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. HVAC Replacement at Electric System Office

David Myers, Electric Superintendent stated that the heat pump at the Electric System Office burned up and will cost almost as much to repair as replacing the unit. He stated that they had additional trouble with the air handler not moving enough air and drawing in air from the attic. The cost from Pendley Heating and Air to replace the heat pump and air handler is \$8,958.84, carries a 5 year warranty of parts and 1 year on labor and Mr. Myers recommended approval.

A motion to approve the heating and air system from Pendley was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

3. Power Quality Monitor (This item was removed from the agenda)

4. High Service Pump Valve Repair

Ed Mullinax, Assistant Water Superintendent stated that bids were accepted for a 24” Butterfly Valve and all piping necessary for installation. Mr. Mullinax recommended the low bid from HD Supply in the amount of \$10,950.35.

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

5. Valve Actuator for High Service Pump at Water Treatment Plant

Ed Mullinax, Assistant Water Superintendent stated that the valve actuator for the #2 high service pump at the water plant has to be replaced. This is a soul source item due to the operations mechanism required. Mr. Mullinax recommended approval for this equipment from Harold Beck and Sons, Inc. in the amount of \$9,530.00.

A motion to approve the purchase from Harold Beck and Sons, Inc. was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

6. Distribution and Collections Inventory Restocking

Ed Mullinax, Assistant Water Superintendent stated that bids were accepted for materials to restock inventory for Distribution and Collection. Mr. Mullinax recommended approval of the low bid from HD Supply in the amount of \$10,847.86.

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

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

G. Added Item

1. Tax Anticipation Notes

David Archer, City Attorney stated that he had received notification from Raymond James stating the law now requires that underwriters must provide a disclosure with regards to the transactions on the Tax Anticipation Notes. Mr. Archer stated that the council needs to authorize the mayor to sign an acknowledgment that the city has received this disclosure.

A motion to authorize the Mayor to sign that the city has received the disclosure was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

H. Monthly Financial Statement

1. October 2012

Mr. Tom Rhinehart, Finance Director, presented the October 2012 monthly financial statement with comparisons from the previous year of October 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 October 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