

City Council Meeting
10 N. Public Square
December 6, 2012
9:00 A.M. – Work Session 8:00 A.M.

I. Opening Meeting

Invocation by Council Member Tonsmeire

Pledge of Allegiance led by Council Member Tate

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

II. Regular Agenda

A. Council Meeting Minutes

1. November 15, 2012

A motion to approve the November 15, 2012 City Council Meeting minutes as presented was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

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

1. File T12-02: Text Amendment application by Cliff Acuff to add Automotive and light truck rental facility as a permitted use in the M-U (Multiple Use) zoning 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 is a proposal by Dr. Cliff Acuff to add Automotive and Light Truck Rental Facilities to the list of allowed uses in the M-U Zoning District. Currently the only automotive-related use allowed in the M-U zoning district is Automotive Specialty Shops allowed on properties fronting an arterial or major collector street and is limited to four (4) bays. Mr. Mannino stated that the proposed text amendment is needed to allow for a national vehicle rental company to operate on Tennessee Street. Mr. Mannino stated that there have been no additions or changes since the first reading and the Planning Commission recommended approval to add the use as follows:

Automotive and Light Truck Rental Facility (allowed on properties fronting an

arterial or major collector street only).

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

A motion to approve Ordinance 69-12 was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 69-12

Petition No. T12-02

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia that the CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 26 ZONING is hereby amended as follows:

1.

The Zoning Ordinance is hereby amended by adding the following:

2.

Article XVI Zoning Ordinance Section 9.2.2.A

Automotive and light truck rental facility (allowed on properties fronting an arterial or major collector street only).

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 15th day of November 2012.

ADOPTED this the day 6th of December 2012. Second Reading.

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

ATTEST:

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

2. File SU12-03: Special Use application by Cliff Acuff for property located at 300 Walnut Grove Road (0.68 acres) to allow an apartment below and behind the office (Special Use required in the P-S Zoning 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 at 300 Walnut Grove Road near Douthit Ferry Road. The property includes an office building with a basement built in 2004. City staff was informed in 2007 that the property owner had finished out the basement without obtaining a building permit and was living there. Mr. Mannino stated that staff had notified the owner that, for a property zoned P-S, the use of a structure for residential use was not allowed and the property owner vacated the basement. Recently staff has been informed that the owner has been renting the basement. Dr. Acuff is attempting to correct this with a Special Use Permit to allow the basement to continue to be used as a residence, while maintaining a main floor office and has agreed to meet all applicable city codes. Mr. Mannino stated that there have been no additions or changes since the first reading and the Planning Commission has recommended denial of the application.

Mayor Santini opened the floor for a public hearing on the Special Use Application. Dr. Cliff Acuff came forward and stated that he understood the changes needed to bring this area up to code and apologized for his delay in obtaining this Special Use Permit. With no further comments Mayor Santini closed the public hearing.

A motion to approve the special use application giving the applicant 60 days to make the necessary changes to bring the area up to code was made by Council Member Stepp and seconded by Council Member Pruitt. Motion carried. Vote 5-1 with Council Member Tonsmeire voting against.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 70-12

Petition No. SU12-03

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 Dr. Cliff Acuff. Property is located 300 Walnut Grove Road. Said property contains 0.68 acres located in the 4th District, 3rd Section, Land Lot(s) 777 as shown on the attached plat Exhibit "A". Property is hereby rezoned to P-S (Professional Services) with the following

condition to allow the basement to be used as an apartment. 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 November 2012.

ADOPTED this the 6th day of December 2012. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

C. Resolutions

1. Application for CHIP Down Payment Assistance Grant

Richard Osborne, City Planner stated that the City of Cartersville will provide first-time home buyer down payment and closing cost assistance to 25 low-income families, as defined by the DCA eligibility for Bartow County with a maximum up to \$10,000.00 in Community Home Investment Program (CHIP) funding per family. The city will partner with private financial institutions as well as with an administering agency, the Etowah Area Housing Authority to provide mandatory homeownership pre-purchase counseling for each applicant. Mr. Osborne recommended approval of the resolution.

A motion to approve Resolution No. 20-12 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

Resolution No. 20-12

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS, REQUESTING UP TO \$315,000 COMMUNITY HOME INVESTMENT PROGRAM (CHIP) GRANT FOR THE DEVELOPMENT OF AFFORDABLE HOUSING OPPORTUNITIES THAT WILL BENEFIT LOW AND MODERATE INCOME FAMILIES, INCLUDING FIRST-TIME HOMEBUYER DOWN PAYMENT AND CLOSING COST ASSISTANCE TO 25 LOW INCOME FAMILIES WITH A MAXIMUM OF UP TO \$10,000 IN DIRECT CHIP FUNDING PER FAMILY.

WHEREAS, the Georgia Department of Community Affairs is Authorized to Make Grants to Non-Urbanized Areas for the Purpose of Community Improvements.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Cartersville herein referred to as the “Applicant”,

- 1. That Matt Santini in his official capacity as Mayor is authorized to execute and file an application on behalf of the Applicant, a city government, with the Georgia Department of Community Affairs,**
- 2. That the Mayor is authorized to execute and file such applications and assurances or any other documents required by the Georgia Department of Community Affairs,**
- 3. That the Mayor is authorized to execute a grant contract agreement on behalf of the Applicant with the Georgia Department of Community Affairs,**
- 4. That the City of Cartersville while making application to or receiving grants from the Georgia Department of Community Affairs will comply with state and federal statutes, regulations, executive orders and administrative requirements as required by said agencies.**

Adopted this the 6th day of December 2012.

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

ATTEST:

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

D. Appointments

1. Downtown Development Authority Board

Tara Currier, DDA Director stated that the Cartersville Downtown Development Board of Directors requests the appointment of Lara Jeanneret to replace Harry Finchum who passed away in October and the appointment of Jill Mitchell to replace Susan Howard, who resigned at the October board meeting. Mrs. Currier stated that both terms expire on February 18, 2015 and feels that both candidates will make excellent additions to the board.

A motion to approve Lara Jeanneret and Jill Mitchell was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

E. Contract/Agreements

1. Right of Entry for Legacy Sod Farm

Tommy Sanders, City Engineer stated that this is a right of entry agreement to allow the city's archaeologist consultant to enter into private property for the purpose of completing the Phase II testing of the mound remnants adjacent to the Douthit Ferry Road Widening Project. Mr. Sanders stated that he anticipates having to pay for the sod that is damaged, but does not anticipate much damage due to the small size of the excavation pits. Mr. Sanders stated that the final amount will be below the spending authorization amount, the purpose for this being on the agenda is to receive permission for the Mayor to sign the agreement.

A motion to approve the Right of Entry for Legacy Sod Farm was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

2. Right of Entry for Habitat for Humanity

Tom Quist, Assistant to the City Manager stated that the city recently purchased two neighboring properties for the final two Habitat homes at 22 and 24 MLK Jr. Drive. The intention is to transfer ownership of these properties to Habitat for Humanity, however there is a lengthy advertising requirement and threatening to delay the start of construction. Habitat has requested that the city grant them early access to the property so that they can pour the foundation before it gets any colder and begin work before Christmas. Mr. Quist stated that they have added the city to their insurance policy and this "right of entry" will allow them to work on City owned property. Mr. Quist recommended approval.

A motion to approve the Right of Entry for Habitat for Humanity was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

3. Southern Natural Gas Confidentiality Agreement

Gary Riggs, Gas Department Superintendent stated that Southern Natural Gas is required to file a rate case by February 28, 2013 and would like to negotiate a settlement with its customers instead of filing the rate case. Mr. Riggs stated that this agreement is required by Southern as part of the negotiation process and recommended approval.

A motion to approve the Confidentiality Agreement with Southern Natural Gas was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

F. Bid Award

1. Horizontal Directional Boring Machine

Gary Riggs, Gas Department Superintendent stated that they had received bids from the two major manufacturers of Horizontal Directional Drilling machines. Purchase of this equipment will reduce both the time and materials needed for installation of mains and services

by the city crews and will be available for other City Departments to use with a qualified operator. Mr. Riggs recommended the low bid of \$196,500.00 from Vermeer Southeast Sales and Service, Inc.

A motion to approve the purchase from Vermeer Southeast Sales and Service, Inc. was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

2. Patrol Vehicles

Major Jason DiPrima, Cartersville Police Department stated that bids were solicited for three (3) patrol vehicles to replace older units approaching excessive mileage. Major DiPrima stated that six bids were received and recommended the bid from Carl Gregory Dodge in an amount not to exceed \$87,000.00. Major DiPrima stated that although he recognizes the benefits of purchasing locally, the Dodge Charger has proven to be more beneficial to the department. Major DiPrima stated that these vehicles would be paid for with DEA Funds.

A motion to approve the purchase from Carl Gregory Dodge at a not to exceed cost of \$87,000.00 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

3. Southeastern Wood Pole Inspectors (This item was pulled from the agenda)

4. Electric Office Structural Issue

David Myers, Electric Department Superintendant stated that a structural issue has been identified with the Electric System Office Building. A section of the roof is sagging and upon examination it was found that inadequate support was placed in the attic floor on which the roof trusses rest when the building was constructed. Mr. Myers stated that Hightower Construction is currently on site completing an insulation job and has given a price of \$6,570.00 to make this repair. Mr. Myers recommended approval.

A motion to approve the bid from Hightower Construction was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

5. Trucks for Meter Readers

Tom Rhinehart, Finance Director stated that the meter readers are in need of two replacement trucks in their fleet which have not been replaced for the past seven years. Mr. Rhinehart recommended approval of the bid from the local vendor, City Motors at \$32,052.00 and while it is not the lowest bid he feels that it is the best bid with only \$620.00 difference in this bid and the lowest bid.

A motion to approve the purchase from City Motors was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

6. Residential Garbage Truck

Bobby Elliott, Public Works Director stated that over the Thanksgiving Holiday all three of his residential garbage trucks went down with one truck beyond repair. GSP Marketing allowed the City to “Demo” a truck with a much larger capacity than the present fleet and allowed the department to maintain a two man set up. Mr. Elliott stated that he did not like to come before council with a single bid but in this case he had no choice since this is the only truck available. Mr. Elliott recommended approval of the 2012 MP-8133D 33 Cubic Yard Truck from GSP Marketing in the amount of \$201,779.04.

A motion to approve the purchase from GSP Marketing was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

7. Rehabilitate Grit Collector

Ed Mullinax, Assistant Water Superintendent stated that bids were accepted to rehabilitate the #1 Grit Collector at the Wastewater Treatment Plant. Three bids were received and Mr. Mullinax recommended approval of the second lowest bid from Southern Machine in the amount of \$78,550.00. Mr. Mullinax stated that the Southern Machines bid was only \$184.00 higher than A&D Contracting and because they are a larger company they will not have to pull their people off of the job to do a more pressing project. Council asked if the Water Department had ever used the low bidder A&D Contracting and if so had there been any problems. Mr. Mullinax stated that they had and while their work was satisfactory he felt that with Southern Machine being a larger company there would be less of a chance that they will have to be pulled off the job should an emergency arise.

A motion to approve the low bid from A&D Contracting in the amount of \$78,366.00 was made by Council Member McDaniel and seconded by Council Member Stepp. Motion carried. Vote 5-1 with Council Member Pruitt voting against.

8. Tennessee Street-Walgreens Water Main Replacement Project

Ed Mullinax, Assistant Water Superintendent stated that the water main on Tennessee Street in the block serving the new Walgreens store is in a deteriorated condition and in need of replacement. Bids were received from three contractors to construct this project and he recommended the low bid from C&L Contractors, Inc. in the amount of \$86,510.00. Mr. Mullinax stated that this project will be paid for partially from Bond Funds and partially from a \$25,000.00 payment from Walgreens to advance this portion of the Tennessee Street Water Main Replacement Project.

A motion to approve the low bid from C&L Contractors, Inc. was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

9. Main Street to Center Road 16-Inch Water Main Connector

Ed Mullinax, Assistant Water Superintendent stated that the Water department had received bids on a project to construct a 16-inch water main between Center Road and Main Street. Mr. Mullinax stated that the low bidder submitted a bid bond in the amount of 5% of the bid versus the specified 10%. Upon advisement from the City Attorney, this matter is viewed as a minor irregularity and is recommended to be waived under the stipulations included in the bid documents. Mr. Mullinax recommended approval of the low bid from C&L Contractors in the amount of \$489,981.91.

A motion to approve the low bid from C&L Contractors was made by Council Member Tonsmeire. David Archer, City Attorney recommended the motion be amended to waive the 10% bid bond and accept the low bid with a 5% bid bond. A motion was made to waive the 10% bid bond and accept the low bid with a 5% bid bond from C&L Contractors was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

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 Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

G. Added Item

1. Sale of Home with CHIP First Time Homebuyer Loan

Randy Mannino, Planning and Development Director stated that the home at 3 Skyview Circle received a \$10,000.00 first time homebuyer loan from the City of Cartersville's CHIP Grant. This loan is forgivable if a homebuyer remains in the house for a minimum of five (5) years. This homebuyer has resided at the residence for less than five years (since May 2010) and would like to sell the property. The amount of the CHIP funding owed is \$6,000.00 and would be paid to the Georgia Department of Community Affairs (DCA). Mr. Mannino stated that the owner has requested that the Mayor and Council agree to release the property from the security deed through a quitclaim deed and by agreeing to sign the quitclaim deed the City of Cartersville will not lose money and will not be penalized by the DCA. Mr. Mannino stated that this is standard procedure for the first time homebuyers and recommended approval.

A motion to approve the quitclaim deed for 3 Skyview Circle was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

A motion to adjourn the meeting was made by Council Member Stepp and needing no second. Motion carried unanimously. Vote 6-0

Meeting Adjourned

/s/ _____
Matthew J. Santini

Mayor

ATTEST:

/s/ _____

Connie Keeling

City Clerk