

City Council Meeting
10 N. Public Square
October 18, 2012
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Pruitt

Pledge of Allegiance led by Mayor Santini

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: Kari Hodge, Council Member Ward One; 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. Jayce Stepp, Council Member Ward Two was absent.

II. Regular Agenda

A. Council Meeting Minutes

1. October 4, 2012

A motion to approve the October 4, 2012 City Council Meeting minutes as presented was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

B. Proclamations

**1. Red Ribbon Week Sponsored by Metro Atlanta Young Marines
(This item was set aside for a future meeting.)**

C. First Reading of Ordinances

1. Amendment to Animal Control Ordinance

Tommy Culpepper, Chief of Police stated that in an effort to improve the quality of life for the citizens of Cartersville he is recommending that this Animal Control Ordinance be enacted. This ordinance provides for clear and specific guidance on animal control issues, with particular attention to defining aggressive and/or vicious animals. The ordinance also provides for owner responsibility of any such animal(s) as well as remedies and enforcement of problems. Chief Culpepper stated that this ordinance provides for greater guidance to Animal Control and Law Enforcement than the current ordinance and recommended approval.

NO ACTION REQUIRED

(Ordinance on file at the City Clerk’s Office)

2. Amendment to Electric Rate Ordinance

David Myers, Electric Department Superintendent stated that these rates are based on a settlement with large industrial customers. These rates replace a portion of costs from the Power Cost Adjustment with a Nuclear Construction Charge and an Environmental Compliance Charge (both applied by percentage of billed amount). If approved, the outdoor lighting rates will take effect November 20, 2012 while the metered consumption rates will take effect February 19, 2013 due to billing system programming. Mr. Myers stated that the charges are summarized in the following table.

Rate 2011	Current ¢/kWh	COS Proposed			Settlement		
		¢/kWh	Change	Incr./yr.	¢/kWh	Change	Incr./yr.
Residential	10.43	10.84	4.0%	\$52	11.20	7.4%	\$96

Small General Service	15.35	15.97	4.0%	\$74	16.81	9.5%	\$175
City Government	9.76	9.94	1.9%	\$220	10.40	6.6%	\$781
Small Power	10.94	10.65	-2.6%	-\$285	11.65	6.6%	\$725
Medium Power	8.91	8.50	-4.7%	-\$4,764	9.05	1.5%	\$1,533
Large Power	7.00	7.51	7.3%	\$42,473	7.24	3.4%	\$19,896
Extra Large Power	5.99	6.37	6.3%	\$279,543	6.13	2.3%	\$101,091
Economic Dev.	6.00	6.98	16.3%	\$39,898	6.96	16.0%	\$39,036

NO ACTION REQUIRED

(Ordinances on file at the City Clerk’s Office)

3. Amendment to Budget Ordinance for Fiscal Year 2011-12

Tom Rhinehart, Finance Director stated that after completion of the Fiscal Year 2011-12 close, the general fund and special revenue fund budgets need to be amended. By amending these budgets, the city’s general fund and special revenue funds will be in compliance with Generally Accepted Accounting Principles (GAAP). These adjustments reflect the necessary changes needed to keep the budgets of these funds at a zero based level (revenues equal expenses) for the fiscal year. Mr. Rhinehart recommended approval.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

NOW BE IT HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA that the Annual Budget of the City of Cartersville for the fiscal year 2011-2012 be amended as follows:

2011 - 2012 Budget Summary

<u>General Fund</u>	<u>Revenues</u>	<u>Expenditures</u>
Revenues	\$43,053,130.00	
Expenditures:		
Legislative		\$19,807,600.00
Administration		\$ 982,820.00
Finance Dept.		\$ 1,037,500.00
City Clerk Dept.		\$ 681,235.00
Police		\$ 5,132,655.00
Fire		\$ 5,922,735.00
Public Works		\$ 2,633,825.00
Recreation		\$ 3,041,200.00
Planning & Development		\$ 813,560.00
<u>Special Revenue Funds</u>		
Police Forfeiture Assets – Federal Funds		
<u>Revenues</u>		
210-2110-36-1001	Interest Income	\$1,000.00
210-2110-35-1300	Confiscated/Forfeited Funds – Federal	\$312,425.00
	Prior Years Carryover	\$1,000,000.00
<u>Expenditures</u>		

210-2110-53-1122	Computer Equipment	\$8,245.00
210-2110-53-1172	DEA Expenses (Federal)	\$75,270.00
210-2110-53-1110	Office Equipment & Supplies	\$4,330.00
210-2110-53-1112	Minor Office Equipment	\$430.00
210-2110-52-3210	Communications – Phones & Internet	\$46,870.00
210-2110-52-3532	Employee Education-Highlands College	\$40 .00
210-2110-52-3531	Employee Training	\$2,740.00
210-2110-54-2201	Vehicles	\$175,500.00
	Transfer to SPLOST 2007 Fund	\$1,000,000.00

Police Forfeiture Assets – State Funds

Revenues

211-2120-35-1300	State Forfeitures	\$3,000.00
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Expenditures

211-2120-53-1172	State Expenses	\$3,000.00
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Grant Funds

Revenues

340-9200-39-1025	Transfer from General Fund	\$1,200.00
340-9200-33-4350	GDOT Grant-South Hangar Paving	\$14,275.00
340-9200-33-4413	Supplemental Disaster Recovery Grant	\$317,785.00
340-9200-33-4444	DNR Grant-Pettit Creek Trail Phase II	\$123,325.00
340-9200-33-4445	Energy Efficiency Grant	\$288,740.00

Expenditures

340-9200-54-1307	Pettit Creek Trail – Phase II	\$123,325.00
340-9200-54-2316	Supplemental Disaster Recovery Grant	\$317,785.00
340-9200-54-2318	Energy Efficiency Grant	\$288,735.00
340-9200-54-2323	Blue Trail Canoe/Kayak Launch	\$15,480.00

Development Agreement

Revenues

270-2410-37-1000	Public Safety Development Agreement	\$2,500.00
270-5110-37-1000	Recreation Development Agreement	\$2,500.00

Expenditures

270-2410-52-1316	Public Safety Development Fee Expense	\$2,500.00
270-5110-52-1316	Development Agreement-Recreation Exp	\$2,500.00

Impact Fees

Revenues

Prior Year Carryover-Library	\$29,395.00
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Expenditures

271-6120-57-1020	Impact Fee Exp-Library	\$29,395.00
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Hotel/Motel Tax

Revenues

275-1140-31-4100	Hotel – Motel Tax	\$420,025.00
275-1140-31-4110	Hotel/Motel Tax Penalties	\$140.00

Expenditures

275-1140-61-1100	Transfer Out to General Fund	\$175,035.00
275-1140-57-1060	Cartersville-Bartow Tourism Council	\$245,130.00

Motor Vehicle Rental Tax

Revenues

280-1150-31-4400	Motor Vehicle Rental Tax	\$49,585.00
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Expenses

280-1150-57-1070	Downtown Development Authority	\$29,585.00
280-1150-52-1303	Prof Services-Econ Dev Sal & Benefits	\$20,000.00

SPLOST 2003

Revenues

321-9100-33-7110	GA DOT Reimbursement	\$200,000.00
321-9100-36-1011	Interest-2003 SPLOST Bank Account	\$ 1,300.00
321-9100-36-1022	Interest-1 st Union Investments	\$61,330.00
	Prior Year Carryover	\$1,825,370.00

Expenditures

321-9100-54-1601	Douthit Multi-Lane	\$202,000.00
321-9100-54-1603	Main Street Gateway	\$1,082,000.00
321-9100-54-1604	Street Milling and Resurfacing	\$245,000.00
321-9100-54-1608	Storm Water	\$45,000.00
321-9100-54-1612	GIS Installation	\$8,400.00
321-9100-54-1615	Misc Intersections	\$195,000.00
321-9100-54-1620	West Ave Intersection Improvements	\$2,600.00
321-9100-54-1621	Main St to Center Rd-16" Water Main	\$308,000.00

SPLOST 2007

Revenues

322-9300-36-1010	Interest Income	\$36,710.00
322-9300-33-7100	SPLOST 2007 Revenue	\$4,000,000.00
322-9300-39-3708	Revenue Bond Proceeds	\$3,807,090.00
	Transfer from DEA Fund	\$1,000,000.00

Expenditures

322-9300-54-1604	Street Milling & Resurfacing	\$31,000.00
322-9300-54-1607	New Bridge-Nancy Creek & Sugar Valley	\$3,000.00
322-9300-54-1608	Sugar Valley & Burnt Hickory Rd	\$12,000.00
322-9300-54-1613	Industrial Park Road Improvements	\$571,000.00
322-9300-54-1614	Utility Relocate/Improvement-Gas	\$31,000.00
322-9300-54-1616	Utility Relocate/Improvement-Water/Sewer	\$24,300.00
322-9300-54-1621	Public Wks New Equipment Barn	\$2,500.00
322-9300-54-1627	Police/Fire Joint Station	\$7,153,000.00
322-9300-54-1630	Fire Station #2-MLK Drive	\$1,016,000.00

Cartersville Building Authority

Revenues

325-9500-37-1107	Contributed Capital-Bartow County	\$256,825.00
325-9500-37-1108	Contributed Capital-City of Cartersville	\$335,815.00
325-9500-37-1109	Contributed Capital-Other	\$555,485.00
325-9500-36-4198	Interest Revenue	\$65.00

Expenditures

325-9500-58-1111	CBA 2004 Bond Principal Expense	\$475,000.00
325-9500-58-1112	CBA 2008 Bond Principal Expense	\$185,000.00
325-9500-58-1137	Bond Interest Expense 2004 Issue	\$296,065.00
325-9500-58-1138	Bond Interest Expense 2008 Issue	\$166,365.00
325-9500-58-1139	Bond Interest Expense 2012 Issue	\$6,010.00
325-9500-56-2003	Issue Cost Amortization	\$18,020.00
325-9500-58-1140	Amortization of Loss Expense	\$1,730.00

SPECIAL REVENUE FUNDS BUDGET - \$14,645,885.00

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 18th day of October 2012.

ADOPTED this the day of. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

D. Resolutions

1. Intergovernmental Agreement with Bartow County Regarding Excise Tax

Sam Grove, City Manager stated that an agreement with Bartow County is required if the City of Cartersville is to receive any of the 2% Excise Tax that the County Commissioner put in place last week. The tax will be collected starting in 2013 and without the agreement the City's 20% share would be distributed to the County and all other cities within the County.

A motion to approve the Intergovernmental Agreement with Bartow County and Resolution No. 16-12 was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Resolution No. 16-12

**RESOLUTION APPROVING ENERGY EXCISE TAX
INTERGOVERNMENTAL AGREEMENT AND AUTHORIZING THE MAYOR AND
CITY CLERK TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT ON
BEHALF OF THE CITY OF CARTERSVILLE**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CARTERSVILLE, GEORGIA APPROVING AND AUTHORIZING EXECUTION, BY THE COMMISSIONER, OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CARTERSVILLE AND BARTOW COUNTY AND CERTAIN MUNICIPALITIES OF BARTOW COUNTY CONCERNING AN ENERGY EXCISE TAX ENACTED PURSUANT TO O.C.G.A. § 48-13-110 *ET SEQ.*; REPEALING PRIOR RESOLUTIONS IN CONFLICT; AND FOR OTHER PURPOSES.

WHEREAS, the County is authorized pursuant to O.C.G.A. § 48-13-110 *et seq.*, (the "Energy Excise Tax Act") to levy and collect an excise tax on the sale, use, storage, or consumption of energy ("Energy Excise Tax") when such sale, use, storage, or consumption would have constituted a taxable event for purposes of the sales and use tax under O.C.G.A. § 48-8-1 *et seq.*, but for the exemption in O.C.G.A. § 48-8-3.2; and

WHEREAS, pursuant to O.C.G.A. § 48-13-113, the County and the municipalities of the County have met together and conferred to discuss whether or not the Energy Excise Tax should be levied within the special district within Bartow County; and

WHEREAS, pursuant to O.C.G.A. § 48-13-114, the County and the Participating Municipalities have determined that an Energy Excise Tax should be levied;

WHEREAS, O.C.G.A. § 48-13-114(a)(1) requires the County and the Participating Municipalities within the County to execute an intergovernmental agreement which provides for the distribution of proceeds in accordance with O.C.G.A. § 48-13-114(c) prior to the adoption of an ordinance by the County levying and imposing the Energy Excise Tax;

WHEREAS, on October 10, 2012, the County adopted a Resolution and approved the intergovernmental agreement;

WHEREAS, pursuant to O.C.G.A. 48-13-110 et seq., once the County approves the energy excise tax it will be collected within a municipalities jurisdiction, whether or not the municipality enacts the energy excise tax; and

WHEREAS, pursuant to O.C.G.A. 48-13-114 if a municipality fails to participate in the intergovernmental agreement, then the tax collected within its jurisdiction is paid to the County, not the municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY OF CARTERSVILLE, GEORGIA as follows:

SECTION 1

The attached intergovernmental agreement addressing the imposition, levy, collection, administration, allocation, and distribution of proceeds of the Energy Excise Tax between Bartow County and the City of Cartersville, City of Adairsville, the City of Emerson, the City of Euharlee, the City of Kingston, and the City of White, is hereby approved.

SECTION 2

The Mayor and City Clerk are authorized to execute such intergovernmental agreement on behalf of the City of Cartersville and affix the seal of the City of Cartersville thereto.

SECTION 3

All resolutions or parts of resolutions in conflict herewith are repealed.

ADOPTED this the 18th day of October 2012.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

E. Engineering Services

1. Wiedeman and Singleton, Inc. for design on filters at Water Treatment Plant

Ed Mullinax, Water Department Assistant Superintendent stated that the Water Treatment Plant has three filters that need to have new under drain systems installed with an air/water scour system. Wiedeman and Singleton, Inc. designed the filters in the water plant in 1974 and they had asked them for pricing to rework these filters. Mr. Mullinax stated the cost for the design portion of this project is \$58,260.00 and recommended approval.

A motion to approve the engineering services by Wiedeman and Singleton, Inc. was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

F. Contracts/Agreements

1. Purchase of 135 Etowah Drive

Tom Quist, Assistant to the City Manager stated that this is one of three properties that the city has been planning to purchase through the Pre-Disaster Mitigation Grant Program. Sheryl Pealor, the owner of 135 Etowah Drive has agreed to sell the property to the City for fair market value, determined to be \$90,700.00. Mr. Quist recommended approval to purchase the property and pay all reasonable closing costs (estimated to be below \$1,500.00). The grant program will cover 75% of the total expense and the property will be demolished and left in a

“natural” flood plain state.

A motion to approve the purchase of 135 Etowah Drive was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

2. ActiveNet Software for Parks and Recreation Department

Greg Anderson, Parks and Recreation Superintendent stated that the current software used by the Parks and Recreation Department will no longer be supported after October 2013. CPRD staff have evaluated seven different companies and have found that ActiveNet Software is the most feasible to the city and the park and program patrons. Staff training in the amount of \$4,510.00 was approved in the 2011-12 fiscal year budget, pending software agreement. Mr. Anderson stated that this consists of three – one-year agreements and recommended approval.

A motion to approve agreement with ActiveNet Software was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

3. UHC Medicare Advantage Insurance Renewal

Dan Porta, Assistant City Manager stated that the city retirees over the age of 65 or disabled are covered under a Medicare Advantage product from United Healthcare (UHC). City retirees have been covered through UHC Medicare Advantage for a few years and are pleased with this insurance product. The overall insurance premiums will decrease slightly and the amount paid by the city retirees will remain the same for 2013 and Mr. Porta recommended approval.

A motion to approve the renewal of UHC Medicare Advantage Insurance was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

G. Bid Award/Purchases

1. Window Treatments for Public Safety Headquarters

Dan Porta, Assistant City Manager stated that bids were solicited for window treatments for the new Public Safety Headquarters. After reviewing the bids Mr. Porta recommended approval of the bid from Made in the Shade of North Atlanta (Cartersville) in the amount of \$16,375.00 for blinds with a 25 year warranty.

A motion to approve the purchase from Made in the Shade of North Atlanta was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. Fiber Installation by Parker Systems, LLC

Dan Porta, Assistant City Manager stated that staff has secured a three year fiber lease agreement with Komatsu for fiber services that will bring in \$2,500.00 per month in revenue. In order to serve Komatsu, fiber optic cable had to be installed at a cost of \$25,383.80. Mr. Porta stated that this is just over a ten month payback for this new customer and recommended approval.

A motion to approve the fiber installation by Parker Systems LLC was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

3. SiteMed Annual Medical Clearance Physicals

Scott Carter, Fire Chief stated that this is the annual contract for the Firefighter Medical Clearance physicals in accordance to the National Fire Protection Standard 1582 (NFPA) and OSHA 1910.156. These physicals will be conducted on-site at the Cartersville Fire Department and are a required component of the health and safety program. Total cost for the basic screening will be \$20,540.00. Chief Carter stated that there is additional specialize testing that

must occur on all haz-mat team members for an amount not to exceed \$22,000.00 and if approved testing will begin on November 6, 2012.

A motion to approve the agreement with SiteMed at an amount not to exceed \$22,000.00 was made by Council Member Hodge and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

4. Repairs to 2008 Mack Garbage Truck

Sam Grove, City Manager stated that recently the factory installed Tier III Emission Exhaust system needed to be repaired on the 2008 Mack Commercial Front Loader Garbage Truck. The nearest factory authorized Mack dealership is Nextran Truck Center in Kennesaw, Georgia. The truck is the flagship commercial vehicle and has been repaired on an emergency basis at a cost of \$10,854.14. Mr. Grove recommended approval.

A motion to approve the cost of repairs from Nextran Truck Center was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

5. Bucket Truck #516 Modification for Electric Department

David Myers, Electric Department Superintendent stated that this item was briefly discussed at a prior council meeting. Bucket truck #516 is currently in the shop being rebuilt and while this unit is in the hands of the vendor several modifications are needed to bring this truck up to the specification used for new bucket trucks. The price estimated by the vendor for the modifications is \$19,097.34 and Mr. Myers recommended approval.

A motion to approve the cost for modifications to Bucket Truck #516 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

6. Attic Insulation for Electric Department Building

David Myers, Electric Department Superintendent stated that the insulation in the attic of the Electric Office Building is in need of repair and is inadequate by today's standards. In two areas plywood floors must be removed and replaced. Mr. Myers recommended approval of the bid from Hightower Construction in the amount of \$6,764.24 to add insulation to the existing and to cover the bare areas to modern standards. Mr. Myers stated that the actual price may be lower depending on the amount of plywood floor that can be reused.

A motion to approve insulation installation by Hightower Construction was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

7. Electric Transformer

David Myers, Electric Department Superintendent stated that they need to purchase a 150IVA 120/208V padmount transformer to serve the new Dunkin Donuts. Four bids were received and Mr. Myers recommended approval of the GE unit from IRBY with an initial cost of \$6,259 and the lowest total ownership cost of \$12,363.00.

A motion to approve the transformer purchase from IRBY 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 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 Tate. Motion carried unanimously. Vote 5-0

H. Added Item

1. Additional Cost to Rebuild Bucket Truck #516

David Myers, Electric Department Superintendent stated that on September 20, 2012 he presented an estimate to rebuild bucket truck #516 in the amount of \$30,805.65. Now that the truck has been disassembled the vendor Terex has notified the city of additional items in need of replacement or repair totaling \$7,539.09. Mr. Myers recommended approval of these additional repairs.

A motion to approve the additional cost for repairs by Terex was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

I. Monthly Financial Statement

1. August 2012

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

After announcements a motion to adjourn the meeting was made by Council Member Tonsmeire and needing no second. Motion carried unanimously. Vote 5-0

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk