City Council Meeting
10 N. Public Square
September 6, 2012
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 Tonsmeire

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: 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 Keith Lovell, Assistant City Attorney. David Archer, City Attorney; Kari Hodge, Council Member Ward One; and Jayce Stepp, Council Member Ward Two were absent.

II. Regular Agenda

A. Council Meeting Minutes

1. August 16, 2012

A motion to approve the August 16, 2012 City Council Meeting minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

B. Resolutions

1. Vosetalpine Welcome

Mayor Santini stated that this resolution was written to officially welcome Vosetalpine to our community and the Highland 75 Industrial Park.

A motion to approve Resolution No 14-12 was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

Resolution No. 14-12

WHEREAS, the City of Cartersville, Bartow County and the Bartow Cartersville Joint Development Authority are partners in the Highland 75 Industrial Park off of Cass White Road and Great Valley Parkway;

WHEREAS, VOESTALPINE has entered into a Memorandum of Understanding to purchase fifteen (15) acres with an option of then (10) additional acres in the Highland 75 Industrial Park;

WHEREAS, VOESTALPINE will be constructing and investing plus sixty million dollars ($60,000,000) into a facility in the Highland 75 Industrial Park which will have two hundred twenty (220) employees in their Metal Forming Division;

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council of the City of Cartersville that Bartow County's newest industry VOESTALPINE is hereby officially welcomed into our community.

Thank you to VOESTALPINE for considering our community for their new facility and the City of Cartersville looks forward to a long and promising mutual partnership with VOESTALPINE, as part of our community.

BE IT AND IT IS HEREBY RESOLVED this 6th day of September, 2012.

/s/ Matthew J. Santini
Matthew J. Santini, Mayor
City of Cartersville, Georgia

Dianne Tate
Dianne Tate, Council Member

Lori Pruitt
Lori Pruitt, Council Member

Kari Hodge
Kari Hodge, Council Member

Lindsey McDaniel
Lindsey McDaniel, Council Member

Louis Tonsmeire Sr.
Louis Tonsmeire Sr., Council Member

Jayce Stepp
Jayce Stepp, Council Member

ATTEST:
/s/ Connie Keeling
Connie Keeling, City Clerk
City of Cartersville, Georgia

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

1. File AZ12-05: De-annexation application by City of Cartersville for property located on State Route 293 and Paga Mine Road (total approximately 12.1 acres) from City P-I (Public Institutional) to Bartow County jurisdiction.

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 on the road right of way on State Road 293 and Paga Mine Road as well as a narrow strip of property coming off SR 293 running West – Southwest. This property is adjacent to land on Paga Mine Road that is in the incorporated area of Cartersville. This property was annexed by the city in 2005 and the city is now requesting the de-annexation. Mr. Mannino stated that there have been no changes since the first reading and the Planning Commission has recommended approval.

Mayor Santini opened the floor for a public hearing on the de-annexation. With no comments Mayor Santini closed the public hearing.

A motion to approve Ordinance No. 37-12 was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 37-12

Petition No. AZ12-05

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 City of Cartersville. Property is located at SR 293 and Paga Mine Road. Said property contains 12.1 acres located in the 4th District, 3rd Section, Land Lot(s) 676, 677, 678, 747, 748, 750,

751, 762, 763, 766, and 767 as shown on the attached plat Exhibit "A". De-Annexation 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 16th day of August 2012.
ADOPTED this the 6th day of September 2012. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. File AZ12-06: Annexation and zoning application by Mark Harris for seven (7) adjoining properties located on Martin Luther King Jr. Drive east of US Highway 41 and at 519 and 521 Rowland Springs Road (total approximately 5.095 acres) from Bartow County jurisdiction, City G-C (General Commercial), and City R-10 (Residential) to City G-C.

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 part of the city donut hole initiative to incorporate tracts into the city limits for improved public safety coverage. In addition, there has been potential for confusion for zoning in this area since most of these lots are shown having split zoning (in this case, not all of certain tracts are shown to be 100% zoned G-C). Mr. Mannino stated that the applicants seek to be annexed and zoned G-C (General Commercial) so that all tracts are in the same jurisdiction and zoning district. Mr. Mannino stated that there have been no changes since the first reading and the Planning Commission recommended approval.

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

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

A motion to approve Ordinance No. 38-12 for the annexation was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

A motion to approve Ordinance No. 39-12 for the zoning was made by Council Member Pruitt and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 38-12

Petition No. AZ12-06

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 Annie Canty, Richard Cole, and WCW. Property is located at 519 and 521 Rowland Springs Road; 704

MLK Jr. Drive; and four (4) other lots on MLK Jr. Drive. Said property contains 5.09 acres located in the 4th District, 3rd Section, Land Lot(s) 335 as shown on the attached plat Exhibit "A". Annexation 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 16th day of August 2012.
ADOPTED this the 6th day of September 2012. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 39-12

Petition No. AZ12-06

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 Annie Canty, Richard Cole, and WCW. Property is located at 519 and 521 Rowland Springs Road; 704 MLK Jr. Drive; and four (4) other lots on MLK Jr. Drive. Said property contains 5.095 acres located in the 4th District, 3rd Section, Land Lot(s) 335 as shown on the attached plat Exhibit "A". Property is hereby rezoned from County R-3 (Residential mixed-use); City G-C (General Commercial; and City R-10 (Residential) to G-C (General Commercial). 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 16th day of August 2012.
ADOPTED this the 6th day of September 2012. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

D. Second Reading of Ordinances

1. Amendment to Alcohol Ordinance Regarding Pouring License Fee

Randy Mannino, Planning and Development Director stated that currently when a business has a pouring license and a change of management occurs the company has to pay the entire fee (up to $2,700.00). This ordinance will change that to a $100.00 transfer fee. The applicant will still be required to go through the application process with the background check and appearance before the Alcohol Control Board the same as a new applicant. Mr. Mannino stated that there have been no changes since the first reading and the Alcohol Control Board has recommended approval.

A motion to approve Ordinance No. 40-12 was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 40-12

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 4. ALCOHOLIC BEVERAGES. ARTICLE II. LICENSING REQUIREMENTS. DIVISION 3. LICENSE. Section 4-84. Limitations on Transfer is hereby amended by adding a new subparagraph (g) as follows:

1.

(g) For Pouring Licenses only, if there is a change of managers, the license may be transferred subject to a new licensee paying a fee of $100.00 and completing the application for the license holder and upon approval by the Alcohol Control Board. This is not applicable to license holders who are also owners of the establishment.

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 16th day of August 2012.
ADOPTED this the 6th day of September 2012. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. Amendment to Utilities Ordinance Regarding Capacity Fees

Ed Mullinax, Assistant Water Superintendent stated that this ordinance change is provided to clarify the cost for capacity fees for hotel and apartment units. Mr. Mullinax stated that there have been no changes since the first reading and recommended approval.

A motion to approve Ordinance No. 41-12 was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 41-12

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 24. UTILITIES. ARTICLE IV. WATER SERVICE. Section 24-64 Water and Sewer Utility Rates subparagraph (d) is hereby amended by adding the following to the end of said paragraph and all other provisions of Section 24-64 shall remain in full force and effect as stated therein.

1.

other provisions:

Apartments and hotels per unit calculations.

All hotel and apartment units with refrigerator and stove are to be calculated as a single (l) unit (3/4" water meter equivalent) for capacity fees.

All hotel and apartment units without refrigerator and stove are to be calculated as one half (ll2) unit (3/4" water meter equivalent) for capacity fees. The following, if part of an apartment or hotel are to be considered a separate unit for capacity fees:

(a) Restaurant
(b) Lounge
(c) Car Wash
(d) Lobby
(e) Full Kitchen (not part of restaurant)

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

First Reading this the 16th day of August 2012.
ADOPTED this the 6th day of September 2012. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

E. Contracts/Agreements

1. Environmental Protection Division for Water Testing

Ed Mullinax, Assistant Water Superintendent stated that this agreement is for drinking water quality testing that is required by the Department on Natural Resources. The state laboratory will do the work at a reduced rate compared to a private contractor. The fee for providing this testing service for a period of one year is $9,200.00 and Mr. Mullinax recommended approval.

A motion to approve the agreement for water testing with the State of Georgia was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

2. Supplemental Power 2013

David Myers, Electric Superintendent stated that this is an annual MEAG Supplemental

Power subscription for the calendar year 2013. This agreement will make the excess power available to be sold on the wholesale market and Mr. Myers recommended approval.

A motion to approve the annual MEAG Supplemental Power Subscription was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

3. Installation of Fiber Optic Cable to Industrial Park
(This item was removed from the agenda)

F. Appointments

1. Convention and Visitors Bureau Board

Sam Grove, City Manager stated that Scott Mahr has resigned his position at Barnsley Gardens Resort in May 2012 to accept a new career opportunity, thus eliminating his eligibility to serve on the CVB Board of Directors. Mr. Grove recommended approval of the appointment of Michael Gordon to fill the vacated seat which will expire on December 31, 2014.

A motion to approve the appointment of Michael Gordon was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

G. Bid Award/Purchases

1. Flex Wing Rotary Cutter for Public Works

Bobby Elliott, Public Works Superintendent stated that staff had solicited bids from several vendors for a 15-foot width Flex Wing Rotary Cutter. Mr. Elliott recommended the low bid from Franklin Tractor Co. in the amount of $9,660.00.

A motion to approve the purchase from Franklin Tractor Co. was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

2. Pre-Cast Concrete Box Culvert for Wansley Drive

Bobby Elliott, Public Works Superintendent stated since all easements have been secured for the Wansley Drive Culvert project bids were solicited for a precast concrete box culvert. The culvert is 3 feet x 10 feet and 54 feet in length. Mr. Elliott recommended the low bid from Old Castle Precast in the amount of $436.33 per foot for a total of $23,561.82.

A motion to approve the purchase from Old Castle Precast was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

3. Customer Service Drive-thru Equipment Replacement

Tom Rhinehart, Finance Director stated that the drive through equipment in the customer service department is old and in need of replacement. Mr. Rhinehart stated that the city's IT department has been maintaining the equipment and the last time it was replaced was in April 2003. Mr. Rhinehart stated that bids were solicited and only one vendor placed a bid. He recommended approval of Consolidated Banking Services Inc. in the amount of $18,059.00 (this includes $750.00 extra for completing the installation of the equipment on the weekend.)

A motion to approve the purchase from Consolidated Banking Services, Inc. was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

4. Vehicle for Electric Department

David Myers, Electric Superintendent stated that bids were solicited for a vehicle to replace a 1999 Ford Pickup with $167,000 miles and transmission trouble. Mr. Myers recommended the low bid from City Motors Inc. in the amount of $22,996.00.

A motion to approve the purchase from City Motors was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

5. Restock Inventory for Distributions and Collections

Ed Mullinax, Assistant Water Superintendent stated that bids were solicited for materials to restock inventory for Distribution and Collection. Mr. Mullinax recommended the low bid from Ferguson Waterworks in the amount of $19,997.37.

A motion to approve the purchase from Ferguson Waterworks was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

H. Change Order

1. Ford Street Sewer Replacement

Ed Mullinax, Assistant Water Superintendent stated that the sewer project on Ford Street was complicated by the fact all sewer taps from houses on Roosevelt Street were tied to the Ford Street sewer. This almost doubled the number of taps that had to be made when the Ford Street Sewer was replaced and it increased the price of the project by $37,086.21. Mr. Mullinax stated that this was done on an emergency basis and the adjustment brings the total project to $104,565.21. Mr. Mullinax recommended approval.

A motion to approve the Emergency Change Order was made by Council Member Tate and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

I. Grant Application/Acceptance

1. 2009 CDBG Disaster Grant Extension Request

Sam Grove, City Manager stated that the 2009 CDBG Disaster Recovery Grant is set to expire on November 17, 2012. To date, the City has built, in partnership with Habitat for Humanity, four of the six homes using these funds with the fifth house in progress. Mr. Grove stated that an opportunity has presented itself to the City, using leftover acquisition funds, along with a generous donation from Anheuser-Busch, to partner on an additional home. Given the additional work, a six month extension on the grant period is desired. Mr. Grove recommended approval of this extension.

A motion to approve the Six (6) Month 2009 CDBG Disaster Grant Extension was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

J. Discussion

1. DDA Budget for Fiscal Year 2012-13

Dan Porta, Assistant City Manager presented council with the proposed fiscal year 2012-2013 DDA Budget with a comparison to the actual revenues and expenses from 2011-2012. Mr. Porta stated that he will be presenting an ordinance and contract at the next meeting.

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 Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

K. Added Item

1. Emergency Purchase of Air Release Valves for Sewer Pump Station Force Main

Ed Mullinax, Assistant Water Superintendent stated that the air release valves on the sewer force main conveying flow from the Brown's Farm Road Pump Station were found to be in inoperable condition. These are a proprietary type of equipment with a sole source supplier. Mr. Mullinax stated that the cost for the four replacement units, including shipping is $5,164.00 from Temsco and recommended approval.

A motion to approve the emergency purchase from Temsco was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

After announcements a motion to adjourn the meeting was made by Council Member Tonsmeire and needing no second. Motion carried unanimously. Vote 4-0

Meeting Adjourned

/s/ ____________________________
Matthew J. Santini
Mayor

ATTEST:

/s/ ________________________________
Connie Keeling
City Clerk