City Council Meeting
10 N. Public Square
July 5, 2012
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tonsmeire

Pledge of Allegiance led by Council Member Pruitt

The City Council met in Regular Session with Mayor Matt Santini 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; Renee Faunce, Deputy City Clerk and David Archer, City Attorney. Kari Hodge, Council Member Ward One and Connie Keeling, City Clerk were absent.

II. Regular Agenda

A. Council Meeting Minutes

1. June 21, 2012

A motion to approve the June 21, 2012 minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0.

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

1. File AZ12-04: Annexation and zoning application by the City of Cartersville (donut hole initiative) for property owned by Womack Three, LLC and located at 5, 7, 9, 11 and 13 Corinth Road (5 unit apartment building on a 0.49 acre lot) from Bartow County jurisdiction to City MF-14 (Multi-family)

Richard Osborne, Planning and Development Senior 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 tract of land is located at 5, 7, 9, 11, and 13 Corinth Road off Rowland Springs Road. The lot includes a 5-unit apartment building constructed in approximately 1998. Mr. Osborne stated that this property is part of the City Annexation Initiative to incorporate "donut hole" tracts into the City Limits for improved public safety coverage. The applicants, working with City staff through the City Annexation Initiative, seek to be annexed for City schools and police protection. Mr. Osborne stated that the property would be zoned MF-14 (Multi Family Residential) and the planning commission recommended approval. Mr. Osborne further stated that no changes had been made since the first reading on June 21, 2012.

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

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

A motion to approve the Annexation Ordinance No. 30-12 was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

A motion to approve the Zoning Ordinance No. 31-12 was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 30-12

Petition No. AZ12-04

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 Womack Three LLC. Property is located 5 – 13 Corinth Road. Said property contains 0.49 acres located in the 4th District, 3rd Section, Land Lot(s) 314 and 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 21st day of June 2012.
ADOPTED this the 5th day of July 2012. Second Reading.

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

ATTEST:

/s/ Renee Faunce
Renee Faunce

Deputy City Clerk

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 31-12

Petition No. AZ12-04

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 Womack Three LLC. Property is located 3-15 Corinth Road. Said property contains 0.49 acres located in the 4th District, 3rd Section, Land Lot(s) 314 and 335 as shown on the attached plat Exhibit "A". Property is hereby rezoned from Bartow County R-3 (Residential Mixed Use) to MF-14 (Multi Family Residential). 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 21st day of June 2012.
ADOPTED this the 5th day of July 2012. Second Reading.

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

ATTEST:

/s/ Renee Faunce
Renee Faunce
Deputy City Clerk

2. File Z12-02: Rezoning application by Terry Tumlin (Gene Vance, representative) for properties located at 2 Dixie Avenue and 329 East Cherokee Avenue (two lots total 0.71 acres) from M-U (Multiple Use) to G-C (General Commercial)

Richard Osborne, Planning and Development Senior 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 tract is located at 2 Dixie Avenue and 329 E. Cherokee

Avenue. The Property at 2 Dixie Avenue includes a now-vacant structure previously used as a bank, build in approximately 1985. Property at 329 E. Cherokee Avenue includes a former residence constructed in approximately 1950 that has been used as an office in recent years. Mr. Osborne stated the applicant seeks to rezone the property from M-U to G-C to allow for a greater variety of possible uses from the buildings and the Planning Commission has recommended approval. Mr. Osborne further stated that no changes had been made since the first reading on June 21, 2012.

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

A motion to approve the Zoning Ordinance No. 32-12 was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 32-12

Petition No. Z12-02

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 Terry Tumlin. Property is located 2 Dixie Avenue and 329 E. Cherokee Avenue. Said property contains 0.71 acres located in the 4^{th} District, 3^{rd} Section, Land Lot(s) 456 - 457 as shown on the attached plat Exhibit "A". Property is hereby rezoned from Bartow M-U (Mixed Use) 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 21^{st} day of June 2012.
ADOPTED this the 5^{th} day of July 2012. Second Reading.

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

ATTEST:

/s/ Renee Faunce
Renee Faunce
Deputy City Clerk

C. Appointments

1. Board of Zoning Appeals

Mr. Richard Osborne, Planning and Development Senior Planner, reported the term of Mr. Gene Lewis is expiring. A recommendation was made by Council Member Lori Pruitt to appoint Mr. Ken Frasier to the board. Mr. Osborne recommended approval of Mr. Frasier and thanked Mr. Lewis for his years of service on the Board of Zoning Appeals.

A motion to approve the appointment of Ken Frasier was made by Council Member Pruitt and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

D. Certification

1. LOST Distribution

City Manager, Sam Grove, explained that the Local Sales & Use Taxes distribution is negotiated every 10 years. This Certificate of Distribution shows how the tax proceeds will be distributed to the county and each of the cities within the county by the State Revenue Commissioner. Mr. Grove stated the split is identical to the SPLOST split negotiated between the cities and Bartow County that was approved earlier this year. Mr. Grove recommended approval of the certificate as negotiated. He also recommended Council authorize the Mayor to sign the certificate.

A motion to approve the Certificate of Distribution and the authorization of the Mayor's signature as recommended by the City Manager was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

E. Contracts/Agreements

1. Contract for Performing Services Fiscal Year 2012-2013

Finance Director, Tom Rhinehart, stated these are annual agency contracts that were approved in the budget at the last meeting. They include: Bartow/Cartersville Library, The Cultural Arts Alliance, The Good Neighbor Shelter, The Learning Center at Summer Hill, Bartow County Juvenile Court, and Bartow Health Access. Mr. Rhinehart recommended approval of the contracts.

A motion was made by Council Member Pruitt to approve the contracts contingent upon adding language to ensure these agencies comply with the open records act and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

2. Lease Agreement for Cherokee Street Properties

Mr. Dan Porta, Assistant City Manager, explained the city property located at 324 and 326 West Cherokee Street has been leased for many years by the Montessori School. The lease has expired and the school has new ownership. This lease agreement is similar to the previous lease agreement and runs through December 2017. The new owners have agreed to the terms of the lease and Mr. Porta recommended approval of this lease agreement.

Council Member Tate expressed concerns of approving this agreement if the council's term expired before the end of the lease. City Attorney Archer explained there was no cause for concern if the language in the agreement addressed that issue. Mr. Porta stated that the agreement does include said language.

A motion to approve the lease agreement as recommended by Mr. Porta was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

3. Adairsville High School Aquatic Center Facility Use

This item was removed from the agenda.

4. USA Software, Inc

Mr. Tommy Culpepper, Chief of Police, reported this is a renewal support and maintenance agreement for the USA Software the police department currently uses for all police records. The police department has been using this software for the past ten years. The total cost of the agreement is $28,876.30. Mr. Culpepper recommended approval of the agreement.

A motion to approve the USA Software agreement as recommended by Mr. Culpepper was made by Council Member Tate and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

F. Bid Award/Purchases

1. Fuel Management System

Assistant City Manager, Dan Porta, reported the city's current fueling system is over 15 years old and we have experienced issues with the fueling system not reading the fueling ID cards. Due to the age of the system and the problems we have experienced with it, a new system was budgeted. Bids were received, and Mr. Porta recommended the bid from Atlanta Petroleum Equipment Company in the amount of $46,000 dollars.

A motion to approve the recommendation of Mr. Porta was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. VHF Repeater for Radio System – Water/Sewer and Gas Department

Dan Porta, Assistant City Manager, explained that in moving toward being "Narrow Band" compliant as required by the FCC by January 2013, it is necessary to upgrade the VHF repeater presently being shared by the water and sewer department and the gas department. We have received a price quote from Coosa Valley Communications in the amount of $8,670 dollars for the 100-watt repeater unit, battery, cables, and installation. This vendor is one of a couple we have used for a long time to maintain our Public Safety communications system. Mr. Porta recommended approval of the above purchase from Coosa Valley Communications, Inc.

A motion to approve the purchase as recommended by Mr. Porta was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

3. Water Treatment Plant Filter Control Air Compressor

Assistant Water and Sewer Superintendent, Ed Mullinax, reported the air compressor for the filter control system at the Water Treatment Plant is in need of replacement. This is the original unit which has been in service since the plant came on line in the early seventies. Bids were received, and Mr. Mullinax recommended approval of this purchase from Ingersoll Rand in the amount of $12,663 dollars.

A motion to approve the recommendation of Mr. Mullinax was made by Council Member Pruitt and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

Mayor Santini stated there were two items that needed to be added to the agenda. A motion to add the two items was made by Council Member Tate and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

G. **Memorandum of Agreement for the Acquisition and Demolition of Two Historic Properties**

Mr. Tom Quist, Assistant to the City Manager, explained that the City has submitted an application for the acquisition and demolition of two historic properties that are located within the floodplain and are subject to repetitive flooding. During consulting with the State Historic Preservation Office (SHPO), it was determined that demolition of these properties could result in an adverse effect to historic properties. After consulting with SHPO, the Georgia Emergency Management Agency (GEMA), and the City of Cartersville, FEMA (Federal Emergency Management Agency) negotiated the Memorandum of Agreement in order to resolve all adverse effects caused by the undertaking. This is of no cost to the City, but simply allows FEMA to negotiate the acquisition and demolition of these properties. Mr. Quist recommended approval of the Memorandum of Agreement.

A motion to approve the Memorandum of Agreement as recommended by Mr. Quist was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

H. Senior Aquatic Center PoolPak

Mr. Greg Anderson, Parks and Recreation Director, reported that the PoolPak unit at the Senior Aquatic Center started giving problems in March, 2012. Repairs are scheduled to be made by Southeastern Heat & Air. Mr. Anderson stated that parts have been delivered and recommended approval of $7,664.00 dollars payable to Southeastern Heat & Air for parts and labor.

A motion to approve the PoolPak unit repair as recommended by Mr. Anderson was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

I. Monthly Financial Statement

1. April 2012 Financial Report

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

Following a few 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/ ______________________________
Renee Faunce
Deputy City Clerk