

City Council Meeting
10 N. Public Square
June 7, 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 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; Sam Grove, City Manager; Connie Keeling, City Clerk and David Archer, City Attorney. Lori Pruitt, Council Member Ward Six was absent.

II. Regular Agenda

A. Council Meeting Minutes

1. May 17, 2012

A motion to approve the May 17, 2012 City Council Meeting minutes as presented was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

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

1. SU12-02: Special Use application by Chris McDowell for property located at 49 North Avenue (1.029 acres) to allow a religious institution on property zoned L-I (Light Industrial)

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 property is located at 49 North Avenue includes a structure built in approximately 1960 for office use which has a windowless basement. Approximately two years ago new tenants began using the building as a church, without the knowledge of City staff. As a church the use would not have needed a business license; however the use of a property zoned L-I (Light Industrial) as a religious institution is not allowed by right. When City staff was informed of the current use it was discovered that the basement was being used as a transitional house. In February, City Fire and Planning staff met with church members regarding the use as well as code compliance

matters. The applicant seeks a special use to allow the church to continue operating and church members are working with the Cartersville Fire Department staff regarding code compliance matters. Mr. Mannino stated that there have been no changes since the first reading and the Planning Commission recommended approval with the condition that code compliance issues are met per the Cartersville Fire Department.

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

A motion to approve the request was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

A motion to amend the motion was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

A motion was made to approve the Special Use Permit with the conditions recommended by the Planning Commission was made by Council Member Hodge and Seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 27-12

Petition No. SU 12-02

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 T. P. Strickland. Property is located at 49 North Avenue. Said property contains 1.03 acres located in the 4th District, 3rd Section, Land Lot(s) 339 as shown on the attached plat Exhibit "A". Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

- 1. Allow property to be used as a religious institution with the condition that code compliance issues are met per Cartersville Fire Department**

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 17th day of May 2012.

ADOPTED this the 7th day of June 2012. Second Reading.

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

Mayor

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

C. Appointments

1. Alcohol Control Board

Mayor Santini stated that the term of Jack Reeves on the Alcohol Control Board has expired and Mr. Reeves did not wish to be reappointed. Mayor Santini recommended Dan Heilman be appointed to replace Mr. Reeves.

A motion to approve the appointment of Dan Heilman to the Alcohol Control Board was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

D. Resolutions

1. Municipal Court Prosecuting Attorney

Sam Grove, City Manager stated that the City of Cartersville is now required by resolution to appoint a prosecuting attorney for Municipal Court. Keith Lovell currently performs these duties and it is the recommendation of the Judge and Chief of Police for him to continue to do so. Mr. Grove recommended approval of the resolution.

A motion to approve Resolution No. 11-12 appointing Keith Lovell as Municipal Court Prosecuting Attorney was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

Resolution No. 11-12

WHEREAS, pursuant to House Bill 352, the City of Cartersville is now required by Resolution to appoint a prosecuting attorney for its Municipal Court.

NOW THEREFORE BE IT HEREBY RESOLVED that Keith Lovell, the Assistant City Attorney, is hereby appointed as the prosecuting attorney for the City of Cartersville Municipal Court. Additionally he may employ any staff or use city staff, that he feels are necessary in order to accomplish his duties and may appoint any assistant prosecuting attorney which he deems necessary in order to fulfill his obligations to the Court.

They shall be remunerated as follows:

Prosecuting Attorney - \$125 per hour

**Prosecuting Attorney Staff - \$85 per hour
Assistant Prosecuting Attorney - \$100 per hour**

BE IT AND IT IS HEREBY RESOLVED this 7th day of June, 2012

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

ATTEST:

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

E. Easements

1. Quitclaim Deed – West Avenue

David Archer, City Attorney stated that this is a quitclaim for property which was to be an easement for utilities, but no utilities were located on the property. This property is currently bank owned and the city is reverting it back to the owner. Mr. Archer stated that new utility easements are being granted to the City in their place and recommended approval.

A motion to approve the quitclaim deed was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

F. Contracts/Agreements

1. Eddie Lee Wilkins Youth Association

Sam Grove, City Manager stated that this contract is for the Eddie Lee Wilkins Youth Summer Program for 2012. Mr. Grove stated that one half of the \$18,000.00 funding for this program was included in the FY 2011-2012 budget and the other half included in the FY 2012-2013 budget. Mr. Grove recommended approval.

A motion to approve the funding for the Eddie Lee Wilkins Youth Summer Program was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. Georgia Emergency Management Agreement

Scott Carter, Fire Chief stated the Georgia Emergency Management Agency is in the process of updating all mutual aid agreements in Georgia dealing with disaster and disaster mitigation. This agreement will provide a mutual assistance between all participating parties in managing any emergency or disaster that is duly declared by the governing authority of any

political subdivision that is participating in this agreement. Chief Carter stated that this agreement also establishes a response relationship between the City of Cartersville and Georgia Homeland Security and recommended approval.

A motion to approve GMA Agreement was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

G. Bid Awards/Purchases

1. Firefighter Uniforms

Scott Carter, Fire Chief stated that this is the purchase of uniforms for the twelve (12) new firefighters. This is an annually bid item with T & T Uniforms of Smyrna being the current vendor. Chief Carter recommended approval of the purchase in the amount of \$11,574.00.

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

2. Railroad Spur Repairs

Bobby Elliott, Public Works Director stated that the repairs to the CSX Railroad crossings at Old Mill Road, Sugar Valley Road, and South Erwin Street required more asphalt than originally estimated. The spur at Old Mill Road was raised nine (9) inches and South Erwin twelve (12) inches requiring the taper to be lengthened. Mr. Elliott stated that CSX requires a certified company to repave crossings back to their specifications and Johnny's Grading and Hauling made the repairs. The total cost to repair these crossings came to a total of \$110,050.00 and Mr. Elliott recommended approval.

A motion to approve cost of the Railroad Crossing repairs was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

3. Replacement Materials for Water Distribution and Collections

Ed Mullinax, Assistant Water Superintendent stated that bids were received for replacement of miscellaneous fittings, clamps, and other stock items for Distribution and Collection. Mr. Mullinax recommended the low bid from MSC Waterworks in the amount of \$10,577.70.

A motion to approve the purchase from MSC Waterworks was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

4. Johnson Street Sewer Replacement Project

Ed Mullinax, Assistant Water Superintendent stated that the sewer line on the east side of Johnson Street is in a deteriorated condition and in need of replacement. Bids were received

from four contractors to construct this project. Mr. Mullinax recommended the low bid from C & L Contractors, Inc. in the amount of \$54,118.20.

A motion to approve the bid from C & L Contractors was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

5. Ford Street Sewer Replacement Project

Ed Mullinax, Assistant Water Superintendent stated that the sewer line on Ford Street is in a deteriorated condition and in need of replacement. Bids were received from four contractors to construct this project. Mr. Elliott recommended the low bid from C & L Contractors, Inc. in the amount of \$67,479.11.

A motion to approve the bid from C & L Contractors was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

6. Erwin Street Repair

Ed Mullinax, Assistant Water Superintendent stated that a section of existing sewer on Erwin Street near Main Street has collapsed and raw sewage is seeping into the ground. Also near this area a section of sewer is located underneath the legion Theater and adjacent buildings on Main Street. This section of sewer needs to be relocated to prevent possible stoppages in the line from flooding these buildings with sewage. Mr. Mullinax stated that C & L Contractors has agreed to perform the necessary work at the unit prices they bid for the other sewer projects. Mr. Mullinax recommended approval of C & L Contractors in the amount of \$58,900.00.

A motion to approve repairs by C & L Contractors was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

7. Hydrants

Ed Mullinax, Assistant Water Superintendent stated that bids were received for hydrants to replace those used out of inventory. Mr. Mullinax recommended approval of the low bid from Kendall Municipal Supply in the amount of \$15,788.45.

A motion to approve the bid from Kendall Municipal Suppply was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

8. Small Truck Purchase for Recreation Department

Tom Rhinehart, Finance Director stated that bids were sent out for the purchase of a small/mid size truck for the Recreation Department. Mr. Rhinehart stated that only one bid was returned from Wynn Buick GMC in the amount of \$17,642.43 and he recommended approval.

A motion to approve the purchase from Wynn Buick GMC was made by Council

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

H. Other

1. Second Library Reimbursement Request

Tom Rhinehart, Finance Director stated that the Cartersville/Bartow County Library has submitted a second request for reimbursement from the impact fees fund in the amount of \$13,580.11. The current balance of the library portion of the impact fees is equal to the reimbursement request which will bring the remaining balance of the impact fees earmarked for the library to zero. Mr. Rhinehart stated that the library personnel is aware of this fact and that if approved there will be no more funds available from the impact fee fund. Mr. Rhinehart recommended approval.

A motion to approve the reimbursement to the library was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

I. First Reading of Ordinances

1. Budget Ordinance for Fiscal Year 2012-2013

Tom Rhinehart, Finance Director presented the Fiscal Year 2012 – 2013 Budget and stated that it is a balanced budget. The budget decreased from FY 2011-12 budget by \$12,623,255 (8%) and includes no salary adjustments, no city property tax increase, Cartersville School System funds, no increased staff, and a small increase in the water and sewer rate structure. Mr. Rhinehart stated that the city has taken over the Business Improvement District Taxes, a new special revenue fund for this was created and it totals \$24,645. Mr. Rhinehart recommended approval of the FY 2012 – 2013 Budget.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

NOW BE IT HEREBY ORDAINED by the Mayor and City Council that pursuant to the City of Cartersville Charter; the City of Cartersville Fiscal Year 2012 - 2013 budget.

2012 - 2013 Budget Summary

General Fund

Revenues

Expenditures

Revenues

\$39,151,915

Expenditures:		
Legislative		\$19,520,370
Administration		\$ 1,007,410
Finance Dept.		\$ 1,088,640
Customer Service Dept.		\$ 700,585
Police		\$ 5,039,630
Fire		\$ 5,435,375
Municipal Court		\$ 81,370
Public Works		\$ 2,368,125
Recreation		\$ 3,165,460
Planning & Development		\$ 744,950

Special Revenue Funds

SPLOST – 2003	\$ 2,860,000	\$ 2,860,000
SPLOST – 2007	\$ 6,815,000	\$ 6,815,000
DEA	\$ 218,460	\$ 218,460
State Forfeiture	\$ 3,000	\$ 3,000
Hotel/Motel Tax	\$ 405,000	\$ 405,000
Motor Vehicle Rental Tax	\$ 50,000	\$ 50,000
Grant Funds	\$ 36,800	\$ 36,800
Impact Fees	\$ 163,585	\$ 163,585
Business Improve Dist Tax	\$ 24,645	\$ 24,645
Development Fees	\$ 5,000	\$ 5,000

Enterprise Funds

Fiber Optics	\$ 1,635,335	\$ 1,635,335
Electric	\$44,591,295	\$44,591,295
Gas	\$23,123,195	\$23,123,195
Solid Waste	\$ 2,397,270	\$ 2,397,270
Stormwater	\$ 1,323,050	\$ 1,323,050
Water & Sewer	\$20,710,175	\$16,263,215
Water Pollution Control Plant		\$ 2,254,970
Water Treatment Plant		\$ 2,191,990

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED, this 7th day of June 2012. First Reading.

ADOPTED this day of June 2012. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

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

NO ACTION REQUIRED

2. Amendment to Utilities Ordinance Regarding Water/Sewer Rates

Tom Rhinehart, Finance Director stated that in order to balance the FY 2013 Water and Sewer Fund budget a 5% proposed increase in water and sewer rates is needed. The increase will allow the City to continue to maintain the existing system as well as update the system by completing projects that are needed to fulfill the needs of existing customers along with any future needs of the water and sewer system. Mr. Rhinehart stated that even with this small increase in rates, the City of Cartersville will remain one of the lowest water and sewer rates in the surrounding area. Without the proposed rate increase, the city water and sewer department will not be able to maintain the existing system, plan for any needed future expansion, or possibly be unable to make future bond payments. Mr. Rhinehart recommended approval.

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 24. UTILITIES. ARTICLE IV. WATER SERVICE Section 24-64 (a) and (b) Water and Sewage Rate and Section 24-147 (a.) Sewage Rates** is hereby amended by deleting said Section 24-64 (a) and (b), and Section 24-147 (a) in their entirety and replacing them with the following:

Sec. 24-64. Water & Sewage Utility Rates.

(a.) Water Monthly Billing	City	Outside City
Minimum bill according to meter size:		
5/8" or 3/4"	\$ 6.00	\$ 11.00
3/4" full flow	\$ 9.00	\$ 16.00
1"	\$ 14.00	\$ 26.00
1 1/4" or 1 1/2"	\$ 28.00	\$ 48.00
2"	\$ 54.00	\$ 99.00
4"	\$101.00	\$185.00
6"	\$156.00	\$280.00
8"	\$200.00	\$387.00

Plus consumption as follows:		
(i) Residential Meters		
(a) 0 – 10 consumptions per month	\$1.32/100 cu. ft.	\$2.64/100 cu. ft.
(b) 11 – 14 consumptions per month	\$2.57/100 cu. ft.	\$3.24/100 cu. ft.
(c) 15 – 19 consumptions per month	\$4.66/100 cu. ft.	\$4.66/100 cu. ft.
(d) 20 + consumptions per month	\$6.50/100 cu. ft.	\$6.50/100 cu. ft.
(ii) Apartments, Multiples & Commercial Meters	\$2.19/100 cu. ft.	\$3.23/100 cu. ft.
(iii) Irrigation System Meters	\$4.66/100 cu. ft.	\$4.66/100 cu. ft.
(iv) Industrial and All Other Meters	\$1.32/100 cu. ft.	\$2.64/100 cu. ft.

(b.) Sewage Monthly Billing	City	Outside City
Minimum bill according to meter size:		
5/8" or 3/4"	\$ 6.00	\$ 6.00
3/4" full flow	\$ 9.00	\$ 9.00
1"	\$ 14.00	\$ 14.00
1 ¼" or 1 ½"	\$ 28.00	\$ 28.00
2"	\$ 54.00	\$ 54.00
4"	\$101.00	\$101.00
6"	\$156.00	\$156.00
8"	\$200.00	\$200.00
Plus consumption	\$1.46/100 cu. ft.	\$2.92/100 cu. ft.

Sec. 24-147. Sewage rates.

(a.) Sewage Monthly Billing	City	Outside City
Minimum bill according to meter size:		
5/8" or 3/4"	\$ 6.00	\$ 6.00
3/4" full flow	\$ 9.00	\$ 9.00
1"	\$ 14.00	\$ 14.00
1 ¼" or 1 ½"	\$ 28.00	\$ 28.00
2"	\$ 54.00	\$ 54.00
4"	\$101.00	\$101.00
6"	\$156.00	\$156.00
8"	\$200.00	\$200.00
Plus consumption	\$1.46/100 cu. ft.	\$2.92/100 cu. ft.

This Ordinance shall become effective on July 1, 2012.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 7th day of June 2012.

ADOPTED this the day of June 2011. Second Reading.

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

ATTEST:

**/s/ Connie Keeling
Connie K. Keeling
City Clerk**

NO ACTION REQUIRED

After announcements, Mayor and Council expressed their condolences to the family of Robert Ed Hicks. A motion to adjourn the meeting was made by Council Member Hodge and needing no second. Motion carried unanimously. Vote 5-0

Meeting Adjourned

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

ATTEST:

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