City Council Meeting
10 N. Public Square
May 17, 2012
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tonsmeire

Pledge of Allegiance led by Boy Scout Troop 15

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 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. May 3, 2012

A motion to approve the May 3, 2012 City Council Meeting minutes as presented was made by Council Member Tate and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

B. Public Hearing – 1st 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 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

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

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 day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

C. Appointments

1. Alcohol Control Board

Randy Mannino, Planning and Development Director, stated that the terms of Jack Reeves and Robbie Stewart on the Alcohol Control Board expire on June 3, 2012. Mr. Stewart has agreed to continue on the board if asked; however Mr. Reeves has stated that he wishes not to be reappointed. Mr. Mannino stated that Mr. Reeves is also the chairman of the ACB with Rick Napps as Vice-Chairman and the chairman is appointed by council.

A motion to renew the appointment of Robbie Stewart to the board and appoint Rick Napps as chairman was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

D. Proposals

1. Cartersville Building Authority Revenue Refunding Bond Series 2012

Sam Grove, City Manager stated that this is a refunding of some of the bonds for utilities for Highlands 75 and Toyo. Mr. Grove stated that this is a better rate and will allow the City and County to save significant funds in reduced interest costs and recommended approval.

Gabe Agan came forward and explained that this would be a significant savings over the life of the bond saving approximately $730,000.00 with interest dropping from 4.25% to 1.95%.

A motion to approve the Authorizing Resolution No. 10-12 and the Bond Placement Agreement was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

Resolution No. 10-12

AUTHORIZING RESOLUTION

WHEREAS, in furtherance of the purposes for which it was created, the Cartersville Building Authority (the "Issuer") proposes to issue $7,610,000 in original principal amount of its Refunding Revenue Bond (Water, Sewer, and Natural Gas Utilities Project), Series 2012 (the "Bond"), in order to refund the Issuer's Revenue Bond, Series 2004, dated as of November 1, 2004 and maturing on April 1, 2024 (the "Refunded Bond"), presently outstanding in the principal amount of $7,415,000, in order to refinance the costs of acquiring, constructing, and installing sewer system, natural gas system, and water system utility improvements and to finance related costs; and

WHEREAS, the City of Cartersville, Georgia (the "City") is authorized by Section 36-82-62(a)(1) of the Official Code of Georgia Annotated to acquire by purchase any systems, plants, works, instrumentalities, and properties used or useful in connection with buying, constructing, extending, operating, and maintaining gas distribution systems together with all necessary appurtenances thereof, in each case located wholly within or

wholly outside the City or partially within and partially outside the City and to acquire by purchase lands, easements, rights in lands, and water rights in connection therewith; and

WHEREAS, Article IX, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 authorizes the City (1) to contract for any period not exceeding fifty years with any public corporation or public authority for joint services, for the provision of services, or for the joint or separate use of facilities or equipment, if such contract deals with activities, services, or facilities that the contracting parties are authorized by law to undertake or provide, and (2) in connection with any such contract to convey any existing facilities or equipment to any public corporation or public authority; and

WHEREAS, the City proposes to purchase the natural gas system utility improvements from the Issuer pursuant to an Agreement of Sale, to be dated as of the first day of the month of its execution and delivery (the "Purchase Agreement"), under the terms of which the City (1) will agree to make installment payments of purchase price to the Issuer in amounts sufficient to enable the Issuer to pay fifty percent (50%) of the principal of, premium, if any, and interest on the Bond when due; and (2) will agree to levy an annual ad valorem tax on all taxable property located within the corporate limits of the City, at such rates, without limitation as to rate or amount, as may be necessary to produce in each year revenues that are sufficient to fulfill the City's obligations under the Purchase Agreement; and

WHEREAS, the Issuer will sell the Bond to Wells Fargo Bank, N.A. (the "Bond Buyer") pursuant to a Bond Purchase Agreement, to be dated the date of its execution and delivery, between the Issuer and the Bond Buyer; and

WHEREAS, pursuant to the terms of an Assignment and Security Agreement, to be dated as of the first day of the month of its execution and delivery, between the Issuer and the Bond Buyer, the Issuer will pledge the amounts received from the City under the Purchase Agreement as security for payment of the Bond; and

WHEREAS, the Issuer, the City, and Bartow County, Georgia (the "County") will retain Morgan Keegan & Company, Inc. (the "Placement Agent") to act as their exclusive placement agent to arrange a private placement of the Bond with the Bond Buyer, pursuant to a Bond Placement Agreement, to be dated the date of its execution and delivery (the "Placement Agreement"), among the Issuer, the City, the County, and the Placement Agent; and

WHEREAS, after careful study and investigation, the City desires to enter into the Purchase Agreement and the Placement Agreement (collectively the "Contracts");
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cartersville, Georgia as follows:

1. The forms, terms, and conditions and the execution, delivery, and performance of the Contracts, which have been filed with the City, are hereby approved and authorized. The Contracts shall be in substantially the forms submitted to the City Council of the City with such changes, corrections, deletions, insertions, variations, additions, or omissions as may be approved by the Mayor or Mayor Pro Tempore of the City, whose approval thereof shall be conclusively evidenced by the execution of each Contract.

2. The Mayor or Mayor Pro Tempore of the City is hereby authorized and directed to execute on behalf of the City the Contracts, and the City Clerk of the City is hereby authorized and directed to affix thereto and attest the seal of the City, upon proper execution and delivery of the other parties thereto, provided, that in no event shall any such attestation or affixation of the seal of the City be required as a prerequisite to the effectiveness thereof, and the Mayor or Mayor Pro Tempore and City Clerk of the City are authorized and directed to deliver the Contracts on behalf of the City to the other parties thereto, and to execute and deliver all such other contracts, instruments, documents, affidavits, or certificates and to do and perform all such things and acts as each shall deem necessary or appropriate in furtherance of the issuance of the Bond and the carrying out of the transactions authorized by this Resolution or contemplated by the instruments and documents referred to in this Resolution.

3. This Resolution and the Contracts, as approved by this Resolution, which are hereby incorporated in this Resolution by this reference thereto, shall be placed on file at the office of the City and made available for public inspection by any interested party immediately following the passage and approval of this Resolution.

PASSED, ADOPTED, SIGNED, APPROVED, and EFFECTIVE this 17th day of May 2012.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

E. Contracts/Agreements

1. Optimist Club for July 4th Festivities

Sam Grove, City Manager stated that this is the 2012 agreement between the City and the Optimist Club for the July 4th festivities at Dellinger Park. Mr. Grove stated that the contract is basically the same as previous years and was reviewed by the City Attorney, Police Chief, Fire Chief and Optimist Club and recommended approval.

A motion to approve the agreement with the Optimist Club was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote

4-0

2. Cost Share for Water Line Extension on Tennessee Street

Ed Mullinax, Assistant Water Superintendent stated that Walgreens (aka Arista LLC) is in the process of building a store at Church Street and Tennessee Street. The water pressure and volume is inadequate for their fire sprinkler service and will require a water line extension to make this site work. The Water Department is planning to upgrade the water lines on Tennessee Street in front of this site as part of the pending revenue bond. Mr. Mullinax proposed that Walgreens participate in this upgrade in the amount of $25,000.00 and that the City go ahead and do a 500 foot portion of that project to provide them service. Mr. Mullinax recommended approval pending review by the city manager and city attorney.

A motion to approve the agreement with Arista LLC subject to review by the City Attorney and receipt of the E-verify information was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

3. Oak Hill Cemetery Mowing

Tommy Sanders, City Engineer stated that the city is in the final year of its current Oak Hill Cemetery Mowing Contract. Mr. Sanders stated that the contract is based on a maximum of 26 mowing events per year. Two bids were received and Mr. Sanders recommended approval of the low bid from Full Circle Management in the amount of $3,200.00 per mowing event for a maximum of $83,200.00 per year. Mr. Sanders stated that this contract can be renewed by mutual parties for up to four additional years and if approved the contract would begin July 1, 2012.

A motion to approve the agreement with Full Circle Management was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

F. Bid Award/Purchases

1. Commercial Dumpster

Tommy Sanders, City Engineer stated that his department will need to purchase ten (10), 2 cubic yard and ten (10), 6 cubic yard containers. Bids were solicited for these dumpsters to replace obsolete dumpsters and for new customers. Mr. Sanders recommended the low bid from Bakers Waste Equipment, Inc. for a total amount of $11,376.00.

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

2. TMI Services for Pavement Striping

Tommy Sanders, City Engineer stated that this project is for thermoplastic striping and raised pavement markers for various city streets. A public bid opening was held at Public Works on April 26, 2012 and a grant was obtained from GDOT for this project in the amount of $63,361.44 with the remainder funded through SPLOST. Mr. Sanders recommended the low bid from TMI Services (a GDOT certified contractor) in the amount of $69.674.40.

A motion to approve the agreement with TMI Services was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

3. Gas Meters

Gary Riggs, Gas Superintendent stated that bids were received for 200 residential gas meters to replenish inventory. Mr. Riggs recommended the low bid from Equipment Controls in the amount of $61.50 per meter for a total cost of $12,300.00.

A motion to approve the purchase from Equipment Controls was made by Council Member Tate and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

4. Personal Protective Equipment (PPE) for Fire Department

Scott Carter, Fire Chief stated that this is for the purchase of 12 sets of Turn-Out Gear (Personal Protective Equipment (PPE)) for the new firefighters that will be added to staff with the station expansion. Chief Carter stated that this PPE is fully compliant with current NFPA Standards and Department guidelines and recommended the low bid from FireMaster in the amount of $16,038.00.

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

5. Sewer Rodder Truck

Bob Jones, Assistant Water Director stated that bids were received for a new sewer rodder truck which will replace a twenty five (25) year old truck currently in use. Mr. Jones recommended the low bid from P & H Supply Co. in the amount of $98,993.00.

A motion to approve the purchase from P & H Supply Co. was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

6. Dump Truck for Water Department

Bob Jones, Assistant Water Director stated that one of the department dump trucks needs to be replaces as personnel feel the current vehicle is no longer safe to drive. Bids were received and Mr. Jones recommended approval of the low bid from Wade Ford in the amount of $55,488.00.

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

7. Water Meters

Ed Mullinax, Assistant Water Superintendent stated that Delta is the sole supplier of the Neptune meters used by the Cartersville Water System. At this time the inventory needs to be replenished and the cost to bring it back to the normal level is $16,325.00. Mr. Mullinax recommended approval.

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

8. Replace Gearbox for WPCP Lift Station

Ed Mullinax, Assistant Water Superintendent stated that a 40 horsepower gear box in the secondary lift station at the waste water plant has worn out gears and is totally out of service. This is a back up pump which is used when there are high flows due to heavy rain. Prices were obtained to rebuild and replace this gear box and replacement is $2,000.00 more than a rebuild; therefore Mr. Mullinax recommended purchase of a new gearbox from Rome Electric in the amount of $21,980.00.

A motion to approve the purchase of a new gearbox from Rome Electric was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

G. Engineering Services

1. Engineering for Water Revenue Bond Report

Ed Mullinax, Assistant Water Superintendent stated that the staff is working on a revenue bond for several projects. In order to proceed with this process an engineering report is needed. This is used by the loan institution to justify the amount of money which will be loaned. Mr. Mullinax stated that Jacobs Engineering has prepared this report (at a cost of $9,000.00) based on the going rate for construction and recommended approval.

A motion to approve the engineering by Jacobs Engineering was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

H. Monthly Financial Statement

1. March 2012

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

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