City Council Meeting
10 N. Public Square
April 19, 2012
9:00 A.M. – Work Session 8:00 A.M.

I. Opening Meeting

Invocation by Council Member Lindsey McDaniel.

Pledge of Allegiance led by Civic Youth Day Leaders

The Cartersville High School Varsity Chorus sang the National Anthem

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; Lori Pruitt, Council Member Ward Six; Sam Grove, City Manager; Renee Faunce, Deputy City Clerk and Keith Lovell, Assistant City Attorney. Connie Keeling, City Clerk and David Archer, City Attorney were absent.

II. Regular Agenda

A. Council Meeting Minutes

1. April 5, 2012

A motion to approve the April 5, 2012 minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

B. Swearing in of Civic Youth Day Officials

1. Civic Youth Day

Deputy City Clerk, Renee Faunce, administered the oath of office for the offices of Mayor, City Council, City Clerk, City Attorney, and City School Board to the civic youth participants.

Mayor Santini stated that two items needed to be added to the agenda. A motion to add two items to the agenda was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

C. Two Added Agenda Items

1. Introduction of Cartersville High School New Principal

Cartersville City School Board President Linda Benton introduced the newly appointed Cartersville High School Principal, Mr. Steve Butler. Mr. Butler will begin serving as principal on July 1, 2012. Mr. Butler expressed his appreciation of the opportunity to serve as principal of Cartersville High School. Mayor Santini also recognized the current principal, Mr. Jay Floyd, thanking him for his dedicated service.

2. Proclamation to Anna Catherine Womack

Mayor Santini presented a proclamation to Anna Catherine Womack for her caring and responsible act in rescuing and taking care of his pets. Anna is a 4th grader at Cartersville Elementary School and the daughter of Joey and Paula Womack. Mayor Santini proclaimed April 19, 2012 as Anna Catherine Womack day.

D. Public Hearing – 1st Reading of Zoning/Annexation Requests

1. File AZ12-03: Annexation and Zoning Application by Shelby Grizzle Cornwell for Property Located at 102 Dogwood Drive from BC Jurisdiction to City R-20

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 this tract of land is located at 102 Dogwood Drive and is a corner lot at the intersection with Jones Mill Road. It consists of approximately 0.56 acres. The lot is part of the Country Club Estates subdivision. This property is part of the City Annexation Initiative to incorporate "donuthole" tracts into the City limits for improved public safety coverage. If annexed the property would be zoned R-20 (Single-family Residential). The Planning Commission recommended approval of both the annexation and the rezoning.

Mayor Santini opened the floor for a public hearing for the annexation. After no comments from the floor, Mayor Santini closed the public hearing.

Mayor Santini opened the floor for a public hearing for the rezoning. After no comments from the floor, Mayor Santini closed the public hearing.

NO ACTION REQUIRED.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. AZ 12-03

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 Shelby Grizzle Cornwell . Property is located 102 Dogwood Drive. Said property contains 0.56 acres located in the 4th District, 3rd Section, Land Lot(s) 127 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 19th day of April 2012.
ADOPTED this the day of. 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.

Petition No. AZ 12-03

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 Shelby Grizzle Cornwell. Property is located 102 Dogwood Drive. Said property contains 0.56 acres located in the 4th District, 3rd Section, Land Lot(s) 127as shown on the attached plat Exhibit "A". Property is hereby rezoned from County R-2 (Residential) to R-20 (Single 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 19th day of April 2012.
ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. File SU12-01: Special Use Application by Fantaci, LLC for Properties Located at 301 N. Tennessee St and 110 McEver Street to Expand the Existing Kia Dealership onto Adjacent M-U and O-C Zoned Properties

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 reported this property is located at 301 N. Tennessee St and 110 McEver St. and consists of 0.615 acres. The applicant seeks a special use permit to expand the existing Kia Auto dealership to include these lots for overflow parking. The Planning Commission recommended approval of the special use application.

Mayor Santini opened the floor for a public hearing for the special use application. Attorney Jeff Watkins spoke in favor of the application on behalf of the applicant. After no further comments, Mayor Santini closed the public hearing.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. SU 12-01

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 Fantaci LLC. Property is located 301 N. Tennessee Street and 110 McEver Street. Said property contains 0.62 acres located in the 4th District, 3rd Section, Land Lot(s) 409 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. To allow expansion of existing KIA car lot onto the adjacent Multi Use and Office Commercial properties

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 19th day of April 2012.
ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

E. First Reading of Ordinances

1. File T12-01: Text Amendment Application by the City of Cartersville to Amend the Cartersville Sign Ordinance

Mr. Richard Osborne, City Planner, reported the text amendment application is the proposal by City staff to revise the sign ordinance. The sign ordinance was first adopted in 1995 and has not been substantially changed since that time. Revisions are needed due to newer sign technology, code enforcement, and the desire for greater content-neutrality for legal purposes. The Planning Commission recommended approval of this text amendment to the sign ordinance.

Mayor Santini opened the floor for a public hearing for the ordinance. After no comments from the floor, Mayor Santini closed the public hearing.

NO ACTION REQUIRED

Ordinance is on File in the Planning and Development Department.

F. Appointments

1. Cartersville Building Authority

City Manager Sam Grove reported the terms of Jack Clayton, Tom Quist, and himself on the Cartersville Building Authority expire on May 15, 2012 and all have agreed to continue to serve. If re-appointed they will serve until May 15, 2016.

A motion to approve the re-appointments was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

G. Contracts/Agreements

1. Southland Engineering, Inc. – Pettit Creek Trail Phase III

Recreation Director Greg Anderson explained 21 applications were received for the Pettit Creek Trail Phase III design. Mr. Anderson recommended Southland Engineering, Inc for the project, as they are the most qualified of the applicants. Mr. Anderson recommended approval contingent on available budget funds.

A motion to approve the recommendation of Mr. Anderson contingent on available budget funds was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

2. Downtown Development Authority Funding

Assistant City Manager Dan Porta explained the Downtown Development Authority (DDA) has requested that the City Finance Department take over the Business Improvement District dedicated bank account and associated responsibility of this program, and requests additional funds. Mr. Porta recommended approval. This item was tabled to allow for more discussion.

A motion to table this item was made by Council Member Tate and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

3. Brown Conference Center Management Agreement Amendment

Assistant City Manager Dan Porta explained the Convention and Visitors Bureau Board has requested some changes be made to the Management Agreement and Rules and Regulation for the Clarence Brown Conference Center. Mr. Porta stated this amendment deals with some conflicts in the rules and regulations for the operation of the center and the original agreement approved by the City and County. The items have been discussed by all parties concerned and are recommended for your approval.

A motion to approve the changes to the agreement as recommended by Mr. Porta was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

H. Change Order

1. Public Safety Headquarters – Change Order #3

Assistant City Manager Dan Porta stated as the construction of the new public safety headquarters continues, some items have had to be changed in order to comply with city code. Other items were added to make the facility more secure. This change order will be funded with 2003 and 2007 SPLOST funds. Mr. Porta recommended approval of this change order.

A motion to approve the change order was made by Council Member Hodge and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

I. Bid Award/Purchases

1. Water Meter Tap at Fire Station #4

Assistant City Manager Dan Porta explained at the new fire station on MLK Blvd, the water department plans showed that the sub-contractor would tap into an existing 6" service line to serve the fire station. Once the work had begun, it was determined that the service line was only a 4" line which was not sufficient to serve this building, therefore, a new service tap had to be installed. C.H. Kirkpatrick provided the work to tap into the 8" line located on MLK Blvd at a cost of $13,458.80. Mr. Porta recommended approval of this invoice for payment.

A motion to approve the invoice for payment was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

2. Odorant for Natural Gas

Gas Superintendent Gary Riggs explained that approximately every two years, we are required by federal regulations to odorize our gas. We have to fill the odorant tanks at our tank stations in Floyd County. The cost to fill these tanks is $14,605 dollars. Mr. Riggs recommended approval of the odorant purchase.

A motion to approve the odorant purchase was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

3. Fittings and Stopping Operations – Gas Department

Gas Superintendent Gary Riggs reported that due to a Bartow County road construction improvement project on Euharlee Road, the City will need to relocate an 8" natural gas main on S.R. 113. In order to relocate the line, we will need two stopper fittings and a subcontractor to perform the tap and stop operations. Mr. Riggs stated the tap and stop operations are provided in the southeast by a sole source, that source being S.J. Patterson Company of Talladega, Alabama. The funding for this project will come from 2007 SPLOST funds. Mr. Riggs recommended the approval of the contractor S.J. Patterson Co. in the amount of $12,924 dollars for the stopper fittings and the labor.

A motion to approve the recommendation of Mr. Riggs was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

4. GPS Survey Instrument – Water Department

Mr. Ed Mullinax, Assistant Water & Sewer Superintendent, reported the water department has need on an almost daily basis for a GPS Survey Instrument to be used in the mapping of the water and sewer system. This type of device has also proven to be an efficient means for locating existing valves, manholes and pipes. Mr. Mullinax stated bids were received and recommended approval of the bid from Optical Engineering of Marietta, Georgia in the amount of $13,199.99.

A motion to approve the recommendation of Mr. Mullinax was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

5. Mini-Excavator – Water Department

Mr. Ed Mullinax, Assistant Water & Sewer Superintendent, reported that bids were received for a mini-excavator for the Water Department. Mr. Mullinax recommended approval of the bid received from Yancey Caterpillar in the amount of $58,198 dollars. There are no local sources to purchase from. This is a budgeted item.

A motion to approve the recommendation of Mr. Mullinax was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

6. Aubrey Pool and Bruce Street Sewer Tie-ins

Mr. Ed Mullinax, Assistant Water & Sewer Superintendent, explained this project consists of providing the labor and equipment for construction of a number of minor sewer system improvements. The existing drain line for the Aubrey Street Pool currently discharges to the storm drain system. A portion of this work includes constructing a tie-in to the pool drain line to the sanitary sewer in order to comply with the Storm Water Ordinance. Improvements to the sanitary sewer on Bruce Street will allow for elimination of a railroad crossing which is difficult to maintain. Bids were received and Mr. Mullinax recommends approval of the bid received from Hill City Onsite, Inc in the amount of $8,500 dollars. Portions of this contract associated with the Aubrey Street Pool will be paid for by the Recreation Department.

A motion to approve the recommendation of Mr. Mullinax was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

7. Skid Steer – Water Department

Mr. Ed Mullinax, Assistant Water & Sewer Superintendent, stated bids were received for a skid steer for the Water Distribution and Collection department. The old unit will go to the wastewater plant for use on the property when bio-solids are being spread. Mr. Mullinax recommended approval of the bid received from Rhinehart Equipment Company in the amount of $49,431 dollars.

A motion to approve the recommendation of Mr. Mullinax was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

J. Resolutions

1. Master Lease Resolution with GMA

Assistant City Manager, Dan Porta, explained this resolution allows the city to enter into a lease purchase arrangement with GMA. When the recycling program was presented to the City Council, the funding mechanism was to purchase the recycling carts under the GMA lease pool program. However, this type of purchase does not fall under the lease pool program. GMA offers a lease purchase agreement that can be used to fund the recycling carts. The City has obtained a 1.59% interest rate over three years from BB&T for financing. Mr. Porta recommended approval of the Master Lease Resolution.

A motion to approve the Master Lease Resolution with GMA as recommended by Mr. Porta was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

Resolution No. 07-12

To authorize and direct the execution and delivery of certain lease documents; to provide a statement by legislative findings and intent; to designate such leases as qualified tax-exempt obligations; to provide an effective date; and for other purposes.

BE IT ORDAINED OR RESOLVED, as the case may be:

<u>Section 1</u>. The City finds that the leasing of certain property pursuant to a Master Lease (the "Master Lease") with the Georgia Municipal Association, Inc. is essential to operation of the governmental functions of the City. The execution and delivery of such documents as may be necessary to effectuate these purposes is authorized.

<u>Section 2</u>. The Mayor of the City of Cartersville is hereby authorized and directed in the name and on behalf of the City to execute and deliver the Master Lease in substantially the form presented to this meeting, with such changes and additions as shall be approved by the officer who executes the same, and such other documents as shall be deemed by such officer to be necessary or desirable to effect the purposes hereof; and such execution shall constitute conclusive evidence that the executed document has been authorized and approved. The aforesaid officer is further authorized to do all things necessary or appropriate to effectuate the purposes hereof

<u>Section 3</u>. The leases contemplated by the Master Lease are hereby designated "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

<u>Section</u> <u>4.</u> This action shall be effective immediately.

ADOPTED this the 19th day of April 2012.

/s/ <u>Matthew J. Santini</u>
Matthew J. Santini
Mayor

ATTEST:

/s/ <u>Renee Faunce</u>
Renee Faunce
Deputy City Clerk

2. Water and Sewerage Revenue Bond, Series 2012

Mr. Gabe Agan, with Raymond James/Morgan Keegan, explained the City Council will be asked to approve a parity bond resolution for issuance of a $6,620,000 dollar City of Cartersville Water and Sewerage Revenue Bond, Series 2012. The bond will pay for capital outlay projects of the water and sewerage system and be repaid with future revenues of the system. The resolution authorizes the private placement of the bond with BB&T Bank, by Raymond James/Morgan Keegan as Placement Agent. The bond will be secured by a parity lien on the net revenues of the Water and Sewer Revenue Enterprise System that is shared with the City's existing series 2005 and 2009 bond. The bond will have a fixed interest rate of 2.19%. The bond will be pre-payable without penalty beginning July 1, 2018 and will be subject to a 1% pre-payment penalty prior to July 1, 2018. The bond will have a final maturity of January 1, 2022. Approval of this bond resolution is recommended.

A motion to approve the bond parity resolution and the bond placement agency as presented by Mr. Agan was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

Resolution No. 08-12 is on file in the Vault at the City Clerk's Office

K. Surplus Equipment

1. Surplus Equipment List

Mr. Tom Rhinehart, Finance Director, reported the City has a list of equipment that needs to be declared surplus. Once declared surplus, these items will be listed on the GovDeals website and sold to the highest bidder. Mr. Rhinehart recommended approval of declaring the list of equipment as surplus.

A motion to approve the recommendation of Mr. Rhinehart was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

L. Monthly Financial Statement

1. February 2012

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

After a few announcements, a motion to adjourn the meeting was made by Council Member Tonsmeire and needing no second. Motion carried unanimously. Vote 6-0

Meeting Adjourned

/s/ ____________________________
Matthew J. Santini
Mayor

ATTEST:

/s/ ______________________________
Renee Faunce
Deputy City Clerk