

City Council Meeting
10 N. Public Square
January 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 Hodge

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; Connie Keeling, City Clerk and David Archer, City Attorney.

II. Regular Agenda

A. Swearing in of Elected Officials

Connie Keeling, City Clerk administered the oaths of office to Mayor Matthew J. Santini, Council Members Jayce Stepp, Lindsey McDaniel Jr. and Lori Pruitt.

B. Council Meeting Minutes

1. December 15, 2011

A motion to approve the December 15, 2011 City Council Minutes as presented was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

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

C. Presentations

1. Police Officer of the Year (Added Item)

Tommy Culpepper, Police Chief stated that each year his department presented the officer of the year award to an outstanding officer. Chief Culpepper stated that it was particularly hard to choose this year because of the caliber of officers in his department; however there was one officer that stood out from the rest due to his constant devotion to the community and the fact that he always gives 100% every day. Chief Culpepper stated that he was proud to award the Officer of the Year for 2011 to Michael E. Bettikofer.

2. Fiscal Year 2011 Audit Presentation

Lloyd Williamson, from Williamson and Company, the city's external audit firm presented the council with the FY2011 Audit to include the Comprehensive Annual Financial Report for the year ended June 30, 2011. Mr. Williamson stated that the city had received the GFOA award for excellence in financial reporting for the fiscal year ending June 30, 2010. The city received an unqualified opinion for the audit report – which is the best opinion given to an audit.

D. Public Hearing – 2nd Reading Zoning/Annexation Requests

1. File Z11-06: Rezoning application by Tiffany Payne for property located at 254 S. Dixie Avenue from M-U (Multi Use) to G-C (General Commercial).

Richard Osborne, City 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 254 South Dixie Avenue near the intersection with South Bridge Drive. The property includes a structure originally built as a single-family residence in approximately 1950. The applicant seeks to rezone the property from M-U (Multiple Use) to G-C (General Commercial) to allow for the structure to be used as an auto broker office. Mr. Osborne stated that the Planning Commission recommended approval with the following conditions:

- 1: No storage of vehicles on site
- 2: No auto repair on site.

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

A motion to approve the application with the conditions set forth by the Planning Commission was made by Council Member Hodge and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 01-12

Petition No. Z11-06

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 Rose Brown. Property is located at 254 S. Dixie Avenue. Said property contains 0.21 acres located in the 4th District, 3rd Section, Land Lot(s) 529 as shown on the attached plat Exhibit "A". Property is hereby rezoned from M-U (Multiple Use) to G-C (General Commercial with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

- 1: No storage of vehicles on site**
- 2: No auto repair on site.**

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 15th day of December 2011.

ADOPTED this the 5th day of January 2012. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

E. Resolutions

1. Historic Preservation Grant Application

Pete Alday, Director of Community Services stated that the Georgia Historic Preservation Division is accepting applications for a Historic Preservation grant. The grant is for 60% with a 40% local match. Mr. Alday stated that the HPC would like to apply for historic resource surveys for the 104 properties in our residential areas that are without the individual surveys. These surveys document to the property's building type, architectural features, type of construction, and other related items. The total project cost is \$5,000.00 and the City's share is \$2,000.00 (not to exceed \$2,500.00, if necessary) and Mr. Alday recommended approval.

A motion to approve the Grant Application and Resolution No. 01-12 was made by Council Member Hodge and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

Resolution No. 01-12

**A RESOLUTION FOR SUBMITTAL OF A HISTORIC PRESERVATION FUND
GRANT**

WHEREAS, the Historic Preservation Division of the Georgia Department of Natural Resources (HPD) is accepting applications for HPF Grant Funds to assist local historic preservation projects; and

WHEREAS, the City of Cartersville is seeking grant funds for historic resources surveys.

NOW, THEREFORE, BE IT RESOLVED that the City of Cartersville pledges that it will provide at least a 40 percent local cash match for the total project cost not to exceed \$2,500.00 and authorizes the filing of the grant application including all assurances contained therein, naming Pete Alday as the official representative to act in conjunction with the application, and to provide such additional information as may be required.

ADOPTED this the 5th day of January 2012.

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

ATTEST:

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

F. First Reading of Ordinances

1. Amendment to Solid Waste Ordinance

Bobby Elliott, Public Works Director stated that this amendment to the Solid Waste Ordinance increases the cost of solid waste to city customers by \$2.00 per month to help cover the cost of recycling that will begin in February 2010. The new residential monthly rate will be \$19.00 per month for garbage collection, which includes the cost of collection, curbside recycling, recycling yard waste and disposal. The monthly fee shall be \$17.00 for a residential household with a homestead exemption for elderly, if the proper form has been filed. Mr. Elliott stated that the new rate will take effect February 1, 2012 and recommended approval.

NO ACTION REQUIRED

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, Georgia, that the Code of Ordinances City of Cartersville, Georgia CHAPTER 21. SOLID WASTE, Sec. 21-34. Billing and Sec. 21-35 Commercial and multi-dwelling units (having more than six units) collection charges are hereby amended by deleting said sections in their entirety and replacing them as follows:

Sec. 21-34

- (a) Each residential household will be billed a monthly charge of nineteen dollars (\$19.00) minimum for garbage collection; said fee includes the cost of collection, curbside recycling, recycling yard waste, and disposal. The monthly fee shall be seventeen dollars (\$17.00) for a residential household with a homestead exemption for elderly, if the proper form has been filed. Furthermore, there shall be an additional fee of ten dollars (\$10.00) per month per additional cart per residence.**
- (b) Said fee may be adjusted automatically by the department to cover the increase in landfill disposal costs.**
- (c) All bills for garbage service shall be sent to customers on the billing date for utilities. These bills are due and payable at the city clerk's office on the specified date on the bills. After that date, service may be ceased until all amounts due are paid.**
- (d) A penalty of ten (10) percent shall be added to all bills for garbage service where bills are not paid on the due date as specified on the bill. If a customer is in arrears for a previous month or months, payment shall first be applied to previous bills.**
- (e) A fee of ten dollars (\$10.00) per sticker shall be charged to the customers and stickers may only be purchased in person at city hall or by mail order from the city clerk's office for the collection of the waste material referred to in section 21-33(f) of this chapter. Two stickers (\$20.00) are required for all appliances with refrigerant.**
- (f) Fees for bulk tree limbs and branch collections are described as follows and must be paid for by the customer prior to service being delivered:**
 - (1) Zero (0) to five (5) cubic yards per week is free pickup.**
 - (2) From greater than five (5) cubic yards to seven (7) cubic yards per week is fifteen dollars (\$15.00).**
 - (3) From greater than seven (7) cubic yards to ten (10) cubic yards per week is thirty dollars (\$30.00).**
 - (4) From greater than ten (10) cubic yards to twelve (12) cubic yards per week is forty-five dollars (\$45.00).**
 - (5) From greater than twelve (12) cubic yards to fourteen (14) (truck load) cubic yards per week is sixty dollars (\$60.00).**
 - (6) Greater than fourteen (14) cubic yards will be estimated by the public works director or by his/her designee.**

(Code 1976, § 6-4005(c); Ord. No. 38-96, § 1, 8-29-96; Ord. No. 26-97, 7-17-97; Ord. No. 23-28, 7-2-98; Ord. No. 25-99, 6-17-99; Ord. No. 24-00, §§ 5, 6, 6-15-00; Ord. No. 33-06, 6-15-06; Ord. No. 12-10, 5-20-10)

Sec. 21-35

- (a) Multi-dwelling units having more than six (6) units will be required to have a container and will be charged the following rates:

Container Size	Dumps Per Week	Monthly Rate
2 Yard	1	\$68.00
	2	\$96.00
	3	\$118.00
4 Yard	1	\$88.00
	2	\$133.00
	3	\$167.00
	4	\$212.00
	5	\$257.00
	6	\$336.00
6 Yard	1	\$110.00
	2	\$155.00
	3	\$200.00
	4	\$245.00
	5	\$290.00
	6	\$403.00
8 Yard	1	\$131.00
	2	\$187.00
	3	\$244.00
	4	\$300.00
	5	\$357.00
	6	\$470.00

Extra dumps for dumpsters/containers **\$50.00**
All small downtown containers **\$28.00**

- (b) The collection charges for commercial curbies is as follows:

Commercial Curbies	Once Per Week Pickup	Twice Per Week Pickup
1 Curbie	\$30.00	\$42.00
2 Curbies	\$35.00	\$52.00
3 Curbies	\$42.00	\$62.00
4 Curbies	\$49.00	\$72.00
5 Curbies	\$56.00	\$82.00

- (c) Said fee may be adjusted automatically by the department to cover the increase in landfill disposal costs.
- (d) All bills for garbage service shall be sent to customers on the billing date for utilities. These bills are due and payable at the city clerk's office on the specified date on the bills. After that date, service may be ceased until all amounts due are paid.
- (e) A penalty of ten (10) percent shall be added to all bills for garbage service where bills are not paid on the due date as specified on the bill. If a customer is in arrears for a previous month or months, payment shall first be applied to previous bills.

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, and the sections of this ordinance may be renumbered to accomplish such intention.

This Ordinance shall become effective on February 1, 2012.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 5th day of January 2012.

ADOPTED this the day of January 2012. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

G. Appointments

- 1. Convention and Visitors Bureau
- 2. Recreation Advisory Board

Sam Grove, City Manager stated that the terms of Kathy Lyles and Jeff Watkins to the Cartersville-Bartow County Convention & Visitors Bureau are up and they have agreed to continue service on the board. Mr. Grove stated that their contributions are very important to the continued efficient operations of the organization and recommended approval of the appointments to expire on December 31, 2013.

Mr. Grove stated that the terms of four members to the Recreation Advisory Board had

expired and two members Calvin Cooley and Wesley Dean had served the maximum number of terms allowable per the current ordinance. Both Patrick Jones and Howard Smith have stated that they are willing to continue serving on the board. Mr. Grove stated that there are three appointees at this time:

Council Member McDaniel's Appointee - Joy Hill, Ward 4
Council Member Stepp's appointee - Patrick Jones, Ward 2
Mayor Santini's appointee - Howard Smith,
(Council Member Pruitt stated that she would name her appointee at a later date.)

Mr. Grove and Greg Anderson, Recreation Superintendent expressed their thanks to Calvin Cooley and Wesley Dean for their service to this board.

A motion to approve all appointments as recommended was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

H. Easements

Gary Riggs, Gas Superintendent stated that this easement is for the natural gas service line to the Georgia Highlands College Student Center. Because this easement is with the Board of Regents is must be signed by Governor Nathan Deal. Mr. Riggs recommended approval.

A motion to approve the easement with Georgia Highlands College was made by Council Member Stepp and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

I. Change Order

1. Phase I – Indian Mounds Road Water Main Replacement

Ed Mullinax, Assistant Water Superintendent stated that previously council had approved the Phase I –Indian Mounds Road Water Main Replacement contract. Additional piping and connections installed resulted in a \$3,143.50 increase to the originally approved contract. The final adjusted contract amount for this phase of the project is \$29,244.50. Mr. Mullinax stated that the unit prices were set in the original contract; however, they had to add additional items and recommended approval.

A motion to approve the change order to Phase I – Indian Mounds Road Water Main Replacement was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

J. Contracts/Agreements

1. Lab Services with Environmental Protection Division (This item was removed from the agenda.)

K. Bid Award/Purchases

1. Brass for Indian Mounds Trailer Park Meter Settings

Ed Mullinax, Assistant Water Superintendent stated that part of the Indian Mounds Road Water Project is to lay a new water line through Indian Mounds Trailer Park and install individual water meters at each trailer. Bids were requested for materials for the brass for these meter settings and Mr. Mullinax recommended approval of the low bid from HD Supply Waterworks, LDT in the amount of \$12,063.60.

A motion to approve the purchase from HD Supply Waterworks, LDT was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

2. Water Treatment Plant Elevator Modernization

Ed Mullinax, Assistant Water Superintendent stated that the Georgia State Inspector has notified the city that the freight elevator at the water plant has to be overhauled in order to continue usage. Three proposals were received to rehab the elevator and bring it up to code and Mr. Mullinax recommended the low bid from Thyssen Krupp Elevator in the amount of \$99,843.00.

A motion to approve the agreement with Thyssen Krupp Elevator was made by Council Member McDaniel and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

3. All-Terrain Utility Vehicle for Parks and Recreation Department

Greg Anderson, Recreation Superintendent stated that three bids were received from local vendors for an All-Terrain Utility Vehicle. This vehicle will be used primarily by the Park Attendants for patrolling the parks and trails and by Recreation Staff during programs and special events. Mr. Anderson stated that the lowest bid did not meet all the specifications therefore he is recommending approval of the lowest qualified bid from Taylor Farm Supply in the amount of \$10,399.32.

A motion to approve the lowest qualified bid from Taylor Farm Supply was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

4. Main Street Gateway Project Electric Material

David Myers, Electric Superintendent presented a tentative list of material required by the City of Cartersville Electric System for the Main Street Gateway project. Mr. Myers stated that the total price for these items will be approximately \$613,075.78; however some quantities or pricing may change slightly but due to the long lead times on some items. Mr. Myers stated that this would be paid from SPLOST Funds and requested approval to order this material with large ticket items being competitively bid as required.

A motion to approve the purchases for the Main Street Gateway was made by Council Member Tate and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

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

L. Added Items

1. Resolution

Sam Grove, City Manager stated that this resolution is a denial to the Paulding County Reservoir stating the following reasons:

- a. There is no proposal for returning flow to the Etowah River Basin.
- b. There is no study done or date submitted to determine the effect on existing communities in the Etowah River Basin's current or future water supplies
- c. There are no provisions related to the impact of another severe drought on the communities currently served by the Etowah Basin.
- d. No proposals indicating a plan for recycling water, other than consumptive use.

Mr. Grove stated that this resolution along with a letter would be sent to the Corps of Engineers and the EPD upon approval.

A motion to approve Resolution No. 02-12 was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

Resolution No. 02-12

WHEREAS, the Mayor and City Council of the City of Cartersville believe that it is necessary to protect and promote the public's health, safety and general welfare to either request denial of or that essential requirements on the proposed Paulding County Reservoir put in place; and

WHEREAS, the Mayor and City Council of the City of Cartersville believe that surface and ground waters of the State should continue to be managed in the public interest and in a sustainable manner to protect natural systems and meet human economic needs; and

WHEREAS, protection and restoration of water resources requires regional water planning based on assessments of watersheds, river basins, and aquifers, that is tied to implementation, including a comprehensive management process; and

WHEREAS, decisions on new water supplies for growing communities should recognize that efficiency and the wise use of current resources are the best course for taxpayers; and

WHEREAS, transferring water from one basin to another does adversely affect upstream and downstream communities and unfairly redistribute economic growth; and

WHEREAS, there is increased pressure on existing surface and ground water resources within the State of Georgia, and particularly the Etowah Basin; and

WHEREAS, besides being the primary source of water for local governments within said basin, it additionally is strained by the provision of water via inter basin transfer to the Atlanta Region; and

WHEREAS, protections and restrictions should be put in place to limit any and all activities which create new or additional inter basin transfers; and

WHEREAS, the failure to do so imposes adverse effects on local governments, communities, residents, industries, and businesses within said basin; and

WHEREAS, communities in Georgia and Alabama rely on certain flow levels in river basins for current and future economic development, recreation, and environmental quality; and

WHEREAS, due to the current minimum flow requirements imposed on the Etowah Basin, in regards to Alabama, such a large inter basin transfer does immediately impact the availability of water resources to all existing communities and imposes limitations on their future growth; and

WHEREAS, over fifty-percent (50%) of Paulding County's Drainage Basin goes to the Chattahoochee River, and most of the growth in Paulding County is within said basin and outside of the Etowah River Basin; and

WHEREAS, the proposed Paulding County Plan for a reservoir lacks many essentials to determine if an inter basin transfer as being proposed is in the best interest of the region and state, including but not limited to the following:

- (1) There is no proposal for returning flow to the Etowah River Basin.**
- (2) There is no study or data submitted to determine the effect on existing communities in the Etowah River Basin's current or future water supplies.**
- (3) There are no provisions related to the impact of another severe drought on the communities currently served by the Etowah Basin.**
- (4) No proposals indicating a plan for recycling water, other than consumptive use.**

WHEREAS, if this inter basin transfer is authorized, it should only be allowed if all of the issues included herein are addressed, and at a minimum, if 70% of the wastewater is highly treated and returned to the Etowah River above the intake point, or to the proposed reservoir itself.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council that the City of Cartersville opposes the proposed Paulding County Reservoir and respectfully requests that it be denied.

AND, BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Cartersville that if said reservoir is further considered or eventually approved, that at a minimum the following conditions be imposed:

- (1) A study showing the impact on future growth to communities being served in the Etowah Basin.**
- (2) A restriction on future inter basin transfers, if merited based on said study.**
- (3) A plan be presented for returning flow to the Etowah Basin.**
- (4) A drought plan be presented allowing other prior existing Etowah Basin users the right to share withdrawals in the reservoir.**
- (5) A recycling of water plan to be presented.**
- (6) A minimum of 70% of the water withdrawn should be returned to the Etowah Basin, which could include recycling water to the reservoir.**
- (7) Recycling for irrigation is a consumptive use and should not be considered in the minimum 70% return to the Etowah Basin.**

This Resolution is to be transmitted upon adoption to the Georgia Environmental Protection Division Director and U.S. Army Corps of Engineers.

This resolution is effective upon adoption.

BE IT AND IT IS HEREBY RESOLVED this 5th day of January, 2012.

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

ATTEST:

/s/ Connie Keeling

**Connie Keeling
City Clerk**

2. Capacity Fee Ordinance

Sam Grove, City Manager stated that previously council had approved to lower the capacity fees to 50% in order to encourage economic growth; however the previous ordinance has expired. This ordinance will allow the capacity fees to remain at 50% as previously set for 2012. Mr. Grove stated that an effective date and an ending date will need to be set on this ordinance. Tom Rhinehart, Finance Director came forward and gave the current balances on these accounts – Water - \$632,898.00 and Sewer \$930,832.00. Ed Mullinax, Assistant Water Superintendent stated that most projects use in excess of \$100,000.00 and projects scheduled in the near future will be approximately \$250,000.00 to \$300,000.00.

Council Member Tate stated that she didn't feel that this is the time to go back to 100% on the capacity fees but she did want to keep this on a year to year basis and look at this again in December 2012. Council Member Stepp stated that he would like to discuss this further in the visioning session later this month.

A motion to approve the Ordinance on an emergency basis to roll back the Capacity Fees to 50% effective January 5, 2012 and ending December 31, 2012 was made by Council Member Stepp and seconded by Council Member Tate. Motion carried. Vote 5-0-1 with Council Member Pruitt Abstaining.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 02-12

WHEREAS, in the light of the current economic conditions, the Mayor and City Council of the City of Cartersville to assist and encourage economic development, feels it is in the best interest of the general public and promotes its general, health, safety and welfare to continue the temporary reduction of capacity fees for the water and sewer system.

WHEREAS, these fees are assessed pursuant to the schedule adopted by the Mayor and City Council which is in the Code of Ordinances, City of Cartersville, Georgia, Chapter 24. Utilities, Article IV. Water Service, Sec 24-64 and Water and Sewage Utility Rates (d) Capacity Fees.

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the capacity fees assessed pursuant to the Code of Ordinances, City of Cartersville, Georgia, Chapter 24. Utilities, Article IV. Water Service, Sec. 24-64 Water and Sewage Utility Rates (d) Capacity Fees, which were previously reduced by half of the amount thereof through December 31, 2011, and were to return to their prior existing rate on January 1, 2012, are now extended from the date of adoption of this ordinance until December 31, 2012. As of January 5, 2012 said capacity fees shall return to their prior existing rate.

2.

Additionally, this ordinance is deemed to be emergency in nature as the time for extension of the previous reduction in rates has expired and due to the current economic conditions, it is in the best interest of the general public and to promote economic development in the City, the Council has declared this ordinance to be emergency in nature requiring only one (1) reading.

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED this the 5th day of January 2012. Emergency Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

A motion to adjourn the meeting was made by Council Member Stepp and needing no second. Motion carried unanimously. Vote 6-0

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk