City Council Meeting
10 N. Public Square
October 20, 2011
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation – Mayor Santini asked for a moment of silence in honor of Michael Dean

Pledge of Allegiance led by Council Member Tonsmeire

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 Keith Lovell, Assistant City Attorney. David Archer, City Attorney was absent.

II. Regular Agenda

A. Council Meeting Minutes

1. October 20, 2011

A motion to approve the October 20, 2011 City Council Meeting minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

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

1. T11-02: Text Amendment Application by John Lewis to eliminate Article 16, Section 4, Subsection 2(B)5 regarding Special Use for Apartments in G-C District.

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 is one of the standards for a Special Use for Apartments above or behind commercial and office uses in the same building, which currently reads as follows: Commercial uses shall be limited to the permitted uses in the P-S District plus Retail, general (excluding retail package stores (liquor), or other businesses having primarily sales of package beer and/or wine). Mr. Mannino stated that there have been no changes since the first reading and the Planning Commission recommended approval.

Mayor Santini opened the floor for a public hearing. With no one coming forward Mayor

Santini closed the public hearing.

A motion to approve Ordinance No. 20-11 was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 20-11

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 26 ZONING is hereby amended as follows:

1.

The Zoning Ordinance is hereby amended by deleting the following:

2.

Article XXVI Zoning Ordinance Section 16.4.2.B.5

Commercial uses shall be limited to the permitted uses in the P-S district plus Retail, general (excluding retail package stores (liquor), or other businesses having primarily sales of package beer and/or wine).

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 20th day of October 2011.
ADOPTED this the 3rd day of November 2011. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. SU11-04: Special use application by John Lewis for property located at 100 Cook Street (approximately 4.64 acres) (Special Use approval for apartments required in the G-C District).

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 the subject tract is located at 100 Cook Street, at the intersection of Cook Street and South Erwin Street. This property is approximately 4.64 acres and includes a large vacant industrial building constructed in the 1930's. This property was rezoned in 2002 from L-I (Light Industrial) to G-C (General Commercial) with conditions. The applicant seeks a special use permit to allow apartments above or behind commercial and office uses in the same building. Mr. Mannino stated that the only concern from staff was the Fire Department who asked that the owner separate the commercial and residential space with a 2 hour fire wall and total sprinkler system throughout the entire building (commercial and residential space). Mr. Mannino stated that there have been no changes since the first reading and the Planning Commission recommended approval with conditions.

Mayor Santini opened the floor for a public hearing. With no one coming forward Mayor Santini closed the public hearing.

A motion to approve Ordinance No. 21-10 was made by Council Member McDaniel and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No.

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 Arnold Tillman. Property is located 100 Cook Street. Said property contains 4.64 acres located in the 4th District, 3rd Section, Land Lot(s) 527 and 554 as shown on the attached plat Exhibit "A". Property is hereby rezoned from G-C (General Commercial) with conditions to G-C (General Commercial) with conditions and a special use permit. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

1. **Allow the use of Laboratories (medical and dental) and exclude the following uses:**
   - **Automotive garages**
   - **Automotive specialty shops**
   - **Automotive storage yards and wrecker service**

- **Automotive Sales (unless owner separates the commercial and residential space with a 2 hour fire wall and total sprinkler system throughout the entire building (commercial and residential space).**
- **Boat sales and service**
- **Building supply companies**
- **Bus stations**
- **Car washes**
- **Heavy equipment contractors (no exterior storage of equipment, materials, construction vehicles)**
- **Dry cleaners**
- **Kennels**
- **Laboratories**
- **Repair garages, automotive**
- **Repair garages, heavy equipment**
- **Retail package stores (liquor)**
- **Truck stops**
- **Wildlife conservation park**

2. **Allow a maximum of forty-nine percent (49%) of the building to be used for residential purposes**

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 20th day of October 2011.
ADOPTED this the 3rd day of November 2011. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

C. Public Hearing

1. Approval of Capital Improvements Element Annual Update and Corresponding Transmittal Resolution.

Randy Mannino, Planning and Development Director stated that the City of Cartersville adopted Impact Fees in the last quarter of 2006 and they became effective in January of 2007. In accordance with the Development Impact Fee Regulations as outlined by the State, the City is required to file an annual update to the Capital Improvements Element (CIE) of the Comprehensive Plan. The update gives the impact fee receipts and expenditures for the fiscal year 2011. Mr. Mannino stated that the city is required to hold a public hearing regarding the update and forward it with a transmittal resolution to the Northwest Georgia Regional

Commission (RC) and the Department of Community Affairs (DCA). After review from the RC and DCA, the document will then need to be adopted by Council and a copy sent to the RC. Mr. Mannino stated that the document is in "Draft" form at this time and the final version will be distributed for review and comment prior to adoption. Mr. Mannino recommended approval of the update and Transmittal Resolution.

Mayor Santini opened the floor for a public hearing. With no one coming forward Mayor Santini closed the public hearing.

A motion to approve the Capital Improvements Element Annual Update and Corresponding Transmittal Resolution No. 29-11 was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

D. First Reading of Ordinances

1. Amendment to Budget Ordinance for Fiscal Year 2010-11

Tom Rhinehart, Finance Director stated that after completion of the Fiscal Year 2010-11 close, the general fund and special revenue funds need to be amended. By amending these budgets, the city's general and special revenue funds will be in compliance with Generally Accepted Accounting Principles. Mr. Rhinehart stated that these adjustments reflect the necessary changes needed to keep the budgets of these funds at a zero based level for the fiscal year. The actual general fund revenues totaled $53.6 million while the actual expenses totaled $53.4 million. Mr. Rhinehart recommended approval.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

NOW BE IT HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA that the Annual Budget of the City of Cartersville for the fiscal year 2010-2011 be amended as follows:

2010 - 2011 Budget Summary

General Fund	**Revenues**	**Expenditures**
Revenues	**$53,629,265.00**	
Expenditures:		

Legislative	**$34,323,160.00**
Administration	**$ 985,655.00**
Finance Dept.	**$ 1,015,580.00**
City Clerk Dept.	**$ 720,210.00**
Police	**$ 5,024,470.00**
Fire	**$ 5,432,420.00**
Public Works	**$ 2,541,060.00**
Recreation	**$ 2,731,495.00**
Planning & Development	**$ 855,215.00**

<u>Special Revenue Funds</u>

Police Forfeiture Assets – Federal Funds

<u>Revenues</u>

210-2110-36-1001	**Interest Income**	**$2,350.00**
210-2110-35-1300	**Confiscated/Forfeited Funds – Federal**	**$364,990.00**
210-2110-35-1301	**Conf/Forf Funds-Dept of Treasury-IRS**	**$6,215.00**
210-2110-39-2100	**Sale of Fixed Assets**	**$8,325.00**

<u>Expenditures</u>

210-2110-53-1122	**Computer Equipment**	**$17,090.00**
210-2110-53-1172	**DEA Expenses (Federal)**	**$84,890.00**
210-2110-53-1181	**Computer Hdwre & Sftwre (DEA-Fed)**	**$3,615.00**
210-2110-52-2341	**Maint Bldgs & Grounds (DEA-Fed)**	**$1,300.00**
210-2110-52-3210	**Communications – Phones & Internet**	**$40,210.00**
210-2110-52-3532	**Employee Education-Highlands College**	**$995.00**
210-2110-52-2360	**Maint – Vehicle & Equipment**	**$5,595.00**
210-2110-54-2201	**Vehicles**	**$185,685.00**
210-2110-54-2322	**Instruments & Implements**	**$42,500.00**

Police Forfeiture Assets – State Funds

<u>Revenues</u>

211-2120-35-1300	**State Forfeitures**	**$3,000.00**

<u>Expenditures</u>

211-2120-53-1172	**State Expenses**	**$3,000.00**

Grant Funds

<u>Revenues</u>

340-9200-33-4350	**GDOT Grant-South Hangar Paving**	**$280,640.00**
340-9200-33-4413	**Supplemental Disaster Recovery Grant**	**$142,315.00**
340-9200-33-4415	**GDOT Grant-South Apron Rehabilitation**	**$90,390.00**
340-9200-33-4444	**DNR Grant-Pettitt Creek Trail Phase II**	**$35,180.00**
340-9200-33-4445	**Energy Efficiency Grant**	**$8,690.00**

<u>Expenditures</u>

340-9200-57-110	**GDOT Grant-South Hangar Paving**	**$280,490.00**
340-9200-54-1307	**Pettit Creek Trail – Phase II**	**$36,730.00**
340-9200-54-2316	**Supplemental Disaster Recovery Grant**	**$142,315.00**
340-9200-54-2317	**GDOT Grant-South Apron Rehabilitation**	**$87,790.00**
340-9200-54-2318	**Energy Efficiency Grant**	**$8,690.00**
340-9200-54-2323	**Blue Trail Canoe/Kayak Launch**	**$1,200.00**

Development Agreement

Revenues

270-2410-37-1000	**Public Safety Development Agreement**	**$2,500.00**
270-5110-37-1000	**Recreation Development Agreement**	**$2,500.00**

Expenditures

270-2410-52-1316	**Public Safety Development Fee Expense**	**$2,500.00**
270-5110-52-1316	**Development Agreement-Recreation Exp**	**$2,500.00**

Impact Fees

Revenues

271-6120-32-2912	**Impact Fees-Library**	**$2,000.00**
271-6120-32-2913	**Impact Fees-Fire Protection**	**$2,000.00**
271-6120-32-2914	**Impact Fees-Police**	**$2,000.00**
271-6120-32-2915	**Impact Fees-Parks & Recreation**	**$2,000.00**
271-6120-32-2916	**Impact Fees-Roads**	**$2,000.00**
271-6120-32-2917	**Impact Fees-Administration**	**$ 500.00**
271-6120-32-2918	**Impact Fees-CIE Prep**	**$ 500.00**

Expenditures

271-6120-57-1020	**Impact Fee Exp-Library**	**$2,000.00**
271-6120-52-1200	**Impact Fee Exp-Administration**	**$ 500.00**
271-6120-52-1600	**Impact Fee Exp-Miscellaneous**	**$ 500.00**
271-6120-54-2500	**Impact Fee Exp-Fire Protection**	**$2,000.00**
271-6120-54-2501	**Impact Fee Exp-Police Protection**	**$2,000.00**
271-6120-54-2502	**Impact Fee Exp-Parks & Recreation**	**$2,000.00**
271-6120-54-2503	**Impact Fee Exp-Roads**	**$2,000.00**

Hotel/Motel Tax

Revenues

275-1140-31-4100	**Hotel – Motel Tax**	**$378,130.00**
275-1140-31-4110	**Hotel/Motel Tax Penalties**	**$975.00**

Expenditures

275-1140-61-1100	**Transfer Out to General Fund**	**$118,350.00**
275-1140-57-1060	**Cartersville-Bartow Tourism Council**	**$210,755.00**
275-1140-57-1062	**CVB – Start-up Funds**	**$50.000.00**

Motor Vehicle Rental Tax

Revenues

280-1150-31-4400	**Motor Vehicle Rental Tax**	**$51,015.00**

Expenses

280-1150-57-1070	**Downtown Development Authority**	**$31,015.00**
280-1150-52-1303	**Prof Services-Econ Dev Sal & Benefits**	**$20,000.00**

SPLOST 2003

Revenues

321-9100-33-4432	**Road Revenue-Bartow County Reimb**	**$305,905.00**
321-9100-36-1011	**Interest-2003 SPLOST Bank Account**	**$ 2,815.00**
321-9100-36-1022	**Interest-1st Union Investments**	**$33,435.00**

Expenditures

321-9100-54-1601	**Douthit Multi-Lane**	**$67,980.00**
321-9100-54-1603	**Main Street Gateway**	**$163,155.00**
321-9100-54-1604	**Street Milling and Resurfacing**	**$4,500.00**
321-9100-54-1608	**Storm Water**	**$42,295.00**
321-9100-54-1612	**GIS Installation**	**$13,455.00**
321-9100-54-1613	**Mission Road Curve**	**$2,770.00**
321-9100-54-1621	**Main St to Center Rd-16” Water Main**	**$48,000.00**

SPLOST 2007

Revenues

322-9300-36-1010	**Interest Income**	**$26,945.00**
322-9300-33-4431	**Road Revenue-DOT Reimb**	**$88,035.00**
322-9300-33-7100	**SPLOST 2007 Revenue**	**$4,103,930.00**
322-9300-33-7110	**GA DOT Reimbursement**	**$147,050.00**

Expenditures

322-9300-54-1603	**Misc Intersection/Safety Improvements**	**$6,005.00**
322-9300-54-1604	**Street Milling & Resurfacing**	**$188,930.00**
322-9300-54-1607	**New Bridge-Nancy Creek & Sugar Valley**	**$91,205.00**
322-9300-54-1608	**Sugar Valley & Burnt Hickory Rd**	**$7,975.00**
322-9300-54-1613	**Industrial Park Road Improvements**	**$1,336,040.00**
322-9300-54-1614	**Utility Relocate/Improvement-Gas**	**$260.00**
322-9300-54-1616	**Utility Relocate/Improvement-Water/Sewer**	**$309,770.00**
322-9300-54-1618	**Main Street Corridor-Underground Fiber**	**$100,000.00**
322-9300-54-1621	**Public Wks New Equipment Barn**	**$6,000.00**
322-9300-54-1622	**Stormwater Projects**	**$81,465.00**
322-9300-54-1625	**Northside Park Land**	**$1,244,265.00**
322-9300-54-1627	**Police/Fire Joint Station**	**$537,075.00**
322-9300-54-1628	**Fire Station #3**	**$456,910.00**
322-9300-54-1630	**Fire Station #2-MLK Drive**	**$60.00**

Cartersville Building Authority
<u>Revenues</u>

325-9500-37-1107	**Contributed Capital-Bartow County**	**$289,410.00**
325-9500-37-1108	**Contributed Capital-City of Cartersville**	**$289,410.00**
325-9500-37-1109	**Contributed Capital-Other**	**$395,340.00**
325-9500-36-4198	**Interest Revenue**	**$190.00**

<u>Expenditures</u>

325-9500-58-1111	**CBA 2004 Bond Principal Expense**	**$455,000.00**
325-9500-58-1137	**Bond Interest Expense 2004 Issue**	**$335,015.00**
325-9500-58-1138	**Bond Interest Expense 2008 Issue**	**$166,990.00**
325-9500-56-2003	**Issue Cost Amortization**	**$17,345.00**

SPECIAL REVENUE FUNDS BUDGET - $7,070,680.00

ADOPTED, this 3rd day of November 2011. First Reading.
ADOPTED this day of November 2011. Second Reading.

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

ATTEST:

/s/ <u>Connie Keeling</u>
Connie Keeling
City Clerk

E. Contracts/Agreements

1. State of Georgia Revocable License Agreement Regarding Country Club Drive

Sam Grove, City Manager stated that this is the revocable license for the old State Patrol Property necessary for improvements to Country Club Drive. Mr. Grove stated that he would later present a permanent transfer of property for council and recommended approval of this license agreement.

A motion to approve the License Agreement regarding Country Club Drive was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

2. Retiree Insurance Renewal with United Healthcare Medicare Advantage

Dan Porta, Assistant City Manager stated that City Retirees over the age of 65 or disabled are covered under a Medicare Advantage product from United Healthcare. Mr. Porta stated that city retirees have been pleased with this insurance product. The insurance premiums paid by city retirees will remain the same for this product for 2012 and Mr. Porta recommended approval of the retiree insurance renewal with United Healthcare Medicare Advantage.

A motion to approve the renewal with United Healthcare Medicare Advantage Insurance was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

F. Bid Award/Purchases

1. Construction Materials Testing for New City Buildings

Dan Porta, Assistant City Manager stated that request for proposals were issued and six firms submitted bids to supply construction materials testing and water intrusion testing on the Public Safety Headquarters and Fire Station Number 4 Buildings. After reviewing all the bids and confirming bids submitted by each bidder, Professional Services Industries (PSI) provided the lowest and most complete bid with a not to exceed price of $30,360.00 and Mr. Porta recommended approval.

A motion to approve the bid from Professional Services Industries was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

Mayor Santini recused himself from the meeting and Mayor Pro-Tem Tate presided over the next item.

2. 2012 Calendar and Annual Report

Rebecca Bohlander, Communications and Public Relations Manager stated that bids were solicited for the printing of the 2012 City Calendar/Annual Report. Ms. Bohlander stated that four bids were received, three from local companies, and recommended the low bid from McStatts' Printing, Inc in the amount of $6,995.00.

A motion to approve the bid from McStatts' Printing, Inc. was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Mayor Santini re-entered the meeting.

3. Painting of Steel Pole and Transformer Hoist Structures and Street Light Pole Rack

David Myers, Electric Superintendent stated that he had requested bids from three local contractors to sand, prime, and paint the steel pole hoist structure, steel transformer hoist structure, and steel light pole rack which have begun rusting at the Electric office. Mr. Myers recommended the low bid from James Carr Sandblasting and Painting in the amount of $11,950.00.

A motion to approve the bid from All Around Roofing and Gutters was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion was rescinded because it was made in error. Motion to rescind motion was made by Council Member Tonsmeire and Seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

A motion to approve the bid from James Carr Sandblasting and Painting was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

4. Roof Replacement at Water Lab

Ed Mullinax, Assistant Water Superintendent stated that bids were requested from two local companies to replace the roof on the Water Department Laboratory Building. Both contractors have experience with flat top membrane roofing and are insured. Mr. Mullinax recommended the low bid from All Around Roofing and Gutters, Inc. in the amount of $10,701.00.

A motion to approve the bid from All Around Roofing and Gutters, Inc. was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

5. South Erwin Street Water Main Replacement Project

Ed Mullinax, Assistant Water Superintendent stated that the staff has designed and received bids on a project to replace water mains on South Erwin Street between Main Street and Georgia Boulevard. This project will involve replacement of approximately 4,200 feet of existing 8-inch and 12-inch diameter cast iron water mains, some of which are in excess of 100 years old. Replacement of these mains with new 12-inch diameter ductile will allow for increased flows and improved water quality. These improvements are critical for commercial/residential growth and enhanced fire fighting capabilities. Mr. Mullinax recommended the low bid from T. J. Lyle and Co., Inc in the amount of $514,840.85.

A motion to approve the low bid from T. J. Lyle and Co., Inc. was made by Council Member McDaniel and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

G. Monthly Financial Statement

1. August 2011 Financial Report

Tom Rhinehart, Finance Director, presented the August 2011 monthly financial statement with comparisons from the previous year of August 2010, 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 August 2011.

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

H. Discussion

1. Sidewalks

Bobby Elliott, Public Works Superintendent stated that he had been replacing sidewalks on West Avenue in the Olde Town Area and had received some complaints. Mr. Elliott stated that over the years the streets had been paved but not milled causing the curbs to be nonexistent. The normal procedure to repair sidewalks and make them ADA Compliant is to pour the sidewalk on top of the old one and go all the way to the street taking out what is known as the "beauty strip". This procedure builds up the curb and widens the sidewalk to the required five (5) feet. This work is normally done with inmate labor to cut the cost and corrects any problems with stormwater, curbing, or safety.

Mayor Santini opened the floor for a public comments. Allison Dillon, Lynn Pritchett, Clay and Dianne Mooney came forward to voice their opinions. Ms. Dillon and Ms. Pritchett stated that they thought the "beauty strip" gave the area a historic look and wanted the sidewalks left as they are. With no further comments Mayor Santini closed the floor to public comments. Mayor Santini thanked the public for their comments and stated that these comments would be taken into consideration before a final decision was made.

2. Alcohol Control Board Appeals

Mayor Santini stated at the last meeting Council heard the appeals of three alcohol pouring establishments caught in a sting and given fines and probation for selling to minors. Mayor Santini stated that council had had this information for two weeks and asked if they had come to a conclusion regarding this matter or if further discussion was needed.

Council Member Tate stated that she was concerned that the state had conducted a sting without informing the City Police Department and made a motion that Knights 1889 fine be reduced to $500.00 with one year probation seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

A motion for Hilton Garden Inn was made to keep the fine at $2,500.00 and reduce the probation to one year was made by Council Member Stepp and seconded by Council Member Tate. Motion carried 4-2 with Council Members Tonsmeire and McDaniel voting against.

A motion for Tarascos Taco and Wings was made to deny the appeal by Council Member Stepp and seconded by Council Member Pruitt. Motion carried 5-1 with Council Member McDaniel voting against.

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