

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

I. Opening Meeting

Invocation by Council Member Pruitt

Pledge of Allegiance led by Council Member Boy Scout Troop 25

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 6, 2011

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

B. Public Hearing – 1st 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 the Planning Commission recommended approval.

Mayor Santini opened the floor for a public hearing, John Lewis, applicant came forward. With no further comments Mayor Santini closed the public hearing.

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, 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 day of 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). Planning Commission recommended approval with conditions.

Mayor Santini opened the floor for a public hearing, John Lewis; applicant came forward and stated that he has no problem with the fire departments recommendation for a two (2) hour fire wall. With no further comments Mayor Santini closed the public hearing.

No Action Required

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 day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

C. Resolutions

1. Acceptance of Georgia Department of Natural Resources Grant

Greg Anderson, Parks and Recreation Director stated that the Georgia Department of Natural Resources grant application for the Etowah River “Blue Trail” that was submitted last year has completed the required reviews from the various state agencies and the grant has been approved. Mr. Anderson stated that the grant project is a proposed canoe/kayak launch scheduled to be constructed adjacent to the ER Bates Memorial

Bridge on State Route 113/61. The estimated project costs are \$45,474.00, with the grant award being \$32,925.00. Mr. Anderson stated that the Coosa River Basin Initiative has committed a cash donation of \$3,400.00 and Bartow County Public Works Department has committed 2-days of a track-hoe with operator for this project. Mr. Anderson stated that these donations and partners were instrumental in the City of Cartersville receiving this grant award for our community and recommended approval.

A motion to approve Acceptance of the Grant along with Resolution No. 28-11 was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

**STATE OF GEORGIA
COUNTY OF BARTOW**

Resolution No. 28-11

WHEREAS, at the regular council meeting of the City of Cartersville of Bartow County, Georgia held on October 20, 2011 a motion was made and duly seconded that City of Cartersville agree to the terms of the contract for the state grant between the Georgia Department of Natural Resources and City of Cartersville for a grant of financial assistance to design and construct a canoe/kayak launch on the Etowah River, and authorize Mayor Matthew Santini to execute said contract on behalf of the City of Cartersville, and accept the grant provided for in said contract in the amount of \$32,924.00

NOW, THEREFORE BE IT RESOLVED, by the City of Cartersville of Bartow County, Georgia that the terms and conditions of the contract between the Georgia Department of Natural Resources and the City of Cartersville are hereby agreed to, that the Mayor Matthew Santini is authorized and empowered to execute said contract in the amount of \$32,924.00 is hereby designated to assure the acquisition and/or development, operation and maintenance of the facilities and/or delivery of services as identified in said contract.

Read and unanimously adopted in the regular city council meeting of the City of Cartersville held on 20th day of October, 2011

ATTEST

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

ATTEST:

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

D. Contracts/Agreements

1. Memorandum of Understanding with GA DOT for Pettit Creek Trail

Greg Anderson, Parks and Recreation Director stated that the City of Cartersville Recreation Department has received official notification from the Georgia Department of Transportation that the City has been chosen to receive \$860,000.00 for the Federal Transportation Enhancement (TE) Funding Pettit Creek Trail Phase III Connectivity Project. Mr. Anderson stated that this proposed project includes approximately 2,400' of sidewalk that will connect the Pettit Creek Trail to downtown Cartersville and approximately 7,800' of multi-use trail that will connect most of the City of Cartersville's park system. This connectivity project was a goal established in an early 2000 Visioning Session and in 2007 in the 2030 Vision Plan. With the completion of the Pettit Creek Trail Phase III that goal will have been accomplished. Mr. Anderson stated that this will be a 20% local match required from next year's budget for this project and recommended approval of the Memorandum of Understanding and the authorization of the Mayor to sign all related documents as needed.

A motion to approve GA DOT Memorandum of Understanding for the Pettit Creek Trail was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

2. General Services Agreement with Southland Engineering

Bobby Elliott, Public Works Superintendent stated that in order to more easily do business with a local engineering firm he requested that a General Services Agreement be approved along with Task Order 001. This agreement establishes a relationship between the City and Southland Engineering whereby Southland is pre-qualified to do work for the City and task orders may be issued for projects that come up in which the City needs the assistance of an engineering consultant. Mr. Elliott stated that Task Order 001 in the amount of \$12,950.00 is for design of a sidewalk connectivity on both sides of West Avenue between the current end in the vicinity of Terrell Drive on the east end and in the vicinity of Plymouth Drive on the west end. This engineering work will be funded from the 2007 SPLOST and Mr. Elliott recommended approval of both the agreement and work order.

A motion to approve the General Service Agreement with Southland Engineering and Task Order 001 was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

E. Bid Award/Purchases

1. Dump body for One-Ton Truck

Bobby Elliott, Public Works Superintendent stated that he had solicited quotes on a dump body for a recently approved GMC One-ton truck. Solicitations were sent to four

truck body manufacturers but only received one quote from Ingram Truck Body of Ballground, Georgia in the amount of \$6,795.00. Mr. Elliott recommended approval of this bid.

A motion to approve the purchase from Ingram Truck Body was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

2. Recycling Truck

Bobby Elliott, Public Works Superintendent stated that he had solicited quotes from six solid waste equipment vendors for a top-loading recycling collection vehicle. Three proposals were received and Mr. Elliott recommended the low bid from GSP Marketing, Inc. in the amount of \$163,492.00 with delivery expected late December 2011.

A motion to approve the purchase from GSP Marketing was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

3. Utility Relocation for Comcast Cable on Main Street Gateway

Dan Porta, Assistant City Manager stated that he had received a quote to relocate the Cartersville Cable TV facilities on the Main Street Gateway Corridor from aerial to underground cable in the amount of \$45,858.00. The City has to pay this amount to Comcast in order for the relocation to be scheduled and will be billed for the actual amount when the project is complete. Should the amount be over or under the estimated amount Cartersville Cable will refund or bill for the difference. Mr. Porta recommended approval of this item.

A motion to approve the relocation for Comcast Cable on the Main Street Gateway was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

4. Natural Gas Main Improvement

Michael Hill, Assistant Gas Superintendent stated that he had received an estimated cost from S. J. Patterson Company to complete necessary taps and stops on the gas main located at the intersection of North Tennessee Street and Nelson Street in the amount of \$6,800.00. Mr. Hill stated that S. J. Patterson Company is a sole source provider and the fitting manufacturer's representative who provides this service for the southeast and recommended approval.

A motion to approve the Natural Gas Main Improvements by S. J. Patterson Company was made by Council Member Pruitt and seconded by Council Member

Hodge. Motion carried unanimously. Vote 6-0

(Items 5 – 8 voted as one motion)

5. Self Contained Breathing Apparatus

Scott Carter, Fire Chief stated that he had solicited bids to purchase Self Contained Breathing Apparatus, spare bottles and mask that will be placed on the new fire apparatus that council purchased in December 2010. All equipment is required by and compliant with the National Fire Protection Standards, this equipment is also calculated into the ISO rating for the city. Chief Carter stated that this is a critical piece of equipment that has a direct effect on the health and safety of our firefighters and citizens. Chief Carter recommended approval of the low bid from American Safety and Fire in the amount of \$41,080.00.

6. Firefighter Hose Equipment

Scott Carter, Fire Chief stated that he had solicited bids for the purchase of various sizes and lengths of firefighter hose that will be placed on the new fire apparatus that council purchased in December 2010. All hose is required by and compliant with the National Fire Protection Standards, and is also calculated into the ISO rating for the city. Chief Carter recommended the low bid from Georgia Fire and Rescue in the amount of \$19,683.68 which is \$5,316.32 below the budgeted amount for this item.

7. Ten 8 Nozzle and Valves

Scott Carter, Fire Chief stated that he had solicited bids for the purchase of various nozzles, valves, and adapters that will be placed on the new fire apparatus that council purchased in December of 2010. All nozzles and valves are required by and compliant with National Fire Protection Standards and is also calculated into the ISO rating for the city. Chief Carter recommended the low bid from Ten-8 Fire Equipment in the total amount of \$27,400.73.

8. Thermal Imaging Camera

Scott Carter, Fire Chief stated that he had solicited bids for the purchase of a Thermal Image System that will be placed on the new fire apparatus that council purchased in December of 2010. This is a critical piece of equipment that has a direct effect on the safety of our firefighters and citizens and aids in the reduction of fire loss. This is a specialized piece of equipment that allows firefighters to find victims along with the base of a fire during zero visibility conditions they encounter. Chief Carter stated that they have been able to utilize this equipment to also locate small hidden fires which has been very effective in reducing property loss. This equipment is required by and compliant with National Fire Protection Standards and is also calculated into the ISO rating for the city. Chief Carter recommended the low bid from Fireline in the total amount of \$16,999.00.

A motion to approve all four bids was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

F. Engineering Services

1. Etowah Drive Water Main Replacement

Ed Mullinax, Assistant Water Superintendent stated that they had requested Jordan, Jones, and Goulding to provide a proposal for Engineering Services for design, bidding and construction services for the Etowah Drive Water Main Replacement Project from Leake Street to Old Mill Road. This project will involve the replacement of approximately 4,500 feet of existing water mains consisting of 6-inch cast iron and 2-inch diameter and smaller galvanized lines. A number of fire hydrants in this area are non-functioning or have insufficient flows for fire fighting. Replacement of these mains will allow for increased flows and improved water quality. Mr. Mullinax recommended approval of the proposal from Jordan, Jones, and Goulding in an amount not to exceed \$64,700.00.

A motion to approve the engineering services with Jordan, Jones, and Goulding was made by Council Member Stepp and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

G. Public Hearing

1. Alcohol Control Board Appeal

Keith Lovell, Assistant City Attorney stated that on September 21, 2011 the Alcohol Control Board conducted hearings in regard to violators of selling alcohol to a minor. Overall, there were seven establishments who either pled guilty, no contest, or were found guilty of selling alcohol to a minor as a result of an undercover operation by the State of Georgia Department of Revenue and a second undercover operation by the City of Cartersville. As a result of these hearings seven establishments the Alcohol Control Board had imposed on each a fine of \$2,500.00 and three years probation for the violations. Three of the seven establishments have appealed the amount of the fine and length of probation, not the violation itself. The three establishments who are appealing are as follows:

1. Tarascos Taco and Wings
2. Hilton Garden Inn
3. Knights 1889 LLC

Mayor Santini opened the floor for a Public Hearing. Vanessa and George Cabanas from Tarascos Taco and Wings; Jeff Watkins, representative for Hilton Garden Inn; and Lance McCoy and Robert Knight from Knights 1889 came forward. All three groups, stating various reasons, asked that the fine and probation period be reduced on

their establishments. With no further comments Mayor Santini closed the public hearing.

Mayor Santini asked Chief Culpepper how often these stings occur. Chief Culpepper stated that they did not do them every year and tried to do them as random as possible so the establishments would not expect them to occur.

Mayor Santini stated that the Council had thirty (30) days to consider these matters and they would inform the parties as soon as a decision was made.

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