City Council Meeting
10 N. Public Square
September 15, 2011
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Hodge

Pledge of Allegiance led by Council Member Stepp

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

II. Regular Agenda

A. Council Meeting Minutes

1. September 1, 2011

A motion to approve the September 1, 2011 minutes as presented was made by Council Member McDaniel and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

B. Public Hearing – 1st Reading of Zoning/Annexation Request

1. SU11-02 – Special Use application by Russell Hawkinson for property located at 119 South Avenue to allow the residence to be used as a place of assembly.

Randy Mannino, Planning and Development Director stated that this tract is located at 119 South Avenue, halfway between Neel Street and Cook Street. This property is large compared to adjacent residential tracts (over 1 ½ acres) and includes a large residence constructed over one hundred years ago. The applicant seeks a special use permit to operate a Place of Assembly at this location for weddings, receptions, and other events. Mr. Mannino stated that the only comments from staff were from the Water Department stating that if cooking is done on the premises a back flow preventer and grease trap would need to be installed. Planning Commission recommended approval.

Mayor Santini opened the floor for a public hearing and explained to those present that each side would have a limited amount of time to speak. Those coming forward for the application were Peter Olson, representative; Russell and Audrey

Hawkinson. Mr. Olson stated that there would be no construction or additions to the home; events would be catered; and the applicant is willing to comply with all ordinances.

Those coming forward against the application were Charles Cowan, Maureen Kirkland, Emily Lynch, Bob Dillan, Patty Richardson, Charles Puckett, Lynn Pritchett, Bob Smith and John Morrow. Those coming forward against the application stated that there has been no business plan submitted to show what type of events will be held at the residence; concerns of traffic and street parking. With no further comments Mayor Santini closed the public hearing.

No Action Required

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. SU11-02

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Audrey and Russell Hawkinson. Property is located 119 South Avenue. Said property contains 1.68 acres located in the 4th District, 3rd Section, Land Lot(s) 527 as shown on the attached plat Exhibit "A". Property is hereby rezoned from R-7 (Single Family Residential) and in Olde Town Historic District to from R-7 (Single Family Residential) and in Olde Town Historic District Allow Owner-Occupied House to be used as a Place of Assembly. 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 15th day of September 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. Other

1. Urban Redevelopment Plan Update

Randy Mannino, Planning and Development Director stated that as part of the Urban Redevelopment Plan (URP) adopted by the Mayor and Council in late 2010, the City Council has chosen to oversee implementation of the plan as designated redevelopment entity. It is the responsibility of staff to study, investigate, and administer the URP and all appropriate implementation tools. Mr. Mannino stated that this quarterly status update to the URP, (as required in the plan and requires no action from Council) will cover home improvement projects for owner-occupied homes as well as new home construction in North Towne and information on industries that have taken advantage of the Opportunity Zone program for State job tax credits.

D. Discussion

1. First Time Home Buyer Foreclosure

Pete Alday, Director of Community Services stated that one of the first time home buyers is facing foreclosure and wishes to Quick Sale the property to Wells Fargo. The home was purchased in 2008 and the program has a five year forgivable loan provision. If the home owner stays in the house for five years the loan is forgiven; however, the penalty for not staying in the house the required five years is $2,000.00 per year for the remainder of the term. Therefore, the home buyer owes the First Time Home Buyers Program $4,000.00. Mr. Alday stated that Wells Fargo will not talk with the City directly and we have only been allowed to communicate with the real estate agent with Solid Source Realty. Wells Fargo is offering only $2,500.00 in order for the Quick Sale to proceed otherwise the house will go into foreclosure. Mr. Alday stated that if we do not have an agreement and the foreclosure proceeds, the city will be out the entire amount and recommended approval.

(Council Member Hodge excused herself from the meeting)

A motion to approve settlement with Wells Fargo was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

E. Appointments

1. Historic Preservation Commission

Pete Alday, Director of Community Services stated that Daneise Archer's term on the Cartersville Historic Preservation Commission has expired. Mr. Alday stated that Mrs. Archer has served as Chair since September 2006 and has done an excellent job and recommended approval of her reappointment for a three year term to expire September 7, 2014.

A motion to approve the reappointment of Daneise Archer was made by Council

Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

(Council Member Hodge returned to meeting)

F. Resolutions

1. Intersection Improvements at Country Club Drive

Sam Grove, City Manager stated that this resolution is to acquire the necessary property from the State for the intersection improvements at Country Club Drive and recommended approval.

A motion to approve Resolution No. 24-11 was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

Resolution No. 24-11

WHEREAS, the City of Cartersville, Georgia and Bartow County, Georgia, are desirous of making certain intersection improvements to Country Club Drive at its intersection with Highway 41 in order to improve public safety; and

WHEREAS, the City of Cartersville will undertake these improvements; and

WHEREAS, a portion of said improvements would be located on property currently owned by the Georgia Department of Public Safety, Georgia State Patrol by virtue of a deed recorded in Deed Book 223 at page 189 in the Clerk of the Superior Court of Bartow County, Georgia.

NOW THEREFORE BE IT RESOLVED that the City of Cartersville respectfully requests of the Georgia Department of Public Safety (Georgia State Patrol) and the State Properties Commission a Revocable License to make road improvements over, across and upon that certain area designated as Additional Right of Way required and being 0.154 acres as shown on the attached survey for City of Cartersville dated August 23, 2011 and revised August 26, 2011 by Kevin N. Cooney, Registered Land Surveyor No. 2980, a legal description of the property also being attached hereto along with the concept construction plan.

BE IT AND IT IS HEREBY RESOLVED this 15th day of September, 2011.

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

ATTEST:

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

2. Southern Natural Gas Agreement

Gary Riggs, Gas Department Superintendent stated that this resolution and letter agreement with Southern Natural Gas is to support the sale of Southern Natural Gas Company's facilities upstream of Toca. Mr. Riggs recommended approval of the resolution and agreement.

A motion to approve Resolution No. 25-11 and the agreement with Southern Natural Gas was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

Resolution No. 25-11

WHEREAS, City of Cartersville, Georgia is a member of a group of cities called Southern Cities that have a firm commitment to purchase gas from Southern Natural Gas Company ("SNG");

WHEREAS, SNG intends to enter into the agreement with High Point Transmission, LLC to sell certain transmission facilities, attached hereto as Exhibit "A";

WHEREAS, in order for SNG to be granted permission to abandon said transmission facilities from the Federal Energy Regulatory Commission, said Southern Cities, as customers of SNG, must agree to the attached Agreement between SNG and High Point Transmission, LLC.

NOW THEREFORE BE IT RESOLVED that the Mayor and City Council of the City of Cartersville, Georgia, do hereby consent and agree, as a member of Southern Cities, to the Agreement between SNG and High Point Transmission, LLC, attached as Exhibit "A", and, authorize Doug John, Attorney for Southern Cities to executed said Agreement on behalf of Southern Cities.

BE IT AND IT IS HEREBY RESOLVED this 15th day of September, 2011.

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

ATTEST:

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

G. Contracts/Agreements

1. Intergovernmental Agreement with the City of White Regarding Natural Gas Distribution

Gary Riggs, Gas Department Superintendent stated that this agreement replaces the original franchise agreement from 1961 with the City of White which expires next month and recommended approval.

A motion to approve the agreement with the City of White was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. Department of Justice/DEA Equitable Sharing Agreement and Certification

Tommy Culpepper, Chief of Police stated that this is the annual report to the Department of Justice/DEA on expenditures and revenues under the Equitable Sharing Agreement (seized funds). Chief Culpepper stated that the city has been submitting these reports for more than twenty years and requested that the Council authorize the Mayor to sign this report in order to submit it in a timely manner and to be in compliance with this agreement.

A motion to approve the authorization of the Mayor to sign the agreement was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

3. Guaranteed Maximum Price for Public Safety HQ & Fire Station #4

Dan Porta, Assistant City Manager stated that Potts Construction and Graham Commercial Contractors have received and reviewed all sub contractor bids for the Public Safety Headquarters and Fire Station #4 buildings and have given us a construction cost estimate. Potts and Graham spent extra time contacting and working with local sub contractors to give them sufficient opportunity to bid on one or both projects. Mr. Porta stated that the construction cost estimate for the Public Safety Headquarters is $11.8 million and Fire Station #4 is $3.2 million. Both of these estimates are over the estimated budgets that were prepared several years ago by a previous architectural firm. These cost estimates also do not include the furniture, fixtures and equipment (FFE) and video, access control and security controls necessary for these buildings. The FFE and security controls are estimated at $1.35 million, plus an additional $100,000 due to Croft & Associates, which brings the estimates to $13.05 million for the Public Safety Headquarters and $3.415 million for Fire Station #4.

Mr. Porta stated that since the estimated construction costs are higher than what was expected, he made some adjustments to the 2007 SPLOST Project list. In order to proceed with the construction of these two buildings, two proposed road projects will have to be placed on hold and possibly eliminated from being completed unless sales tax revenue improves. The two projects are traffic signal and turning lane improvements at the Sugar Valley Road and Burnt Hickory Road intersection, and a new bridge at Nancy Creek and Sugar Valley Road.

Mr. Porta stated that he has directed the Potts/Graham to re-review the entire project and provide a potential list of items that if changed could save the city some money on the project costs. Hopefully something can be found to reduce some costs. If nothing is found, I would recommend approval of the cost estimate (guaranteed maximum price) from Potts/Graham for the construction of these two buildings with the changes to the 2007 SPLOST Project list.

A motion to approve accepting the contractors offer and guaranteed maximum price for the Public Safety Headquarters and Fire Station #4 was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried. Vote 3-2 with Council Members Pruitt and McDaniel abstaining. Mayor Santini stated that council needed four (4) votes to approve an item and voted for the motion, making the vote 4-2.

4. Demolition Agreement for Fire Station on Martin Luther King Jr. Drive

Dan Porta, Assistant City Manager stated that requests for bids were sent out to four vendors to demolish the old fire station at 550 MLK Jr. Drive and two bids were returned. Mr. Porta stated that this station will need to be torn down to make room for the new fire station and recommended acceptance of the low bid from Cornerstone Demolition and Grading in the amount of $9,600.00.

A motion to approve the agreement with Cornerstone Demolition and Grading was made by Council Member Stepp and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

H. Bid Award/Purchases

1. West Avenue/East Side Railroad Ditch Drainage

Bobby Elliott, Public Works Director stated that in a previous meeting the Mayor and City Council approved an amount "not-to-exceed" $70,000 to complete all work related to our Railroad cleaning project; however field conditions have made it necessary to request an additional $60,000 to complete this project. These conditions are justified as follows:

1. An additional week of cleaning on the main channel was required behind the City Electric Department to take out several trees that lined the ditch channel to widen the section. This work was not figured in on the original estimate.

2. An estimated amount of $24,000 is required to adjust the Gas and Water utilities that cross adjacent to West Avenue that are into the flow line of the proposed pipe.

3. An additional 96 linear feet of 48" reinforced concrete pipe was added to the project to keep a privacy fence from falling into the ditch channel along the east side of CSX.

4. While cleaning along the lower end of the channel along the east side, an old railroad spur track was encountered. Additional work was required to remove it.

Mr. Elliott recommended approval of this additional cost.

A motion to approve the additional cost of $60,000.00 for the Railroad Ditch Project was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried. Vote 4-1 with Council Member Hodge voting against.

2. Air Conditioner for Water Treatment Plant

Ed Mullinax, Assistant Water Superintendent stated that bids were received to replace the air conditioning for the lab and operations area at the Clarence B. Walker Water Treatment Plant. Mr. Mullinax explained that this unit is not totally functional, does not have heat capabilities, and it needs to be replaced before winter time. Mr. Mullinax recommended approval of the low bid from Preferred Heating and Air Conditioning in the amount of $9,250.00.

A motion to approve the low bid from Preferred Heating and Air Conditioning was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

3. Yearly Approval to Purchase Chemicals for WPCP and WTP

Ed Mullinax, Assistant Water Superintendent stated that the following chemicals are purchased for the water plant and the wastewater plant on a weekly, bi-weekly, monthly, semi-annually or yearly basis. At times the department may buy a larger order which is over $5,000.00. Typically the water department receives fixed prices for a year at a time and asked for council approval to purchase the following chemicals from the designated vendors until July 1, 2012 to eliminate a number of agenda items this year and to expedite the ability to order chemicals on an as needed basis.

- Southern Ionics, Inc.: Sodium Bi-Sulfite
- Industrial Chemical, Inc.: Cationic Polymer, Sodium fluorosilicate
- Allied Universal Corp.: Chlorine Gas
- Pristine Water Solutions: Ortho-Poly Phosphate

Mr. Mullinax stated that if it was necessary to rebid these products pricing will be brought forward for Council and recommended approval of these yearly purchases.

A motion to approve the annual purchases from the listed vendors was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

(Items 4 – 6 were voted as one motion)

4. Electric Meters

David Myers, Electric Superintendent stated that this purchase is for two pallets (120 each) of standard electronic read electric meters to replenish stock from HD Utilities. Since the unit cost is less than $5,000.00, this is a blanket request for the fiscal year. Mr. Myers recommended approval of this yearly purchase of 240 meters @ $54.00 each totaling $12,960.00.

5. Power Poles

David Myers, Electric Superintendent stated that this purchase is for the power poles to replenish stock from Cox Wood. Since the unit prices are less than $5,000.00 this is a blanket request for the fiscal year.

8 - 40'-4 poles @ $154.00 each totaling $1,232.00
8 - 45'-3 poles @ $205.00 each totaling $1,640.00
7 - 45'-4 poles @ $176.00 each totaling $1,232.00
23 - 50'-4 poles @ $164.00 each totaling $3,772.00
Freight 1 totaling $734.00
Freight 2 totaling $734.84

Mr. Myers recommended approval of this yearly purchase of poles totaling $9,345.68.

6. Reclosers

David Myers, Electric Superintendent stated that reclosers are breakers placed on a line which, during trouble, allow only a section of line to be disrupted instead of the entire line. This increases reliability and minimizes the number of customers affected by storms, downed trees, etc. The Cartersville Electric System currently has seven sets of reclosers in operation on the system. Mr. Myers stated that he is requesting to purchase two sets of single phase reclosers (3 units each) and a replacement unit from Florida Transformer. Since the unit cost is less than $5,000.00, this is a blanket request for the fiscal year.

3-140A"L" 2A+2D at $1,500 each totaling $4,500
3-140A"L" 0F+2C at $1,500 each totaling $4,500

1-140A"L" 2A+2D at $1,500 each totaling $1,500

Mr. Myers recommended approval of purchase of these units totaling $10,500.

A motion to approve the annual purchase of all three items was made by Council Member Pruitt and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

7. Transformer

David Myers, Electric Superintendent stated that this is a request for approval to purchase a 300kVA padmount transformer to serve the new Public Safety Building on Cassville Road. Three competitive bids were requested and three valid bids received.

IRBY: Initial cost of $8,684.00; TOC of $18,517.00
HD Supply: Initial cost of $7,604.00; TOC of $19,114.50
ERMCO: Initial cost of $8,336.08; TOC of $19,076.08

Mr. Myers stated that large transformers are bid on Total Ownership Cost (TOC) to account for energy losses of the nit and recommended accepting the bid from IRBY with the lowest TOC of $18,517.00 which will be an actual expenditure of $8,684.00.

A motion to approve the purchase of the transformer from IRBY was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

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 Pruitt. Motion carried unanimously. Vote 5-0

I. Added Item

1. Emergency Modification to West Martin Luther King Jr. Drive

Ed Mullinax, Assistant Water Superintendent stated the sewer service to the commercial building at the corner of Tennessee Street and Martin Luther King Jr. Drive has been disrupted due to a failing sewer line. Service can be re-established by constructing a short sewer line extension on East Martin Luther King Jr. Drive. This repair option will allow service to be restored to the business at the lowest cost to the City while avoiding construction in Tennessee Street, and it will allow for the eventual relocation of the deteriorated section of sewer out of Tennessee Street. Mr. Mullinax stated bids requests were sent out and recommended approval of the low bid from Corley Contractors, Inc. in the amount of $17,687.77.

A motion to approve the low bid from Corley Contractors, Inc. was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

J. Monthly Financial Statement

1. July 2011

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

A motion to adjourn the meeting was made by Council Member Tonsmeire and needing no second. Motion carried unanimously. Vote 5-0

Meeting Adjourned

/s/ ___________________________
Matthew J. Santini
Mayor

ATTEST:

/s/ ______________________________
Connie Keeling
City Clerk