City Council Meeting
10 N. Public Square
September 1, 2011
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tate

Pledge of Allegiance led by Council Member Pruitt

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. Council Meeting Minutes

1. August 18, 2011

A motion to approve the August 18, 2011 minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

B. Contracts/Agreements

1. Supplemental Power 2012

David Myers, Electric Superintendent stated that this is the annual MEAG Supplemental Power Subscription for 2012. Mr. Myers stated that since Cartersville has excess capacity for 2012, the city has elected to have MEAG sell this excess and recommended approval.

A motion to approve the MEAG Supplemental Power Subscription for 2012 was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

2. Memorandum of Understanding with Georgia Power

Sam Grove, City Manager stated that the intersection at U.S. 41 and Country Club Drive is currently insufficient to allow for the handling of truck traffic from Georgia Power and other motor vehicular traffic. Mr. Grove stated that the city will condemn the property of the Country Club and hire Georgia Power as its contractor to complete this work. Georgia Power will pay all expenses associated with this project. This type of condemnation is referred to as a friendly condemnation with the Country Club in agreement to the condemnation and the appraised value and Mr. Grove recommended approval.

A motion to approve the Memorandum of Understanding along with the corresponding Resolution No. 21-11 was made by Council Member Hodge and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

A RESOLUTION TO AUTHORIZE CITY OF CARTERSVILLE, GEORGIA TO EXECUTE APPROPRIATE LEGAL INSTRUMENTS FOR ACQUISITION, CONSTRUCTION AND MAINTENANCE RESPONSIBILITIES FOR CERTAIN IMPROVEMENTS TO COUNTRY CLUB DRIVE NECESSITATED BY THE REALIGNMENT OF SAID ROADWAYS; AND FOR OTHER PURPOSES

WHEREAS, Cartersville will acquire from the Cartersville Country Club approximately 0.733 acres for a public street as shown on the attached Exhibit "A"; and

WHEREAS, Bartow County will donate to Cartersville approximately 0.154 acres, as shown on the attached Exhibit "A"; and

WHEREAS, Cartersville and Bartow County currently own and maintain portions of the rights-of-way of the existing road; and

WHEREAS, in the interest of public safety, a project has been designed to construct a new section of Country Club Road to reconfigure the rights-of-way for such construction, alignment and reconfiguration as indicated on the plan prepared by Southland Engineering , attached hereto as Exhibit "B" Country Club Drive, (the "Roadway Improvements");

WHEREAS, the construction and operation of the Roadway Improvements will require improvements to the roads for the general public as indicated in the attached Exhibits; and

WHEREAS, Cartersville desires to own the Roadway Improvements, and to assume the maintenance responsibilities associated with the rights-of-way of the Roadway Improvements from and after the date of completion of the Roadway Improvements as evidenced by a Certificate of Substantial Completion; and

WHEREAS, Cartersville and Bartow County are authorized to execute the appropriate legal instruments for the Roadway Improvements.

NOW, THEREFORE, BE IT RESOLVED BY CITY OF CARTERSVILLE, GEORGIA, as follows:

<u>Section 1:</u> **That the City of Cartersville Mayor is hereby authorized to execute a Memorandum of Understanding with Georgia Power Company for the completion of the proposed Roadway Improvements.**

<u>Section 2:</u> **That such legal instruments shall provide for (a) the City of Cartersville, Georgia to acquire, construct and maintain the Roadway Improvements , and (b) Bartow County convey to Cartersville the right of way shown by the attached Exhibit "A".**

SO RESOLVED, THIS 1st DAY OF September, 2011.

CITY OF CARTERSVILLE, GEORGIA

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

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

C. Other

1. Declaration of Necessity Regarding Condemnation of Country Club Drive

Sam Grove, City Manager stated that Declaration of Necessity for the condemnation of Country Club Drive goes along with the Memorandum of Understanding with Georgia Power. This condemnation has been approved by all parties involved and will allow for the improvement to this street and its intersection with U. S. 41. All costs are being paid by Georgia Power Company and Mr. Grove recommended approval.

A motion to approve Resolution No. 22-11 was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

RESOLUTION NO. 22-11

RESOLUTION OF THE MAYOR AND CITY COUNCIL FOR THE PURPOSE OF AUTHORIZING CONDEMANTION FOR PUBLIC ROAD AND RELATED IMPROVEMENTS.

WHEREAS, the Mayor and City Council of the City of Cartersville, Georgia, have determined that it is in the best interest of the citizens of Cartersville, and necessary for the public purpose, to promote and protect the public's general safety, health and welfare to authorize the condemnation of right of way in fee simple and temporary easements that are

necessary to improve the intersection at Country Club Dive and U.S 41/411 being City of Cartersville Project No. PW-2011-01 (hereinafter referred to as the "Project").

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and City Council of the City of Cartersville that the City of Cartersville is hereby authorized to condemn the right of way in fee simple as necessary and required for the completion of the above referenced Project including the relocating of all utilities and appurtences thereto. The condemnation is necessary for the public's benefit and safety to provide for the transportation needs of the City of Cartersville and its inhabitants. The City is in the process of acquiring the remaining right of way and easements for this project.

To date the City has been unable to acquire the fee simple title through negotiation on the parcel listed below and indicated on Exhibits A, attached hereto and incorporated herein. Therefore, the Mayor and City Council authorizes the condemnation of the property pursuant to the method authorized by O.C.G.A. § 32-3-4 through 32-3-19 and said right-of-way is needed immediately for construction to commence.

The parcels have been appraised as follows:

PARCEL. NO.	PROPERTY OF:	INTEREST	AREA/ACRE.	VALUE
1	Cartersville Country Club, Inc.	Right of Way	0.733	$311,525
		Diminished Value to Remainder	N/A	$ 90,521
				$401,816
		ROUNDED TOTAL		$ 402,000.00

The Mayor and City Clerk and all city officials are hereby authorized to sign and/or prepare any documentation necessary to condemn said property.

This Resolution is effective upon adoption.

BE IT AND IT IS HEREBY RESOLVED.

ADOPTED this the 1st day of September 2011.

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

ATTEST:

/s/ Connie Keeling

Connie Keeling
City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

LEGAL DESCRIPTION - CCC

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN LAND LOT 54 OF THE 4TH DISTRICT, 3RD SECTION, BARTOW COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NAIL AT THE INTERSECTION OF SOUTH RIGHT-OF-WAY OF BANK DRIVE (50' RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY 41/411 (200' RIGHT-OF-WAY); THENCE WITH A BEARING OF NORTH 05 DEGREES 49 MINUTES 52 SECONDS EAST A DISTANCE OF 52.15 FEET TO A *FLAT IRON*; THENCE WITH A BEARING OF NORTH 10 DEGREES 55 MINUTES 58 SECONDS WEST A DISTANCE OF 41.41 FEET TO A *IRON PIN*; THENCE WITH A BEARING OF NORTH 01 DEGREES 16 MINUTES 21 SECONDS WEST A DISTANCE OF 80.66 FEET TO A *NAIL;* THENCE WITH A BEARING OF NORTH 68 DEGREES 47 MINUTES 30 SECONDS WEST A DISTANCE OF 59.43 FEET TO AN *IRON PIN*; THENCE WITH A BEARING OF NORTH 26 DEGREES 58 MINUTES 40 SECONDS EAST A DISTANCE OF 151.23 FEET TO A *IRON PIN*; THENCE WITH A BEARING OF NORTH 28 DEGREES 46 MINUTES 40 SECONDS EAST A DISTANCE OF 173.72 FEET TO AN *IRON PIN*; THENCE WITH A BEARING OF SOUTH 61 DEGREES 13 MINUTES 20 SECONDS EAST A DISTANCE OF 88.49 FEET TO A *IRON PIN*; THENCE WITH A BEARING OF SOUTH 28 DEGREES 56 MINUTES 59 SECONDS WEST A DISTANCE OF 122.28 FEET TO AN *IRON PIN*; THENCE WITH A BEARING OF SOUTH 28 DEGREES 49 MINUTES 46 SECONDS WEST A DISTANCE OF 112.69 FEET TO AN *IRON PIN*; THENCE WITH A BEARING OF SOUTH 09 DEGREES 36 MINUTES 11 SECONDS WEST A DISTANCE OF 67.57 FEET TO AN *IRON PIN;* THENCE WITH A BEARING OF SOUTH 13 DEGREES 15 MINUTES 51 SECONDS EAST A DISTANCE OF 43.64 FEET TO AN *IRON PIN*; THENCE WITH A BEARING OF NORTH 69 DEGREES 10 MINUTES 13 SECONDS WEST A DISTANCE OF 60.57 FEET TO A *NAIL*; THENCE IN A SOUTHERLY DIRECTION WITH A NON TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 395.54 FEET, HAVING A CHORD BEARING OF SOUTH 13 DEGREES 09 MINUTES 54 SECONDS EAST AND A CHORD DISTANCE OF 67.27 FEET, AND AN ARC LENGTH OF 67.35 FEET TO A *NAIL*; THENCE IN A SOUTHERLY DIRECTION WITH A NON TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 192.13 FEET, HAVING A CHORD BEARING OF SOUTH 04 DEGREES 32 MINUTES 20 SECONDS WEST AND A CHORD DISTANCE OF 83.39 FEET, AND AN ARC LENGTH OF 84.06 FEET TO A *NAIL*; THENCE WITH A BEARING OF NORTH 69 DEGREES 13 MINUTES 17 SECONDS WEST A DISTANCE OF 7.88 FEET TO A *NAIL*; SAID PARCEL CONTAINING 31,929.48 SQUARE FEET OR 0.733 ACRES.

This description was generated on August 26, 2011 at 1:46 PM, based on geometry in the drawing file G:\11000\11044 - GA POWER - CCC DRIVE\11044 - ROW PLAT - CCC.dwg.

2. Adoption of Hazard Mitigation Plan

Tom Quist, Assistant to the City Manager stated that the past months, City staff members have worked with employees and stakeholders throughout Bartow County to update the Countywide Hazard Mitigation Plan. Adoption of a Hazard Mitigation Plan not only provides a strategic map for mitigating hazardous events, it also provides increased access to funding, particularly from the Federal Level. Mr. Quist stated that he is asking for the adoption of the current hazard mitigation plan, which is in draft form, in order to expedite the receipt of funding for a pending grant application should the funding be approved. Mr. Quist stated that the plan will be finalized in the coming months and recommended council authorize the City Manager and City Attorney to approve the final version once it is complete.

A motion to approve the Hazard Mitigation Plan pending approval of final plan by the City Manager and City Attorney along with the Corresponding Resolution No. 23-11 was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

Resolution No. 23-11

A RESOLUTION OF THE CARTERSVILLE CITY COUNCIL PURSUANT TO THE DISASTER MITIGATION ACT OF 2000 AUTHORIZING ADOPTION OF THE BARTOW COUNTY HAZARD MITIGATION PLAN

WHEREAS, the City of Cartersville along with Bartow County and its municipal governments are required to complete a Hazard Mitigation Plan by the Disaster Mitigation Act of 2000; and

WHEREAS, under the provisions of the Disaster Mitigation Act of 2000, local governments that complete Hazard Mitigation Plans will remain eligible for Federal mitigation funding; and

WHEREAS, the City of Cartersville along with Bartow County and its municipal governments have completed a Hazard Mitigation Plan that fulfills the Federal requirements of the Disaster Mitigation Act of 2000; and

WHEREAS, the Hazard Mitigation Plan attached hereto as Exhibit "A" has been approved by the Bartow County Hazard Mitigation Planning Committee and is recommended for approval by the Mayor and City Council of the City of Cartersville.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Cartersville that the Bartow County Hazard Mitigation Plan attached hereto as Exhibit "A" is hereby approved, subject to final approval by the City Manager and City Attorney as to form.

BE IT AND IT IS HEREBY RESOLVED this 1st day of September, 2011

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

(Exhibit A is on file in the Vault at City Hall)

D. Bid Award/Purchases

1. One-Ton Truck Cab and Chassis

Bobby Elliott, Public Works Director stated that bids were solicited for a one-ton truck cab and chassis for his department. Mr. Elliott stated only two qualified bids were received both from local vendors. After a comparison of the specifications between the two models, staff determined that the GMC was more suited for the needs of the department and recommended approval of the best bid from Wynn Pontiac Buick GMC for the purchase of the GMC Sierra 3500 in the amount of $29,528.90.

A motion to approve the best bid from Wynn Pontiac Buick GMC was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

2. Emergency Work on Generator at Water Pollution Control Plant

Ed Mullinax, Assistant Water Superintendent stated that the backup generator at the wastewater plant is run about 30 afternoons per year to reduce the peak demand for the Cartersville Electric Department. This saves about $150,000 per year. The generator went down due to overheating and this repair was performed on an emergency basis. Mr. Mullinax recommended approval of the emergency maintenance by Yancey Power Systems in the amount of $5,520.92.

A motion to approve the cost of the emergency repairs by Yancey Power Systems was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

3. Sodium Bi-Sulfite

Ed Mullinax, Assistant Water Superintendent stated that typical purchase of Sodium Bi-Sulfite for the Water Pollution Control Plant chlorine removal is less than the amount that requires council approval; however, a recent price increase has exceeded this limit. Mr. Mullinax recommended approval to purchase Sodium Bi-Sulfite from Southern Ionics, Inc. in the amount of $5,657.62.

A motion to approve the purchase from Southern Ionics, Inc. was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

Chief Scott Carter came forward to invite the Mayor and Council to a community program in Friendship Plaza on September 11, 2011 commemorating the 10^{th} Anniversary of the 9/11 Tragedy.

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

Meeting Adjourned

/s/ ___________________________
Matthew J. Santini
Mayor

ATTEST:

/s/ ______________________________
Connie Keeling
City Clerk