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

I. Opening Meeting

Invocation by Council Member McDaniel

Pledge of Allegiance led by Council Member Stepp

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: 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; Sam Grove, City Manager; Connie Keeling, City Clerk and David Archer, City Attorney. Kari Hodge, Council Member Ward One and Lori Pruitt, Council Member Ward Six were absent.

II. Regular Agenda

A. Council Meeting Minutes

1. June 16, 2011

A motion to approve the June 16, 2011 City Council minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

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

1. Z11-03 Rezoning application by Henry Floyd for property located at the intersection of West Avenue and Euharlee Road from O-C to G-C.

Mr. 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 tract is located the intersection of West Avenue and Euharlee Road. The applicant seeks to rezone the property from medium-use commercial (O-C) to high-use commercial (G-C) to allow for a general commercial development. Mr. Mannino stated that staff had no objections, there have been no changes or additions since the first reading and the Planning Commission had recommended approval.

Mayor Santini declared a Public Hearing for the zoning application open. After no comments, Mayor Santini declared the Public Hearing closed.

A motion to approve Ordinance No. 19-11 was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 19-11

Petition No. Z11-03

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 Henry Floyd. Property is located at the intersection of West Avenue (SR 61/113) and Euharlee Road. Said property contains 1.58 acres located in the 4th District, 3rd Section, Land Lot(s) 634 and 663 as shown on the attached plat Exhibit "A". Property is hereby rezoned from O-C (Office Commercial) to G-C (General Commercial). 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 16th day of June 2011.
ADOPTED this the 7th day of July 2011. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. SU11-01 Special Use Application by Roy Rozanske for property located at 3224 W. Porter Street to allow a salvage yard to operate in the H-I zoning district.

Mr. Randy Mannino, Planning and Development Director, stated that this application no longer meets the criteria and asked that this item be removed from the agenda. Mayor Santini removed this item from the agenda.

C. Other

1. GA DOT Letter of Concurrence: Leake Mounds – Etowah Riverwalk

Greg Anderson, Parks and Recreation Director stated that in reference to the Letter of Concurrence sent by the GA DOT on the TE Grant – Leake Mounds – Etowah Riverwalk Trail Project a new schedule has been set for the project completion by the GA DOT. Mr. Anderson stated that he had spoken with the GA DOT officials and with the engineer on this project regarding the new schedule and feels that the city will meet the revised schedule for this trail project. Mr. Anderson recommended approval of the letter and revised schedule.

A motion to approve the Mayor to sign the GA DOT Letter of Concurrence and approve the revised schedule for the Leake Mounds – Etowah Riverwalk was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

D. Contracts/Agreements

1. Construction Manager At Risk: Potts Construction/Graham Commercial Contractors

Dan Porta, Assistant City Manager stated that after the City Council interviewed the three finalists for Construction Manager at Risk (CMR) and ranked each firm, he began to negotiate a CMR contract with Potts Construction/Graham Commercial Contractors for the construction of the Public Safety Headquarters and Fire Station #4. These firms will be providing builders risk insurance on these projects during the construction phase, and the cost of their work is as follows: Pre-construction fee – amount not to exceed $31,000.00; Construction costs (or General Conditions) – amount not to exceed $51,907.25 per month; Construction Manager at Risk fee – 5.5% of the cost of work. Mr. Porta stated that at this time it is estimated that the total cost to construct both of these buildings is $12 million dollars and the city will retain all savings for construction costs below the guaranteed maximum price. Based on this construction cost estimate and a 12 month construction period, the overall cost to the city for this project for the Construction Manager at Risk is 10.95% (this includes pre-construction fee, general conditions cost, and CMR fee of 5.5%).

Mr. Porta stated that if the CMR contracts are approved, the next step will be for Potts Construction/Graham Commercial Contractors to begin advertising for local sub contractors who are qualified to complete phases of the project and solicit pricing for the entire project. From this the CMR will develop a guaranteed maximum price for these projects. Mr. Porta stated that this total fee is on par with current market rates for other CMR contracts reviewed and recommended approval of this contract.

A motion to approve the contract with Potts Construction/Graham Commercial Contractors was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

E. Bid Award/Purchases

1. USA Software for Police Department

Tommy Culpepper, Police Chief stated that this is the annual agreement for USA Software Support for the internal data/information system, in-car computers and reporting system. Chief Culpepper stated that the current agreement expires on August 9, 2011 and the renewal cost is $28,399.20. Chief Culpepper stated that this company has provided this service for a number of years and recommended approval.

A motion to approve the agreement with USA Software Support was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

2. Electric Line Reclosers

Don Hassebrock, Electric Assistant Director stated that he is requesting approval to purchase two three-phase electronic reclosers. Reclosers are mini breakers placed on a line which during trouble allows only a section of line to be disrupted instead of an entire line. This increases reliability and minimizes the number of customers affected by storms, downed trees and such. Mr. Hassebrock stated that the units used by the Cartersville Electric System are no longer manufactured and new comparable units cost $25,000.00 each; however he has been able to locate two units that match the units currently in use that have been refurbished and carry the same warranty as new units. These units are preferred because they are interchangeable and we already have the necessary hardware/software. Mr. Hassebrock stated that since refurbished units are not available from other vendors, there are no comparable bids and recommended purchasing the units from Florida Transformer in the amount of $11,376.52 each.

A motion to approve purchase from Florida Transformer was made by Council Member Tate and seconded by Council Member Stepp. Motion carried unanimously. Vote 4-0

3. FY 2011-2012 Audit Services

Dan Porta, Assistant City Manager stated that the city engages an audit firm to perform its annual audit. The city's current audit firm was asked to extend the current contract for an additional year. The audit firm has agreed to the extension and has submitted a price to perform the audit not to exceed $36,200.00. Mr. Porta stated that this is an increase of $4,000.00 over the current contract due to not engaging in a multi-year contract and recommended approval of Williamson & Co. for the FY 2011-2012 Audit Services.

A motion to approve the agreement with Williamson & Co. was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

4. Rebuild Water Recycle Pumps at Water Pollution Control Plant

Ed Mullinax, Assistant Water Superintendent stated that there are two recycle water pumps at the wastewater plant that need to be replaced or rebuilt. These pumps supply water to the entire plant for wash down, operation of presses, polymer feed, chlorination feed, etc. The use of this recycled water saves about $5,000.00 per month versus the use of potable water. Mr.

Mullinax recommended approval of the low bid from Rome Electric Motors in the amount of $11,604.00 to rebuild these two pumps.

A motion to approve the agreement with Rome Electric Motors was made by Council Member McDaniel and seconded by Council Member Stepp. Motion carried unanimously. Vote 4-0

F. Engineering Services

1. Water Main Crossing Sugar Valley Road

Ed Mullinax, Assistant Water Superintendent stated that they currently have a SPLOST project under design for the widening of the bridge at Nancy Creek on Sugar Valley Road. This project involves construction in the area of the Water Department's proposed West Feeder Main – 36" Water Main Project. Installation of the proposed water main by open cut during the bridge construction project will save over $50,000.00 as opposed to installing the water main by jack and bore method after the new bridge is in place. The Water Department has requested Jacobs Engineering Group to provide a proposal for Engineering Services for the preparation of design drawings and specification for a segment of the main crossing Sugar Valley Road and these will be incorporated into the bridge project contract. Mr. Mullinax stated that the proposal from Jacobs Engineering is for an amount not to exceed $9,813.00 and recommended approval.

A motion to approve the engineering services by Jacobs Engineering was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 4-0

G. Change Order
(Items 1 & 2 Voted as one motion)

1. C & L Contractors for Water Pollution Control Plant Pipe Replacement

Ed Mullinax, Assistant Water Superintendent stated that during the project at the wastewater plant putting in a new return activated sludge line the contractor discovered two electrical duct banks that were not located before the project started. This changed the scope of the project and the contractor had to add about 28 hours of work to C & L Contractors with his four man crew and equipment to install four extra 24" angles of 45 degrees. Threading the pipe through this obstruction was very time consuming and has required a change order on the contract in the amount of $10,845.00 bringing the total contract price to $26,795.00 and Mr. Mullinax recommended approval.

2. Reroofing Distribution and Collections Building

Ed Mullinax, Assistant Water Superintendent stated that the roof replacement on the Distribution and Collection Building is almost complete and it was observed during this work that there are about 15 panels on the outer wall that are rusted through at the bottom. These damaged panels will allow rain and animals to get into the building. Mr. Mullinax stated that the roofer had done a good job and he would like for this same contractor to replace these outside panels and paint them to match the rest of the building. Mr. Mullinax recommended approval of Hampson Construction in the increased amount of $6,640.00 for a project total of $30,040.00.

A motion to approve both change orders as presented was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

Mayor Santini stated that there were two items that needed to be added to the agenda. A motion to add these items to the agenda was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

H. Added Items

1. Resolution

David Archer, City Attorney stated that this is a joint resolution with Bartow County to create an additional Joint Development Authority for financials that will have the ability to do things that the current Authority cannot do for a significant savings. Once adopted by both the city and county this resolution will be forwarded to the Secretary of States office and will become effective upon their approval Mr. Archer stated that the first Board of Directors of the Authority each of whom meets the foregoing qualifications, for terms of office expiring as indicated below:

Director	Appointing Authority	Date of Expiration of Initial Term of Office
Greg Frisbee	City Council	December 31, 2013
Lamar Pendley	City Council	December 31, 2013
David Caswell	City Council	December 31, 2015
Malcom Cooley	City Council	December 31, 2015
Carolos Calhoun	Commissioner	December 31, 2013
Ronnie Evans	Commissioner	December 31, 2013
Ed Brush	Commissioner	December 31, 2015
Eric Strickland	Commissioner	December 31, 2015

A motion to approve Resolution No. 15-11 was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

Resolution No. 15-11

A RESOLUTION OF THE COMMISSIONER OF BARTOW COUNTY AND THE CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA TO DECLARE THE NEED FOR THE CREATION OF AN ADDITIONAL JOINT DEVELOPMENT AUTHORITY TO FUNCTION IN BARTOW COUNTY, GEORGIA AND THE CITY OF CARTERSVILLE, GEORGIA, PURSUANT TO THE PROVISIONS OF THE DEVELOPMENT AUTHORITIES LAW; TO APPOINT A BOARD OF DIRECTORS FOR SUCH DEVELOPMENT AUTHORITY; TO AUTHORIZE SUCH

DEVELOPMENT AUTHORITY TO EXERCISE THE POWERS CONTAINED IN THE DEVELOPMENT AUTHORITIES LAW; TO PROVIDE FOR NOTICE TO THE SECRETARY OF STATE OF THE STATE OF GEORGIA OF THE ADOPTION OF THIS RESOLUTION; TO REPEAL CONFLICTING RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Commissioner of Bartow County (the "Commissioner") is the governing authority of Bartow County, Georgia (the "County"), a political subdivision created and existing under the laws of the State of Georgia; and

WHEREAS, it has been determined by the Commissioner that there exists an urgent need to develop and promote for the public good and general welfare trade, commerce, industry, and employment opportunities in the County; and

WHEREAS, the City Council of the City of Cartersville, Georgia (the "City Council") is the governing authority of the City of Cartersville, Georgia (the "City"), a municipal corporation created and existing under the laws of the State of Georgia; and

WHEREAS, it has been determined by the City Council that there exists an urgent need to develop and promote for the public good and general welfare trade, commerce, industry, and employment opportunities in the City; and

WHEREAS, Article IX, Section VI, Paragraph III of the Constitution of the State of Georgia, which permits the General Assembly of the State of Georgia to authorize the creation of development authorities for certain purposes by any county or municipality or combination thereof, and an act of the General Assembly of the State of Georgia entitled the "Development Authorities Law," as amended, and codified as Chapter 62 of Title 36 of the Official Code of Georgia Annotated (the "Development Authorities Law"), which was enacted by the General Assembly of the State of Georgia pursuant to authority granted in such Article IX, Section VI, Paragraph III, authorize any one or more municipal corporations and one or more counties in the State of Georgia to create and activate a joint development authority within each such county and municipal corporation; and

WHEREAS, the Commissioner has determined that it is desirable and necessary that an additional joint development authority for the County and the City be created and activated immediately in order to fulfill the present needs expressed herein; and

WHEREAS, the City Council has determined that it is desirable and necessary that an additional joint development authority for the County and the City be created and activated immediately in order to fulfill the present needs expressed herein;

NOW, THEREFORE, BE IT RESOLVED, by joint and concurrent resolution of the Commissioner and the City Council, and it is hereby resolved by the authority of the same, that there be and there is hereby determined and declared to be a pressing, existing, and future need for an additional development authority (as more fully described and defined in the Development Authorities Law) to function in the County and the City for the

purpose of developing and promoting for the public good and general welfare trade, commerce, industry, and employment opportunities in the County and the City, thereby promoting the general welfare of the citizenry of the County and the City.

BE IT FURTHER RESOLVED, by the aforesaid authority, that there be and there is hereby created and activated the public body corporate and politic known as the "Bartow-Cartersville Second Joint Development Authority" (the "Authority"), pursuant to the Development Authorities Law.

BE IT FURTHER RESOLVED, by the aforesaid authority, that the Board of Directors of the Authority shall consist of eight members, four of whom shall be appointed by the City Council and four of whom shall be appointed by the Commissioner. Each of the members of the Board of Directors of the Authority must be a taxpayer residing in the City, in the case of members appointed by the City Council, or the County, in the case of members appointed by the Commissioner, and none of whom shall be an officer or employee of the County or the City.

BE IT FURTHER RESOLVED, by the aforesaid authority, that there be and there are hereby elected as members of the first Board of Directors of the Authority the following named persons, each of whom meets the foregoing qualifications, for terms of office expiring as indicated below:

Director	Appointing Authority	Date of Expiration of Initial Term of Office
Greg Frisbee	City Council	December 31, 2013
Lamar Pendley	City Council	December 31, 2013
David Caswell	City Council	December 31, 2015
Malcom Cooley	City Council	December 31, 2015
Carolos Calhoun	Commissioner	December 31, 2013
Ronnie Evans	Commissioner	December 31, 2013
Ed Brush	Commissioner	December 31, 2015
Eric Strickland	Commissioner	December 31, 2015

BE IT FURTHER RESOLVED, by the aforesaid authority, that commencing with the date of adoption of this resolution by the Commissioner and the City Council each of such persons named as directors above shall serve in such capacity until their initial term of office expires as indicated above, unless they cease to be eligible prior to the expiration of such term. After the initial terms of office, directors of the Authority shall serve for terms of office of four years each, unless they cease to be eligible prior to the expiration of such term. At the end of any term of office of any director, or upon becoming ineligible, a successor thereto shall be elected by the Commissioner or the City Council, as the case may be, determined according to the authority that appointed the director whose term is expiring. A director whose term of office shall have expired shall continue to hold office until his or her successor shall be so elected.

BE IT FURTHER RESOLVED, by the aforesaid authority, that the Board of Directors hereinbefore elected shall organize itself, carry out its duties and responsibilities, and exercise its powers and prerogatives in accordance with the terms and provisions of the Development Authorities Law as it now exists and as it might hereafter be amended or modified.

BE IT FURTHER RESOLVED, by the aforesaid authority, that the Clerk of the County and the City Clerk shall furnish immediately to the Secretary of State of the State of Georgia a certified copy of this resolution in compliance with the mandate set forth in Section 2 of the Development Authorities Law.

BE IT FURTHER RESOLVED, by the aforesaid authority, that the action taken by the Commissioner and the City Council herein, including the activation of the Bartow-Cartersville Second Joint Development Authority under the Development Authorities Law, is not intended to, and shall in no way or to any extent, impair or otherwise affect the existence, purpose, organization, powers, or function of any other industrial development or other authority heretofore created by constitutional amendment or Act of the General Assembly, including without limitation, the Cartersville Development Authority created pursuant to an amendment to the Constitution of the State of Georgia (1962 Ga. Laws 1021 to 1027, inclusive), now specifically continued as a part of the Constitution of the State of Georgia of 1983 pursuant to an Act of the General Assembly of the State of Georgia (1986 Ga. Laws 4694 to 4695, inclusive), or the Bartow-Cartersville Joint Development Authority, the Development Authority of Cartersville, or the Development Authority of Bartow County, each created pursuant to the Development Authorities Law.

BE IT FURTHER RESOLVED, by the aforesaid authority, that any and all resolutions in conflict with this resolution be and the same are hereby repealed.

BE IT FURTHER RESOLVED, by the aforesaid authority, that this resolution shall be effective immediately upon its adoption by the Commissioner, the City Council, or the last approving this resolution, and from and after such adoption and approval the Authority shall be deemed to be fully created and activated.

PASSED, ADOPTED, SIGNED, APPROVED, AND EFFECTIVE this 13th day of July 2011.

BARTOW COUNTY, GEORGIA

By: Clarence Brown
Clarence Brown, Commissioner of
Bartow County

(SEAL)

Attest:

/s/ Kathy Gill
Kathy Gill, Clerk

PASSED, ADOPTED, SIGNED, APPROVED, AND EFFECTIVE this 7th day of July 2011.

CITY OF CARTERSVILLE, GEORGIA

By: Matthew J. Santini
Matthew J. Santini
Mayor

(SEAL)

Attest:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. Repair of John Deere Backhoe Boom

Gary Riggs, Gas Superintendent stated that his John Deere Backhoe was damaged while excavating on Sugar Valley Road. After inspection of the damage the replacement of the damaged boom has been recommended because the structural integrity of the boom has been compromised. The total cost of repairs is $11,274.14 from Flint Equipment Company and Mr. Riggs recommended approval.

A motion to approve the repairs by Flint Equipment Company was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0.

Council Member Stepp recused himself from the meeting.

I. Presentations

1. Citizen Survey Results

Tom Quist, Assistant to the City Manager presented a portion of the results from the recently completed Citizen Survey pertaining to the Overall Community Quality, Environmental Quality, and Social and Civic Engagement.

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

Meeting Adjourned

/s/ ___________________________
Matthew J. Santini

Mayor

ATTEST:

/s/ ______________________________
Connie Keeling
City Clerk