

City Council Meeting
10 N. Public Square
June 16, 2011
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tate

Pledge of Allegiance led by Mayor Santini

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. June 2, 2011

A motion to approve the June 2, 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. Second Reading of Ordinances

1. Amendment to City Charter Regarding Ward Redistricting

Randy Mannino, Planning and Development Director stated that the City of Cartersville is required to submit a new ward boundary map based on the 2011 Census. Mr. Mannino stated that the proposed districts are in compliance with the justice department requirements for minority and populations and racial deviation, and maintained to the extent possible use of census blocks as the basis of the wards. Mr. Mannino stated that the map is basically the same as our current map; however there are some areas of change which he described and presented a map with the marked changes to the Mayor and Council. A public notice has been published to run May 26, June 2, and June 9, 2011 as required by law. Mr. Mannino stated that adoption of a ward map, requires the city to amend its Charter per state law and requires actions by City Council to be two public hearings and adoption of Ward Boundaries Changes in a city ordinance. Once approved the City Attorney will forward this to the Justice Department for preclearance and if a response is received by August 28, 2011, the November 2011 elections will be held pursuant to the new ward map; if not the November election will be held pursuant to the existing

map. Mr. Mannino stated that there have been no changes or additions since the first reading and recommended approval of the Ward Map and Ordinance.

Mayor Santini declared a Public Hearing for the second reading of the 2011 Redistricting Ward Boundary Map open. After no comments Mayor Santini declared the public hearing closed.

A motion to approve amendment to the Charter (Ordinance No. 16-11) pertaining to Ward Boundary Changes was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

Ordinance
of the
City of Cartersville, Georgia

Ordinance No. 16-11

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that the CITY OF CARTERSVILLE CHARTER, CHAPTER 8. ELECTIONS. Sec. 8-5. Ward Boundaries is hereby amended by deleting said Section in its entirety and replacing it with the following:

1.

“Sec. 8-5. Ward Boundaries

(A) As required by the charter, the city is hereby divided into six (6) wards as follows:

Ward 1

All that tract or parcel of land which is bound by visible features which are readily distinguishable upon the ground, such as streets, railroad tracks, streams, lakes and ridges, and which are indicated upon official department of transportation maps including census tracts and census blocks, metes and bounds property descriptions; or the city limits of the City of Cartersville existing as of JUNE 16, 2011 as shown colored in green on that map entitled “CARTERSVILLE, GEORGIA AND VICINITY; PROPOSED WARD BOUNDARIES” adopted by city council June 16, 2011 includes annexations approved by the Justice Department since April 1, 2011, attached hereto and included by reference as Exhibit A.

Said ward boundaries for Ward 1 are more particularly described as follows:

**Bartow GA County
Census Tract 9604.02**

Blocks 3039 through 3041, 3051 through 3055, 3059
Census Tract 9605.00
Blocks 1002, 1014, 1017, 1045
Census Tract 9607.00
Blocks 1028, 1033, 1035, 1036, 1039, 1064, 1068 through 1075, 1084 through 1086,
1088, 1096 through 1099
Blocks 1100 through 1106, 1113 through 1115, 1118, 1119, 1120, 1127 through 1129,
1137
Blocks 2000 through 2002, 2004 through 2008, 2011 through 2015, 2017, 2018, 2023,
2025 through 2032, 2034, 2035, 2036, 2038 through 2040, 2060, 2062 through 2064
Blocks 3006, 3007, 3010, 3015, 3022, 3023, 3025 through 3030, 3032 through 3035,
3037, 3039 through 3041, 3045, 3047 through 3050
Blocks 4000, 4003 through 4014, 4016 through 4020, 4022, 4024
Blocks 5000 through 5004, 5007 through 5010

Ward 2

All that tract or parcel of land which is bound by visible features which are readily distinguishable upon the ground, such as streets, railroad tracks, streams, lakes and ridges, and which are indicated upon official department of transportation maps including census tracts and census blocks, metes and bounds property descriptions; or the city limits of the City of Cartersville existing as of JUNE 16, 2011 as shown colored in blue on that map entitled "CARTERSVILLE, GEORGIA AND VICINITY; PROPOSED WARD BOUNDARIES" adopted by city council June 16, 2011 includes annexations approved by the Justice Department since April 1, 2011", attached hereto and included by reference as Exhibit A.

Said ward boundaries for Ward 2 are more particularly described as follows:

Bartow GA County

Census Tract 9606.00

Blocks 2016, 2018 through 2027

Blocks 4000 through 4013, 4015 through 4029

Blocks 5014 through 5030

That part of Block 5033, being described as follows:

True point of beginning is the intersection of the southern right of way of Old Mill Road with the Western Right of Way of Pine Grove Road;
Thence travel southerly along the western right of way of Pine Grove Road to its intersection with the northern right of way of Parkview Drive to a point;
Thence from said point of intersection travel westerly along the north right of way of Parkview Drive to its intersection with the western boundary line of land lot 667, 4th District, 3rd Section to a point;
Thence traveling from said point along the western boundary line of land lot 667 and 630 North 01 degrees 32 minutes 26 seconds East a distance of 507.16 feet to a point;

Thence traveling from said point, along the western boundary line of land lot 630, 4th District, 3rd Section North 01 degrees 32 minutes 10 seconds East a distance of 384.52 feet to a point;

Thence traveling from said point South 89 degrees 54 minutes and 06 seconds East a distance of 1296.88 feet to a point on the western boundary line of land lot 631, 4th District, 3rd Section to a point;

Thence traveling from said point southerly along the western boundary of land lot 631, 4th District, 3rd Section South 0 degrees 05 minutes 35 seconds East a distance of 164.89 feet to a point, said point being an iron pin;

Thence traveling from said point, being an iron pin North 89 degrees 54 minutes 00 seconds west a distance of 50 feet to a point marked by a concrete monument;

Thence traveling from said point being a concrete monument North 0 degrees 05 minutes 30 seconds west a distance of 944.88 feet to a point, being a concrete monument on the southern right of way line of Old Mill;

Thence traveling from said point being a concrete monument easterly along the southerly right of way of Old Mill Road to its intersection with the western right of way of Pine Grove Road, to a point, said point being the true point of beginning.

Blocks 5039, 5040, 5042, 5043, 5044, 5046, 5048, 5049, 5079

Blocks 6027, 6028, 6033, 6034, 6037 through 6039

Census Tract 9607.00

Blocks 1132, 1133

Blocks 5035, 5040 through 5054

Ward 3

All that tract or parcel of land which is bound by visible features which are readily distinguishable upon the ground, such as streets, railroad tracks, streams, lakes and ridges, and which are indicated upon official department of transportation maps; or the city limits of the City of Cartersville existing as of JUNE 16, 2011 as shown colored in purple on that map entitled "CARTERSVILLE, GEORGIA AND VICINITY; PROPOSED WARD BOUNDARIES" adopted by city council June 16, 2011 includes annexations approved by the Justice Department since April 1, 2011", attached hereto and included by reference as Exhibit A.

Said ward boundaries for Ward 3 are more particularly described as follows:

Bartow GA County

Census Tract 9606.00

Blocks 5004 through 5010, 5011, 5013, 5031

All of Block 5033, less and except the following:

True point of beginning is the intersection of the southern right of way of Old Mill Road with the Western Right of Way of Pine Grove Road;
 Thence travel southerly along the western right of way of Pine Grove Road to its intersection with the northern right of way of Parkview Drive to a point;
 Thence from said point of intersection travel westerly along the north right of way of Parkview Drive to its intersection with the western boundary line of land lot 667, 4th District, 3rd Section to a point;
 Thence traveling from said point along the western boundary line of land lot 667 and 630 North 01 degrees 32 minutes 26 seconds East a distance of 507.16 feet to a point;
 Thence traveling from said point, along the western boundary line of land lot 630, 4th District, 3rd Section North 01 degrees 32 minutes 10 seconds East a distance of 384.52 feet to a point;
 Thence traveling from said point South 89 degrees 54 minutes and 06 seconds East a distance of 1296.88 feet to a point on the western boundary line of land lot 631, 4th District, 3rd Section to a point;
 Thence traveling from said point southerly along the western boundary of land lot 631, 4th District, 3rd Section South 0 degrees 05 minutes 35 seconds East a distance of 164.89 feet to a point, said point being an iron pin;
 Thence traveling from said point, being an iron pin North 89 degrees 54 minutes 00 seconds west a distance of 50 feet to a point marked by a concrete monument;
 Thence traveling from said point being a concrete monument North 0 degrees 05 minutes 30 seconds west a distance of 944.88 feet to a point, being a concrete monument on the southern right of way line of Old Mill;
 Thence traveling from said point being a concrete monument easterly along the southerly right of way of Old Mill Road to its intersection with the western right of way of Pine Grove Road, to a point, said point being the true point of beginning.

Blocks 5034 through 5038, 5041, 5045, 5047, 5050, 5051, 5058, 5060 through 5062, 5064, 5066, 5069, 5071, 5072, 5074 through 5078, 5084, 5087, 5089, 5090, 5092, 5094, 5097

Blocks 6025, 6026

Census Tract 9608.03

Blocks 3003, 3007 through 3009, 3012 through 3014, 3016, 3020 through 3025, 3047 through 3053, 3055, 3056, 3058 through 3062, 3067, 3070 through 3074, 3077, 3091, 3093, 3094, 3097, 3098

Blocks 3103, 3104, 3110, 3113, 3114, 3116, 3135, 3143, 3146, 3148, 3152, 3155, 3156

Census Tract 9609.01

Blocks 1000 through 1003

Blocks 2000, 2003 through 2010, 2012, 2024, 2032, 2073, 2074, 2078, 2082

Census Tract 9609.02

Blocks 2018, 2019, 2021 through 2027, 2029, 2031, 2034

All that tract or parcel of land which is bound by visible features which are readily distinguishable upon the ground, such as streets, railroad tracks, streams, lakes and ridges, and which are indicated upon official department of transportation maps including census tracts and census blocks, metes and bounds property descriptions; or the city limits of the City of Cartersville existing as of JUNE 16, 2011 as shown colored in red on that map entitled “CARTERSVILLE, GEORGIA AND VICINITY; PROPOSED WARD BOUNDARIES” adopted by city council June 16, 2011 includes annexations approved by the justice department since April 1, 2011”, attached hereto and included by reference as Exhibit A.

Said ward boundaries for Ward 4 are more particularly described as follows:

Bartow GA County

Census Tract 9605.00

Blocks 1027 through 1033, 1035, 1044, 1046, 1050, 1052

Census Tract 9606.00

Blocks 1062, 1084 through 1086, 1096, 1097

Blocks 2000 through 2015, 2017

Blocks 3000 through 3024

Blocks 6000 through 6003, 6005, 6006, 6030 through 6032

Census Tract 9607.00

Blocks 2041 through 2059, 2061

Blocks 4001, 4002, 4015, 4021, 4023

Blocks 5005, 5006, 5011 through 5034, 5036, 5037, 5038, 5039

Ward 5

All that tract or parcel of land which is bound by visible features which are readily distinguishable upon the ground, such as streets, railroad tracks, streams, lakes and ridges, and which are indicated upon official department of transportation maps; or the city limits of the City of Cartersville existing as of JUNE 16, 2011 as shown colored in orange on that map entitled “CARTERSVILLE, GEORGIA AND VICINITY; PROPOSED WARD BOUNDARIES” adopted by city council June 16, 2011 includes annexations approved by the Justice Department since April 1, 2011”, attached hereto and included by reference as Exhibit A.

Said ward boundaries for Ward 5 are more particularly described as follows:

Bartow GA County

Census Tract 9605.00

Blocks 1024 through 1026

Blocks 4028 through 4030, 4036, 4037, 4039, 4040, 4043, 4044

Census Tract 9606.00

Blocks 1000 through 1038, 1043 through 1056, 1059 through 1061, 1063 through 1083, 1087 through 1091, 1095, 1098, 1099

Blocks 1100 through 1104, 1106, 1107
Blocks 6004, 6007 through 6014, 6016, 6017, 6019, 6020 through 6022, 6024, 6029,
6035, 6036, 6040
Census Tract 9609.02
Blocks 1002, 1004
Blocks 2000 through 2003
Blocks 4014 through 4016, 4018, 4020 through 4022, 4024, 4026 through 4032, 4035,
4038, 4040, 4041, 4044, 4045

Ward 6

All that tract or parcel of land which is bound by visible features which are readily distinguishable upon the ground, such as streets, railroad tracks, streams, lakes and ridges, and which are indicated upon official department of transportation maps; or the city limits of the City of Cartersville existing as of JUNE 16, 2011 as shown colored in yellow on that map entitled "CARTERSVILLE, GEORGIA AND VICINITY; PROPOSED WARD BOUNDARIES" adopted by city council June 16, 2011 includes annexations approved by the Justice Department since April 1, 2011", attached hereto and included by reference as Exhibit A.

Said ward boundaries for Ward 6 are more particularly described as follows:

Bartow GA County

Census Tract 9601.02
Blocks 1046 through 1049
Blocks 3045, 3046
Census Tract 9604.01
Blocks 1004, 1005, 1007 through 1010, 1012, 1014 through 1016, 1033, 1035, 1036, 1038, 1041, 1043, 1046, 1049
Blocks 2003 through 2005, 2011, 2013 through 2015, 2026, 2028 through 2031, 2036 through 2041, 2056, 2059, 2060, 2063, 2068, 2069, 2070, 2075, 2076, 2079, 2080, 2082, 2083, 2086, 2088, 2091 through 2094, 2096
Blocks 2106, 2107, 2111, 2113
Census Tract 9604.02
Blocks 1007, 1009, 1010, 1014, 1015, 1020, 1039, 1040, 1042, 1046, 1048, 1053, 1054, 1056, 1058 through 1060, 1062, 1063, 1068, 1072 through 1074, 1077, 1082 through 1085, 1087 through 1089
Blocks 3001 through 3005, 3007, 3060, 3062, 3063, 3065, 3067, 3069, 3075, 3076, 3079, 3080, 3082, 3083, 3085, 3088 through 3098
Blocks 3100 through 3102
Census Tract 9605.00
Blocks 1013
Blocks 2006, 2007 2009, 2014 through 2022, 2026 through 2028, 2030
Blocks 3031
Census Tract 9607.00

Blocks 3000, 3002, 3003, 3008, 3009, 3013, 3017, 3019, 3042 through 3044, 3046, 3053

(B) Any property within the City limits of the City of Cartersville at the time of adoption of this Ordinance shall become a part of and be included in the ward that is contiguous with; if contiguous with more than a single ward, it shall become part of the ward that has the least population based on the 2011 U.S. Census data.

(C) Any property annexed after the adoption of this Ordinance, shall become a part of and be included in the ward that it is contiguous with; if contiguous with more than a single ward, it shall become part of the ward with the least population according to the 2011 U.S. Census data.

(D) This Ordinance and map shall become effective after approval by the United States Justice Department, however if said approval is not received before August 28, 2011, then the November 2011 election shall be conducted based on the currently existing ward boundaries as approved by the United States Justice Department on October 21, 2003.

BE IT AND IT IS HEREBY ORDAINED.

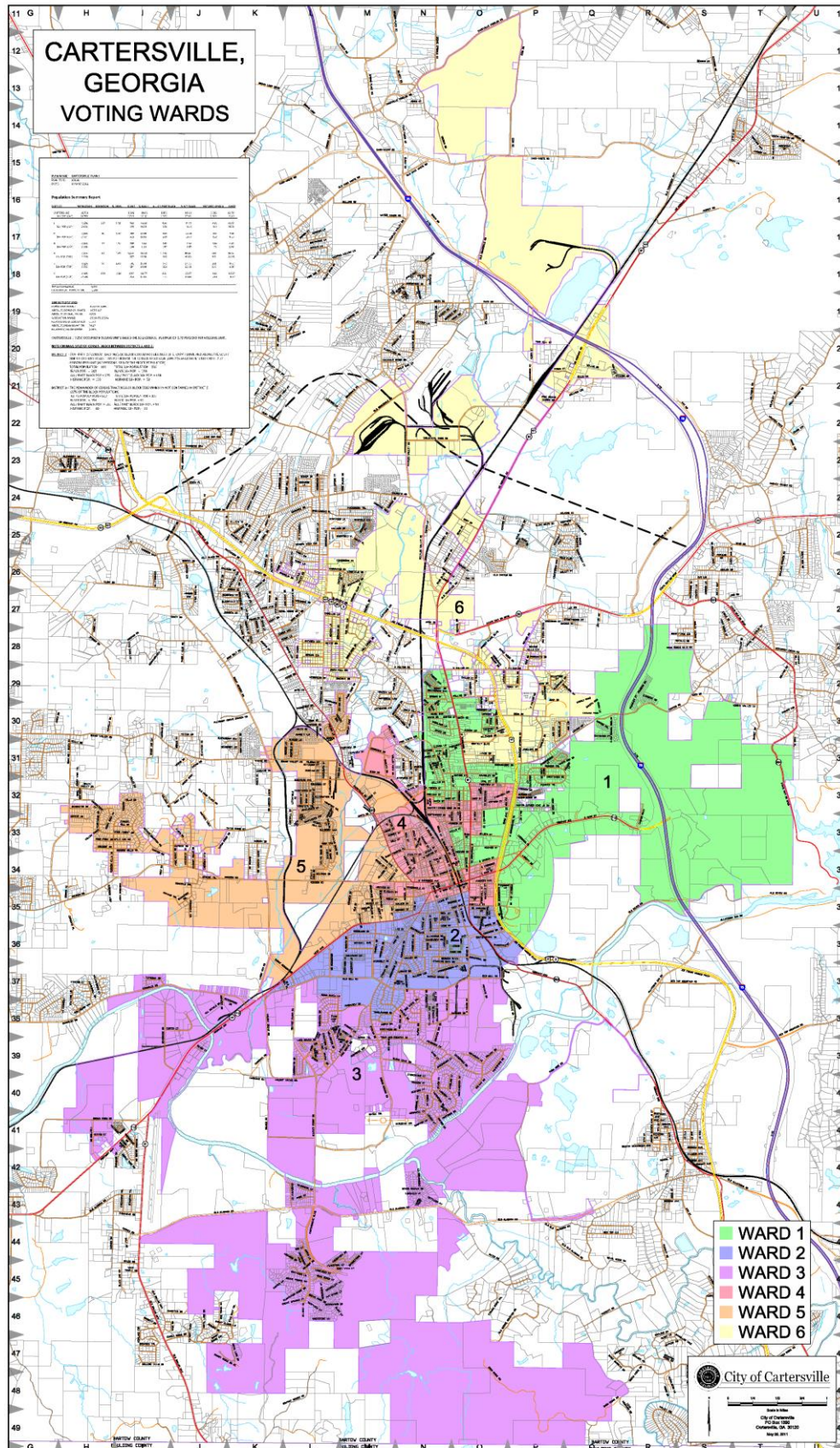
ADOPTED this the 2nd day of June 2011. First Reading

ADOPTED this the 16th day of June 2011. Second Reading.

**/s/ Matthew Santini
Matthew Santini
Mayor**

ATTEST:

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



2. Budget Ordinance for Fiscal Year 2011-2012

Tom Rhinehart, Finance Director presented the Fiscal Year 2011-2012 budget proposal to the Mayor and Council. He stated that there were changes since the first reading. Mr. Rhinehart stated that the updated proposed budget is a 10.72% increase from last years' budget and totals \$157,935,080. The largest increase occurred in the capital area with a \$12.8 million increase. There were no city property tax increases, however a proposed 5% rate increase was added in the water and sewer fund. The budget continued with the 5-year capital plan. This budget includes 15 positions added (12 positions being Fire Personnel for Station 4 to be hired April 2012) along with debt issued in the SPLOST and Water and Sewer Funds. Also incorporated into the budget was the recycling program to begin in January 2012. Mr. Rhinehart stated that this is a balanced budget and recommended approval.

A motion to approve Fiscal Year 2011-2012 Budget as presented, Ordinance No. 17-11 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried. Vote 5-1 with Council Member Pruitt voting against.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 17-11

NOW BE IT HEREBY ORDAINED by the Mayor and City Council that pursuant to the City of Cartersville Charter; the City of Cartersville Fiscal Year 2011 - 2012 budget.

2011 - 2012 Budget Summary

<u>General Fund</u>	<u>Revenues</u>	<u>Expenditures</u>
Revenues	\$39,532,415	
Expenditures:		
Legislative		\$19,562,380
Administration		\$ 1,012,265
Finance Dept.		\$ 1,025,760
City Clerk Dept.		\$ 691,735
Police		\$ 5,170,490
Fire		\$ 5,393,635
Public Works		\$ 2,497,435
Recreation		\$ 3,249,595
Planning & Development		\$ 929,120

Special Revenue Funds

SPLOST – 2003	\$ 5,200,000	\$ 5,200,000
SPLOST – 2007	\$12,555,000	\$12,555,000
DEA	\$ 433,690	\$ 433,690
State Forfeiture	\$ 3,000	\$ 3,000
Hotel/Motel Tax	\$ 340,000	\$ 340,000
Motor Vehicle Rental Tax	\$ 40,000	\$ 40,000
Grant Funds	\$ 1,319,015	\$ 1,319,015
Impact Fees	\$ 24,935	\$ 24,935
Development Fees	\$ 5,000	\$ 5,000

Enterprise Funds

Fiber Optics	\$ 1,646,900	\$ 1,646,900
Electric	\$43,600,295	\$43,600,295
Gas	\$28,845,855	\$28,845,855
Solid Waste	\$ 2,587,900	\$ 2,587,900
Stormwater	\$ 1,181,000	\$ 1,181,000
Water & Sewer	\$19,051,945	\$15,297,140
Water Pollution Control Plant		\$ 1,993,715
Water Treatment Plant		\$ 1,761,090

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED, this 2nd day of June 2010. First Reading.

ADOPTED this 16th day of June 2010. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

3. Amendment to Utilities Ordinance Regarding Water/Sewer Rates

Tom Rhinehart, Finance Director stated that in order to balance the FY 2012 Water and Sewer Fund budget, a 5% proposed increase in water and sewer rates is needed. The increase will allow the City to continue to maintain the existing system as well as update the system by

completing projects that are needed to fulfill the needs of existing customers along with any future needs of the water and sewer system. He presented data showing that even with this small increase in rates, the City of Cartersville will still have one of the lowest water and sewer rates in the surrounding area. Mr. Rhinehart stated that there had been no changes or additions since the first reading and recommended approval of the proposed rate increase to begin July 1, 2011.

A motion to approve Ordinance No. 18-11 as presented was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

Ordinance
of the
City of Cartersville, Georgia
Ordinance No. 18-11

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 24. UTILITIES. ARTICLE IV. WATER SERVICE Section 24-64 (a) and (b) Water and Sewage Rate and Section 24-147 (a.) Sewage Rates is hereby amended by deleting said Section 24-64 (a) and (b), and Section 24-147 (a) in their entirety and replacing them with the following:

Sec. 24-64. Water & Sewage Utility Rates.

(a.) Water Monthly Billing	City	Outside City
Minimum bill according to meter size:		
5/8" or 3/4"	\$ 6.00	\$ 11.00
3/4" full flow	\$ 9.00	\$ 16.00
1"	\$ 14.00	\$ 26.00
1 1/4" or 1 1/2"	\$ 28.00	\$ 48.00
2"	\$ 54.00	\$ 99.00
4"	\$101.00	\$185.00
6"	\$156.00	\$280.00
8"	\$200.00	\$387.00
Plus consumption as follows:		
(i) Residential Meters	\$1.26/100 cu. ft.	\$2.52/100 cu. ft.
(a) 0 – 10 consumptions per month	\$2.57/100 cu. ft.	\$3.24/100 cu. ft.
(b) 11 – 14 consumptions per month	\$4.66/100 cu. ft.	\$4.66/100 cu. ft.
(c) 15 – 19 consumptions per month	\$6.50/100 cu. ft.	\$6.50/100 cu. ft.
(d) 20 + consumptions per month	\$2.09/100 cu. ft.	\$3.08/100 cu. ft.
(ii) Apartments, Multiples & Commercial	\$4.66/100 cu. ft.	\$4.66/100 cu. ft.

Meters	\$1.26/100 cu. ft.	\$2.52/100 cu. ft.
(iii) Irrigation System Meters		
(iv) Industrial and All Other Meters		

(b.) Sewage Monthly Billing	City	Outside City
Minimum bill according to meter size:		
5/8" or 3/4"	\$ 6.00	\$ 6.00
3/4" full flow	\$ 9.00	\$ 9.00
1"	\$ 14.00	\$ 14.00
1 ¼" or 1 ½"	\$ 28.00	\$ 28.00
2"	\$ 54.00	\$ 54.00
4"	\$101.00	\$101.00
6"	\$156.00	\$156.00
8"	\$200.00	\$200.00
Plus consumption	\$1.39/100 cu. ft.	\$2.78/100 cu. ft.

Sec. 24-147. Sewage rates.

(a.) Sewage Monthly Billing	City	Outside City
Minimum bill according to meter size:		
5/8" or 3/4"	\$ 6.00	\$ 6.00
3/4" full flow	\$ 9.00	\$ 9.00
1"	\$ 14.00	\$ 14.00
1 ¼" or 1 ½"	\$ 28.00	\$ 28.00
2"	\$ 54.00	\$ 54.00
4"	\$101.00	\$101.00
6"	\$156.00	\$156.00
8"	\$200.00	\$200.00
Plus consumption	\$1.39/100 cu. ft.	\$2.78/100 cu. ft.

This Ordinance shall become effective on July 1, 2011.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 2nd day of June 2011.

ADOPTED this the 16th day of June 2011. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

C. Public Hearing – 1st Reading of Zoning/Annexation Requests

1. 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 and the Planning Commission had recommended approval.

Mayor Santini declared a Public Hearing for the zoning application open. Jeff Watkins, representative for applicant came forward. After no comments, Mayor Santini declared the Public Hearing closed.

No Action required on first reading.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

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 day of. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

2. 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 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 located at the intersection of Porter Street and N. Erwin Street. This property includes a log-cabin style commercial building constructed approximately ten years ago. The applicant seeks a special use permit to operate a salvage yard on this property that is zoned H-I (Heavy Industrial) and has historically been used for industrial purposes. Mr. Mannino stated that the applicant has also applied to the Board of Zoning Appeals for a variance, still pending, to eliminate the buffer (50 ft along non-residential and 100 ft adjacent to residential property lines) and minimum lot size (20 acres) requirements for a salvage yard. Mr. Mannino stated that the Planning Commission had recommended denial of the special use application.

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

No Action required on first reading.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. SU11-01

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 Malbone Farms Inc. Property is located 324 West Porter Street (corner of North Erwin Street). Said property contains 4.93 acres located in the 4th District, 3rd Section, Land Lot(s) 339, 340, 380, 381, and 382 as shown on the attached plat Exhibit "A". Property is hereby rezoned to allow operation of a salvage yard in the H-I (Heavy Industrial) portion of the property. 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 day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

D. Resolutions

1. Acceptance Resolutions and Notice of Intent from Georgia Department of Transportation

Bobby Elliott, Public Works Director stated that the GDOT and FHWA have requested that the City and County sign a Notice of Intent and Resolutions in order to make several changes to the State Route System numbering in conjunction with the SR20 widening and the US 411 Project EDS-00-0500-00(005). Mr. Elliott stated that these are standard resolutions that involve road inventory and are required by the FHWA so that the right-of-way acquisitions may proceed. He stated that the County has already executed these documents and if we do not sign these forms the city will risk losing Federal funding for transportation projects. Mr. Elliott recommended approval of both Resolutions and the Notice of Intent.

A motion to approve all documents as presented was made by Council Member Pruitt and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

Resolution No. 12-11

FEDERAL-AID HIGHWAY
RESOLUTION 286(049R)

WHEREAS, the Georgia Department of Transportation intends to request approval

from the Federal Highway Administration to revise the National Highway System and the Highway Functional Classification System in the Cartersville Urban Area and Bartow County; and

WHEREAS, these revisions are necessary to reflect the future relocation of State Route 20 of U.S. Route 411 north of Cartersville once Project EDS-00-0500-00(005) is opened for State Route service; and

WHEREAS, also under Federal-aid Highway resolution 286(020R), revisions to the National Highway System and the Highway Functional Classification System were approved in order to relocate a portion of State Route 20 under Project STPOO-0012-01(071); and

WHEREAS, the Federal Highway Administration requires that revisions to the National Highway System and the Highway Functional Classification System be made by each state acting through its state highway agency and the appropriate local officials or Metropolitan Planning Organization acting in cooperation with each other.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Georgia Department of Transportation take the necessary steps to revise the National Highway System and the Highway Functional Classification System as shown on the attached sketch map numbered 049R, and as described in the following paragraphs:

1. Add to the National Highway System as a Rural Principal Arterial a section of projected alignment, beginning at its intersection with State Routes 3/U.S. 41 and 20/U.S. 411 thus proceeding in an easterly on new alignment to its point of junction with State Route 20 east of Interstate 75 (State Route 401)

Addition of approximately 7.31 miles (11.76 km.) projected.

2. Remove from the National Highway System and reclassify a section of State Route 20 from a Rural Principal Arterial to a Rural Minor Arterial, beginning at its point of junction with State Route 20 east of Interstate 75 (State Route 401) and extending in a southwesterly direction to the underpass with Interstate 75 (State Route 401) and State Route 20.

Approximately 1.84 miles (2.96 km).

3. Remove from the National Highway System and reclassify a section of State Route 20 and a section of projected alignment from an Urban Principal Arterial to an Urban Minor Arterial, beginning at its underpass with Interstate 75 (State Route 401) and extending in a westerly direction to its point of junction with State Route 61/U.S.411.

Approximately 0.15 mile (0.24 km).

4. Reclassify a section of State Route 61/U.S. 411 from an Urban Principal Arterial to an Urban Minor Arterial, beginning at its intersection with proposed Cartersville Bypass and extending in a southeasterly direction to its intersection with State Routes 3/U.S. 41 and 20/U.S. 411.

Approximately 2.06 miles (3.31 km).

5. Remove a section of State Routes 3/U.S. 41 and 20/U.S. 411 from the National Highway System, beginning at the junction of State Route 20 with State Route 61/U.S. 411 and extending in a southerly and northwesterly direction to its intersection with the proposed new alignment.

Approximately 3.35 miles (5.39 km).

IT IS FURTHER RESOLVED, that a certified copy of this resolution be furnished to the Georgia Department of Transportation.

ADOPTED this the 16th day of June 2011.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

ADOPTED this the 13th day of April 2011

/s/ Clarence Brown
Chairman, Bartow County
Board of Commissioners

/s/ Kathy Gill
Clerk, Bartow County

Resolution No. 13-11

LOCAL STATE ROUTE ACCEPTANCE RESOLUTION 66(I420R)

GEORGIA, Bartow County and the City of Cartersville

WHEREAS, the Commissioners of Bartow County (hereinafter called the County) and Mayor of the City of Cartersville (hereinafter called the City) are being notified that the Georgia Department of Transportation (hereinafter called the Department) intends to relocate a section of State Route 20 in said County and City as described in Notice of Intent 3527 as shown on the sketch map attached thereto; and

WHEREAS, the County and the City will accept as appropriate for ownership, maintenance, utility accommodation, and as part of their local road systems the old section of State Route 20 that will remain open as a public road when removed from the State Highway System, upon completion of the work required by the Department above; and

WHEREAS, upon execution of a forthcoming Order of the Commissioner 3527, the County and the City shall accept title and ownership of the property on the old section of State Route 20 being removed from the State System; and

WHEREAS, the Department shall continue to retain jurisdictional authority and maintenance responsibility on the old section of State Route 20 being removed from the State System until the improvements referenced in Notice 3527 are completed; and

WHEREAS, upon the completion of the road improvements described in said Order, the County and the City shall by operation of law have jurisdictional as well as maintenance and operational authority over the old section of State Route 20 that will remain open as a public road; and

WHEREAS, the advancement of this project to construction is contingent upon the execution of this Resolution.

FOR THE CITY OF CARTERSVILLE TO SIGN AND RETURN TO DOT

NOW, THEREFORE, IT IS RESOLVED that the County and the City will execute this resolution and that a signed copy of this resolution be furnished to the Department.

ADOPTED this the 16th day of June 2011.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

ADOPTED this the 13th day of April 2011.

/s/ Clarence Brown
Chairman Bartow County
Board of Commissioners

/s/ Kathy Gill
Clerk, Bartow County

2. Approval of School Bonds

Harry White, Council for Cartersville Schools presented a joint supplemental resolution providing for the approval of the execution and delivery of a bond purchase agreement. Mr. White stated that this is a purchase agreement, escrow statement and other related documents for school bonds in the amount of \$13,380,000.00 to pay off bonds from 2001-02. Mr. White stated that over the term of this bond the school will save approximately \$500,000.00. Mr. White recommended approval of this resolution and bond purchase.

A motion to approve Resolution No. 14-11 was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

(Resolution and Bond is on file in the Vault at City of Cartersville City Hall)

E. Contracts/Agreements

1. Contracts for Performing Services for Fiscal Year 2011-2012

Tom Rhinehart, Finance Director stated that these are seven contracts for agencies that have been approved for funding from the City of Cartersville in the FY2011-2012 budget. The amount approved is the same as last year and Mr. Rhinehart recommended approval.

Cartersville – Bartow Library	\$454,500
Bartow Juvenile Court	\$15,000
Bartow Health Access	\$2,000
Cultural Arts Alliance	\$51,000
Good Neighbor House	\$2,000
Downtown Development Authority	\$85,000
Bartow County Library, Inc.	\$1,200

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

2. First Amendment to Sewer Service Agreement with Emerson

Keith Lovell, Assistant City Attorney stated that this sewer agreement with the City of Emerson needed to be amended to include the LakePointe, LLC (Sports Complex) development. Mr. Lovell stated that this agreement commits an additional 1,850,000 gpd to give Emerson a total commitment of 3,850,000 gpd with the same terms and conditions as the previous agreement and recommended approval.

A motion to approve the agreement with the City of Emerson was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

3. ICMA Performance Measurement

Tom Quist, Assistant to the City Manager stated that this is the renewal of the annual

contract with the ICMA Center for Performance Measurement (CPM). He stated that the city has worked with CPM for over five years and continue to benefit from the information provided. Mr. Quist stated that the cost for this agreement is \$5,550, a budgeted item, and recommended approval.

A motion to approve the agreement with ICMA was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

4. Lighting Design Services with Spencer Bristol

Tom Quist, Assistant to the City Manager stated that the city has issued bids for lighting design services, which is part of the Department of Energy's Energy Efficiency and Conservation Block Grant. After reviewing the bids Mr. Quist recommended the low bid from Spencer Bristol Engineering in the amount of \$33,691.00.

A motion to approve the agreement with Spencer Bristol was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

5. Life, AD&D and Disability Insurance Renewal with UNUM

Dan Porta, Assistant City Manager stated that the city currently provides our employees with life insurance at one and one half times their annual salary up to a maximum of \$150,000, and accidental death and dismemberment is also included with life insurance coverage. In addition we provide long-term disability coverage for employees who are not vested in the city's retirement plan. Mr. Porta stated the current provider of this insurance is Fort Dearborn, and they have proposed a rate increase for the life insurance coverage. He stated that the city's insurance agent had shopped the insurance market and brought a very competitive quote from UNUM Insurance. The coverage's with UNUM are the same as those with Fort Dearborn and UNUM has provided a two-year rate guarantee. Mr. Porta recommended changing to UNUM Insurance for life insurance, AD&D and LTD coverage's.

A motion to approve the agreement with UNUM was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

6. Property and Casualty Insurance Renewal with Travelers Insurance

Dan Porta, Assistant City Manager stated that Travelers Insurance provides insurance coverage for the city's buildings, automobiles, equipment, errors and omissions, law enforcement and employment practices, along with a \$4.0 million umbrella policy. Due to properly managing the city's insurance coverage and holding employees accountable, we have been able to keep our insurance premium consistently in the \$320,000 annual premium range. Mr. Porta stated that for fiscal year 2011-12 Travelers has proposed an increase of approximately \$7,400 due to general insurance trends. After reviewing the original insurance proposal, the only change that was recommended was to increase the automobile physical damage deductible from \$1,000 per occurrence to \$2,000. This one change will reduce the renewal premium to \$324,719 or \$5,681 above the expiring insurance premium. Mr. Porta recommended approval of the

insurance renewal with Travelers Insurance.

A motion to approve the agreement with Travelers Insurance was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

7. Georgia Department of Corrections

Greg Anderson, Parks and Recreation Director stated that this is the twelfth year that the City of Cartersville has contracted with the State of Georgia for work crews. The contracted price is \$39,500.00 per crew is the same as last year. Mr. Anderson stated that these contracts are for five (5) work crews, the contracts are identical and recommended approval.

A motion to approve the contracts with the GA Department of Corrections was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

F. Bid Award

1. Pettit Creek Trail Phase II – Bridge Purchase

Greg Anderson, Parks and Recreation Director stated that the Pettit Creek Trail Phase II project documents stipulate the City furnish the needed bridge that will expand over a small tributary of Pettit Creek. Southland Engineering has investigated and found the most economical method for a pre-engineered bridge using a reconditioned railcar frame. Paragon Bridge Works of Colorado reconditions and certifies the railcar frame for uses as bridges. Mr. Anderson recommended the quote from Paragon Bridge Works in the amount of \$23,801.57 which includes shipping but not the installation. That work is to be done by a contractor.

A motion to approve purchase from Paragon Bridge Works was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

G. Engineering Services

1. Engineering for Emergency Pump Station

Ed Mullinax, Assistant Water Superintendent stated that in order to proceed with installation of a pump station in the Etowah River a design is needed. Jacobs Engineering (formerly JJ&G) has provided a scope of services for design, drawings, and EPD approval of plans for this pump stations for a price not to exceed \$432,000.00. Mr. Mullinax stated that this will be financed by a revenue bond which will go toward paying for all aspects of this pump station and recommended approval.

A motion to approve the contract with Jacobs Engineering subject to the City Managers approval was made by Council Member Tonsmeire and seconded by Council Member

McDaniel. Motion carried unanimously. Vote 6-0

H. Other

1. Reimbursement to Parker Systems

Dan Porta, Assistant City Manager stated that the Fiber Department has provided Parker Systems LLC fiber optic services at few locations within the city. Some of these services were provided directly by the city and some through a third party, Georgia Public Web. Due to some confusion, services continued to be billed at some locations for a number of months before questions were raised. After meeting with David Parker, an agreement was made for the city to reimburse his firm \$15,000.00 for overpayment of fiber services. Mr. Porta recommended approval.

A motion to approve the agreement with Parker Systems was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

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 Tate. Motion passed unanimously. Vote 6-0

I. Added Item

1. Anti Litem Notice

Keith Lovell, Assistant City Attorney stated that he had received an Anti Litem Notice regarding an incident with Cedric Richards. Mr. Lovell recommended the city deny the notice by Resolution.

A motion to deny the Anti Litem Notice through Resolution No. 15-11 was made by council member Tonsmeire and seconded by Council Member Hodge. Motion passed unanimously. Vote 6-0

Resolution No. 15-11

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA

WHEREAS, on May 27, 2011, the City of Cartersville received an Ante Litem Notice from the Law Offices of G. Brian Spears, P.C. concerning an alleged wrongful arrest and detention of Cedric Richards on December 28, 2010.

NOW THEREFORE IT IS HEREBY RESOLVED by the Mayor and City Council that the City of Cartersville denies the Ante Litem Notice claim submitted as referenced above based on the information currently available to it, and directs the City Attorney's Office to inform the Law Offices of G. Brian Spears, P.C. of said denial.

BE IT AND IT IS HEREBY RESOLVED this 16th day of June, 2011.

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

ATTEST:

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

J. Monthly Financial Statement

1. April 2011

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

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**