

City Council Meeting
10 N. Public Square
March 3, 2011
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tonsmeire

Pledge of Allegiance led by Council Member McDaniel

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: Kari Hodge, Council Member Ward One; 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. Jayce Stepp, Council Member Ward Two and Lori Pruitt, Council Member Ward Six were absent

II. Regular Agenda

A. Council Meeting Minutes

1. February 17, 2011

A motion to approve the February 17, 2011 City Council Meeting Minutes as submitted was made by Council Member Tate and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

B. Second Reading of Ordinances

1. Amendment to Retirement Plan Ordinance

Dan Porta, Assistant City Manager stated that the Cartersville Pension Board sent out RFP's for investment advisor services and received fourteen proposals. After reviewing the proposals, the Pension Board recommends Weeks Retirement solutions (WRS) for investment advisor services. Mr. Porta stated that this ordinance needed to be amended due to the recommended change from SunTrust to WRS. Mr. Porta stated there have been no changes since the first reading and recommended approval.

A motion to approve Ordinance No. 07-11 was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 07-11

Whereas, the City of Cartersville Retirement Board has reviewed the proposed amendment and hereby recommends said amendment to the Mayor and City Council.

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that the Code of Ordinances City of Cartersville, Georgia CHAPTER 16. PERSONNEL, DIVISION 2. RETIREMENT PLAN, Sec. 16-51. Adopted; short title; definition. (a) is hereby amended by deleting said section in its entirety and replacing it as follows:

Section 16-51. Adopted; short title; definition.

“(a) The Cartersville Retirement Plan was created on April 15, 1973 with Lincoln National Life Insurance Company, Fort Wayne, Indiana, and in 2011 the plan’s assets have been transferred over to Benefit Trust Company, a Kansas company, a copy of which is on file in the office of the city manager. The Retirement Plan and all of its business shall be transacted and all of its funds shall be invested by WRS; and all of its cash, securities and other property shall be held in trust by Benefit Trust Company, for the purposes set forth in this plan.”

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 17th day of February 2011.

ADOPTED this the 3rd day of March 2011. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

2. Amendment to Permit Fees Ordinance

Sam Grove, City Manager stated that he is requesting a waiver of all building, electrical, mechanical, and plumbing permit fees for six (6) residential construction projects to be completed by Bartow Area Habitat for Humanity on behalf of the City of Cartersville. By avoiding these permit fees, Habitat will be able to apply more funding towards the construction of the homes, resulting in a higher quality build. Mr. Grove stated that this ordinance will allow the city to waive fees in the future by process of a resolution. Funding for the project is through the CDBG Supplemental Recovery Grant. Mr. Grove stated that there have been no changes since the first reading and recommended approval.

A motion to approve Ordinance No. 08-11 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. 08-11

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 17. PLANNING AND DEVELOPMENT. V. PERMIT FEES is hereby amended by creating a new Section 17-91 in its entirety as follows:

1.

Section 17-91. Waiver of Fees.

The Mayor and City Council, may by resolution waive the fees for inspection required by Sections 17-77, 17-79, 17-80, and 17-82 for 501 (C) (3) entities constructing or remodeling low income housing through a City of Cartersville sponsored grant.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of

Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 17th day of February 2011.

ADOPTED this the 3rd day of March 2011. Second Reading.

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

ATTEST:

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

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

1. Z11-01 Rezoning application T-Shell Cartersville for property located at 9 Medical Drive from P-S (Professional Services) to O-C (Office Commercial)

Richard Osborne, City Planner 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. Osborne 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. Osborne stated that this tract is located at 9 Medical Drive just off State Route 20 in the Cloverleaf area near the Cartersville Medical Center. Mr. Osborne stated that this property was one of a few tracts that were annexed into the City in 2001. The subject tract, similar to surrounding lots, has an annexation condition placed on it that Medical Drive must be upgraded before this private drive can be accepted as a public street and that it was never a publicly maintained street in the Bartow County jurisdiction prior to annexation. The applicants seek to rezone this property from P-S (Professional Services) to O-C (Office Commercial) to allow for a greater variety of medical uses in this building. At this time the applicant has not requested that the annexation condition be modified or eliminated. Mr. Osborne stated that there have been no changes since the first reading and the Planning Commission recommended approval of the rezoning with the condition that only the following uses be allowed:

Clinics (excludes veterinary clinic)
Hospices – Hospitals
Laboratories (medical and dental)
Medical Offices (excludes veterinary)
Nursing Home Facilities
Personal Care Homes (SU)
Research Laboratories

Mayor Santini declared a Public Hearing for the zoning application open. Corley Thomas, representative came forward. After no further comments, Mayor Santini declared the Public Hearing closed.

A motion to approve Ordinance No. 09-11 with the conditions recommended by the Planning Commission and that the condition that Medical Drive not be accepted as a City street until upgraded to City Standards was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 09-11

Petition No. Z11-01 (reference case AZ01-09)

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 T-Shell Cartersville LLC. Property is located 9 Medical Drive. Said property contains 1.3 acres located in the 4th District, 3rd Section, Land Lot(s) 95 as shown on the attached plat Exhibit “A”. Property is hereby rezoned from P-S (Professional Services) to O-C (Office Commercial) with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

- 1. Rezoning from P-S to O-C with the condition that only the following uses be allowed:**

**Clinics (excludes veterinary clinic)
Hospices
Hospitals
Laboratories (medical and dental)
Medical offices (excludes veterinary)
Nursing home facilities
Personal care homes (SU)*
Research laboratories**

- 2. Medical Drive not be accepted as a City Street until upgraded to City Standards.**

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 17th day of February 2011.

ADOPTED this the 3rd day of March 2011. Second Reading.

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

ATTEST:

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

D. Other

- 1. Urban Redevelopment Plan Update**

Richard Osborne, City Planner 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 the designated redevelopment entity. It is the responsibility of staff to study, investigate, and administer the URP and all appropriate implementation tools. Mr. Osborne presented and reviewed the URP update for the Mayor and City Council.

E. First Reading of Ordinances

- 1. Amendment to Utilities Ordinance Relating to Refunds**

Sam Grove, City Manager stated that this ordinance change is needed to formalize and approve the ability to work with utility customers, particularly during these hard times, in cases of overpayment for services. Mr. Grove stated that while the City’s Customer Service representatives do a great job in working with customers, this will allow them another tool to work with and recommended approval.

No Action Required

Ordinance
of the
City of Cartersville, Georgia

Ordinance No.

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 24. UTILITIES. ARTICLE II. RATES, CHARGES, BILLING AND COLLECTION PROCEDURES. Sections 22-26-24-40. Reserved is hereby amended by deleting said sections in its entirety and replacing it as follows:

1.

Section 24-26 Overpayment, refund or credit.

In all cases of overpayment to the utilities department from whatever cause, the City Manager or designee is authorized to return the overpayment either by refund to the customer or credit to the customer's account.

Reasons for overpayment include but are not limited to meter malfunction, line breaks, meter tampering, lack of occupancy, clerical errors, and computer malfunctions.

Sections 24-27-24-40. Reserved.

2.

It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 3rd day of March 2011.

Second Reading and Adoption this the ____ day of March 2011.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

F. Resolutions

1. Waiver of Building Permit Fees

Tom Quist, Assistant to the City Manager stated that staff is requesting council permission to waive the building permit fees for the upcoming Habitat build at 118 Courrant Street. Mr. Quist stated that Habitat is partnering with the City of Cartersville to build six (6) affordable homes in the North Towne Area using funding from the CDBG Supplemental Disaster Recovery Grant and recommended approval.

A motion to approve Resolution No. 03-11 was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0

Resolution No. 03-11

WHEREAS, the Bartow Cartersville Habitat for Humanity, Inc., a 501(c)(3) organization, is constructing low income housing in conjunction with a City of Cartersville sponsored Grant (Community Development Block Grant Disaster Recovery Supplemental);

WHEREAS, the Mayor and City Council has determined that the constructing of low income housing is important to promote the public's health, safety and general welfare;

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council that for the low income construction project at 118 Courrant St. Cartersville, GA 30120, the City of Cartersville has determined that they meet the requirements of Section 17-91 of the City of Cartersville Code and authorizes the fee waiver for City of Cartersville Code Section 17-77, 17-79, 17-80 and 17-82.

BE IT AND IT IS HEREBY RESOLVED this 3rd day of March 2011.

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

ATTEST:

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

G. Easements

1. Collins Pointe Holdings – Electric Department

David Myers, Electric Superintendent stated that the Cartersville Electric System will be serving the new AutoZone store at the Collins Pointe shopping center. Mr. Myers stated that this was a customer-choice win and in order to serve this store the Electric Department will need to acquire an easement to cross the property of the shopping center. Mr. Myers recommended approval of the easement and the authorization for the Mayor to sign all pertinent documents.

A motion to approve the easement with Collins Pointe Holdings and the authorization for the Mayor to sign all pertinent documents was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

H. Surplus Equipment

1. Electric Department

David Myers, Electric Superintendent stated that his department needs to dispose of the following items and requests that they be declared as surplus:

- 1 – Medium voltage substation oil breaker
- 8 – Medium voltage distribution oil switches
- 8 – Medium voltage distribution oil transformers

Mr. Myers stated that these items will not be sold on GovDeals but would need to be disposed of via a certified oil disposal contractor, Florida Transformer Incorporated and recommended approval.

A motion to approve the declaration of surplus equipment and disposal was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

I. Contracts/Agreements

1. AT&T Regarding Public Safety Headquarters

Dan Porta, Assistant City Manager stated that this agreement is for the relocation of aerial facilities owned by AT&T from the corner of N. Erwin Street for approximately 1000' north past Harris Street. This work is necessary to remove the existing above ground utility, including poles, and replace with underground utilities. Mr. Porta stated the cost of this work is estimated to be \$96,526.51 and can be funded from the 2007 SPLOST and recommended approval.

A motion to approve the agreement with AT&T for relocation of aerial facilities was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

J. Change Order

1. Engineering for Etowah Pump Station

Ed Mullinax, Water Department Assistant Superintendant stated that City Council approved \$46,000.00 in engineering fees to JJ & G for the emergency pump station. Since then several sites have been evaluated, permit preparation completed with COE, an EPD site approval and a renewed EPD withdrawal permit creating a need for a change order increase of \$20,440.00 for a total cost of \$66,440.00. Mr. Mullinax stated that this will be paid from the budget and hopefully get reimbursed from a bond fund at a later date and recommended approval.

A motion to approve the change order with JJ & G was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0

K. Bid Award/Purchases

1. Repair Bands – Water Department

Ed Mullinax, Water Department Assistant Superintendant stated that bids were received to replace two (2) emergency repair bands. This includes one 36" x 4 ft. bell pack and one 24" x 4 ft. bell pack to restock inventory. Mr. Mullinax recommended approval of the low bid from Consolidated Pipe & Supply Co. in the amount of \$17,631.01.

A motion to approve the purchase from Consolidated Pipe & Supply Co. was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

2. Residential Gas Meters

Gary Riggs, Gas Superintendent stated that bids were received for the purchase of 200 Sensus residential gas meters to replenish the departments stock. Mr. Riggs recommended the low bid from Equipment Controls in the amount of \$12,400.00.

A motion to approve the purchase from Equipment Controls was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

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 carried unanimously. Vote 4-0

Added Item:

1. Replacement of Safety Netting for the Richard Bell Field

Greg Anderson, Parks and Recreation Director stated that the recent storms had destroyed the safety netting for the Richard Bell Field. Emergency repairs were done by South Cover Inc. at a cost of \$3,599.00. Mr. Anderson stated that during the repair the other netting was inspected

and it is in the same shape and ready to fall. To replace the remaining netting, cable, and hardware the cost from South Cover Inc is \$8,812.54 and Mr. Anderson recommended approval.

A motion to approve the repairs by South Cover Inc. was made by Council Member McDaniel and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0

After announcements a motion to adjourn the meeting was made by Council Member Tonsmeire and needing no second. Motion carried unanimously. Vote 4-0

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk