

City Council Meeting
10 N. Public Square
January 6, 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 Pruitt

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

II. Regular Agenda

A. Council Meeting Minutes

1. December 16, 2011

A motion to approve the December 16, 2011 was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

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

1. File AZ10-04 Annexation and Zoning application by LAR Properties LLC for property located on Redcomb Drive near Porter Street (approximately 1.81 acres) from Bartow County C-1 to H-I (Heavy Industrial).

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 on Redcomb Drive near Porter Street. The property includes a forestry timber business and the applicant is seeking to be annexed and rezoned to be similar to surrounding properties which leads to the industrial park that includes Commerce and Donn Drive. Mr. Mannino stated that there have been no changes since the first reading and recommended approval.

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

Mayor Santini declared a Public Hearing for the annexation application open. With no comments, Mayor Santini declared the Public Hearing closed.

A motion to approve Ordinance No. 01-11 was made by Council Member Tate and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

A motion to approve Ordinance No. 02-11 was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 01-11

Petition No. AZ10-04

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 LAR Properties LLC. Property is located on Redcomb Drive near Porter Street. Said property contains 1.45 acres located in the 4th District, 3rd Section, Land Lot(s) 340 as shown on the attached plat Exhibit “A”. Annexation 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 December 2010.

ADOPTED this the 6th day of January 2011. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 02-11

Petition No. AZ10-04

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 LAR Properties LLC. Property is located on Redcomb Drive near Porter Street. Said property contains 1.45 acres located in the 4th District, 3rd Section, Land Lot(s) 340 as shown on the attached plat Exhibit “A”. Property is hereby rezoned from County C-1 (Commercial) to H-I (Heavy Industrial). 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 December 2010.

ADOPTED this the 6th day of January 2011. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. File Z10-04: Rezoning application by LAR Properties LLC for property located on Redcomb Drive near Porter Street (approximately 0.74 acres) from MF-14 (Multi Family max 14 units per acre) to H-I (Heavy Industrial)

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 on Redcomb Drive near Porter Street. The property includes a forestry timber business and the applicant is seeking to be annexed and rezoned to be similar to surrounding properties which leads to the industrial park that includes Commerce and Donn Drive. Mr. Mannino stated that there have been no changes since the first reading and recommended approval.

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

A motion to approve Ordinance No. 03-11 was made by Council Member McDaniel and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

Ordinance
of the
City of Cartersville, Georgia
Ordinance No. 03-11
Petition No. Z10-04

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 LAR Properties LLC. Property is located on Redcomb Drive near Porter Street. Said property contains 1.1 acres located in the 4th District, 3rd Section, Land Lot(s) 340 as shown on the attached plat Exhibit “A”. Property is hereby rezoned from MF-14 (Multi-family max 14 units per acre) to H-I (Heavy Industrial). 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 December 2010.

ADOPTED this the 6th day of January 2011. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

3. File SU10-01: Special Use permit application by the Roman Catholic Archdiocese of Atlanta to allow the expansion of a religious institution in the R-20 zoning district.

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 at the intersection of Douthit Ferry Road and Pine Grove Road. The property includes the existing church building for the Catholic Church, constructed in 1993 and the applicant is seeking a special use permit

to expand the existing building. Mr. Mannino stated that there have been no changes since the first reading and recommended approval.

Mayor Santini declared a Public Hearing for the permit application open. Carl Trevathan, representing the archbishop was available for questions. With no further comments, Mayor Santini declared the Public Hearing closed.

A motion to approve Ordinance No. 04 -11 was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

Ordinance
of the
City of Cartersville, Georgia

Ordinance No. 04 - 11

Petition No. SU10-01

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 Roman Catholic Archdiocese of Atlanta. Property is located 850 Douthit Ferry Road (corner Pine Grove Road). Said property contains 10 acres located in the 4th District, 3rd Section, Land Lot(s) 775 as shown on the attached plat Exhibit "A". Property is hereby rezoned from R-10 (Single-Family Residential minimum 20,000 sq. ft. lot size) allow expansion of a religious institution on property zoned R-20. 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 December 2010.

ADOPTED this the 6th day of January 2011. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

C. First Reading of Ordinances

1. Amendment to Motor Vehicle and Traffic Ordinance

Bobby Elliott, Public Works Director stated that this ordinance modification is to prohibit trucks over six (6) wheels from turning right onto Erwin Street off Main Street west bound due to damage to buildings at the intersection and possible danger to pedestrian traffic on the sidewalks. Mr. Elliott stated that the City will have to get approval from the GDOT before signs can be erected and the ordinance enforced. Mr. Elliott 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, Georgia, that the CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 12. MOTOR VEHICLES AND TRAFFIC. ARTICLE IX. TRAFFIC SCHEDULES. CODE SECTION 12-1014. PROHIBITED TRUCK TRAFFIC is hereby amended by adding a new paragraph (h) to Section 12-1014 as follows:

(1)

(h) “No trucks over six (6) wheels to make right turns onto North Erwin Street from West Main Street West Bound (SR 113/61).”

(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 that section 12-1014 is amended by adding the above provisions and that said section may be alphabetized as necessary to accomplish such intention. The remaining provisions of said section shall remain as is except for alphabetizing.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 6th day of January 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. Change Order

1. Engineering Services on Main Street Gateway Project

Bobby Elliott, Public Works Director stated that changes are necessary to the Main Street Gateway Project to receive state funding. Additional design work is warranted due to the following: Median Opening Design Variance Approval; Revision of construction and right of way plans to accommodate affected property owners; Preparation of Landscape plans required by GDOT to obtain LOGO funding. GDOT cut state aid funding for project to \$500,000.00 but will fund up to \$400,000.00 for landscape project; and Post Design Services such as “use on construction” plan revisions. Mr. Elliott stated that the gateway is part of the Council’s vision and priorities from past years and will be funded from the 2003 SPLOST. Mr. Elliott stated that this change will be \$61,900.00 and recommended approval.

A motion to approve the Engineering Services for the Main Street Gateway Project was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

E. Contract/Agreements

1. Phase II Environmental Study

Bobby Elliott, Public Works Director stated that after the Phase I Environmental Assessment was completed on a 21.6 acre tract on Old Mill Road it was determined that there was a moderate risk of possible groundwater and/or subsurface contamination based on the surrounding industrial and factory facilities located up-gradient of the site. A Phase II Assessment will answer any questions as to whether contamination exists. Mr. Elliott stated the cost estimate for Geo-Hydro Engineers to complete this Assessment is between \$7,500.00 and \$8,000.00 and recommended approval.

A motion to approve proceeding with the Phase II Environmental Study was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried. Vote 4-0 with Council Member Hodge abstaining.

2. Buyback 1971 Kenworth T800 Wrecker

Keith Lovell, Assistant City Attorney stated that in September 2010 the City sold a surplused 1971 Kenworth T800 Wrecker to Mr. William Martin in Sumiton, AL for \$17,850.00. The City advertised the truck on GOVDEALS.com and included that the truck had previous damage and was repaired. Mr. Martin has tried several times to gain a clear title from the State of Alabama and has had no luck. He states that the only title Alabama will issue is a “salvaged” title and he wishes not to have a “salvaged” title. Mr. Lovell stated the city attorney has negotiated with Mr. Martin to buy back the wrecker for the original purchase price. A bill of sale along with a release will be prepared and signed by Mr. Martin at the time the transaction takes place. Mr. Lovell recommended approval.

A motion to approve to rescind the sale and refund the purchase price to Mr. William Martin was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

F. Grant Application/Acceptance

1. USDA Rural Enterprise Grant

Liz Hood, Downtown Development Authority stated that the Cartersville DDA requests endorsement of an application to the USDA for a Rural Enterprise Grant in the amount of \$99,000.00 to create a mural of the Great Locomotive Chase, featuring a Cartersville scene, to be painted on metal and attached to a downtown building. This will be the second of an eventual seven murals in North Georgia cities along the Great Locomotive Chase route. The first mural funded through this program in Adairsville will be unveiled in April. Ms. Hood stated that the artists for this project are Skip McNutt and Ernest Neal and are present to address the council if necessary. Ms. Hood stated that the DDA will work with the County grantwriting to complete the application and recommended approval.

A motion to approve the application for the mural grant with the site subject to approval of City Council was made by Council Member Tate and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

Added Item

Mayor Santini stated that there was an item to be added to the agenda. A motion to add an item to the agenda was made by Council Member Tate and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

G. Contracts/Agreements

1. Relocation Agreement with Bartow County School System

Keith Lovell, Assistant City Attorney stated that this is a Relocation Agreement with the Bartow County School System for a natural gas line at the new Cloverleaf School off Rowland Springs Road. By moving this gas line the City Gas System will be able to loop the gas line and supply gas for the new school. Mr. Lovell recommended

approval.

A motion to approve the Relocation Agreement with Bartow County Schools was made by Council Member Pruitt and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

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

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk