

City Council Meeting  
10 N. Public Square  
December 15, 2016  
6:00 P.M. – Work Session 7:00 P.M.

## **I. Opening Meeting**

Invocation by Council Member Tonsmeire

Pledge of Allegiance led by the Cartersville High School 2016 Championship Football Team

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; Dianne Tate, Council Member Ward Five; Taff Wren, Council Member Ward Six; Sam Grove, City Manager; Connie Keeling, City Clerk and Keith Lovell, Assistant City Attorney. Lindsey McDaniel Council Member Ward Four; and David Archer, City Attorney were absent.

## **II. Regular Agenda**

### **A. Council Meeting Minutes**

#### **1. December 1, 2016**

A motion to approve the December 1, 2016 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

### **B. Proclamation**

#### **1. Cartersville High School Football Team**

Mayor Santini stated that it was his honor to congratulate and present a Proclamation to the Cartersville High School 5AAAA State Champion Football Team for their outstanding undefeated season. Coach King came forward and thanked the City for all of their support.

### **C. Appointments**

#### **1. Bartow County Board of Health**

Sam Grove, City Manager stated that Tonya Emery was originally appointed to the Board of Health to fill the unexpired term due to the passing of Edsel Dean and has been an excellent addition to the Board. As she is willing to continue to serve in this capacity, Mr. Grove recommended approval of the re-appointment of Tonya Emery to the Bartow County Board of Health, term to expire December 31, 2022.

A motion to approve appointment of Tonya Emery was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

**2. Appointment and Swearing in of Municipal Court Judge**

Sam Grove, City Manager stated that this is the annual reappointment of Municipal Court Judge, Harry White and recommended approval.

A motion to approve the appointment of Harry White was made by Council Member Wren and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

**3. Appointment and Swearing in of Assistant Municipal Court Judge**

Sam Grove, City Manager stated that this is the annual reappointment of Assistant Municipal Court Judge, Jay Choate and recommended approval.

A motion to approve the appointment of Jay Choate was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

Connie Keeling, City Clerk administered the oaths of office to the two judges.

**D. First Reading of Ordinances**

**1. Adoption of the 2017 City of Cartersville Pension Plan and Amendment to the Current City of Cartersville Pension Plan**

Sam Grove, City Manager stated that this is a proposed Ordinance will amend Chapter 16- Personnel. Article II - Employee Benefits. Division 2.- Retirement Plan Sec. 16-51.- Adopted; Short Title; Definition.

1. This ordinance will adopt the Second Amendment to The City of Cartersville Pension Plan and also adopt the City of Cartersville 2017 Pension Plan.
2. This ordinance will amend the current City of Cartersville Pension Plan so that no new participants shall be allowed to participate in the existing City of Cartersville Pension Plan. Any current eligible City of Cartersville employee hired prior to January 1, 2017 will be allowed to participate in the current City of Cartersville Pension Plan, accrue benefits, and retire under the provisions of the current City of Cartersville Pension Plan.
3. Current Active City of Cartersville retirees and future benefits accrued for Deferred/Terminated retirees will not be affected.
4. This ordinance will adopt the City of Cartersville 2017 Pension Plan. All eligible employees hired on or after January 1, 2017 will be participants in the City of

Cartersville 2017 Pension Plan. Any prior employees, rehired on or after January 1, 2017 would be participants in the City of Cartersville 2017 Pension Plan.

Mr. Grove 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 CHAPTER 16 - PERSONNEL. ARTICLE II. - EMPLOYEE BENEFITS. DIVISION 2. - RETIREMENT PLAN SEC. 16-51. - ADOPTED; SHORT TITLE; DEFINITION is hereby amended by adding the following new paragraphs (c), (d), and (e) the remaining provisions shall remain as is:**

**1.**

**Sec. 16-51. - Adopted; short title; definition.**

- (c) That the Second Amendment to the Plan most recently adopted and restated on April 28, 2011, is adopted as amended and restated as of the date of the adoption by the City Council of the City of Cartersville being January 5, 2017. A copy of the Second Amendment to Plan is kept by and maintained at the City Clerk's Office. This Plan covers employees hired before January 1, 2017.**
- (d) That the 2017 Pension Plan is adopted as of the date of the adoption by the City Council of the City of Cartersville being January 5, 2017. A copy of the 2017 Pension Plan is kept by and maintained at the City Clerk's Office. This Plan covers employees hired on or after January 1, 2017.**
- (e) Upon adoption of an amendment to the Pension Plan, the proper officers of the Employer and the Pension Board are hereby authorized and directed to take each other and further action on the advice of counsel, including the making of additional amendments not inconsistent with the general tenor of the foregoing, so that the Plan, as amended, continues to meet the qualification requirements of Section 401(a) of the Internal Revenue Code of 1986, as amended (the "Code"), and the implementing trust there under continues to be tax-exempt under said Code, and the 2017 Plan satisfies the qualification requirements of Section 401(a) of the Code, and the implementing trust there under is tax-exempt under said Code.**

2.

All other remaining provisions of Section 16-51 are to remain as is and the additional paragraphs herein are to be made part of the permitted uses in Section 16-51.

3.

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 15<sup>th</sup> day of December 2016.

ADOPTED this the day of. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Meredith Ulmer

Meredith Ulmer

Deputy City Clerk

**2. Revision to Municipal Court Ordinances**

Keith Lovell, Assistant City Attorney stated that this is a re-evaluation and adjustment to Municipal Court fees and sessions. Regular Session Ordinance 13-2 is to allow for the Judge to schedule Court around holidays and not have Court on the 5th Monday of any month with five Mondays. Sec 13-24 updates the Municipal Court fee structure related to State mandatory minimum fees. Mr. Lovell 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 CODE OF ORDINANCES,**

**CITY OF CARTERSVILLE CHAPTER 13. MUNICIPAL COURT, SECTION 13-24. – SURCHARGES AND COURT COSTS, BY DELETING PARAGRAPHS (C) AND (D) AND RENUMBER THE REMAINING AS FOLLOWS:**

**1.**

**Sec. 13-24. - Surcharges and court costs.**

- (a) *State surcharges.* The municipal court shall impose all add on fees or surcharges required by state, federal or local law.**
- (b) *Interpreter fees.* The municipal court shall be authorized to impose fees for providing an accused with the services of an interpreter in accordance with the rules and regulations set forth by the Georgia Supreme Court.**
- (c) *Bail or bond.* In all cases in which bail or bond is posted, all required surcharges are to be added to same and shall be posted.**
- (d) All surcharges shall be paid into the city's general fund or dedicated accounts as may be established from time to time and are to be disbursed as provided for by law.**
- (e) The Judge, Mayor, or City Council may impose additional surcharges as authorized by the Charter or State Law.**

**2.**

**This ordinance shall become effective immediately upon its adoption by the City Council.**

**3.**

**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 15<sup>th</sup> day of December 2016.**

**ADOPTED this the day of. Second Reading.**

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

**ATTEST:**

**/s/ Meredith Ulmer  
Meredith Ulmer  
City Clerk**

**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 CODE OF ORDINANCES, CITY OF CARTERSVILLE CHAPTER 13. MUNICIPAL COURT, SECTION 13-2. – REGULAR SESSION, BY DELETING SAID SECTION IN ITS ENTIRETY AND REPLACING IT WITH THE FOLLOWING:**

1.

**“Sec. 13-2. – Regular sessions.**

(a) A regular session of the court shall be held once each week at a fixed hour of a fixed day as may be determined by the judge, provided such session may be dispensed with when there is no business pending in the court and no cases ready for trial.

(b) There shall be no regular session of Court the weeks of Thanksgiving, Christmas, and New Year’s, or on any legal holiday unless otherwise determined by the Judge. Additionally, in any month with five (5) Mondays, there shall be no regular session of court on the fifth (5<sup>th</sup>) Monday of the month unless determined by the Judge.

2.

**CHAPTER 13. MUNICIPAL COURT. SECTION 13-2. – SURCHARGE AND COURT COSTS is hereby amended by deleting paragraphs (c) and (d) in their entirety and renumbering paragraphs (e) to (c) and (f) to (d) as follows:**

(c) *Bail or bond.* In all cases in which bail or bond is posted, all required surcharges are to be added to same and shall be posted.

(d) All surcharges shall be paid into the city's general fund or dedicated accounts as may be established from time to time and are to be disbursed as provided for by law.

3.

This ordinance shall become effective immediately upon its adoption by the City Council.

4.

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 15<sup>th</sup> day of December 2016.**

**ADOPTED this the day of. Second Reading.**

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

**ATTEST:**

**/s/ Meredith Ulmer  
Meredith Ulmer  
City Clerk**

**E. Other**

**1. Capacity Fee Reduction for Homeless Shelter and Low Income Transitional Housing**

Keith Lovell, Assistant City Attorney stated that this is a Resolution and Agreement for the Homeless Shelter reducing capacity fees for some low income transitional housing. The Water Department has provided the current capacity fee of \$2,320.00. The Council will need to decide the percentage of reduction for each housing unit. Mr. Lovell stated that the City shall have to reimburse to the capacity fee fund from its general fund the discounted amount. Mr. Lovell recommended approval.

A motion to approve the Resolution No. 27-16 and reduction at 50% of the normal fee was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0 (Council Member Stepp recused himself due to a conflict of interest)

**Resolution No. 27-16**

**WHEREAS, the Mayor and City Council have determined that there is a need for low income transitional housing in the City of Cartersville;**

**WHEREAS, the Mayor and City Council of the City of Cartersville deem it in the best interest of the City and its inhabitants to provide low income transitional housing to promote and protect the general safety, health, welfare, peace, security, good order, comfort, convenience, and morals of the City and its inhabitants;**

**WHEREAS, the Homeless Shelter Action Committee, Inc., a Georgia non-profit corporation (hereinafter referred to as "Shelter") owns property at 8, 10, 12, 14, 16, 18, 20, and 22 Johnson Cove in the City of Cartersville, Georgia;**

**WHEREAS, the Shelter desires to construct low income transitional housing on said properties; and**

**WHEREAS, in order to assist and incentivize construction of low income transitional housing, the City proposes to reduce its water and sewer capacity fees by Fifty (50%) percent**

**NOW, THEREFORE, BE IT AND IS HEREBY RESOLVED, by the Mayor and City Council that for the construction of low income transitional housing at 8, 10, 12, 14, 16, 18, 20 and 22 Johnson Cove, Cartersville, Georgia, by the Shelter, that the City shall reduce its water and sewer capacity fees by Fifty (50%) percent for each unit constructed. The City shall, from its general fund, refund the water and sewer capacity fee the amount of said reduction in fees to the Shelter. Furthermore, the Mayor and City Council hereby authorize the Mayor and City Clerk to execute the contract attached as Exhibit "A" providing the terms and conditions which shall be complied with by both parties to provide for the reduction in water and sewer capacity fees and construction of low income transitional housing.**

**ADOPTED this the 15<sup>th</sup> day of December 2016.**

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

**ATTEST:**

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

**F. Deed of Gift**

**1. Lot 51 Dedication of Lenox Park**

Keith Lovell, Assistant City Attorney stated that this Resolution and Deed of Gift is for Lot 51 in Lenox Park that the property owner wishes to dedicate to the City of Cartersville. Mr. Lovell recommended approval.

A motion to approve the Resolution No. 28-16 and Deed of Gift for Lot 51 Lenox Park was made by Council Member Wren and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

**Resolution No. 28-16**

**WHEREAS, the property owner of the property described on Exhibit "A" and in the Deed of Gift attached hereto and incorporated herein as Exhibit "B" (hereinafter**



referred to as the “Property”) has approached the City of Cartersville to donate said property;

WHEREAS, the Mayor and City Council of the City of Cartersville have reviewed the request and determined that acceptance of the Property by the City furthers its objectives to provide sufficient right of way for Lenox Park Avenue;

WHEREAS, the acceptance of the donation is recommended by the City Manager;

WHEREAS, the Property is currently appraised at \$22,500.00 by Glen Harris, Harris Appraisal Service, as of November 15, 2016; and

WHEREAS, Lenox Holdings, LLC has agreed to donate the Property to the City for its appraised value of \$22,500.00.

NOW, THEREFORE, BE IT AND IS HEREBY RESOLVED, by the Mayor and City Council that it accept the donation by Lenox Holdings, LLC of the Property that is being described on Exhibit “A” and also referenced as Lot 51 of Lenox Park, bearing street address 12 Park Circle, according to the present system of numbering houses in the City of Cartersville, Bartow County, Georgia at its appraised value as determined by the appraisal by Glen Harris, Harris Appraisal Service dated November 15, 2016 of \$22,500.00 and the Mayor and City Council hereby accept the donated value of \$22,500.00 for said Property. Additionally, the Mayor and City Clerk are authorized to sign any and all necessary documents requested by Lenox Holdings, LLC in regard to the acceptance of this donation and for tax purposes.

ADOPTED this the 15<sup>th</sup> day of December 20116.

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

ATTEST:

/s/ Connie Keeling  
Connie Keeling  
City Clerk

**G. Contracts and Agreements**

**1. Aldi Relocation Agreement**

Brian Friery, Gas Department Engineer stated that this agreement is to relocate a gas main for the installation of additional drainage on the Aldi site. Aldi will reimburse the City for moving the gas line and Mr. Friery recommended approval.

A motion to approve the relocation agreement was made by Council Member Tonsmeire

and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

## **H. Easements**

### **1. Georgia Transmission Corporation Easements and Settlement Agreement**

Keith Lovell, Assistant City Attorney stated the these two (2) Easements and a Settlement Agreement for Parcel 15 and Parcel 16 off of Sugar Valley Road that are needed by Georgia Transmission Company for a line extension and improvements. Mr. Lovell recommended approval.

A motion to approve the Easements and Settlement Agreement was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

### **2. OmniChem Easement**

Keith Lovell, Assistant City Attorney stated that this easement is necessary to complete Phase III of the Erwin Street water main replacement. The project will replace the final leg of the Erwin Street water main from Aubrey Street to Porter Street (2,250 feet). This final segment will replace a mix of 8-inch and smaller unlined cast iron pipe (90 years old) with a new 12-inch main. An additional benefit to the project will be greater feed volume to the Cassville Road area. Currently, the Cassville Road 12-inch main is fed by a 10-inch main which does not allow it to reach full capacity. Completion of this project will provide a continuous 12-inch feed from the 36-inch main on Old Mill Road to Cassville Road. This should also enhance feed volume to the 10-inch connection on Goodyear Avenue which supplies virtually all of Cassville Road north of the railroad underpass at ATCO. Mr. Lovell recommended approval.

A motion to approve the OmniChem Easement at a purchase price of \$25,535 was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

## **I. Bid Award/Purchases**

### **1. Secondary Screw Pump #4 Gear Box Replacement**

Bob Jones, Water and Sewer Superintendent stated that on October 20, 2016 Council authorized a rebuild of the secondary #4 screw pump (2-4) gearbox by Motor & Gear Engineering. Motor & Gear began work immediately after that authorization but stopped work once disassembly was complete. During disassemble it became apparent that a rebuild would be far more expensive than originally thought due to excessive wear. On November 17, Bart Sears (Wastewater Superintendent), Sidney Forsyth (Operations Manager) and Mr. Jones went to the Motor & Gear facility to inspect the gearbox ourselves. The wear/damage was apparent even to our untrained eye. After our own inspection, it was quickly concluded that replacement was the most cost effective option.

Mr. Jones stated that bids were solicited for an exact replacement D.O. James gearbox and recommended approval of the low bid from Overton Chicago Gear in the amount of \$22,975.00.

A motion to approve the low bid from Overton Chicago Gear was made by Council Member Hodge and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

**(Items 2 and 3 were voted as one motion)**

## **2. Bio-Reactor 2 #2 Aerator Rebuild**

Bob Jones, Water and Sewer Superintendent stated that when the number 5 aerator went down in Polishing Basin 2 (P2A5) the aerator from Bio-Reactor 2 #2 (Bio2-2) was cannibalized as a replacement. The Bio2-2 aerator was original equipment from 1986. This aerator functioned for approximately one month before experiencing a failure of the low-speed pinion and associated drive gears. Motor & Gear Engineering just completed a rebuild of the same model gearbox for us which is now installed and functioning in the P2A5 position.

Mr. Jones stated that Motor & Gear has quoted a price of \$63,925.00 to repair the Bio2-2 unit and recommended them as a sole source provider of this rebuild based on our actual quoting of the P2A5 aerator repair.

## **3. Bio-Reactor 2 #3 Aerator Rebuild**

Bob Jones, Water and Sewer Superintendent stated that the gearbox for the Bio-Reactor 2 # 3 Aerator (Bio2-3) has failed. Per the inspection report conducted by Motor & Gear Engineering, the gearbox reached the end of its useful life and suffered multiple bearing failures. These failures would be considered normal wear items given the 30 year service life of the equipment.

Mr. Jones stated that Motor & Gear has quoted a price of \$34,960.00 to repair the Bio2-3 unit and recommended approval of them as a sole source provider of this rebuild based on our actual quoting of the P2A5 aerator repair.

A motion to approve both of the Bio-Reactor rebuilds by Motor and Gear was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

## **4. 2017 Citizen Survey**

Rebecca Bohlander, Communications/Public Relations Manager stated that this invoice is from National Research Center, Inc. (NRC) for the 2017 Citizen Survey. Ms. Bohlander stated that this first invoice is \$9,500 and the second invoice will come once survey is complete. Project total is \$13,860. Ms. Bohlander recommended approval.

A motion to approve 2017 Citizen Survey was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

**5. Barracuda Email Archive Support Renewal**

Dan Porta, Assistant City Manager stated that the Fiber Department requests approval to renew our email archive support with Barracuda at an annual cost of \$7,348.

A motion to approve the renewal with Barracuda was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

**6. One Beacon Insurance Deductible**

Dan Porta, Assistant City Manager stated that the city has received an invoice from our former property and casualty insurance carrier, One Beacon regarding three open lawsuits and/or accident. The amount due on these three open claims is the city's portion of the insurance deductible. The total due on these three open claims is \$24,556.61 and Mr. Porta recommended approval.

A motion to approve the One Beacon Insurance Deductible was made by Council Member Tonsmeire and seconded by Council Member Wren. Motion carried unanimously. Vote 5-0

**J. Discussion**

**1. 2020 SPLOST Projects**

Dan Porta, Assistant City Manager stated that city staff has met and prepared a list of items to potentially include on a 2020 SPLOST Referendum. The revenue forecast for the 2020 SPLOST is based on the current 2014 SPLOST collections and does not take into consideration if there will be any county-wide SPLOST item that will reduce the overall amount of funds available to the City of Cartersville.

**K. Grant Application /Acceptance**

**1. GDOT Grant for Cartersville-Bartow Airport**

Dan Porta, Assistant City Manager stated that the Georgia Department of Transportation Airport Division has approved a grant in the amount of \$661,262 for the Cartersville-Bartow Airport for the construction of a storm drainage system and land acquisition at the airport. The estimated amount of local match for this grant is approximately 5.25% or \$34,804.83 which will be paid by the Airport Authority. As in the past, these grant funds are in the city's name as we are the sponsoring agency. Mr. Porta recommended approval of the acceptance of these grant funds for the Cartersville-Bartow Airport.

A motion to approve the acceptance of the GDOT Grant for the Cartersville-Bartow

Airport was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

**L. Monthly Financial Statement**

**1. October 2016**

Tom Rhinehart, Finance Department Head came forward and presented the October 2016 Monthly Financial Statement and with comparisons from October 2015 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 October 2016.

After announcements a motion to adjourn the meeting was made by Council Member Stepp and needing no second. Motion carried unanimously. Vote 5-0

**Meeting Adjourned**

/s/ \_\_\_\_\_  
Matthew J. Santini  
Mayor

ATTEST:

/s/ \_\_\_\_\_  
Connie Keeling  
City Clerk