

City Council Meeting  
10 N. Public Square  
August 7, 2014  
6:00 P.M. – Work Session 7:00 P.M.

## **I. Opening Meeting**

Invocation by Council Member McDaniel

Pledge of Allegiance led by Council Member                      Cartersville 12 and under  
State Champion Baseball 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; Lindsey McDaniel Council Member Ward Four; Dianne Tate, Council Member Ward Five; Sam Grove, City Manager; Connie Keeling, City Clerk; and Keith Lovell, Assistant City Attorney. Lori Pruitt, Council Member Ward Six and David Archer, City Attorney were absent.

## **II. Regular Agenda**

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

#### **1. July 17, 2014**

A motion to approve the July 17, 2014 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

### **B. Proclamation**

#### **1. Cartersville 12 and Under State Champion Baseball Team**

Mayor Santini presented a proclamation to the Cartersville 12 and Under Little League Stated Champion Baseball Team and congratulated them on their accomplishment.

### **C. Public Hearing**

#### **1. City of Cartersville M & O Property Tax Millage Rate to be set at 1.38 mills for 2014**

Tom Rhinehart, Finance Director stated that the property taxes received from the Cartersville M & O property tax millage are used for general city government operations, which include police, fire, recreation, public works, etc. The proposed 2014 millage rate of 1.38 mills is considered to be an increase above the tax rollback rate of 1.358 for 2014. Homeowners will be paying a slightly higher amount for M & O property taxes than they paid in 2013. Mr.

Rhinehart stated that the required public hearings have been held in compliance with the state regulations and recommended approval.

Mayor Santini opened the floor for a public hearing and with no comments closed the public hearing.

A motion to approve the M & O Property Tax Millage Rate was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

**2. Cartersville City School System Property Tax Millage to be set at 17.93 mills for 2014**

Tom Rhinehart, Finance Director stated that the Cartersville City School System has recommended to their board to lower the school system's millage rate for 2014 to 17.93 mills. This is the rollback rate for 2014. Mr. Rhinehart stated that the city council approves the recommended tax millage rate for city residents where all of the property taxes collected are used by the Cartersville School System and recommended approval.

Mayor Santini opened the floor for a public hearing and with no comments closed the public hearing.

A motion to approve the Cartersville City School System Property Tax Millage Rate was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

**3. Cartersville Business Improvement District Property Tax Millage to be set at 2.50 mills for 2014**

Tom Rhinehart, Finance Director stated that the Cartersville Business Improvement District (BID) is made up of the downtown Cartersville Business District. The business owners have been self-assessing a property tax over the past several years to raise funds for the downtown area. The DDA works with the local businesses to use the funds to improve the downtown area. Mr. Rhinehart stated that the DDA has requested the council's approval to keep the BID property tax millage at 2.50 mills for 2014 and recommended approval.

Mayor Santini opened the floor for a public hearing and with no comments closed the public hearing.

A motion to approve Cartersville Business Improvement District Property Tax Millage Rate was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

**D. Public Hearing – 2<sup>nd</sup> Reading of Zoning/Annexation Requests**

**1. File AZ14-03: Annexation and zoning application by Ledbetter Properties LLC (David Buckel, representative) for property on the south side of East Main Street**

**(approximately 3.68 acres) from Bartow County Jurisdiction to MN (Mining).**

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 approximately 3.68 acres of surface mining land located south of East Main Street approximately 1,000 feet due south of the entrance to the Avonlea Highlands Apartment Complex. This property would be, after annexation and after construction of the proposed new Kroger Marketplace, behind the building and would only be used for grading and drainage. Mr. Mannino stated that the property, if annexed, would be zoned MN (Mining), which is similar to the current M-1 (Mining) zoning district in Bartow County. Mr. Mannino stated that there have been no additions or deletions since the first reading, county officials have no objection to this request, staff had no objections and the Planning Commission had recommended approval.

Mayor Santini opened the floor for a public hearing on the zoning. David Buckle came forward to answer any questions council had and with no further comments the Mayor Santini closed the public hearing.

Mayor Santini opened the floor for a public hearing on the annexation and with no comments the Mayor Santini closed the public hearing.

A motion to approve Ordinance No. 24-14 for the annexation was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

A motion to approve Ordinance No. 25-14 for the zoning was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

## **Ordinance**

**of the**

**City of Cartersville, Georgia**

**Ordinance No. 24-14**

**Petition No. AZ14-03**

**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 Forty One Connector LTD. Property is located on the south side of East Main Street. Said property contains 3.68 acres located in the 4<sup>th</sup> District, 3<sup>rd</sup> Section, Land Lot(s) 405 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 17<sup>th</sup> day of July 2014.**

**ADOPTED this the 7<sup>th</sup> day of July 2014. 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. 25-14**

**Petition No. AZ14-03**

**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 Forty One Connector LTD. Property is located on the south side of East Main Street. Said property contains 3.68 acres located in the 4<sup>th</sup> District, 3<sup>rd</sup> Section, Land Lot(s) 405 as shown on the attached plat Exhibit "A". Property is hereby rezoned from Bartow County M-1 (Mining) to MN (Mining). 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 17<sup>th</sup> day of July 2014.**

**ADOPTED this the 7<sup>th</sup> day of August 2014. Second Reading.**

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

**ATTEST:**

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

**2. File Z14-03: Rezoning application by Ledbetter Properties LLC (David Buckel, representative) for property on the south side of East Main Street (approximately 1.94 acres) from MN (Mining) and Main Street Overlay District to G-C and Main Street Overlay District zoning.**

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 the south side of East Main Street across from the Avonlea Apartments. It is the proposed easternmost outparcel of the new regional commercial development that would include a new Kroger Marketplace. To be similar to all other proposed outparcels for this development, this tract is proposed to be rezoned from MN (Mining) to G-C (General Commercial), and would remain in the Main Street Overlay District. Mr. Mannino stated that there have been no additions or deletions since the first reading, staff had no objections and the Planning Commission had recommended approval.

Mayor Santini opened the floor for a public hearing on the zoning and with no comments the Mayor Santini closed the public hearing.

A motion to approve Ordinance No. 26-14 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

**Ordinance**

**of the**

**City of Cartersville, Georgia**

**Ordinance No. 26-14**

**Petition No. Z14-03**

**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 New Riverside Ochre Co. Property is located on the south side of East Main Street. Said property contains 1.94 acres located in the 4<sup>th</sup> District, 3<sup>rd</sup> Section, Land Lot(s) 388 as shown on the attached plat Exhibit "A". Property is hereby rezoned from MN (Mining) and Main Street Overlay District to G-C (General Commercial) and Main Street Overlay. 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 17<sup>th</sup> day of July 2014.**

**ADOPTED this the 7<sup>th</sup> day of August 2014. Second Reading.**

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

**ATTEST:**

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

**3. File SU14-02: Special Use application by Courtney Hultman for property at 221 Fite Street (approximately 0.2 acres) to allow expansion of a nonconforming use (restaurant) on a R-7 zoned lot.**

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 221 Fite Street at the intersection with Walker Street. The applicant, who has owned and operated Moore's Gourmet Market for over 10 years, has also owned the adjacent rental house. This house was built in approximately 1997 and the applicant proposed to demolish the house, add a solid fence and landscaping adjacent to the single-family residence on Walker Street and expand the overflow parking area on this lot. Mr. Mannino stated that the applicant has stated that the added parking will help the potentially dangerous situation in which users of both the nearby park and his restaurant park along the road. If approved the applicant understands that he will also need approval of the Historic Preservation Commission before a demolition permit may be issued. Mr. Mannino stated that there have been no additions or deletions since the first reading, staff has no objections and the Planning Commission had recommended approval.

Mayor Santini opened the floor for a public hearing on the Special Use application. Roger Beard, Todd Russell, Bob Smith, Bart Howell, Courtney Hultman, Jim Macht, and Ann Westmorland came forward to speak in favor of the application. Shep Helton, Attorney representing the Templeton Family came forward to speak against the application.

With no further comments the Mayor Santini closed the public hearing.

A motion to table the application until the August 21, 2014 City Council Meeting was made by Council Member Tate and seconded by Council Member Tonsmeire. Council Members Tate, Tonsmeire, and McDaniel Voted for the motion. Council Members Hodge and Stepp voted against the motion. Because there must be a majority vote of at least four (4) members Mayor Santini voted for the motion making the vote 4-2. Motion carried

**E. First Reading of Ordinances**

**1. Emergency Reading – Amendment to the Utilities Ordinance Regarding Water/Sewer Rates**

Tom Rhinehart, Finance Director stated that an error had been found when reviewing the new water and sewer rates approved at the July 1, 2014 council meeting. Mr. Rhinehart stated that by allowing this language to be updated the water and sewer fund will agree with the intention set forth in the FY 2014-15 budget. Mr. Rhinehart recommended approval of this ordinance on an emergency basis to be legally compliant.

A motion to approve Ordinance No. 27-14 on an Emergency Reading to be legally compliant was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

**Ordinance  
of the  
City of Cartersville, Georgia  
Ordinance No. 27-14**

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), (b), (c), (d), (e), and (f) Water and Sewage Rate and Section 24-147 (a.) Sewage Rates** is hereby amended by deleting said Section 24-64 (a), (b), (c), (d), (e), and (f), and Section 24-147 (a) in their entirety and replacing them with the following:

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

<b>(a.) Water Monthly Billing</b>	<b>City</b>	<b>Outside City</b>
<b>Minimum bill according to meter size:</b>		
<b>5/8" or 3/4"</b>	<b>\$ 7.25</b>	<b>\$ 13.28</b>
<b>3/4" full flow</b>	<b>\$ 10.87</b>	<b>\$ 19.32</b>
<b>1"</b>	<b>\$ 16.91</b>	<b>\$ 31.40</b>
<b>1 ¼" or 1 ½"</b>	<b>\$ 33.81</b>	<b>\$ 57.96</b>
<b>2"</b>	<b>\$ 65.21</b>	<b>\$119.54</b>
<b>4"</b>	<b>\$120.75</b>	<b>\$233.65</b>
<b>6"</b>	<b>\$188.37</b>	<b>\$338.10</b>
<b>8"</b>	<b>\$241.50</b>	<b>\$467.30</b>
<b>Plus consumption as follows:</b>		
<b>(i) Residential Meters</b>	<b>\$1.49/100 cu. ft.</b>	<b>\$2.99/100 cu. ft.</b>
<b>(a) 0 – 8 consumptions per month</b>	<b>\$2.57/100 cu. ft.</b>	<b>\$3.24/100 cu. ft.</b>
<b>(b) 9 – 14 consumptions per month</b>	<b>\$4.66/100 cu. ft.</b>	<b>\$4.66/100 cu. ft.</b>

(c) 15 – 19 consumptions per month	\$6.50/100 cu. ft.	\$6.50/100 cu. ft.
(d) 20 + consumptions per month	\$2.47/100 cu. ft.	\$3.64/100 cu. ft.
(ii) Apartments, Multiples & Commercial Meters	\$4.66/100 cu. ft.	\$4.66/100 cu. ft.
(iii) Irrigation System Meters	\$1.49/100 cu. ft.	\$2.99/100 cu. ft.
(iv) Industrial and All Other Meters		

(b.) Sewage Monthly Billing	City	Outside City
<b>Minimum bill according to meter size:</b>		
5/8" or 3/4"	\$ 7.25	\$ 7.25
3/4" full flow	\$ 10.87	\$ 10.87
1"	\$ 16.91	\$ 16.91
1 ¼" or 1 ½"	\$ 33.81	\$ 33.81
2"	\$ 65.21	\$ 65.21
4"	\$120.75	\$120.75
6"	\$188.37	\$188.37
8"	\$241.50	\$241.50
Plus consumption	\$1.64/100 cu. ft.	\$3.30/100 cu. ft.

<b>(c) Tap Fees—Prior to the issuance of a tap, the following fees are required:</b>				
(in inches)	Water Tap Inside City	Water Tap Outside City	Sewer Tap Inside City	Sewer Tap Outside City
¾	\$1,100.00	\$1,200.00	\$950.00	\$1,200.00
1	1,200.00	1,400.00	1,000.00	1,300.00
1½	2,200.00	2,400.00	1,150.00	1,600.00
2	2,500.00	2,700.00	1,200.00	1,900.00
4	3,000.00	3,200.00	1,775.00	3,050.00
6	3,500.00	3,700.00	2,150.00	3,800.00
8	4,000.00	4,200.00	2,620.00	4,740.00
Multi-unit, per unit	1,100.00	1,200.00	950.00	1,200.00

**Other provisions:**

**For commercial taps and industrial taps (service or sprinklers and residential sprinklers) the fee shall be the cost of installation plus ten (10) percent on materials**



and one hundred fifty (150) percent on labor (percentages double for outside city) the estimate to be paid in advance.

If developer installs residential taps and meter settings on property to city specifications, then the fee for the city to set meter shall be the cost of metering equipment and installation

<b>(d) Capacity fees—A capacity fee for water and/or sewer service shall be requested for each new tap or on any increase in volume with respect to an existing tap.</b>		
<i>Water Capacity Fee (in inches)</i>	<i>City</i>	<i>Outside City</i>
$\frac{3}{4}$	<b>\$1,020.00</b>	<b>\$930.00</b>
<b>1</b>	<b>\$1,700.00</b>	<b>\$1,540.00</b>
<b>1½</b>	<b>\$3,500.00</b>	<b>\$3,090.00</b>
<b>2</b>	<b>\$5,590.00</b>	<b>\$4,940.00</b>
<b>3</b>	<b>N/A</b>	<b>\$7,410.00</b>
<b>4</b>	<b>\$10,100.00</b>	<b>\$9,030.00</b>
<b>6</b>	<b>\$15,600.00</b>	<b>\$14,450.00</b>
<b>8</b>	<b>\$20,280.00</b>	<b>\$18,780.00</b>
<b>multi-unit/per unit</b>	<b>\$1,020.00</b>	<b>\$930.00</b>
<i>Sewer Capacity Fee (in inches)</i>	<i>City</i>	<i>Outside City</i>
$\frac{3}{4}$	<b>\$1,300.00</b>	<b>\$1,260.00</b>
<b>1</b>	<b>\$2,160.00</b>	<b>\$2,520.00</b>
<b>1½</b>	<b>\$4,320.00</b>	<b>\$4,030.00</b>
<b>2</b>	<b>\$6,910.00</b>	<b>\$8,050.00</b>
<b>3</b>	<b>N/A</b>	<b>\$10,040.00</b>
<b>4</b>	<b>\$13,470.00</b>	<b>\$13,050.00</b>
<b>6</b>	<b>\$20,200.00</b>	<b>\$19,580.00</b>
<b>8</b>	<b>\$26,260.00</b>	<b>\$25,454.00</b>
<b>multi-unit/per unit</b>	<b>\$1,300.00</b>	<b>\$1,260.00</b>

**Other provisions:**

**Apartments and hotels per unit calculations.**

All hotel and apartment units with refrigerator and stove are to be calculated as a single (1) unit (3/4" water meter equivalent) for capacity fees.

All hotel and apartment units without refrigerator and stove are to be calculated as one-half unit (3/4" water meter equivalent) for capacity fees. The following, if part of an apartment or hotel and served by a single meter are to be considered a separate unit for capacity fees. The capacity fee will be calculated as a single (1) unit based on meter size. If the following are served by a master meter, they are considered to be a separate unit to be calculated as a single (1) unit (3/4" water meter equivalent):

- (a) Restaurant;
- (b) Lounge;
- (c) Car wash;
- (d) Lobby;
- (e) Full kitchen (not part of restaurant).

(e.) Unmetered Private fire service charges – Monthly Billing	City	Outside City
<b>In Inches:</b>		
2	\$ 15.00	\$ 30.00
4	\$ 22.50	\$ 45.00
6	\$ 30.00	\$ 60.00
8	\$ 60.00	\$120.00
10	\$150.00	\$300.00
12	\$225.00	\$450.00

(f)	Fire hydrant flow test.	City	Outside City
		\$250.00	\$250.00

Any new or upgraded fire services will be required to install full flow meters and will pay the normal monthly minimum on meter service. This fee will be in lieu of the sprinkler charges referred in subsection (e) above.

**Sec. 24-147. Sewage rates.**

(a.) Sewage Monthly Billing	City	Outside City
<b>Minimum bill according to meter size:</b>		
5/8" or 3/4"	\$ 7.25	\$ 7.25
3/4" full flow	\$ 10.87	\$ 10.87
1"	\$ 16.91	\$ 16.91

<b>1 ¼" or 1 ½"</b>	<b>\$ 33.81</b>	<b>\$ 33.81</b>
<b>2"</b>	<b>\$ 65.21</b>	<b>\$ 65.21</b>
<b>4"</b>	<b>\$120.75</b>	<b>\$120.75</b>
<b>6"</b>	<b>\$188.37</b>	<b>\$188.37</b>
<b>8"</b>	<b>\$241.50</b>	<b>\$241.50</b>
<b>Plus consumption</b>	<b>\$1.64/100 cu. ft.</b>	<b>\$3.30/100 cu. ft.</b>

**This Ordinance shall become effective on July 1, 2014.**

**BE IT AND IT IS HEREBY ORDAINED.**

**ADOPTED this the 7<sup>th</sup> day August of 2014. Emergency Reading.**

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

**ATTEST:**

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

**F. Appointments**

**1. Cartersville Building Authority**

Sam Grove, City Manager stated that the Cartersville Building Authority has recommended the appointment of Ralph "Sonny" Miller to fill the unexpired term vacated by Tom Quist. This term will expire on May 15, 2016.

A motion to approve the appointment of Ralph "Sonny" Miller was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

**G. Proposals**

**1. Downtown Festival Zone Proposal**

Tara Currier, DDA Director stated that due to inclement weather on Friday, August 1, 2014 the plans for the First Friday event were postponed until Friday, August 15, 2014. Ms Currier requested that council approve the new date for the Festival Zone and recommended approval of the updated resolution.

A motion to approve the new date for the festival zone and Resolution No. 14-14 was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried

unanimously. Vote 5-0

## **H. Contracts/Agreements**

### **1. Sponsorship Agreement for DDA First Friday Event**

**This item was removed from the agenda.**

### **2. Annual Assessment for Membership in the Northwest Georgia Regional Commission**

Sam Grove, City Manager stated that this is a request for the annual dues for membership and participation in the Northwest Georgia Regional Commission for fiscal year 2014-15. The cost of this membership is \$20,001.00 which is based on the U.S. Census Bureau Population for the City of Cartersville.

A motion to approve payment of the annual dues to the Northwest Georgia Regional Commission was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

### **3. Risk MAP Project Charter**

Tommy Sanders, Public Works Director stated that FEMA has initiated a new program called Risk MAP (Mapping Assessment and Planning) which will, through collaboration with Federal, State and Local entities, deliver quality flood hazard data that increases public awareness of flood risk and leads to action that reduces risk to life and property. GA DNR-EPD will be providing updates to the FEMA Flood Insurance Rate Maps and Flood Insurance Reports for our community. The Risk MAP Project Charter is an agreement to participate and assist in this program and Mr. Sanders recommended approval.

A motion to approve the agreement with Risk MAP was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

### **4. Rental Agreement for 3<sup>rd</sup> Floor of Depot**

Dan Porta, Assistant City Manager stated The Aids Alliance which was renting the third floor of the Depot building closed down at the end of June. As required by State law, an advertisement was placed in the local newspaper about the availability of this office space. After the office space was shown to several prospective tenants two proposals were received, one from Highland Rivers Health and a second from Western Rise LLC. The DDA Board recommended that the office space be rented to Western Rise, LLC, however Highland Rivers is using the space and equipment of the Aids Alliance. Mr. Porta stated that he had sent a cease and desist letter to Highland Rivers and informed them that they did not have the authority to occupy this space.

Kelly Schlott came forward for Western Rise LLC and Jason Bearden and Ansley Silvers came forward for Highland Rivers to explain their use of the space and hours of operation. Mr.

Grove asked why Highland Rivers was occupying the space and Mr. Bearden stated that The Aids Alliance was a division of Highland Rivers and all of the files and equipment was still in the space. DDA Board Member Nancy Jackson came forward on behalf of her board.

A motion to approve the DDA recommendation to lease the space to Western Rise LLC was made by Council Member Stepp and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

## **5. Actuarial Services**

Dan Porta, Assistant City Manager stated that a request for proposal for actuarial and consulting services on the city's pension plan and other post employment benefits was issued and seven firms submitted proposals. The Pension Board reviewed the proposals and interviewed the top three firms. After checking the references of these three firms the Pension Board has recommended approval for Southern Actuarial Services to be hired for actuarial and consulting services.

A motion to approve the services of Southern Actuarial Services was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

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

### **1. Subsequent Injury Trust Fund Annual Assessment**

Dan Porta, Assistant City Manager stated that the Georgia Subsequent Injury Trust Fund assesses an annual fee for entities that are self insured with their workers compensation coverage. The annual fee is based on medical claims paid in the previous year. Mr. Porta stated that the fee assessment for 2013 is \$5,064.93 and recommended approval.

A motion to approve the invoice from the Georgia Subsequent Injury Trust Fund was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

### **2. Annual Workers Compensation Assessment**

Dan Porta, Assistant City Manager stated that the Georgia State Board of Workers Compensation assesses and annual fee for entities that are self insured. The fee is based on the cities payroll and premium as calculated by the State Board. Mr. Porta stated the fee for the current fiscal year is \$5,007.91 and recommended approval.

A motion to approve the fee from the Georgia State Board of Workers Compensation was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

### **3. Automobile Insurance Settlement**

**This item was removed from the agenda.**

**4. Emergency Repair: 24” Main at El Nopal**

Bob Jones, Water and Sewer Superintendent stated that on July 9, 2013 a leak surfaced in front of El Nopal Mexican Restaurant at 540 Old Mill Road. A preliminary investigation revealed that the leak was originating from an 8 inch tap on the 24 inch water main for the fire service to the restaurant and would require shutting down the 24 inch main. Because of the size, weight, and depth of the pipe, contractor help was needed. Quotes were requested and T.J.Lyle & Company submitted the low bid of \$375.00 per hour for a total of \$7,500.00. Mr. Jones stated that this work was completed on a Friday night for minimal interruption of services to the surrounding businesses and recommended approval.

A motion to approve the low bid from T.J. Lyle & Company was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

**5. Secondary #1 Bearing Replacement**

Bob Jones, Water and Sewer Superintendent stated that the bottom bearing of the secondary #1 screw pup failed at the Water Pollution Control Plant. This represents a loss of more than 25% of the pumping capacity at the plant. This bearing is only available from the manufacturer EVOQUA Water Technologies at a cost of \$11,000.00 with shipping and Mr. Jones recommended approval.

A motion to approve of the purchase from EVOQUA Water Technologies was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

**6. Pierce Ladder 3 Repair**

Scott Carter, Fire Chief stated that the reserve ladder, 1994 Pierce Ladder 3 has been removed from service due to cracks found at the base of the ladder. This repair must be completed by certified welders. This is a specialized form of repair that is beyond the scope of the department and bids for the repairs were accepted. Chief Carter recommended the low bid from Ten-Eight Fire Apparatus in the amount of \$6,693.62; however he asked for an amount not to exceed \$7,500.00 should other needed repairs be revealed. Chief Carter stated that this repair will be complete with required certifications and testing and recommended approval.

A motion to approve the ladder truck repairs at a cost not to exceed \$7,500.00 was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

**7. Senior Aquatic Center – Honeywell Invoice**

Greg Anderson, Parks and Recreation Superintendent stated that during May and June the

Senior Aquatic Centers pool had problems related to the compressors. While this work was being performed a leak was found in the coil. The estimated cost of repairs was \$4,818.00. This amount was approved by the City Manager; however while the coil was being repaired a valve in circuit #1 was discovered bad and brought the total invoice to \$7,412.00. Mr. Anderson recommended approval for the repairs by Honeywell in the amount of \$7,412.00.

A motion to approve the repairs by Honeywell was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

## **J. Certification**

### **1. GADOT – “Buy America” Certification**

Greg Anderson, Parks and Recreation Superintendent stated that this document is related to a change in requirements by GDOT language for TE Grant Agreements. This change now requires “Buy America” language and certification as part of any related documents. The second document is a “Utility Certification” letter that was previously approved by council which now includes the “Buy America” language. Mr. Anderson stated that these changes are language only and recommended approval.

A motion to approve the “Buy America” Certification documents was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

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

## **K. Added Item**

### **1. Ante Litem Notice**

Keith Lovell, Assistant City Attorney stated that the City had received an ante litem notice from a firm representing the owner of the property that burned down on January 29, 2014 claiming that the fire was caused by the city’s failure to correct electrical issues. Mr. Lovell recommended denying this claim and recommended approval of the corresponding resolution.

A motion to approve Resolution No. 13-14 to deny the claims was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

### **Resolution No. 13-14**

**WHEREAS, the Mayor and City Council of the City of Cartersville have received an Ante Litem Notice on July 28, 2014 from Michael Albert III and Associates, LLC**

regarding property damaged sustained by Toni Tucker-Nolan and family on January 29, 2014. Said Notice is attached hereto as Exhibit "A".

WHEREAS, the Mayor and City Council do not address the issue of whether or not the Ante Litem Notice provided complies with the requirements of O.C.G.A. § 36-33-5.

WHEREAS, after review of the Ante Litem Notice and the incident referenced therein, the Mayor and City Council at this time have no basis or information to indicate liability on the part of the City of Cartersville.

NOW BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council of the City of Cartersville that any and all claims of the Ante Litem Notice on behalf of Toni Tucker-Nolan and family, regarding the property damaged sustained on January 29, 2014, or any parties as outlined in said Ante Litem Notice are hereby denied.

ADOPTED this the 7<sup>th</sup> day of August 2014.

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

ATTEST:

/s/ Connie Keeling  
Connie Keeling  
City Clerk

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