

City Council Meeting  
10 N. Public Square  
November 15, 2012  
6:00 P.M. – Work Session 7:00 P.M.

## **I. Opening Meeting**

Invocation by Council Member McDaniel

Pledge of Allegiance led by members of Boy Scout Troop 24

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 David Archer, City Attorney. Lori Pruitt, Council Member Ward Six was absent

## **II. Regular Agenda**

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

#### **1. November 1, 2012**

A motion to approve the November 1, 2012 City Council Meeting Minutes as presented was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

### **B. Public Hearing – 1<sup>st</sup> Reading of Zoning/Annexation Requests**

#### **1. File T12-02: Text Amendment application by Cliff Acuff to add Automotive and light truck rental facility as a permitted use in the M-U (Multiple Use) 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 is a proposal by Dr. Cliff Acuff to add Automotive and Light Truck Rental Facilities to the list of allowed uses in the M-U Zoning District. Currently the only automotive-related use allowed in the M-U zoning district is Automotive Specialty Shops allowed on properties fronting an arterial or major collector street and is limited to four (4) bays. Mr. Mannino stated that the proposed text amendment is needed to allow for a national vehicle rental company to operate on Tennessee Street. Mr. Mannino stated that the Planning Commission recommended approval to add the use as follows: Automotive and Light Truck Rental Facility (allowed on properties fronting an arterial or major collector street only).

Mayor Santini opened the floor for a public hearing on the text amendment. With no comments Mayor Santini closed the public hearing.

### **NO ACTION REQUIRED**

#### **2. File SU12-03: Special Use application by Cliff Acuff for property located at 300 Walnut Grove Road (0.68 acres) to allow an apartment below and behind the office (Special Use required in the P-S 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 300 Walnut Grove Road near Douthit Ferry Road. The property includes

an office building with a basement built in 2004. City staff was informed in 2007 that the property owner had finished out the basement without obtaining a building permit and was living there. Mr. Mannino stated that staff had notified the owner that, for a property zoned P-S, the use of a structure for residential use was not allowed and the property owner vacated the basement. Recently staff has been informed that the owner has been renting the basement. Dr. Acuff is attempting to correct this with a Special Use Permit to allow the basement to continue to be used as a residence, while maintaining a main floor office and has agreed to meet all applicable city codes. Mr. Mannino stated that the Planning Commission has recommended denial of the application.

Mayor Santini opened the floor for a public hearing on the Special Use Application. Chief Carter came forward to explain the Fire Department concerns. With no comments Mayor Santini closed the public hearing.

## **NO ACTION REQUIRED**

### **C. Resolutions**

#### **1. Approval of Home Development Resources Contract Termination**

Richard Osborne, City Planner stated that in 2011 the Georgia DCA awarded the city \$199,802.00 in federal CDBG funds for an owner-occupied housing rehab project for North Towne. In January 2012 the city awarded Home Development Resources (Mary Ledbetter) as Grant Administrator for the low bid of \$34,000.00. Throughout the year Ms. Ledbetter notified City Staff and City-County grant writers that she has submitted information to Georgia DCA and that State staff are reviewing the data, however in October the DCA notified city staff that the required paperwork had not been fully completed and submitted to the state. After repeated attempts to communicate with Ms. Ledbetter the DCA staff has stated that it is possible to terminate this contract and re-bid the project. Mr. Osborne recommended termination of the contract with Home Development Resources.

A motion to approve Resolution No. 19-12 and the contract termination was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

#### **Resolution No. 19-12**

**WHEREAS, on February 2, 2012 the City of Cartersville entered into a Contract for Program Administration with Home Development Resources, Inc. (“HDR”);**

**WHEREAS, to date HDR has not met its obligations under said Contract;**

**WHEREAS, on October 29, 2012, the City of Cartersville provided a notice of termination letter and chance to cure to HDR, attached hereto as Exhibit “A”;**

**WHEREAS, as of November 15, 2012 HDR has failed to cure its defaults as listed in said letter; and,**

**WHEREAS, the Staff of the City recommends termination of said Contract.**

**NOW THEREFORE BE IT HEREBY RESOLVED by the Mayor and City Council of the City of Cartersville that based on HDR’s failure to perform its obligations under the contract, and that effective immediately, said Contract with HDR is hereby terminated and the Mayor is directed to notify HDR of said termination.**

**BE IT AND IT IS HEREBY RESOLVED this 15<sup>th</sup> day of November, 2012**

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

**ATTEST:**

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

**D. Contracts/Agreements**

**1. Subordination Agreement for 14 Dove Court**

Richard Osborne, City Planner stated that one of the first time homebuyers Clara Ayers is seeking to refinance a single family home located at 14 Dove Court for which there is a \$10,000.00 Deed to Secure Debt and Promissory Note issued in 2008 to the City of Cartersville. This agreement allows the property owner to maintain the primary and secondary subordinate agreement with a new mortgage loan to serve as the primary debt, and the City will remain in the same security position as before. Mr. Osborne recommended approval.

A motion to approve the subordination agreement was made by Council Member Stepp and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

**2. Purchase of 242 Lee Street**

Tom Quist, Assistant to the City Manager stated that this is one of three flood-prone properties the city has planned to purchase through the Pre-Disaster Mitigation Grant Program. The owner, Kathy Alexander, has agreed to sell the property for its fair market value of \$91,400.00 as well as all reasonable closing costs estimated to be below \$1,200.00. Mr. Quist recommended approval.

A motion to approve the purchase of 242 Lee Street was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

**3. Employee Health Insurance Coverage through Cigna Insurance**

Dan Porta, Assistant City Manager stated that since January 2011 the city employees have been covered through United Health Care (UHC). At renewal last year there was a 7% rate increase under the standard 12/12 contract. During 2012 the city has experienced higher claims cost and the original UHC renewal for 2013 was 20.0% higher than the 2012 number. In addition, there are higher specific deductibles on three covered individuals. After speaking with Shaw Hankins the two best options are from Blue Cross & Blue Shield at a 15.6% increase over the current rates or moving to Cigna with a 0.9% rate decrease. The Cigna Insurance Plan is not a self-insured product but is a minimum premium alternative. The coverage levels are the same under either company, with the same doctor co-pays and deductibles but the Cigna product has all city specific deductibles. Mr. Porta stated that as an added benefit of the Cigna Insurance product is their Wellness Fund. This is similar to the wellness product we have previously used but the program will be administered by Cigna and they will work with the employee's doctor if the employee has some risk factors that need to be improved. Mr. Porta stated that the additional cost to fund the insurance coverage for 2013 is approximately \$450,000.00 over budget, plus 2012 run out claim costs and employee deductibles that are shared. Mr. Porta recommended the change to Cigna Insurance.

A motion to approve the change to Cigna Insurance with the Bridge Plan was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

**4. Termination of Prescription Drug Coverage Contract with Data Rx**

Dan Porta, Assistant City Manager stated that in August 2012 the city carved out the prescription drug coverage from United Health Care to Data Rx. This contract was for three years but included an early termination clause. Due to the change to Cigna Insurance and the negotiated \$40,000.00 savings that are comparable to what the city would have received from Data Rx. Mr. Porta recommended approval of this contract termination.

A motion to approve the termination of prescription drug coverage contract with Data Rx was made by Council Member Hodge and seconded by Council Member Stepp. Motion carried

unanimously. Vote 5-0

**(Council Member Stepp excused himself from the meeting)**

**E. Bid Award/Purchases**

**1. Meters for Distributions and Collections**

Jim Stafford, Water Superintendent stated that this is for the purchase of water meters for the next six (6) months. The sole source bid for these meters is Delta Municipal Supply Co., Inc in the amount of \$14,165.00 and recommended approval.

A motion to approve the purchase from Delta Municipal Supply Co. was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

**F. Monthly Financial Statement**

**1. September 2012**

Mr. Tom Rhinehart, Finance Director, presented the September 2012 monthly financial statement with comparisons from the previous year of September 2011, 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 September 2012.

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

**Meeting Adjourned**

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

ATTEST:

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