

City Council Meeting  
10 N. Public Square  
August 18, 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 Stepp

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; Lori Pruitt, Council Member Ward Six; Sam Grove, City Manager; Connie Keeling, City Clerk and David Archer, City Attorney.

## **II. Regular Agenda**

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

#### **1. August 18, 2011**

A motion to approve the August 4, 2011 minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

### **B. Public Hearing**

#### **1. Public Hearing to Set the City of Cartersville M&O Property Tax Millage of 1.38 Mills for 2011**

Tom Rhinehart, Finance Director stated the property taxes received from the Cartersville M&O property tax millage are used for general city government purposes, which include police, fire, recreation, public works, etc. The proposed millage rate of 1.38 mills is considered the property tax rollback rate. Homeowners will essentially be paying the same amount of M&O property taxes as they did in 2010. Mr. Rhinehart recommended approval of the Cartersville M&O property tax millage of 1.38 mills for 2011.

Mayor Santini opened the floor for a public hearing, when no one came forward the public hearing was closed.

A motion to approve the M & O Property Tax Millage of 1.38 Mills for 2011 was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

**2. Public Hearing on the City of Cartersville City Schools Property Tax Millage of 17.23 Mills for 2011**

Tom Rhinehart, Finance Director stated the City Council approves a property tax millage rate for city residents where all of the property taxes collected are used by the Cartersville School Board. For 2010, the property tax millage rate for the Cartersville School System was 17.23 mills. For 2011, the Cartersville School Board requests the City Council to maintain the millage rate at 17.23 mills. Mr. Rhinehart recommended approval of the Cartersville School System property tax millage rate of 17.23 mills for 2011.

Mayor Santini opened the floor for a public hearing, when no one came forward the public hearing was closed.

A motion to approve the City School Property Tax Millage of 17.23 Mills for 2011 was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

**3. Public Hearing on the Cartersville Business Improvement District Property Tax Millage of 2.50 Mills for 2011**

Tom Rhinehart, Finance Director stated the Business Improvement District (BID) is made up of the downtown Cartersville business district. These business owners have been self-assessing a property tax over the past several years to raise funds for this area. The Downtown Development Authority (DDA) works with the local businesses to use these funds to improve the downtown area. DDA requests Council's approval to keep the Business Improvement District property tax millage at 2.50 mills for 2011. Mr. Rhinehart recommended approval of the Cartersville Business Improvement District property tax millage of 2.50 mills for 2011.

Mayor Santini opened the floor for a public hearing, when no one came forward the public hearing was closed.

A motion to approve Cartersville Business Improvement District Property Tax Millage of 2.50 Mills for 2011 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

**C. Resolutions**

**1. Sunday Alcohol Sales**

Keith Lovell, Assistant City Attorney stated that the Georgia General Assembly has enabled municipalities to conduct a referendum on the November ballots for Sunday Sales by Package. The attached Resolution will be sent to the Department of Justice for approval and a call for election will be posted in the newspaper. The proposed effective date for sale to commence would be December 2, 2011 assuming it is approved by the voters and after the Mayor and City Council approve by Ordinance said Sunday Sales.

A motion to approve Resolution No.18-11 was made by Council Member McDaniel and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

**Resolution No. 18-11**

**Resolution calling for referendum to allow the citizens of the City of Cartersville, Georgia to vote on whether to authorize retailers to sell by package, malt beverages, wine and distilled spirits, on Sundays between the hours of 12:30 p.m. and 11:30 p.m. effective December 2, 2011.**

**WHEREAS, the City of Cartersville, Georgia (hereinafter referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia law; and**

**WHEREAS, the General Assembly of the State of Georgia has enacted legislation authorizing the City to permit and regulate package sales by retailers of malt beverages, wine and distilled spirits on Sundays between the hours of 12:30 p.m. and 11:30 p.m. if such sales are approved in a referendum by the electors of the City voting in an election as called and conducted in a manner authorized under O.C.G.A. 21-2-540; and**

**WHEREAS, the City of Cartersville, Georgia has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto; and**

**WHEREAS, the Mayor and Council of the City, in compliance with the laws passed by the General Assembly, desire to allow the citizens of the City to vote their desires with respect to the authorization of the City to permit and regulate package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 p.m. and 11:30 p.m. effective December 2, 2011.**

**NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Mayor and Council of the City of Cartersville, by the lawful authority vested in them, that the City shall permit and regulate package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 p.m. and 11:30 p.m., effective December 2, 2011 as authorized by O.C.G.A. 3-3-7(q)(1) or such other laws as may authorize such sales;**

**NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, by the lawful authority vested in them, that the sale of package of malt beverage, wine, and distilled spirits shall be subject to approval of the electors of the city by vote in a referendum to be called in accordance with the laws of the State of Georgia and that the election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under O.C.G.A. 21-2-540 and any and all other applicable laws, if any, and;**

**NOW, THEREFORE, BET IT RESOLVED AND ORDAINED by the Mayor and City Council of the city of Cartersville, Georgia, that if said referendum is passed by the**

voters, the Mayor and City Council shall have a first reading on November 17<sup>th</sup> and a second reading on December 1<sup>st</sup> to approve an ordinance authorizing the package sale of malt beverage, wine and distilled spirits on Sunday to be effective December 2, 2011.

**BE IT AND IT IS HEREBY RESOLVED** this 18<sup>th</sup> day of August, 2011.

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

**ATTEST:**

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

**2. Amended Intergovernmental Agreement with Bartow County Regarding SPLOST 2014**

Keith Lovell, Assistant City Attorney stated that after negotiations with Bartow County and upon recommendation from our joint consultants, the SPLOST Intergovernmental Agreement that was approved at the July 21, 2011 meeting has been clarified and has an altered distribution and collection schedule. Based upon this, Staff is requesting your reconsideration of this Agreement to approve the proposed changes.

- (1) The first \$6,536,677.00 which was to be collected by the City from the SPLOST will be given directly to the County to pay off the JDA Park debt. Once that number is reached, we will collect based on the census population numbers; then.
- (2) For 49 months beginning January, 2016 reduce our collection by \$57,000.55 each month to pay off the utility acquisitions.

Mr. Lovell stated the anticipated monthly collection amount is approximately \$294,000.

A motion to approve Resolution No. 19-11 was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

**Resolution No. 19-11**

**WHEREAS, the Mayor and City Council for the City of Cartersville has a list of SPLOST projects for approval subject to the November SPLOST election, and**

**WHEREAS, an Intergovernmental Agreement between various entities within Bartow County including the City of Cartersville is necessary in connection therewith,**

**WHEREAS, the Mayor and City Council approved as to the form of the proposed Intergovernmental Agreement at its July 21, 2011 meeting,**

**WHEREAS, since said date there have been substantial changes and alterations to the proposed distribution and collection schedule,**

**WHEREAS, City staff considers these changes substantive in nature and are requesting that the Mayor and City Council reconsider said agreement as it determines if it is in the best interest and promotes the general public safety , health and welfare of the City.**

**NOW THEREFORE BE IT RESOLVED, that the attached Intergovernmental Agreement is hereby approved and the Mayor and City Clerk is authorized to sign the final version thereof in substantially the form submitted to the Mayor and Council with such changes, corrections, deletions, insertions, variations, additions, or omissions as may be approved by the Mayor.**

**BE IT FURTHER RESOLVED, that the attached Intergovernmental Agreement, including Exhibit “L” to said Agreement as to disbursement is hereby approved and authorized.**

**BE IT FURTHER RESOLVED, that the attached Exhibit “D” to said Agreement of projects for the City of Cartersville are hereby approved and authorized.**

**BE IT AND IT IS HEREBY RESOLVED, this 18<sup>th</sup> day of August, 2011.**

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

**ATTEST:**

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

**3. Election Superintendent Appointment**

Keith Lovell, Assistant City Attorney stated the City of Cartersville is required to appoint a Municipal Election Superintendent for each election. The Secretary of State - Election Division requires that this person complete the Georgia Election Official Certification for Municipalities. Connie Keeling has received this certification and it is recommended that she be appointed Election Superintendent for the 2011 Elections.

A motion to approve the appointment of Connie Keeling was made by Council Member

Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

**Resolution No. 20-11**

**WHEREAS, pursuant to the City of Cartersville Code of Ordinances, Section 8-3, Superintendent of Council is to annually appoint a Municipal Election Superintendent.**

**NOW THEREFORE BE IT RESOLVED that Connie Keeling is to be appointed as the Municipal Election Superintendent for the City of Cartersville for 2011; and shall exercise the powers and duties set forth in O.C.G.A. Title 21 and other applicable provisions of the Georgia Election Code and City of Cartersville Code of Ordinances.**

**BE IT AND IT IS HEREBY RESOLVED this 18<sup>th</sup> day of August 2011.**

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

**ATTEST:**

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

**D. Contracts/Agreements**

**1. Bartow County Board of Elections**

Connie Keeling, City Clerk stated that in past years the City of Cartersville elections have been conducted by the Bartow County Board of Elections as recommended by the State of Georgia. This agreement is less than past years due to the county conducting elections for other municipalities within the county, so instead of paying the entire cost for staffing absentee voting we are now paying a percentage. The estimated cost for this year's election is \$8,616.00 and Mrs. Keeling recommend approval.

A motion to approve the agreement with Bartow County Board of Elections was made by Council Member Tate and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

**2. Bartow County School System Regarding Adairsville High Aquatic Center**

Greg Anderson, Parks and Recreation Director recommend approval of the Bartow County School System's "Use of Facility" contract, for the Adairsville High School Aquatic Center. The City of Cartersville will be paying \$500.00 per month (August – April) for use of the facility which the Parks and Recreation Department's new year-round swim team will be utilizing this pool. Mr. Lovell explained that the agreement would need to be amended to remove items ten (10) and eleven (11) as they do not apply to the city.

A motion to approve the agreement was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

An amended motion to strike items ten (10) and eleven (11) from the agreement was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

### **3. Rental Agreement with AIDS Alliance of Northwest Georgia**

Dan Porta, Assistant City Manager stated that the Downtown Development Authority has been approached by the Aids Alliance of Northwest Georgia to rent the third floor of the Welcome Center to this organization. After talking with Lola Thomas, Executive Director of the Aids Alliance, they are having to find a new location for their organization and are appreciative of the city offering this rental space. The rental agreement charges a monthly rental rate of \$250 for the use of the third floor and other common areas of the building, plus 50% cost of the utilities. The Aids Alliance is agreeable with the terms of the agreement and Mr. Porta recommended approval.

A motion to approve the agreement with AIDS Alliance of Northwest Georgia was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

### **4. Consent to Right of Entry Regarding Bob White Trail**

Bobby Elliott, Public Works Superintendent stated that his department has planned to install a pipe arch culvert under Bob White Trail to replace an existing pipe. Along with this pipe installation some additional ditching and pipe installation downstream from the proposed Bob White Trail crossing was needed. This right of entry agreement will allow the city to work on the primary property downstream of the proposed crossing and Mr. Elliott recommended approval of this agreement.

A motion to approve the Right of Entry at Bob White Trail was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

### **5. GDOT State Aid for Main Street Gateway Project**

Bobby Elliott, Public Works Superintendent stated that this contract/agreement is with GDOT for Project TSAP0-S008-00(271) SR 113 Safety Improvements (Main Street Gateway Project). This agreement covers the pay items that GDOT agrees to reimburse the City for on the construction of referenced project. The agreement stipulates that the maximum GDOT participation for this contract will be \$500,000. GDOT will issue a separate agreement to cover the landscaping of this project which will be a maximum of \$400,000 for a total potential state contribution of \$900,000. Mr. Elliott recommended approval of this contract/agreement.

A motion to approve the GDOT Agreement was made by Council Member Pruitt and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

## **E. Bid Award/Purchases**

### **1. Emergency Storm Drain Repair – Roosevelt Street**

Bobby Elliott, Public Works Superintendent stated that on Tuesday, June 21st Public Works received a call from a dispatcher with the Bartow County Water Department concerning a hole which had appeared in their parking lot. Upon arrival it was discovered that the huge cavern had developed underneath the parking lot. This pipe, approximately 160 linear feet, conveys stormwater from one of the largest basins in Cartersville. The pipe size here was 84 inches in diameter and upon walking through it they found that a complete structural failure had occurred due to corrosion that had eaten the pipe in two. Mr. Elliott immediately determined that the entire 160-foot run needed to be replaced due to the deteriorating condition. After discussing the problem with both Sam Grove and Dan Porta it was determined that due to the emergency status and the proximity to the Bartow County Maintenance Building, this would need to be repaired immediately.

Mr. Elliott stated that a large pipe was bid out and the low bidder was Southeast Culvert at \$22,870.00. All sub-grade stabilizer (Gravel) was purchased from Vulcan Materials which is a sole source for a cost of \$14,944.66. All other miscellaneous materials such as pre-cast manhole products, ready mix concrete, parking lot repairs and grassing came to a total of \$14,075.69. The labor charge which included excavating and hauling away all trench materials (which included stumps, tires and other unsuitable material) and hauling in and compacting new "structural suitable" soil and installing and backfilling of the new pipe system was \$37,317.00.

Mr. Elliott stated that all labor for the repair was performed by the hour with City forces helping. The total cost for this job ending up being \$89,207.35 a savings of \$34,223.65 over DOT bid cost estimates. These actual costs were covered with Stormwater Funds from 2003 SPLOST and Mr. Elliott recommended approval.

A motion to approve the Emergency Storm Drain Repair on Roosevelt Street was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

### **2. Police Pursuit Vehicles**

Tommy Culpepper, Chief of Police stated that the Police Department needs to purchase five (5) new police pursuit vehicles to replace older units in the fleet. To this end, we have solicited bids from various fleet dealers. Eleven (11) bids were sent out and eight were returned.

Chief Culpepper stated that he understands the need to try and purchase locally, but the difference between the lowest bid and the local bid is significant at \$9721.60. Chief Culpepper recommended that the bid from Butler Chrysler Dodge, Beaufort SC for 2010 Dodge Chargers at a total price of \$99,900.00 (\$19,980.00 each - delivery included) be accepted as the best and



lowest bid and that the Council approve an amount, not to exceed the \$210,000.00, as identified in the 2011-12 budget under DEA expenses, for the purchase of these five (5) vehicles and associated equipment (markings, radios, computers, camera system, wiring, protective barriers, etc.) and installation. In an effort to keep the cost as low as possible, he intends to recycle as much of the hardware in the vehicles as possible.

A motion to approve the purchase of the Police Vehicles was made by Council Member Tate and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

**(Items 3 & 4 Voted as one motion)**

**3. Press Feed Pump for Water Pollution Control Plant**

Ed Mullinax, Assistant Water Superintendent stated that one of the biosolids presses at the waste water treatment plant is worn out and must be replaced in order to dewater all sludge produced. The price of the replacement is \$10,510.87. The distributor for this equipment is Carl Eric Johnson, Inc. (Sole source supplier) and Mr. Mullinax recommended approval of this purchase from maintenance budget.

**4. Biosolids Pump for Water Pollution Control Plant**

Ed Mullinax, Assistant Water Superintendent stated that the solids pump for the Bioreactor at the WPCP is worn out. Mr. Mullinax stated that they have had to replace or repair this pump several times in the last five years. This pump is a critical part of the process presently used at the plant and they need to purchase a backup pump so when this pump goes down it can be changed out the same day. Shipping usually takes 6-8 weeks on any new part or a new pump. This makes it difficult for the plant to operate with this unit out of service. Mr. Mullinax recommended purchasing this replacement pump from GPM Inc. for the price of \$7225.50.

A motion to approve both the Press Feed Pump and the Biosolids Pump was made by Council Member Stepp and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

Mayor Santini stated that there was one 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 Pruitt. Motion carried unanimously. Vote 6-0

**G. Added Item**

**1. Purchase Valve Actuator for Raw Water Valve**

Ed Mullinax, Assistant Water Superintendent stated that the actuator for the raw water valve at the water plant has failed and needs immediate replacement. This is a remote control valve that controls how much water comes into the water treatment plant from Lake Allatoona. To change the flow rate or shut down the plant takes 2 people and 16 hours per day and they only have one person at that plant. Mr. Mullinax stated that delivery time on this equipment is three

weeks and it is needed as soon as possible. Mr. Mullinax recommended approval of this purchase from Harold Beck and Associates in the amount of \$8,745.00.

A motion to approve both the purchase from Harold Beck and Associates was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

**H. Monthly Financial Statement**

**1. June 2011 Unaudited financial Report**

Tom Rhinehart, Finance Director, presented the June 2011 monthly financial statement with comparisons from the previous year of June 2010, 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 June 2011.

**I. Presentations**

**1. Citizen Survey Results**

Tom Quist, Assistant to the City Manager stated that this is the fourth and final presentation of the results from the Spring 2011 Citizen Survey on recreation, city services, other services, and public trust.

A motion to adjourn the meeting was made by Council Member Hodge and needing no second. Motion carried unanimously. Vote 6-0

**Meeting Adjourned**

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

ATTEST:

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