

City Council Meeting  
10 N. Public Square  
November 20, 2008  
7:00 P. M. – Work Session 6:00 P.M.

## **I Opening Meeting**

Invocation by Council Member McDaniel.

Pledge of Allegiance led by Council Member Pruitt.

The City Council met in Regular Session with Mayor Matt Santini presiding and the following present: Helen Cagle, 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; Dan Porta, Assistant City Manager; Sandra Cline, City Clerk and David Archer, City Attorney were present. Sam Grove, City Manager was absent.

## **II. Regular Agenda**

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

#### **1. Council Meeting November 6, 2008**

A motion to approve the November 6, 2008 Council Meeting Minutes as recorded was made by Council Member Tate and seconded by Council Member Cagle. Motion carried unanimously. Vote 6-0

### **B. Second Reading of Ordinances**

#### **1. Amendment to Motor Vehicles Ordinance – Noble Street**

Bobby Elliott, Public Works Director stated that there have been no additions or deletions to this ordinance since the first reading. This ordinance makes the east side of Noble Street “No Parking” for a distance of 140 feet from Cherokee Avenue south.

A motion to approve the second reading of Ordinance # 47-08 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

**Ordinance**

**of the**

**City of Cartersville, Georgia**

**Ordinance No. 47-08**

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 12. MOTORVEHICLES AND TRAFFIC. ARTICLE XI. TRAFFIC SCHEDULES. Section 12-1015. Parking Prohibited is hereby amended by adding a new paragraph (f) to said Section 12-1015.

1.

(f) Noble Street on the east side from Cherokee Street for approximately 140 feet, said area shall be designated by yellow curbing.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

**BE IT AND IT IS HEREBY ORDAINED**

**First Reading this the 6<sup>th</sup> day of November 2008.**

**ADOPTED this the 20<sup>th</sup> day of November 2008. Second Reading.**

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

**ATTEST:**

**/s/ Sandra E. Cline**  
**Sandra E. Cline**  
**City Clerk**

**2. Ordinance Amending Fiscal Year 2007-08 Budget**

Dan Porta, Assistant City Manager/Finance Director stated there have been no additions or deletions since the first reading. These are standard changes that are done annually for the audit and to meet governmental accounting requirements.

A motion to approve the second reading of Ordinance # 48-08 was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

**Ordinance**

**of the**

City of Cartersville

Ordinance No. 48-08

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA, that the Annual Budget of the City of Cartersville for the fiscal year 2007-2008 be amended as follows:

SPECIAL REVENUE FUNDS

Police Forfeiture Assets - Federal Funds

Revenue

210-2110-36-1001	Interest Earned on Bank Account	\$30,890
210-2110-35-2000	Cash Reserves	\$717,095

Expenditures

210-2110-53-1112	Minor Office Equip (DEA-Fed)	\$38,020
210-2110-53-1130	Minor Equipment & Supplies - Fed	\$12,225
210-2110-53-1176	Explorers Group Expenses	\$9,510
210-2110-53-1181	Computer Hardware & Software (DEA-Fed)	\$73,190
210-2110-54-1300	Buildings	\$99,620
210-2110-54-2201	Vehicles (DEA-Fed)	\$511,065
210-2110-54-2300	Furniture & Office Equipment	\$4,355

Police Forfeiture Assets - State Funds

Revenue

211-2120-35-1300	Confiscated/Forfeited Funds - State	\$14,245
211-2120-36-1001	Interest Earned on Bank Account	\$490

Expenditures

211-2120-53-1172	State Expenses	\$4,235
211-2120-53-1174	Special Operations - State	\$10,000
211-2120-53-1175	Criminal Investigation Supplies - State	\$500

Grant Funds

Revenue

250-1160-33-4110	DCA Grant Funds	\$10,000
340-9200-33-1151	Tree Grant -Urban & Community Forestry Grant	\$15,205
340-9200-33-1160	Contribution from General Fund	\$48,335

Expenditures

250-1160-52-1200	Advocates for Bartow's Children Tree Grant Exp - Urban & Community Forestry	\$10,000
340-9200-54-1303	Grant	\$15,200
340-9200-54-1304	Main Street TEA Grant	\$48,340

**Development Agreement**

**Revenue**

270-2410-37-1000	Public Safety Development Agreement Cont	\$1,975
270-5110-37-1000	Recreation Development Agreement Contribution	\$3,450

**Expenditures**

270-2410-52-1316	Development Agreement- Public Safety	\$1,975
270-5110-52-1316	Development Agreement- Recreation	\$3,450

**Impact Fees**

**Revenue**

271-6120-32-2912	Impact Fee Revenues - Library	\$25,675
271-6120-32-2913	Impact Fee Revenues - Fire Protection	\$70,715
271-6120-32-2914	Impact Fee Revenues - Police	\$51,585
271-6120-32-2915	Impact Fee Revenues - Parks & Recreation	\$23,245
271-6120-32-2916	Impact Fee Revenues - Roads	\$18,685
271-6120-32-2917	Impact Fee Revenues - Administration	\$5,700
271-6120-32-2918	Impact Fee Revenues - CIE Prep	\$7,660
271-6120-36-1015	Interest Revenue - Library	\$785
271-6120-36-1016	Interest Revenue - Fire Protection	\$1,290
271-6120-36-1017	Interest Revenue - Police	\$940
271-6120-36-1018	Interest Revenue - Parks & Recreation	\$705
271-6120-36-1019	Interest Revenue - Roads	\$340
271-6120-36-1020	Interest Revenue - Administration	\$125
271-6120-36-1021	Interest Revenue - CIE Prep	\$165

**Expenditures**

271-6120-52-1200	Impact Fee Exp - Administration	\$5,825
271-6120-52-1600	Impact Fee Exp - Miscellaneous	\$7,825
271-6120-54-2500	Impact Fee Exp - Fire Protection	\$72,005
271-6120-54-2501	Impact Fee Exp - Police	\$52,525
271-6120-54-2502	Impact Fee Exp - Parks & Rec	\$23,950
271-6120-54-2503	Impact Fee Exp - Roads	\$19,025
271-6120-57-1020	Impact Fee Exp - Library	\$26,460

**Hotel/Motel Tax**

<b>Revenue</b>		
<b>275-1100-31-4100</b>	<b>Hotel/Motel Tax</b>	<b>\$113,130</b>

<b>Expenditures</b>		
<b>275-1100-57-1060</b>	<b>Cartersville-Bartow Tourism Council</b>	<b>\$13,512</b>
<b>275-1140-61-1100</b>	<b>Transfer Out to General Fund</b>	<b>\$99,618</b>

**2007 SPLOST**

<b>Revenue</b>		
<b>322-9300-33-4432</b>	<b>Road Revenue - Bartow Co Reimb</b>	<b>\$24,790</b>
<b>322-9300-33-7100</b>	<b>SPLOST 2007 Revenue</b>	<b>\$1,885,340</b>
<b>322-9300-36-1010</b>	<b>SPLOST 2007-Interest Earned on Investments</b>	<b>\$3,115</b>

<b>Expenditures</b>		
<b>322-9300-54-1602</b>	<b>Center Rd</b>	<b>\$27,000</b>
<b>322-9300-54-1605</b>	<b>Mission Rd - Jackson to Burnt Hickory</b>	<b>\$14,000</b>
<b>322-9300-54-1607</b>	<b>New Bridge - Nancy Creek &amp; Sugar Valley Rd</b>	<b>\$5,000</b>
<b>322-9300-54-1608</b>	<b>Sugar Valley @ Burnt Hickory Rd</b>	<b>\$23,000</b>
<b>322-9300-54-1609</b>	<b>Grassdale Road</b>	<b>\$29,000</b>
<b>322-9300-54-1620</b>	<b>Raw Water Mains</b>	<b>\$1,000,000</b>
<b>322-9300-54-1621</b>	<b>Public Wks New Equipment Barn</b>	<b>\$410,000</b>
<b>322-9300-54-1627</b>	<b>Police / Fire Joint Station</b>	<b>\$275,000</b>
<b>322-9300-54-1628</b>	<b>Fire Station #3</b>	<b>\$6,645</b>
<b>322-9300-54-1629</b>	<b>Old Courthouse</b>	<b>\$122,000</b>
<b>322-9300-54-1630</b>	<b>Fire Station #2 - MLK Drive</b>	<b>\$1,600</b>

**Cartersville Building Authority**

<b>Revenue</b>		
<b>325-9500-36-1001</b>	<b>Interest - Purchasing Account</b>	<b>\$8,950</b>
<b>325-9500-36-1011</b>	<b>Interest - 2003 LGIP Rev Bond</b>	<b>\$27,055</b>
<b>325-9500-36-4198</b>	<b>Interest Revenue - 2004 Funds</b>	<b>\$51,365</b>
<b>325-9500-36-4199</b>	<b>Interest Revenue - 2008 Funds</b>	<b>\$25,010</b>
<b>325-9500-37-1107</b>	<b>Contributed Capital - Bartow County</b>	<b>\$398,065</b>
<b>325-9500-37-1108</b>	<b>Contributed Capital - City of Cartersville</b>	<b>\$398,065</b>
<b>325-9500-39-3708</b>	<b>Revenue Bond Proceeds</b>	<b>\$330,350</b>

<b>Expenditures</b>		
<b>325-9500-56-2003</b>	<b>Issue Cost Amortization</b>	<b>\$38,650</b>
<b>325-9500-57-1017</b>	<b>Payments To/For Bartow County</b>	<b>\$679,530</b>
<b>325-9500-57-1018</b>	<b>Payments To/For City of White</b>	<b>\$80,915</b>

325-9500-58-1137	Bond Interest Expense 2004	\$387,010
325-9500-58-1138	Bond Interest Expense 2008	\$32,620
325-9500-58-2100	CBA 2003 Bond Interest Expense	\$20,135

**SPECIAL REVENUE FUNDS BUDGET - \$4,314,535**

**First Reading this the 6th day of November 2008**

**ADOPTED, this the 20th day of November 2008. Second Reading.**

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

**ATTEST:**

/s/ Sandra E. Cline  
**Sandra E. Cline**  
**City Clerk**

**C. Other**

**1. November 4, 2008 Election Results.**

Sandra Cline, City Clerk explained that the Georgia Municipal Election Code requires the Governing Authority to certify election results. She presented the November 4, 2008 election results of the question of Sunday Sales of Alcoholic Beverage by the drink as 4266 Yes votes and 2915 No votes.

A motion to certify the results of the November 4, 2008 election results was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

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

**1. T08-03: Text amendment application by Avalon Lake Properties LLC (Jeff Watkins, representative) to add new RSL (Residential Senior Living) district to the Zoning Ordinance.**

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, the required legal notices have been advertised and he 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. He explained that this text amendment will be adding a new zoning district RSL (Residential Senior Living) as proposed by the applicant Avalon Lake Properties. This district if approved would fill the gap between R-7 and RA-12. The Planning Commission has recommended approval of the Text Amendment. This item is related to the next item on the agenda which is the rezoning of property on Mission Road by the applicant.

Mayor Santini declared a Public Hearing for the Text Amendment open. Jeff Watkins, representative for the applicant stated that this is a needed district for seniors who want to down size. This district would allow different building regulations than the other residential zonings. The homes would have a minimum of 1000 sq. ft., the density would be 2.5 units per acre, and not all homes will have a garage due to this being a senior living and the residents will be over 55 years of age. Mr. Watkins and Mr. Mannino addressed questions from Council.

After no further comments, Mayor Santini declared the Public Hearing closed.

**No Action Taken**

**Ordinance**

**of the**

**City of Cartersville, Georgia**

**Ordinance No.**

**Petition No. T08-03**

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 26. ZONING. ARTICLE VI. SINGLE FAMILY DWELLINGS** is hereby amended by adding a new section 6.8 Residential Senior Living (RSL) District (f) to said Article VI. As follows:

**1.**

**Section 6.8 Residential Senior Living (RSL) District**

**6.8.1 RSL District scope and intent. The RSL district is established to provide locations for the development of appropriate housing for the population 55 and older. In order to ensure that older Bartow County residents can live in housing appropriate to their specific needs, the following regulations are designed to facilitate development which addresses the decreasing mobility, changing health, and distinct consumer preferences of the older adult market. These uses shall not be established as a precedent for any other residential or nonresidential district.**

**6.8.2 Definitions**

- 1. Housing facility means individual housing units designed for senior adults ages 55 and older which may or may not include or provide any type of supportive services such as transportation, medical care, food preparation, and the like. Said housing facility may include but not be limited to, fee simple condominium, townhouse, patio home, and the like.**

**6.8.3 Use regulations. Within the RSL district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section shall be prohibited.**

**A. Permitted Uses. Structures and land may be used for only the following purposes:**

- Housing Facility, as defined herein.**

**6.8.4 Application Requirements. A concept plan shall be submitted with the application for rezoning to the RSL district, which shall include but not be limited to parking, utility location, and setback design for the proposed development. The concept plan shall be subject to the Development Regulations of the City of Cartersville. The Zoning Administrator shall have the discretion to vary any and all development standards set forth in 6.8.5 below up to a maximum of 30%.**

**6.8.5 Development Standards.**

**A. Height Regulations. Single-family residential detached buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2 ½) stories, whichever is higher; Single-family residential attached buildings shall not exceed a height of forty-five (45) feet or three and one-half (3 ½) stories, whichever is higher.**

**B. Maximum lot coverage. 60%**

**C. Minimum lot area per dwelling unit.**

- Single-family detached, 3,000 square feet**
- Single-family attached, 1,600 square feet**

**D. Maximum density.**

- Single-family detached, 6 units per gross acre.**
- Single-family attached, 10 units per gross acre.**

- E. Minimum lot frontage 35 feet for single-family detached, except for cul-de-sac lots, which shall be 20 feet. All other uses shall be 20 feet.**
- F. Minimum lot width 35 feet for single-family detached, except for cul-de-sac lots which shall be 20 feet. All other uses shall be 20 feet.**
- G. Minimum lot depth 80 feet.**
- H. Minimum development area, 5 acres.**
- I. Minimum heated floor area, 1,000 square feet.**
- J. Minimum setbacks for the RSL development.**
  - 1. Minimum front yard, 10 feet.**
  - 2. Minimum side yard, 10 feet for single-family attached as measured from the end of each row, and 2 ½ feet for single-family detached, as measured from any part of the structure (including any over-hang).**
  - 3. Minimum rear yard, 20 feet.**
- K. Landscape buffer requirement. A 10 feet wide buffer is required along property lines as designated common space which abut a R-20, R-15, or R-10 district to provide a visual screen in accordance with Section 4.17 of this chapter.**
- L. Accessory use, building and structure requirements. See section 4.9 of this chapter.**
- M. Other required standards.**
  - 1. A mandatory owners association must be formed and incorporated which provides for building and grounds maintenance and repair, insurance and working capital. Said association must also include a declaration and bylaws, including rules and regulations. The declarations and bylaws shall not be enforced by the City. The declarations and bylaws shall, at a minimum, regulate and control the following: private roads, animals, signs, exterior items such as fences, lawn ornaments and restrictions or removal of landscape areas and buffers, building improvements, outside storage, overnight parking of vehicles, decorations, trash collection, restrictions on all units being occupied by persons aged 55 and older as defined by the Fair Housing Act as may be amended from time to time and accessory buildings and structures, or the like. It shall be the responsibility of the homeowners'**

association to enforce the Declaration of Covenants, Conditions and Restrictions, rules, and regulations.

2. Each individual dwelling unit shall have no more than 50% vinyl exterior.

3. No more than six (6) units may be attached side by side.

4. Required buffers may be included within required setbacks, however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and/or access drives may be allowed through, over or across a landscaped border.

5. No fewer than three (3) dwelling units in a row shall be allowed.

6. Required parking shall be two (2) spaces per dwelling unit. Parking in driveways shall be allowed to count towards the parking requirement.

7. Building lots shall have frontage on a private drive, public right-of-way, or common driveway. A common driveway shall be used to access a maximum of four (4) lots or six (6) units. A common drive shall be placed in a minimum of a 24 feet unobstructed corridor.

8. A minimum 10% of overall property shall be set aside for open space.

6.8.6 Other Regulations. The headings below contain additional, but not necessarily all, provisions applicable to the RSL district.

- City of Cartersville Sign Ordinance.
- Fair Housing Act in 42 U.S.C. 3601-3631.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

**BE IT AND IT IS HEREBY ORDAINED**

First Reading this the 20<sup>th</sup> day of November 2008.  
ADOPTED this the day of. Second Reading.

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

**ATTEST:**

**/s/ Sandra E. Cline**  
**Sandra E. Cline**  
**City Clerk**

**2. Z08-11 Rezoning application by Avalon Lake Properties LLC (Jeff Watkins, representative) for property located on the south side of Mission Road (approximately 31.77 acres) from R-10 Conservation Subdivision District with conditions to RSL (Residential Senior Living)**

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, the required legal notices have been advertised and he 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. He went over the City Department reviews. Public Works requested that as a condition of zoning that a 25' utility easement be granted along the back of the Mission Road Right-of-Way adjacent to the development to encompass the existing 96" storm drain adjacent to Mission Road. Mr. Mannino stated that if the previous item is not approved this rezoning would not happen. In 2006 this property was rezoned to the R-10 zoning district with conditions. The Planning Commission recommended approval with some changes to the previous conditions.

Mayor Santini declared a Public Hearing for the Rezoning application open. Jeff Watkins, representative for the applicant explained the process that Ms. Sullins went through to meet FEMA's elevation requirements. During the process FEMA increased the elevation that was needed on the project which will require the developer to invest more into the project to meet their requirements. Mr. Walkins stated that without the rezoning the developer cannot complete this project.

After no further comments, Mayor Santini declared the Public Hearing closed.

**No Action Taken**

**Ordinance**  
**of the**  
**City of Cartersville, Georgia**  
**Ordinance No.**

Petition No. Z08-11

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 Avalon Lake Properties, LLC. Property is located on the south side of Mission Road. Said property contains 31.77 acres located in the 4<sup>th</sup> District, 3<sup>rd</sup> Section, Land Lot(s) 487 as shown on the attached plat Exhibit "A". Property is hereby rezoned from R-10 (Conservation Subdivision with conditions) to RSL (Residential Senior Living) with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

1. No access (roadway/driveway) to be allowed to Granger Drive.
2. Development of the area will require a tie-in with the existing 6-inch water main on Granger Drive at developer's expense.
3. At developer's expense, require relocation of the existing line to the interceptor sewer on the western side of the railroad and replacement with a larger pipe installed at a greater depth to accommodate gravity service to the entire site. The railroad crossing will also require replacement.
4. A maximum of 81 lots as shown on the submitted concept plan.
5. Landscape berm or other feature for lots adjacent to Mission Road as required by staff.
6. Amenities to include swimming pool.
7. No single-family building permits are to be issued until a "Letter of Map Revision" (LOMR) has been issued by the Federal Emergency Management Agency (FEMA).
8. Qualified consultant (Professional Engineer / Civil Engineer) must be utilized during all phases of construction to provide verification and consistency with approved plans and assure construction in accordance with data submitted to FEMA.
9. The pond on the east side of the railroad tracks (within development) shall include a fountain or other aeration feature.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 20<sup>th</sup> day of November 2008.

ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Sandra E. Cline  
Sandra E. Cline  
City Clerk

E. Alcohol Licenses (Items E1, E2, E3 & E4 will be voted together)

**1. Review of Beer Package license application by Bijay Sah for Exxon Travel Center located at 1340 East Main Street.**

Pete Alday, Planning and Development stated that this application is for a new 2009 package beer license due to change of ownership. The applicant resides at 950 E. Main Street, Apt 922, Cartersville, GA 30121. The Alcohol Control Board has recommended approval. The applicant was present.

**2. Review of Beer/Wine Package license application by Steven S. Anderson for Get-N-Go LLC located at 2471 Highway 411.**

Pete Alday, Planning and Development stated that this application is for new 2009 beer & wine package license due to change of ownership. The applicant resides at 12 Clydesdale Trail, White, GA 30184. The Alcohol Control Board recommended approval. The applicant was present.

**3. Review of Beer/Wine/Distilled Spirits Pouring license application by Candis West Berube for Red Lobster located at 375 Cherokee Place.**

Pete Alday, Planning and Development stated that this application is for new 2009 beer & wine and distilled pouring licenses due to change of managers at Red Lobster #889. The applicant resides at 21 Mill Rock Dr. N. W., Cartersville, GA 30121. The Alcohol Control Board recommended approval. The applicant was present.

**4. Review of Beer/Wine/Distilled Spirits Pouring license applications by Charlene Creekmur for Hooters located at 865 Joe Frank Harris Parkway.**

Pete Alday, Planning and Development stated that this application is for new 2009 beer & wine and distilled pouring licenses due to a change of ownership of Hooters. The applicant resides at 313 Meadow Lark Crossing, Canton, GA 30114. Some entertainment is included in the application. The local contact is Tiffany Lyle, 1937 Cassville Road, Cartersville, GA 30120. The Alcohol Control Board recommended approval. The applicant was present.

A motion to approve all four of the outlined applications for licenses was made by Council Member Pruitt and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

**F. First Reading of Ordinances**

**1. Amendments to the Alcohol Ordinance.**

Pete Alday, Planning and Development reported that as a result of the referendum of November 4, 2008 regarding the Sunday sales of alcohol for pouring establishments these two ordinances are proposed for Council's consideration. The first ordinance outlines the requirements for pouring outlets to get a license to pour on Sunday. The second ordinance

allows issuance of a license to nonprofit museums for sale for consumption on the premises. The Alcohol Control Board has recommended approval of both ordinances. Jeff Watkins requested that Council consider lowering the amount of the permit or to do away with the price of the permit this year due to the economic times.

**No action taken.**

**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 **CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 4. ALCOHOLIC BEVERAGES** is hereby amended as follows.

1.

That **ARTICLE II. LICENSING. REQUIREMENTS. Division 5. Hours of operation Sec 4-120. Pouring outlets** is hereby amended by deleting said Section 4-120 in its entirety and replacing it with the following:

“Sec. 4-120. Pouring outlets.

The following provisions shall apply to pouring outlets:

- (1) The building or proposed building where pouring will take place shall meet all requirements of the city building inspector.
- (2) No percentage leases of buildings for pouring shall be permitted.
- (3) No pouring shall be permitted between the hours of 12:30 a.m. Sunday and 12:30 p.m. Sunday, or between the hours of 12:30 a.m. and 10:00 a.m. on other days except as provided in (9) herein.
- (4) No wine or malt beverages or distilled spirits may be consumed on the premises of the pouring outlet between the hours of 1:00 a.m. Sunday and 12:30 p.m. Sunday, or between the hours of 1:00 a.m. and 10:00 a.m. on other days except as provided in (9) herein.
- (5) In no event shall wine or malt beverages or distilled spirits be sold or delivered during the prohibited hours, set forth in subsections (3) and (4), based upon any devise or scheme, including the timely sale of tickets, chits and decanters.

(6) It shall be unlawful to employ knowingly in any pouring outlet in any capacity whatsoever, including that of performer, entertainer or musician, any person who has pleaded guilty to or been convicted of any felony involving moral turpitude, or any crime relating to the manufacture or sale of intoxicating beverages within the last five (5) years.

(7) It shall be the duty of the management of a pouring outlet to maintain a copy of this division at the outlet and to instruct each employee on the terms thereof.

(8) As permitted by the City of Cartersville Code of Ordinances, outdoor pouring shall be allowed at sidewalk, or right-of-way cafes.

(9) On New Years Eve only, the pouring hours shall be extended to 1:00 a.m., and the hours of consumption shall be extended until 2:00 a.m.”

2.

That ARTICLE II. LICENSING REQUIREMENTS. DIVISION 1. GENERALLY. Sec 4-34 - 4-49. Reserved is hereby amended as follows:“Sec. 4-34. Sunday License.

A Sunday Sales License is required for the sale of alcoholic beverages on Sundays. The following conditions are applicable to such sales:

(1) The establishment holds a valid City distilled spirits pouring and/or malt beverage and wine pouring license.

(2) Alcoholic beverages may be sold and served for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food, and in any licensed establishment which derives at least 50% of its total annual gross revenues from the rental of rooms for overnight lodging; and must qualify as a restaurant or hotel with valid unlimited health permit.

(3) Applicants for Sunday Sales License shall complete an application form furnished by the Planning and Development Office, supplying such information as may be requested. Prior to issuance of the license, the applicant must make available records for determining whether the applicant meets the requirements of subsection (2) of this section. After the license is issued the license may be denied or revoked by the Planning and Development Director for failure to conform or failure to produce satisfactory evidence of conforming. The Director of Planning and Development or his designee shall review the gross income figures from each establishment in their annual report or at any other time as requested to determine the licensee compliance and eligibility for a Sunday Sales License. The City shall have ten (10) business days to determine if the application qualifies for Sunday sales.

If the applicant qualifies, a license shall be issued, if not the license shall be denied and said applicant may appeal as provided for herein. The decision of the Planning and Development Director may be appealed to the Mayor and City Council in the same manner as appeals from the Alcohol Control Board as provided for in Sec. 4-209(e)(3).

(4) Annual Sunday Sales License renewals shall be made in the same manner and during the same time periods as other distilled spirits and/or malt beverage and wine pouring license renewals, with the exception that the license is approved or denied by the Planning and Development Director.

(5) A Sunday Sales License is not transferable.

(6) The fee for issuance of the Sunday Sales License may be established and/or changed from time to time by the Mayor and City Council, and a schedule of fees shall be part of the City of Cartersville Code of Ordinances and shall be available in the offices of the Planning and Development Department.

(7) The Sunday Sales License shall be subject to the revocation and suspension procedures and shall be automatically revoked or suspended if the distilled spirits pouring and/or malt beverage and wine pouring license is revoked or suspended.

(8) When any application for a Sunday Sales License has been denied for location, no application for a Sunday Sales License may be made for the same location for a period of 12 months from the date of filing of the application which was denied.

Sections 4-35 – 4-49. Reserved.”

3.

That ARTICLE II. LICENSING REQUIREMENTS DIVISION 1. Generally. Sec. 4-33 is hereby amended by adding a new subparagraph (13) as follows, the remaining provisions shall remain in full force and effect.

“(13) Sunday Sales. The annual fee for a Sunday Sales License shall be \$300.00 per annum and shall be paid prior to the issuance of such license. The fee shall accompany the application and shall be either in cash or check. For any licenses issued for the calendar year of 2008, the fee shall be \$50.00 as said licenses shall only be effective from until December 31, 2008.”

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 20<sup>th</sup> day of November 2008.  
ADOPTED this the day of. Second Reading.**

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

**ATTEST:**

**/s/ Sandra E. Cline  
Sandra E. Cline  
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 CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 4. ALCOHOLIC BEVERAGES. ARTICLE II. LICENSING REQUIREMENTS. DIVISION 6. SPECIAL EVENTS is hereby amended by renaming said Section and deleting Sections 4-131 – 4-149 in their entirety and replacing them with the following:**

**1.**

**“DIVISION 6. SPECIAL EVENTS/NONPROFIT LICENSES.”**

**2.**

**“Sec. 4-131. Issuance to nonprofit museums, for sale for consumption on premises.**

**(a) An applicant may be issued a license for the sale of distilled spirits and malt beverage and wine for consumption on the premises of any nonprofit museum, within the city upon meeting all of the following requirements and all other requirements of this chapter dealing with the sale of alcoholic beverages for consumption on the premises.**

**(1) The applicant shall be a nonprofit corporation operating a nonprofit museum, be at least 50,000 square feet of display area, restaurant, theaters and conference facilities.**

**(2) The applicant shall be the same group or corporation operating the nonprofit museum and shall show that the profits from the sales under any license granted under this section shall be used for no purpose other than the sustaining and promotion of the museum wherein located.**

**(3) The applicant shall show by plat the physical delineation of the area in which alcoholic beverages are to be sold.**

**(4) The applicant shall be exempt from federal income taxes pursuant to section 501(c)(3) of the Internal Revenue Code, as amended.**

**(b) The applicant shall pay an annual license fee of \$100.00 and the fee shall be subject to all other rules and regulations relating to licensee fees for alcoholic beverages set forth in this chapter.”**

**“Section 4-132. Requirements for nonprofit museums.**

**(a) Any applicant granted a license under this Section shall comply with all applicable licensing requirements of Article II of Chapter 4 of the City of Cartersville Code of Ordinances with the exception of the following:**

- (1) Section 4-57(d)5 is not applicable.**
- (2) Section 4-59**
- (3) Section 4-106**
- (4) Section 4-33**
- (5) The provisions relative to holding licenses for multiple locations pursuant to Sec. 4-56**
- (6) Section 4-110**
- (7) Section 4-108(a)**

**(b) The application shall comply in all respects with the requirements contained in this City Code Chapter of the city of Cartersville, and said application shall be processed in accordance with this Code and in the normal course of processing applications.**

**(c) The applicant must be a bona fide nonprofit corporation or charitable organization and must supply, with the original application, proof of its exempt status as granted by the Internal Revenue Service.**

**(d) The applicant shall also comply with all applicable laws of the State of Georgia related to this application and shall obtain all necessary state permits.”**

**“Section 4-133 – 4-149. Reserved.”**

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 20<sup>th</sup> day of November 2008.**

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

**/s/ Matthew J. Santini**

**Matthew J. Santini**

**Mayor**

**ATTEST:**

**/s/ Sandra E. Cline**

**Sandra E. Cline**

**City Clerk**

**2. Amendment to the Code of Ordinances replacing Community Development with Planning and Development throughout municipal code.**

Randy Mannino, Zoning and Development Director explained that in 2004 the Community Development Department was re-organized and at that time the department was renamed the Planning and Development Department. This ordinance changes the name through the City of Cartersville Code of Ordinances and corrects the reference from one name to the new one.

A motion to approve the first reading of the Ordinance replacing Community Development with Planning and Development throughout the municipal code was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

**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 CITY OF CARTERSVILLE CODE OF ORDINANCES are to be amended by RENAMING THE COMMUNITY DEVELOPMENT DEPARTMENT and/or DIRECTOR or DIRECTOR and/or DEPARTMENT OF COMMUNITY DEVELOPMENT TO THE PLANNING AND DEVELOPMENT DEPARTMENT and/or DIRECTOR EVERYWHERE IT IS REFERRED IN THE CODE BY DELETING**

**COMMUNITY DEVELOPMENT DEPARTMENT and/or DIRECTOR or DIRECTOR and/or DEPARTMENT OF COMMUNITY DEVELOPMENT AND REPLACING IT WITH PLANNING AND DEVELOPMENT DEPARTMENT and/or DIRECTOR. The following Code Sections and subsections and subparts related thereto are hereby amended as indicated above. In addition any other reference thereto in the Code of Ordinances is hereby amended as indicated above.**

**1.**

**Chapter 2, Article IV, Section 2-101  
Chapter 2, Article IV, Section 2-102  
Chapter 4, Article I, Division 1, Section 4-1  
Chapter 4, Article II, Division 2, Section 4-50  
Chapter 4, Article II, Division 2, Section 4-51  
Chapter 4, Article II, Division 2, Section 4-52  
Chapter 4, Article II, Division 2, Section 4-54  
Chapter 4, Article II, Division 2, Section 4-55  
Chapter 4, Article II, Division 2, Section 4-59  
Chapter 4, Article II, Division 2, Section 4-60  
Chapter 4, Article II, Division 3, Section 4-80  
Chapter 4, Article II, Division 3, Section 4-85  
Chapter 4, Article II, Division 4, Section 4-111  
Chapter 4, Article II, Division 6, Section 4-130  
Chapter 4, Article IV, Section 4-177  
Chapter 4, Article V, Section 4-209  
Chapter 6, Article I, Section 6-3  
Chapter 6, Article II, Division 2, Section 6-32  
Chapter 6, Article II, Division 3, Section 6-45  
Chapter 6, Article VIII, Section 162  
Chapter 7.5, Article I, Section 7.5-9  
Chapter 7.5, Article II, Section 7.5-31  
Chapter 7.5, Article II, Section 7.5-32  
Chapter 7.5, Article II, Section 7.5-33  
Chapter 7.5, Article II, Section 7.5-34  
Chapter 7.5, Article II, Section 7.5-39  
Chapter 7.5, Article III, Section 7.5-61  
Chapter 7.5, Article III, Section 7.5-71  
Chapter 7.5, Article VII, Section 7.5-185  
Chapter 9.25, Article II, Section 9.25-32  
Chapter 9.25, Article III, Section 9.25-53  
Chapter 9.25, Article III, Section 9.25-54  
Chapter 10, Article I, Section 10-1  
Chapter 10, Article I, Section 10-2  
Chapter 10, Article IV, Section 10-72  
Chapter 10, Article IV, Section 10-81  
Chapter 10, Article IV, Section 10-86  
Chapter 10, Article IV, Section 10-89**

**Chapter 10, Article IV, Section 10-93**  
**Chapter 10, Article IV, Section 10-94**  
**Chapter 10, Article IV, Section 10-96**  
**Chapter 10, Article IV, Section 10-99**  
**Chapter 10, Article IV, Section 10-102**  
**Chapter 10, Article IV, Section 10-118**  
**Chapter 10, Article V, Division 2, Section 10-136**  
**Chapter 10, Article V, Division 2, Section 10-137**  
**Chapter 10, Article V, Division 2, Section 10-139**  
**Chapter 10, Article V, Section 10-140**  
**Chapter 10, Article VI, Division 2, Section 10-163**  
**Chapter 10, Article VII, Section 10-182**  
**Chapter 10, Article VIII, Division 2, Section 10-217**  
**Chapter 10, Article VIII, Division 2, Section 10-220**  
**Chapter 10, Article IX, Section 10-310**  
**Chapter 10, Article IX, Section 10-311**  
**Chapter 10, Article IX, Section 10-313**  
**Chapter 10, Article IX, Section 10-314**  
**Chapter 10, Article IX, Section 10-316**  
**Chapter 10, Article IX, Section 10-317**  
**Chapter 10, Article IX, Section 10-319**  
**Chapter 10, Article IX, Section 10-320**  
**Chapter 10, Article IX, Section 10-325**  
**Chapter 11, Article I, Section 11-2**  
**Chapter 11, Article VI, Section 11-171**  
**Chapter 16, Article II, Division 1, Section 16-55**  
**Chapter 17, Article I, Section 17-1**  
**Chapter 17, Article II, Section 17-27**  
**Chapter 17, Article IV, Section 17-62**  
**Chapter 17, Article IV, Section 17-67**  
**Chapter 17, Article IV, Section 17-69**  
**Chapter 20, Article II, Section 20-17**  
**Chapter 20, Article II, Section 20-31**  
**Chapter 22, Article I, Section 22-7**  
**Chapter 22, Article I, Section 22-8**  
**Chapter 24, Article I, Section 24-7**  
**Chapter 26, Article II, Section 2.2**  
**Chapter 26, Article III, Section 3.2**  
**Chapter 26, Article IV, Section 4.36**  
**Chapter 26, Article VIII, Section 8.1.3**  
**Chapter 26, Article VIII, Section 8.1.6**  
**Chapter 26, Article VIII, Section 8.2.3**  
**Chapter 26, Article XV, Section 15.2**  
**Chapter 26, Article XXI, Section 21.4.2**

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

**BE IT AND IT IS HEREBY ORDAINED**

**First Reading this the 20<sup>th</sup> day of November 2008.**

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

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

**ATTEST:**

**/s/ Sandra E. Cline**  
**Sandra E. Cline**  
**City Clerk**

**3. Amendment to Motor Vehicle and Traffic Ordinance – No Parking/Waterford Drive.**

Tommy Sanders, City Engineer stated that this amendment would create a Parking Prohibited Zone for 300 ft. on Waterford Drive between 459 and 467 Waterford Drive. This area is approximately 300 ft. long and is at the crest of a hill, therefore when vehicles are parked in the street vehicles that are going around the parked vehicles cannot see if there is any oncoming traffic because of the limited sight distance at the crest of the hill. This has become a safety issue due to the number of cars consistently parking in the street. Mr. Sanders recommended approval of the ordinance.

**No Action Taken**

**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 **CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 12. MOTOR VEHICLES AND TRAFFIC ARTICLE IX. TRAFFIC SCEDULES CODE SECTION 12-1005. PARKING PROHIBITED** is hereby amended by inserting the following to Section 12-1005 under the subparagraph for *Parking is prohibited in the following locations:*

1.

**“Waterford Drive, both sides of street between the Addresses of 459 to 467”**

2.

**It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and that section 12-1005 is amended by adding the above provisions and that said section may be alphabetized as necessary to accomplish such intention. The remaining provisions of said section shall remain as is except for alphabetizing.**

**BE IT AND IT IS HEREBY ORDAINED**

**First Reading this the 20<sup>th</sup> day of November 2008.  
ADOPTED this the day of. Second Reading.**

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

**ATTEST:**

**/s/ Sandra E. Cline  
Sandra E. Cline  
City Clerk**

**G. Discussion**

**1. Arrowhead Drive and Waterford Drive Sidewalk Projects.**

Tommy Sanders, City Engineer explained that Public Works has proposed two sidewalk projects that were identified by request from citizens, proximity to schools & parks and safety for pedestrians. One project is on Arrowhead Drive from Etowah Drive to Old Mill Road and the second project is on Waterford Drive from 1,700 ft north of Glenn Cove to the cul-de-sac at the end of Waterford Drive. Plans were drawn up and on October 28<sup>th</sup> a public meeting was held. All residents along both of these streets were sent letters and invited to the public meeting. Mr. Sanders requested direction from council of going ahead with the projects.

Mayor Santini declared a public hearing of the sidewalk projects open. Bill Gamble, 495 Waterford Dr., Phil Pritcher, 483 Waterford Drive and Debbie Crim, 485 Waterford all spoke in opposition to the sidewalks in Waterford and provided pictures of their yards. Laura Harper, 28 Arrowhead Drive and Judy Jones, 51 Arrowhead Drive spoke in favor of the sidewalks and Joanne Topham, 121 Arrowhead Drive and Hoyt Pye, 105 Arrowhead Drive spoke in opposition. A Cartersville High School student spoke on the positive aspects of sidewalks.

It was the consensus of Mayor and Council to take no further action until they hear more from the citizens in each neighborhood.

## **H. Engineering Services**

### **1. Engineering Services for Intersection Improve Project: Terrell Drive/West Avenue.**

Tommy Sanders, City Engineer explained that an intersection improvement project was approved in the 2007 SPLOST for the intersection of Terrell Drive and West Avenue. The purpose of the project was for safety improvements and congestion mitigation by adding left turn lanes. At a previous Council Meeting Public Works proposed awarding the Engineering Services for the project to Stephenson Engineering for \$20,320.00. The award was tabled at the August 21, 2008 Council Meeting and sent back to staff for feedback from the neighborhood. After contacting the 7 properties that would be affected 6 residents were against and one was conditional depending on the zoning change. Mr. Sanders presented the accident information at the intersection for the past 3 years.

After a brief discussion a motion to look at this Terrell Drive/West Avenue project at a later date when some of the other SPLOST projects are finished was made by Council Member Tate and seconded by Council Member Stepp. Council Members Tate, Cagle, Pruitt, McDaniel and Stepp voted Aye and Council Member Tonsmeire vote Nay. Motion carried by majority. Vote 5-1

## **I. Bid Award/Purchases (Items I 1. and I 2. voted together)**

### **1. Public Works Truck Wash Facility Building Purchase.**

Bobby Elliott, Public Works Director stated that in the Stormwater budget they have budgeted to build a truck wash facility to ensure environmental compliance with the City's Illicit Discharge Ordinance. In order to insure the building matches the roof color and skin color of the new warehouse that was recently built, Mr. Elliott has recommended purchasing a building package from the same vendor that did the warehouse. Kirby Building Systems has offered a bid of \$39,920.00 for the building. Kirby Building Systems were the low bidder on the warehouse project. The erection of the building and the electrical work will be bid out.

### **2. Stormwater Filtering System for Truck Wash Facility.**

Bobby Elliott, Public Works Director explained that this filtering system will be for the truck wash facility to ensure that Public Works is in environmental compliance with the City's Illicit Discharge Ordinance when washing the garbage trucks. This facility will be available for other City Departments to use. Mr. Elliott recommended this sole source/best bid price for the filtering system be purchased from Contech for \$15,545.00.

A motion to approve the purchase of the truck wash facility building and stormwater

filtering system for the truck wash facility as outlined by Mr. Elliott was made by Council Member Tonsmeire and seconded by Council Member Cagle. Motion carried unanimously. Vote 6-0

**J. Other**

**1. Deed of Dedication – Carter Grove.**

Dan Porta, Assistant City Manager/ Finance Director stated this is a standard deed of dedication for the acceptance of the streets in Carter Grove and he recommended approval.

A motion to approve the Deed of Dedication for Carter Grove was made by Council Member Pruitt and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

**K. Resolutions**

**1. Application for GA Recreational Trail Grant – Pettit Creek Trail Phase III.**

Greg Anderson, Parks and Recreation Director reported that this application is for Phase III of the Pettit Creek Trail. Phase III would connect to the Pettit Creek Trail Phase II at the south side of Mission Road and parallel Pettit Creek and connect to Leake Mounds-Etowah Riverwalk. The estimated project is \$564,100.00. The Georgia Recreational Trail Grant is for \$100,000.00 and the remaining funds would come from the Parks and Recreation Department budget. Mr. Anderson recommended approval of the Resolution and authority for the Mayor to sign all related documents.

A motion to adopt Resolution # 32-08 and approve the application for the Georgia Recreational Trail Grant was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

**STATE OF GEORGIA  
COUNTY OF BARTOW**

**Resolution No. 32-08**

**WHEREAS, the Georgia Department of Natural Resources has notified the City of Cartersville and other general purpose governments that federal funds, managed by said state agency, are available to local governmental units under the Georgia Recreational Trails Program for the purpose of expanding the supply of said trails in the state; and**

**WHEREAS, the purpose of said grant shall be to develop and continue a trail inside the City of Cartersville, along Pettit Creek, from the existing Pettit Creek Trail (Phase II) which ends at Mission Road, Pettit Creek Trail (Phase III) begins on south side of Mission Road and traverses the approximately one – (1) and one half – (1/2) mile length trail along Pettit Creek, and will link to the Etowah Riverwalk/Leake Mounds Trail (now in the design phase) at State Highway 113/61, and**

**WHEREAS, the City of Cartersville is committed to working cooperatively with the Georgia Department of Natural Resources, multiple federal project participants, property owners and the citizens of Cartersville to implement the Project in accordance with federal and state guidelines as defined by Recreation Trails Program staff of the Georgia Department of Natural Resources in such a manner as to assure that the Project is developed, operated and maintained as a community asset designed to benefit current and future residents of the City of Cartersville; and**

**WHEREAS, the City of Cartersville deems the Project to be in the best interests of the citizens of Cartersville; and**

**NOW, THEREFORE, BE IT RESOLVED, that the Mayor of Cartersville acting in his official capacity and in behalf of the Cartersville City Council is hereby authorized to file an application with the Georgia Department of Natural Resources in order to obtain said Recreation Trails Program Grant in order to perform those activities specified within this resolution; and**

**BE IT FUTHER RESOLVED, that the City of Cartersville shall be committed to the operation and maintenance of trailways and other facilities developed through the Grant resources herein specified as a part of its permanent parks and recreation inventory; and**

**BE IT FUTHER RESOLVED, that the Mayor of Cartersville is hereby authorized to execute any and all documents as may be required to accompany said application and to provide the Georgia Department of Natural Resources any and all Support Documentation which is considered to be part of said application process.**

**ADOPTED this the 20<sup>th</sup> day of November 2008.**

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

**ATTEST:**

**/s/ Sandra E. Cline  
Sandra E. Cline  
City Clerk**

**L. Contracts/Agreements**

**1. Approval of Relocation Agreement – Gas Department**

Mike Hill, Assistant Gas Director explained that this is a standard relocation agreement with Hale and Etheridge Holdings, LLC to relocate a gas main on Hwy 41 for the installation of an accel/decel lane at the Hwy 293 connector.

A motion to approve the relocation agreement with Hale and Etheridge Holding, LLC was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

**2. Renewal of Medical Insurance Coverage for 2009.**

Dan Porta, Assistant City Manager/ Finance Director reported that this is the City's annual renewal of Medical Insurance Coverage for 2009. The City has had Blue Cross and Blue Shield as the 3<sup>rd</sup> party administrator for the past seven years. This year Blue Cross and Blue Shield is going to pass on a 20% increase and would not come down. Bids were solicited from several vendors and Mr. Porta recommended Lifewell of Kennesaw for the Medical Insurance for 2009. The cost to the city employee and the benefits will be the same as last year.

A motion to approve the renewal of Medical Insurance Coverage for 2009 with Lifewell was made by Council Member McDaniel and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

**3. Agreement with North Greenville Fitness.**

Dan Porta, Assistant City Manager/ Finance Director stated that North Greenville Fitness has provided the City with fitness evaluations for City employees who are participating in the medical insurance wellness program. The testing has been very good and has produced positive results for our employees.

A motion to approve the agreement with North Greenville Fitness for 2009 was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

**M. Monthly Financial Statement**

**1. September Financial Report**

Dan Porta, Assistant City Manager/ Finance Director presented a monthly comparison between September 2007 and 2008 by fund for information and addressed questions. He explained that revenues are booked at the time of the billing on the utility system and not during the collection of the funds.

After several announcements a motion to adjourn the meeting was made by Council Member Tonsmeire and needing no second. Motion carried unanimously. Vote 6-0

Meeting Adjourned.

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

ATTEST:

/s/ \_\_\_\_\_  
Sandra E. Cline  
City Clerk