

City Council Meeting
10 N. Public Square
February 16, 2023
6:00 P.M. – Work Session
7:00 P.M. – Council Meeting

WORK SESSION

Mayor Matthew Santini opened Work Session at 6:00 P.M. Council Members discussed each item from the agenda with corresponding Staff Members.

Council Member Fox made a motion to go into a Closed Session for the purposes of Property and Personnel. Council Member Hodge seconded the motion. The motion carried unanimously. Vote:5-0.

Mayor Santini closed Work Session at 6:45 P.M.

OPENING MEETING

Mayor Santini called the Council Meeting to order at 7:00 P.M.

Invocation by Council Member Roth.

Pledge of Allegiance led by Council Member Hodge.

The City Council met in Regular Session with Matthew Santini, Mayor presiding, and the following present: Kari Hodge, Council Member Ward One; Jayce Stepp, Council Member Ward Two; Cary Roth, Council Member Ward Three; Gary Fox, Council Member Ward Five; Taff Wren, Council Member Ward Six
Dan Porta, City Manager; Samantha Fincher, Assistant City Clerk; and Keith Lovell, Assistant City Attorney.

Absent: Calvin Cooley, Council Member Ward Four

REGULAR AGENDA

COUNCIL MEETING MINUTES

1. February 2, 2023, Council Meeting Minutes

Council Member Fox made a motion to approve the February 2, 2023, Meeting Minutes. Council Member Roth seconded the motion. The motion carried unanimously. Vote: 5-0.

SECOND READING OF ORDINANCES

2. Schedule of Charges Update

Freddy Morgan, Assistant City Manager, stated this request is to remove advance payment requirements for the City of Cartersville School System, City of Cartersville, or Bartow County (a)(14) h.

Council Member Fox made a motion to approve the Schedule of Charges Update. Council Member Roth seconded the motion. The motion carried unanimously. Vote:5-0.

Ordinance no. 06-23

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 II - RATES, CHARGES, BILLING AND COLLECTION PROCEDURES, Sec. 24-21 - Schedule of charges, etc. paragraph (a)(14)h and (a)(14)i are hereby amended by deleting said paragraphs in their entirety and replacing them as listed below:

1.

Sec 24-21 Schedule of charges, etc.

(a)(14).

h. Commercial, industrial, and governmental customers will be required to pay an advance payment of two (2) times their average estimated monthly utility bill, prior to service being connected or provide an insurance bond or letter of credit renewed annually to the city which provides for immediate payment upon notification by the city. Advance payments are not required for the City of Cartersville School System, City of Cartersville, or Bartow County.

(a)(14).

i. City customers who pay for utility bills and other utility invoices with a credit or debit card will be charged a flat convenience fee.

2




All other existing provisions of Sec 24-21, not changed herein, shall remain as is.

3.

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

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: February 1, 2023
SECOND READING: February 16, 2023

ATTEST:  SAMANTA FINCHER, DEPUTY CLERK

MATTHEW J. SANTINI, MAYOR


CONTRACTS/AGREEMENTS

3. Contract for Sale of 178 W. Main Street Property

Mr. Morgan stated the City of Cartersville released an RFP on October 11, 2021, for the property at 178 West Main Street, Cartersville, Georgia. The City received two (2) proposals. The proposals were from McWhorter Capital Partners and Womack Custom Homes After a recommendation from the rating committee, the Council voted to move forward with McWhorter Capital Partners. After their due diligence process, McWhorter chose to opt out of their agreement and forfeited their escrow money. Womack Custom Homes and JB Henderson Properties, Inc. were contacted to gauge their interest in progressing with the project. At the October 20, 2022, meeting, Council authorized staff to enter negotiations with Womack Custom Homes and JB Henderson Properties, Inc. The contract with JB Henderson Properties, Incorporated includes design and construction stipulations and is recommended for approval.

Council Member Wren made a motion to approve the Contract for the Sale of 178 W. Main Street Property. Council Member Hodge seconded the motion. The motion carried unanimously. Vote: 5-0.

RESOLUTIONS

4. Authorized Representative for Settlement Purposes

Keith Lovell, Assistant City Attorney stated in order to participate in the relevant Allergan, Teva, CVS, Walgreens, and Walmart settlements, the city must appoint an authorized representative for settlement purposes to sign all relevant documents. It is recommended that the City Manager, Dan Porta, be authorized to execute any documents required.

Council Member Fox made a motion to approve the appointment of Mr. Porta as the Authorized Representative for Settlement Purposes. Council Member Wren seconded the motion. The motion carried unanimously. Vote: 5-0.

RESOLUTION 04-23

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE APPROVING THE CITY MANAGER AS THE CITY REPRESENTATIVE FOR THE NATIONAL PRESCRIPTION OPIATE LITIGATION AND AUTHORIZING HIM TO SIGN SETTLEMENT DOCUMENTS

WHEREAS, the City of Cartersville is a participant in the National Prescription Opiate Litigation; and

WHEREAS, in order to participate in the relevant Allergan, Teva, CVS, Walgreens, and Walmart settlements, the City must appoint an authorized representative for settlement purposes to sign any all relevant documents.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, IN THE STATE OF GEORGIA, AS FOLLOWS:

That the Mayor and City Council of the City of Cartersville, approve the settlement with Allergan, Teva, CVS, Walgreens, and Walmart, and hereby appoint the City Manager, Dan Porta, to serve as the authorized representative for the City of Cartersville for the relevant Allergan, Teva, CVS, Walgreens, and Walmart settlements and hereby authorize the City Manager to execute Exhibit K - Subdivision and Special District Participation Form, and any and all other documents required for the Allergan, Teva, CVS, Walgreens, and Walmart settlements.

BE IT AND IT IS HEREBY RESOLVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, this 16th day of February, 2023

ATTEST


Samantha Fincher, Deputy City Clerk
City of Cartersville, Georgia


Matthew J. Smyth, Mayor
City of Cartersville, Georgia



ENGINEERING SERVICES

5. Wastewater Capacity Evaluation

Sidney Forsyth, Water Department Director, stated due to projected demands from large industrial customers of the Bartow County Water and Sewer System, it is necessary to evaluate the sewer collection and treatment capacity of the City's sewerage system needed to accommodate the additional hydraulic and treatment demands. The Water Department has requested a proposal from Hazen & Sawyer Engineering to perform this evaluation. Hazen has proposed a study and report cost of \$98,700.00 for the data collection and analysis, capacity assessment, and master plan update. The results will be available four months from the

approval date. This is not a budgeted item, but funding is available from Water Department revenue. This evaluation is recommended for approval.

Council Member Hodge made a motion to approve the Wastewater Capacity Evaluation. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 5-0.

6. Westside Feeder Main Engineering

Mr. Forsyth stated the West side of the water system is in need of a large-diameter transmission main to improve water distribution system reliability. This main line would complete a “loop” of 24-inch lines providing service to City water customers and a more reliable and greater capacity of service to the Bartow County Water System. The increased hydraulic demand, the need for better storage tank level control, and associated water quality maintenance on the North and West portions of the water distribution system have made this project more necessary. The proposed 36-inch water main route would essentially follow Nancy Creek from Burnt Hickory Road at Hwy 113 to Hwy 41 at Mac Johnson Road. The Water Department has engaged with Hazen and Sawyer Engineers to provide design, permitting assistance, and bid phase engineering for this project. The proposed cost of these services is \$547,000.00. This is not a budgeted expense. Funds are available in Water Department revenue.

Council Member Fox made a motion to approve the Westside Feeder Main Engineering. Council Member Stepp seconded the motion. The motion carried unanimously. Vote: 5-0.

BID AWARD/PURCHASES

7. WPCP Primary Gate Actuator

Mr. Forsyth stated the electric actuator for the #1 primary lift screw effluent gate has failed and needs to be replaced. The Water Department requested and received 3 bids for a replacement actuator and installation assistance:

1. Chalmers & Kubeck \$10,750.00
2. Georgia Western \$12,504.70
3. Southern Valve & Pump \$13,418.75

Mr. Forsyth recommended the purchase of the actuator from the lowest bidder, Chalmers & Kubeck. This is a budgeted maintenance item.

Council Member Stepp made a motion to approve the WPCP Primary Gate Actuator. Council Member Wren seconded the motion. The motion carried unanimously. Vote: 5-0.

Mr. Porta welcomed everyone to the groundbreaking ceremony of the Water Department’s new administration building on February 27, 2023, at 2:00 P.M.

8. 8-Inch Valve Purchase

Michael Dickson, Gas Department Director stated the Gas Department requested bids for the purchase of an 8-inch valve to replace one to be used from stock. Three bids were received and Consolidated Pipe and Supply of Lawrenceville, GA submitted the low bid of \$8,157.00. This is a budgeted item and is recommended for approval.

Council Member Hodge made a motion to approve the 8-Inch Valve Purchase. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 5-0.

ADDED ITEMS

Council Member Hodge made a motion to add five items to the agenda. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 5-0.

9. MGAG Invoice

Mr. Dickson requested authorization to pay an invoice from MGAG, this invoice is to cover Subscribed Regulatory Service dues combined with our annual American Public Gas Association dues in the amount of \$13,250.91.

Council Member Fox made a motion to approve the invoice payment to MGAG. Council Member Roth seconded the motion. The motion carried unanimously. Vote: 5-0.

10. Joint Consent Agreement

Mr. Lovell stated the City must appoint an authorized representative to sign all documents related to the Joint Consent Agreement. It is recommended that the Mayor, Matthew Santini, be authorized to execute any documents required.

Council Member Fox made a motion to approve the appointment of Mayor Santini as the authorized representative to execute the Joint Consent Agreement. Council Member Roth seconded the motion. The motion carried unanimously. Vote: 5-0.

RESOLUTION 05-23

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE APPROVING THE MAYOR AS THE CITY REPRESENTATIVE FOR THE JOINT CONSENT AGREEMENT AND AUTHORIZING HIM TO SIGN THE JOINT CONSENT AGREEMENT

WHEREAS, the City of Cartersville is one of the parties to the Bartow County-Wide Safety Plan ("CWSP") before the Georgia Public Service Commission; and

WHEREAS, the Bartow County-Wide Safety Plan has been amended, and the City must appoint an authorized representative to sign the Joint Consent Agreement updating said plan and any and all other relevant documents related to the CWSP; and


NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, IN THE STATE OF GEORGIA, AS FOLLOWS:

That the Mayor and City Council of the City of Cartersville, approve the Joint Consent Agreement, and hereby appoint the Mayor, Matthew J. Santini, to serve as the authorized representative for the City of Cartersville to sign the attached Joint Consent Agreement.

BE IT AND IT IS HEREBY RESOLVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, this 16 day of February, 2023.

ATTEST:

SF 
Samantha Fincher, Assistant City Clerk
City of Cartersville, Georgia

MJS 
Matthew J. Santini, Mayor
City of Cartersville, Georgia



11. Ante Litem Notice

Mr. Lovell stated the City of Cartersville received an Ante-Litem Notice from Omar Hansborough and Daniel Puebla, concerning alleged claims against the city relating to an incident. Mr. Lovell recommended denial of the claim.

Council Member Stepp made a motion to approve the denial of the Ante Litem Notice. Council Member Wren seconded the motion. The motion carried unanimously. Vote: 5-0.


RESOLUTION NO. 05-23

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA


WHEREAS, on or about January 22, 2023, the City of Cartersville received an ante-litem notice emailed on January 22, 2023, from Omar Hansborough and Dania Puebla, concerning alleged claims against the City relating to an incident which occurred on or about July 10, 2022.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council that the City of Cartersville denies the Ante Litem Notice claim submitted as referenced above, based on the information currently available to it, and directs the City Attorney's Office to inform Omar Hansborough and Dania Puebla of said denial.

BE IT AND IT IS HEREBY RESOLVED this 16 day of February, 2023.

MJS 
Matthew J. Santini, Mayor
City of Cartersville, Georgia

ATTEST:

SF 
Samantha Fincher, Assistant City Clerk
City of Cartersville, Georgia



12. TalenTrust Addendum

Mr. Porta stated an addendum has been made to the recruitment and consulting agreement between the City and TalenTrust. The original contract was to fill the Water Department Engineer position but since the position has been filled by the City, TalenTrust has exchanged the position for the Building Inspector position.

Council Member Hodge made a motion to approve the TalenTrust Addendum. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 5-0.

13. Parks and Recreation Director

Mr. Porta stated that Tom Gilliam, Parks and Recreation Director, has turned in his resignation notice. It is recommended to appoint James Gordy, effective February 17, 2023, as the interim Director until the position is filled.

Council Member Hodge made a motion to approve the appointment of James Gordy as the interim Director. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 5-0.

MONTHLY FINANCIAL STATEMENT

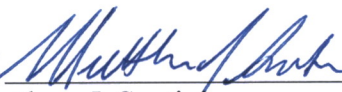
14. December 2022 Financial Report


Tom Rhinehart, Finance Director, went over the financial report for December 2022 and compared the numbers to December 2021.

ADJOURNMENT

With no other business to discuss, Council Member Stepp made a motion to adjourn.

Meeting Adjourned at 7:20 P.M.

/s/ 
Matthew J. Santim
Mayor

ATTEST:
/s/ 
Samantha Fincher
Deputy City Clerk

