

City Council Meeting  
City Hall – Council Chambers  
December 7, 2023  
8:00 A.M. – Work Session  
9:00 A.M. – Council Meeting

## **WORK SESSION**

Mayor Matthew Santini opened Work Session at 8:05 A.M. Council Members discussed each item from the agenda with corresponding Staff Members.

Council Member Fox made a motion to enter Executive Session for the purpose of Potential Litigation. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0 with Mayor Santini voting.

Mayor Santini closed Work Session at 8:43 A.M.

## **OPENING MEETING**

Mayor Santini called the Council Meeting to order at 9:02 A.M.

Invocation by Council Member Roth.

Pledge of Allegiance led by Fox.

The City Council met in Regular Session with Matthew Santini, Mayor, presiding, and the following present: Jayce Stepp, Council Member Ward Two; Cary Roth, Council Member Ward Three; Calvin Cooley, Council Member Ward Four; Gary Fox, Council Member Ward Five; Dan Porta, City Manager; Julia Drake, City Clerk; and David Archer, Assistant City Attorney.

Absent: Kari Hodge, Council Member Ward One and Taff Wren, Council Member Ward Six

## **REGULAR AGENDA**

### **COUNCIL MEETING MINUTES**

#### **1. November 16, 2023, Council Meeting Minutes**

Council Member Fox made a motion to approve the November 16, 2023, Council Meeting Minutes. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

Council Member Fox made a motion to add three (3) items to the agenda. Council Member Roth seconded the motion. Motion carried unanimously.

## **PUBLIC HEARING: 2<sup>ND</sup> Reading of Zoning/Annexation Requests**

### **2. Z23-04: Mimosa Lane Residential Senior Living Applicant: Windsong Properties**

Randy Mannino, Planning and Development Director stated the applicant proposes to rezone three properties totaling 3.2 acres from M-U (Multiple Use) to RSL (Residential Senior Living) for the development of an age restricted community. This proposed RSL acreage would be combined with the existing 6.06 +/- acres previously rezoned to RSL on Z18-05. Based on the review by city departments, staff does not oppose the proposed zoning for Residential Senior Living (RSL). The remaining 0.69 acres on Lot 1 and zoned M-U should maintain the 8 unit/ac condition for multi-family developments. Planning Commission recommended approval.

The public hearing was opened.

Brandon Bowen, 15 S. Public Square, came forward to represent Windsong Properties and continued by stating that the proposal would offer a lower traffic impact due to the age restricted living units.

Tim Garnto, 41 David Rd., came forward to state that he currently receives a large amount of runoff from the property and hopes this issue will be engineered out.

With no one else to speak for or against the application, the public hearing was closed.

Council Member Fox made a motion to approve Z23-04. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

Reference Ordinance #76-23

## **FIRST READING OF ORDINANCES**

### **3. Adult Entertainment Establishment**

Mr. Mannino stated this Ordinance amendment adds findings, studies, and definitions to Section 10-302, Adult Entertainment Establishments.

Dan Porta, City Manager, stated the existing moratorium will expire on December 31, 2023.

This was a first reading and will be voted on at the December 21, 2023, City Council Meeting.

### **4. Pouring License Requirements**

Mr. Mannino stated this Ordinance Amendment adds and revises language to limit pouring licenses to certain establishments and defines uses not allowed under the Specialty Shop classification.

This was a first reading and will be voted on at the December 21, 2023, City Council Meeting.

## **5. Employee Benefits**

Mr. Porta stated the city Employee Handbook has needed an update for many years and after some extensive review by the Human Resources Director, City Attorney, outside counsel, are ready to move forward with an updated Employee Handbook with an effective date of January 1, 2024. If adopted, this ordinance will cut any existing employee benefit-related ordinances from the code and allow for minor changes to the Employee Handbook to be done internally by the City Manager. Of course, any major changes to the Employee Handbook will require City Council approval via a Resolution.

This was a first reading and will be voted on at the December 21, 2023, City Council Meeting.

## **SECOND READING OF ORDINANCES**

### **6. Amendment to Georgia State Minimum Standard Plumbing Code**

Mr. Porta stated the resolution presented was to amend the Georgia State Minimum Standard Plumbing Code.

Council Member Cooley made a motion to approve the Amendment to the Georgia State Minimum Standard Plumbing Code. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

Reference Ordinance #77-23

### **7. FY2023 Budget Ordinance Amendment**

Tom Rhinehart, Finance Department Director, stated after Completion of the Fiscal Year 2022-23 close, the General Fund, Special Revenue funds, and the SPLOST Fund's budgets need to be amended. The process of amending these budgets is done annually before the year-end close and will bring the city General Fund, Special Revenue Funds, and SPLOST Funds into compliance with Generally Accepted Accounting Principles (GAAP) standards. These adjustments reflect the necessary changes needed to bring the budgets back into balance where the revenues equal expenses and mirror the actual year-to-date revenues and expenses in each of the funds. Approval was recommended of the ordinance amendment.

Council Member Fox made a motion to approve the FY2023 Budget Ordinance Amendment. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

Reference Ordinance #78-23

## **OTHER**

### **8. Certified Election Results**

Julia Drake, City Clerk, stated that Bartow County Board of Elections has provided the certified election results. Approval was recommended.

Council Member Cooley made a motion to approve the Certified Election Results. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

## **9. Terrell Heights Stormwater Materials Purchase**

Wade Wilson, Public Works Department Director, stated The Public Works Department is requesting the purchase of concrete pipe, grates, and a headwall. Public Works needs these materials to perform the work necessary to complete the Terrell Heights Phase I Drainage Improvement Project. Previously, this project was bid out for a contractor to perform this work, but there was only one bid, and it was significantly beyond the estimated amount for the project. Therefore, our stormwater crew will self-perform on part of this project where the materials are needed.

Three bids were requested for materials, but only one bid was received that was inclusive of all the items needed to be bid on the list at a competitive price. Foley Products Company submitted a bid for all concrete pipes including round as well as arch pipe and associated accessories along with metal grates and a preformed headwall for \$53,300.06. This is a budgeted item to be covered through American Rescue Plan Act funding monies previously received. This project has been determined to help “manage, reduce, and recapture stormwater”. Therefore, this project does meet the requirements for eligibility of use of the ARPA funds. Public Works requested approval of this purchase from Foley Products Company.

Council Member Fox made a motion to approve the Terrell Heights Stormwater Materials Purchase. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

## **CONTRACTS/AGREEMENTS**

### **10. 2024 LMIG Paving Contract**

Mr. Wilson stated Public Works recently opened seven bids for our annual resurfacing contract. The lowest bidder was Bartow Paving, Cartersville, GA for \$1,260,375.92. It was recommended to award the contract to the low bidder and seek permission for the mayor to sign the contract and any associated documents. The proposed project consists of resurfacing 5.72 miles of city streets which is enough mileage to keep the paving program on a 25-year cycle to pave all roads in the city.

The Local Improvement Maintenance Grant amount this year is \$311,688.40. We have budgeted \$464,311.60 out of our general fund and \$300,000 out of the 2020 SPLOST. We recommend approval to budget \$200,000 beyond the total budgeted amount of \$1,070,000 to achieve the 25-year paving cycle goal. The balance will come from 2020 SPLOST Road, Streets, Sidewalks, Bridges and Stormwater Improvements Category.

The list of streets to resurface on this contract are Lee St., Jackson St., Beauregard St., McElreath St., Moody St., Knight St., Oakland St., Herring St., East Felton Rd., Roosevelt St., Porter St., Pine St., Powers Ct., Aubrey St., Fite St., Baker St., Cedar Ln., Ann Circle, Carter St., Moore St., and Quail Run. Based on the quantities used we will make minimum adjustments, as needed, to stay below an amount not to exceed costs of \$1,300,000.

Council Member Roth made a motion to approve the 2024 LMIG Paving Contract with an amount not to exceed \$1,300,000. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

### **11. GA Power Utility Relocation Cost Agreement**

Mr. Wilson stated GA Power will need to perform utility relocations to accommodate the Grassdale Road Sidewalk Project (P.I. 0016638). Georgia Power has determined that there are reimbursable locations where Georgia Power has obtained easements in 1942 establishing their “prior rights” for them to request a utility cost agreement to be signed.

Funding certifications include a requirement that utility certification be done for this project. Staff recommends the agreement be signed so that the utility certification for Grassdale Road Sidewalk Project (P.I. 0016638) can be completed, which will keep this project moving forward through the process. This cost of the agreement is to not to exceed \$190,105.00. Recently the Georgia Department of Transportation programmed the entire \$190,105.00 of this unbudgeted cost agreement into future project funding.

It appears that GDOT will fund 80% of this agreement and a 20% match will be split between Bartow County and the City of Cartersville. Therefore, the City of Cartersville may be responsible for up to \$19,010.00.

Bartow County has already signed their part of the agreement. Public Works recommended approval by the City for our part of the agreement.

Council Member Roth made a motion to approve the GA Power Utility Relocation Cost Agreement. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

### **12. Dental Insurance Third Party Administration Agreement**

Mr. Porta stated Since 2004, the city has been self-insured with our dental insurance and has contracted with 90 Degree Benefits to be our third-party administrator (TPA) to process all dental claims. Our current agreement is up for renewal, and it was recommended to approve to continue using 90 Degree Benefits as our dental TPA for two more years at the \$4.20 per employee per month rate.

Council Member Cooley made a motion to approve the Dental Insurance Third Party Administration Agreement. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

### **13. Sixth Amendment to 178 W. Main St. Purchase and Sale Contract**

Mr. Porta stated Womack Brothers, LLC under the name of City Overlook Cartersville, LLC are continuing to make progress on their plans for new townhouses to be located at the old police department building. They have requested an extension of the closing date until February 2, 2024, and after talking with Matt Womack and looking at his progress on this project, approval of this amendment to the contract was recommended.

Matt Womack, 716 West Ave., came forward to express he is very committed to this project and gave an overview of the progress already made.

Council Member Roth made a motion to approve the Sixth Amendment to 178 W. Main St. Purchase and Sale Contract. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

#### **14. First Amendment to the Cartersville Municipal Court Judge's Contract**

Freddy Morgan, Assistant City Manager, stated this is the first amendment to the 2023 contract for Municipal Court Judges. As of November 27, 2023, there are two court sessions each Monday instead of one court session. This amendment provides increased compensation to the Judges for the increase in court sessions.

Council Member Cooley made a motion to approve the First Amendment to the Cartersville Municipal Court Judge's Contract. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

### **GRANT APPLICATION/ACCEPTANCE**

#### **15. GEMA/HS Grant Application**

Steven Grier, Fibercom Department Director, stated the Fiber Department requests approval to take part in a grant program through GEMA/HS Homeland Security Division for the purpose of obtaining funding for firewalls under the Homeland Security Act of 2002 (Public Law 107-296 as amended).

Council Member Stepp made a motion to approve the GEMA/HS Grant Application. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

### **BID AWARD/PURCHASES**

#### **16. Cogsdale Annual Maintenance Invoice**

Mr. Grier stated this item is the annual Cogsdale maintenance invoice. Cogsdale is the city's third-party utility billing software vendor. The invoice is for \$115,544.65 and is a sole source vendor because of the utility billing function for the city. This is a budgeted item.

Council Member Roth made a motion to approve the Cogsdale Annual Maintenance Invoice. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

#### **17. Barracuda Email Archive Support Renewal**

Mr. Grier stated this item is the yearly support renewal for the Barracuda email archive appliance for \$11,508.00 from Converge Technology Solutions. This email archive appliance holds all emails sent and received by city employees. This is a budgeted item.

Council Member Roth made a motion to approve the Barracuda Email Archive Support Renewal. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

### **18. Fiber Pathway Installation – QCells Ingot**

Mr. Grier stated this item is for the construction and installation of a fiber pathway to 751 Great Valley Parkway for supplying internet services to QCells Ingot location. The total amount is \$19,366.93 from NCI. This is not a budgeted item but will be funded with the 2020 SPLOST and approval was recommended.

Council Member Roth made a motion to approve the Fiber Pathway Installation – QCells Ingot. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

### **19. Pension Fund Investment Advisor Quarterly Invoice**

Mr. Morgan stated Segal Marco Advisors has submitted their quarterly invoice. This invoice is paid from the Pension fund account in the amount of \$18,000.00 and was presented for approval.

Council Member Roth made a motion to approve the Pension Fund Investment Advisor Quarterly Invoice. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

## **ADDED ITEM**

### **20. Quarterly Radio Invoice**

Mr. Morgan stated Bartow County had submitted the quarterly radio invoice in the amount of \$37,150.83. Approval was recommended.

Council Member Cooley made a motion to approve the Quarterly Radio Invoice. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

## **BID AWARD/PURCHASES**

### **21. Fire Station No. 5 Transformer**

Derek Hampton, Electric Department Director, stated the Electric Department is requesting authorization to purchase a 150kVA transformer to supply electric service for the new Fire Station No.5. We received three bids and deemed Gresco to be the best bid based on price and delivery time. We are requesting authorization to purchase the unit from Gresco for a total of \$17,200.00. This is a budgeted expense.

Council Member Stepp made a motion to approve the Fire Station No. 5 Transformer. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

## **22. Mini Excavator Replacement**

Mr. Hampton stated the Electric Department is requesting authorization to purchase a Yanmar ViO-55 mini-excavator to replace a circa 2006 ViO-45 model. This is a sole-sourced item from Vermeer Southeast (the Yanmar vendor in this area), and the cost is \$84,000.00. This is a budgeted expense.

Council Member Cooley made a motion to approve the Mini Excavator Replacement. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

## **23. Construction Trailer Rental Invoice**

Mr. Hampton stated the Electric Department is requesting authorization to pay an invoice for a trailer rental. This invoice is related to our office renovation project. This is a one-time amount as it includes the first and last month's rental fees, delivery, pick-up, and set-up costs. This item is not budgeted but was recommended for approval.

Council Member Fox made a motion to approve the Construction Trailer Rental Invoice. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

## **24. Joe Frank Harris Field Renovation**

Steve Roberts, Parks and Recreation Department Director, stated Parks and Recreation is seeking approval of the RFP from Bartow Fence for \$108,506.04. The RFP opened on October 24, 2023. It was advertised and closed on November 28, 2023. Two RFPs were received, one from Bartow Fence and the other from Howell Fence from Alabama. Bartow had the lowest bid for both the fence and backstop wall. The amount for the fence was \$86,013.67 and for the brick backstop wall \$22,492.37. The total amount would be \$108,506.04. The scope of work for the project will be installing a brick backstop and new poles and fencing for the entire field. This is a budgeted item from 100.5100.52.2341.

Council Member Cooley made a motion to approve the Joe Frank Harris Field Renovation. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

## **25. Extrication Tools Purchase**

Hagen Champion, Assistant Fire Chief, stated the Fire Departments respectfully requests approval of the purchase of two sets of extrication equipment. These "E" Tools are popularly known as the Jaws of Life and are part of the equipment for two new engines, expected to arrive in the spring of 2024.

Municipal Emergency Services, the only dealer in Georgia quoted \$87,199.58. This is a 14% increase over the tools we bought in 2021, an average annual increase of approximately 7%. This is within the budgeted amount as a capital expense for 2023/2024 and will be paid for through the general fund and reimbursed through the 2020 SPOST as funds become available.

Council Member Roth made a motion to approve the Extrication Tools Purchase. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0



## **26. Loose Equipment Purchase**

Mr. Champion stated the Fire Department requests approval of the purchase of loose equipment for the two new engines. Of the four quotes we received, the lowest quote was from Municipal Emergency Services (MES). Total pricing for this equipment package is \$86,927.05. This is within the budgeted amount, as a capital expense for FY 2023/2024 and will be paid for through the general fund and reimbursed through the 2020 SPLOST as funds become available.

Council Member Roth made a motion to approve the Loose Equipment Purchase. Council Member Cooley seconded the motion. Motion carried unanimously. Vote:4-0

## **27. RIT Pak III Purchase**

Mr. Champion stated the Fire Department requests approval of the purchase of two Scott RIT Pak III. This equipment will be for our two new engines. We are requesting this equipment now due to long lead times and the anticipated price increase in the future. We have sought bids from all authorized vendors for the brand we use, SCOTT SCBA, and received two quotes. American Safety & Firehouse quoted \$9,642, and Municipal Emergency Services quoted \$9,868.10. Approval was recommended to accept the lowest bid from American Safety & Firehouse in the amount of \$9,642.00,

Council Member Roth made a motion to approve the RIT Pak III Purchase. Council Member Stepp seconded the motion. Motion carried unanimously. Vote: 4-0

## **28. Altitude Valve Installation**

Sidney Forsyth, Water Department Director, stated as the Bartow County Water System adds significant water demands, particularly due to industrial development, demand pressures on the farthest reaches of the City's water system are increasing. To "push" water at the rates necessary to serve the County purchase points, water pressure in the City's system needs to increase slightly. Without controls, this increase would cause water storage reservoirs to continuously overflow. It is necessary to install altitude and check valves in two water reservoirs in the city.

Bids were accepted for this service, with the lowest bid of \$576,765.30 from C.H. Kirkpatrick & Sons Welding Service, Inc. It was recommended to award this work to the lowest bidder. This is a budgeted expense.

Council Member Cooley made a motion to approve the Altitude Valve Installation. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

## **29. Annual Chemical Purchase Order**

Mr. Forsyth stated the list of chemicals is bought for the water treatment plant and wastewater treatment plant on a weekly, bi-weekly, monthly, semi-annual, or annual basis. Often orders of more than \$7,500.00 are needed. Fixed prices have been requested from each vendor for a period ending October 31, 2024. This will cut the need for multiple recurring agenda items throughout the year and will expedite our ability to order chemicals on a necessary basis. If it is necessary to

rebid or if a less expensive alternative is found, updated vendor/pricing information will be returned for Council approval. This is a budgeted request.

Council Member Roth made a motion to approve the Annual Chemical Purchase Order. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

## **CHANGE ORDER**

### **30. Lagoon Dredging Project Change Order**

Mr. Forsyth stated the Water Treatment Plant sludge lagoon dredging project is continuing well, with approximately 12,000 wet tons removed to date. This change order was requested by the Water Department, as this is the final, approved project to use 2018 bond funds.

The change order represents an added 120 contract days, and 5,056 wet tons of solids removal. Mathematically, this represents the removal of approximately 10 years of sludge production at the Water Treatment Plant.

The cost for this change is \$669,920.00, for a total solids' removal of 20,056 wet tons. Bond funds are available, and the change order was recommended for approval.

Council Member Roth made a motion to approve the Lagoon Dredging Project Change Order. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

## **ADDED ITEMS**

### **31. Alcohol Control Board Appointee**

Mr. Mannino stated Council Member Stepp had provided a potential replacement appointment for the Alcohol Control Board. If approved, Melissa Bell will serve for four (4) years with her term expiring September 5, 2027.

Council Member Stepp made a motion to approve the Alcohol Control Board Appointee. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

### **32. Yeti Cups**

Logan Bagley, Public Relations and Communications Manager, came forward and thanked Mayor Santini and Council for their continued support throughout the rebranding project.

Continuing, Mr. Bagley requested approval for \$19,800 to be paid to Parsons Kellogg for the purchase of 20 oz. Yeti Cups with the newly rebranded City of Cartersville Logo. These cups will be used for marketing and employee appreciation.

Council Member Stepp made a motion to approve the Yeti Cup Purchase. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

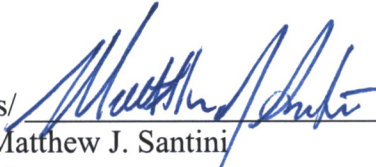
**FINAL COMMENTS**


Council Member Fox stated the Christmas Parade was tonight at 6pm and is put on by the Cartersville Exchange Club and looked forward to seeing our community come together for this annual tradition.

**ADJOURNMENT**

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

Meeting Adjourned at 9:40 A.M.

/s/   
Matthew J. Santini  
Mayor

ATTEST:   
/s/ \_\_\_\_\_  
Julia Drake  
City Clerk

