

City Council Meeting  
195 Cassville Rd. - PSHQ  
April 6, 2023  
6:00 P.M. – Work Session  
7:00 P.M. – Council Meeting

## **WORK SESSION**

Mayor Pro-Tem Calvin Cooley opened Work Session at 6:01 P.M. Council Members discussed each item from the agenda with corresponding Staff Members.

Mayor Pro-Tem Cooley closed Work Session at 6:34 P.M.

## **OPENING MEETING**

Mayor Pro-Tem Cooley called the Council Meeting to order at 7:00 P.M.

Invocation by Council Member Fox.

Pledge of Allegiance led by Council Member Roth.

The City Council met in Regular Session with Calvin Cooley, Mayor Pro-Tem presiding, and the following present: Kari Hodge, Council Member Ward One; Cary Roth, Council Member Ward Three; Gary Fox, Council Member Ward Five; Dan Porta, City Manager; Julia Drake, City Clerk; and Keith Lovell, Assistant City Attorney.

Absent: Mathew Santini, Mayor; Jayce Stepp, Council Member Ward Two; Taff Wren, Council Member Ward Six

## **REGULAR AGENDA**

### **COUNCIL MEETING MINUTES**

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

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

### **PROCLAMATIONS**

#### **2. Motorcycle Awareness Month**

Mr. Cooley stated this proclamation is to promote safety and awareness for everyone on the highways and sharing the road with motorcycles and presented it to the Motorcycle Safety Commission.

## **DISCUSSION**

### **3. Mission Road Sidewalk**

Mr. Porta stated the following is a petition signed by City residents petitioning the City to install a sidewalk to connect the existing sidewalk at 260 W. Cherokee Ave or at 321 W. Cherokee Ave all the way to Burnt Hickory Road.

Mark Staples, 14 Twelve Oaks Dr came forward to present the petition for sidewalks. This sidewalk would allow access to the public library and even the downtown area.

Council Member Fox made a motion to add two items to the agenda. Those items were the Mission Road Sidewalk and MOU Opioid Litigation. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

Council Member Fox made a motion to allow the City Manager to proceed with a feasibility study for the Mission Road Sidewalk. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

## **PUBLIC HEARING – 2ND READING OF ZONING/ANNEXATION REQUESTS**

### **4. Z23-01. 405-B Old Mill Rd. Applicant: Berrey Properties Inc.**

Randy Mannino, Planning and Development Director stated the applicant requests a change in zoning from G-C (General Commercial) to L-I (Light Industrial) for approximately .86 acres located at 405 B Old Mill Road in Land Lot 632 of the 4th District, 3rd Section. Tax ID No. C022-0004-027. The request is to allow the expansion of Steel Materials, Inc. located at 1120 West Ave. adjacent to and north of the subject property. Staff recommended approval of the existing condition to remain: A 15-foot utility easement is required along the S.W. property line to access the existing power line. The Planning Commission recommends approval 6-0.

Mayor Pro-Tem Cooley opened the public hearing. With no one else to come forward to speak for or against the application, the public hearing was closed.

Council Member Fox made a motion to approve Z23-01. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

**Ordinance**  
**of the**  
**City of Cartersville, Georgia**

**Ordinance No. 11-23**

**Petition No. Z23-01**

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 Berrey Properties, Inc. Property is located at 405-B Old Mill Rd. (Tax ID C002-0004-027). Said property contains 0.86 acres located in the 4<sup>th</sup> District, 3<sup>rd</sup> Section, Land Lot 632 as shown on the attached plat Exhibit "A". Property is hereby rezoned from G-C (General Commercial) to L-I (Light Industrial) with the following conditions:


- A 15-foot utility easement is required along the S.W. property line to access the existing power line.

Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

**BE IT AND IT IS HEREBY ORDAINED.**

First Reading this 16th day of March 2023.

ADOPTED this the 6<sup>th</sup> day of April 2023. Second Reading.

  
/s/ Calvin Cooley  
Calvin Cooley  
Mayor Pro-Tem

ATTEST:

  
/s/ Julia Drake  
Julia Drake  
City Clerk



**5. Z23-02. 8 Mimosa Terrace. Applicant: William Moore**

Mr. Mannino stated the applicant requests a change in zoning from R-15 (Single Family Residential) to G-C (General Commercial) for approximately 0.5 acres located at 8 Mimosa Terrace in Land Lot 241 of the 4th District, 3rd Section. Tax ID No. C030-0007-007. The applicant proposes to open a hair salon studio on the property. Hair salons are not allowed in the R-15 zoning district. Various home occupations have been allowed previously. Staff does not oppose the rezoning if the following conditions are included with an approval:

1. A natural or planted landscape buffer remains in place along the adjacent residential use properties.
2. Hours of operation are limited to reasonable and customary hours.
3. All G-C uses except "Offices, General" and "Barber Shops and Beauty Salons" are

prohibited.

The Planning Commission recommended approval 6-0.

Mayor Pro-Tem Cooley opened the public hearing. With no one else to come forward to speak for or against the application, the public hearing was closed.

Council Member Fox made a motion to approve Z23-02. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

**Ordinance**  
**of the**  
**City of Cartersville, Georgia**  
**Ordinance No. 12-23**  
**Petition No. Z23-02**

**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 William Donald Moore. Property is located 8 Mimosa Terrace (Tax ID C030-0007-007). Said property contains 0.626 acres located in the 4<sup>th</sup> District, 3<sup>rd</sup> Section, Land Lot 241 as shown on the attached plat Exhibit "A". Property is hereby rezoned from R-15 (Single Family Residential) to G-C (General Commercial) with the following conditions:

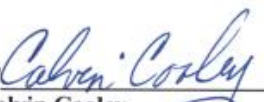
- A natural or planted landscape buffer remain in place along the adjacent residential use properties.
- Hours of operation are limited to reasonable and customary hours.
- All G-C uses except "Offices, General" and "Barber Shops and Beauty Salons" are prohibited.

Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

**BE IT AND IT IS HEREBY ORDAINED.**

First Reading this 16<sup>th</sup> day of March 2023.

ADOPTED this the 6<sup>th</sup> day of April 2023. Second Reading.

/s/   
Calvin Cooley  
Mayor Pro-Tem

ATTEST:

/s/   
Julia Drake  
City Clerk



## SECOND READING OF ORDINANCES

### 6. Panhandling

Keith Lovell, Assistant City Attorney, stated the proposed amendment to the Panhandling Ordinance, if approved, will provide additional regulations on the practice of panhandling, and is recommended for your approval.

Council Member Fox made a motion to approve the Panhandling ordinance. Council Member Hodge seconded the motion. Motion carried unanimously. Vote: 4-0

#### ORDINANCE NO. 09-23

**WHEREAS**, the Staff of the City of Cartersville and the Mayor and City Council have reviewed and considered implementing an ordinance to regulate the practice of panhandling for the benefit of the citizens of Cartersville, Georgia and its visitors.

**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 11. – MISCELLANEOUS PROVISIONS AND OFFENSES. ARTICLE III. – OFFENSES INVOLVING PUBLIC PEACE AND ORDER. DIVISION 1. GENERALLY. SECTIONS 11-103 – 11-115 RESERVED. are hereby amended by deleting said sections in their entirety and replacing them as follows:

1.

#### **Sec. 11-103. – Panhandling**

(a) **Purpose.** This ordinance regulates the time, place, and manner of solicitations and panhandling and shall not apply to anyone exercising their rights to constitutionally-protected activity.

(b) **Definitions.** The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Solicit or Panhandle* shall mean to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, including a request for employment, business, or contributions, or to request the sale of goods or services. This definition shall include all methods of solicitation including, but not limited to, spoken, written, or printed words, or by other means of communication including, but not limited to, bodily gestures.

(2) *Public Area* shall mean an area to which the public or a substantial group of persons has access, including, but not limited to, streets, highways, roadways (including shoulders and medians), bridges, the area above and below any bridge, sidewalks, alleys, parking lots and decks, plazas, parks, public greenspace areas, playgrounds, schools, transportation facilities, within a public-transportation vehicle, an area owned in whole or in part by, operated by, for, or under the custody and control of the City of Cartersville, Georgia, and other public property, including city-owned property and any other property where public gatherings occur on a regular basis, and any other property where public meetings are conducted.

(3) *Outdoor Dining Area* shall mean an outdoor dining area of a restaurant or other establishment serving food or drink for immediate consumption.

(4) *Aggressive Panhandling* shall mean *Panhandling*, as defined in this section, in any one or more of the following manners in a public area or on private property without having first obtained the permission of the owner or other person legally in possession of the property:

- a. Intentionally or recklessly making any physical contact with another person or vehicle in the course of soliciting without that person's express consent;
- b. Continuing to solicit from a person after that person has given a negative response to an initial solicitation;
- c. Approaching, speaking to, or following the person being solicited, if that manner of conduct is intended to, or is reasonably likely to cause a reasonable person to fear imminent bodily harm to that person or others in the area or the commission of a criminal act upon property in the person's possession, or is intended to, or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- d. Intentionally or recklessly blocking the safe or free passage of the person being solicited, or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation;
- e. Intentionally or recklessly using violent, threatening, obscene, or abusive language or gestures that is intended to, or is reasonably likely to cause a reasonable person to fear imminent bodily harm to that person or others in the area or the commission of a criminal act upon property in the person's possession, or is intended to, or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- f. Soliciting a person who is located in an outdoor dining area;
- g. Soliciting while part of a group of two or more persons who are engaging, either actively or passively, in the solicitation; and
- h. Soliciting a person at night.

(5) *At Night* shall mean the time period between 30 minutes after sunset to 30 minutes before sunrise.

(c) Prohibited Acts. It shall be unlawful for any person within the corporate limits of the city to commit any of the following acts.

- (1) No person shall engage in aggressive panhandling within the corporate limits of the city.
- (2) No person shall solicit or panhandle on private property without first having obtained the permission of the owner or other person legally in possession of the property;
- (3) No person shall solicit or panhandle on private property if the owner or other person legally in possession of the property has notified the person, by signage or otherwise, that they are not allowed to solicit on the property.
- (4) No person shall solicit or panhandle within 30 feet of any automated teller machine or any bank, financial institution, or check-cashing facility.
- (5) No person shall solicit or panhandle while under the influence of alcohol or a controlled substance, as defined by Georgia or federal law.
- (6) No person shall solicit or panhandle within ten feet of the entrance or exit of a building.
- (7) No person shall solicit or panhandle within 30 feet of an outdoor dining area.
- (8) No person shall solicit an operator or passenger of a motor vehicle while such person is operating or occupying a motor vehicle; provided, however, that this section shall not apply to services rendered in connection with the provision of emergency repairs requested by the operator or passengers of such vehicle.

**Sec. 11-104 – 11-115. – Reserved.**

2.

That all ordinances, or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

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: March 16, 2023

SECOND READING: April 6, 2023

  
CALVIN COOLEY, MAYOR PRO-TEM

ATTEST:   
JULIA DRAKE, CITY CLERK



## FIRST READING OF ORDINANCES

### 7. Parks and Recreation Ordinance Updates

Mr. Lovell stated several sections of the Parks & Recreation Ordinance Sections 15-4, 15-5 and 15-6 have been updated. The amendments to this ordinance include no flying drones, paragliders, or metal detection in city parks. The changes are necessary to protect citizens that are using our parks and to not allow individuals to search our parks for Indian artifacts.

This is a first reading and will be voted on at the next scheduled City Council Meeting on Thursday, April 20, 2023.

## APPOINTMENTS

### 8. Steve Roberts

Mr. Porta suggested appointing Steve Roberts as the new Parks and Recreation Director. His start date would be April 17<sup>th</sup>.

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

Steve Roberts came forward to thank the Mayor Pro-Tem, Council Members, and Dan Porta for the opportunity to serve an amazing community.

### 9. DDA Board Member

Lillie Read, Downtown Development Authority Director, stated The DDA Board would like to recommend the following candidate for appointment to the board beginning in April. Carrie Barnes will be replacing Justin Owen and her term will end February 18, 2027.

Council Member Roth made a motion to approve the DDA Board Member. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 4-0



## RESOLUTIONS

### 10. Creation of Festival Zones

Ms. Read stated this request was for the creation of upcoming festival zones. The festival zones being requested were as follows:

- April 22 - BBQ and Brews
- April 27 - Chamber Cookout
- October 15 – Ham Jam (Cartersville Bicycle Service and Supply)

Furthermore, it was requested to add October 21, 2023, BBQ and Brew event.

Council Member Fox made a motion to approve the Creation of Festival Zones as amended. Council Member Hodge seconded the motion. The motion carried unanimously. Vote: 4-0

Resolution No. ~~10-23~~ <sup>09-23</sup>

of the

City of Cartersville, Georgia

WHEREAS, the Cartersville City Council approved a Festival Ordinance in 2014; and

WHEREAS, the Downtown Development Authority (DDA) wishes to establish a Festival Zone for the following events to be held downtown:

April 22 - BBQ and Brews

April 27 - Chamber Cookout

October 15 – Ham Jam (Cartersville Bicycle Service and Supply)

October 21 – BBQ and Brews

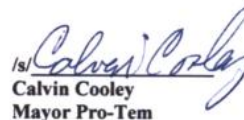
WHEREAS, the DDA Board recommends that these events be designated a controlled Festival Zone; and

WHEREAS said Festival Zone will allow those of 21 years and older, who show proof of identification and receive a wristband or other means of identification, be allowed to consume purchased alcoholic beverages within the Festival Zone; and

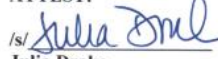
WHEREAS, the Director of Planning and Development will receive all necessary proposals and applications prior to each event with the understanding that alcoholic beverages will only be sold by an approved alcohol-license holding businesses or caterer.

NOW, THEREFORE BE IT RESOLVED by the City of Cartersville that the above listed events be designated a Community Festival Zone.

ADOPTED this the 6th day of April 2023.

  
/s/ Calvin Cooley  
Calvin Cooley  
Mayor Pro-Tem

ATTEST:

  
/s/ Julia Drake  
Julia Drake  
City Clerk



## **OTHER**

### **11. Downtown 10-Year Plan Funding Request**

Ms. Read stated the DDA is requesting a \$15,000 contribution towards the funding of a 10-year plan. This is part of a funding application to the Appalachian Regional Commission which will provide a 50% match towards the total project cost of \$95,000. If approved, the ARC will contribute \$47,500 towards the project, to be matched by a community contribution of \$47,500. Bartow County has committed to a \$15,000 contribution, DDA is requesting \$15,000 from the City of Cartersville and they will cover the additional \$17,500.

Council Member Hodge made a motion to approve the Downtown 10-Year Plan Funding Request. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 4-0

### **12. Deed of Dedication**

Mr. Lovell stated this Deed of Dedication is for the Taco Bell which will be located at 898 Joe Frank Harris Parkway and includes the two areas listed on the plats.

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

## **CONTRACTS/AGREEMENTS**

### **13. 115 Woodland Drive**

Mr. Porta stated this was an acceptance of the 115 Woodland Drive contract for sale as a part of a Public Works ARPA Project.

Council Member Hodge made a motion to approve 115 Woodland Drive contract. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 4-0

### **14. GMA Customer Service Training**

Mr. Porta stated the Georgia Municipal Association (GMA) will provide customer service training to all City employees and recommended approval of this agreement with GMA.

Council Member Roth made a motion to approve the GMA Customer Service Training. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 4-0

### **15. 1<sup>st</sup> Amendment to Jackson Farms Development Agreement**

Mr. Porta stated the developer of Jackson Farm Subdivision requests an additional six months to complete the road topping work that is part of the original Development Agreement. After discussing this internally with staff, we do not have any concerns with extending the terms of the agreement and recommend approval of the First Amendment to Development Agreement.

Council Member Roth made a motion to approve the 1<sup>st</sup> Amendment to Jackson Farms Development Agreement. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

## **RESOLUTIONS**

### **16. Deannexation of Water Department Tracts**

Mr. Lovell stated this resolution will authorize and approve the deannexation of the Water Department properties from Emerson.

Council Member Fox made a motion to approve the Deannexation of Water Department Tracts. Council Member Roth seconded the motion. The motion carried unanimously. Vote: 4-0

#### **RESOLUTION 10-23**

#### **RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE AUTHORIZING THE DEANNEXATION OF PROPERTY OWNED BY THE CITY OF CARTERSVILLE FROM THE CITY OF EMERSON; AND AUTHORIZING THE ANNEXATION OF SAID PROPERTIES INTO THE CITY LIMITS OF THE CITY OF CARTERSVILLE**

**WHEREAS**, the City of Cartersville owns seven properties currently being identified and designated by the Bartow County Tax Assessor's Office as the following Bartow County Tax Parcels:

- E009-0005-001 – containing approximately 11.1 acres off of Allatoona Dam Road;
- E009-0005-003 – containing of approximately 1.23 acres off of Allatoona Dam Road;
- E009-0003-007 – containing of approximately 2.0 acres off Allatoona Dam Road;
- E009-0003-004 – containing of approximately 0.33 acres off of Allatoona Dam Road;
- 0093-0545-002 - containing approximately 6.85 acres at 237 Allatoona Dam Road;
- 0093-0545-001 – containing approximately 137.88 acres at 480 Joe Frank Harris Parkway;
- 0093-0608-005 – containing approximately 1.18 acres off of Old Allatoona Dam Road; and

**WHEREAS**, the City of Cartersville has existing facilities or plans to have facilities on these properties; and

**WHEREAS**, when practicable, the City of Cartersville desires that the properties it owns be in the City limits of the City of Cartersville, so that its facilities are built to the City of Cartersville's specifications and in order to provide emergency services to said properties, including police and fire; and

**WHEREAS**, the Mayor and City Council hereby direct the City Attorney's Office to file the necessary paperwork and take the necessary steps to deannex the tracts in Emerson, and then annex all tracts into the City of Cartersville, including but not limited to requesting a resolution approving the deannexation from Emerson, and a request to Bartow County to approve a resolution of non-objection to the deannexation from Emerson, and then annexation into the City of Cartersville.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, IN THE STATE OF GEORGIA, THAT THE CITY ATTORNEY'S OFFICE AND MAYOR AND CITY CLERK ARE HEREBY AUTHORIZED TO TAKE THE NECESSARY STEPS TO DO THE FOLLOWING:**

1. File a Request for a Resolution of non-objection to Bartow County, for the deannexation of the following properties from the City of Emerson:
  - a. E009-0005-001 – containing approximately 11.1 acres off of Allatoona Dam Road;
  - b. E009-0005-003 – containing of approximately 1.23 acres off of Allatoona Dam Road;
  - c. E009-0003-007 – containing of approximately 2.0 acres off of Allatoona Dam Road; and
  - d. E009-0003-004 – containing of approximately 0.33 acres off of Allatoona Dam Road.
  
2. If the above is approved, to file a deannexation request from the City of Emerson for the following properties:
  - a. E009-0005-001 – containing approximately 11.1 acres off of Allatoona Dam Road;
  - b. E009-0005-003 – containing of approximately 1.23 acres off of Allatoona Dam Road;
  - c. E009-0003-007 – containing of approximately 2.0 acres off of Allatoona Dam Road; and
  - d. E009-0003-004 – containing of approximately 0.33 acres off of Allatoona Dam Road.

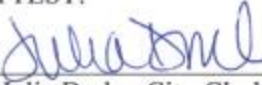
And to authorize the City of Cartersville, Mayor Pro Tem, to sign the deannexation applications.

3. If the deannexation is approved, to file for annexation into the City of Cartersville for the following properties:
  - a. E009-0005-001 – containing approximately 11.1 acres off of Allatoona Dam Road;
  - b. E009-0005-003 – containing of approximately 1.23 acres off of Allatoona Dam Road;
  - c. E009-0003-007 – containing of approximately 2.0 acres off of Allatoona Dam Road;
  - d. E009-0003-004 – containing of approximately 0.33 acres off of Allatoona Dam Road;
  - e. 0093-0545-002 - containing approximately 6.85 acres at 237 Allatoona Dam Road;


- f. 0093-0545-001 – containing approximately 137.88 acres at 480 Joe Frank Harris Parkway;
- g. 0093-0608-005 – containing approximately 1.18 acres off of Old Allatoona Dam Road; and

**BE IT AND IT IS HEREBY RESOLVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, this 6<sup>th</sup> day of April, 2023.**

ATTEST:

/s/   
 Julia Drake, City Clerk  
 City of Cartersville, Georgia



/s/   
 Calvin Cooley, Mayor Pro Tem  
 City of Cartersville, Georgia

## **BID AWARD/PURCHASES**

### **17. West Avenue Sewer Replacement**

Brent Beck, Water Department Project Manager, stated a section of sanitary sewer in West Avenue between Erwin Street and the railroad, consisting of approximately 142 feet of 8-inch clay pipe is in poor condition and is a source of stormwater inflow to the sanitary sewer.

The Water Department solicited bids from contractors to replace this section of sewer and four bids were received and opened. It was recommended to award this work to the low bidder, C.H. Kirkpatrick & Sons for their bid of \$131,872.42.

This is not a budgeted expense, but funds are available from sewer revenue, which will be paid through account #505.3320.52.2341.

Council Member Fox made a motion to approve the West Avenue Sewer Replacement. Council Member Roth seconded the motion. The motion carried unanimously. Vote: 4-0

### **18. Road Tractor & Dump Trailer**

Mr. Beck stated the oldest of the two-day cab tractor-trailers used by the Water Pollution Control Plant to transport biosolids to land application sites is a 1998 Kenworth and 1998 East dump trailer. Both the tractor and trailer need to be replaced, as maintenance has become more frequent and expensive for each.

The Water Department and Garage solicited and received two bids for replacement vehicles. It was recommended to approve of the best bid from Peterbilt of Atlanta for the 2024 Peterbilt 567-day cab tractor and MAC 28-foot dump trailer for a total price of \$242,150.00. This is the best bid as it meets or exceeds all bid specifications, and the tractor delivery time is 26-30 weeks versus 55 weeks for Nextran. The tractor is the most pressing need for this purchase. The MAC trailer delivery lead time is longer than the East trailer but is \$21,214 less than the East trailer from this vendor.

The purchase price will be added to the FY23-24 budget since delivery will not occur until approximately September 2024. Expenses will be charged to account 505.3330.54.2200.

Council Member Roth made a motion to approve the Road Tractor & Dump Trailer purchase. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 4-0

## **19. Fiber Optic Conduit**

Steven Grier, Fiber Com Director, stated this item is the purchase of 15,000 feet of 1 1/4" conduit for stock. This is a budgeted item but will be funded by the 2020 SPLOST. The total amount is \$10,800.00 from Utilicom Supply Associates and was recommended for approval.

Council Member Roth made a motion to approve Fiber Optic Conduit. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 4-0

## **20. Fire Fighter Uniforms**

Scott Carter, Fire Chief, stated he respectfully requested approval to purchase uniforms for FY 22/23. This is being done with a single source provider since this vendor has all Cartersville patches, specifications and required embroidery in stock. There are no local vendors who can supply this specialized order. The vendor is T & T Uniforms of Smyrna. The total of the 4 invoices will be \$31,362.40. This is a budgeted purchase.

Council Member Roth made a motion to approve Fire Fighter Uniform purchase. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 4-0

## **21. Station 2 Gate Motor Replacement**

Mr. Carter stated that he respectfully requested to replace the existing 2002 motor and swing gate operators at Station 2 as they cannot be repaired. A quoted price of \$7,850.00 from Auto Gate Solutions to remove the existing gate operators and replace them with two new ones was received. The new gate operators will have a 5-year manufacturer's warranty on parts and a 1-year warranty of labor and workmanship. This will be paid from regular budget maintenance funds.

Council Member Roth made a motion to approve the Station 2 Gate Motor Replacement. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

## **22. Bucket Truck Replacement**

Derek Hampton, Electric Department Director, stated the Electric Department is requesting authorization to purchase a replacement for Truck #516, which is a 2003 Model, 55' reach Bucket Truck. Approval was recommended to purchase a replacement 60' Bucket truck on a Freightliner chassis from Altec for a cost not to exceed \$335,000, with approximately 1/3 of the cost of the truck to be saved annually in reserves, then paid upon the delivery date in 2026. This has been/will be accounted for in the existing and future budgets.

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

## **23. Tourism Product Development Funds for CVB Marketing**

Mr. Porta stated he requested the expenditure of \$20,000 in Tourism Product Development funds to partner with the Convention and Visitors Bureau (CVB), Bartow County and LakePoint for an interactive community corner inside the Champions Center. The purpose of this is to provide information to LakePoint visitors about things to do, restaurants and places to stay in Cartersville and Bartow County. This is not a budgeted expense.

Council Member Fox made a motion to approve Tourism Product Development Funds for CVB Marketing. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

## **ADDED ITEM**

## **24. MOU for Opioid Litigation**

Mr. Lovell presented a Memorandum of Understanding with the State of Georgia in regard to the Opioid Litigation and recommended approval.

Council Member Hodge made a motion to approve the MOU for Opioid Litigation. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 4-0

RESOLUTION 11-23

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE APPROVING THE STATE OF GEORGIA AND LOCAL GOVERNMENTS MOU CONCERNING NATIONAL SETTLEMENTS (OPIATE LITIGATION) AND AUTHORIZING SIGNING OF THE ACKNOWLEDGMENT TO THE MOU

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

WHEREAS, the City of Cartersville has received the State of Georgia and Local Governments: Memorandum of Understanding Concerning National Settlements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walmart Inc., CVS Health Corporation and CVS Pharmacy, Inc., and Walgreen Co.; and

WHEREAS, this MOU is required as a part of the settlements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walmart Inc., CVS Health Corporation and CVS Pharmacy, Inc., and Walgreen Co.

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 State of Georgia and Local Governments: Memorandum of Understanding Concerning National Settlements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walmart Inc., CVS Health Corporation and CVS Pharmacy, Inc., and Walgreen Co. and hereby authorize the Mayor and City Clerk to execute Exhibit 1 - Acknowledgment and Agreement to be Bound by Memorandum of Understanding.

BE IT AND IT IS HEREBY RESOLVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, this 6<sup>th</sup> day of April, 2023.

ATTEST:

/s/ Julia Drake  
Julia Drake, City Clerk  
City of Cartersville, Georgia



/s/ Calvin Cooley  
Calvin Cooley, Mayor Pro Tem  
City of Cartersville, Georgia

ADJOURNMENT

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

Meeting Adjourned at 7:35 P.M.

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

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