

City Council Meeting
City Hall – Council Chambers
August 1, 2024
6:00 P.M. – Work Session / 7:00 P.M. – Council Meeting

WORK SESSION

Mayor Matthew Santini opened the Work Session at 6:01 P.M. Council Members discussed each item from the agenda with corresponding Staff Members.

Council Member Stepp made a motion to enter Closed Session for the purpose of Potential Litigation and Property Acquisitions. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 6-0

Mayor Santini closed Work Session at 7:01 P.M.

OPENING MEETING

Mayor Santini called the Council Meeting to order at 7:05 P.M.

Invocation by Council Member Cooley.

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; Calvin Cooley, Council Member Ward Four; Gary Fox, Council Member Ward Five; Alyssa Cordell, Council Member Ward Six; Dan Porta, City Manager; Julia Drake, City Clerk; and Keith Lovell, City Attorney.

REGULAR AGENDA

COUNCIL MEETING MINUTES

1. July 18, 2024, Council Meeting Minutes

Council Member Roth made a motion to approve the minutes from the July 18, 2024, Council Meeting. Council Member Stepp seconded the motion. Motion carried unanimously. Vote: 6-0

APPOINTMENTS

2. Cartersville-Bartow Library Board

Dan Porta, City Manager, stated if approved, John Shireman will fill the vacant role on the Library Board with a term expiration date of June 30, 2027.

Council Member Fox made a motion to approve the Cartersville-Bartow Library Board Appointment. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 6-0

PUBLIC HEARING – 2nd Reading of Zoning/Annexation Requests

3. Z24-05: 681/683 Henderson Dr.

Applicant: Lehmann Smith

David Hardegree, Assistant Planning and Development Director gave an overview of the application stating the applicant is proposing the rezoning of the 1.286-acre property located at 681 Henderson Drive. The original structure was constructed c. 1996 and was designed for office/warehouse use.

The property was home to a construction company for many years. In recent years, the building has been divided to support additional occupations. Based on historic imagery, the rear of the lot has been used as a storage lot for building material. This has likely occurred for the life of the structure (c. 1996). Planning and Development was not aware of complaints from any of the neighbors regarding the business activity being conducted on the site.

The applicant proposes to rezone the property to allow outdoor storage on the lot. Currently, there are two (2) storage containers on the lot, as well as various other materials. Code Enforcement notified the property owner that storage containers, as well as outdoor storage is not allowed in the O-C (Office Commercial) zoning district, thus leading to this request. This request is the first step in resolution of the storage container/outdoor storage issue on the property. The applicant is also applying for a text amendment that would allow use of storage containers on lots that allow outdoor storage, provided they are screened from all rights-of way and a special use permit is approved. The text amendment and the applicants special use permit request will be before the Planning Commission on August 6th, 2024.

Staff does not oppose the rezoning if the following condition is included with an approval:

- All G-C uses except “Construction Contractors” and “Offices, General” are prohibited.

Planning Commission recommended approval.

Mayor Santini opened the public hearing.

Mark Harris, 700 Douthit Ferry Rd. Suite 770, came forward to represent the application and to answer questions from the Mayor and Council.

With no one else to come forward to speak for or against the zoning request, the public hearing was closed.

Council Member Stepp made a motion to approve Z24-05: 681/683 Henderson Dr. with the staff recommended condition. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 6-0

Reference Ordinance # 34-24

4. Z24-06: 165 Cassville Road

Applicant: Muhammed Chishti

Mr. Hardegree stated the applicant requests to rezone .92 acres (+/-) located at 165 Cassville Road (Tax ID C013-0001-003). The property is owned by Muhammad Chishti and the property is currently used as a gas station and convenience store. The existing building also has two (2) vacant suites. The owner wishes to have more available uses for the vacant suites than the O-C zoning ordinance allows, particularly the retail package store (liquor) use.

G-C, General Commercial, zoning is requested for the parcel. The existing zoning is O-C.

The property is within the FEMA floodplain. The current and proposed use are not expected to affect the floodplain unless expansion of the building footprint occurs.

Mayor Santini opened the public hearing.

Ali Kashan, 16 Sugar Mill Dr., came forward to represent the application and to answer any questions from the Mayor and Council.

With no one else to come forward to speak, the public hearing was closed.

Council Member Cooley made a motion to deny Z24-06: 165 Cassville Rd. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 6-0

SECOND READING OF ORDINANCES

5. T24-03: Billboard Setback from I-75

Applicant: Flournoy Holdings, LLC

Mr. Hardegree stated this was an applicant driven text amendment request to Chapter 20, Signs and Outdoor advertising, Article II, Sign Ordinance, Sec. 20-29 (b) (1)(f), Billboards, to amend the text from:

(f): Shall not be visible from or located along Interstate Highway 75

To: (f) Shall be setback at least six hundred sixty-one (661) feet from the right-of-way of Interstate 75.

Staff is not opposed to the amendment, and Planning Commission vote was 2-1-1. Motion failed due to a lack of votes.

Jack Howard, 118 5th St North, Columbus MS., came forward to represent Flournoy Holdings, LLC.

Council Member Roth made a motion to approve the amended T24-03: Sign Ordinance Text Amendment. Amendment should read as follows:

Sec. 20-29 (b)(1)(f): Shall not be visible from or located along I-75, unless said billboard is intended to be viewed from US Highway 411.

Council Member Stepp seconded the motion. Motion carried unanimously. Vote: 6-0

Reference Ordinance # 36-24

6. Amendment to Utilities Ordinance Regarding Electric Rates

Tom McKee, Electric Department Director, stated at the July 2nd meeting when Electric Rates were amended, Code Section 24-261 was inadvertently deleted. This code section refers to customer owned solar power, and charges associated with it.

Council Member Fox made a motion to approve the Amendment to Utilities Regarding Electric Rates. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 6-0

CONTRACTS/AGREEMENTS

7. Water Storage Intergovernmental Agreement

Sidney Forsyth, Water Department Director, stated to finalize the Water Storage Re-Allocation agreement with the U.S. Army Corps of Engineers, both the State and the Corps require that an inter-governmental agreement be executed between the City of Cartersville and Bartow County. This agreement sets forth the method by which the City and County agree to share the water storage volume and the costs of such storage, related only to the 11,327.2 acre-feet of new storage.

Bartow County previously approved this agreement at the Commissioner's July 17, 2024, public meeting and it was recommended to City Council approve.

If approved, the agreement will be updated with the referenced Federal and State Storage Contracts, once they are fully executed.

Council Member Cordell made a motion to approve the Water Storage Intergovernmental Agreement. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 6-0

8. Annual EPD Water Testing Contract

Mr. Forsyth stated the attached invoice is for water quality testing performed by the Department of Natural Resources Environmental Protection Division (EPD) Drinking Water Program. The EPD laboratory has performed this annual testing for the city for many years. The fee is based on the population served by a water system, currently set at \$10,120.00. Using the EPD laboratory has the benefit of streamlined reporting and being 100% method compliant.

Approval of payment of the attached invoice and authorization to contract with EPD for drinking water analysis for the period July 1, 2024, to June 30, 2025, was recommended. This is a budgeted item and will be paid through account 505.3310.52.1600.

Council Member Roth made a motion to approve the Annual EPD Water Testing Contract. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 6-0

CHANGE ORDER

9. Atco-Pettit Creek & JDC Sewer Change Order #2 & Reimbursement Agreement

Mr. Forsyth stated on June 15, 2023, Council approved a construction contract with UWS, Inc. to replace two aerial sewer crossings of Pettit Creek: at Atco and on Jimmy Don Crane (JDC) property. Change order #2 adds \$28,715.00 and 60 days to the total project.

The increase in cost of \$62,995.00 is due to the Bartow County request detailed below, and additional excavation at the Atco portion.

The \$34,280.00 decrease is due to eliminating the additional creek crossing removal from scope.

\$60,050.00 is added to the JDC section due to a request from Bartow County to lower a portion of the sewer line between manholes #2 and #5, as this serves a large portion of the Highway 20 development corridor. Bartow County will reimburse the city for this portion of the change order.

This change order was recommended for approval.

Council Member Roth made a motion to approve the Atco-Pettit Creek & JDC Sewer Change Order #2 and Reimbursement Agreement. Council Member Hodge seconded the motion. Motion carried unanimously. Vote: 6-0

BID AWARD/PURCHASES

10. Komatsu Lift Station Surge Relief Valve

Mr. Forsyth stated the Komatsu sewer lift station provides sewer service to all customers on Main Street, east of Interstate 75. The surge relief valve prevents a water hammer condition in the sewer force main, which can cause substantial damage to the piping and appurtenances in the system.

The current relief valve is over twenty years old and in need of replacement. The industry standard for this specialized valve is the GA Industries surge relief valve for sewage systems.

Principle Environmental has provided a quote for this replacement valve of \$12,185.00, including a 1-year warranty. Delivery date is 8-10 weeks from purchase order.

This is a budgeted maintenance item and approval was recommended.

Council Member Hodge made a motion to approve the Komatsu Lift Station Surge Relief Valve. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 6-0

11. 20-Yard Rear Loader Garbage Truck Bid Award

Wade Wilson, Public Works Director, stated on July 9, 2024, the Solid Waste Division of Public Works opened sealed bids for the intended purchase of a 20-Yard Rear Loading Garbage Truck. The advertisement for bid was posted on the City of Cartersville Website and the Georgia Procurement Registry. Five bid proposals were received and ranged from \$207,305.00 to \$280,772.00. Delivery time ranged from 30 days to 300 days.

After evaluation by Public Works' staff and a garage representative, Public Works recommended the purchase of a Peterbilt 537 with a Heil PT-100 rear loading body. Public Works feels that this is the best selection based on acceptable specifications, price and delivery time. Approval was recommended to purchase this vehicle from Carolina Environmental for a price of \$225,432.00 with a 110 to 120 day delivery.

This vehicle is a budgeted item that will be paid out of our capital expense account 540-3200-54-2200.

Council Member Cooley made a motion to approve the 20-Yard Rear Loader Garbage Truck Bid Award. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 6-0

12. Guardrail Repair on Busch Drive

Freddy Morgan, Assistant City Manager, stated this is a request to approve the quotation to repair a damaged guardrail at the end of Busch Drive. Martin-Robbins Fence Company has provided a quote to repair the damage in the amount of \$11,455.00. An insurance check was received in the amount of \$11,455.00 from the responsible party's insurance company and will pay Martin-Robbins for their repair work with these funds.

Council Member Roth made a motion to approve the Guardrail Repair on Busch Dr. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 6-0

13. Replacement of (2) Pick-Up Trucks

Mr. Morgan stated the Customer Service group is requesting approval to purchase two (2) replacement pick-up trucks. (2) 2024 Chevrolet Colorado's in the amount of \$69,010.78 (\$34,505.39 each). These trucks will replace truck #106 2013 F-150 147,152 miles and truck #107 2013 F-150 with 123,514 miles. The requested truck replacements are budgeted items.

Council Member Hodge made a motion to approve the Replacement of (2) Pick-Up Trucks. Council Member Cordell seconded the motion. Motion carried unanimously. Vote: 6-0

14. Vehicle Repair at Matthews Garage

Mr. Porta stated that a City Police Department vehicle was involved in an auto accident in March and the cost to repair the vehicle from Matthews Garage came to \$7656.82. The city is responsible for the \$1,000 deductible on these repairs. Approval was recommended of this invoice from Matthews Garage.

Council Member Cordell made a motion to approve the Vehicle Repair at Matthews Garage. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 6-0

OTHER

Mayor Santini stated that Vivian Reyes was visiting to learn more about government work and operations.

ADJOURNMENT

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

Meeting Adjourned at 7:27 P.M.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Julia Drake
City Clerk