

City Council Meeting
10 N. Public Square
November 3, 2022
6:00 P.M. – Work Session
7:00 P.M. – Council Meeting

WORK SESSION

Mayor Matthew Santini opened Work Session at 6:06 P.M. Council Members discussed each item from the agenda with corresponding Staff Members.

Mayor Santini closed Work Session at 6:21 P.M.

OPENING MEETING

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

Invocation by Council Member Cooley.

Pledge of Allegiance led by Council Member Roth.

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

Absent: Jayce Stepp, Council Member Ward Two; Gary Fox, Council Member Ward Five; Taff Wren, Council Member Ward Six

REGULAR AGENDA

Keith Lovell, Assistant City Attorney stated that with only three (3) Council Members being present, Mayor Matthew Santini would be required to vote and reminded Council Members that it take four (4) votes to pass an item.

COUNCIL MEETING MINUTES

1. October 20, 2022 Council Meeting Minutes

Council Member Roth made a motion to approve the October 20, 2022 Meeting Minutes. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

SECOND READING OF ORDINANCES

2. T22-04: West Ave.

Applicant: Tillman Family LLLP

Randy Mannino, Planning and Development Director, stated this was a text amendment to Chapter 26, Zoning, Article IX, Office-Commercial Zoning District, Sec. 9.5.2 (A), Permitted Uses, to allow private parks as an allowed use with a Special Use permit.

This amendment is to allow the applicant to construct a private ballfield or ballfields on their property. Special Use permit application SU22-04 is also submitted for consideration.

Planning Commission recommends approval, 5-0.

Public hearing was opened.

Lauren Noll, 114 Old Mill Rd., came forward to represent the application and to answer any questions from Council.

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

Council Member Roth made a motion to approve T22-04: West Ave. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

Ordinance No. 28-22

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 IX-OFFICE-COMMERCIAL ZONING DISTRICT, SECTION 9.5.2 (A), PERMITTED USES, is hereby amended by deleting section (A) in its entirety and replacing it as follows:

- Adolescent treatment facilities.
 - Amateur radio transmitter.
 - Amenities (as defined by this chapter).
 - Amusement, indoor.
 - Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).*
 - Art galleries.
 - Assembly halls.
 - Automotive and truck sales or rental (properties fronting an arterial or major collector street only) (SU).*
 - Automotive specialty shops.
 - Barber shops.
 - Beauty salons.
 - Brewpub.
 - Catering, carry-out and delivery.
 - Clinics (excludes veterinary clinic).
 - Clubs or lodges (noncommercial) (SU).*
 - Construction contractors:
 - ▲ General building contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
 - ▲ Heavy equipment contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
 - ▲ Special trade contractors; including, but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).
 - Colleges and universities.
 - Convenience stores.
 - Dancing schools.
 - Day care facilities.
 - Delicatessens.
 - Distillery (SU).*
 - Financial establishments.
 - Funeral homes (crematories may be allowed in conjunction with a funeral home with approval of a special use).*
 - Group homes (SU).*
 - Gymnasiums/health clubs.
 - Halfway houses.
-

- Homeless shelters (SU).*
- Hospices.
- Hospitals.
- Hotels.
- Institutions of higher learning, business colleges, music conservatories, and similar institutions.
- Laboratories (medical and dental).
- Laundromats.
- Laundry/dry cleaning pick-up stations.
- Libraries.
- Medical offices (excludes veterinary).
- Microbreweries (SU).*
- Museums.
- Nursing home facilities.
- Offices, general.
- Office parks.
- Outdoor golf driving ranges.
- Parking garages.
- Parking lots.
- Parks, private (SU)*
- Pet grooming.
- Personal care homes (SU).*
- Places of assembly (SU).*
- Plant nurseries.
- Printing establishments.
- Public utility facilities.
- Pubs or taverns.
- Radio and television broadcast stations.
- Radio, television, or other communication towers.
- Religious institutions (SU).*
- Research laboratories.
- Restaurants.
- Retail, general.
- Retail package stores (including liquor and malt beverages and/or wine sales) only in a multi-tenant shopping center development consisting of a minimum of five (5) business suites and additionally, that detached, stand alone, retail package stores shall not be permitted.
- Retirement centers (SU).*
- Reupholstery shop.
- Schools, private (SU).*
- Service stations.
- Stadiums.
- Theaters.

- Wholesale sales office.
- * Special use approval required.

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: October 20, 2022
 SECOND READING: November 3, 2022


 MATTHEW J. SANTINI, MAYOR

ATTEST: 
 JULIA DRAKE, CITY CLERK



PUBLIC HEARING – 2ND READING OF ZONING/ANNEXATION REQUESTS

3. SU22-04: West Ave.

Applicant: Tillman Family LLLP

Mr. Mannino stated this Special Use permit is to allow a private park to be developed on (2) Tillman Family properties identified as Tax ID C023-0001-007 and C023-0001-008. Total property area is approximately 34 acres.

The private park will be for the development of a youth baseball practice field or fields on a Pay-Per-Use model for teams needing practice facilities. Under the current O-C zoning, private parks are not an allowed use. Private parks are an allowed use in the adjacent R-20 (Residential) zoning district.

Text amendment, T22-04, is the amendment to add private parks to the O-C zoning district permitted uses.

Planning Commission recommends approval, 5-0.

Public hearing opened.

Lauren Noll returned to the podium to represent the application.

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

Council Member Cooley made a motion to approve SU22-04: West Ave. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

4. SU22-03: 315 Industrial Park Rd.

Applicant: Cash Environmental

Mr. Mannino stated this Special Use permit request is to allow a Waste Transfer Station at 315 Industrial Park Rd for municipal waste and construction debris. Zoning is Heavy Industrial. The applicant, Cash Environmental, was also a partner with Envicare, LLC who were approved for a similar special use permit on adjacent property at 375 Industrial Park Rd in 2019, SU19-07.

Planning Commission recommends approval with conditions (4-1).

Conditions proposed are as followed per letter dated November 3, 2022 from Brandon Bowen, applicant attorney.

1. No bare permeable ground conditions on the Premises in use. All grounds on the Premises that are used for traffic or transfer operation shall be covered with asphalt, concrete or crusher run base. (There will be a buffer, unused and landscaped areas that are obviously not paved.)
2. All buildings shall be 3-sided metal buildings with walls that extend from the ceiling to the floor. Buildings shall have opening facing away from Goolsby property (C061-0001-005).
3. All buildings must have concrete floors that can easily be drained and cleaned.
4. Wash water shall be collected in detention pond before entering undisturbed area behind facility.
5. All structures will be constructed with an overhead vapor ducting system to spray odor eliminators (ecosorbindustrial.com) that shall spray continuously while the facility is open and operating.
6. Ten foot (10') undisturbed buffer along east property line with Goolsby property (C061-0001-005).

Public hearing opened.

Brandon Bowen, 15 S Public Sq., came to the podium to represent the applicant.

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

Council Member Hodge made a motion to approve SU22-03: 315 Industrial Park Rd. with proposed conditions. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

BID AWARD/PURCHASES

5. 2023 GA UPC Annual Membership Fee

Michael Dickson, Gas Department Director, stated we are required by state law to be a member of the Georgia Utilities Protection Center. This is our annual membership fee invoice in the amount of \$14,572.80 and is split between all of the City utilities. It is a budgeted item and Council's approval of this invoice is recommended.

Council Member Cooley made a motion to approve the 2023 GA UPC Annual Membership Fee. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

6. Easement Acquisition Services

Sidney Forsyth, Water Department Director, stated currently, the Water Department has three (3) pipeline projects in various stages of design. The projects are:

- Waterford 36” sewer main relocation
- Atco-Pettit Creek aerial sewer crossing relocation
- Grassdale Road water main relocation

Continuing, Mr. Forsyth stated that pricing had been received for easement acquisition services from BM&K Construction and Engineering and have previously utilized this firm for these services and were satisfied with the results. Approval was recommended for BM&K Construction and Engineering to negotiate and acquire both permanent and temporary construction easement property, in accordance with approved easement drawings for each respective project, for an amount not to exceed \$30,400.00

These are budgeted projects, and fees will be paid from the appropriate expense account for each project.

Council Member Roth made a motion to approve the Easement Acquisition Services. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

7. Health and Vision Insurance Renewal

Dan Porta, City Manager, stated City staff met with One Digital, our health insurance agent, to review the health insurance proposals for 2023. Currently, city employees are covered through Anthem (BC/BS) Insurance with the option of Point of Service (POS) or a Health Savings Account (HSA) insurance plan. Anthem first proposed a 14.6% rate increase on our account for 2023 and we had One Digital go out to the market to obtain proposals from other companies. A few proposals were received with United Healthcare offering a 3.2% discount over expiring rates and due to this Anthem reduced their renewal increase to a 4% rate increase. Based on previous experience with UHC and the fact that Anthem discounts for medical services are typically greater than other carriers, it was recommended to stay with Anthem with a 4% rate increase for 2023.

Also, One Digital has provided the Vision Insurance renewal from Anthem which is a voluntary insurance (employee pays 100% of premium) at the same premium. These are budgeted items. Approval was also recommended for the renewal of health and vision insurance coverage with Anthem Insurance for 2023.

Council Member Hodge made a motion to approve the Health and Vision Insurance Renewal. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

8. Directional Bore - Aquafil

Derek Hampton, Electric Department, stated The Electric Department is requesting authorization to hire our contractor, Southern Utility Group, to perform a directional bore across

the parking lot at Aquafil to serve power to their expansion. The bid amount is \$21,410. We are requesting a cost not to exceed \$24,000. This is a budgeted expense.

Council Member Roth made a motion to approve the Directional Bore – Aquafil. Council Member Hodge seconded the motion. Motion carried unanimously. Vote: 4-0

9. Power Quality Monitor

Mr. Hampton stated the Electric Department needs to purchase a new Power Quality Monitor. We received a quote from PMI for \$12,080.68 and are requesting authorization to purchase the monitor from PMI for that price. This is a budgeted expense.

Council Member Cooley made a motion to approve the Power Quality Monitor. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

10. Panasonic Toughbooks

Scott Carter, Fire Chief, stated the Fire Department was requesting permission to purchase five (5) Panasonic Toughbook computers and assorted mounting hardware for fire department apparatus. These computers are utilized in the field to provide a direct connection between responders and Bartow 911, pre-incident plans and full digital access while responding to and mitigating emergencies. Cartersville IT staff obtained two quotes for this project, Prologic ITS in the amount of \$23,605.51 and CDW-G in the amount of \$18,777.99. We request permission to purchase from our low bid source, CDW-G, in the amount of \$18,777.99. This is a 2020 SPLOST project through Cartersville Fibercom.

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

11. Withdraw Approved Training Maintenance Project

Chief Carter stated during the regular Council Meeting on October 20, 2022 Mayor and Council approved an Inspection and Certification of our Class B Fuel Training System located at the Joint Training Facility on Paga Mine Rd. The approval of this project was in the amount of \$21,094.24 and was to be paid for by a 50/50 split between Bartow County and the City of Cartersville.

Since October 6th, there have been significant changes that may cause a massive increase to the project. Once we have a better understanding of the true scope, we will return with a proposal that we feel is more sound and efficient use of our funds. We ask that Mayor and Council repeal their approval of the Inspection and Certification of our Class B training systems as presented during the regular session on October 6, 2022.

Council Member Roth made a motion to withdraw the approval for the Training Maintenance Project. Council Member Hodge seconded the motion. Motion carried unanimously. Vote: 4-0

12. PSHQ Annual HVAC Maintenance Agreement

Chief Carter stated approval was recommended for the annual HVAC maintenance agreement for Cartersville Public Safety Headquarters.

There were two proposals. Georgia Mechanical of Suwanee, Georgia for an annual fee of \$15,324.84 and Maxair Mechanical of Marietta for an annual fee of \$15,909.00. There is a difference between the two for \$584.16.

We are recommending Maxair due to the past performance of Georgia Mechanical who held the contract over the last year. This is a budgeted item and within budget. We request approval of the bid from Maxair Mechanical for the HVAC Maintenance in the amount of \$15,909.00.

Council Member Roth made a motion to approve the PSHQ Annual HVAC Maintenance Agreement. Council Member Hodge seconded the motion. Motion carried unanimously. Vote: 4-0

13. Cargo Van

Freddy Morgan, Assistant City Attorney, stated the FiberCom Department is requesting authorization to replace vehicle #140 (2001 Honda Passport) with a cargo van. Three bids were received for the cargo van: Calmes Holdings submitted a bid of \$66,000 and Prater Ford submitted two bids- (a) Ford Transit cargo van with the Adrian steel package \$35,991.88 and (b) Ford Transit cargo van with the Ranger design \$36,440.88. FiberCom has chosen the Ford Transit cargo van with the Adrian steel package for \$35,991.88 for submittal.

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

14. Water Department Administrative Complex Generator

Mr. Morgan stated an RFP was issued for a Kohler natural gas generator, (2) two automatic transfer switches, and the installation of the bid equipment that closed on 10-31-2022. Nixon Power Services was the only bidder and provided a qualified total bid of \$170,660.00.

We are asking for approval to award the bid to Nixon Power Services because of the estimated generator delivery time of 54 weeks. This is a budgeted item and is recommended to award this bid to Nixon Power Services in the amount up to \$170,660.00.

Council Member Roth made a motion to approve the Water Department Administrative Complex Generator. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

CONTRACTS/AGREEMENTS

15. Contract Amendment to Municipal Judge Services

Mr. Morgan stated the initial contract from January 2022 for Municipal Judge Services did not include compensation for jail visits and warrant requests. The amendment includes the compensation for these duties and it is presented for approval.

Council Member Hodge made a motion to approve the Contract Amendment to Municipal Judge Services. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

FIRST READING OF ORDINANCES

16. Pension Ordinance

Mr. Morgan stated an RFP was issued for a consultant/investment advisor for the Pension Board that closed on 6-23-2022. After receiving (14) fourteen qualified proposals, the Pension Board narrowed down the list and selected (4) four finalists. After interviewing the finalists, the Pension Board voted and selected Segal Marco Advisors to replace our current consultant/investment advisor.

This was a first reading and would be voted on at the next City Council Meeting scheduled for Thursday, November 17, 2022.

17. FY2022 Budget Ordinance Amendment

Tom Rhinehart, Finance Director, stated After Completion of the Fiscal Year 2021-22 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.

This was a first reading and would be voted on at the next City Council Meeting scheduled for Thursday, November 17, 2022.

GRANT APPLICATION/ACCEPTANCE

18. School Safety and ALICE Training

Frank McCann, Police Chief, stated The P.D. applied for a grant from the Georgia Criminal Justice Coordinating Council for school safety and Alert, Lockdown, Inform, Counter, Evacuate (ALICE) active shooter response for law enforcement training, ten Daniel Defense MK-18 rifles, and ten defensive shields on August 15, 2022. The grant was recently approved in the amount of \$123,881.00 with a local match of \$23,881.00 (federal asset forfeiture funds). Approval was requested to move forward with the grant and pay the local match \$23,881.00 (federal asset forfeiture funds) and allow the Mayor to sign any and all required documents. This is not a budgeted amount, but funds are available.

Council Member Roth made a motion to approve the School Safety and ALICE Training. Council Member Hodge seconded the motion. Motion carried unanimously. Vote: 4-0

19. Governor's Office of Planning and Budget Grant

Chief McCann stated the Police Department was requesting approval to apply for a Governor's Office of Planning and Budget Grant (FY 2022) to purchase 56 Tasers. The cost of the 56 tasers is \$201,600.00.

Council Member Hodge made a motion to approve the police department to apply for the Governor's Office of Planning and Budget Grant. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

OTHER

20. Speed Detection Permit Renewal

Chief McCann stated the speed detection permit for the City of Cartersville will expire on December 31, 2022. This Memorandum is a request that the City Council authorize the Mayor to sign all necessary letters and forms relating to the renewal of our permit.

Council Member Hodge made a motion to approve Speed Detection Permit Renewal. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

21. Seized Vehicle

Chief McCann stated on September 15, 2022, one of our officers assigned to the DEA Task Force seized a 2016 Nissan Sentra valued at \$16,000.00. The Department of Justice (DOJ) requires the PD to get approval from the Mayor, City Council, and City Manager to receive this vehicle. This vehicle will be put into our fleet for undercover purposes. Once this vehicle is forfeited we will be required to pay 20 percent of the value to DOJ which will be paid for out of federal asset forfeiture funds. This is not a budgeted amount, but funds are available. We will also be required to keep this vehicle for two years.

Council Member Roth made a motion to approve Seized Vehicle. Council Member Hodge seconded the motion. Motion carried unanimously. Vote: 4-0

ADJOURNMENT

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

Meeting Adjourned at 7:27 P.M.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:
/s/ _____
Julia Drake
City Clerk