

City Council Meeting
City Hall – Council Chambers
October 19, 2023
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.

Council Member Wren made a motion to go into Executive Session for the purposes of Property/Potential Litigation. Council Member Stepp seconded the motion. Motion carried unanimously. Vote: 5-0 (Hodge absent)

Mayor Santini closed Work Session at 6:46 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 the Metro Atlanta Young Marines.

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; Taff Wren, Council Member Ward Six; Dan Porta, City Manager; Julia Drake, City Clerk; and Keith Lovell, City Attorney.

Absent:

REGULAR AGENDA

COUNCIL MEETING MINUTES

1. October 5, 2023, Council Meeting Minutes

Council Member Fox made a motion to approve the September 21, 2023, Council Meeting Minutes. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 6-0

PROCLAMATIONS

2. Red Ribbon Week

Mayor Santini stated this proclamation is to raise awareness about the dangers of illicit drug use and promote healthy, drug-free lifestyles.

Following, Mayor Santini presented a Proclamation to the members of the Metro Atlanta Young Marines.

FIRST READING OF ORDINANCES

3. T23-04: Amendments to the Zoning Ordinance

Applicant: Switch, LTD

Randy Mannino, Planning and Development Director, stated this text Amendment to Chapter 26, of the City's Zoning Ordinance, is to create a new zoning district, Technology (T) Zoning District. This district would allow data centers and associated uses. Planning Commission recommended approval.

The public hearing was opened.

Brandon Bowen, 15 S. Public Square, came forward to represent the applicant and to give an overview of the text amendment portion of the application. He continued by giving an overview stating the City of Cartersville currently did not have a zoning district for technology/data centers. This proposed zoning district would allow data centers and other types of facilities.

Greg Blaylock, 426 Washington Blvd., Dallas, Ga., came forward to express his opposition to the new zoning district as it would back up to his property in Paulding County.

Lori Blaylock, 426 Washington Blvd., Dallas, Ga., came forward to express her opposition to the new zoning district as it would back up to her property in Paulding County.

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

This was a first reading and will be voted on at the November 2, 2023, City Council Meeting.

PUBLIC HEARING – 1st READING OF ZONING/ANNEXATION REQUESTS

4. Z23-03: Rezoning Application

Applicant: Switch, LTD

Mr. Mannino stated this application was to rezone (8) tracts in the Carter Grove Planned Development (P-D) from P-D to T (Technology) District for construction of a data center campus. Planning Commission recommended approval.

The public hearing was opened.

Mr. Bowen returned to the podium to represent the applicant and to continue with an overview of the project proposal. He stated the construction entrance would be from Bates Road and had spoken with several of the residents on Bates Road to ensure there would be no conflict.

Natalie Stewart, 150 Riders Trail, Wisconsin, came forward and stated she was the Executive Director with Switch, LTD. She reviewed the business model and proceeded to explain that half of the acreage would be left undisturbed to use as a natural buffer.

Karl Lutjens, 114 Old Mill Rd., representative of Southland Engineering, came forward to give an overview of the topography and usage of the area. Of the total 1,947 acres, the first phase will only utilize 80 acres.

Harris Thompson, 219 Bates Rd., came forward and stated he was in favor of the project.

Tom Lewis, 436 Bates Rd., came forward and stated he was in favor of the project.

Mr. Blaylock returned to the podium and stated he was in opposition to the project.

James Hardy, 72 Bates Rd., came forward and stated he was in favor of the project.

Jack House, 539 Old Alabama Rd., came forward and stated he was in opposition to the project.

Mr. Bowen responded to Mr. House's concerns about the environmental impact and stated they were aware and would ensure that the environmental impact would be minimal.

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

This was a first reading and will be voted on at the November 2, 2023, City Council Meeting.

CONTRACT/AGREEMENTS

5. Life and Disability

Dan Porta, City Manager, stated Jay Milam with Peachtree Planning has provided the renewal of life, short-term, and long-term disability insurance coverage through Equitable, with whom the city has had coverage since 2021. Equitable has agreed to renew at the same rates with a two-year rate guarantee, and approval was recommended for this insurance renewal through Equitable.

Council Member Wren made a motion to approve the Life and Disability Agreement. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 6-0

6. Retiree Medical Insurance Renewal

Mr. Porta stated United Healthcare has been providing our retiree insurance coverage for many years. We have received their proposal to move to the United Healthcare Group Medicare Advantage (PPO) plan for 2024, which has more coverage available to our retirees. After reviewing the renewal options and discussing with a city retiree, approval was recommended to renew with United Healthcare for Group Medicare Advantage insurance coverage for 2024.

Council Member Fox made a motion to approve the Retiree Medical Insurance Renewal. Council Member Hodge seconded the motion. Motion carried unanimously. Vote: 6-0

7. Distribution Tree Trim/Clearing Easement with Georgia Power

Mr. Porta stated Georgia Power has approached the city regarding an easement to allow them to maintain the tree height on a parcel near River Shoals owned by the city. The Gas Department has reviewed the easement and doesn't have concerns or objections with the easement with Georgia Power. Therefore, approval was recommended of this easement.

Council Member Wren made a motion to approve the Distribution Tree Trimming/Clearing Easement with Georgia Power. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 6-0

8. Assignment and Assumption Agreement

Michael Dickson, Gas Department Director, stated as part of the City's membership in the Gas Authority (MGAG) and to comply with the Federal Energy Regulatory Commission's (FERC) rules, the Gas System is requesting to transfer ownership of an existing natural gas pre-pay contract with the Tennessee Energy Acquisition Corporation (TEAC) to the Gas Authority. The logistics and billing associated with the contract will be handled by the Gas Authority until the contract's end date of December 2026. The City will, however, still realize the full discount amount for the remainder of the contract period.

Council Member Fox made a motion to approve the Assignment and Assumption Agreement. Council Member Wren seconded the motion. Motion carried unanimously. Vote: 6-0

BID AWARD/PURCHASES

9. Towable Compressors

Mr. Dickson stated the Gas System had two air compressors that were towable and used for powering jackhammers, tapping machines, and various other pneumatic tools. These compressors were purchased in 1999 and 2000 respectively, and now need to be replaced due to mechanical issues and the unavailability of parts. The Gas System requested quotes from different suppliers and received three in total. Out of all the quotes received, Yancey Rents of Austell, GA provided the lowest quote of \$48,000.00 for two compressors. As these are budgeted items, it was recommended that Council approve the purchase of the new compressors.

Council Member Fox made a motion to approve the Towable Compressor Purchase. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 6-0

Council Member Wren made a motion to add seven (7) items to the agenda. Council Member Hodge seconded the motion. Motion carried unanimously. Vote: 6-0

10. Asbestos Abatement

Freddy Morgan, Assistant City Manager, stated this is a request to approve an agreement with Azalea Environmental LLC to perform asbestos abatement at a cost of \$8,000.01 at the Electric Department administrative facility located at 320 S. Erwin Street.

Council Member Fox made a motion to approve the Asbestos Abatement. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 6-0

11. Self-Contained Breathing Apparatus Purchase

Scott Carter, Fire Chief, requested approval to purchase 12 Self Contained Breathing Apparatus (SCBA), bottles, and masks. This equipment is for the three fire vehicles currently under construction and will arrive in the spring. 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, SCBA, and received two quotes. American Safety & Firehouse quoted \$87,600.00, and Municipal Emergency Services quoted \$91,888.56. This is a budgeted request, and approval was recommended of the low quote of \$87,600.00 from American Safety and Fire.

Council Member Fox made a motion to approve the Self-Contained Breathing Apparatus Purchase. Council Member Wren seconded the motion. Motion carried unanimously. Vote: 6-0

12. Atlanta Regional Commission Payment

Sidney Forsyth, Water Department Director, stated on August 2, 2018, the city entered into a Memorandum of Agreement (MOA) with the Atlanta Regional Commission (ARC) in order to be included in attorney-client privileged meetings and discussions regarding water supply allocation by the Corps of Engineers in Lake Allatoona. The City's portion of the 2023 invoice is \$37,500. Council approval is recommended to pay invoice #9372 to the Atlanta Regional Commission in the amount of \$37,500. This is a budgeted item and will be paid from account 505-3310-54-2336.

Council Member Wren made a motion to approve the Atlanta Regional Commission Payment. Council Member Stepp seconded the motion. Motion carried unanimously. Vote: 6-0

RESOLUTIONS

13. Plumbing Code Amendment Resolution

Mr. Forsyth stated as a member of the Metropolitan North Georgia Water Planning District, the city must adopt certain ordinances and amendments in order to remain in compliance with the District's Water Resources Management Plan. Compliance enforcement is accomplished through the Georgia EPD's water system permitting authority.

The attached plumbing code amendment requiring low-flow fixtures was adopted by the District's Governing Board as part of the current Water Resources Management Plan in December 2022.

Council Member Stepp made a motion to approve the Plumbing Code Amendment Resolution. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 6-0

ADDED ITEMS

14. Condemning Hamas Terrorism Resolution

Council Member Roth recommended approval of the resolution.

Council Member Fox made a motion to approve the Condemning Hamas Terrorism Resolution. Council Member Hodge seconded the motion. Motion carried unanimously. Vote: 6-0

Reference Resolution # 36-23

15. General Addendum to the 1967 Pension Plan

Mr. Porta stated Georgia Municipal Association made some changes and approval was recommended.

16. General Addendum to the 2017 Pension Plan

Mr. Porta stated Georgia Municipal Association made some changes and approval was recommended.

Council Member Fox made a motion to approve the General Addendum to both the 1967 and 2017 Pension Plan. Council Member Hodge seconded the motion. Motion carried unanimously. Vote: 6-0

17. Certificate of Dedication for Everton Estates Phase 3

Keith Lovell, City Attorney, stated this Certificate of Dedication was for the water and sewer lines in Everton Estates, Phase 3.

Council Member Fox made a motion to approve the Certificate of Dedication for Everton Estates Phase 3. Council Member Roth seconded the motion. Motion carried unanimously. Vote 6-0

18. Certificate of Dedication for Cartersville Commerce Center

Mr. Lovell stated this Certificate of Dedication was for the water and sewer lines at the Cartersville Commerce Center.

Council Member Wren made a motion to approve the Certificate of Dedication for the Cartersville Commerce Center. Council Member Roth seconded the motion. Motion carried unanimously. Vote 6-0

19. Anti-Litem Notice Denial

Mr. Lovell stated that his office had received an anti-litem notice from Greene Legal Group, LLC concerning Jason Barron's alleged claims against the City relating to an incident that occurred around July 6, 2023. Furthermore, Mr. Lovell suggested to deny the anti-litem notice.

Council Member Wren made a motion to deny the anti-litem notice. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 6-0

MONTHLY FINANCIAL STATEMENT

20. August 2023 Financial Report

Tom Rhinehart, Finance Director, reviewed the August 2023 Financial Report and compared the numbers to August 2022.

OTHER

Nicholas Davidson, 907 Stonehaven Cir., came forward and stated that he represented Virtue Recovery Services, LLC. His goal was to gain resources and contacts to help him serve our community to a greater extent.

He ultimately is looking to help individuals obtain and sustain long term sobriety by incorporating new skills and tools to become healthy defenses that combat the disease of addiction to a greater extent.

Mr. Lovell was able to provide Mr. Davidson with contacts in our community who would be able to assist in his request.

CLOSING

In closing, Mayor Santini stated that on Saturday, October 21, 2023, the Greg Anderson Walk would be held at Pine Mountain Park. Continuing, Mayor Santini congratulated the Cartersville Canes Girls Softball team. They are in the Final 8.

ADJOURNMENT

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

Meeting Adjourned at 8:42 P.M.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Julia Drake
City Clerk