

City Council Meeting  
10 N. Public Square  
March 16, 2023  
6:00 P.M. – Work Session  
7:00 P.M. – Council Meeting

## **WORK SESSION**

Mayor Matthew Santini opened Work Session at 6:00 P.M. Council Members discussed each item from the agenda with corresponding Staff Members.

Council Member Fox made a motion to enter into Closed Session for the purposes of Personnel. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0 with Mayor Santini voting.

Mayor Santini closed Work Session at 6:36 P.M.

## **OPENING MEETING**

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

Invocation by Council Member Roth.

Pledge of Allegiance led by Council Member Fox.

The City Council met in Regular Session with Matthew Santini, Mayor presiding, and the following present: Kari Hodge, Council Member Ward One (via phone); 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, Assistant City Attorney.

Absent: Jayce Stepp, Council Member Ward Two

## **REGULAR AGENDA**

### **COUNCIL MEETING MINUTES**

#### **1. March 2, 2023, Council Meeting Minutes**

Council Member Fox made a motion to approve the March 2, 2023, Meeting Minutes. Council Member Cooley seconded the motion. The motion carried unanimously. Vote: 5-0

### **APPOINTMENTS**

#### **2. Wade Wilson**

Dan Porta, City Manager, stated since Tommy Sanders has resigned as the City's Public

Works Director, he would like to appoint Wade Wilson as the Public Works Director for the City of Cartersville, effective March 16, 2023

Council Member Fox made a motion to approve the appointment of Wade Wilson as the Public Works Director. Council Member Cooley seconded the motion. The motion carried unanimously. Vote: 5-0

Julia Drake, City Clerk, swore in Mr. Wilson as the new Public Works Director. Following, Mr. Wilson thanked the city for the opportunity and stated he was honored to lead Public Works.

## **PRESENTATIONS**

### **3. FY 2022 Audit Presentation**

Tom Rhinehart, Finance Director, stated Christopher McKellar with Mauldin and Jenkins will give a presentation on the city's FY 2022 annual audit.

Mr. McKellar gave a brief presentation.

## **PUBLIC HEARING - 1ST 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 subject property. Staff recommended approval with the existing condition to remain: A 15-foot utility easement is required along the S.W. property line to access the existing power line. Planning Commission recommends approval 6-0.

Mayor Santini opened the public hearing.

Randy Berrey, 177 Joe Frank Harris Pkwy., came forward to answer any questions from City Council.

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

This is a first reading and will be voted on at the April 6, 2023, City Council Meeting which will be held at Public Safety Headquarters located at 195 Cassville Rd.

### **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 Santini opened the public hearing.

Jessica King, 319 E. Church St., came forward to answer any questions from City Council.

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

This is a first reading and will be voted on at the April 6, 2023, City Council Meeting which will be held at Public Safety Headquarters located at 195 Cassville Rd.

## **FIRST 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.

This is a first reading and will be voted on at the April 6, 2023, City Council Meeting which will be held at Public Safety Headquarters located at 195 Cassville Rd.

## **SECOND READING OF ORDINANCES**

### **7. Noise Ordinance**

Mr. Lovell stated the current Noise Ordinance is being amended to add restrictions to engine, muffler and/or exhaust system noise and exemption for church bells. Since the first reading, there have been a few amendments made.

- 1) Revision to paragraph (c)(2)b – deleting whistle and sing based on Planning and Development Director recommendation;
- 2) Revise paragraph (c)(3) by deleting it and replacing it with revised language to have new advertising requirements for fireworks;
- 3) Add paragraph (c)(5)j as requested by Councilman Roth; and

- 4) Revise paragraph (c)(8)e to allow Planning and Development Director to authorize additional hours for construction activities as needed. Requested by the Planning and Development Director.

In closing, Mr. Lovell stated that any motion made should be 'as amended'.

Council Member Fox made a motion to approve the Noise Ordinance Amendment as amended. Council Member Roth seconded the motion. The motion carried unanimously. Vote: 5-0

**Ordinance no. 07-23**

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. SECTION 11-101. LOUD, UNNECESSARY OR UNUSUAL, ETC., NOISES. is amended by deleting the same in its entirety, and replacing the same as indicated below.

1.

Sec. 11-101. Loud, unnecessary or unusual, etc., noises.

- (a) *Purpose.* This section is enacted as a general noise ordinance to protect, preserve, and promote the health, safety and welfare of the citizens of the City through the control of noise. It is the intent of this section to establish standards that will reduce excessive community noises, which are harmful and otherwise detrimental to individuals and to the community in the enjoyment of life and property and in the conduct of business.
- (b) *Sound measurement standards.* For the purposes of this section 11-101, "plainly audible" shall mean any sound emanating from the specific sound-producing sources set forth below which can be heard from the distances set forth below, using the following sound measurement standards: measurement shall be by the auditory senses of a person standing at a distance no less than the required minimum distance from the source of the sound. For music and other noise, words and phrases need not be discernable. For music and other noise, bass reverberations are included.
- (c) *Prohibited conduct.*
  - (1) Restrictions of 300 feet for 8:00 a.m. through 10:00 p.m. Sunday through Thursday and 8:00 a.m. through 11:00 p.m. on Friday and Saturday.
    - a. *Mechanical sound-making devices.* It is unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated any radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing or amplifying of sound and/or noise at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 300 feet or more from the building, structure or vehicle, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 8:00 a.m. and 11:00 p.m. on Friday and Saturday.
    - b. *Human-produced sounds.* It is unlawful for any person or persons to yell, shout, hoot, whistle, or sing on the public streets or sidewalks or on private property so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 300 feet or more from the place, building, structure, or in the case of real property,

beyond the property limits, in which the person is located, whichever is farthest, between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 8:00 a.m. and 11:00 p.m. on Friday and Saturday.

- c. *Commercial advertising.* It is unlawful for any person or persons to use, operate, or permit to be used or operated any radio receiving device, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets or other public property for the purpose of commercial advertising or which serves to attract the attention of the public to any building, structure or vehicle in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 300 feet or more from the source of the sound cast upon the public streets or other public property or from the building, structure, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 8:00 a.m. and 11:00 p.m. on Friday and Saturday.
  - d. *Party noise.* It is unlawful for any person or persons in charge of a party or other social event that occurs on any private property to allow that party or social event to produce noise in such a manner that such noise is plainly audible at a distance of 300 feet or more from the building or structure from which the noise is emanating or in the case of real property, beyond the property limits, on which the party or social event is located, whichever is farthest, between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 8:00 a.m. and 11:00 p.m. on Friday and Saturday. For the purposes of this subsection, a "person in charge of a party or other social event" shall mean any adult person who is the owner of; resides in or on; rents, leases, or otherwise has the right to occupy the premises involved in such party or social event and is present at such party or social event. For the purposes of this subsection, "noise" shall mean the same sounds, or any combination thereof, as described in paragraphs a. or b. above.
- (2) Restrictions of 100 feet for 10:00 p.m. through 8:00 a.m. Sunday through Thursday and 11:00 p.m. through 8:00 a.m. on Saturday and Sunday.
- a. *Mechanical sound-making devices.* It is unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated any radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing or amplifying of sound and/or noise at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 100 feet or more from the building, structure, or motor vehicle or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 8:00 a.m. on Saturday and Sunday.
  - b. *Human-produced sound.* It is unlawful for any person or persons to yell, shout, or hoot, on the public streets or sidewalks or on private property so as to create, or cause to be

created, any noises or sounds which are plainly audible at a distance of 100 feet or more from the place on public streets and sidewalks, or in the case of private real property, beyond the property limits, on which the person is located, whichever is farthest, between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 8:00 a.m. on Saturday and Sunday.

- c. *Commercial advertising.* It is unlawful for any person or persons to use, operate, or permit to be used or operated any radio receiving device, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets or other public property for the purpose of commercial advertising or which serves to attract the attention of the public to any building, structure or vehicle in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 100 feet or more from the source of the sound cast upon the public streets or other public property or from the building, structure, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 8:00 a.m. on Saturday and Sunday.
- d. *Party noise.* It is unlawful for any person or persons in charge of a party or other social event that occurs on any private property to allow that party or event to produce noise in such a manner that such noise is plainly audible at a distance of 100 feet or more from the building or structure from which the party noise is emanating or in the case of real property, beyond the property limits, on which the party or social event is located, whichever is farthest, between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 8:00 a.m. on Saturday and Sunday. For the purposes of this subsection, a "person in charge of a party or other social event" shall mean any adult person who is the owner of, resides in or on, rents, leases, or otherwise has the right to occupy the premises involved in such party or social event and is present at such party or social event. For the purposes of this subsection, "noise" shall mean the same sounds, or any combination thereof, as described in paragraphs a. or b. above.

(3) *Reserved.*

- (4) *Apartments, condominiums, townhomes, and similar residential units.* Restrictions for areas within apartments, condominiums, townhouses, duplexes, or other such residential dwelling units. Except for persons within commercial enterprises that have an adjoining property line or boundary with a residential dwelling unit, it is unlawful for any person to make, continue, or cause to be made or continued any noise in such a manner as to be plainly audible to any other person a distance of five feet beyond the adjoining property line wall or boundary of any apartment, condominium, townhouse, duplex, or other such residential dwelling units with adjoining points of contact.

For the purposes of this subsection, "noise" shall mean human-produced sounds of yelling, shouting, hooting, whistling, singing, or mechanically-produced sounds made by radio-receiving device, television, stereo, musical instrument, phonograph sound



amplifier or other machines or devices for the producing, reproducing, or amplifying of sound, or any combination thereof.

For the purposes of this subsection, "property line or boundary" shall mean an imaginary line drawn through the points of contact of:

- a. Adjoining apartments, condominiums, townhouses, duplexes or other such residential dwelling units with adjoining points owned, rented, or leased by different persons; or
  - b. Adjoining common areas or adjoining exterior walls. Said property line or boundary includes all points of a plane formed by projecting the property line or boundary including the ceiling, the floor, and the walls.
- (5) *Exclusions.* The prohibitions of this section shall not apply to the following:
- a. Noises and/or sounds made by governmental or commercial entities in the normal course of their business;
  - b. Noises and/or sounds emanating from any official property or City of Cartersville School District event on City of Cartersville School District property;
  - c. Noises or sounds made by domestic animals, which noises or sounds are controlled by Chapter 5 of the City of Cartersville Code of Ordinances;
  - d. Noises and/or sounds emitted by bells, chimes, or clocks, which occur for no longer than three minutes per hour, from structures located within the Downtown Entertainment Zone as shown on a map maintained in the office of the City Clerk;
  - e. Live music emanating from a governmental or commercial entity located within the Downtown Business District, as shown on a map maintained in the office of the City Clerk, heard at a distance less than 1,000 feet from the governmental or commercial entity during the following times: Monday—Thursday from 4 p.m. to 9 p.m. and Friday—Saturday from Noon to 11 p.m.
  - f. Sound volumes produced by radio, tape player, or other mechanical sound making device or instrument from within a motor vehicle on a street or highway, which sound is controlled by the O.C.G.A. § 40-6-14 and shall be enforced in accordance with said statute;
  - g. Noises and/or sounds that are permitted by an event/film permit issued by the City Police Department; provided, however, that the producer or coordinator of the event/film must comply with the terms, restrictions and conditions of the permit issued by the city;
  - h. Noises or sounds made by law enforcement, first responders, and other public safety officials performing their public functions;
  - i. Noises of safety signals and warning devices; or
  - j. Noises or sounds emitted by bells, chimes, or electronic carillon bells operated by a church or a religious house of worship.
- (6) *Landscape maintenance devices.* Time restrictions on use of landscape maintenance motorized devices such as leaf blowers, lawn mowers, or chain saws. It is unlawful for any person to use or operate any noise-generating, motorized landscape maintenance devices, including, but not limited to, leaf blowers, lawn mowers, or chain saws, within



any residential zoning district or in areas within 300 feet of any residential zoning district from 8:00 p.m. to 8:00 a.m. except that within the agricultural-residential zone no person shall use or operate any such devices within 300 feet of any residential dwelling on adjacent property between the hours of 9:00 p.m. and 8:00 a.m.

- (7) *Engine, muffler and/or exhaust system noise.* No person shall use, operate or cause to be used or operated any motor vehicle equipped (or the failure to be equipped) with an engine, muffler, muffler cutout, muffler bypass, bypass, muffler system, exhaust system, or similar device which causes a noise or sound which is plainly audible at a distance of 100 feet or more from the motor vehicle.
- (8) *Construction noise.* Between the hours of 9:00 p.m. and 7:00 a.m., construction noise of any type, including, but not limited to, noise caused by the erection (including excavation), demolition, alteration, or repair of any building, as well as the operation of any earth-moving equipment, crane, saw, drill, pile driver, steam shovel, pneumatic hammer, hoist, automatic nailer or stapler, or any similar equipment, shall not be plainly audible within any residential zoning district more than 100 feet beyond the property boundary of the property from which the noise emanates.

A variance from the above-referenced hours of operation for construction noise may be requested, in writing, at least 48 hours prior to the proposed construction operation, for consideration by the Director of Planning and Development. Such a request shall state:

- a. The reasons that support a claim of urgent need based on specific loss or inconvenience for such a variation from the allowable work hours;
- b. The impact that the denial of this request would have on the applicant's project and the surrounding properties;
- c. The steps which have been taken by the applicant to communicate those needs and impacts to owners of surrounding and nearby properties;
- d. The steps that have or will be taken to limit the impact of the proposed activity upon surrounding and nearby properties; and
- e. The possible risks to public health and safety.

If the Director finds that the application adequately demonstrates the urgent need for approval outside the above allowable work hours, adequately provides for mitigation of the impact upon surrounding and nearby properties, and poses no additional risk to public health and safety, then permission may be granted for a variance to alter the allowable work hours, if approved by the Planning and Development Director.

The prohibitions of this subparagraph (8) shall not apply to government road, water, sewer, stormwater construction or maintenance projects or to utility company construction or maintenance projects.

- (9) *Commercial entities near single-family residential zoning districts.*
  - a. Notwithstanding any provisions of this section concerning noises and/or sounds caused to be made by commercial entities in the normal course of their business, the provisions and prohibitions of paragraph (c), "Prohibited Conduct," subparagraph (1), concerning "Restrictions of 300 feet for 8:00 a.m. through 10:00 p.m. Sunday through Thursday

and 8:00 a.m. through 11:00 p.m. on Friday and Saturday" and its subparts a. through c. shall apply to noises and/or sounds generated by a commercial entity that are plainly audible within any single-family residential zoning district more than 300 feet beyond the property boundary of the property from which the noises and/or sounds emanate.

- b. Notwithstanding any provisions of this section concerning noises and/or sounds caused to be made by commercial entities in the normal course of their business, the provisions and prohibitions of paragraph (c), "Prohibited Conduct," subparagraph (2), concerning "Restrictions of 100 feet for 10:00 p.m. through 8:00 a.m. Sunday through Thursday and 11:00 p.m. through 8:00 a.m. on Saturday and Sunday," and its subparts a. through c. shall apply to noises and/or sounds generated by a commercial entity that are plainly audible within any single-family residential zoning district more than 100 feet beyond the property boundary of the property from which the noises and/or sounds emanate.

- (d) *Severability clause.* A determination of the invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, subsection or part of this section shall not affect the validity of the remaining parts of this section.

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 and any ordinance or part thereof not amended shall remain in effect and be unchanged.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: March 2, 2023  
SECOND READING: March 16, 2023

ATTEST:

JULIA DRAKE, CITY CLERK

MATTHEW J. SANTINI, MAYOR



## **8. Signs and Outdoor Advertising Ordinance Update**

Freddy Morgan, Assistant City Manager, stated an ordinance revision updating the definition of a pole banner with language that allows the City of Cartersville and the DDA to place banners were approved under the Pole Banner Policy.

Council Member Fox made a motion to approve the Signs and Outdoor Advertising Ordinance Update. Council Member Roth seconded the motion. The motion carried unanimously. Vote: 5-0

## **CONTRACTS/AGREEMENTS**

### **9. Addendum for City Hall Elevator Multimedia Monitoring**

Mr. Morgan stated Addendum No. 1 adds the Multimedia Monitoring billing for the City Hall elevator. This 24/7 monitoring is required by the state and will be \$45/month, billed annually. This is not budgeted but will be paid from the Maintenance – Buildings and Grounds account.

Council Member Roth made a motion to approve the Addendum for City Hall Elevator Multimedia Monitoring. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 5-0

### **10. Geo Hydro Inspections and NPDES Compliance Services**

Mr. Morgan stated Geo-Hydro Engineers will provide construction materials testing, special inspection, and NPDES compliance services for the new Water department administrative complex. These services are needed throughout the construction process.

Council Member Fox made a motion to approve the Geo Hydro Inspections and NPDES Compliance Services. Council Member Cooley seconded the motion. The motion carried unanimously. Vote: 5-0

### **11. GDOT Bartow-Douthit Ferry: Response to Funding Request**

Mr. Porta stated the Georgia Department of Transportation (GDOT) has reviewed a request for additional preliminary engineering funding for the Douthit Ferry Road Project and after reviewing the project scope, they have agreed to fund an additional \$375,000 towards engineering costs on this project. It was requested that City Council approve this additional funding and for the mayor to send a letter accepting GDOT's \$375,000 of additional funding for this project.

Council Member Cooley made a motion to approve the GDOT Bartow- Douthit Ferry Response to Funding Request. Council Member Fox seconded the motion. Vote: 4-1 with Council Member Roth opposing.

### **12. Cartersville – Bartow County Water Contract**

Sidney Forsyth, Water Department Director, stated the City and County initially entered into a water service agreement in 1969. This contract, with its various amendments and extensions expired in 2019. The Water Departments of both governments have worked to draft a new, mutually beneficial agreement which will ensure the continued prosperity and growth of each entity for the benefit of citizens and customers of each. This new thirty (30) year agreement not only provides for continued water service but mandates the cooperation and joint planning of both water systems. It was recommended to approve this contract and request the Mayor and City Clerk sign the contract document. Bartow County Commissioner approved on March 8, 2023.

Council Member Fox made a motion to approve the Cartersville-Bartow County Water Contract. Council Member Wren seconded the motion. The motion carried unanimously. Vote: 5-0

### **13. Dedication and Maintenance Agreement, Everton Estates – Phase II**

Mr. Lovell stated this is the Certificate of Dedication and Maintenance Agreement of water and sewer lines, any water and sewer easements, and related facilities and infrastructure, installed in accordance with the construction plans as approved for Everton Estates, Phase II

Council Member Fox made a motion to approve the Dedication and Maintenance Agreement, Everton Estates- Phase II. Council Member Roth seconded the motion. The motion carried unanimously. Vote: 5-0

## **BID AWARD/PURCHASES**

### **14. Zero Turn Mower Replacement**

Mr. Forsyth stated the Wastewater plant's 2007 model zero turn mower needs replacing. Bids were requested and we received three bids from two local vendors, with the low bid being from Ag-Pro for the total price of \$14,700.00. This is a budgeted item to be paid from account 505.3330.54.2331

Council Member Roth made a motion to approve the Zero Turn Mower Replacement. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 5-0

### **15. Hicks Park Backstop Netting Repair and Replacement**

James Gordy, Parks and Recreation Interim Director, stated this item is for the netting repair on Cartersville Little League Joe Frank Harris and Bill Bruce fields (\$2,405) and netting replacement (\$7,790) on the George Johnson field. These are not budgeted purchases, but will be paid from 100-5100-52-2341, Maintenance of Outdoor Structures and Facilities

Council Member Fox made a motion to approve the Hicks Park Backstop Netting Repair and Replacement. Council Member Roth seconded the motion. The motion carried

unanimously. Vote: 5-0

#### **16. Portable Baseball Mounds**

Mr. Gordy stated this purchase is for two (2) portable 10' pitching mounds, 1 for each field at the Sports Complex Fields 3 and 4. The total of \$8,088.00 is not budgeted, but will be paid from 100-5100-52-2341, Maintenance of Outdoor Structures & Facilities.

Council Member Cooley made a motion to approve the Portable Baseball Mounds. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 5-0

#### **17. West Georgia Lighting Invoice**

Mr. Gordy stated this West Georgia Lighting invoice in the amount of \$8,929 is for lights repaired at the Cartersville Soccer Complex and is not a budgeted purchase. It will be paid from 100-5100-52-2341, Maintenance of Outdoor Structures & Facilities.

Council Member Roth made a motion to approve the West Georgia Lighting Invoice. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 5-0

Council Member Cooley made a motion to add two (2) items to the agenda. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0

#### **18. Medium Duty Truck**

Michael Dickson, Gas Department Director, stated Council approved the Gas System's request to purchase a medium duty work truck at the December 15, 2022, Council Meeting for \$61,696.16 from Prater Ford of Calhoun, GA. This was one of four trucks of this type approved. The dealer later informed us that Ford had only allotted the city three trucks of this type to be purchased as a Fleet Sale. One vehicle for Public Works and two vehicles for the Electric System were subsequently ordered. The Gas System located a medium duty truck at a metro dealership that exceeds the original specifications used for the original bid process. The truck available at Jim Ellis Ford of Atlanta, GA costs \$63,993.00, which is \$2,296.84 more, but it has an extended cab and warrants the cost difference. This is a budgeted item, and the Gas System requests Council to retract the original bid award to Prater Ford and approve this purchase from Jim Ellis Ford of Atlanta, GA.

Council Member Roth made a motion to retract the approval from Prater Ford and approve the purchase of a Medium Duty Truck from Jim Ellis Ford. Council Member Fox seconded the motion. The motion carried unanimously. Vote: 5-0

### **ADDED ITEMS**

#### **19. Wells Fargo**

Mr. Lovell stated that Wells Fargo is the current administrator for the William Henry McNaughton Trust whose assets have dipped below \$100,000.00 and pursuant to Federal and

State law, now wish to distribute those assets to the City for it to maintain this cemetery plot and to do so without judicial action by agreeing to a non-judicial settlement agreement, and that Council authorize the City Attorney and Mayor to sign off as necessary.

Council Member Fox made a motion to approve the non-judicial settlement agreement. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 5-0

## 20. Ameris Bank Resolution

Mr. Rhinehart stated that one of the last items in moving the city's banking services is the city corporate credit card program. Ameris Bank has recently completed upgrading their credit card program and is ready to roll it out to the city. This resolution is needed by Ameris Bank for the city to be able to use their credit card program. Approval was recommended.

Council Member Fox made a motion to approve the Ameris Bank Resolution. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 5-0

### RESOLUTION NO. 08-23

#### A RESOLUTION FOR BANKING SERVICES

**WHEREAS**, the City of Cartersville is a municipality established under Georgia law; and

**WHEREAS**, the governing authority of the City of Cartersville is the Mayor and Council; and

**WHEREAS**, there is a need for the City to retain banking services with an institution that can offer the highest quality of services at the most reasonable cost; and

**WHEREAS**, Ameris Bank is able to provide the City with those services needed;

**NOW THEREFORE**, be it resolved by the Mayor and City Council that on the City of Cartersville hereby authorizes Ameris Bank to open a Commercial Credit Card Account with a monthly spend limit of \$300,000.00, on behalf of the City of Cartersville. The authorized signers on such account will be Thomas C. Rhinehart, Finance Director; or Daniel T. Porta, City Manager.

**BE IT SO RESOLVED**, by Mayor and Council on this 16<sup>th</sup> day of March 2023.



Mayor, City of Cartersville

ATTEST:

BY:   
City Clerk

(SEAL)



## MONTHLY FINANCIAL STATEMENT

### 21. January 2023 Financial Report

Tom Rhinehart, Finance Director, gave an overview of the January 2023 Financial Report and compared the numbers to January 2022.

## OTHER



Mayor Santini made the announcement that the elevator located in City Hall would be out of commission for an undisclosed amount of time. Therefore, the next City Council meeting, scheduled for Thursday, April 6, 2023, would be held at the new Public Safety Headquarters located at 195 Cassville Rd., Cartersville.

**ADJOURNMENT**

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

Meeting Adjourned at 7:40 P.M.

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

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