

City Council Meeting
City Hall – Council Chambers
May 16, 2024
6:00 P.M. – Work Session / 7:00 P.M. – Council Meeting

WORK SESSION

Mayor Pro-Tempura Calvin Cooley 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 purposes of Potential Litigation. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0

Mayor Pro-Tem Cooley closed Work Session at 6:36 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 Cordell.

The City Council met in Regular Session with Calvin Cooley, Mayor Pro-Tem, presiding, and the following present: Kari Hodge, Council Member Ward One; Jayce Stepp, Council Member Ward Two; Cary Roth, Council Member Ward Three; 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.

Absent: Matthew Santini, Mayor

REGULAR AGENDA

COUNCIL MEETING MINUTES

1. May 2, 2024, Council Meeting Minutes and May 7, 2024, Special Called Council Minutes

Council Member Stepp made a motion to approve the May 2, 2024, and May 7, 2024, Council Meeting Minutes. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0

MONTHLY FINANCIAL REPORT

2. March 2024 Financial Report

Tom Rhinehart, Finance Director, reviewed the March 2024 Financial Report and compared the numbers to March 2023.

APPOINTMENTS

3. Alcohol Control Board

Randy Mannino, Planning and Development Director, stated that Patti Rogers and Dan Heilman are willing to continue to serve. If approved, their new term expiration would be June 5, 2028.

Council Member Hodge made a motion to approve the Alcohol Control Board Appointments. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 5-0

4. Board of Zoning Appeals

Mr. Mannino stated that JB Hudson and Lamar Pendley are willing to continue to serve. If approved, Mr. Hudson's new term expiration would be June 1, 2028, and Mr. Pendley's term would expire June 1, 2026.

Council Member Fox made a motion to approve the Board of Zoning Appeals Appointments. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 5-0

PUBLIC HEARING- 1st READING OF ZONING/ANNEXATION REQUESTS

5. AZ24-02: 78 & 80 Bates Rd

Applicant: Switch Ltd.

Mr. Mannino stated the applicant requests annexation of (4) parcels into the City to be combined with the current Technology district and data center campus. Proposed zoning is "T" (Technology). Staff does not oppose the annexation or Technology District (T) zoning if the following conditions are applied to zoning. Similar conditions were adopted with the original zoning per file Z23-02, approved 11-2-23.:

Zoning Conditions:

1. All minimum zoning development standards for the "T" zoning district are followed per Text Amendment, T23-04.

2. A minimum 100 ft. natural landscape buffer for the purposes of visual screening remains in place along all adjacent residential use or zoned properties. The 100 ft. buffer may include the building setback.

3. If the minimum 100 ft. natural landscape buffer is disturbed, then the buffer is to be planted with landscape material appropriate to reestablish the buffer and visual screen.

4. The public entrance shall be on Old Alabama Road. No public access from the Bates Road driveway.

5. Access to landlocked properties is to be negotiated between Switch LTD and affected property owners, as requested by the property owner.

6. Access to the NRCS flood control structures be negotiated between Switch LTD and the NRCS or their representative, as required.

7. All site plans for future development phases after Phase 1 are to be shared with the Paulding County Community Development office.

8. The subject property's principal use shall be limited to data processing, storage, hosting and related services and accessory uses shall include principal uses listed as permitted uses in the Technology district ordinance which are associated with data processing, storage, hosting, and related services as well as security and customary accessory uses.

Planning Commission recommended approval.

Mayor Pro-Tem Cooley opened the public hearing for the zoning portion of the application.

Keith Lovell, City Attorney, stated that all comments made for the zoning portion of the case would be referenced in the annexation portion, as well.

Brandon Bowen, 15 S. Public Square, came forward to represent the application and to give an overview.

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

Mayor Pro-Tem Cooley opened the public hearing for the annexation portion of the application and with no further comments, the public hearing was closed.

This was a first reading and would be voted on at the next regular scheduled Council Meeting on June 6, 2024.

RESOLUTIONS

6. Airport Authority

Freddy Morgan, Assistant City Manager, stated Hans Lutjens is willing to continue to serve as a member of the Airport Authority with a new term expiring on June 19, 2028, if reappointed.

Council Member Cordell made a motion to approve the Airport Authority Appointment. Council Member Stepp seconded the motion. Motion carried unanimously. Vote: 5-0

Reference Resolution #: 21-24

7. Creation of Festival Zone

Lillie Read, Downtown Development Authority Director, stated this request was for the creation of festival zones for:

June 3 – Art in Bartow Ribbon Cutting

July 13 – Helping Hands for Bartow Kids

Council Member Cordell made a motion to approve the Creation of Festival Zones. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0

Reference Resolution #: 20-24

SURPLUS EQUIPMENT

8. Surplus Equipment

Mr. Morgan stated the following vehicles/equipment have been deemed as surplus. It was recommended to approve this list of surplus items to be listed on GovDeals.

<i>Department</i>	<i>Asset #</i>	<i>VIN/Serial #</i>	<i>Description</i>	<i>Mileage</i>
Public Works		N/A	Road Striping Machine	N/A
Police	4825	1C6RR7XT6HS554205	2017 Dodge Ram 1500 Crew Cab 5.7L	173,310
Water	869	1FTRF18L81NB22135	2001 Ford F150 4WD	116,368
	844	2FTRF18W74CA38313	2004 Ford F150	N/A

Council Member Cordell made a motion to approve the Surplus Equipment. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0

CONTRACTS/AGREEMENTS

9. MOU with DCA for Annual Program Accreditation

Ms. Read stated that this is our annual MOU with DCA for accreditation as a GEMS program. Staff recommended approval.

Council Member Cordell made a motion to approve the MOU with DCA for Annual Program Accreditation. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 5-0

10. Watershed Protection Plan Monitoring

Sidney Forsyth, Water Department Director, stated that the City's NPDES discharge permit requires the development of a Watershed Protection Plan. In accordance with this approved plan, the City must perform long-term water quality monitoring, and fish and macroinvertebrate habitat assessments, with annual reports submitted to the Georgia EPD accordingly.

Rindt Engineering has historically performed this service for the City and has submitted a Task Order proposal for this year at a cost of \$59,500.00, which is the same cost as last year. Approval was recommended for this budgeted item.

Council Member Cordell made a motion to approve the Watershed Protection Plan Monitoring. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0

EASEMENTS

11. 1085 Burnt Hickory Road Easement

Mr. Forsyth stated as part of the Westside Water Feeder Main project, an easement will be required for this property. This will include 1.31 acres of permanent easement and 1.89 acres of temporary construction easement. The owner has agreed to the City's offer of \$12,396.00 for both easements. Approval was recommended. This is a budgeted expense.

Council Member Cordell made a motion to approve the 1085 Burnt Hickory Road Easement. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0

BID AWARD/PURCHASES

12. Waterford Sewer Relocation

Mr. Forsyth stated the 36” sewer interceptor in the Waterford subdivision has presented several maintenance problems, and its 36” and 8” aerial creek crossings are significant environmental liabilities for the City.

The project includes relocating approximately 787 linear feet of sewer mains and manholes, as well as eliminating the aerial creek crossings and creek bank restoration.

The Water Department opened bids for the project on April 11, 2024, from three responsive bidders. Our consulting engineer, Rindt Engineering and Environmental has recommended awarding the contract to the low bidder, HD Excavations and Utilities, of Dallas, GA for a contract price of \$729,320.60. This is the same firm currently under contract with the City for the Grassdale Road Water line relocation project, which is going well currently.

It was recommended to award this project to HD Excavations and Utilities for \$729,320.60. This is a budgeted expense.

Council Member Cordell made a motion to approve the Waterford Sewer Relocation. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0

13. Mimosa-Chestnut Water Main Replacement Bid Award

Mr. Forsyth stated the small-diameter, galvanized iron water mains around Mimosa Drive and Chestnut Street are at the end of useful life and in need of replacement. This project will replace approximately 3,565 linear feet of 2” galvanized pipe with 6” and 8” ductile iron pipe and add four fire hydrants.

The Water Department opened sealed bids on May 2, 2024, for this work. The consulting engineer, Goodwyn, Mills and Cawood, LLC (GMC) has recommended the lowest bidder, Utility and Water Services (UWS), Inc. at a cost of \$938,383.00.

It was recommended to award this contract to Utility and Water Services (UWS), Inc. This is a budgeted expense.

Council Member Cordell made a motion to approve the Mimosa-Chestnut Water Main Replacement Bid Award. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0

14. Mail Center (Billing)

Mr. Morgan stated the existing mail center billing machine is at the end of its usable life and is no longer supported. A quote was received from the vendor (Pitney Bowes) in the amount of \$21,192.58 for the replacement including the equipment service agreement. This is a non-budgeted item, but it will be covered through other departmental funds.

Council Member Hodge made a motion to approve the Mail Center (Billing). Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0

15. Inserting System (Billing)

Mr. Morgan stated the existing insertion machine is at the end of its usable life and is no longer supported. A quote was received from the vendor (Pitney Bowes) in the amount of \$18,867.40 for the replacement including the equipment service agreement. This is a non-budgeted item, but it will be covered through other departmental funds.

Council Member Cordell made a motion to approve the Inserting System (Billing). Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0

16. Fortinet Fiber Switches

Steven Grier, FiberCom Director, stated that this item is the purchase of two new Fortinet fiber optic network switches. These switches will be used to physically separate the internal city network from the Fiber Com customer network for enhanced security and more efficient network design. This is not a budgeted item but will be funded with the 2020 SPLOST and was recommended for approval.

Council Member Cordell made a motion to approve the Fortinet Fiber Switches. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 5-0

17. Compact Excavator Purchase

Wade Wilson, Public Works Director, state the Stormwater Division of Public Works needs a compact excavator to be utilized along with some of our aging excavating equipment. A larger compact excavator is needed to pick up larger concrete pipes and concrete blocks, yet still can work within smaller, confined areas. After testing the Bobcat E88 R2 Series excavator, we feel that it is the best equipment to meet our needs. Public Works reached out to Rhinehart Equipment to get their Sourcewell Price of \$114,304.12. This excavator is available and can be delivered upon approval of purchase.

This is not a budgeted item; however, stormwater funds are available in our capital projects budget. Public Works recommended approval to purchase this compact excavator from Rhinehart Equipment.

Council Member Cordell made a motion to approve the Compact Excavator Purchase. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 5-0

18. Garbage Cart Purchase

Mr. Wilson stated that the Solid Waste Division of Public Works received quotes from garbage cart suppliers for two hundred recycling (blue) carts and 624 brown garbage carts. The best price of the preferred product is from Toter, LLC for a total price (including shipping) of \$44,280.00.

This is a budgeted item and Public Works recommended approval to purchase these garbage carts for Toter, LLC.

Council Member Cordell made a motion to approve the Garbage Cart Purchase. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 5-0

19. Commercial Dumpster Purchase

Mr. Wilson stated the Solid Waste Division of Public Works received three quotes from various solid waste vendors for 8-yard commercial dumpsters. The lowest price for equivalent quantities was from Lewis Steel Works, Inc. from Wren, Georgia. The amount (including shipping) is \$27,175.00. This is a budgeted item and Public Works recommended approval to purchase these dumpsters from Lewis Steel Works, Inc.

Council Member Cordell made a motion to approve the Commercial Dumpster Purchase. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 5-0

20. Automated Side Loader Repair

Mr. Wilson stated that the backup Automated Side Loader Garbage Truck has encountered issues and needs a new transmission. The city garage recommended the repairs to continue the use of this vehicle. Though this vehicle is a backup, it is frequently used by our Solid Waste Division.

Next Tran from Kennesaw will perform the repair for a total cost of \$22,201.56, and the City Garage service fee will be \$1,354.14. Public Works is requesting the authority to approve this repair totaling \$23,555.70. This is a budgeted expense that will be paid from the Solid Waste Maintenance of Vehicle and Equipment budget.

Council Member Cordell made a motion to approve the Automated Side Loader Repair. Council Member Stepp seconded the motion. Motion carried unanimously. Vote: 5-0

21. Terrell Heights Phase II Stormwater Improvement

Mr. Wilson stated that due to the high bids that Public Works received last year, Phase I of the Terrell Heights Stormwater Improvement project was performed by our Public Works crews. However, due to the complexity of Phase II, we decided that this part of the project would be rebid. This phase included stormwater installation, various utility repairs, upgrades and re-alignments, and the installation of a detention pond (Alternative 2). Barge Design, the design engineer, assisted the city with bidding and review. On April 26, 2024, we received bids from four contractors to perform the work. The overall low bidder for the base project and both alternative bids was HD Excavations and Utilities from Villa Rica, Georgia for \$1,511,550.00.

Our design engineer has reviewed all bid documents and recommends issuing a Notice of Award and entering into a contract with the low bidder, HD Excavations and Utilities.

Public Works will utilize America Rescue Plan Act (ARPA) Funds for this project. To qualify for these funds, we feel that this project would help the stormwater division “manage, reduce and recapture stormwater” resulting in reduced flooding at this location. Therefore, this project would meet the requirements for eligibility for ARPA funds.

An estimated \$309,360.00 will use water/sewer funds, while the remaining \$1,202,190.00 will be funded by ARPA funds. The \$309,360.00 water/sewer portion is not budgeted but will be paid from sewer revenue. Public Works recommended accepting the bid from HD Excavations and

Utilities and allowing the mayor to sign the Notice of Award and the associated contract provided by our design engineer.

Council Member Cordell made a motion to approve the Terrell Heights Phase II Stormwater Improvement. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0

ENGINEERING SERVICES

22. Terrell Heights Phase I and II – Engineering Services

Mr. Wilson stated in August of 2021, Public Works received approval from the Mayor and Council to contract with Barge Designs to perform engineering design of the storm system for the Terrell Heights Subdivision. Barge Design has completed the design, and Phase II of the project is slated to begin as soon as the contract with the contractor is signed.

Barge Design has provided additional bid phase services and is proposing to provide construction phase services for portions of Phase I and all of Phase II. The proposed construction services will include items such as coordination, meetings, status reports, pay applications, site visits/inspections, and technical reviews.

The proposed amendment will result in compensation of \$48,500.00. This amendment will be paid out of the American Rescue Plan Act (ARPA) Funds. This is not a budgeted item, but it has been determined that these services would qualify for ARPA funding, as the City feels that this project would help our stormwater division “manage, reduce and recapture stormwater” drainage that would result in reduced flooding at this location. Therefore, this project would meet the requirements for eligibility for ARPA funds.

Public Works recommended approval of this amendment.

Council Member Stepp made a motion to approve the Terrell Heights Phase I and II – Engineering Services. Council Member Hodge seconded the motion. Motion carried unanimously. Vote: 5-0

OTHER

23. Letter of Intent for Multi-Jurisdictional Hazard Mitigation Plan

Scott Carter, Fire Chief, requested approval for the mayor to sign a letter of intent for the support of a grant Bartow County has applied for. This grant will fund the cost of updating the county’s Multi-Jurisdictional Hazard Mitigation Plan. The support of this grant allows the City to be eligible for future Federal money for mitigation-related projects. There is a local match requirement that can be met in part by the participation of our staff in the plan update process. This letter also states the adoption of the final plan will be required for the City to remain eligible for mitigation funding.

Council Member Stepp made a motion to approve the Letter of Intent for Multi-Jurisdictional Hazard Mitigation Plan. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 5-0

BID AWARD/PURCHASES

24. Self-Contained Breathing Apparatus

Chief Carter stated our firefighters wear self-contained breathing apparatus (SCBA) to protect their respiratory system during operations that have toxic environments. Annually, all SCBAs must be calibrated, and flow test certified per NFPA Standards. During this time repairs and preventive maintenance are also performed. These repairs and certifications are conducted by Municipal Equipment Services. This is a budgeted project. Approval was recommended of \$11,426.21 to MES as our single source provider for this service and repair.

Council Member Hodge made a motion to approve the Self-Contained Breathing Apparatus. Council Member Cordell seconded the motion. Motion carried unanimously. Vote: 5-0

Council Member Stepp made a motion to add three (3) items to the agenda. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0

ADDED ITEM

25. Ante Litem Notice

Keith Lovell, City Attorney, stated it was recommended to deny the revised Ante Litem Notice involving Ruth Kyle.

Council Member Hodge made a motion to deny the ante litem notice. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0

Reference Resolution #: 19-24

26. Demolition Contract for 19 N. Erwin St.

Dan Porta, City Hall stated he recommended approval of the demolition contract with A & M Contracting to demolish 19 N. Erwin St. for \$9,500.00.

Council Member Stepp made a motion to approve the Demolition Contractor for 19 N. Erwin St. Council Member Cordell seconded the motion. Motion carried unanimously. Vote: 5-0

27. AWOS/DBE Plan Update Reimbursement Contract

Mr. Morgan stated this is a request for the Council to authorize the mayor to sign the reimbursement contract with GDOT. The reimbursement is for the cost to replace the Automated Weather Observing System (AWOS) and the FY24-26 DBE plan update at Cartersville Airport. The reimbursement amount is \$143,241.41. If approved, GDOT will send the contract via DocuSign to the Mayor, City Clerk, and a notary in the CMO.

Council Member Roth made a motion to approve the AWOS/DBE Plan Update Reimbursement Contract. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0

OTHER

Mayor Pro Tem Cooley asked if any other business needed to come before the city.

Robert Rebello, 1Aquafil Dr., Vice President of Operations for Aquafil, came forward to discuss the consistent increase of fees for power.

Mr. Porta stated that he is aware of the issue and was working on a resolution to the problem. However, it would take five to six months to resolve this matter and that he would be in touch with Mr. Rebello.

ADJOURNMENT

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

Meeting Adjourned at 7:44 P.M.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:
/s/ _____
Julia Drake
City Clerk