

City Council Meeting
10 N. Public Square
December 20, 2018
8:00 A.M. – Work Session
9:00 A.M. – Council Meeting

I. Opening Meeting

Invocation by Council Member Cooley.

Pledge of Allegiance led by Council Member Stepp.

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: 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; Tamara Brock, City Manager; Meredith Ulmer, City Clerk and David Archer, City Attorney.

Absent: Kari Hodge Ward One

II. Regular Agenda

A. Council Meeting Minutes

1. December 6, 2018

A motion to approve the December 6, 2018 City Council Meeting Minutes as presented was made by Council Member Roth and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0.

B. Appointments

1. Electric Department Appointment

Tamara Brock, City Manager recommended Council appoint Derek Hampton as the Electric Department Head.

Council Member Stepp made a motion to approve the appointment of Derek Hampton as the Electric Department Head, and the motion was seconded by Fox. Motion carried unanimously. Vote: 5-0.

Derek Hampton was sworn in as the Electric Department Head by City Clerk Meredith Ulmer.

C. First Reading of Ordinances

1. Alcohol Ordinance Amendment – Partially Consumed Bottles of Wine

Randy Mannino, Planning and Development Department Head stated restaurants which are licensed to sell wine may allow customers to take partially consumed bottles home if it has been purchased with a meal, is sealed appropriately and placed properly in their vehicle.

This is a first reading and does not require a vote.

Ordinance no. _____

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 4 – ALCOHOL BEVERAGES. ARTICLE II. - LICENSING REQUIREMENTS. DIVISION 4. PREMISES RESTRICTIONS. SEC. 4-113 – 4-119. RESERVED is hereby deleted in its entirety and replaced with the following:

1.

Sec. 4-113. – Partially consumed bottles of wine poured with a meal.

- (a) Any restaurant which is licensed to sell wine for consumption on the premises may permit a patron to remove one (1) unsealed bottle of wine per patron for consumption off premises, if the patron has purchased a meal and consumed a portion of the bottle of wine which has been purchased on the premises with such meal on the restaurant's premises.**
- (b) A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises.**
- (c) The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and meal shall be provided by the licensee and attached to the container.**
- (d) If transporting in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.**

2.

Sec. 4-114 – 4-19. - Reserved.

3.

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: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

D. Contracts/Agreements

1. Relocation of Natural Gas Main Marriott Courtyard

Michael Hill, Gas Department Head stated this is the relocation agreement between the City of Cartersville, Bartow County, and the Owner/Developer of the new Marriott Courtyard at Clarence Brown Conference Center. To avoid conflicts with the existing gas facilities, a relocation is required along with new easements. The estimated cost of the relocation is \$52,000.00. The owner will reimburse the City for the expenses associated with the relocation and any overages. The agreement also provides for the City to abandon all rights and interests in any existing easements not to be incorporated in the completed overall project site.

A motion to approve Relocation of Natural Gas Main Marriott Courtyard was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0.

E. Bid Award/Purchases

1. Garbage Truck Repair

Tommy Sanders, Public Works Department Head stated Solid Waste had a 2012 Front Loader Garbage Truck break down on the route and had it towed for evaluation. The City Garage recommended that Matthews Garage repair it. The final bill from Matthews Garage is \$15,012.65 with over \$13,000.00 being for parts, which includes an EGR Cooler, EGR Valve, and a Turbocharger.

A motion to approve the Garbage Truck Repair was made by Council Member Fox and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0.

2. Georgia Municipal Association Membership Dues

Ms. Brock stated this is the invoice for the Georgia Municipal Association 2019 membership dues for \$6759.26.

A motion to approve Georgia Municipal Association Membership Dues was made by Council Member Cooley and seconded by Council Member Stepp. Motion carried unanimously. Vote: 5-0.

3. New Vehicles

Scott Carter, Fire Chief stated he respectfully requests permission to proceed with our budgeted vehicle purchase package for this fiscal year. These are replacement vehicles for our Deputy Fire Chief and our Lt. of Inspections/Investigations. The bid request was placed on the City web site, the state procurement program and hand delivered to all local vendors. A total of four vendors responded.

The lowest bid that met specifications for the 3/4 ton pickup truck was from Prater Ford at \$32,182.40. The lowest bid that met specifications for the SUV was from Wade Ford at a price of \$42,652.00. Additionally, we will need to add the packages for lettering, lights, sirens and communications. This will bring the project to a total of \$89,858.40. We respectfully request approval of up to, but not to exceed \$89,900.00 for the two vehicles as presented, along with emergency lighting and graphics. This is below our budgeted amount and will be paid for through lease pool.

A motion to approve the Fire Department new vehicles purchase was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0.

Motion to add 2 items to the agenda was made by Council Member Wren and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0.

Added Item: Ante Litem Notice

David Archer, City Attorney stated he recommended denial of a claim made against the City of Cartersville from Mr. Ricardo Carlos Byfield.

Council Member Roth made a motion to deny the claim and the motion was seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0.

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA

WHEREAS, on or about November 29, 2018, the City of Cartersville received a Notice of Mandatory Judicial Notice, Writ of Quo Warranto with Proof of Claim and Allodial Fee Schedule Private (the "Notice and Claim") from Ricardo Carlos Byfield dated November 21, 2018 relating to the claims set forth in said Notice and Claim resulting from

Citation Number C08118047 issued to by Officer Veiga on August 3, 2018 for the offense of speeding 61 in a 45.

WHEREAS, on or about December 13, 2018, the City of Cartersville received a Notice of Mandatory Judicial Notice, Writ of Quo Warranto with Proof of Claim and Allodial Fee Schedule Private (the “2nd Notice and Claim”) from Ricardo Carlos Byfield dated December 10, 2018 relating to the claims set forth in said 2nd Notice and Claim resulting from Citation Number C08118047 issued to by Officer Veiga on August 3, 2018 for the offense of speeding 61 in a 45.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council that the City of Cartersville denies the Notice and Claim and 2nd Notice and Claim submitted as referenced above, based on the information currently available to it, and directs the City Attorney’s Office to inform Ricardo Carlos Byfield of said denial of both Notices.

BE IT AND IT IS HEREBY RESOLVED this ____ day of _____, 2018.

/s/ _____
Matthew J. Santini, Mayor
City of Cartersville, Georgia

ATTEST:

/s/ _____
Meredith Ulmer, City Clerk
City of Cartersville, Georgia

Added Item: Animal Control Board

Ms. Brock stated there is a case that needs to be heard before the Animal Control Board. Members to this Board need to be appointed.

Council Member Cooley made a motion to approve the appointments Mayor Santini and Council Members: Stepp, Wren, Roth and Fox to the Animal Control Board. Motion was seconded by Council Member Stepp and carried unanimously. Vote: 5-0.

4. Mauldin and Jenkins Invoice

Tom Rhinehart, Finance Director stated the Mauldin and Jenkins, LLC invoice is for the additional work on the FY 2018 audit. This was brought to Council's attention in October after the field work was completed. The October email which was forwarded to the Council and City Manager with detailed information is also attached. Mr. Rhinehart recommend approval of the additional invoice from Mauldin and Jenkins, LLC in the amount of \$33,000.

A motion to approve Mauldin and Jenkins Invoice was made by Council Member Fox and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0.

F. Monthly Financial Statement

1. October 2018 Financial Report

Mr. Rhinehart gave an overview of the financial statement comparing budgets from October 2017 to October 2018.

After announcements a motion to adjourn the meeting was made by Council Member Roth and needing no second. Motion carried unanimously. Vote: 5-0.

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Meredith Ulmer
City Clerk