City Council Meeting 10 N. Public Square March 1, 2018 6:00 P.M. – Work Session 7:00 P.M. – Council Meeting

## I. Opening Meeting

Invocation by Council Member Cooley.

Pledge of Allegiance led by Council Member Wren.

The City Council met in Regular Session with Matt 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; Sam Grove, City Manager; Meredith Ulmer, City Clerk and David Archer, City Attorney.

### II. Regular Agenda

## A. Council Meeting Minutes

# 1. February 13, 2018 City Council Minutes

A motion to approve the February 13, 2018 City Council Meeting Minutes as presented was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote 6-0.

## B. Appointments

14.651663

# 1. Appointment of Downtown Development Authority (DDA) Board Members

Lillie Read, Downtown Development Authority Manager stated the DDA has two board terms that expired February 18, 2018 and Earline Burke and Mary Ann Henry are recommended to serve additional terms as DDA board members. These individuals meet the legal requirements for holding a DDA board seat and have extensive institutional knowledge about the district. These individuals have been board members in good standing and staff recommended their appointment to additional terms expiring February 18, 2022.

Motion to approve the appointment of Earline Burke and Mary Anne Henry to serve additional terms on the Downtown Development Authority was made by Council Member Hodge and seconded by Council Member Stepp. Motion carried unanimously. Vote: 6-0.

# C. Public Hearing – 2<sup>nd</sup> Reading of Zoning/Annexation Requests

Randy Mannino, Planning and Development Department Head stated the applicant wishes to construct a 238 unit multi-family residential development on 53 acres. Approximately 30 acres are directly impacted by the development. The 53 acre site was previously mined. Mining activities have created conditions that make it difficult to develop the entire site. The 238 units will be incorporated in eight buildings oriented around three parking lot areas primarily central and to the east of the site. The project will be accessed from the existing driveway that services Avonlea from E. Main Street. The price point for the apartments is anticipated to be set at the higher end market value, similar to Avonlea. Planning Commission recommended approval.

Mayor Santini opened the floor for a public hearing. No one came forward to speak for or against Z18-01, and the public hearing was closed.

Council moved into discussion. Council asked for clarification about number units and amount of buffer. Jeff Watkins, attorney came forward and stated the maximum number of units is 350 due to tough topography, but realistically the number would most likely be 238 units. The buffer will be 50 feet adjacent to High Moon Street and Martine Luther King Drive Jr residents.

Motion to approve Z18-01 with a maximum of 350 units and a 50 foot buffer adjacent to High Moon Street and Martin Luther King Jr residents was made by Council Member Stepp and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0.

### Ordinance No. 06-18

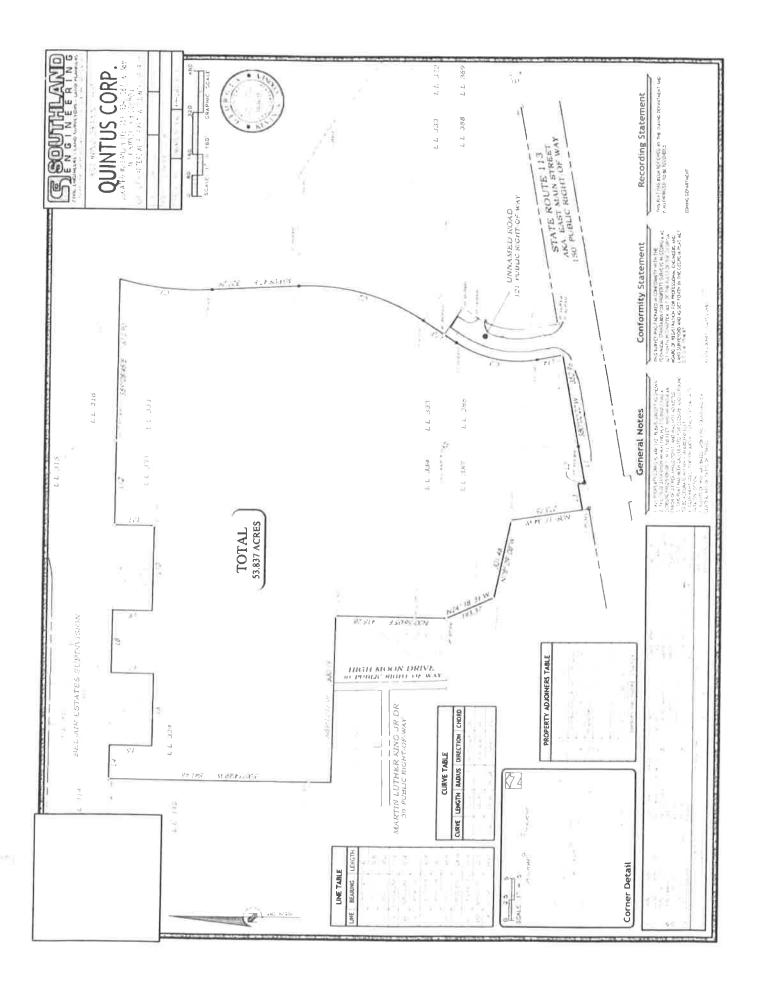
### Petition No. Z18-01

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Forty One Connector, Ltd. Property is located East Main Street near Avonlea Apartments (950 Main Street). Said property contains 53.84 acres located in the 4<sup>th</sup> District, 3<sup>rd</sup> Section, Land Lots 33,334,387, and 388 as shown on the attached plat Exhibit "A". Property is hereby rezoned from MN (Mining) to MF-14 (Multi-Family Residential. Maximum of 14 units/gross acre) with the following conditions: maximum of 350 units and a 50 foot buffer zone adjacent to High Moon Street and Martin Luther King Jr Drive residential properties. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this 13th day of February 2018. ADOPTED Seconding Reading this 1st day of March 2018.

	/s/
	Matthew J. Santini, Mayor
ATTEST:	
/s/	
Meredith Ulmer, City Clerk	



## D. Second Reading of Ordinances

#### 1. Charter Amendment

Sam Grove, City Manager stated the Charter Amendment has been prepared by the City Attorneys with Council input. The Amendment allows Council the flexibility to hire a City Manager either at will or by a contract, which is standard for any manager. It also clears up the language in regards to Council interference with staff.

Motion to approve the charter amendment was made by Council Member Hodge and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0.

### ORDINANCE NO. 07-18

WHEREAS, the Mayor and City Council have determined that due to the changing market and employment conditions, it is necessary to revise the City of Cartersville Charter to allow the Mayor and City Council, the flexibility to hire a City Manager either at will or by a contract;

WHEREAS, pursuant to O.C.G.A. § 36-35-3(b)(1) the City has published a notice containing a synopsis of the proposed City of Cartersville Charter Amendment, once a week for the three following weeks on January 25, 2018, February 1, 2018, and on February 8, 2018, in the official organ of Bartow County, Georgia, being The Daily Tribune News;

WHEREAS, the Mayor and City Council have also, pursuant to O.C.G.A. § 36-35-3(b)(1), provided a copy to the City Clerk of the City of Cartersville and the Clerk of the Superior Court of Bartow County, Georgia, for examination and inspection by the Public;

WHEREAS, additionally, the Mayor and City Council, have determined that the Charter should more clearly define the role of the City Manager, and the Mayor and City Council, in regard to the administration of the City and this proposed amendment to the Charter to define the same;

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, that the City of Cartersville Charter be amended by adding a new Section 2.11 Council Interference with Administration to Article II. City Government, as follows and by deleting Article III Organization and Personnel Section 3.03 – City Manager; appointment, compensation in its entirety and replacing it as follows:

1

### Sec. 2.11. – Council Interference with Administration.

Except for the purpose of inquiries and investigations, the Mayor and City Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Mayor or City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 3.03. City Manager, appointment, compensation.

- (a) the Mayor and City Council shall appoint a city manager to serve subject to the pleasure of the Mayor and City If, however, the Mayor and City Council deem it necessary and in the best interests of the City of Cartersville, they are authorized to make a contract with the city manager on such terms as may be mutually agreed upon, the term of the contract not to extend beyond the term of the Mayor and City Council. The contract, however, may include provisions relative to a procedure for removal of the city manager or relative to the termination of the contract.
- (b) The City Manager shall be the head of the administrative branch of the city government. The City manager shall be chosen by the Mayor and City Council on the basis of his/her administrative qualifications with special reference to his/her actual experience in, and knowledge of, the duties of the office as hereinafter prescribed. At the time of his appointment he/she need not be a resident of the City, but shall reside therein during his/her tenure of office. The City Manager shall receive such salary and benefits as the Mayor and City Council shall fix.

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 Charter of the 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	

### E. Resolutions

-----

David Archer, City Attorney stated he would like to recommend Council approval of a resolution declaring the opioid epidemic a public nuisance and a retention agreement retaining Brinson, Asken & Berry to represent the City of Cartersville in this matter. Both items are recommended to the Council for approval.

Motion to approve the resolution was made by Council Member Wren and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0.

### **RESOLUTION NO. 08-18**

# A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, IN THE STATE OF GEORGIA REGARDING OPIOID CRISIS

WHEREAS, the United States and the several States, including the State of Georgia, are experiencing, in the words of the Center for Disease Control and Prevention, an opioid-induced "public health epidemic," and;

WHEREAS, on October 26, 2017, the President of the United States declared the opioid crisis to be a "public health emergency," and;

WHEREAS, 91 Americans die every day from an opioid overdose, with more than 15,000 deaths involving prescription opioids alone in 2015, and;

WHEREAS, data from the Center for Disease Control and Prevention demonstrates that 17.7% of Georgia High School students reported taking prescription pain killers without a doctor's prescription, and;

WHEREAS, from 2014 to 2015 Georgia had a 64% increase in deaths by synthetic opioids (tramadol and fentanyl) and a 37.5% increase in Heroin deaths, and;

WHEREAS, in 2006 opioid drug overdose deaths were 31.5% of all overdose deaths and in 2015 accounted for 68.8% of overdose deaths in Georgia, and;

WHEREAS, governments (including federal, state and local) have born substantial financial and societal burden related to this crisis and epidemic and will incur costs for this nuisance for years to come into the foreseeable future, and;

WHEREAS, certain manufacturers and distributors knowing of the serious risks and adverse outcomes related to the use of their products, including their highly addictive nature, nevertheless did purposefully set out to persuade providers, regulators and patients that their products were safe and effective; and;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Cartersville finds and declares that there exists a public nuisance related to such products and that the City of Cartersville shall pursue such legal action as is available against such individuals, manufacturers, distributors and others as are necessary, either by itself or in concert with others, and to the full extent available under the law.

BE IT AND IT IS HEREBY RESOLVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, this 1st day of March, 2018.

/s/					
	Matthew	J.	Santini.	Mayor	

City of	Cartersville,	Georgia
---------	---------------	---------

ATTEST:	
/s/	_
Meredith Ulmer, City Clerk	
City of Cartersville, Georgia	

## F. Contracts/Agreements

# 1. Development Agreement - Four Seasons Phase 4

Gary Riggs, Gas Department Head stated this agreement provides for gas appliances as part of our Gas Advantage program in all of the homes. City Gas recommends approval of this agreement for Four Seasons Phase 4.

A motion to approve the Development Agreement for Four Seasons Phase 4 was made by Council Member Wren and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0.

### G. Bid Award/Purchases

100000

### 1. Residential Gas Meters

Mr. Riggs stated the City has requested and received a bid for 200 residential gas meters. These meters are to replenish our stock. City Gas recommended Equipment Controls at \$82.70 per meter for a total of \$16,454.00. They are the sole source provider for this meter.

A motion to approve the residential gas meters purchase from Equipment Controls was made by Council Member Roth and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0.

# 2. New Self-Contained Breathing Apparatus (SCBA) for new Pierce Fire Truck

Scott Carter, Fire Chief stated he respectfully requests permission to purchase the new self-contained breathing apparatus (SCBA) that will be used as equipment on our new Pierce Fire Truck scheduled to arrive in late May. These new SCBAs will be utilized by firefighters during situations where there is an oxygen deficiency. They will provide breathable air allowing them to perform their emergency life-saving functions. They meet all applicable current NFPA standards in construction and required usage. There are two vendors who supply the standardized brand of SCBAs used by our department. Quotes were received from both with the low quote received from Municipal Emergency Services in the amount of \$35,750.00. This is a budgeted item and below anticipated budgetary price. This is lease pool as attached to the new fire truck. Your positive support is appreciated.

Motion to approve the purchase of the New Self Contained Breathing Apparatus for the new Pierce Fire Truck financed through leasepool funding was made by Council Member

Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

# 3. Georgia Search and Rescue (GSAR) Task Force 6 Team protective rescue gear

Mr. Carter stated Cartersville Fire is one of the founding members of the Georgia Search and Rescue (GSAR) Task Force 6 Team. This is a technical rescue team that is comprised of team members from multiple departments across Northwest Georgia. This team has successfully been deployed on many missions since the teams conception in 2008. City Fire respectfully requested permission to purchase four sets of protective rescue gear. This gear must meet the State of Georgia GSAR specifications. Two bids were received, Fisher Scientific submitted a bid of \$8398.12 and Municipal Emergency Services (MES) quoted \$7254.84. Council's positive consideration was appreciated and City Fire recommended the low bid from MES at \$7254.84.

Motion to approve the Georgia Search and Rescue (GSAR) Task Force 6 Team protective rescue gear was made by Council Member Wren and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0.

# 4. Distribution & Collection System Material Restock

Bob Jones, Water Department Head stated the Distribution and Collection Division needs to restock various no lead brass meter setting parts that have been depleted. Bids were received from the following three vendors: Core & Main \$12,699.90; Kendall Supply \$13,003.80; Ferguson Waterworks \$13,439.70 and Mr. Jones recommended approval of the Core & Main quote in the amount of \$12,699.90.

Motion to approve the Distribution and Collection System Material Restock with Core & Main was made by Council Member Wren and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

### 5. WPCP - Grit Chamber #2 Chain Installation

Mr. Jones stated on October 5, 2017 Council approved a quote from Southern Machine & Fabrication (SMF) for two items. The first was the installation of new stainless steel guide rails for the Number 2 Grit Chamber at the Water Pollution Control Plant (WPCP). The second was a Time & Materials bid for installation of new collector chain to be purchased by the Water Department.

At the time, it was believed the work would be completed for just under \$5,000. The actual total came to \$6,250.00, as detailed in the attached invoice. Additional work was required on the chain tensioning mechanism due to corroded parts which City Water was unaware of at the time the work was quoted.

Mr. Jones recommended approval of the SMF invoice in the amount of \$6,250.00. The invoice will be paid from the Maintenance to WPCP account.

Motion to approve the WPCP Grit Chamber #2 Chain Installation was made by Council Member Roth and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0.

# 6. WPCP - Primary Number 1 Gearbox Rebuild

Bob Jones, Water Department Head stated last November the gearbox on Primary Screw Pump Number 1 began sounding like a cement mixer full of hammers. It was requested from Motor & Gear Engineering (M&GE) for an onsite inspection and diagnosis. Since this gearbox is in dire need of repair, M&GE has provided the attached inspection report and a cost of \$30,195.00 to fully rebuild the gearbox.

M&GE has rebuilt multiple screw pump and aeration gearboxes for us in the past. I would like to sole source this repair to them for the following reasons: 1. This is a 3,000 lb. gearbox that is not easy to carry around to other vendors to get quotes. Other vendors with this same capability are in South Carolina, Chicago and Utah and it is not practical to get "hands on" quotes from them. When it was priced before, M&GE were the low cost provider largely due to their location in Doraville, GA and lower shipping costs. 2. The City has had outstanding service from M&GE on other projects over the past four years. 3. M&GE has stated a 10 week turnaround on the repair.

Mr. Anderson stated it was his opinion that M&GE can repair the original gearbox to like new condition. This coupled with a lead time approximately one third that of a new box make them the best choice for repair. Loss of the 1-1 screw pump reduces primary pump capacity by approximately 15 million gallons per day (MGD). This is not a good time of year to operate with this much lost pump capacity. If approved, this repair will be paid from the Maintenance to WPCP account.

Motion to approve WPCP Primary Number 1 Gearbox Rebuild was made by Council Member Wren and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

# 7. Bid #16-005 – Dellinger Park Improvement Buildings

Mr. Anderson stated in June 2016, Cartersville City Council approved a contract with Womack, Lewis and Smith Construction for the construction of 5 new Dellinger Park buildings in the amount of \$2,389,500.00. The final project change order lowers the contract amount by \$386.00, bringing the total construction contract amount to \$2,389,114.00.

All of the buildings are complete and being enjoyed by park patrons and park staff. Mr. Anderson recommended accepting the final change order and closing out the Dellinger Park building improvement project.

Motion to approve Bid #16-005 – Dellinger Park Improvement Buildings was made by Council Member Wren and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

## 8. New Vehicle Purchase

Tom Rhinehart, Finance Department Head stated Stormwater needs a new medium duty truck. One of their existing trucks needs repairs that the garage has deemed not worthy of the vehicle. Bids were placed on the City's website and three vendors responded to the bid. After reviewing the bids, the low bidder was Prater Ford in Calhoun. Prater presented three bids using the same cab and chassis, but given three different bodies. After Stormwater reviewed the three bids from Prater Ford, they chose the bid with the K&K Manufacturing body with a price of \$38,698.20. Mr. Rhinehart recommended the purchase of the stormwater dump truck be awarded to the low bidder, Prater Ford, in the amount of \$38,698.20.

Motion to approve the new vehicle purchases as recommended by Finance was made by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

Council Member Wren made a motion to add 2 items to the agenda, and the motion was seconded by Council Member Hodge. Motion carried unanimously. Vote: 6-0.

### H. Contracts

## 1. Georgia Public Web Colocation Agreement

Dan Porta, Assistant City Manager stated Georgia Public Web (GPW) has had an existing colocation agreement in our 6 Cook Street building since around 1998 by only having to install a generator and air conditioner, but not having to pay a monthly lease fee. With the move to the new fiber node building in the Public Works Compound, a new lease agreement has been negotiated where GPW pays the city \$500 per month per rack space onsite. Based upon the equipment that GPW needs in our building, they will be leasing two racks for \$1,000 monthly income. The agreement has been reviewed by the City Attorney and I recommend approval of the colocation agreement with GPW.

Motion to approve the Georgia Public Web Colocation Agreement was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0.

#### I. Bid Award/Purchases

Concept of the L

### 1. Calix Fiber Optic Hardware

Mr. Porta stated the Fiber Department needs to purchase additional Calix network hardware for FiberCom internet customer deployment. The need for the additional hardware stems from our previous vendor (Allied Telesis) which has discontinued the line of products that the City has used over the last 6 years. The Calix network hardware will allow FiberCom personnel to continue selling services to prospective customers and I recommend this hardware purchase in the amount of \$21,574.20.

Motion to approve the Calix Fiber Optic Hardware was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0.

### 2. Cityview Software Change Orders

Mr. Porta stated the CityView software has been fully implemented and initially came in \$4,447 under budget. However, with the recent change in our building permit rate structure, the City needs to have the CityView software code changed to adapt to the revised rate structure. The proposed cost for this change is \$11,550 and is recommended for your approval. Mr. Porta has received pricing in regards to the second change order which will flag properties for building permits to be issued in floodplain and historic preservation areas as Planning & Development staff need to be aware of this prior to issuing permits and a certificate of occupancy. The cost is \$3,000 which equals a total of \$14,550.00. Some of the funding for these change orders will come from the mobile CityView module that was budgeted in FY 2017-18 that will have to wait until next fiscal year to implement.

Motion to approve the Cityview Software Change Orders was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote:6-0.

## 3. Pond & Company Change Order

Mr. Porta stated Pond & Company, the architect and engineers on the new Gas Department facility to be located at 155 Old Mill Road is currently under contract in the amount of \$472,500 for design services plus \$75,000 for construction administration costs. Due to some extra time spent on the design services and some delays in the time to complete the project, Pond & Company has submitted a change order for additional services in the amount of \$32,305.82.

Mr. Porta has responded to Pond's request disagreeing on the amount they have requested. Mr. Porta anticipates the City and Pond reaching a resolution for additional services at a lower number prior to Thursday's meeting and request City Council's approval of change order #1 by Pond & Company.

Motion to approve the Pond & Company Change Order in an amount not to exceed \$29,800.00 was made by Council Member Hodge and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0.

### Added Items:

### 1. Shaw Easement Agreement

Mr. Porta presented the Shaw Easement agreement and recommended its approval.

Motion to approve the Shaw Agreement Easement was made by Council Member Roth and seconded by Council Member Cooley.

### 2. Village Hill Agreement

Mr. Porta stated he would respectfully requested approval of a property swap through the Village Hill Agreement.

Motion to approve the Village Hill Agreement was made by Council Member Fox and seconded by Council Member Wren.

# 4. GATEway Grant Contract with Tidwell Lawn Care and Landscaping

Tommy Sanders, Public Works Department Head stated the City of Cartersville was a recipient of a Georgia Department of Transportation GATEway Grant that enables Public Works to plant some native trees and plantings near the I-75 and the SR 113 Interchange. This is a reimbursable grant from GDOT. Three local landscaping companies were solicited to provide the proposed plantings. The lowest bidder was Tidwell Lawn Care and Landscaping at a price of \$35,597.00.

This is a \$49,998.20 reimbursable grant and funds will be reimbursed to the city once the plantings are completed. Public Works recommends approval of the contract with Tidwell Lawn Care and Landscaping. In addition, Public Works seeks to use any remaining funds to purchase plants/trees/sod to be planted within this corridor at our wholesale price.

Motion to approve the GATEway Grant Contract with Tidwell Lawn Care and Landscaping with the approval of spending any remaining funds on plants, trees, and sod was made by Council Member Cooley and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0.

# 5. Stormwater Management Program Consulting & Engineering Analysis Task Order – Rindt-McDuff Associates

Mr. Sanders stated the City of Cartersville is required to update our current MS4 Stormwater Management Plan based on the City's new NPDDES Stormwater Discharge Permit. This new plan must be completed by June 1, 2018. Public Works recommends approval of Rindt-McDuff Associates, Inc.'s Task Work Order to assist in preparing the City's new plan for a proposed \$6,950.00. This is a budgeted item.

The Stormwater Department recommends approval of Rindt-McDuff Associates, Inc.'s Task Work Order for preliminary engineering and analysis for remediation of this stormwater ditch. The proposed amount for this task order is \$5,970. This is a budgeted item.

Motion to approve the Stormwater Management Program Consulting and Engineering Analysis Task Order with Rindt-McDuff Associates was made by Council Member Hodge and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

#### Announcements:

Council Member Roth wished his daughter a Happy 13th Birthday.

Mayor Santini invited everyone to attend the Mayor's March to the top of Pine Mountain.

After announcements a motion to adjourn the meeting was made by Council Member Stepp and needing no second. Motion carried unanimously. Vote: 6-0.

**Meeting Adjourned** 

Matthew J. Santini

Mayor

ATTEST:

1st Samuel Dach Meredith Ulmer Deputy City Clerk City Clerk

