

City Council Meeting
10 N. Public Square
January 16, 2020
6:00 P.M. – Work Session
7:00 P.M. – Council Meeting

I. Opening Meeting

Invocation by Council Member Roth.

Pledge of Allegiance led by Council Member Stepp.

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; Tamara Brock, City Manager; Meredith Ulmer, City Clerk and Keith Lovell, City Attorney.

II. Regular Agenda

A. Council Meeting Minutes

1. January 2, 2020 City Council Minutes

A motion to approve the January 2, 2020 City Council Meeting Minutes as presented was made by Council Member Cooley and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0.

B. Appointments

1. Judge Appointments

Meredith Ulmer, City Clerk stated Harry White, Jay Choate and Samir Patel were recommended for approval for Municipal Court Judge and Assistant Municipals Court Judges.

Motion approve the judges' appointments was made by Council Member Wren and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0.

C. Other

1. Request for Placement of Toni Morrison Bench

Lillie Read, Downtown Development Manager stated a citizen working group has been given approval from the Toni Morrison Society to place a bench in downtown Cartersville as a memorial to Toni Morrison (Noble Prize-winning author with family ties to Cartersville) and the

African American diaspora. This is a competitive award and represents the 26th bench placed nationally by the organization, but the only bench with a personal connection to Toni Morrison.

The working group is raising their own funds via sponsorship but would like to request assistance from the city via approval of the placement and assistance with the installation once the bench is obtained. It will be a 6' steel bench in the style of the existing benches downtown. Placement will be in Founders Oak plaza overlooking the train tracks. Staff recommends approval of this project.

Motion to approve the request for placement of Toni Morrison's bench was made by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote:6-0.

D. Appointments

1. Planning Commission

Randy Mannino, Planning and Development Department Head stated the Planning Commission has four members whose terms are expiring. The terms of Steven Smith - Ward 2, Harrison Dean - Ward 4, Jeffrey Ross - Ward 6 and Lamar Pendley - Mayor's appointee will expire January 31, 2020. If these Board members are reappointed, the new term for Wards 2, 4 and 6 would expire on January 31, 2024. The new term for the Mayor's appointee would expire on January 31, 2022.

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

E. Presentations

1. 2019 Audit Presentation

Tom Rhinhardt, Finance Department Head stated Adam Fraley and Christopher McKellar from Mauldin and Jenkins will present the FY 2019 audit report. The audit report was presented.

F. Second Reading of Ordinances

1. Tennis Court Reservations

Tom Gilliam, Parks and Recreation Department Head stated the Parks and Rec Department is requesting that the ordinance regarding payments for reservations of its tennis courts be updated as follows:

(1) The City of Cartersville shall allow for reservations of its tennis court, through physical, electronic, and/or web-based applications.

(2) The following fees are authorized:

a) two (2) hour court rental – Five and No/100 (\$5.00) Dollars;

b) a point of sale fee of 2.3% per court transaction, and a fee between 0.10 to 0.20 cents per transaction shall be assessed depending on the current vendor contract, if a web-based application is being used.

Motion to approve the Tennis Court Reservations Ordinance was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0.

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 15. PARKS AND RECREATION. ARTICLE I. IN GENERAL. SEC. 15-16 – 15-30. RESERVED. is hereby amended by deleting said sections in their entirety and replacing them as follows:

1.

Sec. 15-16. Tennis Court Reservations.

(1) The City of Cartersville shall allow for reservations of its tennis court, through physical, electronic, and/or web-based applications.

(2) The following fees are authorized:

a) two (2) hour court rental – Five and No/100 (\$5.00) Dollars;

b) a point of sale fee of 2.3% per court transaction, and a fee between 0.10 to 0.20 cents per transaction shall be assessed depending on the current vendor contract, if a web-based application is being used.

Sec. 15-17 – 15-30. Reserved.

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.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____

SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

G. Resolutions

1. Anheuser-Busch LLC MOU

Keith Lovell, Assistant City Attorney stated this is a Resolution of the City of Cartersville authorizing the execution of a Memorandum of Understanding (MOU) for the expansion of Anheuser-Busch, LLC.

A motion to approve Anheuser-Busch LLC MOU was made by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0.

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE (THE "CITY") AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING AMONG THE CITY, THE DEVELOPMENT AUTHORITY OF CARTERSVILLE, BARTOW COUNTY, THE BARTOW COUNTY BOARD OF ASSESSORS AND ANHEUSER-BUSCH, LLC (THE "COMPANY") RELATING TO THE EXPANSION OF THE COMPANY'S BREWERY LOCATED IN THE CITY

WHEREAS, the Development Authority of Cartersville (the "Issuer") has been informed by Anheuser-Busch, LLC, a Missouri limited liability company (the "Company"), that the Company is considering constructing and equipping an expansion of its brewery located in the City of Cartersville (the "Project"); and

WHEREAS, it is estimated by the Company that (i) the planning, design, expansion, construction, equipping and carrying out of the Project will require expenditures of approximately \$85,000,000 and (ii) that the Project will increase employment in the City and Bartow County, Georgia (the "County") by approximately 12 new jobs upon completion of the Project and the commencement of commercial production; and

WHEREAS, in order to induce the Company to locate and operate the Project in the City, the Issuer has agreed to (a) enter into an Inducement Agreement between the Issuer and the Company (the "Inducement Agreement") and a Memorandum of Understanding (the "MOU") among the Issuer, the Company, the City, the County, and the Bartow County Board of Assessors, (b) issue its revenue bonds in the maximum amount of \$100,000,000 for the Project (the "Bonds"), and (c) rent the Project to the Company pursuant to a Rental Agreement (the "Rental Agreement") between the Issuer and the Company in consideration of rental payments to be paid by the Company in amounts sufficient to pay the principal of, the redemption premium (if any) and the interest on said Bonds as and when due and payable; and

WHEREAS, the willingness of the Issuer to enter into the Inducement Agreement and the MOU, issue the Bonds, acquire title to the Project and rent the Project to the

Company, and the willingness of the City to enter into the MOU are important factors under consideration by the Company in determining the location and economic feasibility of the Project; and

WHEREAS, the Bonds will be judicially validated prior to the issuance thereof and shall not be deemed to constitute a debt of the City, the County, the State of Georgia or any other political subdivision thereof, or a pledge of the faith and credit of the City, the County, the State of Georgia or any other political subdivision thereof, but such Bonds shall be limited obligations of the Issuer payable solely from the rent to be paid by the Company under the Rental Agreement and certain other funds, and the issuance of the Bonds shall not directly, indirectly, or contingently obligate the City, the County, the State of Georgia or any other political subdivision thereof, to levy or to pledge any form of taxation whatever therefor or to make any appropriation for the payment therefor;

WHEREAS, the City has determined that by entering into the MOU it will be acting in furtherance of the public purposes for which it was created; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Cartersville , as follows:

Section 1. Findings. It is hereby ascertained, determined and declared that (i) the execution and delivery by the City of the MOU, (ii) the issuance and sale by the Issuer of its revenue bonds, (iii) the acquisition of title to the Project by the Issuer, and (iv) the renting of the Project to the Company pursuant to the Rental Agreement will develop trade, commerce, industry and employment opportunities within the geographical area served by the City and will increase the tax base and further the general welfare of the City residents.

Section 2. Authorization of MOU. In order to confirm the method of taxing the Company's leasehold interest in the Project for property tax purposes and to provide for certain payments in lieu of ad valorem taxes to be made by the Company with respect to Project, the execution and delivery by the Mayor or the City Manager of the City of a Memorandum of Understanding (the "MOU") among the Issuer, the Company, the City, the County and the County Board of Assessors is hereby authorized and directed; said MOU is to be in substantially the form attached hereto as Exhibit "A", subject to such changes, insertions and omissions as may be approved by the Mayor or the City Manager of the City, and the execution of said MOU by the Mayor or the City Manager of the City shall be conclusive evidence of any such approval.

Section 3. No Personal Liability. No stipulation, obligation or agreement herein contained or contained in the MOU shall be deemed to be a stipulation, obligation or agreement of the Mayor or any member, officer, director, agent or employee of the City in his or her individual capacity, and neither the Mayor nor any such member, officer, director, agent or employee shall be personally liable on any revenue bonds issued by the Issuer or be subject to personal liability for monetary damages by reason of the issuance thereof or the execution, delivery and performance of the MOU.

Section 4. General Authority. The proper officers, members, agents and employees

of the City hereby are authorized, empowered and directed to take any and all further actions and execute and deliver any and all other agreements, instruments, certificates, assignments, papers and documents as may be necessary or desirable to affect the transactions contemplated by this Resolution and the MOU. The City Clerk is hereby authorized to attest the signature of the Mayor or the City Manager or any other officer of the City and impress, imprint or otherwise affix the seal of the City appearing on the MOU or any of the agreements, instruments, certificates, assignments, papers and documents executed in connection with this Resolution, but shall not be obligated to do so, and the absence of the signature of the City Clerk or the City's seal on the MOU or any such other agreements, instruments, certificates, assignments, papers and documents shall not affect the validity or enforceability of the City's obligations thereunder.

Section 5. Actions Approved and Confirmed. All actions previously taken by the officers of the City which are in conformity with the purposes and intent of this Resolution and in the furtherance of the execution, delivery and performance of the MOU hereby are in all respects approved, ratified and confirmed as actions of the City.

Section 6. Severability of Invalid Provisions. If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions authorized hereunder.

Section 7. Conflicts. That any and all other resolutions or parts of resolution in conflict with this resolution be, and the same hereby are, repealed, and this Resolution shall be in full force and effect from and after its adoption.

Section 8. Effective Date. This Resolution shall take effect immediately upon adoption.

H. Contracts/Agreements

1. Farmer's Market Coordinator Position

Tamara Brock, City Manager stated this is an intergovernmental agreement between Bartow County, the City of Cartersville and the Cartersville-Bartow Convention and Visitors Bureau (CVB). The agreement states that the parties would share the cost of funding (\$5,000 each annually) a Farmers Market Coordinator position. The Coordinator will promote the market, recruit vendors, enforce market rules and collect critical data associated with the market.

We request that the Mayor and City Clerk be authorized to execute the Agreement on behalf of the City of Cartersville.

Motion to approve the Farmer's Market Coordinator Position was made by Council

Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote:6-0.

I. Change Order

1. WPCP Nutrient Upgrade – Change Order No. 2

Bob Jones, Water Department Head stated Construction of the Nutrient Removal Upgrade Project at the Water Pollution Control Plant (WPCP) has been underway for approximately six months and is proceeding well. Because this is a multi-year construction project, I would like to update Council every 6 months at a minimum. If necessary, a change order detailing the financial impact of all project changes in the prior period will be presented at each update. If there is a need for more frequent updates, I am happy to do so.

On October 17, 2019, Council approved Change Order Number 1 (CO#1) which decreased the original contract amount approved on January 17, 2019 by \$781,146.52. Change Order Number 2 (CO#2) details all project changes since October and amends the construction contract to add weather days incurred in the months of October and November. The net financial impact of all changes is an additional \$37,840.99. A total of eight (8) days will be added to each of the project milestone dates due to weather delays in October and November 2019. If approved, this change order will result in a new contract amount of \$36,819,577.11.

Your approval of this change order is recommended. This is a bond funded project.

A motion to approve WPCP Nutrient Upgrade – Change Order No. 2 was made by Council Member Hodge and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0.

J. Bid Award/Purchases

1. Etowah Drive Water Main Relocation

Mr. Jones stated in 2014, the Water Department completed the Etowah Drive Water Main Replacement Project which installed approximately 6,500 feet of 8 – 12 inch ductile iron water main. During construction, a bore was made under the intersection of Etowah Drive and West Avenue which crossed multiple utilities. While installing the bore, the contractor notified the Water Department of a suspected obstruction during the bore. The Water Department Inspector investigated and found the most likely facility causing the obstruction was an existing 24-inch storm sewer crossing perpendicular to the bore. Public Works was called to assess the stormwater line and found no issue. Once cleared by Public Works, construction continued on the water main project.

During one of the many torrential rains in the spring of 2019, the intersection of West Avenue and Etowah Drive experienced severe flooding. After the water receded, Public Works inspected storm lines in the area and found the bore casing from the water main obstructing their line. In order to restore full stormwater flow capacity, we need to relocate the water line deeper to clear the storm.

After discussing the issue with Tommy Sanders, this should be deemed an emergency repair given the risk to motorists in the area when the road floods. Additionally, ponding of water in the area during this time adds the risk of ice formation.

The Water Department requested a quote from C.H. Kirkpatrick and Sons for relocation of the line by boring at a greater depth and repairing the damaged stormwater line. They have submitted a lump sum price of \$126,697.74 which is reasonable given the scope of work and need for a quick resolution.

This is not a budgeted project.

A motion to approve Etowah Drive Water Main Relocation was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0.

2. Five Patrol Vehicles

Chief McCann stated he is requesting approval to purchase five patrol vehicles. These vehicles are replacement vehicles for our fleet and the older vehicles will be declared surplus. The vehicles are budgeted items and will be paid for out of federal asset forfeiture funds. It should be noted that in August of 2019 I requested to purchase five new patrol vehicles (2020 Dodge Chargers) and it was subsequently approved by the city council. I was notified in December 2019 that Dodge would not be building the Dodge Charger police package in 2020, so the police department opted to request bids for the Ford Explorer police package.

The police department sent a request for bids (RFB) for above noted vehicles to three local car dealerships and placed the RFB on the city's web site and on the Georgia Procurement Registry. We subsequently received six bids from the dealerships. The following are the bids for the above noted vehicles from each dealership that met the specifications:

Speedway Ford	\$183,775.00 (total)
Jacky Jones Ford	\$172,385.00 (total)
Alan Jay Automotive	\$169,589.00 (total)
Brannen Motor Company	\$167,855.00 (total)
Prater Ford	\$166,284.40 (total)
Wade Ford	\$162,990.00 (total)

I recommend the low bid Wade Ford (\$162,990.00) for the above noted vehicle purchase. The purchase of the vehicles and the equipment (Lights, siren, cage, computer, in-car camera, etc.) will not exceed \$280,000.00.

This is a budgeted item (federal asset forfeiture money) and the E-Verify and E-Save documents have been submitted to the police department and are on file. I am requesting your support and recommendation for this purchase.

A motion to approve Five Patrol Vehicles was made by Council Member Fox and

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

3. Three Undercover Vehicles

Chief McCann stated he is requesting approval to purchase three undercover vehicles. These vehicles are replacement vehicles for our fleet and the older vehicles will be declared surplus. These vehicles will be paid for out of federal asset forfeiture funds. These vehicles are used to conduct undercover operations by our officers assigned to the DEA Task Force.

The police department sent a request for bids (RFB) for above noted vehicles to one local car dealership and also placed the RFB on the city's web site and placed the RFB on the Georgia Procurement Registry. We subsequently received four bids from the dealerships. The following are the bids for the above noted vehicles from each dealership that met the specifications:

Two 2020 Jeep Grand Cherokee 4X2

Robert Loehr Dodge	\$63,110.00 (total)
Alan Jay Automotive	\$60,938.00 (total)
Don Jackson Dodge	\$60,162.00 (total)
Courtesy Automotive	\$58,320.00 (total)

One 2020 Dodge Ram 1500 4X4

Don Jackson Dodge	\$38,573.00 (total)
Courtesy Automotive	\$37,781.00 (total)
Alan Jay Automotive	\$36,087.00 (total)
Robert Loehr Dodge	\$33,922.00 (total)

I recommend the low bid from Courtesy Automotive (\$58,320.00) for the two Jeep Cherokees and the low bid from Robert Loehr Dodge (\$33,922.00) for the Dodge Ram 1500 4X4. The purchase of the vehicles and the equipment (Lights, siren, etc.) will not exceed \$99,000.00.

This item will be paid for with federal asset forfeiture money and the E-Verify and E-Save documents have been submitted to the police department and are on file. I am requesting your support and recommendation for this purchase.

A motion to approve Three Undercover Vehicles was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0.

4. 1000kVA Transformer

Derek Hampton, Electric Department Head stated the Electric Department is requesting authorization to purchase a 1000kVA pad-mounted transformer. We have used our last equivalent transformer and need a replacement for our stock. We obtained five quotes and are requesting to purchase the Ermco unit from Gresco with the lowest Total Ownership Cost.

This is a budgeted item, and we request your approval to purchase the 1000kVA Ermco

transformer from Gresco for \$29,820.50.

A motion to approve the purchase of 1000kVA Transformer was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

5. 2500kVA Transformer

Mr. Hampton stated the Electric Department is requesting authorization to purchase a 2500kVA pad-mounted transformer. We have used our last equivalent transformer due to a failure, and need a replacement for our stock. We obtained six quotes, and are requesting to purchase the Ermco unit from Gresco. It has the lowest Total Ownership Cost and can be here in three months. The timeline is critical because this is a special transformer needed to serve one of our largest customers, and we no longer have a backup in stock.

This is a budgeted item, and we request your approval to purchase the 2500kVA Ermco transformer from Gresco for \$55,855.50.

Motion to approve the purchase of a 2500kVA Transformer was made by Council Member Stepp and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0.

6. Decorative Christmas Lighting

Mr. Hampton stated they are requesting authorization for payment to Holiday Designs, Inc. in the amount of \$11,265.00. This is for the new snowflakes that were installed downtown for this past Christmas. This purchase was a jointly funded effort between the DDA and the Electric Department.

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

7. New World Software Maintenance Costs

Dan Porta, Assistant City Manager stated the 2020 annual maintenance costs from Bartow County for the New World software that is used by public safety agencies in the county is due in the amount of \$38,207.82 and is recommended for your approval.

Motion to approve the New World Software Maintenance Costs was made by Council Member Fox and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0.

8. Barracuda Annual Maintenance

Mr. Porta stated the annual yearly support renewal for the Barracuda email archive appliance is due in the amount of \$8,912.04. This email archive appliance holds all emails sent and received by city employees. I recommend approval of this invoice.

Motion to approve the Barracuda Annual Maintenance was made by Council Member

Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0.

9. Residential Meters

Michael Hill, Gast Department Head stated we have requested and received a bid for 200 residential gas meters. These meters are to replenish our stock. We recommend Equipment Controls at \$90.21 per meter for a total of \$18,042.00. They are our sole source provider for these meters.

Motion to approve the residential meters was made by Council Member Roth and seconded by Council Member Stepp. Motion carried unanimously. Vote: 6-0.

K. Other

1. Monroe County, MS Taxes

Mr. Hill stated the bill is in the amount of \$8,872.22 for our gas in storage in Monroe County. I recommend Council approval of this item.

Motion to approve the payment of the Monroe County, MS Taxes was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0.

Mayor Santini asked there were other matters that needed to come before Council:

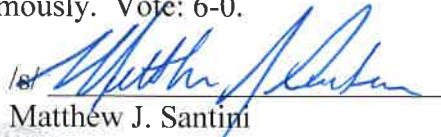
Benjamin Henderson of Atlanta, GA owns property 732 Martin Luther King Drive came forward with concerns about his Cartersville property.

Delores Bunch-Keemer came forward with concerns about the property on Martin Luther King Drive and its relation to the Etowah. Ms. Bunch-Keemer inquired about taxes in regards to the 41 Connector and properties on Martin Luther King Drive. She made an open records request.

Larry Henderson of Cartersville, GA came forward and inquired about potential improvements to be made on Martin Luther King Drive. He also had concern about where the kids are being dropped off by the school bus in the afternoon. Currently, they are being dropped off at the bottom of the hill and it use to be the top of the hill. Mr. Henderson stated he believed it would be better for the children to be dropped off at the top of the hill.


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

Meeting Adjourned


Matthew J. Santini
Mayor

ATTEST

/s/


Amended by Julia Drake
City Clerk 1-21-2021



Meredith Ulmer
City Clerk