

City Council Meeting  
10 N. Public Square  
December 6, 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 Jayce 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; Taff Wren, Council Member Ward Six; Tamara Brock, City Manager; Meredith Ulmer, City Clerk and David Archer, City Attorney.

Absent: Gary Fox, Ward Five

## **II. Regular Agenda**

### **A. Council Meeting Minutes**

#### **1. November 15, 2018**

A motion to approve the November 15, 2018 City Council Meeting Minutes as presented was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0.

### **B. Appointments**

#### **1. Appointment and Swearing in of Assistant Municipal Court Judge**

Motion to approve Jay Choate as Assistant Municipal Court Judge was made by Council Member Wren and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0.

#### **2. Appointment and Swearing in of Municipal Court Judge**

Motion to approve Harry White as Municipal Court Judge was made by Council Member Hodge and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0.

Jay Choate and Harry White were sworn in for their positions by Meredith Ulmer, City Clerk.

#### **3. Joint Cartersville-Bartow County Regional Industrial Development**

## **Authority**

Tamara Brock, City Manager stated the current terms for Ralph "Sonny" Miller, Tommy Strickland and James Jarrett of the Joint Cartersville-Bartow County Regional Industrial Development Authority will expire 12.31.18. They would like to continue serving and if reappointed, their new terms would expire 12.31.22.

Motion to approve Ralph "Sonny" Miller, Tommy Strickland and James Jarrett for reappointment to the Joint Cartersville-Bartow County Regional Industrial Development Authority was made by Council Member Hodge and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0.

### **4. Bartow-Cartersville Joint Development Authority**

Ms. Brock stated the current terms of Beth Tilley, LaDonna Jordan, James Jarrett serving on the Bartow-Cartersville Joint Development Authority will expire on 12.31.18. They would all like to continue serving and if reappointed, their new terms will expire 12.31.22.

Motion to Beth Tilley, LaDonna Jordan, James Jarrett for reappointment to the Bartow-Cartersville Joint Development Authority was made by Council Member Roth and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0.

### **5. Convention and Visitors Bureau**

Ms. Brock stated the current terms for Jennifer Wiggins Matthews and Shawn Jervis on the CVB Board will expire on 12.31.18. They would like to continue serving and if reappointed, their new terms will expire on 12.31.22.

Motion to approve Jennifer Wiggins Matthews and Shawn Jervis for another term to the Convention and Visitors Bureau was made by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0.

Mayor Santini recused himself from the next item and physically exited the Council Chambers. Mayor Pro Tem Cooley called for the next item.

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

### **1. AZ18-03: 36 Old Tenn. Road & 36 Oak Drive. Applicant: Highlands Development Associates, LLC**

Randy Mannino, Planning and Development Department Head stated the request is to annex two parcels located at 36 Old Tennessee Road and 36 Oak Drive and consisting of 2.35 acres. The applicant requests the property to be annexed for additional space and use by the Savoy Automobile Museum.

G-C (General Commercial) zoning is requested for the two parcels in order to be consistent with

the current museum property. The existing zoning is County A-1 (Agriculture). The Planning Commission recommends approval.

Mayor Pro Tem Cooley opened the floor for a public hearing, and with no coming forward the hearing was closed.

Motion to approve both the zoning and annexation for AZ18-03 was made by Council Member Wren and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0.

**Ordinance**

**of the**

**City of Cartersville, Georgia**

**Ordinance No.**

**Petition No. AZ18-03**

**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 Highlands Development Associates, LLC. Property is located at 36 Old Tennessee Road and 36 Oak Drive. Said properties contain a total of 2.353 acres located in the 4<sup>th</sup> District, 3<sup>rd</sup> Section, Land Lot 23 as shown on the attached plat Exhibit "A". Annexation will be duly noted on the official zoning map of the City of Cartersville, Georgia.

**BE IT AND IT IS HEREBY ORDAINED.**

**First Reading: November 15, 2018**

**ADOPTED: Second Reading: December 6, 2018**

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

**ATTEST:**

/s/ \_\_\_\_\_  
**Meredith Ulmer**  
**City Clerk**

**Ordinance**  
**of the**  
**City of Cartersville, Georgia**

**Ordinance No. 33-18**

**Petition No. AZ18-03**

**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 Highlands Development Associates, LLC. Property is located at 36 Old Tennessee Road and 36 Oak Drive. Said property contains 2.353 acres located in the 4<sup>th</sup> District, 3<sup>rd</sup> Section, Land Lot 23 as shown on the attached plat Exhibit "A". Property is hereby rezoned from County A-1 (Agriculture) to G-C (General Commercial). Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

**BE IT AND IT IS HEREBY ORDAINED.**

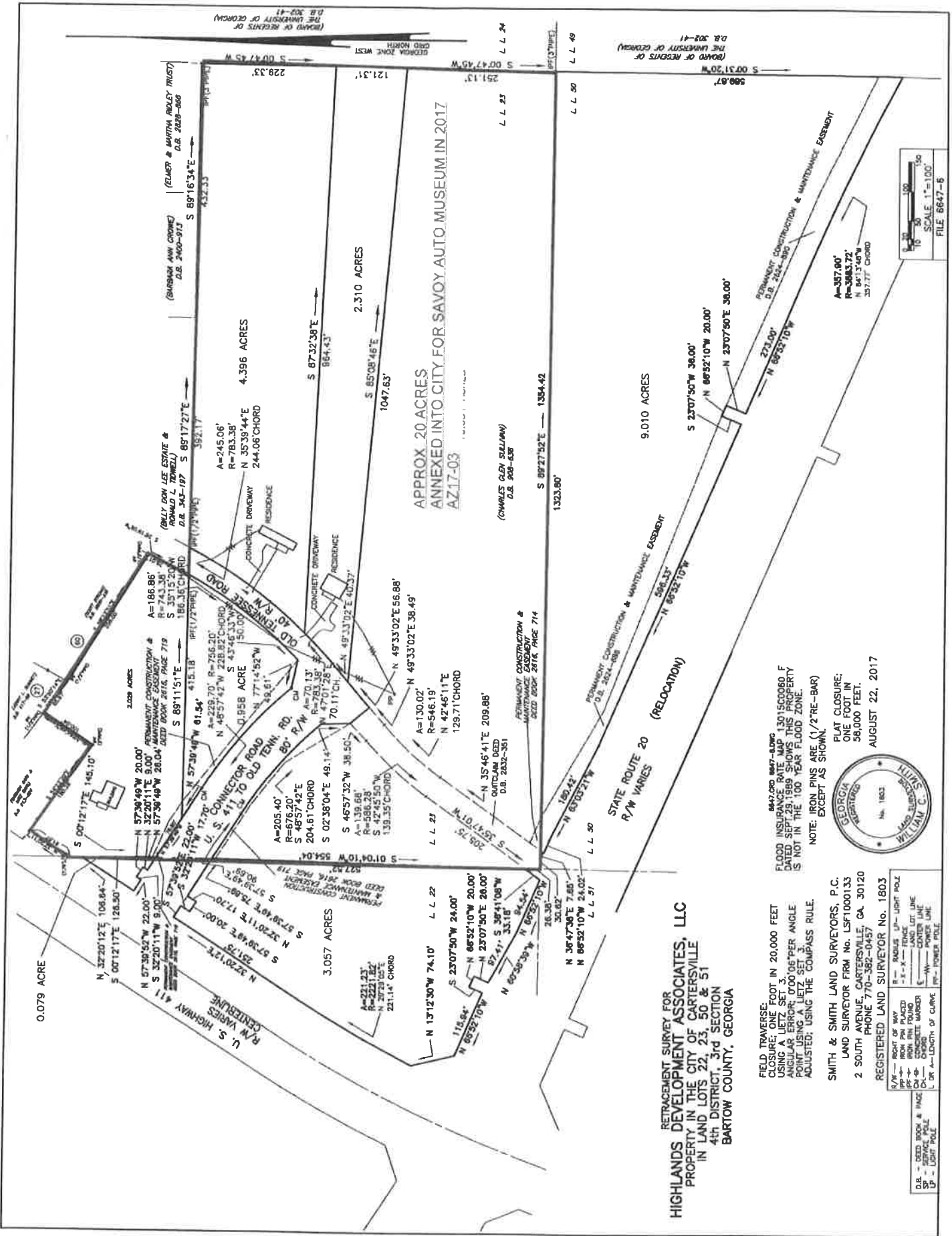
**First Reading: November 15, 2018**

**ADOPTED: Second Reading: December 6, 2018**

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

**ATTEST:**

/s/ \_\_\_\_\_  
**Meredith Ulmer**  
**City Clerk**



(BOARD OF REGENTS OF THE UNIVERSITY OF GEORGIA) D.B. 302-41

(BOARD OF REGENTS OF THE UNIVERSITY OF GEORGIA) D.B. 302-41

APPROX. 20 ACRES ANNEXED INTO CITY FOR SAVOY AUTO MUSEUM IN 2017  
AZ-17-03

(CHARLES GLEN SILLMAN)  
D.B. 808-638



FILE 8647-6

RETRACEMENT SURVEY FOR  
HIGHLANDS DEVELOPMENT ASSOCIATES, LLC  
PROPERTY IN THE CITY OF CARTERSVILLE  
IN LAND LOTS 22, 23, 50 & 51  
4TH DISTRICT, 3RD SECTION  
BARTOW COUNTY, GEORGIA

FIELD TRAVERSE:  
CLOSURE: ONE FOOT IN 20,000 FEET  
USING A LEITZ SET 3  
ANGULAR ERROR: 0'00"06"PER ANGLE  
POINT USING A LEITZ SET 3  
ADJUSTED, USING THE COMPASS RULE.

SMITH & SMITH LAND SURVEYORS, P.C.  
LAND SURVEYOR FIRM No. LS1000133  
2 SOUTH AVENUE, CARTERSVILLE, GA. 30120  
PHONE 770-380-0457  
REGISTERED LAND SURVEYOR No. 1803



8647.000 8647-6.DWG  
FLOOD INSURANCE RATE MAP 13015C0060 F  
DATED SEPT. 29, 1989 SHOWS THIS PROPERTY  
IS NOT IN THE 100 YEAR FLOOD ZONE.  
NOTE: IRON PINS ARE (1/2"RE-BAR)  
EXCEPT AS SHOWN.

PIAT CLOSURE:  
ONE FOOT IN  
58,000 FEET.  
AUGUST 22, 2017

- R/W - RIGHT OF WAY
- CL - CENTERLINE
- D.B. - DEED BOOK & PAGE
- CP - CONCRETE PILE
- SP - LIGHT POLE
- R - RADIUS
- LP - LIGHT POLE
- CL - CENTERLINE
- FF - FENCE
- IR - IRON PIN FOUND
- CM - CONCRETE MARKER
- CL - CENTERLINE
- EW - EASEMENT
- PP - POWER POLE
- OR - LENGTH OF CURVE

## **Contracts and Agreements**

### **1. Agreement for Auto Museum**

Mayor Pro Tem Cooley called the next item.

Ms. Brock stated this is the agreement between the City of Cartersville and Anverse, Inc. regarding the permits for the new Auto Museum. It is requested that Council approve the agreement and approve any related documents to be signed.

A motion to approve Agreement for Auto Museum was made by Council Member Roth and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0.

Mayor Santini entered the room and called the next item.

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

#### **2. SU18-06: 306 Johnson Street. Applicant: John C. Waters**

Mr. Mannino stated the applicant, J.C. Waters, owns the property located on 401 North Tennessee Street where the existing used car lot resides (Duncan Auto Sales). Mr. Waters also owns the 306 and 308 Johnson Street lots and would like to extend the used car lot onto the adjacent 306 Johnson Street lot to allow Duncan Auto Sales to expand. The special use permit is required because used car lots are not allowed in the M-U district, but expanding an existing used car lot is considered an expansion of a nonconforming use and may be allowed with the SUP. The Planning Commission recommends approval.

Mayor Santini opened the floor for a public hearing and with no one coming forward to speak for or against the hearing was closed.

Motion to approve SU18-06 was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0.

**ZONING NOTE**

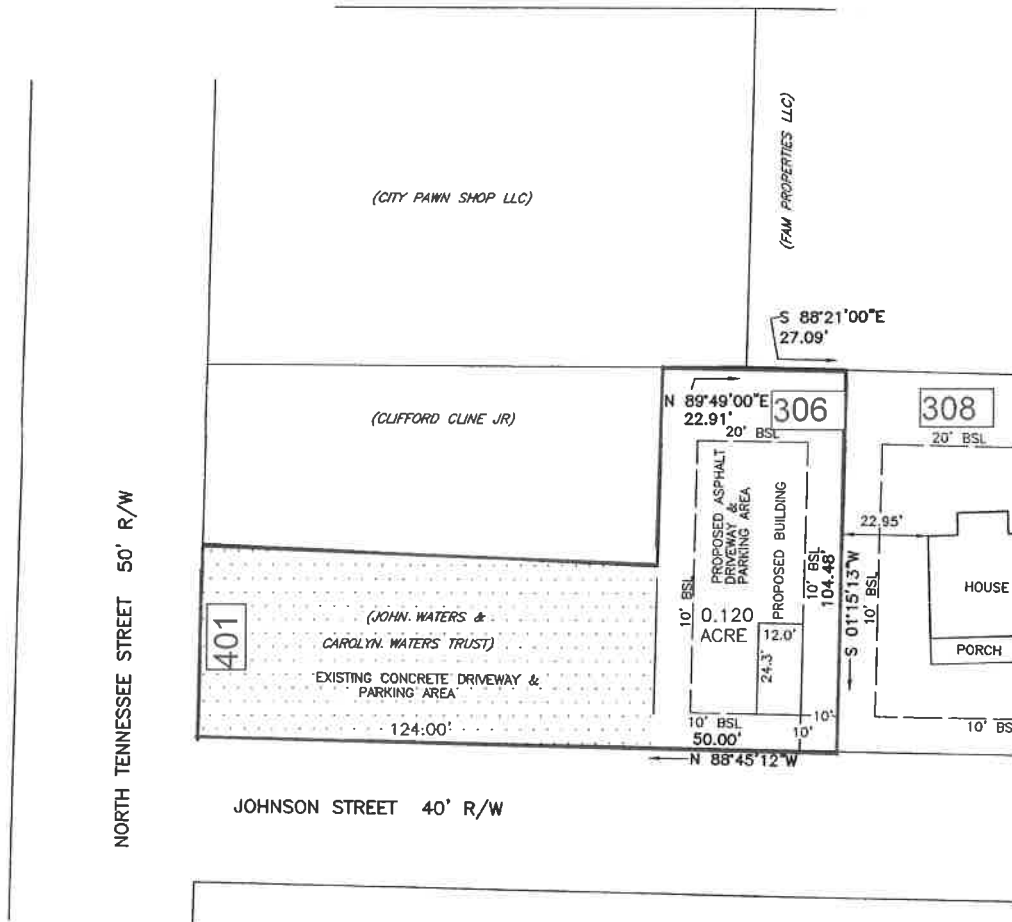
THIS PROPERTY IS ZONED "M-U"  
MULTIPLE USE DISTRICT

SET BACKS ARE AS FOLLOWS

FRONT 10 FEET

SIDE 10 FEET

REAR 20 FEET



SURVEY FOR  
PROPOSED SITE LAYOUT FOR  
**JOHN WATERS &  
CAROLYN WATERS**  
PROPERTY IN THE CITY OF CARTERSVILLE  
IN LAND LOT 384  
4th DISTRICT, 3rd SECTION  
BARTOW COUNTY, GEORGIA

FIELD TRAVERSE:  
CLOSURE; ONE FOOT IN 20,000 FEET  
USING A LIETZ SET 3.  
ANGULAR ERROR;  $0^{\circ}00'06''$  PER ANGLE  
POINT USING A LIETZ SET 3.  
ADJUSTED; USING THE COMPASS RULE.

1025.CRD 1025-6.DWG  
FLOOD INSURANCE RATE MAP 13015C0266 G  
DATED SEPT.28, 2007 SHOWS THIS PROPERTY  
IS NOT IN THE 100 YEAR FLOOD ZONE.

NOTE: IRON PINS ARE (1/2"RE-BAR)  
EXCEPT AS SHOWN.

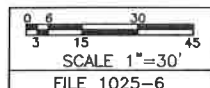
SMITH & SMITH LAND SURVEYORS, P.C.  
LAND SURVEYOR FIRM No. LSF1000133  
2 SOUTH AVENUE, CARTERSVILLE, GA. 30120  
PHONE 770-382-0457

REGISTERED LAND SURVEYOR No. 1803



PLAT CLOSURE;  
ONE FOOT IN  
288,000 FEET.  
SEPTEMBER 28, 2018

R/W — RIGHT OF WAY	R — RADIUS LP — LIGHT POLE
IPP — IRON PIN PLACED	-X-X- FENCE
IPF — IRON PIN FOUND	— LAND LOT LINE
CM — CONCRETE MARKER	— CENTER LINE
CH — CHORD	— POWER LINE
L OR A — LENGTH OF CURVE	PP — POWER POLE



MAG. NORTH

**3. SU18-07: 7 Dixie Avenue, Applicant: Amit Patel**

Mr. Mannino stated the applicant wishes to construct a fast food restaurant with a drive thru. The property is in the M-U (Multiple Use) zoning district where restaurants are allowed by right; however, restaurants with drive thru windows require a special use permit per the M-U zoning regulations. The Planning Commission recommends approval.

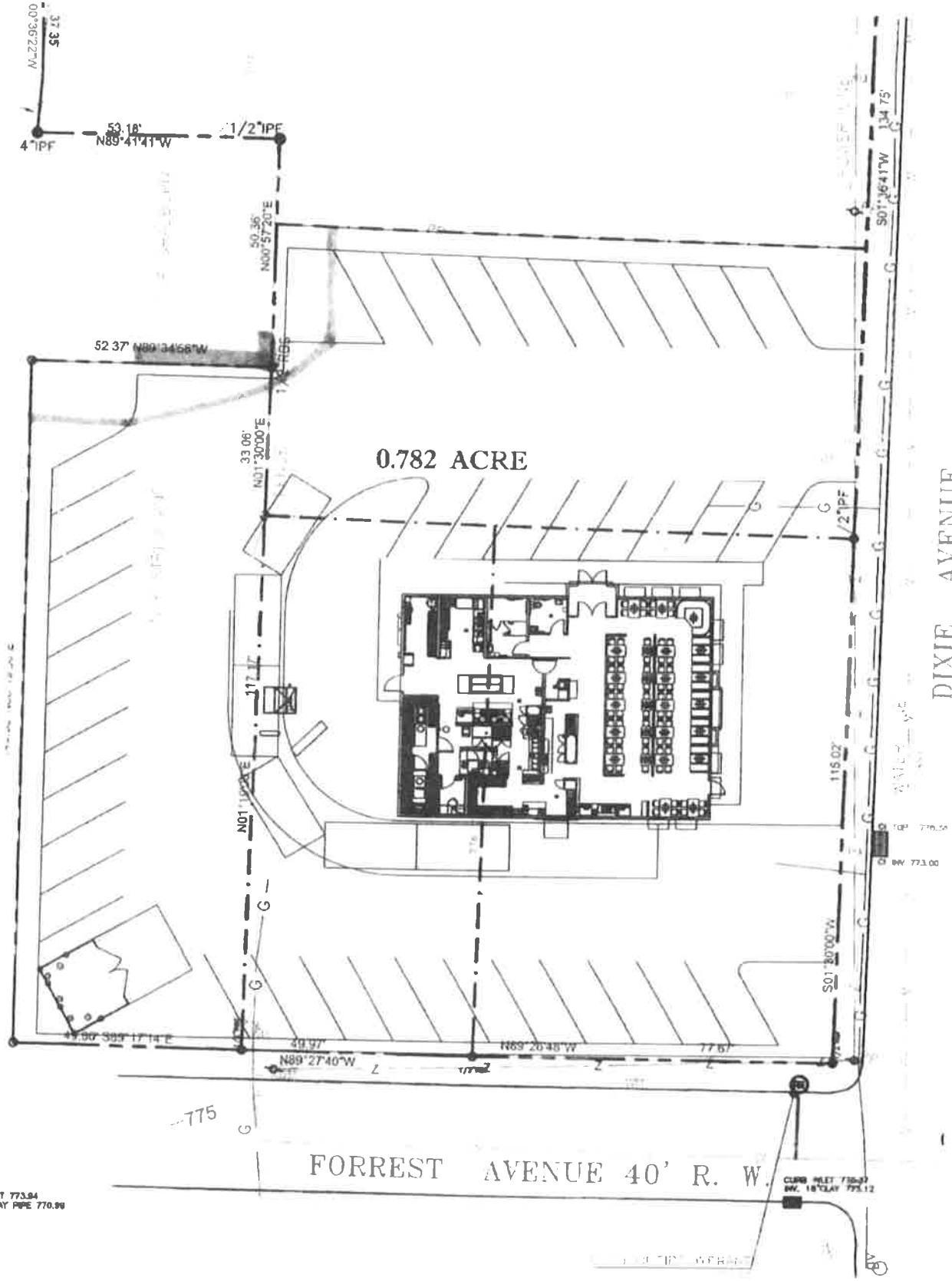
Mayor Santini opened the floor for a public hearing:

Jeff Watkins, attorney representing the application came forward. Mr. Watkins stated an agreement has been reached with Ms. Brooker, an adjacent property owner, to address her buffer/fence concerns.

Council Member Roth thanked Mr. Watkins for working with the property owner.

Motion to approve SU18-06 was made by Council Member Hodge and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0.





ET 773.84  
LAY PIPE 770.99

CURB INLET 755.87  
BY 18" LAY 773.12

**D. Second Reading of Ordinances**

**1. T18-06: Brewery, Microbrewery, & Distillery Definitions. Applicant: City of Cartersville**

Mr. Mannino stated the proposed text amendments to the zoning and alcohol ordinances are driven by the 2018 Visioning Session, and requests by citizens and the Downtown Development Authority. The text amendments involve ordinance changes to support changes in State law and requests for breweries, distilleries and microbreweries. Currently, there are two potential projects for microbreweries in or adjacent to the DBD. Alcohol related text amendments to the zoning ordinance include updates to the Definitions, Zoning Districts and Special Use Standards sections.

A motion to approve T18-06: Brewery, Microbrewery, & Distillery Definitions was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0.

**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 26 – ZONING. ARTICLE II. – INTERPRETATIONS AND DEFINITIONS. SECTION 2.2 – DEFINITIONS is**

**hereby amended by adding the following definitions thereto:**

**1.**

**Sec. 2.2. - Definitions.**

**For the purposes of this chapter, certain terms or words used herein shall be defined as follows:**

**2.2.2. B**

***Brewery.* An establishment that manufactures malt beverages.**

**2.2.4. D**

***Distillery.* An establishment that manufactures distilled spirits.**

**2.2.13. M**

***Microbrewery.* Microbrewery means an establishment in which not more than 15,000 barrels of beer or malt beverages are manufactured or brewed on the licensed premises in a calendar year and in which such manufactured or brewed beer or malt beverages may be sold for consumption on the premises and consumption off premises,**

subject to the limitations prescribed in O.C.G.A. § 3-5-24.1. As used in this definition, the term “barrel” shall be defined as set forth in O.C.G.A. § 3-5-1.

2.

The additional definitions added to Section 2-2 are to be alphabetized accordingly and included in said Section 2-2, and the remainder of said section shall be unaltered.

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

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 26 – ZONING, ARTICLE XVI. – SPECIAL USES. SECTION 16.4. – MINIMUM SPECIAL USE STANDARDS is amended by adding Section 16.4.18, 16.4.19, and 16.4.20 as follows:

1.

**Sec. 16.4.18. Brew Pubs.**

- (a) Production shall be in a wholly-enclosed building.
- (b) Production space shall be limited subject to state law.

2.

**Sec. 16.4.19. Breweries.**

**Breweries, including accessory tasting rooms.**

**(a) Production shall be in a wholly-enclosed building.**

**(b) Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.**

3.

**Sec. 16.4.20. Distilleries.**

**Distilleries, including accessory tasting rooms.**

**(a) Production shall be in a wholly-enclosed building.**

**(b) Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.**

4.

**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**

**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 26 – ZONING. ARTICLE II. – INTERPRETATIONS AND DEFINITIONS. SECTION 2.2 – DEFINITIONS is hereby amended by adding the following definitions thereto:

1.

**Sec. 2.2. - Definitions.**

For the purposes of this chapter, certain terms or words used herein shall be defined as follows:

**2.2.2. B**

*Brewery.* A place that manufactures malt beverages.

**2.2.4. D**

*Distillery.* A place that manufactures distilled spirits.

**2.2.13. M**

*Microbrewery.* *Microbrewery* means an establishment in which not more than 15,000 barrels of beer or malt beverages are manufactured or brewed on the licensed premises in a calendar year and in which such manufactured or brewed beer or malt beverages may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.1. As used in this definition, the term “barrel” shall be defined as set forth in O.C.G.A. § 3-5-1.

3.

The additional definitions added to Section 2-2 are to be alphabetized accordingly and included in said Section 2-2, and the remainder of said section shall be unaltered.

4.

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

**2. Alcohol Text Amendments**

Mr. Mannino stated the following 4 ordinances have been unanimously recommended by the Alcohol Control Board: First ordinance is in regards to violation fines. State law has changed and limited the fine amount to \$1,000.00 per violation. The second ordinance states the definitions for microbreweries, manufacturers, and distilleries. The third ordinance states pouring licenses may be issued to manufacturers for off premises and on premises consumption for microbreweries and distilleries. The fourth ordinance states that consumption on premises is allowed at microbreweries and distilleries. All ordinances have been reviewed by the City Attorney and are all in accordance with State law.

Motion to approve all 4 of the proposed alcohol ordinance text amendments was made by Council Member Hodge and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0.

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 4 – ALCOHOL BEVERAGES. ARTICLE V. – ALCOHOL CONTROL BOARD, SECTION 4-209. - ACTION BY ALCOHOL CONTROL BOARD (c) is hereby amended by deleting said paragraph (c) in its entirety and replacing it as follows:

1.

(c) Subject to the notice, hearing and appeal rights of a licensee as provided in this chapter, if the alcohol control board determines that a violation has occurred and been adjudicated guilty or the licensee has pled guilty or no contest it is authorized to levy the following fines and penalties. The board has the right to impose additional penalties or waive any of the penalties imposed based upon the facts of the incident as presented to them.

For violations within a three-year period involving the same license, owners or location the following recommended guidelines are hereby adopted.

Offense	Fine	Probation	Suspension/ Revocation

<b>First</b>	<b>Up to \$1,000.00</b>	<b>3 years</b>	<b>None</b>
<b>Second</b>	<b>Up to \$1,000.00</b>	<b>3 years</b>	<b>30 days suspension</b>
<b>Third</b>	<b>Up to \$1,000.00</b>	<b>3 years</b>	<b>Revocation; no reapplication for one year</b>

2.

All other remaining provisions of Section 4-209 are to remain as is and made part of the permitted uses in Section 4-209.

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**

**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. SECTION 4-1; definitions are amended by adding the definitions of Distillery, Manufacturer, and Microbrewery; and deleting the definitions of Hotel or Motel, and Restaurant in their entirety and replacing them as listed below:

1.

Sec. 4-1. – Definitions

***Distillery* means a facility that manufactures distilled spirits.**

***Manufacturer* means any maker, brewer, producer, distillery, vinter, rectifier, blender, or bottler of distilled spirits or malt beverages and wine, microbrewers, or any other alcoholic beverage.**

***Microbrewery* means an establishment in which not more than 15,000 barrels of beer or malt beverages are manufactured or brewed on the licensed premises in a calendar year and in which such manufactured or brewed beer or malt beverages may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.1. As used in this definition, the term “barrel” shall be defined as set forth in O.C.G.A. § 3-5-1.**

2.

The additional definitions added to Section 4-1 are to be alphabetized accordingly and included in said Section 4-1.

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**

**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 2. APPLICATION AND ISSUANCE. SECTION 4-59 POURING LICENSES LIMITED TO CERTAIN ESTABLISHMENTS is amended by adding a new paragraph E as follows:

1.



**Sec. 4-59. – Pouring Licenses Limited to Certain Establishments.**

- E. Pouring licenses may be issued to manufacturers for off premises and on premises consumption as follows:**
- a. Microbrewer as defined in this Chapter and Brewers shall be subject to the limitations presented in O.C.G.A. § 3-5-24.1 shall be allowed to sell for on premises and off premises consumption.**
  - b. Distillers as defined in this Chapter shall be subject to the limitations presented in O.C.G.A. § 3-4-24.2 shall be allowed to sell for on premises and off premises consumption.**

**2.**

**All other remaining provisions of Section 4-59 are to remain as is and made part of the permitted uses in Section 4-59.**

**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**

**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. SECTION 4-105. – CONSUMPTION ON-PREMISES is amended by deleting and replacing the same as listed below.**

1.

**Sec. 4-105. – Consumption on-premises.**

**It shall be unlawful for anyone to open, drink, or otherwise consume any wine or malt beverage or distilled spirits upon any premises, other than a pouring outlet or package wine outlet, wherein such beverages are sold under a license issued by the city, except as allowed for Brewer’s pursuant to O.C.G.A. § 3-5-24.1 and Distiller’s as allowed pursuant to O.C.G.A. § 3-4-24.2.**

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**

**E. Resolutions**

**1. Submittal of Capital Improvements Element (CIE) and Short Term Work Program (STWP) Annual Update and Corresponding Transmittal Resolution**

Mr. Mannino stated Cartersville adopted Impact Fees in the last quarter of 2006 and these fees became effective in January 2007. In accordance with the Development Impact Fee Regulations as outlined by the State, we are required to file an annual update to the Capital Improvements Element (CIE) of the Comprehensive Plan. The update gives the impact fee receipts and expenditures for fiscal year 2018 (July 1, 2017 through June 30, 2018). We are required to hold a public hearing regarding the update and forward it with a transmittal resolution to the Northwest Georgia Regional Commission (RC) and the Department of Community Affairs (DCA). After review from the RC and DCA, the document has to be adopted by the Council, and a copy sent to the RC (just like the Comp Plan process). At this time, the document is in “Draft” form and the final version will be distributed for review and comment prior to adoption.

Staff recommends that Council approve this resolution to allow us to forward the update to the RC and DCA for their review. Cartersville Electric System is requesting that Council authorize the Mayor and City Clerk to sign the Amendment to Power Sales Contracts.

Mayor Santini opened the floor for a public hearing and with no one coming forward to speak for or against the hearing was closed.

A motion to approve Submittal of Capital Improvements Element (CIE) and Short-Term Work Program (STWP) Annual Update and Corresponding Transmittal Resolution was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0.

**F. Contracts/Agreements**

**2. Courtware Solutions, Inc. Agreement**

Tom Rhinehart, Finance Director stated the City has received an updated contract from Courtware Solutions, Inc. This is the software used by the Municipal Court to process payments made from their court cases and all traffic related cases within the City. The agreement is being updated to reflect Courtware's new pricing which increases the citation fee from \$3 to \$4. The \$3 fee has not been changed since the City contracted with Courtware in 2005. The citation fee is added to the cost of each citation and is paid by the defendants. I recommend approval of the contract as presented and ask that the Mayor be authorized to sign any and all documents regarding the contract.

A motion to approve Courtware Solutions, Inc. Agreement was made by Council Member Roth and seconded by Council Member Stepp. Motion carried unanimously. Vote: 5-0.

**3. Mauldin & Jenkins Engagement Letter to Complete the Annual MEAG Questionnaire**

Mr. Rhinehart stated the City completes an annual MEAG questionnaire and part of the questionnaire needs to be completed by the audit firm. Mauldin and Jenkins have been asked to complete the questionnaire and in return, is asking the City to approve the attached engagement letter giving Mauldin and Jenkins the go ahead to complete the questionnaire. This is the first time the City has been asked to sign an engagement letter to complete the MEAG questionnaire. Mr. Rhinehart recommend the approval and ask that the Mayor be authorized to sign the engagement letter as submitted.

If approved, the recommendation would be to authorize the Mayor and City Clerk to sign the contract documents once they have been approved by the City Manager and City Attorney.

A motion to approve Mauldin & Jenkins Engagement Letter to Complete the Annual MEAG Questionnaire and authorize the Mayor and City Clerk to sign the contract documents once they have been approved by the City Manager and City Attorney was made by Council Member Hodge and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0.

**G. Bid Award/Purchases**

**1. Cogsdale Invoice**

Mr. Rhinehart stated the City has received the annual maintenance invoice from Cogsdale in the amount of \$78,283.05. Cogsdale is the City's third-party utility billing software and is a sole source provider. Mr. Rhinehart recommended approval of the Cogsdale invoice in the amount of \$78,283.05.

Motion to approve payment of the Cogsdale Invoice was made by Council Member Roth and seconded by Council Member Hodge. Motion carried unanimously. Vote: 5-0.

**2. WTP Filters 1-3 & 7 Rehabilitation**

Bob Jones, Water Department Head stated on January 21, 2016, Council authorized Wiedeman and Singleton Engineers (WSE) to design the Filter 1-3 & 7 Rehabilitation Project. Design was undertaken due to an inspection of Filter #2 which showed signs of underdrain failure. A similar project was completed in 2013 on Filters 4 – 6 due to an actual underdrain failure in Filter #5 which rendered the filter useless. While the design has been complete for almost a year, construction funds were not available until after the bond closing in June.

Bids were publicly opened and read at the Water Treatment Plant (WTP) on November 14, 2018 at 2:00pm. A total of four (4) pre-qualified bidders submitted the following bids:

Heavy Constructors, Inc.	\$928,000.00
IHC Construction Companies, LLC	\$1,004,300.00
Willow Construction, Inc.	\$1,224,472.00
J.S. Haren Company	Bid Withdrawn

WSE has evaluated the bids and recommends awarding to Heavy Constructors, Inc. A copy of their letter of recommendation and bid tabulation are attached. I concur with their recommendation and request authorization be granted for the Mayor to execute any and all contract documents related to the project subject to approval by the City Attorney. All bids are within the amount budgeted for the project.

A motion to approve WTP Filters 1-3 & 7 Rehabilitation was made by Council Member Stepp and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0.

**3. Everbridge – Mass Notification System**

Rebecca Bohlander Public Relations and Communications Manager recommended renewal of annual Everbridge contract for \$6,825.00.

A motion to approve payment of the Everbridge invoice was made by Council Member Hodge and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0. \_\_\_\_\_

**4. Trail Mix – Park Trails**

Greg Anderson, Parks and Recreation Department Head stated one of the last remaining GO Bond Projects will be renovation of the Dellinger Park Trail (Vita Course). Over the last 38 years, there have been 4 aggregates used for the trail surface; 1) washed cinders increased to over \$25.00/ton, 2) 89 stone, maintenance issues, 3) screened 810, product washes away easily, 4) Rockmart Slate trail mix which withstood 5" of rain on November 12th with no wash areas or floating away.

Rockmart Slate Company is providing a quote of \$14.00 per ton F.O.B., through December 31, 2018 and we request authorization to order an amount not to exceed 650-tons or \$9,100.00. This cost will be split between GO Bond fund and park maintenance budget.

This trail mix product will enhance all CPRD aggregate trails (Dellinger Park, Sports Complex and Leake Mounds Interpretive Trail) and the City will spread approximately 550-600 tons. CPRD will haul the product using Public Works tandem dump trucks.

Rockmart Slate Company provided a price per ton for the next 2 years, for the purpose of maintaining the trails. The 2-year quote from January 2019 – December 2020 is \$19.00 per ton.

A motion to approve trail mix – park trails was made by Council Member Stepp and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0.

#### **5. Bid 18-005 – Sports Lighting Fields and Courts**

Mr. Anderson stated bids were legally advertised and received for Bid 18-005, Sports Lighting Fields and Courts. This is one of the last GO Bond projects and includes lighting of Dellinger Park Tennis Courts, 6-7 and 13-14, lighting of Dellinger Park Outdoor Basketball Courts and lighting of athletic fields (#3 & #4) for the Cartersville Sports Complex.

Mr. Anderson recommended the low bid in the amount of \$462,023.00 from West Georgia Lighting and that Mayor Santini be authorized to sign any and all related bid documents. All required documentation was received as part of bid package.

The recommended bid is approximately \$87,023.00 over the revised GO Bond project list for sports lighting discussed at Cartersville City Council meeting on June 21, 2018.

Motion to approve Bid 18-005 – Sports Lighting Fields and Courts was made by Council Member Cooley and seconded by Council Member Stepp. Motion carried unanimously. Vote: 5-0.

#### **6. Repair of 2011 Mobile Air/Light Unit**

Chief Scott Carter stated he respectfully requested permission to proceed with a required repair of our 2011 mobile air/light unit. This unit provides emergency breathing air to fill our breathing apparatus tanks in the field and it provides emergency scene lighting at night. The electronic boards are out on this unit and require a retro replacement. Repairs will be completed

by Municipal Emergency Services who is a sole source provider for Scott Liberty equipment for the State of Georgia. Total cost for this repair will be \$6,780.00.

Motion to approve the repair of 2011 Mobile Air/Light Unit was made by Council Member Roth and seconded by Council Member Wren. Motion carried unanimously. Motion carried unanimously. Vote: 5-0.

#### **7. One Beacon Insurance Deductible**

Dan Porta, Assistant City Manager stated the City has received an invoice from our prior insurance carrier, One Beacon, on two outstanding insurance claims. Our deductible on each claim is \$25,000 and currently we have an invoice due in the amount of \$8,566.84 and Mr. Porta recommended approval of this expenditure.

Motion to approve One Beacon Insurance Deductible was made by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote:5-0.

#### **H. Change Order**

##### **1. Gas Department Facility Change Order #1**

Mr. Porta stated City staff has been working with Balfour Beatty, the Construction Manager At Risk for the Gas Department facility on Old Mill Road and we have a change order to make for some reductions in their scope of work. The changes are as follows:

Delete Generators and Pads	(\$102,763.00)
Add Conduit at Fuel Canopy	\$5,777.00
Delete Fuel Station from Contract	(\$272,746.00)
Net Reduction	(\$369,732.00)

The fuel station has been bid directly by the City and the City Council has already awarded this bid to Guardian Fueling Technologies in the amount of \$220,390.07 which is a savings of \$52,355.93 from the Balfour Beatty bid. The generators will be bid at a later date and we expect to save money over what Balfour Beatty has previously quoted.

Mr. Porta requested approval of change order #1 reduction in the amount of \$369,732.00.

A motion to approve Gas Department Facility Change Order #1 was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0.

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

**Meeting Adjourned**



/s/ Matthew J. Santini  
Matthew J. Santini  
Mayor

ATTEST:

/s/ Meredith Ulmer  
Meredith Ulmer  
City Clerk