

City Council Meeting
10 N. Public Square
December 1, 2011
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tate

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; Louis Tonsmeire, Sr., Council Member Ward Three; Lindsey McDaniel Council Member Ward Four; Dianne Tate, Council Member Ward Five; Lori Pruitt, Council Member Ward Six; Sam Grove, City Manager; Connie Keeling, City Clerk and David Archer, City Attorney. Kari Hodge, Council Member Ward One was absent.

II. Regular Agenda

A. Council Meeting Minutes

1. November 17, 2011

A motion to approve the November 17, 2011 minutes as presented was made by Council Member Tate and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

B. Second Reading of Ordinances

1. Amendment to Alcohol Ordinance Regarding Sunday Package Sales

Randy Mannino, Planning and Development Director stated that on Tuesday, November 8, 2011 the citizens of Cartersville voted to allow Sunday Sales for package stores. This amendment to the Alcohol Ordinance is required to allow Sunday Sales for Package from 12:30 p.m. to 11:30 p.m., which differentiates between pouring and package Sunday Sales. This ordinance deletes Section 4-180 in its entirety and defines the hours of operation for Package Outlets. Mr. Mannino stated that there had been no changes since the first reading and recommended approval.

A motion to approve Ordinance No. 23-11 was made by Council Member Stepp and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 23-11

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. ALCOHOLIC BEVERAGES. is amended as follows:

1.

ARTICLE I. In General. Division 1. Generally Section 4-1. Definitions is hereby amended by adding the following:

“Sunday Sales License means pouring license or license to sell by the drink malt beverage and wine and/or distilled spirits on Sundays.”

2.

ARTICLE I. In General. Division 2. Regulation of Establishments. Sec. 4.9 Sale Unlawful at Certain Times. is hereby amended by deleting said section it is entirety and replacing it as follows:

“Sec 4.9. Sale Unlawful at Certain Times. It shall be unlawful for any person to sell any malt beverage and wine and distilled spirits on any Christmas Day or on any day prior to 6:00 a.m. or after 12:00 p.m., unless specifically provided for herein. Additionally, it shall be unlawful for any person to sell by package distilled spirits on Thanksgiving Day.”

3.

ARTICLE IV. Caterers. Sec 4-180. Sunday Sales is deleted in its entirety and replaced as follows:

“Sec. 4-180 Reserved.

4.

ARTICLE II. Licensing Requirements. Division 5. Hours of Operation Sec 4-121. Package Outlets is hereby amended by deleting it in its entirety and replacing it as follows:

“Sec. 4-121. Package Outlets

(a) Distilled Spirits. No retailer shall be in his place of business, or open his place of business, or furnish, sell or offer for sale any distilled spirits at any of the following times:

- (1) At any time on Thanksgiving or Christmas Day; or
 - (2) At any time in violation of an ordinance or regulation or of a special order of the mayor and city council; or
 - (3) On Monday through Saturday before 8:00 a.m. or after 11:45 p.m.; or
 - (4) On Sunday before 12:30 p.m. or after 11:30 p.m.
- (b) Malt beverage and wine. It shall be unlawful for any person to sell or serve any malt beverage and wine at any of the following times:
- (1) At any time on Christmas Day; or
 - (2) On Monday through Saturday prior to 8:00 a.m. or after 12:00 p.m.; or
 - (3) On Sunday before 12:30 p.m. or after 11:30 p.m.
 - (4) Additionally, package wine outlets may not serve after 9:00 p.m. on any day.

5.

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.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 17th day of November 2011.

Second Reading and Adoption this the 1st day of December 2011.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. Amendment to Alcohol Ordinance Regarding “Growlers”

Randy Mannino, Planning and Development Director stated that the Alcohol Control Board had approved a request to add Growlers as an allowed use to the Alcohol Ordinance. Mr. Mannino explained that a beer growler allows the customer to buy beer in a 64 ounce bottle that is filled from the keg at the store and sealed for freshness. This type of sale allows the customer

to purchase fresh and sometimes rare beers from the keg in a reusable jug at a cheaper price. Mr. Mannino stated that there had been no changes since the first reading and recommended approval.

A motion to approve Ordinance No. 24-11 was made by Council Member McDaniel and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 24-11

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. ALCOHOLIC BEVERAGES.** is hereby amended as follows:

1.

Article I. In General. Division 2. Regulation of Establishment. Sec 4-18. Container Limitations is hereby amended by adding a new paragraph (d) as follows:

“The sale of Growlers, in compliance with this Ordinance is authorized for package outlets, authorized to sell alcoholic beverages, excluding distilled spirits, by the package. Furthermore, the filling of Growlers by means of tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26. The term ‘Growler’ shall mean a glass bottle not to exceed 64 ounces that is filled by a licensee or employee of a package outlet with beer from a keg. Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler. Only professionally sanitized and sealed Growlers may be filled and made available for retail sale. Every customer who purchases a Growler shall, at the time of the purchase, be provided written documentation by the licensee regarding the open containers laws of the state and City of Cartersville.”

2.

Article I. In General. Division 1. Generally Sec 4-1 Definitions is hereby amended by deleting the definition of *Package* in its entirety and replacing it with the following:

“*Package* means distilled spirits, wine or malt beverages sold, offered or stored including but not limited to kegs, bottles, growlers, can, or other original consumer container for sale at retail in sealed containers, not for opening or consumption upon the premises of the package outlet.”

3.

Article I. In General. Sec 4-1 Definitions is hereby amended by adding the following definition to said section.

“Growler means a glass bottle not to exceed 64 ounces that is filled by a licensee or employee of a package outlet with beer from a keg.”

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.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 17th day of November 2011.

Second Reading and Adoption this the 1st day of December 2011.

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

ATTEST:

**/s/ Connie Keeling
Connie Keeling
City Clerk**

C. Contracts/Agreements

1. Health Insurance Renewal with United Health Care

Dan Porta, Assistant City Manager stated that this is the annual renewal of the Employee Health Insurance. Mr. Porta stated that he had consulted with Shaw-Hankins and after reviewing all the options for insurance coverage, United Health Care came in with a 7% increase in cost. Mr. Porta stated that the cost to the employee; benefit level, and coverage will remain the same as last year and this year will include the option for Mayor and Council to sign up for coverage. Mr. Porta stated that this will be the reinsurance of ACC Life as well and recommended approval.

A motion to approve the United Health Care Renewal including the reinsurance of ACC Life Insurance and include the option for the Mayor and Council to enroll in the health insurance plan was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

2. UNUM Insurance Agreement for Critical Illness Benefits

Mr. Porta, Assistant City Manager stated for several years city employees have been given the option to purchase voluntary cancer and accident insurance coverage through AFLAC Insurance. Every few years staff looks over other companies voluntary policies to compare premiums and insurance coverage. For 2012, Mr. Porta recommended that UNUM Insurance be offered to city employees as the voluntary cancer and accident insurance policy. Mr. Porta stated that the insurance premiums are lower than AFLAC Insurance with very comparable coverage levels.

A motion to approve the UNUM Insurance Agreement was made by Council Member Stepp and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

D. Bid Award/Purchases

1. Grit Collector Rehabilitation

Ed Mullinax, Assistant Water Superintendent stated that bids were accepted for labor and material to rehab one of two grit collector units at the waste water treatment plant. Mr. Mullinax stated that in order to get the best price they had to split the equipment purchase between two vendors and recommended awarding A&D Contracting for labor plus 57% of materials in the amount of \$40,275.00 and Allied Industries for 43% of the material in the amount of \$10,990.48.

A motion to approve agreements with A&D Contracting and Allied Industries was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

Mayor Santini stated that there were some items that needed to be added to the agenda. A motion to add these items to the agenda was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

E. Added Item

1. Emergency Water Main Extension on Indian Mounds Road

Ed Mullinax, Assistant Water Superintendent stated that these two contract agreements are for the material purchase and installation of the water main extension on Indian Mounds Road. Mr. Mullinax stated that this is an emergency replacement of the water main to correct problems with water service to the Bow and Arrow Mobile Home Park and other customers in the area of South Indian Mounds Road. This project will consist of an 8-ince main beginning at Glen Cove Road and will include fire hydrants and meter settings. Bids were received for materials and installation and Mr. Mullinax recommended the low bid for materials from HD Supply Waterworks, LTD in the amount of \$99,639.65 and the low bid for installation from C&L Contractors, Inc. in the amount of \$26,101.00.

A motion to approve both HD Supply Waterworks, LTD and C&L Contractors, Inc. was made by Council Member Tate and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

2. Resolution to Call for Special School Board Election

Connie Keeling, City Clerk stated that an election would need to be held to fill the vacancy of the School Board Ward 1 which was previously held by the late Michael Dean. Mrs. Keeling stated that due to time constraints with state regulations this needed to be added to the agenda so that it could be in the newspaper 90 days in advance of the Presidential Preference Primary to be held on March 6, 2012 and recommended approval of the resolution.

A motion to approve Resolution No. 30-11 was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

Resolution No. 30-11

Resolution calling for a special election to be held in City of Cartersville School Board Ward 1 to fulfill the unexpired term of the Honorable Michael Dean.

WHEREAS, The City of Cartersville, Georgia (hereinafter referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia law; and

WHEREAS, the General Assembly of the State of Georgia has enacted legislation authorizing the City to conduct special elections upon the vacancy of an elected official pursuant to O.C.G.A. § 21-2-504 and in a manner authorized under O.C.G.A. § 21-2-540; and

WHEREAS, the City of Cartersville, Georgia at the time of Mr. Dean’s death already had one appointed member on the School Board fulfilling a vacancy pursuant to City of Cartersville Code Section 5.05; and

WHEREAS, the second vacancy pursuant to O.C.G.A. § 21-2-504 and City of Cartersville Code Section 5.05 requires the City of Cartersville to conduct a special election to fulfill Mr. Dean’s School Board Ward 1 unexpired term; and

WHEREAS, the other vacancy was covered by the election on November 8, 2011 of the Honorable Pat Broadnax, whose term commences in January, 2012; and

WHEREAS, the Cartersville School Board has requested the City of Cartersville conduct a special election to fulfill the unexpired term for the School Board Ward 1 seat.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Cartersville, Georgia by the lawful authority vest in them, a special election to fill the vacant School Board Ward 1 seat be held as required by law and the election Superintendent shall issue the call and shall conduct said election on a date and in the manner authorized under O.C.G.A. § 21-2-540, and any other applicable laws, if any. Said election is anticipated to be March 6, 2012, and said call is to be substantially in the form attached hereto as Exhibit “A”.

BE IT AND IT IS HEREBY RESOLVED this 1st day of December, 2011.

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

ATTEST:

**/s/ Connie Keeling
Connie Keeling
City Clerk**

3. Purchase of Additional Recycling Containers

Bobby Elliott, Public Works Director stated that the response to his recycle program had been so good that he needed to order additional containers. To date Mr. Elliott has had 340 customers to sign up for the recycle program and he was afraid he would not have enough containers to service the customers. Mr. Elliott asked to order an additional 1000 containers from Otto-USA at the original low bid price of \$35.00 each plus freight of \$650.00; a total of \$35,650.00 for the additional order.

A motion to approve the purchase of additional Recycle Carts from Otto-USA was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously.

F. Public Hearing

1. Appeal Requested by Tarascos Tacos and Wings

Mayor Santini stated that he had received a request from Tarascos Tacos and Wings to appeal the decision of council concerning the \$2,500.00 fine and 3-year probation.

Mayor Santini opened the floor for a public hearing. Vanessa Cabannas came forward and asked the council to reconsider the length of probation on her restaurant. Ms. Cabannas stated that this is the first violation that any of her restaurants had received and that they had replaced both the manager and employee who were involved in the violation. With no further comments Mayor Santini closed the public hearing.

A motion to reduce the probation from three (3) years to one (1) year and authorize a refund of 2/3 of the \$2,500.00 fine with Tarascos paying the balance of \$1666.00 to the City in two equal payments due on January 2 and February 2, 2012 in the amount of \$833.00 each was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried 4-0-1 with Council Member Tonsmeire abstaining.

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
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk