

City Council Meeting
10 N. Public Square
August 15, 2019
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 Roth.

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. August 1, 2019

A motion to approve the August 1, 2019 City Council Meeting Minutes as presented was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

B. Resolutions

1. 2019 CDBG Compliance

Tamara Brock, City Manager stated this resolution is to acknowledge efforts of the Cartersville City Council's ongoing compliance efforts with the Georgia Department of Community Affairs/Community Development Block Grant Program (DCA/CDBG) initiatives.

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

C. Second Reading of Ordinances

1. Brunch Bill – Sunday Sales

Ms. Brock stated this is to amend the Code of Ordinances for the City of Cartersville, to allow for Sunday sales of malt beverages, wine and distilled spirits for consumption on the

premises; to authorize a referendum in the general election; to provide for an adoption and effective date; and to provide for other lawful purposes.

A motion to approve the Brunch Bill to go on the ballot in November was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF CARTERSVILLE, GEORGIA TO ALLOW FOR SUNDAY SALES OF MALT BEVERAGES, WINE AND DISTILLED SPIRITS FOR CONSUMPTION ON THE PREMISES; TO AUTHORIZE A REFERENDUM; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City of Cartersville, Georgia is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, the City is authorized to regulate sales of alcoholic beverages in the City for consumption on the premises of licensed establishments; and

WHEREAS, SB 17, approved by the 2018 Legislative Session was signed by the Governor and became effective on May 8, 2018, authorizes sales of malt beverages, wine and distilled spirits to be sold on Sundays for consumption on the premises of licensed establishments in any local government jurisdiction that desires to place same on a referendum for a vote on a general election ballot and the referendum receives a majority approval; and

WHEREAS, the City of Cartersville has previously approved Sunday Sales for malt beverages, wine, and distilled spirits; and

WHEREAS, that in order to place the question on a referendum, a local governing authority must pass Resolution or Ordinance permitting sales of alcohol on Sundays between the hours of 11:00 a.m. and 12:00 a.m. (midnight), and forward a certified copy of same to the Elections Superintendent for placing on the ballot; and

WHEREAS, the City Council desires to amend City Code to provide for earlier Sunday sales of malt beverages, wine and distilled spirits and desires to place the question for a referendum on the November 5, 2019 election ballot.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA, HEREBY ORDAIN as follows:

SECTION ONE

That CHAPTER 4 - ALCOHOLIC BEVERAGES, ARTICLE II. - LICENSING REQUIREMENTS, DIVISION 1. - GENERALLY, Sec. 4-35. - Sunday license, Paragraph (2) and DIVISION 5. - HOURS OF OPERATION, Sec. 4-120. - Pouring outlets, Paragraphs (3) and (4), are hereby amended to read as follows:

A.

Sec. 4-35. - Sunday license.

(2) Alcoholic beverages may be sold and served for consumption on the premises on Sundays from 11:00 a.m. until 12:00 midnight in any licensed establishment which derives at least fifty (50) percent of its total annual gross food and beverage sales from the sale of prepared meals or food, and in any licensed establishment which derives at least fifty (50) percent of its total annual gross revenues from the rental of rooms for overnight lodging; and must qualify as a restaurant or hotel with valid unlimited health permit.

B.

Sec. 4-120. - Pouring outlets.

(3) No pouring shall be permitted between the hours of 1:30 a.m. Sunday and 11:00 a.m. Sunday, or between the hours of 12:30 a.m. and 10:00 a.m. Monday through Thursday and/or between the hours of 1:30 a.m. and 10:00 a.m. Friday and Saturday except as provided in subsection (9) herein.

(4) No wine or malt beverages or distilled spirits may be consumed on the premises of the pouring outlet between the hours of 2:00 a.m. Sunday and 11:00 a.m. Sunday, or between the hours of 12:30 a.m. and 10:00 a.m. Monday through Thursday and/or between the hours of 2:00 a.m. and 10:00 a.m. Friday and Saturday except as provided in subsection (9) herein.

SECTION TWO

Upon adoption of this Ordinance, the same shall be forwarded to the City's Election Superintendent for inclusion on the November 5, 2019 election ballot as a question as follows:

Shall the governing authority of the City of Cartersville be authorized to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink from 11:00 A.M. to 12:30 P.M.?"

() YES () NO

SECTION THREE

That the Election Superintendent is further authorized and directed to place an advertisement in The Daily Tribune Newspaper once a week for two weeks prior to the date of the November 5, 2019, Election where the above question shall be placed on the ballot, stating the date and purpose of this Referendum to be placed on the ballot in the advertisement.

SECTION FOUR

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION FIVE

This Ordinance shall become effective on December 1, 2019, so long as the Referendum authorized by this Ordinance is approved by the majority of the voters on the November 5, 2019 Election Ballot. If the Referendum is not approved by a majority of the voters, this Ordinance shall be null and void.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

2. Ordinance Amendment to Correct Frontage Requirements

Randy Mannino, Planning and Development Department Head stated this is a general housekeeping clean-up in a section of the ordinance which deals with septic tank lots. This corrects an arbitrary number used for street frontage, and refers it back to our adopted frontage requirements.

Council approval of this amendment to the ordinance is recommended.

Motion to approve the ordinance amendment to correct frontage requirements was made by Council Member Stepp and seconded by Council Member Wren. 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 23 – SUBDIVISIONS. ARTICLE II. – REQUIRED IMPROVEMENTS. SECTION 23-19. – SANITARY SEWERS is hereby amended by deleting paragraph (b)(2) in its entirety and replacing it as follows:

1.

Sec. 23-19. - Sanitary sewers.

(b) Wherever a public sanitary sewer is not available within a reasonable distance from the subdivision,

(2) *Septic tanks.* A septic tank on each lot, provided the minimum lot size shall be fifteen thousand (15,000) square feet which shall comply with the City of Cartersville requirements for frontage. This minimum lot area may be increased by the health department if necessary. The following information shall be submitted to the health department for consideration of septic tank approval.

- a. Topographic information for each parcel of land on which a septic tank is to be installed. Contour intervals shall not exceed five (5) feet.
- b. Location of all drainage facilities, either natural or proposed.
- c. Percolation data indicated on a plat as specified by the health department.
- d. Proposed number of sanitary fixtures per dwelling unit.

2.

All other remaining provisions of Section 23-19. are to remain as is and the replacement paragraph herein is to be made part of Section 23-19.

3.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

D. First Reading of Ordinances

1. Text Amendment T19-04

Mr. Mannino stated the American Legion Post 42 proposes a revision to the Sign Ordinance, Section 20-25, Freestanding signs, to add MLK Jr. Drive (from corner of N. Tennessee St. to Rowland Springs Road) as an allowed road for electronic freestanding signs. American Legion is proposing this change in order to replace their existing static sign with a new digital sign.

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

The floor was opened for a public hearing.

Sam Gilstrap with New Beginning Signs came forward with Glen Thompson, American Legion Chairman to speak for the application. Mr. Thompson stated if approved the sign would be out at the entrance and has no intention to sell ad space. The sign will be used to advertise American Legion events.

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 20. SIGNS AND OUTDOOR ADVERTISING. ARTICLE II. SIGN ORDINANCE. SECTION 20-25 Freestanding signs, PARAGRAPH (2)b Electronic freestanding signs, is hereby amended by adding a new subsection as follows:

1.

Martin Luther King Jr, Drive, (Between N. Tennessee St and Rowland Springs Rd/ Morningside Dr.).

2.

The remaining provisions of Section 20-25 are to remain as is, and the additional items herein are to be made part of the roads listed in Section 20-25 (2) b which is to be re-alphabetized.

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

E. Contracts/Agreements

1. Athletic Fields Inc.

Tom Gilliam, Parks and Recreation Department Head stated the Parks & Rec Department is requesting approval for Athletic Fields Inc. to renovate George Johnson & Bill Bruce Fields at Hicks Park. Rudy York & Joe Frank Harris Fields were previously renovated by this company. The total cost for the field renovations is \$33,884.00 which will be split with our baseball provider, Cartersville Little League. The Little League will pay \$16,000.00 and the City will pay the remaining \$17,884.00.

Mr. Gilliam recommended this contract with Athletic Fields Inc. to Mayor & Council for approval in the amount of \$17,884.00.

Motion to approve the Athletic Fields Inc Contract was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0.

F. Other

1. Facility Rental Fees Update – Removed from the agenda

G. Bid Award/Purchases

1. Garbage Truck

Tommy Sanders, Public Works Department Head stated Solid Waste opened bids on July 30th for a budgeted 20 yd Rear Loader Garbage Truck. We received bids from 6 companies and recommend the low bidder, Carolina Environmental Systems. They submitted a bid of \$145,582.00 for a Kenworth T370 with a Heil PT-1000 body.

We recommend approval of the low bid on this item. This is a GMA leasepool purchase.

A motion to approve the purchase of the garbage truck through GMA Leasepool was made by Council Member Fox and seconded by Council Member Stepp. Motion carried unanimously. Vote: 6-0.

2. Claw Truck Repair

Mr. Sanders stated Solid Waste needs to repair some major components on our Claw

Truck used for picking up large yard waste and debris. We recommend your approval of the estimate from our Garage for \$18,313.61. This is a budgeted item.

A motion to approve the Claw Truck Repair was made by Council Member Hodge and seconded by Council Member Stepp. Motion carried unanimously. Vote: 6-0.

3. Delivery Point Filter

Michael Dickson, Gas Department came forward and stated Green Country Filter Manufacturing is a sole source provider of the filter needed for the Transco Delivery Point meter station. Mr. Dickson recommended approval of the purchase of this filter and additional components totaling \$6,487.00.

A motion to approve the Delivery Point Filter was made by Council Member Stepp and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

4. Workers Compensation Subsequent Injury Trust Fund

Dan Porta, Assistant City Manager stated the 2018 annual assessment for workers compensation claims has been received and is \$5,309.63. This invoice is recommended for your approval.

A motion to approve Workers Compensation Subsequent Injury Trust Fund was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

5. Bartow County Motorola Radio Invoice

Mr. Porta stated the second quarter 2019 invoice for the new countywide radio system is due in the amount of \$11,520.36 and is recommended for your approval.

A motion to approve Bartow County Motorola Radio Invoice was made by Council Member Stepp and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

H. Public Hearing

1. City of Cartersville M & O Millage Rate set at 3.259 Mills for 2019

Tom Rhinehart, Finance Department Head stated the property taxes received from the Cartersville M&O property tax collections are used for the general city government operations, which include police, fire, recreation, public works, etc. The proposed 2019 millage rate of 3.259 mills is considered to be above the 2019 rollback rate of 2.106 mills. As a result, the city is required to hold three public hearings for the public to voice their opinions about the proposed tax increase. This is the second of the three required meetings. Mr. Rhinehart recommended approval of the Cartersville M&O property tax millage rate of 3.259 mills for 2019.

The Mayor opened the floor for a public hearing to anyone wishing to speak for or against the City of Cartersville M & O Millage Rate set at 3.259 Mills for 2019:

Margaret Angelo of Cartersville, GA came forward to speak against.

With no one else coming forward the public hearing was closed.

A motion to approve City of Cartersville M & O Millage Rate set at 3.259 Mills for 2019 was made by Council Member Stepp and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0.

I. Other

1. Cartersville School System 2019 Millage rate Set at 14.576 Mills

Mr. Rhinehart stated the Cartersville City School System has recommended to their Board to lower the school system's 2019 millage rate to 14.576 mills. This is the rollback rate for 2019. The City Council approves the School Board's recommended tax millage rate for city residents where all the property taxes collected are used by the Cartersville City School System. I recommend approval of the Cartersville City School System property tax millage rate of 14.576 mills for 2019.

The Mayor opened the floor for a public hearing to anyone wishing to come forward to speak for or against Cartersville School System 2019 Millage rate Set at 14.576 Mills. No one came forward and the public hearing was closed.

Motion to approve Cartersville School System, 2019 Millage rate Set at 14.576 Mills was made by Council Member Stepp and seconded by Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0.

2. Cartersville Business Improvement District Millage Rate Set at 1.789 Mills for 2019

Mr. Rhinehart stated the Cartersville Business Improvement District (BID) is made up of the Downtown Cartersville Business District. These business owners have been self-assessing a property tax for many years to raise funds for use in the downtown area. The Downtown Development Authority (DDA) works with the local businesses to use the funds to improve the downtown area. The DDA Board requests the City Council approval of their recommended BID's property tax millage of 1.789 mills for 2019. This is the rollback rate. Mr. Rhinehart recommended approval of the Cartersville Business Improvement District property tax millage of 1.789 mills for 2019.

The Mayor opened the floor for a public hearing to anyone wishing to come forward and speak for or against Cartersville Business Improvement District Millage Rate Set at 1.789 Mills for 2019. No one came forward, and the public hearing was closed.

A motion to approve Cartersville Business Improvement District Millage Rate Set at 1.789 Mills for 2019 was made by Council Member Stepp and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0. _____

3. GO Parks & Recreation Bond Property Tax Millage Rate set at 0.861 Mills for 2019

Mr. Rhinehart stated the citizens of Cartersville approved a referendum in November of 2014 authorizing the city to issue bonds to be used to pay for renovations and improvements to the parks and recreation buildings and properties. The bonds were issued with a ten year payback period. In order to make the scheduled bond payments, the city is assessing a property tax millage of 0.861 mills (rollback rate) for 2019, also approved by the citizens. The millage rate for this will fluctuate over the ten years and will need to be set with a millage large enough to cover the semi-annual bond payments. Mr. Rhinehart recommended approval of the Cartersville GO Parks and Recreation Bond tax millage rate of 0.861 mills for 2019.

The Mayor opened the floor got a public hearing to anyone wishing to come forward and speak for or against GO Parks & Recreation Bond Property Tax Millage Rate set at 0.861 Mills for 2019. No one came forward and the public hearing was closed,

A motion to approve GO Parks & Recreation Bond Property Tax Millage Rate set at 0.861 Mills for 2019 was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0.

J. Monthly Financial Statement

June Financial Reports

Mr. Rhinehart gave the financial report comparing June 2018 to Jun 2019.

Council Member Stepp made a motion to add three items to the agenda. The motion was seconded by Council Member Hodge and carried unanimously. Vote: 6-0.

Added Items:

1. Federal Annual Report to the United States Department of Justice

Chief McCann came forward and stated this is the annual report the Police Department submits to the Department of Justice to show revenues generated and expenditures. Chief McCann requested authorization from Council for the Mayor to sign the report in order for him to submit it.

Motion to approve the authorization of the Mayor's signature on the Annual Report to the United States Department of Justice was made by Council Member Stepp and seconded by

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

2. Medical Insurance Brokerage Firm

Mr. Porta came forward and stated he recommended approval of One Digital to be the City's Medical Insurance Brokerage firm. Four firms were interviewed. Council approval is recommended.

Motion to approve One Digital to be the City's Medical Brokerage Firm was made by Council Member Stepp and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0.

3. Resolution

Keith Lovell, City Attorney stated this resolution institutes a moratorium beginning August 15, 2019 on all new applications for renovations or improvements of any properties within the Cherokee-Cassville Historic District and the West End Historic District.

The Mayor opened the floor for a public hearing to anyone wishing to come forward and speak for or against the resolution. With no one coming forward the public hearing was closed.

RESOLUTION NO:_____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, IN THE STATE OF GEORGIA, AUTHORIZING A TEMPORARY MORATORIUM AS OF AUGUST 15, 2019 ON ALL NEW APPLICATIONS FOR RENOVATIONS OR IMPROVEMENTS OF ANY PROPERTIES WITHIN THE CHEROKEE-CASSVILLE HISTORIC DISTRICT AND THE WEST END HISTORIC DISTRICT

WHEREAS, the City of Cartersville has created several historic districts within the City of Cartersville; and

WHEREAS, the City of Cartersville, Georgia desires to consider if zoning ordinances and development regulations need to be revised to protect the historic integrity of the historic districts and the contributing properties as defined by City Code Section 9.25-31(a)(3)(a) therein; and

WHEREAS, the Mayor and City Council of the City of Cartersville desire to receive input from its planning professionals and the City of Cartersville Historic Preservation Commission in regard to proposed revisions and issues of concern; and

WHEREAS, the Mayor and City Council are concerned with the recent issues relating to painting over existing non painted bricks, issuance of demolition permits, sidewalks, drive cuts, setbacks, fire safety regulations, subdivision of contributing properties, parking on said properties, fencing and screening, signage, compatibility of new architecture with the contributing properties in said district, frontage requirements, lot

size; and preservation of residential nature of certain historic districts within the City of Cartersville; and

WHEREAS, the Mayor and City Council are concerned that existing development regulations and zoning ordinances may not adequately address these issues; and

WHEREAS, the City of Cartersville Historic Preservation Commission has had incidents of painting non painted brick on a contributing property in violation of the current ordinance, and questions or appeals related to window alterations, roof pitches and slopes, demolition of structures, subdivision of property, landscape features, and fencing; and

WHEREAS, the two historic districts that these issues are most raised are in the Cherokee-Cassville Historic District and West End Historic District; and

WHEREAS, the Mayor and City Council of the City of Cartersville have determined that it is in the best interest of the City of Cartersville, and promotes the general public welfare, health and happiness as well as the historical integrity of the Cherokee-Cassville Historic District and West End Historic District to adopt a one hundred twenty (120) day moratorium on the issuance of demolition permits, application of variances to the Board of Zoning appeals, rezoning applications, and the application and appeal of the subdividing of any contributing property within said districts.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA, AS FOLLOWS:

1) Effective from the 15th day of August, 2019, for a period not to exceed one hundred (120) days, that a temporary moratorium be issued for contributing properties as defined in City of Cartersville Code Section 4.25-33(a)3(a) located in the Cherokee-Cassville Historic District and West End Historic District be issued to prohibit the following:

- a) issuance of drive cuts;
- b) issuance of demolition permits;
- c) filing of an application for variance from the building codes and fire codes of the City of Cartersville;
- d) filing of rezoning applications;
- e) application and approval of subdivision of property;
- f) application and approval of preliminary or final plat; and
- g) the following are exempt from the requirements of this temporary moratorium:
 - i) projects with an active land disturbance permit issued by the City of Cartersville prior to the date of the adoption of this moratorium;
 - ii) projects that have been granted variances or a zoning amendment prior to the date of adoption of this moratorium;
 - iii) projects for Bartow County, the City of Cartersville and/or the State of Georgia;

- iv) projects for which building permits have been issued prior to the date of the adoption of this moratorium;
- v) demolition permits for buildings declared to be unfit for human habitation by order of the City of Cartersville Municipal Court Judge; and
- vi) properties that have been issued a preliminary plat prior to the date of adoption of this temporary moratorium.

This moratorium is in effect from the date and time of adoption on August 15, 2019. It is anticipated that this moratorium shall last until December 13, 2019 but is subject to change by the Mayor and City Council. During the time this moratorium is in place, the City Staff and Historic Preservation Commission are hereby directed to review the City's development regulations, landscape ordinance, zoning ordinance, building codes, and Historic Preservation Ordinance and prepare appropriate revisions thereto and to submit their recommendations and proposals by September 30, 2019.

BE IT AND IT IS HEREBY RESOLVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, this 15th day of August, 2019.

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

ATTEST:

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

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

/s/ _____
Matthew J. Santini, Mayor

ATTEST:
/s/ Samantha Fincher
Meredith Ulmer, City Clerk
Samantha Fincher
Deputy City Clerk

