

City Council Meeting
10 N. Public Square
March 7, 2019
6PM – Work Session
7PM – Council Meeting

I. Opening Meeting

Invocation by Council Member Cooley.

Pledge of Allegiance led by Council Member Fox.

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: 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.

Absent: Kari Hodge Ward One and Jayce Stepp Ward Two

II. Regular Agenda

A. Council Meeting Minutes

1. February 21, 2019

A motion to approve the February 21, 2019 City Council Meeting Minutes as presented was made by Council Member Cooley and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

B. Presentations

1. FY2018 Audit Presentation

Adam Fraley and Christopher McKellar from Mauldin and Jenkins presented the FY 2018 audit report.

C. Second Reading of Ordinances

1. Founder's Oak Parking Lot Events

Keith Lovell, City Attorney stated Sec. 22-9 - 22-25 RESERVED - Founder's Oak Parking Lot, is being amended by deleting this section and replacing it with the presented ordinance.

Motion to approve the Founder's Oak Parking Lot Events was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

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 22. – STREETS & SIDEWALKS, ARTICLE I. – IN GENERAL. SEC. 22-9 – 22-25 – RESERVED is hereby amended by deleting said Section in its entirety and replacing it as follows:

1. Sec. 22-9. – Founder’s Oak Parking Lot.

The Founder’s Oak parking lot shall be jointly administered by the public works department and the City of Cartersville Downtown Development Authority.

(1) The public works department shall administer the Founder’s Oak parking lot in the same manner as all other parking lots in the city, except as stated herein.

(2) The downtown development authority is hereby authorized pursuant to the conditions and requirements as to event, times and dates as determined by the city manager to use the Founder’s Oak parking lot for public assemblies and gatherings, festivals and other events as approved by the city.

(3) The downtown development authority must within two (2) weeks prior to allowing any use of the Founder’s Oak parking lot, provide to the public works department a synopsis of the planned activity, dates, times, and anticipated crowds.

(4) The city reserves the right at the sole discretion of the city manager to cancel any event planned at the Founder’s Oak parking lot if in his/her opinion it is necessary to protect the public health, safety, and welfare of the inhabitants of the city and/or the anticipated or actual users and use of the Founder’s Oak parking lot.

2. Sec. 22-10 through 22-25. Reserved.

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

2. Special Events to Chapter 11 Misc Provisions

Mr. Lovell stated Chapter 11 - Miscellaneous Provision and Offenses is being amended by adding a new ordinance regarding a special event policy.

Motion to approve the Special Events to Chapter 11 Misc Provisions was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0.

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 11 – MISCELLANEOUS PROVISIONS AND OFFENSES. is hereby amended by adding a new ARTICLE XII. – SPECIAL EVENTS. as follows:

1.

ARTICLE XII. - SPECIAL EVENTS

Sec. 11-231. - Special event policy.

It shall be unlawful for any special event to occur in the city without a validly issued special event permit and full compliance with the provisions of the city's special event policy, which provisions shall be promulgated by the city manager and be made available to applicants upon request. For the purposes of this chapter, special event means any organized for-profit or nonprofit activity having as its purpose a charitable event, entertainment, recreation and/or education which (i) takes place on public property or (ii) takes place on private property, but requires special public services and which is permitted by the city under this article. Gatherings or activities that take place on private property and that make no use of city streets, other than for lawful parking, are not subject to the provisions of this article, but shall comply with all other requirements specified by ordinance as to the use of residential property.

By way of example, special events include, but are not limited to; fairs, tours, grand opening celebrations, races, religious and charitable events, rallies, assemblies, festivals, holiday celebrations, bicycle runs, and block parties. Private social gatherings which will make no use of city streets other than for lawful parking are not included. Garage sales, lawn sales, rummage sales, flea market sales, or any similar casual sale of tangible personal property are not included.

This ordinance is not applicable to events that are governed by the following provisions of the City of Cartersville Code of Ordinances:

- 1. Chapter 15. Parks and Recreation. Article III. Festivals;**
- 2. Chapter 22. Street and Sidewalks. Article II. Parades;**

3. Chapter 22. Street and Sidewalks. Article V. Solicitation Permits;

4. Chapter 10. Licenses, Taxation, and Miscellaneous Business Regulations. Article XVI. Media Productions and Permits.

For the purposes of this chapter, a producer is any person responsible for planning, producing and conducting a special event.

Sec. 11-232. - Penalties for violation.

Violation of any of the sections of this article or any part thereof shall be punished as provided in section 1-6.

Sec. 11-233. - Liability.

- (a) At the discretion of the city, prior to issuance of a permit, the producer shall provide to the city proof of comprehensive liability insurance naming the city as an additional insured. The insurance requirement is a minimum of \$300,000.00 personal injury per person, \$1,000,000.00 maximum, and \$100,000.00 property damage against all claims arising from permits issued pursuant to this article.
- (b) The producer of any special event shall provide a written agreement in a form satisfactory to the city providing the producer shall defend, pay, and save harmless the city, its officers, employees, and agents from liability of all personal or property damages arising from any acts or omissions emanating from a special event and from any and all claims, attorney fees or lawsuits for personal injury or property damage arising from or in any way connected to the special event. The agreement shall be filed with, and made a part of, the application form.
- (c) The city, its officials, employees, or agents shall not incur any liability or responsibility for any injury or damage to any person in any way connected to the use for which the permit has been issued. The city, its officials, employees, or agents shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of the right-of-way or other public property.

Sec. 11-234. - Vendors of food and merchandise.

- (a) The sale or provision of food and/or merchandise by vendors or producer shall be allowed as a component of a special event provided each vendor is authorized to participate in writing by the producer of the event and provided further each vendor shall be subject to all conditions and limitations as shall be imposed in writing by the producer and submitted as part of the application for a permit.
- (b) The producer of a special event shall have sole responsibility and control of all food and merchandise vendors as a component of a special event and to designate the location and activities of such vendors.
- (c) Authorized vendors of the producer, providing food and/or merchandise, shall not be required to obtain a separate vendor permit to operate during the special event.

- (d) Notwithstanding the provisions of subsection (c) of this section, food vendors authorized by the producer shall be required to comply with rules and regulations of the county health department as to the preparation and service of food.

Sec. 11-235. - Miscellaneous provisions regarding vendors.

- (a) Each vendor authorized by the producer of the special event shall prominently display on his or her person a badge provided by the producer and identifying the vendor as an authorized participant in the special event which shall bear the signature of the producer or his designated agent.
- (b) It shall be unlawful for any vendor not authorized by the producer as provided herein to engage in any business within a distance of 100 yards of the special event from one hour before the start of the special event, and until one hour after the special event.
- (c) A special event permit granted by the city may provide for the city to close designated streets and intersections to allow use of the public right-of-way for the special event during designated hours and days. The producer shall bear all responsibility for having all vendors remove any structures and all trash and debris from the designated area by not later than the time stated under the permit for re-opening of all streets.

Sec. 11-236. - Other permits.

- (a) The purpose of this article is to allow the city's departments and staffs to review an application for a special event permit outside the regular ordinance standards in order to determine how disruptive a special event may be to the ordinary use of parks, public streets, rights-of-way, or sidewalks and to make recommendations and allowances.
- (b) Notwithstanding subsection (a) of this section:
 - (1) Alcohol is not allowed as part of the event; and
 - (2) Fireworks are not allowed as part of the event.

Sec. 11-237. – Application.

- (a) An application shall be submitted to the city manager or their designee on forms to be provided by the city. The applicant at a minimum shall include the following information:
 - (1) Event title;
 - (2) Event description and purpose;
 - (3) Event location;
 - (4) Event Type;
 - (5) Are roads or driveways being requested to be closed;
 - (6) Facilities provided;
 - (7) Security and security plan;
 - (8) Time and date;
 - (9) Restroom facilities;
 - (10) History of event;
 - (11) Estimated attendees;
 - (12) Applicant/contact information;

- (13) Insurance**
- (14) Type of entity;**
- (15) Signage;**
- (16) Vendors, food or otherwise;**
- (17) Medical plan;**
- (18) Trash, recycling, and clean-up plan; and**
- (19) Indemnification to the City.**

- (b) The city manager or his/her designee shall approve or deny applications based on the requirements herein.**

Sec. 11-238. - Denial or revocation of a special event permit.

- (a) Reasons for denial of a special event permit include, but are not limited to:**

- (1) The special event will unnecessarily disrupt traffic within the city beyond practical solution;**
- (2) The special event will interfere with access to fire stations and fire hydrants;**
- (3) The location of the special event will cause undue hardship to adjacent businesses or residents;**
- (4) The special event will cause unnecessary disruption of public services which would unreasonably impact the remainder of the city;**
- (5) The application contains incomplete or false information;**
- (6) The producer fails to comply with any terms required by this article;**
- (7) The special event is not compatible with surrounding uses; and**
- (8) Proposed security, traffic, attendance, medical is not sufficient for said event.**

- (b) Reasons for revocation of a special events permit include, but are not limited to:**

- (1) False or incomplete information on the application;**
- (2) Failure to comply with all terms and conditions of the permit;**
- (3) Failure to arrange for or adequately remit all fees, deposits, insurance or bonds to the city; and**
- (4) Existence of disaster, public calamity, riot or other emergency as the city determines, in its sole discretion, to be an impact upon the public health, safety and welfare.**

- (c) Further, a special event permit may be denied, suspended, or revoked by the city, if the chief of the police department, the chief of the fire department, public works director, or their designees, determines that the health, welfare, or safety of the public may be endangered.**

Sec. 11-239. - Appeals.

- (a) Any producer whose special event permit application has been denied or revoked may request in writing a review of this decision by the city manager. This request must be in writing and received by the city manager within five days of the permit denial or revocation. In the event said permit was initially denied by the city manager, the producer may skip the appeal process indicated in paragraphs (a) and (b) and directly go to the process outlined in paragraph (c) herein.
- (b) The city manager shall review the application and reasons for the denial or revocation of the special event permit and shall issue a decision, within five days, whether to uphold or reverse the previous decision and grant or reinstate the permit with such additional conditions as the city manager may deem justified by the evidence.
- (c) Should the producer be dissatisfied with the decision of the city manager, an appeal may be filed with the mayor and city council within five days of the decision of the city manager. The mayor and city council shall set a hearing date within 30 days of receiving an appeal. At the hearing, evidence may be submitted by the producer addressing why the permit should have been granted or not revoked and by the city manager addressing why the permit was denied or revoked. The city council shall determine whether the denial or revocation of the permit is justified, or it may reverse the previous decision and grant or reinstate the permit with such additional conditions as deemed justified by the evidence.

Sec. 11-240 – 11-249. 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

3. Festival Ordinance

Mr. Lovell stated adjustments have been made to the existing Festival Ordinance at the

request of Council. Some of the changes are meant to reflect the current process for which festivals are approved. Additionally, the Planning & Development Department will be required to review said applications and “controlled festival zone” maps. The Alcohol Control Board did review the changes and does recommend approval of the changes.

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 & RECREATION, ARTICLE III. - FESTIVALS** is hereby amended by deleting said Article III in its entirety and replacing it as follows:

1.

Sec. 15-50. - Purpose.

The following are general rules for conducting or regulating festivals in the City of Cartersville, Georgia.

Sec. 15-51. - Definitions.

Words and terms used in this article are defined as follows:

Alcoholic beverage. Means and includes, but is not limited to, malt beverages, wine and spirituous liquor as defined in this section.

Controlled zone. A zone within the festival area in which special regulations may apply as recommended in each case by the Festival Manager and authorized by the Planning and Development Director which shall include ~~including~~ wristband or other means of identification of persons authorized to purchase and hold in possession alcoholic beverages in a public park or street.

Festival. A program of cultural, economic development, tourism, and/or entertainment events open to the general public and taking place either fully or in part on public streets, thoroughfares, parks, squares, or other public property in connection with a community festival. To be regulated by this article, each such festival must be designated as a festival by the mayor and city council.

Festival area. The area specifically designated and defined by the mayor and city council as the location of festival events and activities.

Festival Manager. Means the individual designated as provided herein in the application for a Festival as the Festival Manager and shall be the individual responsible for compliance of all requirements of this Ordinance. The Festival Manager shall be responsible for preparing the application, organizing and setting up the Festival, contracting with all vendors, providing insurance as required herein, retaining caterers, receiving all required permits and licenses, providing security, and clean-up after the Festival. The Festival Manager shall be the Cartersville Downtown Development Authority Director or designee of the Downtown Development Authority Director or board, unless otherwise designated by the Mayor and City Council.

Sec. 15-52. - Designation of a community festival.

On the recommendation of the city manager, the mayor and city council may designate and name certain community festival days and locations, and during such festival days, authorize cultural and entertainment events and initiate the regulatory provisions of this article within the festival area. Upon designation of a festival day, an application as provided for herein shall be submitted by the Festival Manager.

Sec. 15-53. - Designation of a festival area, Manager and Alcohol sales.

The mayor and city council shall designate the festival area, festival manager, and whether alcohol sales are to be allowed in the resolution that designates the event as a festival and have the right to add any regulations, or requirements generally for festivals or per any specific festival listed therein.

Sec. 15-54. – Application and Guidelines.

(a) Applications must be submitted on forms approved by the City of Cartersville for use by the Cartersville Downtown Development Authority.

(b) All applications, besides approval by the Cartersville Downtown Development Authority, shall be approved by the following:

(1) Parks & Recreation Director or designee, or Planning & Development Director or designee, as appropriate; and

(2) If Street Closures – the Chief of Police, Fire Chief, and Public Works Director.

(c) All applications must include at a minimum the following, though additional information may be required by the Cartersville Downtown Development Authority and City of Cartersville Planning & Development Director, Chief of Police, Fire Chief and Public Works Director and City of Cartersville Parks & Recreation Director:

(1) Name of entity;

(2) Address and phone number;

(3) Sponsoring organization and contact information;

(4) Event history;

(5) Event hours and anticipated attendance;

(6) Description of event;

(7) If sound – what amplification will be used;

- (8) List of vendors;**
- (9) Plans for clean-up**
- (10) Plans for restroom facilities;**
- (11) Insurance Requirements;**
- (12) If streets and public property is to be closed;**

(13) Anticipated security needs, though the City of Cartersville will upon issuing the permit state security requirements; and if the City law enforcement on duty or off duty personnel are needed, off duty personnel are required for all festivals that alcohol is served;

- (14) Deposits;**
- (15) Traffic and parking plans;**

(16) An indemnification of the City of Cartersville and Cartersville Downtown Development Authority;

(17) Alcohol sales, the hours, method of checking identification, type, and caterer.

Sec. 15-55. Rules and Regulations.

The following rules and regulations are to apply to all applications and events

- 1 All reservations are made on a first come, first served basis. Events renting all of the downtown square will not be scheduled on back to back weekends.**
- 2 Reservations may be made up to 1 year in advance of event, based on availability.**
- 3 Reservations are NOT guaranteed until ALL paperwork is approved by Cartersville Downtown Development Authority staff and security deposit is received.**
- 4 All rental applicants must provide a rider for liability insurance at least 30 days in advance of the event listing City of Cartersville as additional insured with at least \$1,000,000 of coverage.**
- 5 Deposit, rental fee, and insurance MUST be paid/provided no later than 30 days before the event.**
- 6 Events that have not produced required payment and/or rental documentation 30 days prior to event will be subject to cancellation.**
- 7 Changes or cancellations must be made at least thirty (30) days in advance of the event in order to receive refund (less a \$10.00 processing fee).**
- 8 The Cartersville Downtown Development Authority Director reserves the right to deny approval of any application provided that it is no more than one (1)**

week after receipt of documentation. Recurring events require approval from the Cartersville Downtown Development Authority Board.

9. The Cartersville Downtown Development Authority Director reserves the right to revoke reservations for issues such as failure to comply with this policy or any determination that use of the facility presents a danger to the public or the City.
10. Any violation of this policy or any City ordinance may result in forfeit of deposit and in sponsoring organization being banned from use of downtown facilities for future events.
11. Businesses within the historic downtown district do not have to pay rental fees unless the business exceeds four (4) events in one calendar year. 501(c)(3) & (c)(6) non-profit organizations are eligible for reduced rates with proof of non-profit status.
12. All events are to end by 11:00 p.m. unless alternate arrangements are made in advance with the Cartersville Downtown Development Authority.
13. No parking fees can be charged to attend event.
14. All trash must be placed in lidded rolling trashcans or dumpster receptacle next to old Fire Station at end of event. The open metal trash cans on site are NOT to be left full of trash.
15. There are NO storage facilities at the Cartersville Welcome Center/Cartersville Downtown Development Authority. ALL decorations, sound equipment, food, et cetera must be brought in the day of the function and removed at the end of the rental period. The Cartersville Downtown Development Authority accepts no responsibility for items left of premises.

Sec. 15-56. Fees

(a) The Mayor and City Council authorizes the Cartersville Downtown Development Authority to assess fees not to exceed One Thousand Five Hundred (\$1,500.00) Dollars for the rental of the following areas for festivals:

- (1) Friendship/Pedestrian Plaza;
- (2) Founders Oak Parking lot;
- (3) North Wall Street Parking Lot;
- (4) South Wall Street Parking Lot;
- (5) Other areas of downtown.

(b) The Parks and Recreation Director is authorized to establish a fee for festivals in the City Parks, and shall keep said schedule in his/her office.

Sec. 15-57. - Designation and management of controlled zone.

(a) approval of a Festival by the Mayor and City Council, and receipt of an approved application the Planning Director may designate one (1) or more controlled zones within the festival area, and shall determine regulations and controls which will be specific for each designated controlled zone. Such regulations and controls may include, but are not limited to the following:

(1) *Designation of controlled festival zone.* Identifying designated controlled zone(s) by means of prominent signage or fencing placed around the perimeter of the event area at entrance and exit points indicating that alcohol cannot be taken beyond the boundaries of festival zone with violators being subject to ticketing or other enforcement actions.

(2) *Identification, entrance criteria.* Entrance criteria may include, but are not limited to, prohibiting persons from entering with weapons (if allowed under Georgia law), alcoholic beverages, pets, skates, bicycles, and other items which may be dangerous, disruptive, or inconvenient in crowded conditions, and prohibiting entry by persons appearing to be intoxicated. The designated event manager also reserves the right to remove persons from the festival zone who are deemed to be in violation of posted entrance criteria or festival zone rules.

(3) *Identification, consumption of alcoholic beverages.* Requiring wristbands or other means of identifying persons who have displayed proof of attaining the age of twenty-one (21) years, and who are authorized to purchase or hold in possession alcoholic beverages within the controlled zone, both within and outside of licensed alcoholic beverage establishments. A fee may be charged for such wristband if included in the application and approved by the Planning and Development Director. The transfer of wristband from one person to another person is prohibited and if a violation occurs, the wristband will be forfeited. Displaying such a wristband does not relieve alcoholic beverage licensee or servers of responsibility for determining if a person has attained the age of twenty-one (21) years before dispensing alcohol to that person. The Festival Manager shall be responsible for compliance of this requirement.

(4) *Containers, cups.* Any establishment serving alcoholic beverages where the individuals purchasing said beverages will be walking around in the containment area shall only serve the alcoholic beverage in a disposable cup. Disposable cups must be composed of a material that is not glass, ceramic, aluminum, or other hard substance. Plastic or Styrofoam cups are allowed. The city also reserves the right to determine additional regulations in regards to the containers/cups when approving the festival. The City of Cartersville and/or the Cartersville Downtown Development Authority may require all vendors and festival participants to use disposable cups furnished by them, and may assess a fee therefore.

(5) *Transport of alcoholic beverages into or out of a designated controlled zone.* The transport of alcoholic beverages for personal consumption either into or out of any designated controlled zone is prohibited.

(6) *Vendors.* The designated festival manager and/or the downtown development authority will be responsible for approving or not approving the vendors/establishments that seek participation in the festival.

(b) *Insurance.* Any organization authorized to organize and manage festival activities within a controlled zone shall take out and keep in force for all activities associated with such event a special events liability policy. Such policy shall provide the following:

(1) *Minimum coverage limits:* The city manager will establish adequate minimum coverage limit depending on the scope of festival.

(2) *Named as additional insured:* The City of Cartersville, and its officers, employees and agents shall be named as additional insureds. In some cases other local, state, and federal governments or private individuals or corporations may be required to be named as an additional insured if the property is leased, is under lease, or private property is being used to conduct the festival.

(3) *Certificate of insurance:* A certificate of insurance shall be issued to the additional insured at least five (5) days prior to the beginning of the event. Such certificate shall be on a standard form and will provide for notification of the additional insured within ten

(10) days of termination of coverage.

(4) Coverage shall include claims for damages because of bodily injury and for DRAMSHOP liability.

Sec. 15-58. - Restricting hours of alcohol sales.

Hours of alcohol sales will be set forth in the application establishing the festival, but in no event shall they begin before 8:00 a.m. and must end by 11:00 p.m. and are subject to the approval of the Planning and Development Director.

Sec. 15-59. - Qualified vendors.

All qualified vendors must have a City of Cartersville pouring license or have completed the application process for a temporary City of Cartersville pouring license and a State of Georgia alcohol license prior to the event date. Temporary permits are issued to qualified vendors in accordance with regulations as set forth in section 4-130 of the Cartersville Code of Ordinances.

Sec. 15-60. - Permit.

Permit applications may be obtained from the Parks and Recreation Department or the Cartersville Downtown Development Authority, as appropriate before requesting approval to organize and/or conduct a festival. Additional approval of the Parks and Recreation Director shall be required for any festivals at City Parks and Recreation facilities.

Sec. 15-61. - No waiver.

Nothing contained herein shall waive the sovereign immunity of the City of Cartersville as currently existing or as may be hereafter amended. Further, this article shall not constitute a waiver or modification of state law, city ordinances or federal law.

Sec. 15-62. – Event Manager.

The Festival Manager for events may designate an Event Manager whom shall be responsible for all requirements contained in the application, the City of Cartersville Code of Ordinances, and

the permit(s) issued. The Events Manager must either be covered by the insurance provided for with the approval of the Festival or provide its own insurance which meets the requirements herein and/or the Cartersville Downtown Development Authority, whichever is greater. The appointment of an Events Manager does not release the Festival Manager of any of its obligations.

Secs. 15-63—15-80. - 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

D. Resolutions

1. Compliance with Georgia DCA/CDBG Initiatives

This item was removed from the agenda.

E. Deed of Gift

1. Quit Claim Deed – Center Rd

Mr. Lovell stated this is a Quit Claim Deed for property located on Center Road which was given to the City from Providence Bank and will correct an old deed.

A motion to approve Quit Claim Deed – Center Rd was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

CLERK: Please return this document to:
Greg Kala, Esq.
Republic Commercial Title Company, LLC
6111 Peachtree Dunwoody Road
Building D
Atlanta, Georgia 30328

QUIT-CLAIM DEED

THIS INDENTURE, made this ____ day of _____, in the Year of our
Lord Two Thousand and Nineteen, between

PROVIDENCE BANK,

of the first part, and

THE CITY OF CARTERSVILLE, A MUNICIPAL CORPORATION OF THE STATE

OF GEORGIA,

of the second part,

WITNESSETH: That the said party or parties of the first part (hereafter called Grantor), for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable considerations, in hand paid, the receipt whereof is acknowledged, has bargained, sold, and by these presents does remise, convey and forever QUIT-CLAIM to the said party or parties of the second part (hereafter called Grantee), their/its heirs and assigns,

ALL that tract or parcel of land lying and being in Land Lots 188 and 245 of the 4th District, 3rd Second, in the City of Cartersville, Bartow County, Georgia, and being more particularly described in Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said described premises to the said Grantee, so that neither the said Grantor nor their/its heirs, nor any other person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to the aforesaid described premises or appurtenances, or any rights thereof.

Grantee has agreed to accept the land conveyed by this Quit-Claim Deed for right of way purposes pursuant to a resolution adopted by its City Council on March 7, 2019.

IN WITNESS WHEREOF, The said Grantor has hereunto set their/its hand(s) and seal(s), the day and year above written.

PROVIDENCE BANK

By: _____

Its: _____

(BANK SEAL)

**Signed, sealed and delivered
in the presence of:**

Witness

Notary Public

EXHIBIT "A"

Commencing at the southwestern corner of land lot 188 thence south 00 degrees 45 minutes 56 seconds East for a distance of 85.87 feet to a point, said point being the true Point of Beginning; thence along an arc having a radius of 2060.00 feet, curving to the right for a distance of 1099.79 feet to a point, said arc being subtended by a chord bearing of North 74 degrees 28 minutes 27 seconds East and a chord distance of 1086.77 feet; thence North 89 degrees 46 minutes 07 seconds East for a distance of 227.06 feet to a point on the western right-of-way of Interstate 75; thence following said right-of-way South 08 degrees 42 minutes 52 seconds West for a distance of 28.77 feet to a point; thence South 89 degrees 36 minutes 25 seconds West for a distance of 159.15 feet to an iron pin found (1/2" rebar); thence along an arc having a radius of 483.06 feet, curving to the left for a distance of 254.77 feet to a point, said arc being subtended by a chord bearing South 74 degrees 29 minutes 52 seconds West and a chord distance of 251.83 feet; thence South 59 degrees 23

minutes 20 seconds West a distance of 139.08 feet to a point; thence along an arc having a radius of 959.88 feet, curving to the right for a distance of 178.39 feet to a point, said arc being subtended by a chord bearing of South 64 degrees 42 minutes 47 seconds and a chord distance of 178.13 feet; thence along an arc having a radius of 519.64 feet, curving to the right for a distance of 236.71 feet to a point, said arc being subtended by a chord bearing of South 83 degrees 05 minutes 12 seconds West and a chord distance of 234.67 feet; thence North 83 degrees 51 minutes 48 seconds West for a distance of 126.13 feet to a point; thence along an arc having a radius of 270.45 feet, curving to the left for a distance of 210.09 feet to a point, said arc being subtended by a chord bearing of South 73 degrees 52 minutes 58 seconds West and a chord distance of 204.84 feet; thence along an arc having a radius of 2065.84 feet, curving to the left for a distance of 39.91 feet to an iron pin found (1/2" rebar), South 51 degrees 57 minutes 35 seconds West and a chord distance of 39.91 feet; thence North 00 degrees 45 minutes 56 seconds West for a distance of 48.16 feet to the point of beginning.

Said tract contains and area of 2.89 acres (125,973 square feet).

F. Public Hearing – 2nd Reading of Zoning/Annexation Requests

1. SU19-01: 4 S. Tennessee St. Applicant: Patricia Holt. Special Use Permit Application for a Microbrewery in the M-U District. Property Contains Approx. 0.38 Acres.

Randy Mannino, Planning and Development Department Head stated the applicant wishes to open and operate a microbrewery in a portion of the building located at 4 S. Tennessee St. In 2018 per text amendment T18-06, the City updated the zoning ordinances to allow microbreweries in certain zoning districts with a Special Use Permit. This includes the M-U (Multiple Use) district.

Mayor Santini opened the floor for a public hearing to anyone wishing to come forward to speak or against the Special Use Permit. No one came forward and the hearing was closed.

A motion to approve SU19-01: 4 S. Tennessee St. Applicant: Patricia Holt. Special Use Permit Application for a Microbrewery in the M-U District. Property Contains Approx. 0.38 Acres. was made by Council Member Wren and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

2. Z18-04: 25 Baker St. Applicant: RB Estates, LLC. Rezoning from R-7 to M-U (Multiple Use). Property Contains Approx. 1.3 Acres.

Mr. Mannino stated this request is to rezone property located at 25 Baker St from R-7 (Single Family residential) to M-U (Multiple Use) to construct two (2)- 4 plex rental units, eight (8) units total. Currently, the R-7 zoning will not permit the multi-family project. The R-7 zoning limits residential development to single family detached dwellings.

Mayor Santini opened the floor for a public hearing to anyone wishing to speak for or

against Z18-04.

Public Hearing:

Clayton Green, 23 Wofford Street, came forward to speak against Z18-04. From his memory he believed this property was set aside to be a park.

Ilene Gossen, 23 Jones Street, stated her concerns were for security, animal/wildlife issues.

Steve Ragas, applicant, came forward to speak for the application. Mr. Ragas stated his intention was for the town homes to blend well with the community and be family oriented.

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

A motion to deny Z18-05 was made by Council Member Cooley and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

3. Z18-05: 1001/1003 North Tennessee St. & 10/14 Mimosa Ln. Applicant: EEC LP/Janet Thornbrough. Properties Contain Approx. 10.7 acres. Rezoning from M-U with Conditions and R-15 to M-U & RSL.

Mr. Mannino stated this request is to reconfigure four existing lots and rezone the same from R-15 (Single Family residential) and M-U with a condition (Multiple Use) to RSL (Residential Senior Living) and M-U with a new condition. The total current acreage of the four parcels is approximately 13.44 acres. Approximately 10.2 acres are affected by the rezoning. All parcels are owned by the same owner.

Mayor Santini opened the floor for a public hearing and asked if there was anyone present who would like to come forward and speak for or against Z18-05.

Gene Bunch, Chesnutt Street, came forward and stated he had no issue with the proposed development. Mr. Bunch's only concern was traffic.

Larry Tidwell, Birch Way, came forward and stated his concern was also with traffic. Mr. Tidwell stated concerns with safety and requested some striping on the street in his neighborhood.

Ron Goss, came forward to represent the applicants and be available for any questions from City Council.

Larry Tidwell came forward to clarify points on the map displayed.

Ron Goss came forward to display what properties would be potentially rezoned if approved.

A motion to approve Z18-05 per Planning Commission recommendation was made by Council Member Fox and seconded by Council Member Roth. Motion carried 4-1 with Council

Member Wren voting in opposition and the Mayor, now being required to vote, voting in favor of Z18-05.

Plat displayed in Exhibit A.

Ordinance
of the
City of Cartersville, Georgia

Ordinance No.

Petition No. Z18-05

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 EEC LP; Janet Thornbrough. Property is located 1001/1003 N Tennessee Street and 10/14 Mimosa Lane. Said property contains Tract 1: 5.655 and Tract 2: 4.799 acres located in the 4th District, 3rd Section, Land Lot 453 as shown on the attached plat Exhibit "A". Tract 1 property is hereby rezoned from R-15 (Single Family Residential) to RSL (Residential Senior Living). Tract 2 property R-15 (Single Family Residential) to M-U (Multiple Use) with conditions as recommended by Planning Commission: max of 8 units per acre on MU if chosen to be residential. 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: February 21, 2019
ADOPTED Second Reading: March 7, 2019

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Meredith Ulmer
City Clerk

G. Grant Application/Acceptance

1. Supplemental Local Maintenance Improvement Grant Application

This item was removed from the agenda.

H. Contracts/Agreements

1. Balfour Beatty Change Order #2

Dan Porta, Assistant City Manager stated Balfour Beatty, Construction Manager At Risk, for the Gas Department Facility and City Fuel Station on Old Mill Road, has reviewed the construction cost estimates and is able to reduce the guaranteed maximum price (GMP) by \$211,500. As part of this change order, the Gas Department would like to purchase new furniture and window treatments for the facility that were not originally budgeted. The estimated cost of the furniture and window treatments should not exceed \$100,000. Mr. Porta recommended approval of the deduct change order #2 in the amount of \$211,500.

A motion to approve Balfour Beatty Change Order # 2 and furniture with blinds purchase was made by Council Member Wren and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0.

I. Bid Award/Purchases

1. Fiber Department Shelving

Mr. Porta stated the Fiber Department needs to purchase rack shelving for the new warehouse space at 155 Old Mill Road. The rack shelving has been specked to take care of our immediate needs and to account for future growth. Three quotes were received and the City recommends the purchase of the shelving, rolling ladder, and installation for \$8,641.43 from Rack Men. Their shelving includes more shelves per section (4 vs 3 and 2) and their quote includes a rolling ladder and installation. This is a budgeted purchase and is recommended for Council approval.

A motion to approve Fiver Department Shelving was made by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0.

2. Travelers Insurance Deductible Invoice

Mr. Porta stated the City's property and casualty insurance provider, Travelers Insurance, has processed some insurance claims against the city. The balance due is part of the city's insurance deductible in the amount of \$8,071.13 and is recommended for your approval.

Motion to approve the purchase of Travelers Insurance Deductible Invoice was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously.

Vote: 4-0.

3. Residential Meters

Mr. Porta stated the City has requested and received a bid for 200 residential gas meters. These meters are to replenish our stock. We recommend approval of Equipment Controls at \$89.31 per meter for a total of \$17,862.00, as they are our sole source provider for these meters.

A motion to approve Residential Meters was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

4. Replacement 2500kVA Transformer

Derek Hampton, Electric Department Head stated the Electric System is requesting authorization to purchase a 2500kVA transformer. This transformer will replace one we had to pull from stock and install for a customer that was growing and needed more capacity. We requested bids on the state procurement website, and received (7) responses. The unit submitted by Gresco had the lowest purchasing cost and lowest total ownership cost. The Electric System is requesting Council approval to purchase the replacement transformer from Gresco for \$30,810.00.

A motion to approve Replacement 2500kVA Transformer was made by Council Member Wren and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0.

D. First Reading of Ordinances

1. Distribution & Collection Material Restock

Sidney Forsyth, Water Department, stated quotes were requested for various restock items needed to maintain/update meter settings. The following quotes were received prior to the deadline: Core & Main \$10,300.00; Hayes Pipe Supply \$10,395.88; Ferguson Waterworks \$10,796.44. Mr. Forsyth recommended approval of the Core & Main quote in the amount of \$10,300.00.

A motion to approve Distribution & Collection Material Restock was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

J. Change Order

1. Historic Downtown Water Main Replacement – Change Order #1

Mr. Forsyth stated Phase I, Chamber of Commerce parking lot, of the Historic Downtown Water Main Replacement Project (HDWMP) is wrapping up. Due to unknown circumstances, several field changes have been necessary to modify the design to actual field conditions. Change Order Number 1 (CO#1) is a reduction change order in the amount of \$1,076.00.

Because the change order is a modification to our contract with the contractor, it requires approval by Council. I recommend approval of this change order.

A motion to approve Historic Downtown Water Main Replacement – Change Order #1 was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

K. Surplus Equipment

1. Surplus Equipment

Tom Rhinehart, Finance Department Head presented a list of vehicles and equipment deemed as surplus by the departments. Mr. Rhinehart recommended the list be approved as surplus in order to be sold on Gov. Deals.

Motion to approve the Surplus Equipment was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

After announcements a motion to adjourn the meeting was made by Council Member Wren and needing no second. Motion carried unanimously. Vote: 4-0.

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Meredith Ulmer
City Clerk