

City Council Meeting
10 N. Public Square
February 21, 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 Wren.

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 Keith Lovell, City Attorney.

Absent: Gary Fox, Council Member Ward Five

II. Regular Agenda

A. Council Meeting Minutes

1. February 7, 2019

A motion to approve the February 7, 2019 City Council Meeting Minutes as presented was made by Council Member Cooley and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0.

B. Appointments

1. Land Bank Appointment

Tamara Brock, City Manager stated Fritz Dent has agreed to fill the vacancy created when Greg Frisbee resigned in January 2019. Mr. Dent's term will expire on June 30, 2021.

Motion to approve Fritz Dent to fill the vacancy or Greg Frisbee on the Land Bank Board was made by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0.

2. Cartersville Building Authority

Keith Lovell, City Attorney stated Tamara Brock has agreed to fill the vacancy of the late John F. Clayton on the Cartersville Building Authority. Ms. Brock's term will expire on May 15,

2020.

Motion to approve Tamara Brock to fill the vacancy of the late John F. Clayton on the Cartersville Building Authority was made by Council Member Roth and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0.

C. Second Reading of Ordinances

1. Animal Ordinance

Mr. Lovell stated the Animal Ordinance, Chapter 5, Article VI, Sec. 5-22 Dog Classification has been amended and Article VIII, Sec. 5-56 - Repealer has been amended.

Motion to approve the animal ordinance was made by Council Member Stepp and was 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 5 - ANIMALS, ARTICLE VI. - IMPOUNDMENTS, HEARINGS, APPEALS, SEC. 5-22. – DOG CLASSIFICATION, is hereby amended by deleting the same and replacing it in its entirety and ARTICLE VIII. – LEGAL PROVISIONS, SEC. 5-56. – REPEALER is hereby amended by deleting the same and replacing it in its entirety as follows:

1.

Sec. 5-22. - Dog classification.

(a) *Classification levels.* "Classified dog" means any dog that has been classified as either a dangerous or vicious dog pursuant to this article. Classifications are as follows:

(1) *Dangerous dog.* Any dog that:

- a. Causes a substantial puncture of a person's skin by teeth without causing serious injury (see section 5-3); provided, however, that a nip, scratch or abrasion shall not be sufficient to classify a dog as dangerous under this subsection;**
- b. Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury (see section 5-3) to such a person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this subsection; or**
- c. While off the owner's property, kills a pet animal; provided, however, that this subsection shall not apply where the death of such pet animal is caused by**

a dog that is working or training as a hunting dog, herding dog, or predator control dog.

- (2) *Vicious dog.* Any dog that inflicts a severe injury on a person or causes serious injury (see section 5-3) to a person resulting from reasonable attempts to escape the dog's attack.
 - (3) *Euthanasia for causing serious injury on more than one (1) occasion.* Pursuant to O.C.G.A. § 4-8-26, a dog that is found, after notice and opportunity for hearing as provided, however, that no injury occurring before November 1, 2012, shall count for purposes of this subsection.
 - (4) *Judge authorized to order euthanasia.* Pursuant O.C.G.A. § 4-8-25, the judge of any superior court of competent jurisdiction within this state may order the euthanasia of a dog if the court finds, after notice and opportunity for hearing as provided by this section, that the dog has seriously injured a human or presents a danger to humans not suitable for control under this article and:
 - a. The owner or custodian of the dog has been convicted of a violation of any state criminal law and the crime was related to such dog; or
 - b. Any local governmental authority has filed with the court a civil action requesting the euthanasia of the dog.
 - (5) *Previously classified animals.* Any dog classified prior to November 1, 2012, as a potentially dangerous dog in this state shall on and after that date be classified as a dangerous dog. Any dog classified prior to November 1, 2012 as a dangerous dog or vicious dog in this state shall on and after that date be classified as a vicious dog under this chapter. The owner of any dog classified prior to November 1, 2012 shall come into compliance with all current provisions of this chapter by November 1, 2012.
- (b) *Confiscation.* If an animal control officer has reason to believe that a dog has acted in a manner that justifies a classification as a dangerous dog or a vicious dog, the dog may be confiscated, impounded, classified, and notice provided as set forth below. A law enforcement officer or animal control officer shall immediately impound a dog if the officer believes the dog poses a threat to the public safety.
 - (c) *Exceptions.* An animal shall not be classified within the meaning of this section if it inflicts injury upon a person when the animal is being used by a law enforcement officer or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous or vicious dog if the person injured by such dog was a person who, at the time was: (1) committing a trespass; (2) was abusing the dog; or (3) was committing or attempting to commit an offense under O.C.G.A. tit. 16, ch. 5.
 - (d) *Classification by animal control.* The animal control officer shall make a determination whether the dog shall be classified a dangerous dog or vicious dog. The owner shall be given notice of the classification pursuant to subsection (e) below. If an owner is unknown or cannot be found, notice shall be made by posting the notice in a conspicuous place at the location where the animal was confiscated.

- (e) *Notice of determination.* The notice to the owner shall meet the following requirements:
- (1) The notice shall be in writing and mailed by certified mail or statutory overnight delivery to the owner's last known address and notice shall be complete upon mailing;
 - (2) The notice shall include a summary of the animal control officer's findings that formed the basis for the dog's classification as a dangerous dog or vicious dog;
 - (3) The notice shall be dated and shall state that the owner, within fifteen (15) days after the date shown on the notice, has a right to request an appeal hearing on the animal control officer's classification of the dog;
 - (4) The notice shall state that the hearing, if requested, shall be before the City of Cartersville Animal Control Board;
 - (5) The notice shall state that if a hearing is not requested, the classification of the dog as a dangerous dog or vicious dog will become effective for all purposes under this chapter on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing; and
 - (6) The notice shall include a form to request a hearing and shall provide specific instructions on mailing or delivering such request to animal control.
- (f) *Response to notice.* If no owner comes forward in response to the notice provided in subsection (e), the animal shall be kept for five (5) days, and then may be disposed of by animal control, including by humane destruction in accordance with O.C.G.A. § 4-11-5.1. If the owner comes forward and no appeal hearing is requested, the animal may be returned to the owner provided the owner complies with the requirements of this chapter, including payment of fees set forth in subsection (j) and the requirements of section 5-3. If a hearing is requested, the provisions of subsection (g) shall apply.
- (g) *Appeal hearing.* When the animal control board receives a proper and timely request for an appeal hearing of a classification, it shall schedule such hearing within thirty (30) days after receiving the request; however, such hearing may be continued by the authority for good cause shown. The board shall notify the dog owner in writing by certified mail or statutory overnight delivery of the date, time, and place of the hearing, and such notice shall be mailed to the dog owner at least ten (10) days prior to the date of the hearing; and such notice shall be mailed to the dog owner at least ten (10) days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence and in addition, thereto the governing authority or board shall receive such other evidence and hear such other testimony as the governing authority or board may find reasonably necessary to make a determination either to sustain, modify, or overrule the animal control officer's classification of the dog, including the power to impose conditions on continued possession of the dog.
- (h) *Decision.* After hearing the evidence the animal control board shall be empowered to take the following actions:
- (1) Sustain the animal control officer's classification;
 - (2) Modify the animal control officer's classification;

- (3) Overrule the animal control officer's classification;**
 - (4) Impose conditions or restrictions in addition to the required conditions set forth in this chapter for keeping a classified dog; or**
 - (5) Order that the dog be euthanized pursuant to subsection 5-22(a)(3) if the requirements are met.**
- (i) *Notice of decision.*** The decision shall be made at the hearing, and within ten (10) days after the date of the hearing, the animal control board shall notify the dog owner in writing by certified mail or statutory overnight delivery of its determination on the matter. If such determination is that the dog is a dangerous dog or vicious dog, the notice shall specify the date upon which that determination is effective. Any specific additional conditions or restrictions shall be set forth in the notice. If the determination is that the dog is to be euthanized pursuant to subsection 5-22(a)(3), the notice shall specify the date by which the euthanasia shall occur.
- (j) *Return to owner.*** In the event the dog is classified as dangerous or vicious dog, (and the dog is not euthanized), the animal shall not be returned to the owner until payment of reasonable confiscation costs, including an impoundment fee of one hundred dollars (\$100.00), boarding costs of fifteen dollars (\$15.00) per day, and all actual veterinary care costs. In the event the owner has not complied with the provisions of this subsection and also satisfied the requirements set forth in section 5-23 within ten (10) days of the date the dog was classified, said dog shall be destroyed in an expeditious and humane manner in accordance with O.C.G.A. § 4-11-5.1; provided however, upon a showing for good cause, the animal control officer may extend said time up to an additional fifteen (15) days, upon the payment by the owner of the per diem boarding costs for said dog. In the event the dog is ordered euthanized, the animal shall be humanely destroyed any time after five (5) business days after the date of the decision of the animal control board in accordance with O.C.G.A. § 4-11-5.1.
- (k) *Judicial review.*** Judicial review of the animal control officer's final decision may be had in accordance with O.C.G.A. § 50-13-19, except that venue shall be limited to the Bartow County Superior Court. The filing of the petition for judicial review in superior court does not itself stay enforcement of the board's decision. Except as otherwise provided in this subsection, the animal control director may grant, or the reviewing court may order, a stay upon appropriate terms for good cause shown.

2.

Sec. 5-56. - Repealer.

Upon its effective date, the ordinance from which this chapter derives replaces the prior animal control ordinance, adopted June 15, 2000. In the event this entire chapter is struck down as void, unconstitutional or invalid, including therefore this provision, that prior ordinance shall be considered to not have been repealed and shall therefore still be in effect.

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. Founder's Oak Parking Lot Events

Mr. Lovell stated Founder's Oak Parking Lot is being amended and recommended for Council approval.

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

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.

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

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

E. Public Hearing – 1st 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. 1.3 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.

The floor was opened for a public hearing:

Dean Kimberly, brewer, came forward and stated the microbrewery goals will be community based with a focus on charities. The intent is for this establishment to be a place for pets, families, couples etc to enjoy a hand-crafted beer; this will not be a bar.

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

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.

The floor was opened for a public hearing:

Steve Ragas, owner and applicant, came forward and stated he will be managing the property with his wife. Mr. Ragas stated he would like the project to blend with the community.

This is a first reading and does not require a vote. Please see Exhibit A for plat.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. Z18-04

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 RB Estates. Property is located 25 Baker St. Said property contains 1.31 acres located in the 4th District, 3rd Section, Land Lot 453 as shown on the attached plat Exhibit "A". Property is hereby rezoned from M-U (Multiple Use) to Multi Family Residential (Two – 4 plex units). 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 this the day of. Second Reading: March 7, 2019

/s/ _____
Matthew J. Santini, Mayor

ATTEST:

/s/ _____
Meredith Ulmer, City Clerk

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.

The floor was opened for a public hearing:

Gene Bunch, local resident, came forward and stated he was against due to his concerns with traffic.

Ron Goss, representing the applicant, came forward and stated the intent of the application and was available for any questions.

This is a first reading and does not require a vote. Please see Exhibit B for parcel map.

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 – no conditions). 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
F. Change Order

1. HSPB#2 Stabilization Project – Final Adjustment Change Order

Bob Jones, Water Department Head stated Stabilization of the Number Two High Service Pump Building (HSPB#2) was authorized on March 15, 2018. The work consisted of the following major tasks:

- Demolition of the interior floor of the building
- Demolition of all interior pipe support cradles
- Removal of all 36-inch internal piping
- Removal of all pump control valves and isolation valves
- Installation of 3,500 vertical feet of 6-in diameter wall and pipe support micro piles
- Installation of a new flow control valve and actuator
- Replacement of the entire interior floor and all pipe support cradles
- Reinstallation of the original 36-inch pipe and valves

- Test run and recommission of pump station

The project was awarded to SOL Construction in the amount of \$1,193,475.00. Due to unforeseen issues discovered after removing the floor, Change Order #1 was approved which increased the project total to \$1,309,691.23. Change Order #2 was approved to replace the faulty MPRs discovered after the pump station reassembly, which increased the total contract to \$1,332,600.25.

All work in the original scope as well as both change orders has been completed. This final adjustment change order reconciles bid quantities to actual quantities used for the project. The result of those adjustments is a reduction of \$25,874.00 for a final project cost of \$1,306,726.25 (9.5% above original contract bid).

This project was funded with bond funds and is well under our FY18-19 budgeted amount of \$1,600,000. The additional funds will be contributed to projects which have come in above budget. This final adjustment change order is recommended for your approval to finalize the contract and close the project.

A motion to approve HSPB#2 Stabilization Project – Final Adjustment Change Order was made by Council Member Stepp and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0.

G. Grant Application/Acceptance

1. Firehouse Grant Revision

Chief Scott Carter, Fire Department stated on 1/17/2019, Mayor and Council accepted a grant of equipment from Firehouse Subs Foundation. The Fire Department was notified that the foundation would rather provide direct funds and have us purchase the equipment. The amount of the grant remains \$15,232.72, so there is no additional expense to the City. The Fire Department requested that this revision be accepted and we will purchase all equipment through the normal process.

A motion to approve Firehouse Grant Revision was made by Council Member Roth and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0. _____

H. Bid Award/Purchases

1. Odorant for Gas System

Michael Hill, Gas Department Head stated Federal regulations require that we odorize our gas for safety purposes. GPM Equipment Sales, Inc. is the sole provider for mercaptan (odorant) in this area. The Gas Department use about 240 gallons annually between our two stations. We are requesting approval, not to exceed 500 gallons at \$24.50 per gallon, or

\$12,250.00. This is a federal requirement and your approval of this purchase is recommended.

A motion to approve Odorant for Gas System in an amount not to exceed \$13,000.00 was made by Council Member Roth and seconded by Council Member Stepp. Motion carried unanimously. Vote: 5-0.

2. Utility Locate Instrument

Mr. Hill stated the Gas System locate technicians are in need of a new utility locating instrument. This instrument will be used on a daily basis to locate all five utilities. The instrument is a Radio-detection RD 8100 PDL Receiver and TX-10 Transmitter and the total price is \$6,348.88. This instrument is far superior than our current instrument. C&S Solutions East is the sole authorized distributor in our area. I recommend approval of this item.

A motion to approve the purchase of the utility locate instrument was made by Council Member Hodge and seconded by Council Member Stepp. Motion carried unanimously. Vote: 5-0.

3. Athletic Equipment Bid

Britt McGill, Assistant Parks and Recreation Department Head stated the Parks and Recreation Department received 3 bids for the purchase of various sports equipment. Staff is recommending the low bid of \$9,787.54 from BSN Sports for your approval. This is a budgeted purchase.

A motion to approve the athletic equipment purchase was made by Council Member Wren and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0. _____

4. Commercial Front Loader Lease

Crystal Summers, Public Works Department stated Solid Waste Division is requesting to lease a commercial front loader from RDK Truck Sales on a one-year term for \$6,192.40 per month.

Public Works has an immediate need for a commercial front loader due to the downing of truck #6223 by the City Garage. Truck #6223 has body and frame damage that has rendered it unsafe to put back on the road.

Public Works would like to try leasing this type of equipment rather than purchasing it because the maintenance costs are so high. Public Works has spent \$102,751 on maintenance costs on truck #6223 over the last six years. If you look at the purchase costs and maintenance costs together, it is almost equal with the lease costs. The advantage of the lease would be less down time and less demand on the city garage.

This item was not budgeted, but is necessary for uninterrupted service for our commercial customers. Staff recommends approval of this equipment lease from RDK Truck

Sales. Proposals were solicited on the Georgia Procurement registry.

A motion to approve the commercial front loader lease was made by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0. _____

5. UMS Master Services Contract

Dan Porta, Assistant City Manager stated the AMI Committee has met with Utility Metering Solutions, LLC (UMS) regarding consulting services that they could provide the City on our automated metering infrastructure (AMI) solution. Since we have three utilities, the type of AMI product we select must work with all three utilities' meters and with our utility billing software. The proposal from UMS will allow us to use an experienced AMI consulting firm to help us navigate through the companies that provide AMI solutions. The recommendation is to approve the agreement with UMS for a not to exceed amount of \$151,970, which is made up of this phase of the consulting services of \$134,435 plus a contingency amount of \$17,535.

A motion to approve UMS Master Services Contract was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0. _____

I. Monthly Financial Statement

1. December 2018 Financial Report

Tom Rhinehart, Finance Department Head gave the monthly financial report comparing December 2018 to December 2017.

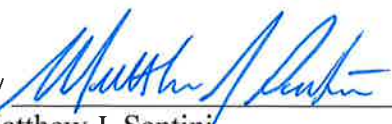
Mayor Santini asked the audience if there was anyone present who would like to speak before Council this evening and if so to please come forward.

Armond Knowles, Cartersville Resident, came forward to express his thoughts about the Parks and Recreation Director position. Mr. Knowles stated a local candidate would be the best.

Erin Jones, Bartow County resident, stated she has been involved with City recreation in the past, and believes the City should keep local talent here in regards to the Parks and Recreation Director position.

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

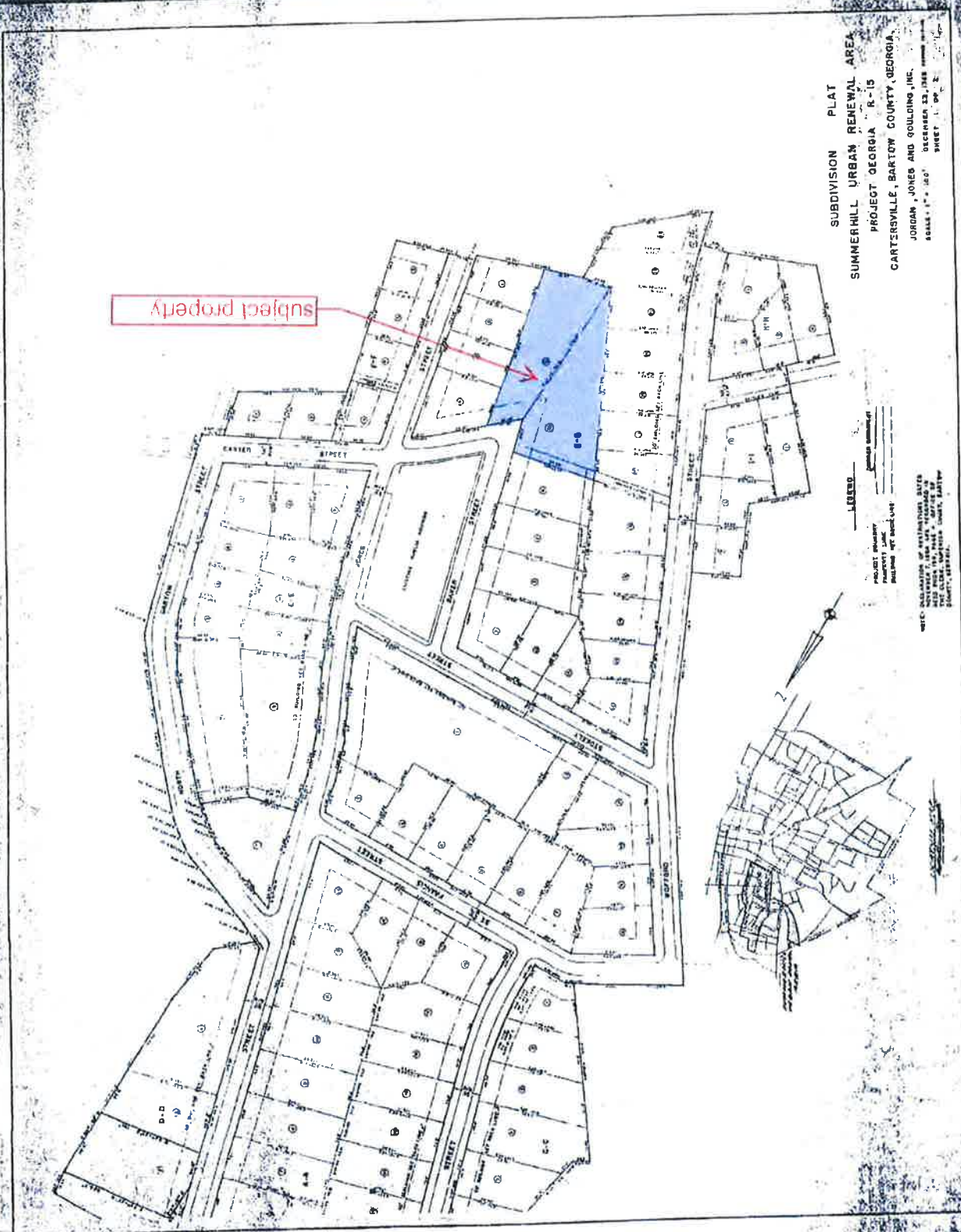
Meeting Adjourned

/s/ 
Matthew J. Santini
Mayor

ATTEST:

/s/ Meredith Ulmer
Meredith Ulmer
City Clerk





SPACE FOR CLERK OF SUPERIOR COURT

B

L. L. 193

L. L. 194

HICKORY LANE

(JANET C. THORNBROUGH)
D. B. 1278-309

L. L. 240

(JANET C. THORNBROUGH)
D. B. 2634-408

EXISTING "R15"

TRACT 3- REMAINS AS SF RES.

TRACT 1- TO BE REDEVELOPED AS A
SENIOR LIVING COMMUNITY. 55+
PROPOSED "RSL"
5.655 ACRES

TRACT 2- REMOVE ZONING CONDITION THAT
LIMITS APARTMENTS TO 6 UNITS.
CURRENTLY, NO REDEVELOPMENT PLANS.
EXISTING "MU"
2.295 ACRES

PROPOSED "MU"
2.504 ACRES

OWNER'S CERTIFICATE
The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, that all state, city and county taxes or other assessments now due on this land have been paid, that all streets, water systems, drains and drainage easements, and public places shown are dedicated to the use of the public forever.

OWNER _____ **Date** _____
SURVEYOR'S CERTIFICATE
It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision, that all monuments shown hereon are correctly shown, and that all requirements of the development and zoning regulations have been fully complied with.

Willie C. Smith
Surveyor _____ **Date** 11-08-2018

CITY OF CARTERSVILLE CERTIFICATE:
In accordance to the City of Cartersville Development Regulations and the City's Zoning Ordinance, all requirements of approval having been fulfilled, this plat was given final approval by the following City personnel on behalf of the City of Cartersville:

Zoning Administrator	_____	Date	_____
Water Superintendent	_____	Date	_____
City Engineer	_____	Date	_____

FLOOD INSURANCE RATE MAP 13015C0005 E
DATED JUNE 1, 1984 SHOWS THIS PROPERTY
IS NOT IN THE 100 YEAR FLOOD ZONE.

DATE OF LAST FIELD SURVEY:
11-8-2018

3423 ORD 3423-4.DWG
NOTE: IRON PINS ARE (1/2" RE-BAR)
EXCEPT AS SHOWN.

**REZONING SURVEY FOR
JANET C. THORNBROUGH &
TED W. THORNBROUGH**
PROPERTY IN THE CITY OF CARTERSVILLE
PROPERTY IN LAND LOTS 239 & 240
4th DISTRICT, 3rd SECTION
BARTOW COUNTY, GEORGIA
TOTAL AREA = 10.454 ACRES

FIELD TRAVERSE:
CLOSURE: ONE FOOT IN 30,000 FEET
USING A LEITZ SET 3.
ANGULAR ERROR: 0.0006 PER ANGLE
POINT USING A LEITZ SET 3.
ADJUSTED, USING THE COMPASS RULE.

SMITH & SMITH LAND SURVEYORS, P.C.
2 SOUTH AVENUE, CARTERSVILLE, GA 30120
PHONE 770-382-0457

REGISTERED LAND SURVEYOR No. 1803

R/W - RIGHT OF WAY
PP - IRON PIN PLACED
CONCRETE MANDREL
CM - CONCRETE MANDREL
CH - CHAIN
L OR A - LENGTH OF CURVE
R - RADIUS
L/P - LIGHT POLE
X - X - FENCE
--- LAND LOT LINE
--- POWER LINE



PLAT CLOSURE:
ONE FOOT IN
245,000 FEET.
APRIL 5, 1989
REVISED 5-25-1989
REVISED 11-8-2018

SCALE 1"=100'
FILE 3423-4