

City Council Meeting
November 15, 2018
10 N. Public Square
6:00 P.M. – Work Session
7:00 P.M. – Council Meeting

I. Opening Meeting

Invocation by Council Member Roth.

Pledge of Allegiance led by Council Member Fox.

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: Kari Hodge, Council Member Ward One (by telephone call); Cary Roth, Council Member Ward Three; Calvin Cooley Council Member Ward Four; Gary Fox, Council Member Ward Five; Tamara Brock, City Manager; Meredith Ulmer, City Clerk and Keith Lovell, City Attorney.

Absent: Jayce Stepp, Ward 2 and Taff Wren Ward 6

II. Regular Agenda

A. Council Meeting Minutes

1. November 1, 2018 City Council Minutes

A motion to approve the November 1, 2018 City Council Meeting Minutes as presented was made by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 4-0.

B. Other

1. Award-Recognition

Chief Scott Carter stated I-75 is critical to the economic welfare for our community and the State of Georgia. Over 10% of the call volume for Cartersville Fire Department is generated on I-75. By far, working traffic accidents on the interstate is one of the dangerous duties performed by public safety. Clearing these incidents quickly and safely is a high priority.

At the annual Georgia Traffic Incident Management Enhancement (T.I.M.E.) task force conference, Cartersville Deputy Fire Chief Ray King was recognized for his efforts as a leader in Traffic Incident Management (TIM) for Cartersville, Bartow County and around the State of Georgia and was awarded the TIM Champion of the Year. The award was presented to Chief King by Jason Josey, the H.E.R.O. manager for the Georgia Department of Transportation and Chairman of the Georgia TIME Task Force.

C. Public Hearing – 1st Reading of Zoning/Annexation Requests

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

Mayor Santini abstained and Mayor Pro Tem Cooley presided over this item.

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

G-C (General Commercial) zoning is requested for the two (2) parcels in order to be consistent with the current museum property. The existing zoning is County A-1 (Agriculture). The Planning Commission recommends approval.

The floor was opened for a public hearing to anyone wishing to speak or against the zoning, and with no one stepping forward it was closed.

A public hearing was opened in regards to the annexation to anyone wishing to come forward and speak for or against and with no one coming forward the public hearing was closed.

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

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 32-18

Petition No. AZ18-03

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Highlands Development Associates, LLC. Property is located at 36 Old Tennessee Road and 36 Oak Drive. Said properties contain a total of 2.353 acres located in the 4th District, 3rd Section, Land Lot 23 as shown on the attached plat Exhibit "A". Annexation will be duly noted on the official zoning map of the City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

First Reading: November 15, 2018

ADOPTED: Second Reading: December 6, 2018

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Meredith Ulmer
City Clerk

Ordinance
of the
City of Cartersville, Georgia

Ordinance No. 33-18

Petition No. AZ18-03

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Highlands Development Associates, LLC. Property is located at 36 Old Tennessee Road and 36 Oak Drive. Said property contains 2.353 acres located in the 4th District, 3rd Section, Land Lot 23 as shown on the attached plat Exhibit "A". Property is hereby rezoned from County A-1 (Agriculture) to G-C (General Commercial). Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

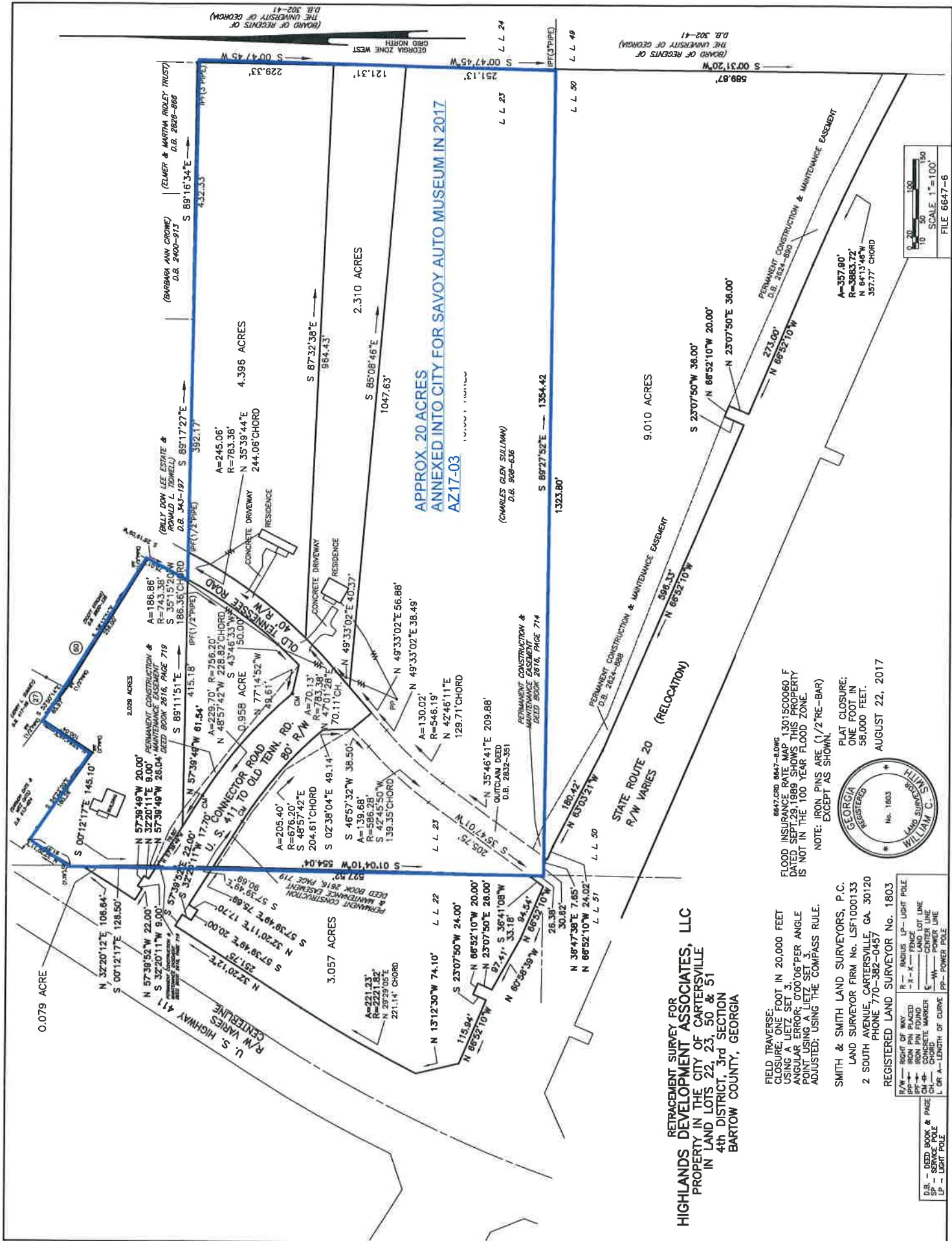
First Reading: November 15, 2018

ADOPTED: Second Reading: December 6, 2018

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Meredith Ulmer
City Clerk



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

FIELD TRAVERSE
CLOSURE: ONE FOOT IN 20,000 FEET
USING THE 3-4-5 METHOD
ANGULAR ERROR: 0.0006° PER ANGLE
POINT USING A LEITZ SET 3
ADJUSTED: USING THE COMPASS RULE

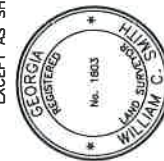
SMITH & SMITH LAND SURVEYORS, P.C.
LAND SURVEYOR FIRM NO. LS1000133
2 SOUTH AVENUE, CARTERSVILLE, GA. 30120
PHONE 770-382-0457
REGISTERED LAND SURVEYOR No. 1803

8647.090 6647-6 LONG
FLOOD INSURANCE RATE MAP 13015C0060.F
DATED SEPT. 29, 1989 SHOWS THIS PROPERTY
IS NOT IN THE 100 YEAR FLOOD ZONE.

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

PLAT CLOSURE;
ONE FOOT IN
58,000 FEET.

AUGUST 22, 2017



DEED BOOK & PAGE
IRON PIN PLACED
CONCRETE MARKER
CENTER LINE
POWER POLE
LIGHT POLE
R/W - RIGHT OF WAY
R - RADIUS
L - LENGTH OF CURVE
P - POWER POLE
L.P. - LIGHT POLE
L.L. - LAND LOT LINE
C.L. - CENTER LINE
W - WATER
P - POWER POLE

Mayor Santini presided over the remainder of the Council Meeting.

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

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

The floor was opened for a public hearing to anyone to speak for or against the special use permit, and with no one coming forward the public hearing was closed.

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

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

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

Mayor Santini opened the floor for a public hearing to anyone wishing to speak for or against SU18-07 at 7 Dixie Avenue.

Linda Brooker, owner of 8 and 12 Maybelle Street, 2 properties adjacent to 7 Dixie Avenue, came forward to speak against the drive thru. Ms. Brooker's concern was that the drive-thru will be open from 10am to 10pm; this will negatively impact her income, because both properties are used as rentals.

Jeff Watkins, attorney representing the applicant stated this establishment will positively impact the community. Mr. Watkins stated the applicant would have to abide by development regulations. The drive-thru makes up a large percentage of the restaurant's business.

Randy Mannino, Planning and Development Department Head stated there is a 15 foot buffer requirement.

Ms. Brooker returned and stated there is no room for a 15 foot buffer.

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

D. First Reading of Ordinances

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

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

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

1.

Sec. 2.2. - Definitions.

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

2.2.2. B

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

2.2.4. D

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

2.2.13. M

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

2.

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

3.

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

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____ SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____

MEREDITH ULMER, CITY CLERK

Ordinance no. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 26 – ZONING, ARTICLE XVI. – SPECIAL USES. SECTION 16.4. – MINIMUM SPECIAL USE STANDARDS is amended by adding Section 16.4.18, 16.4.19, and 16.4.20 as follows:

1.

Sec. 16.4.18. Brew Pubs.

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

2.

Sec. 16.4.19. Breweries.

Breweries, including accessory tasting rooms.

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

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

3.

Sec. 16.4.20. Distilleries.

Distilleries, including accessory tasting rooms.

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

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

4.

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

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____

SECOND READING: _____

**_____
MATTHEW J. SANTINI, MAYOR**

**ATTEST: _____
MEREDITH ULMER, CITY CLERK**

Ordinance no. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES, CHAPTER 26 – ZONING. ARTICLE II. – INTERPRETATIONS AND DEFINITIONS. SECTION 2.2 – DEFINITIONS is hereby amended by adding the following definitions thereto:

1.

Sec. 2.2. - Definitions.

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

2.2.2. B

Brewery. A place that manufactures malt beverages.

2.2.4. D

Distillery. A place that manufactures distilled spirits.

2.2.13. M

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

3.

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

4.

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

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST:
MEREDITH ULMER, CITY CLERK

E. Resolutions for 2019 Events

1. Resolution for 2019 Events

Lillie Read, Downtown Manager stated in previous years, it has been the practice of Council to approve the known Festival Zone dates in one resolution, rather than to make multiple appearances for events every month throughout the year. This resolution submits all of the known rental and DDA events for 2019 for festival zone approval, although others may be presented to Council as they are requested. This schedule has been approved by the DDA Board and staff recommends approval of the requested festival zones.

A motion to approve the Resolution for 2019 Events was made by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 4-0.

Resolution No. 20-18

of the

City of Cartersville, Georgia

WHEREAS, the Cartersville City Council approved a Festival Ordinance in 2014; and

WHEREAS, the Downtown Development Authority (DDA) wishes to establish a Festival Zone for the following events to be held downtown in 2019:

**April 6 – Saturday – BBQ & Brews (downtown square, 11am-11pm)
May 4 – Saturday – Rotary Taste of Cartersville (downtown square, 11am-11pm)
May 18 – Saturday – Music by the Tracks (Friendship Plaza, 4-10pm)
June 15 – Saturday – Music by the Tracks (Friendship Plaza, 4-10pm)
July 20 – Saturday – Music by the Tracks (Friendship Plaza, 4-10pm)
August 17 – Saturday – Music by the Tracks (Friendship Plaza, 4-10pm)
August 24 – Saturday – Backpack Buddies 5K (Friendship Plaza, 8am-12pm)
September 21 – Saturday – Music by the Tracks (Friendship Plaza, 4-10pm)
October 19 – Saturday – Bluegrass & Folk Festival (Depot side of downtown square, 11am-9pm)
December 21 – Saturday – Christmas Karaoke (Friendship Plaza, 4-8pm); and**

WHEREAS, the DDA Board recommends that these events be designated a controlled Festival Zone; and

WHEREAS said Festival Zone will allow those of 21 years and older, who show proof of identification and receive a wristband or other means of identification, be allowed to consume purchased alcoholic beverages within the Festival Zone; and

WHEREAS, DDA board, staff, or an approved festival manager will, in conjunction with event staff and volunteers, place signage around each event to identify the boundaries of the allotted Festival Zone; and

WHEREAS, the Director of Planning and Development will receive all necessary proposals and applications prior to each event with the understanding that alcoholic beverages will only be sold by an approved alcohol-license holding businesses.

NOW, THEREFORE BE IT RESOLVED by the City of Cartersville that the Downtown Cartersville 2019 Events Calendar, as planned and implemented by the DDA, and approved by the Director of Planning and Development, be designated a Community Festival Zone.

ADOPTED this the 15th day of November 2018.

**/s/ _____
Matt Santini
Mayor**

ATTEST:

**/s/ _____
Meredith Ulmer
City Clerk**

1. Library Grant

Tamara Brock, City Manager stated the Cartersville-Bartow Public Library has been experiencing some roof leaks. The quote received to replace the old library roof which is 20 years old, and the flat portions of the newer library roof is \$203,460.

A motion to approve the Library Grant was made by Council Member Cooley and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

RESOLUTION NO: 21-18

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, STATE OF GEORGIA, AUTHORIZING APPLICATION FOR GRANT FOR LIBRARY

WHEREAS, the City of Cartersville supports the Cartersville-Bartow County Library (“Library”); and

WHEREAS, in the past, the City of Cartersville has applied for or participated with the Library in obtaining grants for facility improvements, Library projects, and other matters; and

WHEREAS, some grants require the City of Cartersville to provide matching funds in order for the Library to be awarded said grant; and

WHEREAS, it is the City of Cartersville's understanding that the Library is filing for a grant for roof repair and other purposes ("Project") under the Georgia Public Libraries Major Repair and Preservation Grant Program, which grant requires a commitment from the City of Cartersville to provide matching funds; and

WHEREAS, the City of Cartersville deems the Project to be in the best interests of the citizens of Cartersville; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Cartersville acting in their official capacity, are hereby authorized to file and/or execute any and all documents or application in order to obtain said Georgia Public Libraries Major Repair and Preservation Grant and to perform those activities specified within this Resolution in support of the Library; and

BE IT FURTHER RESOLVED, that the City of Cartersville shall be committed to Library to fulfill the Georgia Public Libraries Major Repair and Preservation Grant Program and to provide matching funds, if required, up to \$100,000.00; and

BE IF FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute any and all documents as may be required to accompany said application to the Georgia Public Libraries Major Repair and Renovation Grant Program and any and all Support Documentation which is considered to be part of said application process.

BE IT AND IT IS HEREBY RESOLVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, this ____ day of _____, 2018.

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

ATTEST:

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

F. Bid award/Purchases

1. UPC 2019 Annual Membership

Michael Hill, Gas Department Head stated the City is required by state law to be a member of the Underground Protection Center (UPC). This is our annual membership dues invoice in the amount of \$9,390.68. It is recommended that Council approve this invoice.

A motion to approve UPC 2019 Annual Membership was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 4-0.

2. Transformer Purchase – 300kVA

Don Hassebrock, Electric Department Head stated the Electric Department needs to purchase a 300 kVA transformer for inventory. The City has a spare coming that could be used for the Taco Bell & Wendy's at Village Hills, but this project moved quicker than anticipated and Acworth has agreed to loan the City of Cartersville a transformer until this unit arrives. The City will have two of this size transformers on order, with one going to Acworth and the other one to go into inventory.

Cartersville Electric Dept recommends that council approve the purchase of the ERMCO transformer from Gresco for the price of \$8,765.00. This is a budgeted Capital Item in FY18-19 budget.

A motion to approve a Transformer Purchase – 300 kVA was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

3. New World Software Annual Maintenance

Chief Carter stated Cartersville Police and Fire Departments are connected to the New World Software that is used by the Bartow County 911, Sheriff's office and other local jurisdictions. This is an annual budgeted item that we expected to cost \$35,794.36. Some additional modules were added and all agencies share in these costs, so the 2019 annual maintenance for the City is \$38,207.82 and is recommended for Council approval.

A motion to approve New World Software Annual Maintenance was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

Motion to approve 7 added items to the agenda and to remove the 1 tabled agenda item from the last meeting was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0.

G. Contracts/Agreements

1. Amendment to Standard Group Insurance Policy

Mrs. Brock stated the City has coverage through Standard Insurance for short-term (STD) and long-term disability (LTD) for employees. The contract language currently does not agree with how the City handles reimbursement for any employees who are on short-term or long-term disability, which allows employees to make up the difference in the reduction in pay from STD or LTD by using their sick or vacation pay. The proposed amendment will allow employees to use their sick or vacation time to make up this short fall and is recommended for your approval.

A motion to approve Amendment to Standard Group Insurance Policy was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0.

Added & Tabled Items:

III. Tabled

A. Bid Award/Purchases

1. 2019 Employee Wellness Program

Mrs. Brock stated staff recommends a 2018 wellness program for all employees which includes a health risk assessment, a biometric screening, and a coaching session. Employees who choose to participate in the program will be incentivized a \$40 reduction per pay period.

Motion to approve the 2019 Employee Wellness Program was made by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 4-0.

Added item: Appointment to the Board of Zoning Appeals

Mr. Mannino came forward and stated Hans Lutjens has resigned from the Board of Zoning Appeals and Council Member Stepp has recommended JB Hudson as his replacement.

Council Member Cooley made a motion to approve JB Hudson to the Board of Zoning Appeals and the motion was seconded by Board Member Roth. Motion carried unanimously. Vote: 4-0.

Added item: Emergency reading of an Animal Control Ordinance

Keith Lovell, City Attorney stated Bartow County handles animal control for the City. The County recently changed their procedures from holding animals from 5 days to 3 days to find owners, allow someone else to adopt the animal or to dispose of the animal. Mr. Lovell recommended approval of the emergency reading in order for the City to revise its ordinance to match Bartow County. Mr. Lovell stated the reason for the emergency reading is due to Bartow County making those changes effective November 1, 2018 and that date has past.

Motion to approve the animal control ordinance was made by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 4-0.

Ordinance No. 31-18

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. 5-36. - UNCLAIMED ANIMALS, subsection (b) is hereby amended by deleting said subsection (b) and replacing it in its entirety as follows:

Sec. 5-36. Unclaimed Animals.

- (b) *Disposal of animals without known owners.* Except as provided below, after three (3) business days any animal whose owner cannot be ascertained, shall be placed for adoption, or humanely destroyed in accordance with O.C.G.A. § 4-11-5.1

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.

3.

The City utilizes the Bartow County Animal Shelter and because the City and County's time limit for disposal of animals without known owners differed, and in order to avoid any confusion over the time limit of disposal of animals without known owners, it is necessary that said Ordinance be emergency in nature and adopted with one reading.

BE IT AND IT IS HEREBY ORDAINED

EMERGENCY READING: November 15, 2018

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

Added item: Request for Proposal

Mr. Lovell stated there has been interest from people in using the City's old fire station building. Mr. Lovell recommends approval for City Manager authorization to send out a Request for Proposal to the public sometime the 1st of December for those to be out for about 45 days and then for the proposals to be brought back before Council for consideration that make it through the review process.

Council Member Roth made a motion to approve authorization of City Manager to commence the Request for Proposal process and the motion was seconded by Council Member Fox. Motion carried unanimously. Vote: 4-0.

Added Items: Alcohol Ordinances

Mr. Lovell stated there were four separate alcohol ordinances for consideration which

have all been recommended for approval by the Alcohol Control Board. Mr. Lovell stated the first ordinance is in regards to violation fines. State law has changed and limited the fine amount to \$1,000.00 per violation. The second ordinance stated the definitions for microbreweries, manufacturers, and distilleries. The third ordinance allows on site consumption/pouring on premises. The fourth and last ordinance for consideration again allows for consumption on premises and are all in accordance with State law.

This is a first reading and does not require any action at this time.

Ordinance no. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 4 – ALCOHOL BEVERAGES. ARTICLE V. – ALCOHOL CONTROL BOARD. SECTION 4-209. - ACTION BY ALCOHOL CONTROL BOARD (c) is hereby amended by deleting said paragraph (c) in its entirety and replacing it as follows:

1.

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

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

Offense	Fine	Probation	Suspension/ Revocation
First	Up to \$1,000.00	3 years	None
Second	Up to \$1,000.00	3 years	30 days suspension
Third	Up to \$1,000.00	3 years	Revocation; no reapplication for one year

2.

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

3.

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

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____

SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

Ordinance no. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 4 – ALCOHOL BEVERAGES. ARTICLE II. - LICENSING REQUIREMENTS. DIVISION 4. PREMISES RESTRICTIONS. SECTION 4-1; definitions are amended by adding the definitions of Distillery, Manufacturer, and Microbrewery; and deleting the definitions of Hotel or Motel, and Restaurant in their entirety and replacing them as listed below:

1.

Sec. 4-1. – Definitions

Distillery means a facility that manufactures distilled spirits.

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

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

2.

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

3.

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

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

Ordinance no. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the **CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 4 – ALCOHOL BEVERAGES. ARTICLE II. - LICENSING REQUIREMENTS. DIVISION 2. APPLICATION AND ISSUANCE. SECTION 4-59 POURING LICENSES LIMITED TO CERTAIN ESTABLISHMENTS** is amended by adding a new paragraph E as follows:

1.

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

E. Pouring licenses may be issued to manufacturers for off premises and on premises consumption as follows:

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

2.

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

3.

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

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

Ordinance no. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 4 – ALCOHOL BEVERAGES. ARTICLE II. - LICENSING REQUIREMENTS. DIVISION 4. PREMISES RESTRICTIONS. SECTION 4-105. – CONSUMPTION ON-PREMISES is amended by deleting and replacing the same as listed below.

1.

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

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

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of

Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____

SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

H. Monthly Financial Statement

1. September 2018 Financial Report

Tom Rhinehart, Finance Department Head came forward and went over increases and decreases in City funds from September 2017 to September 2018.

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

Meeting Adjourned

/s/ 
Matthew J. Santini
Mayor

ATTEST:

/s/ 
Meredith Ulmer
City Clerk