

City Council Meeting  
10 N. Public Square  
February 19, 2015  
6:00 P.M. – Work Session 7:00 P.M.

## **I. Opening Meeting**

Invocation by Council Member McDaniel

Pledge of Allegiance led by Council Member Stepp

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

## **II. Regular Agenda**

### **A. Council Meeting Minutes**

#### **1. February 5, 2015**

A motion to approve the February 5, 2015 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

### **B. Presentations**

#### **1. Fiscal Year 2014 Audit Presentation**

Tom Rhinehart, Finance Director introduced Tom Carmichael from Carr, Riggs, and Ingram to present a brief presentation on the FY 2014 audit and the Comprehensive Annual Financial Report for the year ended June 30, 2014.

### **C. First Reading of Ordinances**

#### **1. Amendment to Alcohol Ordinance**

Randy Mannino, Planning and Development Director stated that currently Cigar Shops are allowed to obtain a pouring license for beer and wine. This amendment will allow a pouring license for distilled spirits. A Cigar Shop is currently required to show at least seventy (70) percent of its gross annual sales be derived from the sale of full sized, hand rolled cigars and Mr. Mannino stated that this stipulation will not change. Mr. Mannino stated that the Alcohol control Board had reviewed this ordinance and recommended approval.

**NO ACTION REQUIRED**

**Ordinance**

**of the**

**City of Cartersville, Georgia**

**Ordinance No.**

**NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, that the Code of Ordinances, City of Cartersville, Georgia**  
**CHAPTER 4. ALCOHOLIC BEVERAGES. ARTICLE II. LICENSING**  
**REQUIREMENTS. DIVISION 2. APPLICATION AND ISSUANCE. Sec. 4-59 Pouring**

**licenses limited to certain establishments paragraph (c) is hereby amended by deleting said paragraph in its entirety and replacing it as follows:**

**1.**

**(c) Retail cigar shops as specifically defined in this Code, may be issued an on-premises consumption license for sales of beer, malt beverages, and wine, and distilled spirits, without meeting the requirements that forty-five (45) percent of its gross annual sales be derived from the sale of prepared meals or food, provided that at least seventy (70) percent of its gross annual sales be derived from the sale of full-sized, hand-rolled cigars, and expressly excluding from the calculation of gross annual sales the sale of cigarettes, bongos, bubblers, glass pipes, water pipes, Turkish pipes, pipe screens, pipe filters, dug-outs, stash boxes, rolling papers, rolling devices, rolling trays, grinders, incense, pipe cleaners, and other smoking paraphernalia if all allowed to be sold pursuant to the ordinance. The director of planning and development or his designee shall review the gross income figures from each establishment which shall provide such information, at the end of the third quarter of each calendar year, and at any other time requested to do so by the director of planning and development or his designee, and determine if the annual sales meet the required ratio and make appropriate recommendations to the alcohol control board.**

**(1) In regards to seating, parking and occupancy requirements, those applicable to the cigar store shall supersede those listed in chapter 4.**

**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 this the 19<sup>th</sup> day of February 2015.  
ADOPTED this the day of. Second Reading.**

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

**ATTEST:**

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

**D. Public Hearing – 1<sup>st</sup> Reading of Zoning/Annexation Requests**

**1. File T14-01: Text Amendment application by the City of Cartersville to revise various sections of the Sign Ordinance**

Richard Osborne, City Planner stated that this Text Amendment T14-01 is a proposal by City Staff for changes to the Sign Ordinance. Mr. Osborne stated that this is a housekeeping measure and presented itemized changes based on implementation since the 2012 ordinance revision and the Planning Commission has recommended approval.

**NO ACTION REQUIRED**

**Ordinance**

**of the**

**City of Cartersville, Georgia**

Ordinance No.

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 20 SIGNS AND OUTDOOR ADVERTISING is hereby amended as follows:

1.

That Section 20-18 is hereby amended by deleting the definition of *Billboard* in its entirety and replacing it with the following:

***Billboard.*** A freestanding sign with an area of more than 250 square feet and a height not to exceed 30 feet, except as stated herein. Such signs shall have no more than two faces.

2.

That Section 20-18 is hereby amended by deleting the definition of *Sign* in its entirety and replacing it with the following:

***Sign.*** Any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building, or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public. All signs shall have no more than two faces.

3.

That Section 20-18 is hereby amended by deleting the definition of *Zoning district DBD* in its entirety and replacing it with the following:

***Zoning district DBD.*** Designated area of the City of Cartersville as indicated on the Official Zoning Map of the City of Cartersville.

4.

That Section 20-23, Subsection A (1), is hereby amended by deleting it in its entirety and replacing it with the following:

1. Animated illumination or effects, electronic, and/or flashing signs are prohibited in the Downtown Business District (DBD) and on residential use properties. Such signs are allowed on a limited basis as further stated herein. Freestanding electronic signs are allowed on the list of roads identified in Section 20-25, and require a permit.

5.

That Section 20-24, Subsection B (4), is hereby amended by deleting it in its entirety and replacing it with the following:

4. ***Flags or insignias, ground-based or roof-mounted.*** Flags or insignias of a temporary nature shall have a maximum area of thirty (30) square feet. For each business on a lot, one (1) ground-based or one (1) roof-mounted flag or insignia shall be allowed. Ground-based flags (including but not limited to pennant and feather flags) shall be located within twenty-five (25) feet of the main business entrance and shall be a minimum of five (5) feet back of property line. The height of a ground-based flag shall not exceed fifteen (15) feet, and the height of a roof-mounted flag shall not exceed four (4) feet above the roof line of the building. Such flags or insignias shall be flown in compliance with the standards applicable under state and/or federal law.

6.

That Section 20-25, Subsection B, is hereby amended by deleting it in its entirety and replacing it with the following:

***B. Electronic freestanding signs.***

1. Electronic freestanding signs which are directly illuminated; exhibit animation; blink; change copy; display moving pictures or images; flash; contain Light Emitting Diode (LED); and/or contain Liquid Crystal Display (LCD) shall be prohibited for residential use properties and the Downtown Business District (DBD).
2. Electronic freestanding signs on nonresidential use properties shall be prohibited except when located adjacent to one of the following roads:
  - a) Burnt Hickory Rd (beginning at, and including, the intersection with West Ave and running north)
  - b) Cassville Rd (beginning at, and including, the intersection with North Erwin St and running northwest)
  - c) Church St (beginning at, and including the intersection with North Tennessee St and running east)
  - d) Collins Dr
  - e) Douthit Ferry Rd (beginning at, and including, the intersection with West Ave and running south until, and including, intersection with Indian Mounds Rd)
  - f) Felton Rd (beginning at, and including, the intersection with Tennessee St and running east until, and including, the intersection with US 41)
  - g) Gentilly Blvd
  - h) Grassdale Rd (beginning at, and including, the intersection with US 41 and running north)
  - i) Henderson Dr
  - j) Old Mill Rd (beginning at, and including, the intersection with Henderson Dr and running west)
  - k) State Route 20
  - l) Tennessee St
  - m) US 41 and corresponding frontage roads
  - n) US 411 and corresponding frontage roads
  - o) West Ave (beginning at, and including, the intersection with Henderson Dr and running southwest)
3. Electronic freestanding signs, including Animated illumination or effects; Electronic sign; Electronic sign, stationary; and/or Flashing as defined herein, shall in no case exceed fifty percent (50%) of total sign face.
4. No more than one (1) electronic freestanding sign may exist on a single lot.
5. No electronic freestanding sign may be located within 100 feet of a single-family residential dwelling.
6. Any permit for an electronic freestanding sign shall include a maximum number of displays per cycle for the structure. No more than six (6) displays per minute shall be allowed, and each display shall not change more frequently than once every ten (10) seconds.
7. Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of moving text or images. In any event, such signs may not have movement, or the appearance of or illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.
8. All such signs shall be programmed to automatically freeze in a single display in the event of a malfunction or computer / system error.
9. The Planning and Development Department shall be provided with an on-call contact person and phone number for each permitted electronic freestanding sign. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise. In the event the contact person is unobtainable or unresponsive, the permit holder grants to the Planning and Development Department the

authority to access and disable the sign in cases of emergency or when the sign poses a threat to public safety.

7.

That Section 20-26, Subsection A, is hereby amended by deleting it in its entirety and replacing it with the following:

A. *Area.* Wall signs shall have an aggregate area not to exceed two (2) square feet for each linear foot of building face, not to exceed two hundred (200) square feet in area. Canopy and awning signage shall be deducted from allocated wall sign area.

8.

That Section 20-27, Subsection A (6), is hereby amended by deleting it in its entirety and replacing it with the following:

6. *Wall signs.*
- a) Wall signs shall have an aggregate area not to exceed two (2) square feet for each linear foot of building face, not to exceed two hundred (200) square feet in area. Canopy and awning signage shall be deducted from allocated wall sign area.
  - b) No wall sign shall be closer than eighteen (18) inches to an adjacent property line and shall not be installed or extend over a party wall.
  - c) Wall signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings and cornices.
  - d) Wall signs shall be no greater than twenty-four (24) inches in height. (Excludes permanent window signage)
  - e) Animated illumination or effects, electronic, blinking, flashing, rotating, and/or scrolling wall signs shall be prohibited.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 19<sup>th</sup> day of February 2015.

ADOPTED this the day of March 2015. Second Reading.

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

ATTEST:

/s/ Connie Keeling  
Connie Keeling  
City Clerk

2. **File T14-02: Text Amendment application by the City of Cartersville to revise the Non-conforming uses sections of the Zoning Ordinance**

Randy Mannino, Planning and Development Director stated that this Text Amendment T14-02 is a proposal by City Staff for changes to the Zoning Ordinance related to Non-conforming uses. Based upon proposals to expand uses in the few years, staff has noted that it may be appropriate to clarify Article 18 of the Zoning Ordinance related to non-conforming uses of structures and land. Mr. Mannino stated that the Planning Commission has recommended approval.

NO ACTION REQUIRED

Ordinance

of the  
City of Cartersville Georgia

Ordinance No.

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville that City of Cartersville Code of Ordinances, Chapter 26. Zoning, Article XII-NONCONFORMANCES is revised as follows:

1.

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia that the City of Cartersville Code of Ordinances, CHAPTER 26 ZONING, ARTICLE XIII-NONCONFORMANCES Section18-3 NONCONFORMING USE OF STRUCTURES is hereby amended by deleting said Section 18-3 in its entirety and replacing it with the following:

“Section 18.3 Nonconforming Use of Structures

Nonconforming uses consisting of structures and/or land or appurtenances used in conjunction with the primary purpose of the structure, at the time of the passage of this chapter, for purposes not permitted in the district in which they are located shall in addition to the other requirements of this chapter be governed by the following restrictions.

- A. An existing nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure may be changed to another nonconforming use that is similar in its operation and effect on surrounding properties or may be changed to a conforming use.
- B. An existing nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure shall not be changed to another nonconforming use that generates more automobile or truck traffic, creates more noise, vibration, smoke, dust or fumes, is a more intensive use of structures than the existing nonconforming use, and is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.
- C. A nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure shall not be extended or enlarged except into portions of the structure which at the time the use became nonconforming were already erected and arranged or designed for such nonconforming use. No structural alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area, or volume of space occupied by the use, except that the Mayor and Council may, after a public hearing and review of the proposed plan, grant a special use if it is determined that said use will not be detrimental to the neighboring properties and is not contrary to the intent of this chapter.
- D. When any nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure is discontinued for a period in excess of twelve (12) months, any future use of the structure shall be limited to those uses permitted in that district unless otherwise approved by the Mayor and Council. Vacancy and/or nonuse of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.”

2.

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia that the City of Cartersville Code of Ordinances, CHAPTER 26 ZONING, ARTICLE XIII-NONCONFORMANCES is hereby amended by creating a new Section 18-7 as follows:

**“Section 18-7. Expansion of Existing Nonconforming Uses Requiring Special Use Permits**

No nonconforming use, building, structure and/or land or appurtenances used in conjunction with the primary purpose of the structure, requiring a special use permit under the terms of this chapter, including any use, building or structure that was authorized as of right prior to the adoption of this chapter but would require a special use permit upon the adoption of this chapter, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of a special use permit. Normal repair and maintenance of buildings and structures is authorized without the need for special use permits. No such use, building, or structure which has been discontinued for a continuous period of six (6) months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property.

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 this the 19<sup>th</sup> day of February 2015.  
ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling  
Connie Keeling  
City Clerk

**E. Other**

**1. Natural Gas Association of Georgia Membership Dues**

Gary Riggs, Gas Superintendent stated that recently Atlanta Gas Light, MGAG, and several other gas systems have formed an association to promote the use of natural gas and the City has been invited to join the association. Mr. Riggs stated that the annual dues are \$5,000.00 and recommended approval.

A motion to approve the Natural Gas Association of Georgia membership and associated fees was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

**F. Contracts/Agreements**

**1. EPD – GEOS Database Subscriber Agreement**

Bob Jones, Water and Sewer Superintendent stated that the Georgia Environmental Protection Division has recently developed a new online database for submission and management of environmental permits and compliance reporting. The Georgia EPD Online System database requires the execution of a Subscriber Agreement in order to designate an individual as the responsible official. This individual has the authority to certify and submit electronic data, prepare all permit and compliance documents and to assign other individuals

preparer privileges to facilitate completion of all documents. Mr. Jones stated that this system will be used to maintain all needed permits issued by the EPD to operate the water and wastewater plants and recommended approval of the agreement and to appoint the Director of the Water Department as the responsible official.

A motion to approve the EPD-GEOS Agreement and to appoint the Director of the Water Department as the responsible official was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

## **2. Pennant Construction, Inc.**

Tara Currier, DDA Director stated that there is a desire for a covered pavilion to be constructed in Friendship Plaza. Request for proposals have been sent to local architects and once an agreement is in place with a local project manager it is the hope of the board to see the design and construction implemented immediately. Due to the pavilion being on City property this agreement is between Ron Goss, Jr. of Pennant Construction, Inc. and the City of Cartersville to appoint Ron Goss Jr. as the local project manager. Ms. Currier recommended approval of this agreement

A motion to approve the agreement with Pennant Construction, Inc. was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

## **G. Bid Award/Purchases**

### **1. Vehicle for Fire Department**

Scott Carter, Fire Chief stated that bids had been requested for a heavy duty service truck for his department. Mr. Carter stated that this purchase will not be awarded as a package bid but would be awarded separately to save money. Mr. Carter recommended approval to purchase the cab and chassis from Prater Ford in Calhoun in the amount of \$41,546.20; the truck bed from H & M Trailer of Adairsville in the amount of \$4,135.00; and the emergency lights and siren from Coosa Valley Communication in the amount of \$3,580.00 for a total project cost of \$49,261.20.

A motion to approve the purchases as presented was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

### **2. Senior Aquatic Center Pool-Pak Coil Replacement**

Greg Anderson, Parks and Recreation Superintendent stated that the Senior Aquatic Center's pool-pak developed another leak in the coil. Mr. Anderson stated that rather than continue to pay for repairs (in the amount of \$7,898.00) it will be better to replace this with a new unit. Bids were solicited and Mr. Anderson recommended approval of the low bid from Johnson Controls of Roswell in the amount of \$23,327.00.

A motion to approve the Senior Aquatic Center Pool-Pak Coil Replacement was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

Mayor Santini stated that there was an item to be added to the agenda. A motion to add an item to the agenda was made by Council Member Stepp and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

## **H. Added Item:**

### **1. First Time Homeowner Lien Release**

Richard Osborne, City Planner stated that this lien release is for property located at 24 Georgia Boulevard is part of the first time homebuyers program. The current property owner purchased the property in 2008 and has fulfilled the five year forgivable loan period for the lien release eligibility. Mr. Osborne recommended approval of this lien release and Quitclaim Deed.



A motion to approve the Lien Release and Quitclaim Deed was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

**I. Monthly Financial Statement**

**1. December 2014**

Tom Rhinehart, Finance Director, presented the December 2014 monthly financial statement with comparisons from the previous year of December 2013 by fund, along with supplemental financial information comparing the year to date revenues and expenses for each fund and a report of cash position through December 2014. No action is needed by Council.

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

**Meeting Adjourned**

/s/ \_\_\_\_\_  
Matthew J. Santini  
Mayor

ATTEST:

/s/ \_\_\_\_\_  
Connie Keeling  
City Clerk