

City Council Meeting
10 N. Public Square
Thursday, May 1, 2014
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Pruitt

Pledge of Allegiance led by Council Member Tate

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; Lori Pruitt, Council Member Ward Six; Sam Grove, City Manager; Connie Keeling, City Clerk and David Archer, City Attorney.

II. Regular Agenda

A. Council Meeting Minutes

1. April 17, 2014

A motion to approve the April 17, 2014 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

B. Commendation/Recognition

1. Teachers of the Year

Mayor Santini stated that it has become a tradition for the Mayor and Council to honor the teachers of the year. The 2015 Teachers of the Year are as follows.

Melanie Paige	Cartersville Primary School
Haley Wilson	Cartersville Elementary School
Cissi Adams	Cartersville Middle School
Beth Cauthen	Cartersville High School.

A motion to approve the 2015 Teachers of the Year Resolutions was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

Mayor Santini presented a framed Resolution to each Teacher of the Year and thanked them for their dedication to the children of our community.

C. Presentations

1. National Historic Preservation Month: Proclamation and Awards

Mayor Santini stated that the National Trust for Historic Preservation has declared May as National Historic Preservation Month and as part of the celebration it is requested that the Mayor and Council issue a proclamation be issued to recognize this month. Mayor Pro-Tem Dianne Tate read the proclamation.

As part of this celebration the Historic Preservation Commission Annual Awards were presented to Ron Goss for renovation work on the commercial space at 123 West Main Street and Will Sprague for renovation work on the commercial space at 120 South Gilmer Street. Danese Archer presented the awards to this year's recipients.

D. Second Reading of Ordinances

1. Ordinance Revision Adult Entertainment

Greg Anderson, Parks and Recreation Superintendent stated that the Civic Center has had an issue with individuals renting the facility for events and wanting to have strippers for birthday parties, bridal showers, and more. Although these are already prohibited, several individuals have complained that it is not listed in the policy as prohibited, therefore to clear up this confusion, these ordinances add a provision to the guidelines that are handed out. Mr. Anderson stated that there have been no corrections or deletions since the first reading and recommended approval

A motion to approve Ordinance No. 09-14 was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 09-10

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 AND RECREATION, ARTICLE 1. IN GENERAL, SECTION 15-14 Civic center- renting is hereby amended by adding a new paragraph (15-14 (A) (1) (e) (11)) as follows:

1

11. No adult entertainment is allowed. This includes but is not limited to lewd behavior, sexual acts or performances, strippers, films, nudity or partial nudity, and/or any other type of performance or event at which similar activities occur.

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 17th day of April 2014.

ADOPTED this the 1st day of May 2014. Second Reading.

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

ATTEST:

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

2. Wine Specialty Shops

Randy Mannino, Planning and Development Director stated that this is two ordinances that were reviewed by the Alcohol Control Board pertaining to Wine Specialty Shops. These ordinances allow a package wine shop with wine tasting and purchases by the glass as well as by the bottle. Sales for this license require that the gross revenue for consumption on the premises be no more than 25%. Mr. Mannino stated that there have been no corrections or deletions since the first reading. The ACB did recommend approval of this ordinance limiting the license to the

Downtown Business District only.

A motion to approve Ordinances No. 10-14 and 11-14 was made by Council Member Step and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

Ordinance
of the
City of Cartersville, Georgia
Ordinance No. 10-14

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 1. GENERALLY.** Sec. 4-33 is hereby amended by adding a new paragraph 13 as follows:

1.

"13. Wine Specialty Shop (add on to package license)...\$100.00"

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 16th day of April 2014.

ADOPTED this the 1st day of May 2014. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

Ordinance
of the
City of Cartersville, Georgia
Ordinance No. 11-14

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 I. IN GENERAL. DIVISION 1. GENERALLY.** Sec. 4-1 is hereby amended by adding the following to the list of definitions. The remaining provisions of said section remain unaffected:

1

***Wine* means any alcoholic beverage containing no more than 21 percent alcohol by volume, which is made from fruits, berries or grapes, either by natural fermentation or by**

natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, etc. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at the point in the manufacturing process when it conforms to this definition.

Wine specialty shop means:

(a) Wine Specialty Shop means a retail establishment which has both sales of wine and limited consumption on the premises of wine, under the following conditions:

(1) No less than 75 percent of the gross revenue of the business shall be derived from the package sale of table wine, fortified wines, port, sherry and/or wine accessories or other merchandise allowed to be sold in the Downtown Business District; (consumption on the premises sales must be 25 percent or less of the business' gross revenue).

(2) It shall be unlawful for a wine specialty shop to sell or have on the premises spirituous liquors or packaged malt beverages.

(3) Free samples of wine shall not exceed one and a half ounces nor shall any one individual be offered more than three samples within a calendar day.

(4) Sampling or tasting of wine is only permitted within the designated portion of the premises.

(b) A retail establishment operating as a wine specialty shop shall provide the city clerk's office, at the time of alcohol license renewal, a statement prepared by licensee's bookkeeper or accountant of the gross sales of the business for the preceding calendar year. The statement shall include the total gross sales for the establishment and document the percentage of sales in dollars attributed to consumption on the premises as compared to package sales and other general merchandise sales. Copies of the state sales tax returns for the same period shall be attached to the statement. The statement must be properly notarized and certified to be true and correct by the licensee or his/her agent under penalty of law, and shall accompany the renewal license fee payment on or before December 31, of each year. The City reserves the right to require, for any reasons deemed necessary by the City, a certified audit for sale of wine.

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 16th day of April 2014.

ADOPTED this the 1st day of May 2014. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

E. Public Hearing

1. Cartersville Business Improvement District (B.I.D.) Budget Amendment

Tara Currier, Downtown Development Director stated that the Cartersville Business Improvement District (B.I.D.) is a special assessment levied against properties within the downtown business district. When established in 2002, the B.I.D. budget breakdown consisted of 15% administration; 39% facade/sign grants and 46% downtown improvements. Ms. Currier stated that the DDA Board and Staff have contacted all downtown property owners asking for approval to amend the budget as follows: 15% administration; 35% downtown promotion; and 50% downtown improvements (which will include sign/facade grants).

Mayor Santini opened the floor for a public hearing and with no comments Mayor Santini closed the public hearing.

NO ACTION REQUIRED

F. Contracts/Agreements

1. City of Kingston Franchise Agreement

Gary Riggs, Gas Department Superintendent stated that this is a ten year extension of the Franchise Agreement with the City of Kingston which has been in place since 1953. Mr. Riggs recommended approval.

A motion to approve the Franchise Agreement with the City of Kingston was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

2. GA DOT Agreement

Gary Riggs, Gas Department Superintendent stated that this agreement the Georgia Department of Transportation will reimburse relocation costs if the city's gas line, part of which is on the easement, should be in conflict with the work on Tennessee Street and US 41 Interchange. This agreement preserves the city's prior rights for the area and Mr. Riggs recommended approval.

A motion to approve the agreement with GA DOT was made by Council Member Pruitt and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

G. Change Order

1. Mission Road Gravity Sewer Replacement – Phase I

Bob Jones, Water and Sewer Superintendent stated that while work was being done on the Mission Road Gravity Sewer Replacement – Phase I Project two issues arose. First, an unknown storm drain catch basin was damaged and had to be replaced. This was not shown on the GIS or project plans. Second, an existing manhole and associated piping from drawings dating 1916 failed. Mr. Jones stated that the cost to replace the storm drain catch basin was \$8,620.00 and the manhole and piping was \$17,065.00 for a total of \$25,685.00. Mr. Jones recommended approval of this change order.

A motion to approve the change order in the amount of \$25,685.00 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

2. Water Treatment Plant - #2 High Service Pump Change Order 1: Bronze Packing Sleeve Replacement

Bob Jones, Water and Sewer Superintendent stated that on March 6, 2014 council authorized the repair of bearings and seals on the Number 2 High Service Pump in the amount of \$6,187.50 by PMC-Cole Electric. During the repair additional damage was discovered and PMC-Cole Electric has quoted a price to fabricate and replace the packing sleeves for an additional \$5,428.00 for a total cost of \$11,615.50. Mr. Jones recommended approval.

A motion to approve the additional repairs to the Number 2 High Service Pump was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

H. Bid Award/Purchases

1. Komatsu Pump Station Repair

Bob Jones, Water and Sewer Superintendent stated that bids for labor only were taken from three local contractors to facilitate repair of the Komatsu sewer lift station located at the end of Main Street. In March an issue was detected with the Komatsu lift station that was too deep for the city equipment and certain electrical controls needed stabilization due to the size of the excavation. Hourly bids were requested because the scope of work could not be determined until excavation revealed the problem; therefore Mr. Jones recommended approval of the low bid from C. H. Kirkpatrick & Sons at \$280.00 per hour for a total cost of \$6,690.60.

A motion to approve the low bid from C. H. Kirkpatrick & Sons was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

After announcements a motion to adjourn the meeting was made by Council Member Stepp and needing no second. Motion carried unanimously. Vote 6-0

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk