

City Council Meeting
City Hall – Council Chambers
April 20, 2023
6:00 P.M. – Work Session
7:00 P.M. – Council Meeting

WORK SESSION

Mayor Matthew Santini opened Work Session at 6:07 P.M. Council Members discussed each item from the agenda with corresponding Staff Members.

Mayor Santini closed Work Session at 6:43 P.M.

OPENING MEETING

Mayor Santini called the Council Meeting to order at 7:00 P.M.

Invocation by Council Member Cooley.

Pledge of Allegiance led by Council Member Hodge.

The City Council met in Regular Session with Mathew Santini, Mayor presiding, and the following present: Kari Hodge, Council Member Ward One; Cary Roth, Council Member Ward Three; Calvin Cooley, Council Member Ward Four; Dan Porta, City Manager; Julia Drake, City Clerk; and Keith Lovell, Assistant City Attorney.

Absent: Jayce Stepp, Council Member Ward Two; Gary Fox, Council Member Ward Five; Taff Wren, Council Member Ward Six

REGULAR AGENDA

Keith Lovell, Assistant City Attorney, stated that Mayor Matthew Santini would be voting on all items and that each item will require four (4) affirmatives to pass.

COUNCIL MEETING MINUTES

1. April 6, 2023, Council Meeting Minutes

Council Member Roth made a motion to approve the April 6, 2023, Meeting Minutes. Council Member Hodge seconded the motion. The motion carried unanimously. Vote: 4-0

APPOINTMENTS

2. Development Authority

Dan Porta, City Manager, stated if approved by the Council, two members of the Development Authority, Beth Tilley, and Mike Fields, would like to continue serving. Their new terms would expire on May 11, 2027.

Council Member Cooley made a motion to approve the Development Authority Appointments. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

SECOND READING OF ORDINANCES

3. Parks and Recreation Ordinance Updates

Mr. Lovell stated multiple sections of the Parks & Recreation Ordinance Sections 15-4, 15-5 and 15-6 have been updated.

Council Member Hodge made a motion to approve the Parks and Recreation Ordinance Updates. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

Ordinance No. 13-23

IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF CARTERSVILLE, GEORGIA THAT THE CITY OF CARTERSVILLE CODE OF ORDINANCES, CHAPTER 15 – PARKS AND RECREATION, ARTICLE I – IN GENERAL, SEC. 15-4. HOURS OF USE OF PUBLIC PARKS IS HEREBY AMENDED BY DELETING SAID SECTION IN ITS ENTIRETY AND REPLACING AS LISTED BELOW; SEC. 15-5. PLAYING OR PRACTICING GOLF OR DRIVING GOLF BALLS IS HEREBY AMENDED BY DELETING SAID SECTION IN ITS ENTIRETY AND REPLACING AS LISTED BELOW; AND SEC. 15-6. THROWING MISSILES IS HEREBY AMENDED BY DELETING SAID SECTION IN ITS ENTIRETY AND REPLACING AS LISTED BELOW:

1.

Sec. 15-4. Hours for public parking.

- (a) It shall be unlawful for any person to be or to park any vehicle in any public park of the city or upon any roadway or parking lot in any public park between the hours of 12:00 a.m. and 5:00 a.m. daily without permission from the parks and recreation department.
- (b) Subsection (a) shall not apply to thoroughfares that are part of the system of streets and highways of the city.

2.

Sec. 15-5. - Additional Rules and regulations for parks owned and operated by city.

(a) *Adopted.* There shall be a set of rules and regulations developed to set standards of conduct in the parks and recreational facilities owned or operated by the City of Cartersville. These rules shall be designed to assure the safety and enjoyment of park participants in addition to all other rules and ordinances adopted by the City of Cartersville.

- (1) No person shall serve, consume, or transport in open containers any alcoholic beverage within a city park or recreation facility except in designated event venues during city sponsored festivals. For purposes of this section, the department of parks and recreation shall define "event venue" for each such event.
- (2) It shall be unlawful for any person to use tobacco products within a city park. Examples of tobacco products include, but are not limited to, cigarettes, e-cigarettes, cigars, chewing tobacco, snuff, pipes, etc.
- (3) The use of bicycles on sidewalks and trails is prohibited within city parks, except as follows:
 - a. Bicycles, including class 1 and 2 electric bicycles, may be used at a maximum speed of 15 miles per hour on the Etowah River Walk, Pine Mountain Recreation Area, and Pettit Creek Trail marked roads, driveways, or parking areas.

- b. Children under the age of six may use bikes with training wheels on park trails, when accompanied by an adult.
- (4) The use of skateboards is prohibited in city parks except in areas expressly designated for the use of skateboards.
- a. Designated areas will be posted with proper signage.
- (5) Park hours are set according to park categories and are posted at each park. Park categories and a listing of all park hours can be found on the City of Cartersville's website. Park categories and their normal respective park hours are also provided below:
- a. Active parks: 6:00 a.m. to 11:00 p.m., during Spring, Summer, and Fall, and 6:00 a.m. to 10:00 p.m. during Winter; or as may otherwise be posted or changed by the Parks and Recreation Director.
 - b. Etowah River Walk, Pine Mountain Recreation Area, Pettit Creek Trail, Dellinger Park Vita Course, and Cartersville Sports Complex Walking Trail: Dawn to dusk.
 - c. Neighborhood parks: Dawn to dusk.
 - d. Downtown parks: Dawn to midnight.
- (6) Littering, vandalism, and the damage or removal of city property is prohibited.
- (7) All pets must be on-leash and under physical control at all times, except at designated off-leash areas. Additionally, park guests must adhere to the following:
- a. No pets or animals are allowed on athletic fields;
 - b. Animals are prohibited inside buildings, in city swimming areas, the areas inside fencing around pools, and in concession and restroom facilities at swimming pools;
 - c. This section does not prohibit persons with disabilities from bringing service animals as defined under the Americans with Disabilities Act (ADA) into any such areas or into any city park or area owned or operated by the city for recreational purposes;
 - d. Any person owning, keeping, possessing or harboring any dog or cat shall promptly remove and dispose of all feces left by the dog or cat on any public parks, and recreation facilities, except in forest areas, not including trails and improved property; and
 - e. Any person, firm or corporation violating any provision of this article shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each offense.

- (8) All organized programs and activities must be approved by the city.
- a. Organized assemblies or groups of 25 or more persons are prohibited, unless approved by prior issuance of a permit by the Parks and Recreation Director.
 - b. When using an athletic field, a group of ten or more persons and private instruction require prior issuance of a permit by the Parks and Recreation Director.
- (9) It shall be unlawful for any person to build or maintain a fire in any park, except in city-provided pavilion grills.
- (10) The following are prohibited, except by permit issued by the city:
- a. Hunting;
 - b. Camping, urban camping, and/or tents;
 - c. Open fires, fireworks, and/or explosives;
 - d. Golfing, including practice driving, chipping, and putting;
 - e. Archery;
 - f. Soliciting, vending, peddling, or selling;
 - g. Cutting of trees, shrubs, or other plantings;
 - h. Removal or attachments of any kind to trees, plants, or structures;
 - i. Public address systems, loudspeakers, or amplifying devices, except City owned;
 - j. Overnight parking;
 - k. Drones, unmanned aerial vehicles, rockets, or model aircraft;
 - l. Paramotors, and paragliders, whether powered or non-powered;
 - m. Inflatables;
 - n. Petting zoos;
 - o. Metal detecting;
 - p. Construction of any structure (temporary or permanent); or
 - q. Throwing bottles, cans, stones, sticks or other missiles.
- (11) Disorderly conduct is not permitted in any city park or any other area owned or operated by the city for recreation purposes. For purposes of this section, disorderly conduct includes any conduct or behavior tending to a breach of the public peace, such as, but not limited to:
- a. Engaging in fighting or threatening, violent or tumultuous behavior;
 - b. Jostling or roughly crowding persons unnecessarily;
 - c. Creating a hazardous condition by any act which serves no legitimate purpose;
 - d. Causing or risking public inconvenience, annoyance or alarm; or
 - e. Making an obscene communication or display.

(b) *City of Cartersville Trail System and designated parks.* For all purposes of this section, the City of Cartersville Trail System including, but not limited to: Etowah River Walk, Pine Mountain Recreation Area, Pettit Creek Trail, Dellinger Park Vita Course, and Cartersville Sports Complex Walking Trail shall be deemed as a park.

(c) *Enforcement.*

- (1) All city law enforcement officers, city officials, and other city officers are authorized, empowered, and directed to enforce compliance with this section.
- (2) Nothing in this section shall prevent the enforcement of city ordinances and regulations or state statutes or codes in any park or recreation facility owned or operated by the city.
- (3) Any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined according to the penalties described in section 1-6, or sentenced to community service pursuant to Sec. 1-6.

(d) *Public notification.*

- (1) The Parks and Recreation Director shall reproduce the rules in a format suitable for public distribution. Such copies of the park rules and regulations shall be available to the public at all city recreation buildings and other city locations, as deemed necessary by the Parks and Recreation Director.
- (2) The Public Works Director shall have the rules and regulations reproduced on all-weather signs and shall post the signs in the city's parks. Locations of such signs shall be determined by the Parks and Recreation Director and shall be placed in plain public view.

3.

Sec. 15-6. – Reserved.

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: April 6, 2023
SECOND READING: April 20, 2023


MATTHEW J. SANTINI, MAYOR

ATTEST: 
JULIA DRAKE, CITY CLERK



3/30/2023 10:32 AM

FIRST READING OF ORDINANCES

4. Amendment to Alcohol Ordinance

Lillie Read, Downtown Development Authority Director stated the DDA Board is proposing a change to section 4-1 (Definitions) and section 4-59 (Pouring Licenses Limited to Certain Establishments) of the Alcohol Ordinance with the goal of providing JZ's Taste of Georgia with a path for keeping their current business open. DDA recommends approval. The Alcohol Control Board recommended denial 3-1.

This is a first reading and will be voted on at the May 4, 2023, City Council Meeting.

5. Alcohol Control Board – Attendance Ordinance

Mr. Lovell stated this ordinance is being proposed to outline the attendance requirements for Board Members.

This is a first reading and will be voted on at the May 4, 2023, City Council Meeting.

6. Planning Commission – Attendance Ordinance

Mr. Lovell stated this ordinance is being proposed to outline the attendance requirements for Board Members.

This is a first reading and will be voted on at the May 4, 2023, City Council Meeting.

7. Historic Preservation Commission – Attendance Ordinance

Mr. Lovell stated this ordinance is being proposed to outline the attendance requirements for Board Members.

This is a first reading and will be voted on at the May 4, 2023, City Council Meeting.

8. Board of Zoning Appeals – Attendance Ordinance

Mr. Lovell stated this ordinance is being proposed to outline the attendance requirements for Board Members.

Public hearing was opened and with no one to come forward to speak for or against the item, Mayor Santini closed the public hearing.

This is a first reading and will be voted on at the May 4, 2023, City Council Meeting.

PUBLIC HEARING – 1st READING OF ZONING/ANNEXATION REQUESTS

9. AZ23-01. 226 E Felton Rd

Applicant: Christopher Huth

Randy Mannino, Planning and Development Director, stated that the applicant requests annexation into the city to allow his children to attend Cartersville schools. Recommended zoning is R-20. Planning Commission recommended approval 5-0.

Mayor Santini opened the public hearing for the zoning portion of the application. With no one to come forward to speak for or against the application, the public hearing was closed.

Mayor Santini opened the public hearing for the annexation portion of the application. With no one to come forward to speak for or against the application, the public hearing was closed.

This is a first reading and will be voted on at the May 4, 2023, City Council Meeting.

10. SU23-01. 401 & 403 N Tennessee St.

Applicant: Duncan Auto Sales, Inc.

Randy Mannino, Planning and Development Director stated the applicant requests the continuation of a non-confirming use. The applicant is the owner of a used car business (401) and wishes to expand the business onto the adjacent property (403). The expansion will include additional parking and use of a private garage for repairing cars to be sold at the 401 N. Tennessee St. location.

Staff members are not opposed to the request. The Planning Commission recommended approval 5-0.

Mayor Santini opened the public hearing.

Bobby Walker, 15 S. Public Square, came forward to represent the application and to answer any questions from Mayor and Council Members.

With no one else to come forward to speak for or against the application, Mayor Santini closed the public hearing.

This is a first reading and will be voted on at the May 4, 2023, City Council Meeting.

CONTRACTS/AGREEMENTS

11. Subsurface Exploration and Geotechnical Engineering Evaluation

Freddy Morgan, Assistant City Manager, stated the City was working on plans for the new facilities at the Police Department Firing Range and since part of the property is in a flood plain, we need to hire a geotechnical company to provide a report for us. This is a 2020 SPLOST funded project and is recommended for your approval.

Council Member Roth made a motion to approve the Subsurface Exploration and Geotechnical Engineering Evaluation. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

12. Right of Entry on Parcel C064-0001-001

Mr. Lovell stated that several property owners that are adjacent to Dellinger Park are requesting a right of entry approval to clean debris and remove dead trees and was recommended for approval.

Council Member Hodge made a motion to approve the Right of Entry. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

Council Member Hodge made a motion to add two (2) items to the agenda. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

13. Actual Cost Agreement and Resolution

Michael Dickson, Gas Department Director, stated on September 15, 2022, the City Council approved an Actual Cost Utility Agreement with the Georgia Department of Transportation (GDOT) whereas GDOT has agreed to reimburse the city those costs associated with the relocation of existing natural gas facilities within a prescribed easement in conflict with the S.R. 293/Kingston Highway at the Dykes Creek Road construction project. GDOT has since revised the Actual Cost Utility Agreement by adding language associated with the Buy America requirements of the Federal regulations (23 U.S.C. 313 and 23 CFR 635.410) Build America, Buy America Act (BABAA).

The Gas System recommends Council approval for this revised Actual Cost Utility Agreement with GDOT in the reimbursable amount of 9.82% of the total construction cost associated with the relocation of these existing natural gas facilities estimated to be approximately \$28,614.99.

The Gas System also recommends Council approval of a Resolution authorizing the City Clerk and Mayor to execute the revised Agreement with GDOT.

Council Member Roth made a motion to approve the Actual Cost Agreement and Resolution. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

BID AWARD/PURCHASES

14. Truck Purchases

Freddy Morgan, Assistant City Manager, stated the City's yearly allotted number of fleet vehicles has been reduced, forcing us to seek trucks from individual dealerships. After an extensive search, a Ford F-250 and F-150 meeting our specifications were located at Lavonia Ford Superstore in Lavonia, GA at a cost of \$106,761.00. These trucks were to be budgeted in the upcoming year, but with the current shortage of vehicles, we believe these should be

purchased now to mitigate long delivery times. These are not budgeted in the current year but can be purchased with Gas Revenues. Council approval of these purchases was recommended.

Additionally, Mr. Morgan stated they would like to add an additional vehicle for Stormwater which would be an F-150 for \$55K.

Council Member Cooley made a motion to approve the Truck Purchases including the added vehicle for Stormwater. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

15. Replacement Air Compressor

Scott Carter, Fire Chief, stated respectfully request approval to purchase a budgeted item. This air compressor has a cascade system used to fill firefighters' Self-Contained Breathing Apparatus air bottles. These bottles provide clean breathing air for firefighters while they are in a hazardous environment that contains toxic air and low oxygen levels. This unit will replace one that has been in service since 2002.

Quotes were obtained and it was requested to approve the low bid of \$57,606.07 from Municipal Equipment Company. This quote includes all components, installation, and set-up. We are requesting an add-on of an extended warranty for a total of five years after installation. With the extended warranty add-on, it will bring the total price to \$61,127.61.

Council Member Cooley made a motion to approve the Replacement Air Compressor. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

16. Emergency Fire Truck Repair

Chief Carter stated he was requesting approval for emergency repairs be made to Engine Four. Brakes, chassis, and front suspension were all inspected due to issues the crew discovered and repaired were made by Ten-8. This is a budgeted item.

Council Member Roth made a motion to approve the Emergency Fire Truck Repair. Council Member Hodge seconded the motion. Motion carried unanimously. Vote: 4-0

17. Lift Station Pump Repair

Sidney Forsyth, Water Department Director, stated one of two sewer lift station submersible pumps serving the area east of I-75 on Main Street has failed and needs major repair or replacement. The Water Department received quotes for repair and replacement of the pump from the sole source service/manufacturer, Xylem Water Solutions USA, Inc. The repair cost is \$46,882.92 and the replacement cost is \$70,418.60.

It is the Water Department's intention to replace this entire lift station within the next fiscal year, as it was not designed for the demand of development in this area and the current pumps would be inadequate for the new lift station. For this reason, approval was requested to repair the pump for a cost of \$46,882.92.

This is a budgeted maintenance expense to be paid from account 505.3330.52.2361.

Council Member Roth made a motion to approve the Lift Station Pump Repair. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

CHANGE ORDER

18. WTP Electrical Upgrades Closeout

Mr. Forsyth stated on July 1, 2021, Council approved a replacement upgrade to the 2400-volt switchgear for high service pumps #3 & #4 at the Water Treatment Plant. After numerous delays in manufacture and supply, the project has been completed.

The contracted price with East Electrical Contractors, Inc was \$384,660.00. The final pay application and change order is for \$334,660.00. The \$50,000.00 deduction represents the unused contingencies in the project.

Approval was recommended of the final adjustment change order.

This is a budgeted capital expense to be paid from account 505.3310.54.2339.

Council Member Roth made a motion to approve the WTP Electrical Upgrades Closeout. Council Member Hodge seconded the motion. Motion carried unanimously. Vote: 4-0

GRANT APPLICATION/ACCEPTANCE

19. Good Neighbor Homeless Shelter Grant Application

Mr. Porta stated this is the annual approval/certification requested in order for the Good Neighbor Homeless Shelter to make application for grant funds from the Georgia Department of Community Affairs. By approving, you are saying that based on a review of the application and/or supporting documents that:

1. The Good Neighbor Homeless Shelter is within the jurisdiction of this local government, and
2. They are approved for funding by DCA.

Council Member Roth made a motion to approve the Good Neighbor Homeless Shelter Grant Application. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

ADDED ITEMS

20. Mission Road – Cherokee Ave Feasibility Study

Mr. Porta stated this proposal for the feasibility study includes cost estimates for a sidewalk/multi-use path and will allow us to pursue Federal and State grants.

Council Member Roth made a motion to approve the Mission Road – Cherokee Ave Feasibility Study. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

21. Right of Entry – Ronnie Jackson Ponder

Mr. Lovell stated this Right of Entry was to allow the City of Cartersville access to survey, bore, drill and/or test for suitability of the property.

Council Member Hodge made a motion to approve the Right of Entry. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0

MONTHLY FINANCIAL STATEMENT

22. February 2023 Financial Report

Tom Rhinehart, Finance Director, reviewed the February 2023 Financial Report and compared the numbers to February 2022.

OTHER

Mayor Santini asked if any other business needed to come before the Council.

Thomas Butler, Gaddis Road, came forward and stated the fields are in bad shape and hold water. Mr. Porta stated that the city will be working on the improvements of the fields.

Seth Dunn, 24 Pembroke Rd., came forward and requested attention be given to these soccer fields.

Alexandra Dunn, 24 Pembroke Dr. stated she was requesting turf for these fields for safety.

Robert Morgan stated the irrigation needed attention as well.

ADJOURNMENT

With no other business to discuss, Council Member Roth made a motion to adjourn.

Meeting Adjourned at 7:50 P.M.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:
/s/ _____
Julia Drake
City Clerk