

City Council Meeting
10 N. Public Square
April 15, 2021
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 6:34 P.M.

OPENING MEETING

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

Invocation by Council Member Roth.

Pledge of Allegiance led by Council Member Stepp.

The City Council met in Regular Session with Matthew Santini, Mayor presiding and the following present: Jayce Stepp, Council Member Ward Two; Cary Roth, Council Member Ward Three; Taff Wren, Council Member Ward Six; Dan Porta, City Manager; Julia Drake, City Clerk and Keith Lovell, Assistant City Attorney.

Absent: Kari Hodge, Council Member Ward One; Calvin Cooley, Council Member Ward Four; Gary Fox, Council Member Ward Five

REGULAR AGENDA

Keith Lovell, Assistant City Attorney stated in order to have a quorum, Mayor Matthew Santini would be a voting member of Council at this meeting.

COUNCIL MEETING MINUTES

1. April 1, 2021

A motion to approve the April 1, 2021 Council Meeting Minutes was made by Council Member Roth and seconded by Council Member Stepp. Motion carried unanimously. Vote: 4-0

APPOINTMENTS

2. Appointment of Gas System Director

Dan Porta, City Manager stated that Gas Director, Michael Hill, scheduled to retire effective April 30, 2021, will leave an opening. Michael Dickson, currently the Assistant Gas Director will bring years of knowledge and experience to this position. Mr. Porta recommended that Michael Dickson be appointed as Gas Department Director effective May 1, 2021.

A motion was made to appoint Michael Dickson as Gas System Director by Council Member Wren and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0

Julia Drake, City Clerk, swore in Michael Dickson as the Gas Department Director.

Mayor Santini asked Michael Hill, Gas Department Director, to come forward. The Mayor proceeded to thank Mr. Hill for his service, leadership, and contributions to the City of Cartersville for over 22 years. In addition, he stated that Mr. Hill's absence would certainly be missed and wished Mr. Hill well for the next chapter of this life.

PUBLIC HEARING – 1st READING OF ZONING/ANNEXATION REQUESTS

3. ZMA21-021: Annual Zoning Map Amendment

Randy Mannino, Planning and Development Department Head, stated this is the annual re-adoption of the official zoning map. It includes the annexation/de-annexations and zoning actions approved by City Council in the last 11 months. Map corrections are also included. The last zoning map adoption was June 4th, 2020. Planning Commission recommends approval, 4-0.

Public hearing open.

With no one to come forward, the public hearing was closed.

This was a first reading and no vote is required.

<u>Zoning Update Summary</u>			
AZ20-01	5450 Hwy 20(CBCC)	G-C/ Deannex.	Acreage: 1.67
AZ20-02	C120-0001-002. Bates Rd	P-D/ Deannex.	Acreage: 55.23
AZ20-04	South of 175 Main St. Market Place	Annex./ MF-14	Acreage: 1.95
AZ21-01	24 Royal Lake Cove	Annex./ R-20	Acreage: 3.11
AZ21-02	16,18,20 Royal Lake Cove	Annex./ R-20	Acreage: 4.28
Z20-01	26 Overlook Pkwy.	G-C/R-20 to MF-14	Acreage: 27.71
Z20-02	1220 Hwy 113	O-C to G-C	Acreage: 0.91
Z20-03	175 Main St. Market Place	G-C to MF-14	Acreage: 16.78
Z20-04	Center Rd/ Hwy 113	R-20 to MF-14	Acreage: 50.00

Zoning District Boundary Line Corrections:

Street number	Street name	current zoning	Proposed zoning	Notes
2369	Hwy 411	G-C	G-C	Extend G-C shading to north property line
1350	JFH Pkwy	G-C/ H-I	G-C	Extend G-C shading to entire parcel
1364	JFH Pkwy	G-C/ H-I	G-C	Extend G-C shading to entire parcel
102	Pyron Ct	L-I/G-C	G-C	Extend L-I shading to east property line
5 & 11	Charlie Harper Dr.	O-C/ G-C	G-C	Remove O-C shading. Make all Village Hill development G-C. Approved by Mark Harris, owner rep, on behalf of owner, 3-16. Confirmed 3-18.
1261	West Ave.	Out/ G-C	Out	Remove G-C shading from all of Uninc. parcel
---	0078-0048-002 & -004 Hwy 20	GC	Out	Remove city zoning on these two County parcels at CBCC driveway. Never in City.

FIRST READING OF ORDINANCES

4. Wastewater Discharge Surcharge

Sidney Forsyth, Water Department Director, stated during a recent review of Industrial Pretreatment Permit discharge limits, an inconsistency between two similar sections of the Sewer Use and Pretreatment ordinance was discovered. Section 24-145(h) incorrectly listed the Biochemical Oxygen Demand (BOD) discharge limit as 600 milligrams per liter (mg/L). This ordinance corrects the BOD limit to 850 mg/L, which is correct and consistent with Section 22-44(h).

This was a first reading and no vote was required.

RESOLUTIONS

5. Defined Benefit Pension Trust Company

Tom Rhinehart, Finance Director, stated the Pension Trust Board has met with Salem Trust and discussed moving the current pension plan assets from Benefit Trust Company to Salem Trust. After checking references from existing local governments that have been using Salem Trust to handle their pension assets and pay monthly benefits to the beneficiaries. The Pension Trust Board recommends to the City Council that the existing pension assets be moved to Salem Trust Company.

A motion was made to approve the Defined Benefit Pension Trust Company Resolution and Agreement by Council Member Stepp and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0

City of Cartersville,
Georgia

RESOLUTION 07-21

BE IT RESOLVED THAT Matthew J. Santini, Mayor, City of Cartersville, is hereby authorized to enter into an Institutional Custody Agreement between City of Cartersville and Salem Trust Company, and is further authorized to identify, from time to time, those representatives of the above-named organization who are authorized to give directions and otherwise transact business with Salem Trust Company.

BE IT FURTHER RESOLVED THAT the City Manager or Cartersville Pension Board Chairman, is hereby authorized to sell, assign and endorse for transfer certificates representing stocks, bonds or other securities now registered or hereafter registered in the name of City of Cartersville, Georgia, and is further authorized to give such directions as may be necessary for the transfer of Assets from brokerage accounts or any other deposit accounts in the name of the above-named organization to Salem Trust Company.

I, Julia Drake, City Clerk, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and City Council of the City of Cartersville, Georgia of said organization at a meeting held on April 15, 2021 at which a quorum was present and voting, and that the same has not been repealed or amended and remains in full force and effect and does not conflict with the organization's articles, bylaws or any other document under which the organization is operating.

Dated: April 15, 2021


Name and Title of Officer: Matthew J. Santini, Mayor

Attest: 
Julia Drake, City Clerk



6. US Bank/Georgia Fund 1 Resolution

Mr. Rhinehart stated Georgia Fund 1 currently has custody of the Series 2018 Water and Sewer Bond proceeds. The funds are approved for reimbursement by US Bank. In order to be reimbursed from the bond proceeds, proper documentation must be in place. This resolution updates the signatures needed to enable the city to be reimbursed for the bond projects. Approval was recommended.

A motion was made to approve US Bank/Georgia Fund 1 Resolution by Council

Member Roth and seconded by Council Member Stepp. Motion carried unanimously.
Vote: 4-0

7. BB&T dba Truist Bank

Mr. Rhinehart stated the BB&T dba Truist Bank resolution needs to be updated. Since BB&T and SunTrust Bank have merged and formed Truist Bank, the bank officials need an updated resolution from the city. BB&T has said that Truist Bank is currently doing business as BB&T and that the final merger does not take place until October 2021. For this reason, the document is on BB&T letterhead. Approval was recommended

A motion to approve the BB&T dba Truist Bank Agreement and Resolution was made by Council Member Roth and seconded by Council Member Stepp. Motion carried unanimously. Vote: 4-0

MONTHLY FINANCIAL STATEMENT

8. February 2021 Financial Report

Mr. Rhinehart gave a financial overview of February 2021 comparing numbers against February 2020.

UPDATE

9. Covid-19 Vaccine Availability

Dexter Benning, Covid-19 Equity Council member, came forward to inform the Mayor, Council, and public of the many opportunities coming to Cartersville to obtain the Covid-19 Vaccine. As a member of the Covid-19 Equity Council, they are wanting to provide 100-125 doses of the vaccine to the community. Currently, the Pfizer vaccine is available. Plans are being made to go out into the communities to administer these vaccines. Currently, Adairsville Community Vaccines are scheduled for May 8, 2021 and the Cartersville Community Vaccines are scheduled for May 15, 2021.

Mr. Benning continued to explain that most of the hesitancy to obtain this vaccine is due to lack of knowledge. He continued in saying the research is available at www.dph.org

Mayor Santini thanked Mr. Benning for his time and his efforts in getting the community together to push forward through this pandemic.

ALCOHOL LICENSES

Mr. Lovell informed the Mayor and Council Members that The Local Bar & Grill withdrew their appeal. Their sentence, recommended by the Alcohol Control Board, was

set at \$1,000 fine/3 years' probation and has been informed that the fine must be paid by Friday, April 23, 2021.

Mr. Lovell gave an overview explaining the City of Cartersville Police Department performed a sting operation to all establishments that currently hold an Alcohol License. Of the 53 establishments, 21 establishments failed to ask for proper identification and sold alcohol to a minor.

Mr. Lovell further explained that the Mayor and Council Members have the authority to allow the Alcohol Control Board's decision stand, increase/decrease the probation/fine, or suspend/revoke the alcohol license. The evidence from each case has been provided to the Mayor and Council Members for review. Each case is to be heard, however, no new evidence will be allowed to be presented. Under the Ordinance, the Mayor and Council has 30 days to make their decision.

Each establishment is being charged with violations of the following:

Section 4-13. – Licensees to keep copy of article on-premises; employees to be familiar with terms; responsibility of licensee for violations, subject to \$1,000 fine and 3-years' probation

Section 4-21. – Purchase by or sales to underage persons subject to \$1,000 fine and 3-years' probation.

10. El Nopal

Mr. Lovell stated Juan Escamilla, license holder for El Nopal, located at 540 Old Mill Rd. is in violation of selling alcohol to an underage individual. The license holder was given an opportunity to sign a consent order, pay \$1,000 fine by Friday, March 5th and subject to 3 years' probation considering this was a 1st offense. Mr. Escamilla failed to return the consent order and pay the fine. The case was heard in front of the Alcohol Control board on March 24, 2021 where ACB ruled 3-year probation and \$1,000 fine. Mr. and Mrs. Escamilla have decided to appeal their case before the Mayor and City Council.

Jana Allen, McCoy Law Firm – 775 West Ave, came forward with Judy Escamilla, owner, and Jose Leon, General Manager, both of 540 Old Mill Rd. She stated that the license holder, Juan Escamilla, was not present due to being in and out of hospital. Ms. Allen stated that they were looking for alternative options to the 3-year probation, such as higher fine, community service, or providing donated items to those in need within the community.

Mayor Santini explained nothing is stopping El Nopal from helping the community.

Council Member Roth explained that April is Alcohol Awareness Month. The violation that is under review does not require any signage stating that the establishment is under probation. In closing, he stated that he urged El Nopal to reach out in the community and seek out where help is needed.

Council Member Wren commended El Nopal's mitigation plan that was put in place.

Public hearing closed.

A motion to affirm the Alcohol Control Boards penalty was made by Council Member Roth and seconded by Mayor Santini. Motion failed. Vote: 3-1. Wren opposed.

A motion was made to evoke \$1,000 fine and 2-year probation was made by Council Member Wren and failed to receive a second. Motion failed for lack of second.

A motion was made to defer the vote to the next Council Meeting by Council Member Wren and seconded by Council Member Stepp. Motion failed. Vote: 2-2 Mayor Santini and Council Member Roth opposed.

Due to lack of obtaining a successful motion, the Alcohol Control Boards penalty was affirmed by default. Establishment has until Friday, April 23, 2021 to pay their fine to Planning and Development.

11. Short Trip/Easy Trip No. 2

Mr. Lovell stated Muhammad Suhail Chishti, license holder for Short Trip, located at 165 Cassville Rd., is in violation of selling alcohol to an underage individual. The license holder was given an opportunity to sign a consent order, pay \$1,000 fine by Friday, March 5th and subject to 3 years' probation considering this was a 1st offense. Mr. Chishti failed to return the consent order and pay the fine. He has chosen to appeal his case before the Mayor and City Council. Furthermore, Mr. Lovell stated that Mr. Chishti did not appear before the Alcohol Control Board due to being out of the country.

Mr. Chishti, license holder for Short Trip/Easy Trip No. 2, came forward to address the Mayor and City Council. He stated that he suspended the employee who sold to an underage individual for one week. The computer system in place does require a date of birth to be entered prior to sale being made. Employee overrode the system due to being busy.

A motion to affirm the Alcohol Control Board penalty was made by Council Member Roth and seconded by Council Member Stepp. Motion failed. Vote: 3-1 Wren opposed.

Due to lack of obtaining a successful motion, the Alcohol Control Boards penalty was affirmed by default. Establishment has until Friday, April 23, 2021 to pay their fine to Planning and Development.

12. The Page aka Corona's

Mr. Lovell stated Dongsik Kwak, license holder for The Page aka Corona's, located at 212 S Tennessee St. is in violation of his establishment selling alcohol to an underage individual. The license holder was given an opportunity to sign a consent order, pay \$1,000 fine by Friday, March 5th and subject to 3 years' probation considering this was a 1st offense. Mr. Kwak failed to return the consent order and pay the fine. Mr. Kwak has decided to appeal his case before Mayor and City Council. In closing, Mr. Lovell stated this establishment had two employees cited for the sale of underage alcohol sales. One employee, took the order, while another employee served the drink and cashed out the customer without asking for proper identification.

Mr. Kwak was currently out of the country. Mr. William Watkins, silent partner for The Page aka Corona's, came forward to represent the establishment. Mr. Watkins stated that the employee who took the order was terminated. The second employee was Mr. Watkins spouse and did not terminate his spouse. Mr. Watkins asked the Mayor and City Council for leniency on the fine as he simply does not have the funds to pay and was requesting other options other than financial. Since the violation, cameras have been installed so that Mr. Watkins can oversee the business in his absence.

Council Member Roth explained that the violation goes with the establishment and license holder.

Discussions commenced amongst the Council Members of potential options.

Public hearing closed.

A motion to affirm the Alcohol Control Boards penalty with conditions of the fine would be paid in ten monthly installments of \$100.00 on the 1st of every month, beginning May 1, 2021 and 3-year probation was made by Mayor Santini and seconded by Council Member Wren. Motion carried unanimously. Vote: 4-0

ADJOURNMENT

Council Member Stepp made a motion to adjourn.

Meeting Adjourned at 8:37 PM

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Julia Drake
City Clerk