

City Council Meeting  
10 N. Public Square  
January 6, 2022  
6:00 P.M. – Work Session  
7:00 P.M. – Council Meeting

## **WORK SESSION**

Mayor Matthew Santini opened Work Session at 6:01 P.M. Council Members discussed each item from the agenda with corresponding Staff Members.

Council Member Hodge made a motion to go into closed session for the purposes of Property. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 6-0

Mayor Santini closed Work Session at 6:40 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 Stepp.

The City Council met in Regular Session with Matthew Santini, Mayor presiding and the following present: Kari Hodge, Council Member Ward One; Jayce Stepp, Council Member Ward Two; Cary Roth, Council Member Ward Three; Calvin Cooley, Council Member Ward Four; Gary Fox, Council Member Ward Five; Freddy Morgan, Assistant City Manager; Julia Drake, City Clerk and Keith Lovell, Assistant City Attorney.

Via phone: Taff Wren, Council Member Ward Six

## **REGULAR AGENDA**

### **SWEARING IN OF ELECTED OFFICIALS**

#### **1. Swearing in of Elected Officials**

Julia Drake, City Clerk, stated the elected officials from the November 2, 2021 Elections must be sworn in. Those elected were Mayor Matthew Santini, Kari Hodge – Ward 1, Cary Roth – Ward 3, and Gary Fox – Ward 5.

Mrs. Drake swore in each of the elected officials.

### **COUNCIL MEETING MINUTES**

#### **2. December 16, 2021**

A motion was made by Council Member Hodge to approve the December 16, 2021 Council Minutes. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 6-0

## **BID AWARD/PURCHASES**

### **3. GMA Membership Dues**

Freddy Morgan, Assistant City Manager, stated these are the 2022 dues for membership in the Georgia Municipal Association (GMA). The total is \$8,237.15 for the year and is based on the City's population.

Council Member Roth made a motion to approve the GMA Membership Dues. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 6-0

### **4. 8-Inch Steel Pipe Purchase**

Michael Dickson, Gas Department Director, stated the Gas System requested bids for the purchase of 825 feet of 8-inch steel pipe to relocate facilities in conflict with the Bartow County road project being constructed on GA Hwy 293 at Beavers Drive. Three bids were requested, only one was received. Consolidated Pipe and Supply of Lawrenceville, Georgia submitted a bid of \$27,720.00. This is a budgeted purchase and Council's approval was recommended.

Council Member Fox made a motion to approve the 8-Inch Steel Pipe Purchase. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 6-0

### **5. Line Stopper Fittings**

Mr. Dickson stated the Gas System requested bids for the purchase of two 8-inch Mueller Line Stopper Fittings. The fittings are associated with the relocation of City facilities in conflict with Bartow County's road project on Hwy 293 at Beavers Drive. Three bids were requested, but only two were received. The Mueller Company, LLC of Decatur, Illinois submitted the low bid of \$9,744.91. This is a budgeted purchase and Council's approval is recommended.

Council Member Roth made a motion to approve the Line Stopper Fittings. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 6-0

### **6. Contract Labor for Tapping and Stopping**

Mr. Dickson stated the relocation of City facilities for Bartow County's road project on Hwy. 293 at Beavers Drive requires the tapping and stopping of two (2) 8" line stopper fittings. The Gas System does not have the tools or expertise to perform this operation, therefore, we requested a quotation from a local contractor who performs this operation as a sole source provider. Southeastern Natural Gas Services of Rome, Inc. of Lindale, Georgia provided a quote in the amount of \$11,000.00 to perform the tapping and stopping operation. They have satisfactorily completed several tapping, tapping and stopping operations and construction projects for the Gas System. This is a budgeted item and Council's approval of this quote is recommended.

Council Member Roth made a motion to approve the Contract Labor for Tapping and Stopping. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 6-0

## **CHANGE ORDER**

### **7. WTP Filter Controls Final Adjustment Change Order**

Sidney Forsyth, Water Department Director, stated On December 19, 2019, Council approved the filter control upgrade contract with MR Systems, Inc. The contract was revised on February 20, 2020 to include additional bond and tax costs.

Project construction and the associated test period have been completed. The final adjustment change order and payment reflects a total project cost of \$639,786.50, which is \$46,219.50 more than the previously approved, revised project amount of \$593,567.00.

The net cost increase is due to:

1. Sales tax exemption credit of \$18,416.00.
2. Ethernet switch security upgrade for \$7,754.00.
3. Redesign and install control pedestals and covers due to floor holes left by old, larger control consoles for \$28,822.50.
4. Graphics upgrade to improve SCADA compatibility with new filter operating system for \$28,059.00.

Approval was requested for the final change order and payment amount of \$22,699.94 to MR Systems Inc. The budgeted item is to be paid by 2018 Revenue Bond funds through account #505-3310-54-1317.

Council Member Cooley made a motion to approve the WTP Filter Controls Final Adjustment Change Order. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 6-0

## **CONTRACTS/AGREEMENTS**

### **8. Cartersville Municipal Court Contracts for Judges**

Keith Lovell, Assistant City Attorney, stated this is the renewal of the Municipal Court Contract for the judges that provide their services in the Cartersville Municipal Court.

A motion was made by Council Member Fox to approve the Cartersville Municipal Court Contract for Judges. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 6-0

## **APPOINTMENTS**

### **9. Appointment and Swearing in of Municipal Court Judge**

Mr. Lovell stated this is the annual reappointment of Municipal Court Judge Harry White, as required according to statute per Keith Lovell.

## **10. Appointment and Swearing in of Assistant Municipal Court Judge**

Mr. Lovell stated this is the annual reappointment of Assistant Municipal Court Judge Harry White, as required according to statute per Keith Lovell.

Council Member Hodge made a motion to approve the appointment of the Municipal Court Judge and Assistant Municipal Court Judge. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 6-0

Mrs. Drake swore in Municipal Court Judge, Harry White and Assistant Municipal Court Judge, Jay Choate.

## **PUBLIC HEARING – 2<sup>ND</sup> READING OF ZONING/ANNEXATION REQUESTS**

### **11. AZ21-07: 77 Lipscomb Cir (De-Annexation)                      Applicant: Vine Street Investors LLC**

Randy Mannino, Planning and Development Director, stated the applicant requests that property be de-annexed for a townhome project in the County. The property is 1.6+/- acres. Staff does not oppose the de-annexation.

Public hearing was opened. Karl Lutjens of 114 Old Mill Rd came forward to answer any questions from the Board.

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


A motion was made by Council Member Fox to approve the AZ21-07: 77 Lipscomb Cir (De-Annexation). Council Member Hodge seconded the motion. Motion carried unanimously. Vote: 6-0

**Ordinance**  
**of the**  
**City of Cartersville, Georgia**  
**Ordinance No. 01-22**  
**Petition No. AZ21-07**


**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 Vine Street Investors, LLC. Property is located 77 Lipscomb Cir (C053-0001-003). Said property contains 1.6 acres located in the 4<sup>th</sup> District, 3<sup>rd</sup> Section, 1 and Lot 53 as shown on the attached plat Exhibit "A". De-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** this the day of December 16, 2021  
**ADOPTED** this the 6<sup>th</sup> day of January, 2022 **Second Reading.**

  
\_\_\_\_\_  
**Matthew J. Santini**  
**Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Julia Drake**  
**City Clerk**



**12. Downtown Entertainment Zone – Ordinance Amendment**

Mr. Mannino stated the current Downtown Entertainment Zone ordinance expires January 7, 2022. It was reviewed on December 8<sup>th</sup> by members of the Alcohol Control Board and their recommendations are included for your review and consideration.

Council Member Fox made a motion to approve the Downtown Entertainment Zone – Ordinance Amendment to reflect the following from pages 52-56 of the agenda packet.

1. Time Change reflective of 11:00 AM – 10:00 PM Thursday, Friday, and Saturday.
2. Paragraph 6b – No sales allowed.
3. Paragraph 6c – Delete entirely.
4. Paragraph 6d will become 6c.
5. Allow cup size to increase to 20oz branded cup with a maximum 16oz pour.
6. Allow the Downtown Entertainment Zone to become a permanent part of Cartersville without required annual approval.

Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 6-0

**Ordinance no. 02-22**

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 4-106 CONSUMPTION ON OTHER PUBLIC PLACES is amended by deleting and replacing the same as indicated below.

1.

**Sec. 4-106. - Consumption in other public places.**

(a) Nothing in this article shall be construed to permit consumption of any intoxicating beverages in any public place in the city other than within the definite, closed-in or partitioned location, whether room or building, wherein pouring takes place, except for permitted caterers, sidewalk cafes, or right-of-way cafes, city-sanctioned event, or Downtown Entertainment Zone.

(b) An establishment licensed under this chapter to sell alcoholic beverages shall not allow any person to leave such licensed premises with any alcoholic beverage in an open cup, bottle, can or other open container, except as provided for in the Downtown Entertainment Zone.

(c) An establishment licensed under this chapter to sell alcoholic beverages shall not allow any person to leave such licensed premises with any alcoholic beverage in an open cup, bottle, can or other open container.

(d) This section shall not apply to city-sanctioned events. A city-sanctioned event is an event which is approved by a vote of the mayor and city council, or an event for which permit is granted to any board of the city, or downtown development authority.

(e) Establishments licensed to sell growlers may offer samples under the following guidelines:

(1) Growler malt beverage sampling shall be on limited occasions when a customer requests a sample of a growler malt beverage offered for sale within the premises.

(2) Growler malt beverage tasting for customers shall only be conducted at a counter area constituting no more than ten (10) percent of the entire floor area of the premises.

(3) Growler malt beverage sampling for customers shall be limited to no more than one (1) time per day per customer. Samples shall not exceed two (2) ounces, and no customer shall consume more than eight (8) ounces in any two-hour period.

(4) Only the licensee or an employee shall open, handle, and serve growler malt beverages, and samples shall only be poured by the licensee and/or an employee.

(5) No open growler containers shall be removed from the licensed premises.

(f) Downtown Entertainment Zone:

(1) The purpose of this section is intended to set forth certain exceptions and provisions applicable only to licensees whose establishments:

- a) Are located within the Downtown Entertainment Zone;
- b) Possess a license to sell alcoholic beverages for consumption on the premises; and
- c) Except as specifically set forth in this section, all such licensees will remain subject to all other provisions of the city's alcoholic beverages ordinance.

(2) Outside consumption of alcoholic beverages permitted in the Downtown Entertainment Zone.

(3) No containers in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed twenty (20) fluid ounces in size but shall only contain up to sixteen (16) fluid ounces of alcohol. No person shall hold in their possession on the public streets and sidewalks, plazas, in parks and/or any other public place within the Downtown Entertainment Zone any open alcoholic beverage container, which exceeds twenty (20) fluid ounces in size, containing no more than sixteen (16) fluid ounces of alcohol. Any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises which is located within an approved Downtown Entertainment Zone is authorized to dispense alcoholic beverages in a disposable plastic cup for removal from the premises. Said cups are to be sold at cost, or at retail cost by the Cartersville Downtown Development Authority or a vendor approved by them. Said cups shall include a sixteen (16) ounce marked line and shall include the rules, as approved by the planning and development director. No alcohol is allowed off premises unless in the approved cup.

(4) Drinking alcoholic beverages from a can, bottle, glass, or non-approved disposable plastic cup off premises is prohibited.

(5) Purchases from licensed premises within the approved Downtown Entertainment Zone are allowed off premises. Alcoholic beverages purchased in accordance with this chapter may be consumed in the approved Downtown Entertainment Zone except as prohibited in this section. Alcoholic beverages consumed pursuant to this provision must be purchased from a licensed establishment authorized to sell alcoholic beverages for consumption on the premises within the Downtown Entertainment Zone. Licensed establishments shall only be permitted to serve from their approved premises as approved on their alcohol license and shall not serve from temporary locations upon the premises unless specifically allowed as part of an approved festival in accordance with Section 15-50 through 15-59.

(6) Hours of consumption. Between the hours of 11:00 a.m. and 10:00 p.m., on Thursday, Friday and Saturday, consumption on premises licensees may authorize the sale of alcoholic beverages in the designated disposable plastic cups for off premises consumption in the Downtown Entertainment Zone and shall not allow



alcoholic beverages to be removed from their licensed premises, at any other time or manner.

The following dates/events are excluded and no off premises consumption shall be allowed:

- a) First Thursday in December for the Christmas Parade;
- b) On the day of the Cartersville High School Homecoming Parade;
- c) Any other date as determined by Council by Resolution.

(7) Any licensed establishment that allows patrons to leave an establishment with an alcoholic beverage as regulated herein shall have an 11-inch by eight and one-half inch sign posted at the door for public view whereas a patron entering/exiting the establishment can read the following:

“All patrons leaving this establishment with an alcoholic beverage do hereby take full responsibility to only consume an alcoholic beverage served in the designated disposable plastic cups for off premises consumption not to exceed twenty (20) ounces in size, containing no more than sixteen (16) fluid ounces, and obtained by an establishment licensed to sell alcoholic beverages in the Downtown Entertainment Zone outlined on the map below. Any individual that leaves the permitted area with an alcoholic beverage in any other open container is in violation of city code and may be subject to a citation and/or fine.”

The map as referenced in Section 4-1 shall be made a part of the notice.

(8) The provisions of this section shall not be deemed to abrogate or otherwise impact any state law or local ordinance pertaining to public drunkenness, disorderly conduct, driving with an open container or under the influence of alcohol, or similar laws.

(9) No alleys are to be included within the Downtown Entertainment Zone.

(10) Drinking alcoholic beverages from a can, bottle, or any other container except the designated disposable plastic cups for off premises consumption is prohibited and is subject to a fine of at least one hundred dollars (\$100.00).

(11) Littering a designated disposable plastic cup within the Downtown Entertainment Zone is subject to a fine of at least one hundred dollars (\$100.00).

(12) The city shall provide additional outdoor garbage cans within the Downtown Entertainment Zone.

(13) Signage of rules, regulations, boundaries, and penalties as approved by the planning and development department shall be posted in the Downtown Entertainment Zone.

(14) No designated disposable plastic cups are allowed to be in motor vehicles. A fine of at least one hundred (\$100.00) for each cup in said vehicle shall be levied.

(15) Consumption shall be limited to certain areas in the Downtown Entertainment Zone. No alcoholic beverage purchased pursuant to this provision may be consumed:

- a. Outside the boundary of the approved Downtown Entertainment Zone or within the approved Downtown Entertainment Zone on any parcel used as a trail, church, day care center or school or the adjoining sidewalk;
- b. in an alley.
- c. in any private parking lot.

(16) Reserved.

(17) Consumption from approved cups shall be allowed in commercial establishments having an entry point adjacent to the Downtown Entertainment Zone; provided that said commercial establishment allows cups and alcohol on their premises.

(g) This section shall not apply in the following instances:

- (1) For events that are sponsored or organized by the City of Cartersville where the alcohol is obtained from a participating business within any city sanctioned event, and is contained in and consumed from an approved, disposable plastic cup.
- (2) Where the city council through a resolution has permitted otherwise.
- (3) For restaurants that have a valid sidewalk cafe permit provided that all outdoor activities are contained within the permitted sidewalk cafe.
- (4) As permitted in the Downtown Entertainment Zone.
- (5) Beverages for consumption at a publicly owned or privately-owned golf course, licensed to sell alcoholic beverages.
- (6) For the carrying out of a partially consumed bottle of wine as defined in Section 4-14.
- (7) When a temporary limited license has been issued, provided that the person consuming or possessing an alcoholic beverage remains on the public sidewalk directly in front of the premises licensed to sell alcoholic beverages or within the open areas, sidewalks, decks, or similar unenclosed spaces on or about the premises licensed to sell alcoholic beverages.

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 and any ordinance or part thereof not amended shall remain in effect and be unchanged.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: December 16, 2021

SECOND READING: January 6, 2022

ATTEST:

  
\_\_\_\_\_  
JULIA DRAKE, CITY CLERK

  
\_\_\_\_\_  
MATTHEW J. SANTINI, MAYOR



## RESOLUTION

### 13. Approval of Capital Improvements Element (CIE) and Community Work Program (CWP) Annual Update Transmittal Resolution

Mr. Mannino stated Cartersville adopted Impact Fees in the last quarter of 2006. Said fees became effective January 2007. In accordance with the Development Impact Fee Regulations as outlined by the State, we are required to file an annual update to the Capital Improvements Element (CIE) of the Comprehensive Plan and Community Work Program (CWP). The update gives the impact fee receipts and expenditures (none) for fiscal year 2021 (July 1, 2020 through June 30, 2021), as well as updates the CWP. We are required to hold a public hearing regarding the update and forward it with a transmittal resolution to the Northwest Georgia Regional Commission (NWGRC) and the Department of Community Affairs (DCA). After review from the NWGRC and DCA, the document then needs to be adopted by the Council, and a copy sent to the NWGRC (just like the Comp Plan process).

Council Member Fox made a motion to approve the Approval of Capital Improvements Element (CIE) and Community Work Program (CWP) Annual Update Transmittal Resolution. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 6-0

Resolution No. 01-22

ADOPTION RESOLUTION

Capital Improvements Element

WHEREAS, The City of Cartersville adopted a Capital Improvements Element as an amendment to the *Cartersville Comprehensive Plan*; and

WHEREAS, The City of Cartersville has prepared an Annual Update to the adopted Capital Improvements Element and Community Work Program; and

WHEREAS, the Capital Improvements Element Annual Update was prepared, submitted, and reviewed in accordance with the "Development Impact Fee Compliance Requirements" and the "Minimum Planning Standards and Procedures for Local Comprehensive Planning" adopted by the Board of Community Affairs pursuant to the Georgia Planning Act of 1989, and an advertised Public Hearing was held on November 18th, 2021 at 7:00 P.M. in the City Council meeting room at Cartersville City Hall; and

BE IT THEREFORE RESOLVED, that the City Council of the City of Cartersville does hereby approve and adopt the Capital Improvements Element Annual Update attached hereto and incorporated herein as Exhibit "A" as per the requirements of the Development Impact Fee Compliance Requirements.

ADOPTED THIS DAY, THE 6th OF JANUARY, 2022.

  
\_\_\_\_\_  
Mayor, City of Cartersville, Georgia

ATTEST:

  
\_\_\_\_\_  
City Clerk, Julia Drake

## CONTRACTS/AGREEMENTS

### 14. City Manager Agreement

Mr. Lovell stated the new City Manager Agreement is presented for review and approval. If approved, it will be effective until January 4, 2024.

Council Member Cooley made a motion to approve the City Manager Agreement. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 6-0

Prior to closing the meeting, Mayor Santini asked if anyone had anything they would like to add.

Jim, Nate, and Mary Beth McDonald, 11 Galway Cir, came forward, to express a need for touchless water bottle fillers along the paths at some of Cartersville Parks. Prices to retro the existing water fountains would cost \$100 - \$1,500.

Mayor Santini thanked the McDonalds for their time and effort to bring forth an idea of improvement for our parks and citizens.

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

Meeting Adjourned at 7:26 P.M.

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

ATTEST:

/s/ \_\_\_\_\_  
Julia Drake  
City Clerk