

City Council Meeting  
10 N. Public Square  
February 4, 2021  
6:00 P.M. – Work Session  
7:00 P.M. – Council Meeting

## **WORK SESSION**

Mayor Matthew Santini opened Work Session at 6:00 P.M. Council Members discussed each item from the agenda with corresponding Staff Member.

Mayor Santini closed Work Session at 6:25 P.M.

## **OPENING MEETING**

Invocation by Council Member Roth.

Pledge of Allegiance led by Council Member Wren.

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

Via Phone: Kari Hodge, Council Member Ward One

Absent: Jayce Stepp, Council Member Ward Two

## **REGULAR AGENDA**

### **COUNCIL MEETING MINUTES**

#### **1. January 21, 2021 Council Meeting Minutes**

A motion to approve the January 21, 2021 Council Meeting Minutes was made by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

## **APPOINTMENTS**

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

Keith Lovell, Assistant City Attorney explained the annual requirement to swear in the Assistant Municipal Court Judge. Staff recommended keeping longtime Assistant Municipal Court Judge, Samir Patel.

A motion was made to appoint Samir Patel as Assistant Municipal Court Judge by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

Mr. Patel was unable to attend the meeting. Therefore, he will be sworn in at a later date by City Clerk, Julia Drake.

### **3. Appointment/Reappointment of DDA Board Members**

Lillie Read, Downtown Development Authority Director, stated Pam Wilson's term on the DDA Board will expire 02-18-21. Staff recommends Mollie Cole for appointment to the DDA board and her term will end 2-18-2025. If reappointed, Dan Kramer will continue serving and his term will end 2-18-2025.

A motion was made to appoint Mollie Cole and reappoint Dan Kramer to the DDA Board by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

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

Mayor Matthew Santini recuses himself from the Council Chambers. Mayor Pro-Tem, Calvin Cooley called the next item.

### **4. Z21-01: Rezoning from General Commercial w/ Special Use Permit for apartments (G-C w/SUP) to Multi-family (MF-14) for an apartment community. 25.79 acres located at the SE quadrant of the intersection of Hwy 20 & Hwy 411 (Across from Savoy)**

Randy Mannino, Planning and Development Department Head, stated that the property had been properly posted, advertised, and adjacent property owners had been notified. The overall tract is approximately 36 acres. The entire tract is currently zoned G-C and a Special-Use was approved in October of 2019 to allow for a mixed-use project on approximately 15.56 acres of the subject property (SU19-04). The Special Use allows for apartments above retail and office space in four of the eight proposed buildings. The approval is for 210 apartment units with a breakdown of 154 one-bedroom & 56 two-bedroom. The proposed application will render the previous Special Use approval null and void if approved.

The applicant is requesting the rezoning of 25.79 acres of the 36 acre tract from G-C & \*G-C w/SUP to MF-14 for the construction of 240 apartment units housed within 10 residential buildings. The proposal includes studios (24), 1 bedroom (96), 2 bedrooms (96), & 3 bedrooms (24) units.

The project access will be from Hwy 20 across from the Savoy Museum. The majority of the frontage of the tract along Hwy 411 and Hwy 20 will remain G-C (10.117 acres).

The overall density with 240 units will be 9.3 units per gross acre. With 7.13 acres of floodplain and detention pond, the net density is 12.86 units per acre. For comparison, the Avonlea Apartments at 950 E. Main St. have 228 units on 16.68 acres with a density of 13.7 units per acre. Planning Commission recommends approval.

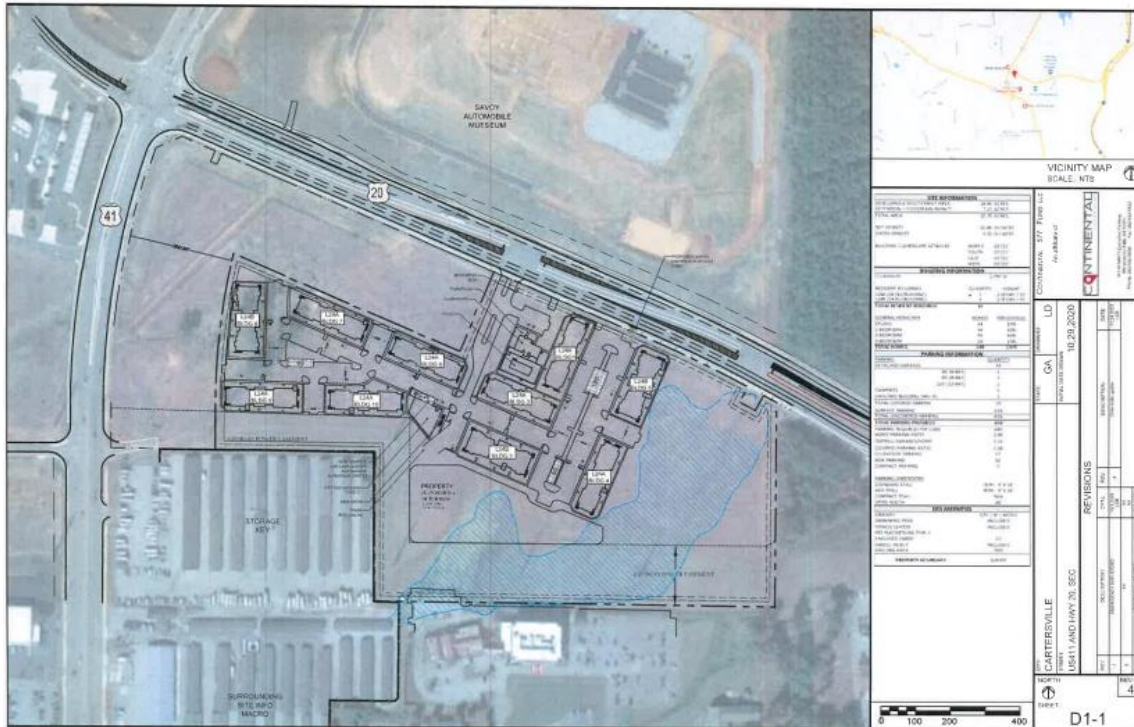
Public Hearing open.

Gwen Wheeler, Continental Properties from Menomonee, WI, came forward to answer any questions.

Council Member Roth inquired about the open property in front of said development and asked if Continental Properties would be in charge that development. Ms. Wheeler stated that Continental Properties will only be responsible for the multi-family development and that the owner of the vacant property has future plans for retail. Continental Properties will not be involved with that future project as their main focus is strictly multi-family housing.

With no one else to come forward, the Public Hearing was closed.

A motion was made to approve Z21-01: Rezoning from General Commercial w/ Special Use Permit for apartments (G-C w/SUP) to Multi-family (MF-14) for an apartment community. 25.79 acres located at the SE quadrant of the intersection of Hwy 20 & Hwy 411 (Across from Savoy) by Council Member Fox and seconded by Council Member Wren. Motion carried unanimously. Vote: 4-0



Mayor Santini returned to the Council Chambers.

## ADDED ITEMS

A motion was made to add three items to the agenda by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

### 5. Downtown Entertainment Zone Ordinance – Emergency Reading

Mr. Lovell stated this ordinance was to amend the previous ordinance by adding a new paragraph to clarify that consumption from approved cups would be allowed in commercial establishments having an entry point adjacent to the Downtown Entertainment Zone; provided that said establishment allows cups and alcohol on their premises.

Council Member Wren and Council Member Fox stated that they were under the impression that this was understood during the approval of the previous ordinance.

Mr. Lovell explained that was the reason for this ordinance, to clear up any confusion. He further stated that this was being proposed as an Emergency Reading due to the Downtown Entertainment Zone launching on February 11, 2021 and there would not be two Council Meetings prior to the launch to allow for two readings of the ordinance.

A motion was made to approve the Downtown Entertainment Zone Ordinance: Emergency Reading by Council Member Fox and seconded by Council Member Wren. Vote: 4-1. Council Member Roth opposed.

**ORDINANCE NO. 06-21**

**WHEREAS**, on January 7, 2021, the Mayor and City Council adopted Ordinance No. 02-21; and

**WHEREAS**, said Ordinance was to include a provision to allow for entry into adjacent commercial establishments to the Downtown Entertainment Zone by patrons with an approved cup pursuant to the requirements of said ordinance; and

**WHEREAS**, on February 11, 2021 the Downtown Entertainment Zone is to commence operations; and

**WHEREAS**, to accomplish the intention of the Mayor and City Council it is necessary to amend Ordinance No. 02-21, prior to said date; and

**WHEREAS**, the Mayor and City Council, has determined that due to the fact there are not two meetings scheduled between now and February 11, 2021, that it is necessary to declare this an Emergency Reading and adopt as same.

**NOW, IT AND IT IS HEREBY ORDAINED**, by the Mayor and City Council of the City of Cartersville, Georgia, that Ordinance 02-21 is hereby amended as follows. 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. PARAGRAPH (F) is hereby amended by adding a new paragraph (17) as follows.

(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.

2.

The above ordinance is deemed an emergency ordinance only requiring one reading due to the time frame as referenced above.

**SO ORDAINED**, this 4<sup>th</sup> day of February, 2021.



  
MATTHEW J. SANTINI, MAYOR

ATTEST:   
JULIA DRAKE, CITY CLERK

## 6. 2<sup>nd</sup> Ante Litem Notice

Mr. Lovell explained that the City of Cartersville received a second Ante Litem Notice from Tovar-Hastings Law, concerning Maria Rodriguez Cortez' alleged claims against the City relating to an incident which occurred on or about September 6, 2020. It was requested that Council deny the Ante Litem Notice.

A motion was made to deny the Ante Litem Notice pertaining to Maria Rodriguez Cortez by Council Member Wren and seconded by Council Member Fox. Motion carried unanimously. Vote:


### RESOLUTION NO. 02-21

#### RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA


**WHEREAS**, on or about January 21, 2021, the City of Cartersville received a Second Ante Litem Notice dated January 18, 2021, from Tovar-Hastings Law, concerning Maria Rodriguez Cortez' alleged claims against the City relating to an incident which occurred on or about September 6, 2020.

**NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED** by the Mayor and City Council that the City of Cartersville denies the Second Ante Litem Notice claim submitted as referenced above, based on the information currently available to it, and directs the City Attorney's Office to inform the Tovar-Hastings Law of said denial.

**BE IT AND IT IS HEREBY RESOLVED** this 4<sup>th</sup> day of February, 2021.

/s/   
Matthew J. Santini, Mayor  
City of Cartersville, Georgia

ATTEST:

/s/   
Julia Drake, City Clerk  
City of Cartersville, Georgia



## 7. Quit Claim Deed – 8 Aspen Lane

Mr. Mannino stated the above noted property was purchased as part of the "First Time Homebuyers Program". The applicants have fulfilled their obligation of five year's ownership as set forth in the program. They have requested the Quit Claim Deed release

at this time. This is a standard process, and since the applicant has fulfilled their obligation, staff recommends your approval to authorize said release.

A motion was made to approve the Quit Claim Deed by Council Member Roth and seconded by council Member Fox. Motion carried unanimously. Vote: 5-0

## **BID AWARD/PURCHASES**

### **8. Sales Tax Recovery Payment**

Sidney Forsyth, Water Department Assistance Director, stated that In February 2020 the City entered into an agreement with Tax Specialists of Georgia Southeast, LLC (TSG) to recover sales and use tax paid by the City on various water and wastewater projects.

TSG has submitted cost information and a sales tax refund application for three (3) WTP construction projects, completed between January 2017 and April 2020 with costs totaling \$3,996,071.43, on behalf of the City.

The City has received a refund check from the GA Department of Revenue for \$77,745.31.

The agreement with TSG is to pay 25% commission to TSG within 10 days of receipt of any sales tax refunds. For this refund, the amount due is \$19,436.33.

Staff recommended Council approval to pay this commission to TSG. This is a budgeted item and will be paid from account # 505-3310-52-1600.

A motion to approve Sales Tax Recovery Payment was made by Council Member Cooley and seconded by Council Member Fox. Motion carried unanimously. Vote:5-0

### **9. Jackson Farm Planned Development Relocation Agreement SP-20-002**

Michael Dickson, Gas Department Assistant Director, stated that the Gas Department received bids for the pipe to complete the Jackson Farm Relocation Agreement. We need a total of 950LF of steel line pipe. Consolidated Pipe & Supply sent in the lowest bid at \$9.75/LF totaling \$9,262.50. It was recommended that Council approve this item. This is a budgeted item with a special code of 54-1519 for costs prior to reimbursement.

A motion to approve the Jackson Farm Planned Development Relocation Agreement SP-20-002 was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

## **TABLED ITEMS**

- 1. AZ20-04 175 E. Main Street**
- 2. Z20-03 175 E. Main Street**

The two tabled items will remain tabled until the March 4, 2021 City Council Meeting.

## **LAST REMARKS**

Mayor Santini stated that former Council Member, Dianne Tate, notified the City of the passing of her husband, JB Tate. The City of Cartersville mourns with Mrs. Tate, as both Dianne and JB have always been very active members of the City of Cartersville. Her loss is the City's loss, as well. Prayers for Dianne and their family.

A motion to adjourn the meeting was made by Council Member Cooley and needed no second. Motion carried unanimously. Vote: 5-0

## **Meeting Adjourned**

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

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