

City Council Meeting  
10 N. Public Square  
March 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 Members.

A motion was made to enter into Executive/Closed Session by Council Member Roth and seconded by Council Member Cooley at 6:29 PM

Mayor Santini closed Work Session at 6:45 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 Cooley.

The City Council met in Regular Session with Matthew 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; 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.

Absent: Jayce Stepp, Council Member Ward Two

## **REGULAR AGENDA**

### **COUNCIL MEETING MINUTES**

#### **1. February 18, 2021 Council Meeting Minutes**

A motion to approve the February 18, 2021 Council Meeting Minutes was made by Council Member Cooley and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0

## **ADDED ITEM**

A motion was made to add an item to the agenda by Council Member Wren and seconded by Council Member Roth. Motion carried unanimously. Vote 5-0

### **2. Appointment of Sidney Forsyth as Water Department Director**

Dan Porta, City Manager, requested that Council approve the appointment of Mr. Sidney Forsyth as the new Water Department Director.

A motion was made to appoint Mr. Sidney Forsyth as the Water Department Director by Council Member Fox and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0

Mr. Forsyth was sworn in by City Clerk, Julia Drake.

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

### **3. AZ21-01: 24 Royal Lake Cove**

Randy Mannino, Planning and Development Department Head, stated the applicant was requesting to be annexed into the City limits of Cartersville. This application is in association with annexation application AZ21-02 for properties located at 16,18, and 20 Royal Lake Cove. There are nine lots on Royal Lake Cove. Seven of nine lots are developed with single-family homes. Two lots are owned by the applicant. All lots are currently in unincorporated Bartow County. County water and Greystone Power currently serve the property. Planning Commission recommended denial. All properties were properly posted and advertised.

Public Hearing opened for the Zoning portion of AZ21-01.

Mr Chad Hullander, 16 Royal Lake Cove, came forward to speak for the item.

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

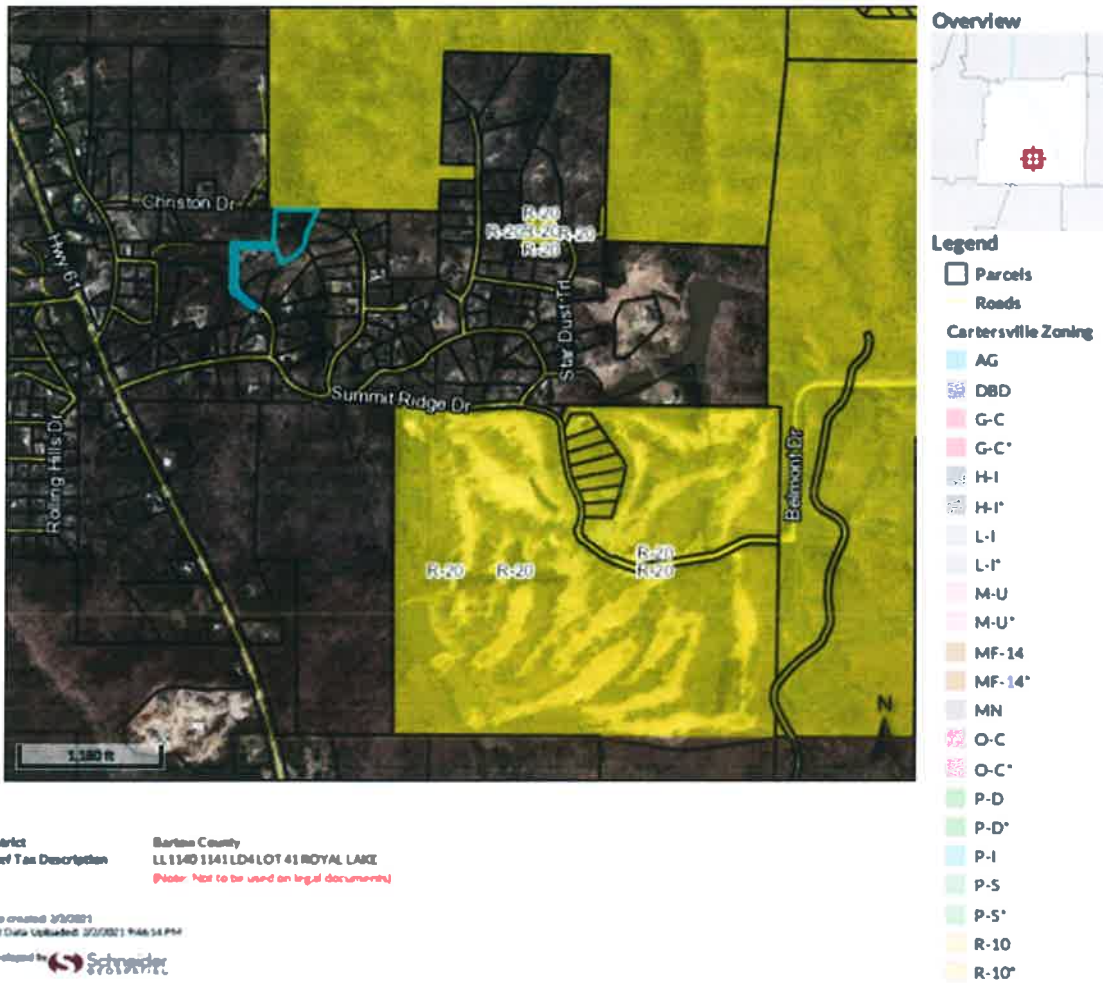
Public Hearing for the annexation portion of AZ21-01.

Mr. Hullanders remarks from the previous Public Hearing remain the same for this Public Hearing.

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

A motion was made to approve the annexation portion of AZ21-01: 24 Royal Lake Cove by Council Member Hodge and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

A motion was made to approve the zoning portion of AZ21-01: 24 Royal Lake Cove by Council Member Hodge and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0



#### 4. AZ21-02: 16, 18 & 20 Royal Lake Cove

Mr. Mannino stated the applicant is requesting his three properties, 16, 18 and 20 Royal Lake Cove, be annexed into the City limits of Cartersville. This was contingent upon the annexation approval of AZ21-01, 24 Royal Lake Cove, which was approved.

There are nine lots on Royal Lake Cove. Seven of nine lots are developed

with single-family homes. The applicant owns three lots. All lots are currently in unincorporated Bartow County. The owner wishes to annex into the city for the school system. County water and Greystone Power currently serve the properties. Planning Commission recommended denial.

Public hearing open for the Zoning portion of AZ21-02. Mr. Hullander stated that his remarks for AZ21-01 are the same for AZ21-02.

With no one else to come forward, the public hearing was closed for the Zoning portion.

Public hearing opened for the Annexation portion of AZ21-02. With no one to come forward, the public hearing was closed for the Annexation portion.

A motion was made to approve the annexation portion of AZ21-02: 16, 18 & 20 Royal Lake Cove by Council Member Hodge and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

A motion was made to approve the zoning portion of AZ21-02: 16, 18 & 20 Royal Lake Cove by Council Member Hodge and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

## **SECOND READING OF ORDINANCES**

### **5. Impound Fees**

Keith Lovell, Assistant City Attorney, explained that Bartow County will be increasing fees for impounds. The fees will be increased from \$30 to \$50, \$60 to \$100, and \$120 to \$150. This Ordinance Amendment is to reflect the City fees according to the County fees.

A motion was made to approve the Impound Fee Ordinance by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

**Ordinance no. 07-21**

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 5 - ANIMALS. ARTICLE VI. - IMPOUNDMENTS, HEARINGS, APPEALS. SEC. 5-35. - RETURN OF ANIMAL TO OWNER is hereby deleted in its entirety and replaced as follows:

**1.**

**Sec. 5-35. - Return of animal to owner.**

- (a) *Return of animals-at-large.* If the name of the owner of an animal found at large is known or can be obtained with reasonable dispatch, and there are no other violations of this chapter, the animal control officer shall return the animal to the residential address of the owner. If there is no one present, the officer shall impound the animal and leave written notice of whom the owner must contact to reclaim the animal. The owner shall be cited for violation of this chapter.
- (b) *Return of animals with violations.* If an animal is impounded for a violation, and the procedure for return is not otherwise specified in this chapter, or a hearing is not otherwise requested or required, the animal shall be returned once all fees for the violation and impoundment are paid, and the conditions necessitating the impoundment have been cured or corrected, if applicable.
- (c) *Impoundment fees.* An owner reclaiming an impounded animal shall pay a fifty-dollar (\$50.00) impoundment fee plus a fee of fifteen dollars (\$15.00) for each day the animal is impounded as a boarding fee if impounded at the shelter or their shelter's then-current fees (or the actual costs of impoundment if impounded off-site), and the actual veterinary costs for care of the animal.
- (d) *Second impoundment.* An owner reclaiming an impounded animal for a second impoundment within one (1) year shall pay a one-hundred-dollar (\$100.00) impoundment fee, plus a fee of fifteen dollars (\$15.00) for each day the animal is impounded as a boarding fee or the shelter's then-current fees (or the actual costs of impoundment if impounded off-site), plus any actual veterinary costs for care of the animal.
- (e) *Third and subsequent impoundment.* An owner reclaiming an impounded animal for a third or subsequent impoundment within one (1) year shall pay a one hundred and fifty-dollar (\$150.00) impoundment fee, plus a fee of fifteen dollars (\$15.00) for each day the animal is impounded as a boarding fee or the shelter's then-current fees (or the actual costs of impoundment if impounded off-site), plus any actual veterinary costs for care of the animal.

**2.**

This Ordinance shall become effective as of March 10, 2021 and until said date, the previous ordinance shall remain in effect.

3.

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: February 18, 2021  
SECOND READING: March 4, 2021

  
MATTHEW J. SANTINI, MAYOR

ATTEST:   
JULIA DRAKE, CITY CLERK



**APPOINTMENTS**

**6. Appointment of DDA Board Member**

Lillie Read, Downtown Development Authority Director, stated that staff is recommending Justin Owen for appointment to the DDA Board. Justin will be filling the remainder of Barry Henderson's term after Mr. Henderson's resignation from the Board to pursue Art in Bartow. Mr. Owens term would end on February 18, 2023.

A motion was made to approve Justin Owens appointment to the DDA Board by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

**RESOLUTION**

**7. Resolution for Creation of Festival Zone**

Ms. Read, stated that this Resolution (03-21) is to request the creation of a festival zone for an event held by Trey Benham with the Circle of Advancement on Saturday, April 24, 2021. The event is to be held in Friendship Plaza and will not require any street or parking closures.

Mayor Santini stated an Ordinance will be forthcoming to clarify the Festival Zone now that the Downtown Entertainment Zone is in place.

A motion to approve the Resolution for Creation of Festival Zone was made by Council Member Fox and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0

**Resolution No. 03-21**

**of the**

**City of Cartersville, Georgia**

**WHEREAS, the Cartersville City Council approved a Festival Ordinance in 2014; and**

**WHEREAS, the Downtown Development Authority (DDA) wishes to establish a Festival Zone for the following events to be held downtown:**

April 24 – Saturday – Sip and Shop (hosted by Circle of Advancement)

**WHEREAS, the DDA Board recommends that these events be designated a controlled Festival Zone; and**

**WHEREAS said Festival Zone will allow those of 21 years and older, who show proof of identification and receive a wristband or other means of identification, be allowed to consume purchased alcoholic beverages within the Festival Zone; and**

**WHEREAS, DDA board, staff, or an approved festival manager will, in conjunction with event staff and volunteers, place signage around each event to identify the boundaries of the allotted Festival Zone; and**

**WHEREAS, the Director of Planning and Development will receive all necessary proposals and applications prior to each event with the understanding that alcoholic beverages will only be sold by an approved alcohol-license holding businesses or caterer.**

**NOW, THEREFORE BE IT RESOLVED by the City of Cartersville that the above listed events be designated a Community Festival Zone.**

**ADOPTED this the 4th day of March 2021.**

*/s/ Matt Santini*  
**Matt Santini**  
Mayor

**ATTEST:**

*/s/ Julia Drake*  
**Julia Drake**  
City Clerk



## **ENGINEERING SERVICES**

### **8. Quiet Zone Consultant**

Tommy Sanders, Public Works Department Head, stated this consultant services agreement is for Atlas to advise and assist the City in the implementation of a Quiet Zone (QZ) for downtown. The cost for these services is \$9,850. Public Works is seeking permission for the Mayor to sign all related documents. This was a budgeted item and is to be funded from 2020 SPLOST.

A motion to approve the Quiet Zone Consultant was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

## **CONTRACTS/AGREEMENTS**

### **9. GA Power Encroachment Agreement Cassville-White Rd SP-21-001**

Michael Hill, Gas Department Head, stated this is the Encroachment Agreement between the City and Georgia Power Company prepared by Georgia Power Company giving rights to the Gas System to construct the proposed natural gas facilities for this project within Georgia Power Company's existing easements and right-of-ways.

### **10. GA Power Encroachment Agreement Carson Loop SP-21-002**

Mr. Hill stated this is the Encroachment Agreement between the City and Georgia Power Company prepared by Georgia Power Company giving rights to the Gas System to construct the proposed natural gas facilities for this project within Georgia Power Company's existing easements and right-of-ways.

A motion to approve the GA Power Encroachment Agreement Cassville-White Rd SP-21-001 and GA Power Encroachment Agreement Carson Loop SP-21-002 was made by Council Member Wren and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

### **11. Advanced Metering Program Task Order 1.2A**

Mr. Porta stated UMS, who has been contracted to assist the city with the Advanced Metering Program project, has submitted Task Order #1.2A, Pre-Implementation Planning Services for \$135,480. This Task Order will authorize UMS to assist staff in several areas including meter reading transition, program communication strategy, AMI systems integration, AMI software testing and program training. This is the next phase in the process for the city as we begin get ready to purchase and install the new Sensus meters.



It was recommended for approval of Task Order #1.2 for \$135,480 with UMS which will be paid for from Electric, Gas and Water and Sewer operating funds.

A motion was made to approve the Advanced Metering Program Task Order 1.2A by Council Member Hodge and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

## **BID AWARD/PURCHASES**

### **12. Motorola Radio Quarterly Invoice**

Mr. Porta stated Bartow County had submitted the fourth quarter 2020 quarterly invoice for the Motorola radio system that is used by our Police, Fire, FiberCom, Gas, Electric, Public Works and Recreation Departments. This is a budgeted item. It was recommended for approval to pay the invoice for \$31,466.55.

A motion was made to approve the Motorola Radio Quarterly Invoice by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

### **13. New World 2021 Maintenance**

Mr. Porta explained that Bartow County has submitted the 2021 invoice for the New World (Tyler Technologies) 911 software that is used by our Police and Fire Departments. This is a budgeted item. It was recommended for approval to pay this invoice for \$40,534.63.

A motion was made to approve the New World 2021 Maintenance by Council Member Cooley and seconded by Council Member Hodge. Motion carried unanimously. Vote: 5-0

### **14. Goodyear Clubhouse Project Manager Agreement**

Mr. Porta stated City staff had begun the process of renovating the Goodyear Clubhouse and in order to complete the renovation project in a timely manner and find tradesman that are needed, such as lead based paint removal specialists, staff would like to hire a Project Manager to oversee the renovation. The recommendation was for Ron Goss with McWhorter Goss General Contractors, LLC to be the Project Manager on this renovation. This is a budgeted item and is funded through Tourism Product Development (TPD) Funds and Parks and Recreation Bond funds.

A motion was made to approve the Goodyear Clubhouse Project Manager Agreement by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

## **15. Kenworth Road Tractor Repair**

Sydney Forsyth, Water Department Assistant Director, stated the Water Pollution Control Plant utilizes a 1999 Kenworth road tractor to transport biosolids from the plant for final disposal to land application sites.

On 2/18/2021, Council approve the not-to-exceed price of \$10,000 to Taylor Truck and Equipment, Inc. for the repair/replacement of a cracked cylinder head on a 1999 Kenworth. Upon opening the engine for this repair, the mechanics discovered significantly more damage to the cylinder walls and engine block than expected and estimated.

Taylor Truck and Equipment Inc. has provided a quote to rebuild the engine for \$23,694.15. This amount is in lieu of, not in addition to the originally approved \$10,000. Upon requested approval, the amount will be paid from account # 505-3330-52-2360.

A motion was made to approve the amended proposal for the Kenworth Road Tractor Repair by Council Member Fox and seconded by Council Member Hodge. Motion carried unanimously. Vote: 5-0

## **16. WPCP Secondary Screw Life Pump Bearing Replacement**

Mr. Forsyth stated the lower bearing on the secondary lift station screw pump #1 needed to be replaced. It is not yet in complete failure and may be used in an emergency, but should be replaced as soon as possible.

The department had received a quote from Evoqua Water Technologies, the pump/bearing manufacturer for a replacement bearing for \$20,500.00. This is a sole source item from the original manufacturer. Approval was budget and recommended for this amount and is to be paid from account 505-3330-52-2361.

A motion was made to approve the WPCP Secondary Screw Life Pump Bearing Replacement by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

A motion was made to add an item for Ante Litem Notice to the agenda. Motion was made by Council Member Wren and seconded by Council Member Hodge. Motion carried unanimously. Vote: 5-0

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## **ADDED ITEM**

### **17. Ante Litem Notice – Clifford Ellis**

Mr. Lovell explained that he had received an Ante Litem notice from Montlick & Associates concerning alleged claims against the City by Clifford Ellis, Jr. relating to an incident which occurred on or about October 16, 2020. Mr. Lovell recommended Council

to deny the Ante Litem Notice.

A motion was made to deny the Anti Litem Notice by Council Member Fox and was seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0

**RESOLUTION NO. 04-21**

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

**WHEREAS**, on or about March 1, 2021, the City of Cartersville received an Ante Litem Notice dated January 25, 2021, from Montlick & Associates, P.C., concerning Clifford Ellis, Jr.'s' alleged claims against the City relating to an incident which occurred on or about October 16, 2020.

**NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED** by the Mayor and City Council that the City of Cartersville denies the 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 Montlick & Associates, P.C. of said denial.

**BE IT AND IT IS HEREBY RESOLVED** this 4 day of March, 2021.

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

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



**TABLED ITEMS**

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

A motion was made to remove two tabled items, AZ20-04 175 E Main St. and Z20-03 175 E. Main St., by Council Member Hodge and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

### **18. AZ20-04 175 E. Main St.**

Mr. Mannino stated the annexation/ zoning request is to annex 1.944 acres of PIN 0077-0459-001 located south of 135-175 Main Street Market Place to relocate and expand the detention pond for the proposed multi-family residential project identified in zoning application Z20-03. The annexed tract would be combined with an existing tract containing a detention pond for the Kroger development. The applicant requests MF-14 zoning. Planning Commission recommends approval, 4-1

Mayor Santini explained that the City, County, and School System did not want to entertain the idea of using TAD money for this project. All parties believed that it would set an expectation for other developments that this would be an option. Furthermore, Mayor Santini reiterated that under no circumstances would TAD money be used for this project.

Public hearing for the Zoning portion was opened. With no one to come forward, the public hearing for the Zoning portion was closed.

Public hearing for the Annexation portion was opened. With no one to come forward, the public hearing for the Annexation portion was closed.

A motion was made to approve the annexation portion of AZ20-04 175 E. Main St. by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

A motion was made to approve the zoning portion of AZ20-04 175 E. Main St. by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

### **19. Z20-03 175 E. Main St.**

Mr. Mannino stated the applicant requests rezoning of 16.77 +/- acres from G-C (General Commercial) to MF-14 (Multi-Family Residential) for the purposes of constructing a 200-unit apartment complex. The site is located in the Main Street Overlay District and will be required to comply with the Districts' standards. Planning Commission recommends approval, 4-1.


Public hearing for the Zoning portion was opened. With no one to come forward, the public hearing for the Zoning portion was closed.


A motion was made to approve Z20-03 175 E. Main St. by Council Member Hodge and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

A motion to adjourn the meeting was made by Council Member Cooley

and needed no second. Motion carried unanimously. Vote: 6-0

**Meeting Adjourned at 7:42 PM**

/s/   
Matthew J. Santini  
Mayor

ATTEST:  
/s/   
~~Julia Drake~~ Samantha Fincher  
City Clerk Deputy City Clerk

