

City Council Meeting  
10 N. Public Square  
April 1, 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 by Council Member Wren to enter into Executive Session for the reasons of Personnel and Litigation. The motion was seconded by Council Member Fox.

Mayor Santini closed Work Session at 6:55 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 Fox.

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 participated via phone; Dan Porta, City Manager; Samantha Fincher, Deputy City Clerk and Keith Lovell, Assistant City Attorney.

Absent: Jayce Stepp, Council Member Ward Two

## **REGULAR AGENDA**

### **COUNCIL MEETING MINUTES**

#### **1. March 18, 2021 Council Meeting Minutes and March 23, 2021 Special Called Council Meeting Minutes**

A motion to approve the March 18, 2021 Council Meeting Minutes and the March 23, 2021 Special Called Council Meeting Minutes was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

## **TABLED ITEMS**

### **2. Gymnastics Program Provider – Sting Rays**

A motion was made to remove the tabled item Gymnastics Program Provider – Sting Rays. The motion was made by Council Member Hodge and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

Dan Porta, City Manager, gave an overview of the item and stated that he had met with the Booster Club and understood that the Booster Club would be willing to help find a solution to the financial losses of the program.

A motion was made to deny the contract with the Sting Rays by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

Mayor Santini sincerely thanked the parents and children for their participation and their feedback pertaining to this matter. He further explained it was great to see the participation from the young citizens of the City and explained that this is how government is supposed to operate. They are to listen to the public, hear their wishes and concerns, and vote accordingly. In closing, the Mayor stated that the Council Members only want what is best for the community and this was never about the professionalism or quality of the program and that the City and the Booster Club will move forward together to find a solution.

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

### **3. AZ21-03: 112 Euharlee Rd.**

Randy Mannino, Planning and Development Department Head, stated the annexation and zoning request is to annex property located at 112 Euharlee Road. The lot contains approximately 0.61 acres with one single-family house on the property. The owner wishes to annex into the city for the school system. Current zoning: A1 (County). Proposed zoning: R-20. Planning Commission recommended approval, 4-0.

Public hearing for the Zoning portion of AZ21-03 was opened.

MaKevia Crosby, 112 Euharlee Rd, came forward to thank the Mayor and Council Members for taking the time to hear her case and for making this process easier than expected.

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

Public hearing for the Annexation portion of AZ21-03 was opened.

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

A motion was made to approve the annexation portion of AZ21-03 by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

A motion was made to approve the zoning portion of AZ21-03 by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0



<b>Parcel ID</b>	02648-0002-007	<b>Alternate ID</b>	18870	<b>Owner Address</b>	NMP HOMES LLC
<b>Sec/Twp/Rng</b>	n/s	<b>Class</b>	Resubdivided	<b>25 LIBERTY DRIVE</b>	CARTERSVILLE, GA 30121
<b>Property Address</b>	112 ELMHURST RD	<b>Average</b>	861		
<b>District</b>	Bartow-County				
<b>Parcel Tax Description</b>	LL 638 D 4 LOT 28 SHOWN				

(Note: Not to be used on legal documents)

**4. SU21-01: 807 West Ave.**

Mr. Mannino stated the applicant wishes to operate a church at 807 West Avenue. The City allows this use, Religious Institution, with a Special Use Permit approval in the OC (Office Commercial) zoning district. Comments had been provided by the Building and Fire Departments that different Building and Fire Codes will have to be met for the suite due to the suite converting from a commercial to an assembly use. Planning Commission recommended approval. 4-0

Public hearing opened for SU21-01.

James Brown, 36 Frances Way, came forward to speak for the item.

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

A motion was made to approve SU21-01 by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0



**Overview**

**Legend**

- Parcels
- Structural Numbers
  - <all other values>
  - Abandoned or Inactive
  - Active
  - Proposed Roads

Parcel ID	C015-0003-001	Alternate ID	33786	Owner Address	NAYOSHA INC
Sec/Twp/Rng	n/a	Class	Commercial		298 NELSON ST
Property Address	807 WEST AVE	Acreege	0.9		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LLM 558 D4 Tract 3 Plat 59-224 West End <i>(Note: Not to be used on legal documents)</i>				

### 5. SU21-02: 215 West Ave.

Mr. Mannino stated the applicant wishes to remodel an existing garage to be an accessory apartment. The applicant intends to live in the accessory apartment until the remodeling is complete for the primary structure, which is his house. The garage is 40 x 24, and was built in 1985. The interior remodel of the garage will include 1 bedroom, 1 living space/office, 1 kitchen and 1 bathroom. The exterior scope will be to remove 1 garage door, and add 1 single residential door, and 3 windows. The single residential door, and 3 widows will be added to the front of the garage. Siding will be added to match existing. Planning Commission recommended approval 4-0 and Historic Preservation Committee recommended approval 4-0.

Public hearing opened for SU21-02.

Boyd Morris, 125 Postelle Rd., came forward to speak for the item.

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

A motion was made to approve SU21-02 by Council Member Hodge and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0



Parcel ID	C016-0006-007	Alternate ID	33993	Owner Address	PAULK KEVIN
Sec/Twp/Rng	r/a	Class	Residential		215 WEST AVE
Property Address	215 WEST AVE	Acres	0.64		CARTERSVILLE, GA
District	Cartersville				
Brief Tax Description	LL 527 DIST 4				

## 6. T21-01: Text Revision – Fences and walls, Zoning Sec 4.16

Mr. Mannino states the purpose of this text amendment is to clarify the location and appropriateness of the use of chain link fences for properties within the city limits. The Planning and Development Department has received numerous calls and requests for clarification on the use of chain link fences in side and rear yards. The current ordinance language is vague and suggests chain link fences may only be approved with a variance.

Public hearing was opened for T21-01.



With no one to come forward, the Public hearing closed.

A motion was made to approve T21-01 by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

**SECOND READING OF ORDINANCES**

**7. Amendment to Festival Zone Ordinance**

Keith Lovell, Assistant City Attorney stated this proposed amendment is to allow cups used in the Downtown Entertainment Zone to be used for festivals. The Alcohol Control Board approved March 10, 2021.

A motion to approve the Amendment to the Festival Zone Ordinance was made by Council Member Cooley and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0

**Ordinance no. 08-21**

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 15 – PARKS AND RECREATION, ARTICLE III. - FESTIVALS, SEC. 15-57. - - DESIGNATION AND MANAGEMENT OF CONTROLLED ZONE is hereby amended by adding a new paragraph (a)(7) as follows:

1.

Sec. 15-57. - - Designation and management of controlled zone.

(a) (7) *Downtown Entertainment Zone*. If a Festival is held during the hours of operation of the Downtown Entertainment Zone, it may designate in whole or part the Downtown Entertainment Zone as its Controlled Festival Zone. If said designation is made, then all Festival Vendors and/or adjacent businesses providing Alcohol for consumption in the said Controlled Festival Zone shall use the cups required by Sec.4-106(f)(3), said cups are to be provided by the Cartersville Downtown Development Authority in the same manner as provided for in paragraph (a)(4) and the Cartersville Downtown Development Authority may assess a fee therefore.

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: March 18, 2021  
SECOND READING: April 1, 2021

  
MATTHEW J. SANTINI, MAYOR

ATTEST:   
JULIA DRAKE, CITY CLERK  
*Samantha Fincher, Deputy City Clerk*



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

## **ENGINEERING SERVICES**

### **8. HSP Electrical Switchgear Upgrade Engineering**

Sidney Forsyth, Water Department Director, stated within the last 4 years, the electrical switchgear and starters for #1 and #2 high service pumps had been replaced.

The #3 and #4 high service pump starters and switchgear were installed in 1991 and are nearing the end of their service life. They were serviced in February 2019 by ABB. There were significant mechanical adjustments necessary at that time to make the starters operate properly. GE no longer makes these starters and replacement and repair parts are becoming more difficult to obtain.

The proposed Engineering Services Agreement is for Wiedeman and Singleton, Inc. to design, bid and provide construction management services to replace this equipment to maintain the reliability of the water treatment plants pumping capacity.

Approval for Wiedeman and Singleton, Inc. to provide engineering services for this project at a cost of \$65,000 was recommended. This budgeted item will be paid from account #505-3310-54-2338.

A motion to approve the HSP Electrical Switchgear Upgrade Engineering was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

### **9. Main Street Life Station Pump Rebuild**

Mr. Forsyth stated the high-pressure portion of the City's water distribution system provides water service to most of East Main Street to East of I-75, and Center Road from Wansley Drive East. Additionally, a major Bartow County Water purchase point is supplied by this line, which serves County customers from Center Road to Highway 20/I-75 interchange, to the Cherokee County line.

This system was supplied by a single booster pump station on Center Road. This pump station has seen significant run time over the past two to three years with increasing demand on this portion of the system, with very little downtime.

The City is proposing to rebuild and upsize the significantly undersized pump station on East Main Street to improve the reliability of continued water service to this portion of the system.

The attached Engineering Service Proposal is for Wiedeman and Singleton, Inc. to evaluate and propose preliminary design options and an opinion of costs for those options at a cost of \$9,500.

Approval was recommended for this budgeted item to be paid from account #505-3320-54-3407.

A motion to approve the Main Street Life Station Pump Rebuild was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

## **BID AWARD/PURCHASES**

### **10. Atlanta Regional Commission Payment**

Mr. Forsyth stated on August 2, 2018 the City entered into a Memorandum of Agreement (MOA) with the Atlanta Regional Commission (ARC) in order to be included in attorney client privileged meetings and discussions regarding water supply allocation by the Corps of Engineers in Lake Allatoona.

The original MOA stated the annual costs would be \$200,000 annually, split evenly between the City and Bartow County. The MOA language was subsequently modified on January 2, 2020 to allow annual payments “up to” \$200,000.

The Water User Group currently has a positive fund balance allowing for reduced invoice amounts. The City’s portion of the 2021 invoice is \$25,000.

Approval was recommended to pay invoice #2156 to the Atlanta Regional Commission in the amount of \$25,000. This budgeted item will be paid from account 505-3310-54-2336.

A motion to approve the Atlanta Regional Commission Payment was made by Council Member Hodge and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

## **ADDED ITEM**

### **11. 36 inch Sewer Line Emergency Repair**

Mr. Forsyth stated the exposed portion of the 36-inch interceptor sewer located in the drainage ditch behind 473 Waterford Drive has an open breach in the concrete pipe to ductile iron pipe joint, just at the edge of the ditch. No sewage has spilled into the ditch and the flow has not been affected. The Water Department has applied a quick cure mastic to prevent leakage of liquid and gases.

The Water Department has received a quote from Kirkpatrick and Sons Grading and Pipeline for \$30,210.00 to repair the breached pipe joint, pour a new concrete collar around it, and stabilize the bank of the ditch to prevent further erosion around the pipe.

Additionally, the most reasonable and cost-effective route to access this location is via the driveway and backyard of 473 Waterford Drive. The City will be responsible for



replacing the concrete driveway and sod to the worksite. This additional amount has been estimated at about \$30,000.

The Water Department is requested approval of an amount not to exceed \$65,000 for complete repair of the pipe and restoration of the driveway and yard to at least its current state and condition. This budgeted expense will be paid from the "Maintenance to Sewers" line item, 505-3320-52-2341.

A motion was made to approve the 36-inch Sewer Line Emergency Repair by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

## **12. New World Hardware Update**

Steven Grier, Network Administrator, stated this hardware update will replace the original servers that were installed in 2015 for the New World Public Safety Software system that is used by all City and County first responders. The City of Cartersville is responsible for 19.3% of the total cost. Our portion of this hardware refresh is \$55,045. Approval was recommended for this non-budgeted item. It will be paid from the 2020 SPLOST.

A motion was made to approve the New World Hardware Update by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

## **13. Station #4 Driveway Repair/Resurfacing**

Scott Carter, Fire Chief, stated in August of 2020, Council approved a repair to the driveway at Station #4 on MLK. The repair was needed due to heavy truck traffic. Ruts have developed in the asphalt as firetrucks entered the building. The work approved in August was to be completed by our public works division. Unfortunately, due to COVID and a very aggressive workload for Public Works, they have not had the time or ability to do this project.

This project was being represented as we are approaching the end of our current approved Fiscal Year. We have sought third party contractors to do this work and have received a low bid that falls within our budget. We respectfully request the Mayor and Council to rescind the project as approved during the August 6<sup>th</sup>, 2020 council meeting and approve the firm from Taylorsville, Ga, Complete Crete for a construction price of \$12,240.00. This is \$1,760.00 below our budgeted amount.

A motion to rescind the August 6, 2020 approval and approve the amended Station #4 Driveway repair/Resurfacing was made by Council Member Wren and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

## **14. Two Year AED Replacement**

Mr. Carter stated that Fire must begin a two-year replacement program of our current department AEDs (automated external defibrillators). Many of these devices are greater than ten years old. Fire was notified by Cardiac Science, who manufactures the current brand of AED, which they will no longer be producing the G-3 model and eventually all tech support and parts will be unavailable. After a current review of brands and models, we have elected to stay with the Cardiac Science/Zoll AEDs but use a G-5, the replacement of the G-3. We will replace our entire front line AED's and hopefully in FY 21/22, we will be able to replace the remainder of our inventory. These AEDs are heavy enough for public safety usage and fall within all guidelines of the American Heart Association Basic Life Support Protocols. Approval was recommended to go with the low quote from Bound Tree Medical of \$8,688.66 for 6 – G5 AEDs, cases and accessories. This is within our budgeted amount.

A motion was made to approve the Two Year AED Replacement by Council Member Roth and seconded by Council Cooley. Motion carried unanimously. Vote: 5-0

### **15. Fiduciary Insurance Policy Renewal**

Mr. Porta stated the city has received an insurance renewal policy with Philadelphia Insurance Companies for fiduciary insurance coverage in the amount of \$14,825.00. This policy was originally requested from the city's Pension Board and the policy has been in place for several years and covers all city boards. Funding for the insurance policy is budgeted and paid from pension funds. Approval was recommended.

A motion was made to approve the Fiduciary Insurance Policy Renewal by Council Member Wren and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

## **OTHER**

### **16. Bartow County African American Heritage Coordinator**

Mr. Porta stated at the Visioning Session in January, a request was made to help fund a position for one year to help with development of Bartow County's African American heritage. After discussing this with Ellen Archer, the CVB in conjunction with Bartow County and City of Cartersville will jointly fund this position for one year beginning in March 2021. The CVB, Bartow County and City will each contribute \$8,000 for the contract position, with the grant recipient, Alexis Carter-Callahan, providing a quarterly update to each entity. It was formally requested that the City Council approve to help fund this position. It is not budgeted, but the \$8,000 will be paid from Tourism Product Development Funds.

A motion was made to Bartow County African American Heritage Coordinator by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

## 17. FY 2020 Audit Presentation

Tom Rhinehart, Finance Director, introduced Christopher McKellar with Mauldin and Jenkins.

Mr. McKellar gave a presentation on the City of Cartersville's FY 2020 annual audit.

## ANNOUNCEMENTS

Keith Lovell, Assistant City Attorney, stated that the Cartersville Police Department conducted a sting operation in February 2021 resulting in 21 underage sales to minors. Four of these cases have been through the Alcohol Control Board and have decided to appeal their case to City Council. All four cases will be heard at the April 15, 2021 City Council Meeting. Mr. Lovell reminded the Mayor and Council Members that there is to be no discussion regarding these cases until the cases are brought before the Council Members.

## OTHER

Billy Ray Robinson, 39 Stadleman Court, came forward to inquire about the Waterford sidewalks and to express his concern regarding his tax dollars paying for the sidewalks for the Waterford Subdivision.


Mayor Santini explained at the time that the subdivision was developed; there were no Development Regulation in place. The Development Regulations which now require the developer to install the sidewalks was not adopted until August 1998, after the Waterford was developed. Therefore, the Waterford HOA paid for the materials and the required relocation of utilities, while the City agreed to pay for the labor.

Mr. Robinson inquired on how he could find out how much the City of Cartersville/ City taxpayers paid for the sidewalk, to which Mr. Porta explained he could contact the City Clerk to obtain said information.

## ADJOURNMENT

Council Member Fox made a motion to adjourn.

Meeting Adjourned at 7:43 PM

/s/   
Matthew J. Santini  
Mayor

ATTEST:

/s/

  
Julia Drake  
City Clerk

