

City Council Meeting
10 N. Public Square
March 5, 2020
6:00 P.M. – Work Session
7:00 P.M. – Council Meeting

I. Opening Meeting

Invocation by Cartersville Little League.

Pledge of Allegiance led by Cartersville Little League.

The City Council met in Regular Session with Matt 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; Taff Wren, Council Member Ward Six; Tamara Brock, City Manager; Meredith Ulmer, City Clerk and Keith Lovell, Assistant City Attorney.

II. Regular Agenda

A. Council Meeting Minutes

1. February 20, 2020 City Council Minutes

A motion to approve the February 20, 2020 City Council Meeting Minutes as presented was made by Council Member Fox and seconded by Council Member Stepp. Motion carried unanimously. Vote: 6-0.

B. Second Reading of Ordinances

1. Alarm Registration Ordinance

Chief McCann came forward and stated this ordinance is no longer necessary and requested it to be withdrawn. The information needed can be obtained through Cogsdale.

Motion to withdraw the ordinance was made by Council Member Wren and seconded Council Member Stepp. Motion carried unanimously. Vote: 6-0.

Ordinance No. _____

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 3. ALARM SYSTEMS is hereby amended by adding Section 3-11 - Registration as follows:

1.

Sec. 3-11. Registration.

- 1) All alarm systems must be registered within 30 days of installation by the property owner or lessee.
- 2) All existing alarm systems must be registered within sixty (60) days of the adoption of this ordinance.
- 3) Registration is not transferable. Each property owner or lessee must register all new installations or transferred systems.
- 4) There will be no registration fee for alarms.
- 5) The list should include the name of the alarm owner, phone number, and physical address and billing address, if different.
- 6) Failure to register/re-register an alarm system within the allotted time will result in a fine payable by the property owner or lessee as shown in the following schedule:

FINE SCHEDULE

a)	Failure to register alarm	\$50.00
b)	Respond to unregistered alarm	\$100.00
c)	Failure to comply with Ordinance	
	First Violation	\$50.00
	Second Violation	\$100.00
	Third Violation	\$250.00

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.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

2. Food Truck Ordinance

Randy Mannino, Planning and Development Department Head stated based on questions and comments from the Mayor and Council, the City Attorney's office has prepared a "Mobile Retail Food Establishment" (FOOD TRUCK) ordinance. Said ordinance provides for definitions and standards for the operation of mobile retail food establishments. The Code Enforcement Office and City Fire Marshal's office have reviewed said ordinance, but Council may want to discuss or consider additional guidelines.

The floor was opened for a public hearing:

Melody Daring came forward as a future food truck owner and stated her concerns with the proposed ordinance.

Nick Philliper came forward as a food truck owner to express his concerns about the proposed ordinance.

Ali Lyons came forward as a food truck owner to express her concerns about the food truck ordinance.

Darin Capes came forward and expressed his concerns with the food truck ordinance.

Abshul Ellis, a serve safe instructor, came forward and expressed his concerns about the proposed food truck ordinance.

With no one else coming forward the public hearing was closed.

Motion to table the food truck ordinance was made by Council Member Wren and seconded by Council Member Roth.

Motion to remove the item from the agenda was made by Council Member Wren and seconded by Council Member Hodge. Motion carried unanimously. Vote: 6-0.

Ordinance no. _____

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 10 - LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS. its amended by creating a new ARTICLE XIX. MOBILE RETAIL FOOD ESTABLISHMENTS as follows:

1.

ARTICLE XIX. MOBILE RETAIL FOOD ESTABLISHMENTS.

Sec. 10-606. - Definitions.

- A. Mobile retail food establishment shall mean a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.**
- B. Pushcart shall mean a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food, unless the equipment is commercially designed and approved to handle food preparation and service. Pushcarts shall not be required to comply with mobile vehicular safety requirements.**
- C. Temporary retail food establishment, including pushcart, shall mean a retail food establishment, other than a licensed mobile retail food establishment, that is not intended to be permanent and that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.**

Sec. 10-607. - License required.

- A. It shall be unlawful for any person to sell, offer for sale, food of any type from a commissary, mobile retail food establishment, pushcart or temporary food establishment without a license first having been granted under this section, except for city sponsored events.**
- B. An application for a license or a permit hereunder shall be submitted to the Planning and Development Department of the City of Cartersville setting forth all information required hereunder and in compliance with this ordinance. The business license manager may develop a form of application for the purpose of compliance with this article. The review process for said application shall be conducted in conformity with Cartersville Code Section 10-3 as now existing or as may be hereafter amended.**

Sec. 10-608. - Prohibited conduct and requirements.

- A. The mobile retail food establishment shall not conduct business or operate under this article on the public right-of-way.**
- B. The mobile retail food establishment shall not operate on any private property without the prior consent of the owners.**
- C. The mobile retail food establishment shall maintain a \$1,000,000.00 liability policy. Proof of current liability insurance, issued by an insurance company licensed to do business in the state, protecting the licensee, the public and the city from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the city as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration dated without 30 days' advanced written notice to the city.**
- D. The mobile retail food establishment shall not emit sounds, outcry, speaker, amplifier or announcements while traveling on the public rights-of-way.**
- E. The mobile retail food establishment shall maintain all state licenses and follow all laws of the state and county health departments.**

- F. The license under which a mobile retail food establishment is operating must be firmly attached and visible on the mobile retail food establishment or pushcart at all times.**
- G. The Planning and Development Department and the Cartersville Police Department shall make such investigation of each applicant for a permit as in the Planning and Development Department and Cartersville Police Department's judgment may be appropriate. The Cartersville Police Department shall require the applicant to be fingerprinted and photographed. One copy of such photograph shall be permanently attached to the license required to be displayed.**
- H. No permit shall be issued to or held by any person unless that person is satisfactory with respect to character and record. In making a determination as to good moral character the Planning and Development Department and the Cartersville Police Department shall consider whether or not the applicant has, at some time prior to the filing of the application, been convicted of a felony or other offense involving moral turpitude, and pertinent circumstances connected with such conviction.**
- I. In addition to the grounds shown in Chapter 10 of this Code, the Cartersville Police Department may refuse to issue any permit to any applicant whose record shows one or more convictions for an alcohol related offense within the previous 12-month period or a drug related offense within the previous 36-month period or a pattern of convictions for traffic violations.**
- J. The following requirements shall be applicable to all mobile retail food establishments and temporary retail food establishment:**
 - 1. The premises where such temporary business is located shall be kept in a clean and sanitary condition.**
 - 2. The vendor shall have sufficient parking on the premises to provide parking for the customers and must not allow parking on the streets or adjoining property.**
 - 3. The vendor shall meet all the requirements and conditions of the Zoning Code of Cartersville, Georgia.**
 - 4. The vendor's tent and/or mobile retail food establishment shall comply with the fire code provisions.**
 - 5. The vendor shall not be located within any public right-of-way.**
 - 6. The vendor may not sell any goods or services by means of any outcry, sound, speaker or amplifier of any kind.**
 - 7. The vendor shall possess any and all other occupation tax certificates required by federal, state or county law.**
- K. No sale or offer for sale shall be made by any licensee between 11:00 p.m. and 6:30 a.m.**
- L. No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile retail food establishment unless each side of the vehicle is marked, in letters and numbers at least three inches in height, with the name and address of the mobile retail food establishment licensee.**
- M. The mobile retail food establishment shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and**

all licenses required by any other health, organization or governmental organization having jurisdiction over this subject matter.

- N. The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments:**
- 1. Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.**
 - 2. Every vehicle shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.**
- O. The mobile retail food establishment shall sell food and beverage items only.**
- P. The mobile retain food establishment shall not be parked overnight on a residentially zoned or used property unless parked in a fully enclosed garage.**
- Q. Food preparation for a mobile retain food establishment shall not be allowed on a residentially zoned or used property.**
- R. The mobile retail food establishment prior to the issuance of a permit and during its operation, shall comply with all applicable fire codes.**
- S. All grease and food preparation related by-products must be disposed of in an appropriate manner as required by federal, state, and city laws, regulations, and ordinances. Additionally, a log for six (6) months must be kept detailing the date, time, and location of disposal of grease and food preparation related by-products.**
- T. No alcoholic beverages may be provided or sold from a mobile retail food establishment.**

Sec. 10-609. - Indemnity.

As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the City of Cartersville, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.

Sec. 10-610 - Appeals.

Appeals from the grant or denial of a license shall be filed and processed in accordance with the procedures set forth in Cartersville Code Section 10-4 as now existing or as may be hereafter amended.

Sec. 10-611. - Revocation and suspension.

The city shall have the right to revoke or suspend any license granted hereunder in accordance with the procedures set forth in Cartersville Code Sec. 10-4 as now existing or as may be hereafter amended and appeals from the revocation or suspension shall likewise be governed by that section.

Sec. 10-612 - Fee.

In addition to the occupation tax, every application for license under this section shall be accompanied by a nonrefundable processing fee of \$100.00.

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.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

3. T20-01 HPC Design Standard Revisions

David Hardegree, City Planner stated this amendment addresses concerns expressed by City Council and the HPC regarding conflicts, vagueness and inconsistencies in the HPC ordinance and design guidelines. The revisions are intended to define what is a requirement versus recommendation; eliminate or clarify confusing text or references; provide clearer direction and instruction to property owners; and, clearly state what preservation actions are allowed, or not allowed, improving HPCs ability to enforce or vary a requirement.

The floor was opened for a public hearing, and with no one coming forward the public hearing was closed.

Motion to approve the T20-01 HPC Design Revisions was made by Council Member Stepp and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0.

A copy of the HPC Design Standard Revisions can be found in the Clerk's Office.

C. Other

1. Consent to Demolish Structure(s) at 12 Aubrey Street

Mr. Mannino stated the City condemned the house and structure(s) located at 12 Aubrey Street due to several reasons (sub-standard, unsanitary, unsafe to occupy, creating a nuisance and hazard, and it is unfit for human habitation). Per court order, the property owner had a choice to tear down the home or have it repaired and able to pass inspection within 90 days from October 21, 2019. There have been no improvements and the property owner has not complied with said court order. With that, we are requesting consent from Council to tear said house down, and place a lien on the property to cover all costs associated with demolition and removal.

A motion to approve the consent to demolish structure(s) at 12 Aubrey Street was made by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0.

2. Demolition of 12 Aubrey Street

Mr. Mannino stated we solicited bids for the removal of the structures located at 12 Aubrey Street, and only received two estimates. A&M Contracting provided the lowest estimate at \$8,950.00, and later provided an asbestos clearance letter. We recommend awarding demolition of 12 Aubrey Street to A&M Contracting.

A motion to approve the demolition of 12 Aubrey Street was made by Council Member Stepp and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0.

D. First Reading of Ordinances

1. Pub Crawl Emergency Ordinance

Mr. Mannino stated this ordinance is for a one-time event scheduled for March 13 and 14, 2020. The ordinance includes the purpose of the event, the coordinator(s) and license required by the participating businesses as well as other necessary details.

A public hearing was opened to anyone wishing to speak for or against this item:

Lillie Read, Downtown Development Manager came forward to be available for any questions.

With no one else coming forward the public hearing was closed.

A motion to approve Pub Crawl Emergency Ordinance due to the timing was made by Council Member Hodge and seconded by Council Member Wren. Motion carried 5-1. Council Member Roth voting in opposition.

E. Resolutions

1. Festival Zones for 2020 Events

Lillie Read, Downtown Development Manager stated these are the annual events for which the DDA is requesting Festival Zone approval. They have been recommended for approval by the DDA Board and Staff.

Motion to approve the Festival Zones for 2020 Events was made by Council Member Roth and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0.

F. Contracts/Agreements

1. Property Damage Release Form

Derek Hampton, Electric Department Head stated on January 15th, 2020, there was an incident where an impaired driver crashed at 314 West Main Street while trying to elude the police. This crash involved breaking one of our poles which required a notable amount of time, materials and labor to repair. We have settled on a reimbursement amount with the driver's insurance company that equals \$7,331.96. In order to receive the payment, we are requesting authorization for the Mayor to sign the standard release form, as requested by the insurance company. This document has been reviewed by the City's attorney, and his requested modification has been made.

Motion to approve the property damage release form was made by Council Member Cooley and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0.

2. Advanced Metering Program Phase 2

Dan Porta, Assistant City Manager stated UMS, who has been contracted to assist the city with the Advanced Metering Program project, has submitted Task Order #1.2 in the amount of \$82,350. This Task Order will authorize UMS to assist staff in reviewing the request for proposal (RFP) responses, technical evaluation of vendor responses, and vendor contracting assistance and negotiation. This is the next phase in the process and will provide the city with the best price for the metering equipment that would be used if the city decides to proceed with the Advanced Metering Program.

Mr. Porta recommended approval of Task Order #1.2 in the amount of \$82,350 with UMS.

Motion to approve the Advanced Metering Program Phase 2 was made by Council Member Wren and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0.

G. Bid Award/Purchases

1. Overhead Door Company Garage Door Repair

Mr. Porta stated Roof Management, the roofing contractor hired to replace the library

roof, damaged the garage door at the Cartersville-Bartow Public Library with a large garbage dumpster. Roof Management has agreed to pay for the repair costs in the amount of \$5,726.50. Since the city has an account with Overhead Garage Door Company, the invoices are being billed directly to the city and I recommend approval for payment of these invoices.

Motion to approve the Overhead Door Company Garage Door Repair was made by Council Member Wren and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0.

2. Patch Management Software

Mr. Porta stated Staff has researched available security patch software that can patch critical vulnerabilities on all city computers/servers with Windows and 3rd party software updates. This software also comes with remote access capabilities which currently is provided by another third party vendor at a cost of approximately \$3,000 per year. By purchasing this new security patch management software, the city will save by not having to purchase Team Viewer software. The yearly cost for this subscription is \$7,622.46 and is recommended for your approval.

Motion to approve the Patch Management Software was made by Council Member Wren and was seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0.

3. Fiber Splicing Trailer

Mr. Porta stated the Fiber Department would like to purchase a fiber splicing trailer that is much needed for the crew. The proposed new splicing trailer will come with a built in heater and air conditioner which is needed at times when fiber splicing is done. During the past couple of weekends, Fiber Department employees have been working in a make shift 15 year old trailer in very cold conditions without adequate heat while trying to repair customer fiber connections. The new trailer from ATC Trailers at \$24,619 will greater enhance the working conditions that our staff has to endure at times. Funding for this new trailer is available in the 2020 SPLOST and is recommended for your approval.

Motion to approve the Fiber Splicing Trailer was made by Council Member Stepp and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

4. Bartow County Motorola Radio Invoice

Mr. Porta stated Bartow County has submitted the fourth quarter 2019 Motorola Radio invoice in the amount of \$11,520.36 that covers the maintenance on the county wide radio system. This radio system is used by several city departments and payment of this invoice is recommended for your approval.

Motion to approve the Bartow County Motorola Radio Invoice was made by Council Member Hodge and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0.

5. WPCP Maintenance Truck

Bob Jones, Water Department Head stated Sealed bids were opened on February 21, 2020 at 1:00pm for a maintenance truck to be used by the Water Pollution Control Plant (WPCP). The following bids met or exceeded specifications:

· Wade Ford	\$126,513.00	· Alan Jay Auto	\$130,689.00
· Hardy Ford – Option 1	\$135,317.60	· Hardy Ford – Option 2	\$136,184.60
· Prater Ford	\$135,986.00		

One bid from Prater Ford was disqualified because it did not meet the required specification. I recommend approval of the Wade Ford bid in the amount of \$126,513.00.

Motion to approve the WPCP Maintenance Truck was made by Council Member Fox and seconded by Council Member Stepp. Motion carried unanimously. Vote: 6-0.

E. Other

1. Review and Approval of 2020 Goals

Tamara Brock, City Manager stated the report from the 2020 City's Visioning Session is attached. It includes a list of goals submitted by Council and Department heads that are important to each of them. This report is submitted for discussion and/or Council approval. Approving the attached will serve as a guide for the City in the year ahead.

A motion to approve the 2020 Goals was made by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0.

2. Alcohol Control Board Decision Appeal

Keith Lovell, Assistant City Attorney went over legal procedure.

Mr. Lovell stated during the February Alcohol Control Board meeting, business owner Fadi Shreiteh, at 1139 N Tennessee Street, did not appear for his case. This was a second violation. The Board voted to revoke his license. Since that time, the owner of the establishment stated he was confused about the date of the hearing and filed an appeal. He would like the decision of the Alcohol Control Board to be reconsidered.

Fadi Shreiteh was sworn in and came forward to represent Mack's.

Chief Frank McCann came forward and was sworn in; went over situation.

Officer Herron was sworn in and testified. Officer Herron narrated the video that was displayed showing the convenience store clerk selling alcohol to a minor.

Mohammed Mas came forward and was sworn in and gave his testimony on behalf of Mack's.

Council Member Fox made a motion to remand this case back to the Alcohol Control Board. The motion was seconded by Council Member Wren and carried unanimously. Vote: 6-0.

After announcements a motion to adjourn the meeting was made by Council Member Wren and needing no second. Motion carried unanimously. Vote: 6-0.

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Meredith Ulmer
City Clerk