

City Council Meeting
10 N. Public Square
March 21, 2019
6PM – Work Session
7PM – Council Meeting

I. Opening Meeting

Invocation by Council Member Roth.

Pledge of Allegiance led by Council Member Stepp.

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; Tamara Brock, City Manager; Meredith Ulmer, City Clerk and Keith Lovell, City Attorney.

Absent: Taff Wren, Council Member Ward 6

II. Regular Agenda

A. Council Meeting Minutes

1. March 7, 2019

A motion to approve the March 7, 2019 City Council Meeting Minutes as presented was made by Council Member Hodge and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0.

B. First Reading of Ordinances

1. Historic Preservation Commission Ordinance

Randy Mannino, Planning and Development Director came forward and stated in 2018 and as part of the 5-year review of historic preservation commissions by the State Historic Preservation Office (SHPO), staff submitted all requested information to SHPO. SHPO identified one section in the HPC ordinance that placed stricter standards on HPC member selection than allowed by the current state ordinance. The proposed text amendment corrects the finding.

This is a first reading and does not require a vote.

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 9.25 – HISTORIC PRESERVATION, ARTICLE II. – HISTORIC PRESERVATION COMMISSION, SECTION 9.25-32. – HISTORIC PRESERVATION COMMISSION, PARAGRAPH (C) is hereby amended by deleting paragraph (c), Section 9.25-32, in its entirety and replacing it as follows:

1.

Sec. 9.25-32. - Historic preservation commission.

(c) *Historic preservation commission members.* Number, appointment, terms, and compensation. The commission shall consist of seven (7) members appointed by the City Council of the City of Cartersville. All members shall be residents of, own and operate a business in, or own real property in the City of Cartersville. Preference shall be given to persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources, but such preference is not required in making such appointments.

Members shall serve three-year terms. In order to achieve staggered terms, initial appointments shall be: two (2) members for two (2) years; and three (3) members for three (3) years. Members shall not receive a salary, although they may be reimbursed for expenses by the Cartersville City Council. The Cartersville City Council will have the authority to remove any member of the historic preservation commission appointed by it for cause, on written charges, after a public hearing.

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.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

2. Alcohol Ordinance Revision: Cigar Bar

Mr. Mannino came forward and stated these ordinances are in regard to the Cigar Bar in downtown. These ordinances create a definition for a Retail Cigar Shop and requires 51% of its gross sales to be retail non-alcohol related items.

This is a first reading and does not require a vote.

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 4 – ALCOHOLIC BEVERAGES. ARTICLE I. – IN GENERAL. DIVISION 1. – GENERALLY. SECTION 4-1. – DEFINITIONS is hereby amended by deleting the definition of Retail Cigar Shop therein, and replacing it as follows:

1.

Sec. 4-1. – Definitions.

Retail Cigar Shop means a commercial establishment which has on-premises consumption and the sale of tobacco and related products as regulated and defined by Section 4-59(3) of the Code of Ordinances.

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 and/or alphabetized accordingly to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

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 4 – ALCOHOLIC BEVERAGES. ARTICLE II. – LICENSING REQUIREMENTS. DIVISION 2. – APPLICATION AND ISSUANCE. SECTION 4-59. – POURING LICENSES LIMITED TO CERTAIN ESTABLISHMENTS. is hereby amended by deleting section (3) Retail Cigar Shop in its entirety and replacing it as follows:

1.

Sec. 4-59. - Pouring licenses limited to certain establishments.

(3) *Retail cigar shops* as specifically defined in this Code, may be issued an on-premises consumption license for sales of beer, malt beverages, wine, and distilled spirits, without meeting the requirement that forty-five (45%) percent of its gross annual sales be derived from the sale of prepared meals or food, provided that at least fifty-one (51%) percent of its gross annual sales be derived from the sale of full-sized hand-rolled cigars, pipe tobaccos, briar wood pipes, humidors, lighters, cutters, and expressly excluding from the calculation of gross annual sales the sale of cigarettes, bongs, bubblers, glass pipes, water pipes, Turkish pipes, pipe screens, pipe filters, dug-outs, stash boxes, rolling papers, rolling devices, rolling trays, grinders, incense, pipe cleaners, and other smoking paraphernalia if at all allowed to be sold pursuant to this chapter. The total amount of alcohol sales for consumption on the premises shall not exceed forty-nine (49%) percent. The director of planning and development or his designee shall review the gross income figures from each establishment which shall provide such information, at the end of the third quarter of each calendar year, and at any other time requested to do so by the director of planning and development or his designee, and determine if the annual sales meet the required ratio and make appropriate recommendations to the alcohol control board.

a. In regards to seating, parking and occupancy requirements, those applicable to the cigar store shall supersede those listed in chapter 4.

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 and/or alphabetized accordingly 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. Business License Ordinance Revision

Mr. Mannino stated the proposed ordinance amendments provide for a procedure to suspend or revoke a business license if it is determined that it is being used for a purpose not intended, or it is in the public interest to revoke or suspend. The City Attorney's office recommends approval of said ordinances.

This is a first reading and does not require a vote.

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. ARTICLE IV. - OCCUPATION TAX. SEC. 10-110. - SUSPENSION OR REVOCATION OF LICENSE, ETC. is hereby deleted in its entirety and replaced as follows:

1.

Sec. 10-110. - Suspension or revocation of license, etc.

All licenses, permits or other grants to engage in, prosecute, or carry on any trade, business, calling, vocation or profession for which an occupational tax is levied by this article shall be subject to suspension or revocation by the Planning and Development Director and/or their designee and the council, if the council or Planning and Development Director and/or their designee may find or determine that it is being used for a purpose not intended, or that it is in the public interest of the city that it be suspended or revoked, pursuant to the procedures outlined in Sec. 10-4 of the City of Cartersville Code of Ordinances.

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

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. ARTICLE I. – IN GENERAL. SEC. 10-3. – RESERVED AND 10.4. - RESERVED. are hereby deleted in their entirety and replaced as follows:

1.

Sec. 10-3. - Review and approval of applications.

- A. If any provision of this part of the code provides for the review and approval of an application for a license or occupation tax certificate by the Planning and Development Director and/or his designee designated therein, the Planning and Development Director and/or his designee shall act, favorably or otherwise, on the application as required by this Code.**
- B. If any provision of this part of the code provides for the review and approval of an application for a license or occupational tax certificate by the Planning and Development Director and/or his designee, the Planning and Development Director and/or his designee or his designee shall act favorably or otherwise on the application as required by this Code.**
- C. The Planning and Development Director and/or his designee shall forward the application together with a recommendation to the city council for consideration and action at its next regularly scheduled public meeting if approval by council is required by this Code. Upon the express approval of the council, when so required by this Code or otherwise upon a determination by the Planning and Development Director and/or his designee that the application is in order and all requirements have been met, the Planning and Development Director and/or his designee shall issue a business license or occupation tax certificate to the applicant therefor, which license or certificate shall state the nature of the business authorized and bear the date of issuance and the signature of the Planning and Development Director and/or his designee.**
- D. The granting of a business license or occupation tax certificate under any provisions of this Code shall be deemed a privilege only, and nothing herein contained shall be construed as granting any person whose business is subject to municipal regulation any legal right to engage in that business.**
- E. Upon completion of a satisfactory investigation of an application and where, the Planning and Development Director and/or his designee may as required by this Code, approve or disapprove and issue any city license provided for in this chapter.**

Except as hereafter provided, upon the decision of the Planning and Development Director and/or his designee or his designee to approve or deny a license under this chapter, the applicant or any aggrieved citizen may appeal the decision of the Planning and Development Director and/or his designee to the mayor and council by filing a written notice of appeal with the city clerk within five calendar days of the decision by the Planning and Development Director and/or his designee or his designee. In the event there is no written or verbal objection at or prior to the hearing described herein, the Planning and Development Director and/or his designee may issue the license immediately. In the event that written or verbal objection is made or filed at or prior to the hearing referenced herein, the Planning and Development Director and/or his designee shall hold the hearing as provided herein and shall render a decision thereon. However, the Planning and Development Director and/or his designee shall not issue any license upon which objection had been made until the appeal period has run or until a final decision has been rendered by the city council, whichever is later. Every appeal shall be in writing and identify the basis for such appeal and upon receipt of the appeal, the city clerk shall forward same to the city council which shall schedule a hearing within 45 days of receipt of such notice. The city council may sustain or overrule the decision of the Planning and Development Director

and/or his designee. No license shall be issued by the Planning and Development Director and/or his designee or designee during the appeal notification period or while an appeal is pending before the city council. The action of the mayor and council shall be final and may be appealed to Superior Court in accordance with Georgia law.

2.

10-4 - Revocation and appeal.

- A. The Planning and Development Director and/or his designee shall be authorized to suspend or revoke an occupation tax certificate or any other license previously granted by the City of Cartersville in accordance with the procedures set forth below. In the event the Planning and Development Director and/or his designee seeks to suspend or revoke an occupation tax certificate, the Planning and Development Director and/or his designee shall give written notification to the applicant of such action and such notice shall contain a specification of the violation or violations and shall be served upon the licensee at least five days prior to the notice of hearing. The applicant shall be given written notice of the time and place of the hearing.**
- B. The Planning and Development Director and/or his designee shall be authorized to suspend or revoke an occupation tax certificate in the event of any one or more of the following:**
 - 1. An applicant gave false or misleading information in the original application process;**
 - 2. An applicant has knowingly allowed possession, use, or sale of controlled substances on the premises and/or knowingly allowed possession, use or sale of controlled substances to a minor on the premises;**
 - 3. An applicant has knowingly allowed the violation of an ordinance of the city or a violation of any criminal law of the State of Georgia (a misdemeanor or a felony) to occur on the premises; and that such violation is materially related to the operation of said business;**
 - 4. An applicant (or licensee) has been convicted of any drug related, alcohol-related or sex-related crime by the State of Georgia or the City of Cartersville regarding an offense which was committed on the premises or which would otherwise violate the provisions of this chapter;**
 - 5. An applicant fails to pay any fee, occupation tax, fine or other amount of money due to the City of Cartersville under this chapter or any other taxing ordinance of the City of Cartersville; and**
 - 6. An applicant or the owner alters or allows to be altered, the business license or occupation tax certificate (license document) or the applicant or the owner changes the information, defaces, destroys, misuses, abuses, or improperly alters or misrepresents the business license or occupation tax certificate.**
- C. The Planning and Development Director and/or his designee shall approve any proposed action prior to proceeding toward any suspension or revocation of any occupation tax certificate and/or business license.**

- D. In the event the Planning and Development Director and/or his designee shall suspend or revoke any occupation tax certificate hereunder, the suspension or revocation shall be for a period of not less than one day nor more than 365 days, within the discretion of the Planning and Development Director and/or his designee. Any suspension or revocation shall be sent by the city by certified mail, return receipt requested. For the first offense, the suspension shall be for a period of one to 90 days; second offense, suspension for one to 180 days and third offense, suspension for one to 365 days. Provided, however, that the applicant shall be authorized to continue its business operations until that date of the hearing scheduled in accordance with Subsection E., of this section. No applicant may apply for an occupation tax certificate during any period of suspension or revocation. In any hearing conducted, the Planning and Development Director and/or his designee shall consider, among other things, the severity of the allegations, the evidence submitted and the testimony presented, in making any decision on suspension or revocation and the duration of either.**
- E. In the event of a suspension or revocation by the business license manager, the applicant may appeal the decision of the Planning and Development Director and/or his designee to the mayor and city council for the city of Cartersville by filing a written notice of appeal within ten days from the date of the decision of the Planning and Development Director and/or his designee. Thereafter, a hearing shall be scheduled before mayor and council for the applicant. After the hearing by the mayor and city council, the mayor and city council may take such action as it deems appropriate, including the upholding of the action of the Planning and Development Director and/or his designee or the imposition of such action as the mayor and city council may deem appropriate under the facts. The decision of mayor and council shall be final. Appeals from the decision of the mayor and city council shall be to the Superior Court of Bartow County filed within 30 days to the final action of mayor and city council. In the event the applicant does not file an appeal from any decision of the Planning and Development Director and/or his designee, as provided herein, the decision of the Planning and Development Director and/or his designee shall be final.**

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.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

**_____
MATTHEW J. SANTINI, MAYOR**

**ATTEST: _____
MEREDITH ULMER, CITY CLERK**

C. Public Hearing – 1st Reading of Zoning/Annexation Requests

1. AZ19-01: Deannexation. Applicant: Bartow County

Mr. Mannino stated Bartow County has requested that two lots totaling approx. 265 acres of County-owned land be de-annexed from the City of Cartersville and back to the County. The two lots are adjoining and are generally bound by Pumpkinvine Creek to the west, the Etowah River to the north, Paga Mine Rd to the east and a 108-acre private lot, identified as C118-0840-001, to the south. The land is minimally developed with primary uses as green space and protection for a Bartow County Water Department well. Planning Commission recommends approval (4-0).

Mayor Santini opened the floor for a public hearing.

Peter Olson, Bartow County Administrator, came forward and spoke in favor of the deannexation. Mr. Olson stated he would like the land riverfront to remain public for a trail and use a portion of the land for water treatment.

2. ZMA19-01: Adaption of zoning map. Applicant: City of Cartersville

Mr. Mannino stated this is the annual re-adoption of the official zoning map of the City of Cartersville. It includes the previous 3-year zoning actions approved by City Council as well as the previous year's annexations. The last zoning map adoption was in February 2016. Planning Commission recommends approval (4-0).

D. Appointments

1. Parks and Recreation Director

Tamara Brock, City Manager stated that with Greg Anderson's retirement a new Parks and Recreation Director needed to be appointed. Mrs. Brock recommended Tom Gilliam to be appointed the new Parks and Recreation Director.

Motion to approve Tom Gilliam as the City of Cartersville Parks and Recreation Director was made by Council Member Cooley and seconded by Council Member Fox. Motion carried 4-1. Council Member Hodge voted in opposition.

Tom Gilliam was officially sworn in as Parks and Recreation Director by the City Clerk.

E. Certification

1. Good Neighbor Homeless Shelter Grant Application

Mrs. Brock stated this is the annual approval/certification requested in order for the Good Neighbor Homeless Shelter to make application for grant funds from the Georgia Department of Community Affairs. By approving Council is supporting documents that state:

1. The Good Neighbor Homeless Shelter is within the jurisdiction of this local government, and
2. They are approved for funding by DCA.

A motion to approve Good Neighbor Homeless Shelter Grant Application was made by Council Member Cooley and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0.

F. Bid Award/Purchases

1. Trailer Mounted High Pressure Sewer Cleaner

Wade Wilson, City Engineer stated the Stormwater Division of Public Works is in need of a trailer mounted high pressure sewer cleaner to assist in the maintenance of our stormwater pipe system. The lowest bidder for this item was Adams Equipment Company, Inc who is offering a trailer mounted John Bean Jetter SJ704030. Our staff has called several references to verify the supplier and the performance of this product. All our references indicated very positive experiences with this product line and the supplier. The quoted price for this item is \$74,564.00. This item will be a GMA lease pool purchase and is a budgeted item.

Public Works recommends approval of this purchase.

A motion to approve Trailer Mounted High Pressure Sewer Cleaner was made by Council Member Stepp and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0.

2. Main Street Extension

Bob Jones, Water Department Head stated sealed bids were opened on Monday, March 11, 2019 at the Water Department Administration Office for the Main Street Sewer Extension Project. This project will construct approximately 175 feet of 8-inch PVC sewer main and install two new manholes. The project will provide additional capacity for the new Owens Security building as well as future development in the area. Additionally, the project will allow the gradual abandonment of an existing 4-inch clay line installed in the alley behind this location which cannot be maintained.

The following bids were received: WT Construction \$41,830.00 and C.H. Kirkpatrick & Sons \$72,191.20.

Mr. Jones recommended approval of the WT Construction bid in the amount of \$41,830.00.

A motion to approve Main Street Extension was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0.

3. Travelers Insurance Deductible Invoice

Dan Porta, Assistant City Manager stated a City employee was involved in an accident in October 2017 and our insurance company is working on this claim. The City has received an

invoice for part of our deductible in the amount of \$5,745.00 and it is recommended for Council approval.

A motion to approve Travelers Insurance Deductible Invoice was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0.

4. Fiduciary Insurance Coverage

Mr. Porta stated the City has received an insurance renewal policy with Philadelphia Insurance Companies for fiduciary insurance coverage in the amount of \$9,887.00. 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 paid from pension funds and is recommended for your approval.

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

Mayor Santini recused himself and Mayor Pro Tem Cooley presided over the meeting.

5. HVAC for Bartow History Museum

Mr. Porta stated one of the HVAC units at the Bartow History Museum needs to be replaced as it has a freon leak. Bids were received from four companies and the best bid was from Pendley Heating and Air Conditioning in the amount of \$6,242.45 which includes an extended warranty on the parts and compressor. Council approval of this item is recommended.

A motion to approve HVAC for Bartow History Museum was made by Council Member Fox and seconded by Council Member Hodge. Motion carried unanimously. Vote: 5-0.

Mayor Santini presided over the meeting.

G. Resolutions

1. Pension Plan Resolution

Mr. Porta stated the City's Pension Plan has always been based on the calendar year, and since this reporting period is different from the City's fiscal year there is always some extra work that is necessary at the end of the City's fiscal year to report the data in the comprehensive annual financial report. The Pension Board recommends that the Pension Plan annual year be changed to coincide with the City's fiscal year and if approved the proposed resolution will change the reporting year.

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

Resolution No. ____

WHEREAS, the City of Cartersville (the “Employer”) maintains The City of Cartersville Pension Plan (the “Pension Plan”) and The City of Cartersville 2017 Pension Plan (the “2017 Plan”) for the benefit of such of its employees as are eligible thereunder; and

WHEREAS, in accordance with the power reserved to it in Section 12.1 of each of the Pension Plan and the 2017 Plan, the Employer may amend the Pension Plan and the 2017 Plan at any time, subject to certain conditions not now relevant; and

WHEREAS, the Employer desires to amend the Pension Plan and the 2017 Plan to change the plan year from the calendar year to the Employer’s fiscal year, commencing July 1 and ending June 30;

NOW, THEREFORE, it is RESOLVED, that the Pension Plan shall be, and hereby is, amended in accordance with the Fourth Amendment to Pension Plan; and it is further

RESOLVED, that the 2017 Plan shall be, and hereby is, amended in accordance with the Second Amendment to 2017 Plan; and it is further

RESOLVED, that the proper officers of the Employer and the Pension Board are hereby authorized and directed to take all actions and to execute and deliver all agreements, instruments, indentures and other documents, as they shall deem necessary to carry out the intent of the foregoing resolutions.

ADOPTED this the ____ day of _____, 2019.

Matthew J. Santini
Mayor

Attest:

Meredith Ulmer
City Clerk

H. Other

1. Fourth Amendment to Cartersville Pension Plan

Mr. Porta stated the City's Pension Plan is based on the calendar year and since this reporting period is different from the City's fiscal year, there is always extra work required at the end of the City's fiscal year to report the data in the Comprehensive Annual Financial Report (CAFR). The Pension Board recommends that the Pension Plan annual year be changed to coincide with the City's fiscal year and if approved, the proposed Fourth Amendment to the City of Cartersville Pension Plan will change the reporting year to the original pension plan.

A motion to approve Fourth Amendment to Cartersville Pension Plan

was made by Council Member Roth and seconded by Council Member Stepp. Motion carried unanimously. Vote: 5-0.

**FOURTH AMENDMENT
TO THE
CITY OF CARTERSVILLE PENSION PLAN**

THIS FOURTH AMENDMENT to The City of Cartersville Pension Plan (hereinafter referred to as the “Plan”), which Plan was originally adopted effective January 1, 1967, and was most recently amended and restated on April 28, 2011 and subsequently amended thereafter, is made and entered into by the City of Cartersville (the “Sponsor”).

W I T N E S S E T H:

WHEREAS, Section 12.1 of the Plan permits the Sponsor to amend the Plan from time to time; and

WHEREAS, the Sponsor desires to amend the Plan to change the plan year from the calendar year to the Sponsor’s fiscal year, commencing July 1 and ending June 30.

NOW, THEREFORE, the Sponsor hereby amends the Plan as follows, effective July 1, 2019:

1. Section 1.2(r) of the Plan is amended in its entirety to read as follows:

“(r) Plan Year: The twelve-consecutive-month period for maintaining records for this Plan beginning each January 1 and ending each December 31. Notwithstanding the foregoing, effective July 1, 2019, the Plan Year shall be the twelve-consecutive-month period for maintaining records for this Plan beginning each July 1 and ending each June 30 and there shall be a short Plan Year commencing January 1, 2019 and ending June 30, 2019.”

2. Section 5.1 of the Plan is amended in its entirety to read as follows:

“5.1 Vesting Service: A year of Vesting Service will be credited upon completion of 1,000 hours of service within a 12 consecutive month vesting computational period, which aside from the first and last 12 months of employment is the calendar year. Vesting Service will include only service completed while a Participant is an Employee of the Employer.”

3. Except as specifically amended above, the Plan shall remain unchanged and, as amended herein, shall continue in full force and effect.

IN WITNESS WHEREOF, the City of Cartersville has caused this Fourth Amendment to the Plan to be executed by its duly authorized officers this _____ day of _____, 2019.

CITY OF CARTERSVILLE

Attest: _____	By: _____
Meredith Ulmer	Matthew J. Santini
City Clerk	Mayor

2. Second Amendment to 2017 Pension Plan

Mr. Porta stated the City's Pension Plan is based on the calendar year and since this reporting period is different from the City's fiscal year, there is always extra work required at the end of the City's fiscal year to report the data in the Comprehensive Annual Financial Report (CAFR). The Pension Board recommends that the Pension Plan annual year be changed to coincide with the City's fiscal year, and if approved, the proposed Second Amendment to the City of Cartersville 2017 Pension Plan will change the reporting year for this pension plan.

A motion to approve Second Amendment to 2017 Pension Plan was made by Council Member Hodge and seconded by Council Member Stepp. Motion carried unanimously. Vote: 5-0.

**SECOND AMENDMENT
TO THE
CITY OF CARTERSVILLE 2017 PENSION PLAN**

THIS SECOND AMENDMENT to The City of Cartersville 2017 Pension Plan (hereinafter referred to as the "Plan"), which Plan was originally adopted effective January 1, 2017, and subsequently amended thereafter, is made and entered into by the City of Cartersville (the "Sponsor").

W I T N E S S E T H:

WHEREAS, Section 12.1 of the Plan permits the Sponsor to amend the Plan from time to time; and

WHEREAS, the Sponsor desires to amend the Plan to change the plan year from the calendar year to the Sponsor's fiscal year, commencing July 1 and ending June 30.

NOW, THEREFORE, the Sponsor hereby amends the Plan as follows, effective July 1, 2019:

1. Section 1.2(x) of the Plan is amended in its entirety to read as follows:

“(x) Plan Year: The twelve-consecutive-month period for maintaining records for this Plan beginning each January 1 and ending each December 31. Notwithstanding the foregoing, effective July 1, 2019, the Plan Year shall be the twelve-consecutive-month period for maintaining records for this Plan beginning each July 1 and ending each June 30 and there shall be a short Plan Year commencing January 1, 2019 and ending June 30, 2019.”

2. Section 5.1 of the Plan is amended in its entirety to read as follows:

“5.1 Vesting Service: A year of Vesting Service will be credited upon completion of 1,000 hours of service within a 12 consecutive month vesting computational period, which aside from the first and last 12 months of employment is the calendar year. Vesting Service will include only service completed while a Participant is an Employee of the Employer.”

3. Except as specifically amended above, the Plan shall remain unchanged and, as amended herein, shall continue in full force and effect.

IN WITNESS WHEREOF, the City of Cartersville has caused this Second Amendment to the Plan to be executed by its duly authorized officers this _____ day of _____, 2019.

CITY OF CARTERSVILLE

Attest: _____
Meredith Ulmer, City Clerk

By: _____
Matthew J. Santini, Mayor

I. Bid Award/Purchases

1. Additional CSM Locations

Tom Rhinehart, Finance Department Head stated Customer service needs to purchase additional locations which are used to open accounts and bill utility usage. With the growth that Cartersville has experienced in the last year, we are close to using all of the existing locations that are on file. I have purchased 1500 locations because Cogsdale is scheduled to go up in pricing as of 3-1-19 (from \$5/unit to \$6/unit). The maintenance cost associated with the locations is also scheduled to increase beginning 3-1-19 (from \$1.25/unit to \$1.50/unit). The City has to purchase the locations in blocks of 500 so there was a \$625 per block savings by purchasing them before 3-1-19. This should last the City about 3 to 5 years before additional locations are needed. Cogsdale is a sole source provider.

Mr. Rhinehart recommend approval of the purchase of the additional locations and associated maintenance cost from Cogsdale in a total amount of \$9,375.

A motion to approve Additional CSM Locations was made by Council Member Stepp and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0.

J. Budget

1. FY 2019 Budget Amendment for Pension Contributions

Mr. Rhinehart stated a budget amendment needs to be made to increase and fund the fiscal year 2019 City contributions. The current budgeted amount is \$2,751,005 and needs to be increased to \$3,655,400 (difference of \$904,395). In addition, the City did not fund the last six months of fiscal year 2018 properly which resulted in a \$225,670 shortfall. When the shortfall of \$225,670 is combined with the 2019 budgeted difference (\$904,393), the total FY 2019 budget amendment for the City pension contribution is \$1,130,065. The audit firm has been briefed on this and has said that the \$225,670 can be combined with the 2019 contributions. The breakdown for the amendment is as follows: General Fund increase \$689,790; Electric Fund increase \$104,420; Fiber Fund increase \$29,945; Garage Fund increase \$20,340; Gas Fund increase \$87,695; Solid Waste Fund increase \$29,835; Stormwater Fund increase \$22,715; Water Fund increase \$145,325.

To fund this increase, the offset will be a use of reserves for all funds. The breakdown by department for the budget increase is attached. Also, see number 1 on attached Old Pension Plan Sheet. Mr. Rhinehart recommended approval of the attached FY 2019 pension budget amendment in the amount of \$1,130,065.

Mayor Santini requested this be an emergency hearing.

Council Member Hodge made a motion to hear FY 2019 Budget Amendment for Pension Contributions as an emergency hearing. Motion was seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0.

A motion to approve FY 2019 Budget Amendment for Pension Contributions was made by Council Member Hodge and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0.

Mayor stated he would like the following 2 items to be heard as emergencies too.

Council Member Hodge made a motion for the next 2 items to heard an emergency reading and the motion was seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0.

See attached- Ordinance 08-19, 09-19,10-19

K. Other

1. Prior Year Pension Lump Sum Payment

Mr. Rhinehart stated for several years, the pension plan was underfunded creating a liability in all funds. The liability has been recorded in the financial reports as of 6-30-18. The total liability for all funds is \$1,486,713. This amount needs to be deposited into the pension fund to make the plan whole. The breakdown for the prior year's adjustment is as follows:

General Fund \$892,473.82; Electric Fund \$137,818.30; Fiber Fund \$40,438.59; Garage Fund \$27,652.86; Gas Fund \$112,990.18; Solid Waste Fund \$45,790.76; Stormwater Fund \$34,194.40; Water Fund \$195,354.09. To fund this contribution amount, the offset will be a use of reserves from all funds, with the exception of the General Fund. Mr. Rhinehart recommended the approval of the payment to the pension plan for the prior years underfunding in the amount of \$1,486,713 to be funded as shown above by fund.

Motion to approve the prior year pension lump sum payment was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0.

2. Loan from Electric Fund to General Fund for Pension Plan Prior Year Underfunding

Mr. Rhinehart stated to fund the General Fund portion of the prior year's underfunding, a loan in the amount of \$892,473.82 will be made from the Electric Fund to the General Fund. The General Fund needs to maintain part of the current reserve on hand in case unplanned expenses occur. Therefore, to pay the General Fund portion of the prior year's pension liability (\$892,473.82), I am requesting that the General Fund borrow these funds from the Electric Fund. The loan will be paid back to the Electric Fund within a 5-year period (our target pay back is 3 years or less) pending the availability of cash. The City Manager and the Finance Director have met with the Electric Fund Director to discuss borrowing the necessary cash from the Electric Fund for the purpose stated above. The Electric Fund Director has given his approval for the loan to occur. Mr. Rhinehart recommended approval of the loan from the Electric Fund to the General Fund in the amount of \$892,473.82 for the purpose of paying the General Fund's pension liability for the prior years.

A motion to approve Loan from Electric Fund to General Fund for Pension Plan Prior Year Underfunding was made by Council Member Hodge and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0.

L. Monthly Financial Report

Mr. Rhinehart went over the financial report from January 2019 and compared it to January 2018.

Motion to add 2 items to the agenda was made by Council Member Roth and seconded by Council Member Hodge. Motion carried unanimously. Vote: 5-0.

Added Items:

1. Ante Litem Notice

Keith Lovell City Attorney stated an ante litem notice has been filed with the City again from Foy and Associates on behalf of Larry Martin. Mr., Lovell recommends Council deny this notice as well.

Motion to deny the ante litem notice was made by Council Member Fox and seconded by Council Member Cooley. Vote: 5-0.

2. Dellinger Pool

Tamara Brock, City Manager stated she requests approval for repairs to the Dellinger Park Pool. The repairs cost approximately \$5,900 from Aqua Design Systems which is the company that did the original work. This repair is recommended for Council approval.

Motion to approve the Dellinger Park Pool Repair was made by Council Member Stepp and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0.

Mayor Santini asked if there was anyone in the audience who would like to come forward and speak before Council this evening.

Rosanna Shaw of 320 Jackson Street came forward and stated the following concerns:

- wants improvements for the community, there are visibility issues on Jackson Street near the Civic Center
- Granger Hill on the rear side is overgrown into the street
- resident uses a burn barrel daily in the neighborhood and the play loud music, this is a nuisance.

Mayor Santini made the announcement to anyone who did not know – Judge Carey Nelson passed away. Mayor Santini gave his condolences to friends and family.

After announcements a motion to adjourn the meeting was made by Council Member Stepp and needing no second. Motion carried unanimously. Vote: 5-0.

Meeting Adjourned

/s/ Matthew J. Santini
Matthew J. Santini, Mayor

ATTEST:

/s/ Meredith Ulmer
Meredith Ulmer, City Clerk

Samantha Fincher, Deputy City Clerk

