City Council Meeting
10 N. Public Square
September 4, 2014
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Pruitt

Pledge of Allegiance led by Council Member McDaniel

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: Kari Hodge, Council Member Ward One; Louis Tonsmeire, Sr., Council Member Ward Three; Lindsey McDaniel Council Member Ward Four; Dianne Tate, Council Member Ward Five; Lori Pruitt, Council Member Ward Six; Sam Grove, City Manager; Connie Keeling, City Clerk and Keith Lovell, Assistant City Attorney. David Archer, City Attorney and Jayce Stepp, Council Member Ward Two were absent.

II. Regular Agenda

A. Council Meeting Minutes

1. August 21, 2014

A motion to approve the August 21, 2014 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

B. First Reading of Ordinances

1. Amendment to Retirement Board

Dan Porta, Assistant City Manager stated that the Retirement Board is currently comprised of five Board members, three of which are elected by city employees. Each elected Board member currently serves a three year term. This past spring, several members of the Retirement Board attended a Pension Trustee Certification Program which takes two years to complete. Mr. Porta stated that due to the fiduciary responsibility of each Board Member, it is important that members become Certified Pension Trustees, therefore, the ordinance amendment recommends changing the term of Board members to six years and requires that they become certified Pension Trustees within a few years of being elected to the board. The Retirement Board recommends approval.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. -14

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, that the Code of Ordinances City of Cartersville, Georgia CHAPTER 16. PERSONNEL. ARTICLE II EMPLOYEE BENEFITS. DIVISION 2. RETIREMENT PLAN. SECTION 16-55. RETIREMENT BOARD – GENERALLY is hereby amended by deleting said sections in there entirety and replacing it as follows:

(a) The general administration of the plan and the responsibility for carrying out the provisions of this division are hereby vested in a retirement board. Such board shall be composed of five (5) members; three (3) of whom shall be participating employees whom shall be elected as follows one (1) from the Police and Fire Departments, one (1) from the Gas, Electric and Water and Sewer Departments and one (1) from the Community Development, Public Works, Customer Service, Garage, Parks and Recreation, Finance, Municipal Court and Administration Departments. The elected participating employees shall serve six-year staggered terms or until their successors are elected. The other two (2) members shall be the city manager and the city finance director whose terms shall be equivalent to their employment in those capacities. Current board members terms will expire at the end of their existing term and at the next regularly scheduled election the elected board member will serve a six-year term. Elections for regularly expiring board member terms will be held on the Tuesday after the first Monday in November.

(b) The board shall elect a chairman from among its members. The board shall also appoint a secretary who shall keep all records of its meetings and actions and execute in behalf of the board any paper or instrument when so required by the board.

(c) The board members shall serve without pay but shall be entitled to reimbursement for all reasonable and necessary disbursements made or expenses incurred by them in the performance of their duties. The board may be authorized to compensate the secretary in an amount approved by the mayor and council.

(d) No member shall be personally liable by virtue of any contract, agreement, bond or other instrument or undertaking made or executed by him as a member of the board, nor for honest mistakes of judgment, nor for any loss unless resulting from his own willful misconduct; and no member shall be liable for the act of neglect, omission or wrongdoing of any other member, or for those of agents or counsel of the board.

(e) The city shall hold the retirement board harmless from and shall indemnify the members for the consequences of their acts or omissions and conduct in their official

capacity, including the cost of litigation and counsel fees, except for such act, omission or conduct for which such member is liable under subsection (d).

(f) Meetings of the board shall be held at such times and places as the majority of the members shall from time to time determine. A majority of the membership shall constitute a quorum, and all decisions, acts and resolutions of the board shall be by an affirmative vote of at least three (3) members.

(g) When a vacancy occurs or exists on the board, the remaining members, provided that they are not less than three (3), are authorized to perform all functions of the board. However, vacancies on the board shall be filled as expeditiously as possible.

(h) Newly elected board members must begin Pension Trustee training through the Georgia Association of Public Pension Trustees within one (1) year of being elected to the Pension Board and become a certified Pension Trustee within three (3) years of being elected to the Retirement Board. Failure to meet any of these requirements will mean termination from the Retirement Board.

(i) The city attorney is the legal advisor to the board.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 4th day of September 2014.
ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

C. Certification

1. Equitable Sharing Agreement and Certification

Tommy Culpepper, Police Chief stated that this is the Equitable Sharing Annual Report and Certification on behalf of the City. This report is required by the Department of Justice to report all expenditures made from seized assets for the fiscal year ending June 30, 2014. Chief Culpepper recommended that Council approve and authorize the Mayor to sign all documents pertaining to this report.

A motion to approve the Equitable Sharing Agreement and Certification and authorize the Mayors signature on all related documents was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

D. Bid Award/Purchases

1. Taser Purchase

Tommy Culpepper, Police Chief stated that currently only eight police officers are equipped with a CEW (Conducted Energy Weapons) better known as a Taser. This piece of equipment provides officers with an alternative to the use of deadly force in many instances. Until now funds have not been available to permit the equipping of all officers with Taser's. Chief Culpepper stated that he had researched the effects on humans and research substantiates that 99.75% of suspects received no significant injury directly from the use of a Taser. Chief Culpepper recommended approval to purchase 30 CEW's from Phazzer at a cost of $26,069.72 to be funded with seized assets (DEA).

A motion to approve the purchase from Phazzer was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. Automatic Electronic Defibrillators for Police Department

Tommy Culpepper, Police Chief stated that the Police Department is quite often the first responder on the scene in many incidents and as such must be prepared to meet the needs and demands of the community. One of the tasks often required of an officer is to administer medical assistance, including CPR. Presently the police department does not have any AED's (Automatic Electronic Defibrillators) available to the responding officer. Chief Culpepper recommended approval to purchase 35 AED's from Cardiac Science at $1,000.00 each for a total of $35,000.00 to be funded with seized assets (DEA).

A motion to approve the purchase from Cardiac Science was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

3. Vehicle Purchase

Tom Rhinehart, Finance Director stated that the city manager is in need of a vehicle. Bids were posted on the city's website along with GMA's website advertising for a Honda Pilot. Only one bid was received from Honda of Cartersville for a 2015 Honda Pilot EX-L in the amount of $30,989.54 and Mr. Rhinehart recommended approval.

A motion to approve the purchase from Honda of Cartersville was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

4. Firehouse Software Annual Maintenance

Dan Porta, Assistant City Manager stated that this is the annual maintenance support fee for the Firehouse software used to manage their building inspections, maintain building plans, fire hydrant locations, etc. Mr. Porta recommended approval.

A motion to approve the Firehouse Software Annual Maintenance Agreement was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

5. Automated Side Loader Residential Garbage Truck

Tommy Sanders, Public Works Director stated that bids were requested for a new automated side loader residential garbage truck and received nine (9) bids from five vendors. After review of all bids, the selection committee recommended approval to purchase a Mack Truck with a Heil DuraPack Python combo from CES, Inc. in the amount of $237,486.00.

A motion to approve the purchase from CES, Inc. was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

6. Contract/Payment Agreement for DDA
(This item was removed from the agenda.)

E. Proposals

1. Downtown Festival Zone Proposal

Tara Currier, Downtown Development Director stated that the DDA would like to propose a Festival Zone for the October 3, 2014 First Friday event being sponsored by Academy Sports. Ms. Currier stated that all requirements have been addressed and the alcohol will be served by the City Cellar. Ms. Currier recommended approval of the Festival Zone and resolution.

A motion to approve the October 3, 2014 Festival Zone and Resolution No. 15-14 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Resolution No. 15-14

WHEREAS, the Cartersville City Council approved a Festival Ordinance in June 2014.

WHEREAS, the Downtown Development Authority (DDA) wishes to establish a Festival Zone for their October 3, First Friday event, with Beer and Wine provided by The City Cellar and loft.

WHEREAS, the DDA Board recommends that Public Square and Friendship Plaza be designated a controlled Festival Zone, allowing those of 21 years and older, who show proof of identification and receive a festival cup and wristband, be allowed to consume purchased beer or wine within the Festival Zone.

WHEREAS, DDA board and staff have completed Crowd Management training and will, in conjunction with two law enforcement officers, ensure the safety of all guests, and keep those with alcoholic beverages within the allotted Festival Zone, which is also boarded with white fencing, and ample signage.

WHEREAS, the Director of Planning and Development has received the proposal and application and approved the event with the understanding alcoholic beverages would only be sold from 5:30 – 8:30 PM on Friday, October 3, and that all plans, drawings and safety as outlined in Exhibit "A" will be adhered.

NOW, THEREFORE BE IT RESOLVED by the City of Cartersville that the August 1 First Friday event, planned and implemented by the DDA, with Beer and Wine provided by The City Cellar and Loft andapproval by the Director of Planning and Development, be designated a Community Festival.

ADOPTED this the 17th day of July 2014.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

F. Contracts/Agreements

1. Bartow County School System – Facility Usage Agreement

Greg Anderson, Parks and Recreation Director stated that this is a facility agreement with the Bartow County School System for the use of the Adairsville High School Aquatic Center to allow the Cobias swim team to be year-round swimmers. Mr. Anderson stated that the affordable month rental fee ($500.00 per month for 7 months) allows the indoor swim program to operate near budget neutral and recommended approval.

A motion to approve the agreement with the Bartow County School system was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

G. Resolutions

1. Date/Time Change for December 4, 2014, January 1 & 15, 2015 Council Meetings

Sam Grove, City Manager stated that resolution will change the time of the December 4, 2014 City Council Meeting from 7:00 p.m. to 9:00 a.m. because of a conflict with the Christmas Parade. It further changes the dates of the January City Council Meetings from January 1 and 15, 2015 to January 8 and 22, 2015 to accommodate the New Years Day holiday and still allow two weeks between meetings. Mr. Grove recommended approval.

A motion to approve Resolution No. 16-14 was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Resolution No. 16-14

WHEREAS, The Mayor and City Council has determined that it is in the best interest of the City of Cartersville and it's inhabitants and their general health, safety and welfare to reschedule the below referenced meetings of the Mayor and City Council pursuant to the authority provided by the CODE OF CODE OF ORDINANCES, CITY OF CARTERSVILLE, GEORGIA; and

THEREFORE, NOW BE IT RESOLVED, by the Mayor and City Council of the City of Cartersville that the meetings listed below of the Mayor and City Council are hereby rescheduled pursuant to Section 217 of the City of Cartersville Code of Ordinances:

- **December 4, 2014 at 7 PM rescheduled to December 4, 2014 at 9 AM**
- **January 1, 2015 at 7 PM rescheduled to January 8, 2015 at 7 PM**
- **January 15, 2015 at 7 PM rescheduled to January 22, 2015 at 7 PM**

NOW BE IT AND IT IS HEREBY RESOLVED.

ADOPTED this the 4th day of September 2014.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

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

Meeting Adjourned

/s/ ____________________________

Matthew J. Santini
Mayor

ATTEST:

/s/ ______________________________
Connie Keeling
City Clerk