City Council Meeting
10 N. Public Square
April 17, 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 Hodge

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; 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 David Archer, City Attorney. Louis Tonsmeire, Sr., Council Member Ward Three was absent.

II. Regular Agenda

A. Council Meeting Minutes

1. April 3, 2014

A motion to approve the April 3, 2014 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

B. First Reading of Ordinances

1. Wine Specialty Shops

Randy Mannino, Planning and Development Director stated that this is two ordinances that were reviewed by the Alcohol Control Board pertaining to Wine Specialty Shops. These ordinances allow a package wine shop with wine tasting and purchases by the glass as well as by the bottle. Sales for this license require that the gross revenue for consumption on the premises be no more than 25%. Mr. Mannino stated that the ACB did recommend approval of this ordinance limiting the license to the Downtown Business District only.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

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 <u>CHAPTER 4. ALCOHOLIC BEVERAGES. ARTICLE II. LICENSING</u> REQUIREMENTS. DIVISION 1. GENERALLY. Sec. 4-33 is hereby amended by adding a new paragraph 13 as follows:

1.

"13. Wine Specialty Shop (add on to package license)...$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 this the day of.
ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

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 4. ALCOHOLIC BEVERAGES. ARTICLE I. IN GENERAL. DIVISION 1. GENERALLY. Sec. 4-1 is hereby amended by adding the following to the list of definitions. The remaining provisions of said section remain unaffected:

1.

***Wine* means any alcoholic beverage containing no more than 21 percent alcohol by volume, which is made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, etc. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at the point in the manufacturing process when it conforms to this definition.**

***Wine specialty shop* means:**

(a) Wine Specialty Shop means a retail establishment which has both sales of wine and limited consumption on the premises of wine, under the following conditions:

(1) No less than 75 percent of the gross revenue of the business shall be derived from the package sale of table wine, fortified wines, port, sherry and/or wine accessories or other merchandise allowed to be sold in the Downtown Business District; (consumption on the premises sales must be 25 percent or less of the business' gross revenue).

(2) It shall be unlawful for a wine specialty shop to sell or have on the premises spirituous liquors or packaged malt beverages.

(3) Free samples of wine shall not exceed one and a half ounces nor shall any one individual be offered more than three samples within a calendar day.

(4) Sampling or tasting of wine is only permitted within the designated portion of the premises.

(b) A retail establishment operating as a wine specialty shop shall provide the city clerk's office, at the time of alcohol license renewal, a statement prepared by licensee's bookkeeper or accountant of the gross sales of the business for the preceding calendar year. The statement shall include the total gross sales for the establishment and document the percentage of sales in dollars attributed to consumption on the premises as compared to package sales and other general merchandise sales. Copies of the state sales tax returns for the same period shall be attached to the statement. The statement must be properly notarized and certified to be true and correct by the licensee or his/her agent under penalty of law, and shall accompany the renewal license fee payment on or before December 31, of each year. The City reserves the right to require, for any reasons deemed necessary by the City, a certified audit for sale of wine.

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 this the 17th day of April 2014.
ADOPTED this the day of. Second Reading.

/s/ <u>Matthew J. Santini</u>
Matthew J. Santini
Mayor

ATTEST:

/s/ <u>Connie Keeling</u>
Connie Keeling
City Clerk

2. Ordinance Revision Adult Entertainment

Greg Anderson, Parks and Recreation Superintendent stated that the Civic Center has had an issue with individuals renting the facility for events and wanting to have strippers for birthday parties, bridal showers, and more. Although these are already prohibited, several individuals have complained that it is not listed in the policy as prohibited, therefore to clear up this confusion, these ordinances add a provision to the guidelines that are handed out. Mr. Anderson recommended approval.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the <u>CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 15.</u> PARKS AND RECREATION, ARTICLE 1. IN GENERAL, SECTION 15-14 Civic center- renting is hereby amended by adding a new paragraph (15-14 (A) (1) (e) (11)) as follows:

1

11. No adult entertainment is allowed. This includes but is not limited to lewd behavior, sexual acts or performances, strippers, films, nudity or partial nudity,

and/or any other type of performance or event at which similar activities occur.

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 this the 17th day of April 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. Bid Award/Purchases

1. Dump Bed for 2014 Truck Chassis in Parks and Recreation Department

Greg Anderson, Parks and Recreation Superintendent stated that quotes were solicited for a dump bed for the 2014 truck chassis that was previously ordered. Mr. Anderson stated that two quotes were received and recommended the low bid from Ingram Truck Body in the amount of $7,550.00.

A motion to approve the low bid from Ingram Truck Body was made by Council Member McDaniel and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0

2. 60" Commercial Mower 2014 for Parks and Recreation Department

Greg Anderson, Parks and Recreation Superintendent stated that bids were received for a 60" Zero-Turn Rear Discharge mover and recommended approval of the lowest qualified bid from Haney Farm and Ranch, Inc. in the amount of $9,278.00.

A motion to approve the bid from Haney Farm and Ranch Inc. was made by Council Member Hodge and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

3. Fiber Optic Cable

Dan Porta, Assistant City Manager stated that this purchase is to replenish stock of 24 count, 36 count and 60 count fiber. Mr. Porta recommended approval of the lowest and best price from OFS Optics for an amount up to $14,000.00 which will cover the cost of the fiber cable and freight.

A motion to approve the purchase of Fiber Optic Cable up to $14,000.00 was made by Council Member Tate and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

D. Resolutions

1. 1998 GMA Lease Pool

Dan Porta, Assistant City Manager stated that the city has been part of the current GMA Equipment Leasing Program since it was started in 1998. The Lease Pool program has provided the city with the ability to replace capital assets that are within annual budget constraints, therefore Mr. Porta recommended approval for the Mayor and City Clerk to sign all related documents and the approval of the Resolution and appendix items, Credit Support Annex, Custody Agreement, and Bilateral DF Agreements.

A motion to approve the Resolution No. 06-14 and supporting documents and for the Mayor and City Clerk to sign all documents related to this item was made by Council Member Hodge and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

Resolution No. 06-14

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA TO AUTHORIZE THE EXECUTION OF AN ISDA CREDIT SUPPORT ANNEX, A JP MORGAN MARCH 2013 BILATERAL DODD-FRANK AGREEMENT, AND TO AUTHORIZE AND ADOPT CERTAIN POLICIES AND PROCEDURES FOR SWAP TRANSACTIONS IN COMPLIANCE WITH THE WALL STREET TRANSPARENCY AND ACCOUNTABILITY ACT

WHEREAS, The City of Cartersville, Georgia (the "City"), is a legally created, valid and existing municipal corporation of the State of Georgia, created and existing under the Constitution and laws of the State of Georgia; and
WHEREAS, the City is a participant in the (GMA) Georgia Local Government 1998A Grantor Trust Certificates of Participation equipment loan program (the "Loan Program"); and
WHEREAS, in connection with the Loan Program, the City entered into a 1998A Master Lease and Option Agreement, dated as of June 1, 1998 (the "Lease"), between the City and Georgia Municipal Association ("GMA"), under the terms of which GMA leases various items of equipment to the City (as described therein) and the City agrees to make certain rental payments to GMA; and
WHEREAS, in connection with the Loan Program, the City entered into an ISDA Master Agreement, dated as of June 1, 1998 (the "Master Agreement") and a schedule to the Master Agreement (collectively, the "Swap Agreement") with JPMorgan Chase Bank (formerly, Morgan Guaranty Trust Company of New York) (the "Swap Counterparty"), under the terms of which, on a same-day net-payment basis determined by reference to notional amounts equal to the principal components of the rental payments under the Lease, (1) the Swap Counterparty agrees to pay the City an amount based on interest rates that are identical to the interest rates used to determine the interest components of the rental payments under the Lease (the "Swap Counterparty Payments"), and (2) the City agrees to pay the Swap Counterparty a floating amount (as described therein); and
WHEREAS, it is proposed that the City amend the Swap Agreement and enter into an ISDA Credit Support Annex (the "Credit Support Annex"), between the City and the Swap Counterparty, the form of which is attached hereto as <u>Exhibit A</u>, under the terms of which the Swap Counterparty will provide additional collateral to secure the payment of the Swap Counterparty Payments; and
WHEREAS, it is proposed that the City appoint GMA, as its agent, in connection with a Custody Agreement, between U.S. Bank National Association, as custodian, and GMA, as agent for the participant governments in the Loan Program (the "Custody Agreement"), the form of which is attached hereto as <u>Exhibit B</u>, under the terms of which U.S. Bank National Association will serve as the custodian for the collateral provided by the Swap Counterparty to secure the payment of the Swap Counterparty Payments (the "Posted Collateral"); and
WHEREAS, pursuant to Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the "Wall Street Transparency and Accountability Act"), enacted in response to the financial markets crisis of 2008, participants in over-the-counter derivatives transactions (including the Swap Agreement) shall adopt certain policies and procedures and enter into certain agreements to ensure compliance with the regulatory requirements of the Wall Street Transparency and Accountability Act; and
WHEREAS, it is proposed that the City enter into a JPM March 2013 Bilateral DF Agreement, between the City and the Swap Counterparty (the "Bilateral DF Agreement"), the form of which is attached hereto as <u>Exhibit C</u>, to ensure compliance with the regulatory requirements of the Wall Street Transparency and Accountability Act.
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Cartersville, Georgia, as follows:

Section 1. The execution, delivery and performance of the Credit Support Annex are hereby authorized. The Mayor of the City (the "Mayor") is hereby authorized to execute and deliver the Credit Support Annex on behalf of the City, which Credit Support Annex shall be in substantially the form attached hereto as <u>Exhibit A</u> with such minor changes, insertions or omissions as may be approved by the Mayor, and the execution of the Credit Support Annex by the Mayor as hereby authorized shall be conclusive evidence of any such approval.

Section 2. The City hereby appoints GMA as its agent in connection with the Custody Agreement. GMA is hereby authorized to execute, deliver and perform the Custody Agreement as agent for the City.

Section 3. The City hereby appoints U.S. Bank National Association as the custodian for the Posted Collateral.

Section 4. The execution, delivery and performance of the Bilateral DF Agreement are hereby authorized. The Mayor is hereby authorized to execute and deliver the Bilateral DF Agreement on behalf of the City, which Bilateral DF Agreement shall be in substantially the form attached hereto as Exhibit C with such minor changes, insertions or omissions as may be approved by the Mayor, and the execution of the Bilateral DF Agreement by the Mayor as hereby authorized shall be conclusive evidence of any such approval.

Section 5. Pursuant to the Wall Street Transparency and Accountability Act, the City hereby designates The PFM Group as its Qualified Independent Representative ("QIR") in connection with the Bilateral DF Agreement.

Section 6. It is the intent of the City to adopt policies and take such actions to ensure compliance with the requirements relating to the Wall Street Transparency and Accountability Act. Pursuant to such intent, it is the policy of the City that: the designated QIR agrees to meet and meets the requirements specified in Commodity Futures Trading Commission Regulation 23.450(b)(1) or any successor regulation thereto (herein referred to as the "Representative Regulation"); the designated QIR provide a written certification to the City to the effect that such designated QIR agrees to meet and meets the requirements specified in the Representative Regulation; (iii) City staff monitor the performance of each designated QIR consistent with the requirements specified in the Representative Regulation; (iv) City staff exercise independent judgment in consultation with the City's designated QIR in evaluating all recommendations, if any, presented by any counterparty with respect to transactions authorized pursuant to this policy; and (v) City staff rely on the advice of the City's designated QIR with respect to transactions authorized pursuant to this policy and do not rely on recommendations, if any, presented by any counterparty with respect to transactions authorized pursuant to this policy.

Section 7. From and after the execution and delivery of the documents herein authorized, the Mayor and such other proper officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary to carry out and comply with the provisions of the documents herein authorized and are further authorized to take any and all further actions and to execute and deliver any and all further documents and certificates as may be necessary or desirable in connection with the execution, delivery and performance of the documents and the compliance with the Wall Street Transparency and Accountability Act herein authorized. Without limiting the foregoing, if the Mayor is not available to execute the documents herein authorized, the Mayor Pro Tem shall execute such documents on the Mayor's behalf.

Section 8. All acts and doings of the officers, agents and employees of the City which are in conformity with the purposes and intents of this resolution and in furtherance of the execution, delivery and performance of the Credit Support Annex and the Bilateral DF Agreement and the compliance with the Wall Street Transparency and Accountability Act shall be, and the same hereby are, in all respects, approved and confirmed.

Section 9. No stipulation, obligation or agreement herein contained or contained in the Credit Support Annex and the Bilateral DF Agreement shall be deemed to be a stipulation, obligation or agreement of the Mayor or the Clerk of the City in their individual capacity, and neither the Mayor nor the Clerk of the City shall be personally liable under the Credit Support Annex and the Bilateral DF Agreement or be subject to personal liability or accountability by reason of the issuance thereof.

Section 10. This resolution shall take effect immediately upon its adoption. All resolutions or parts thereof in conflict with this resolution are hereby repealed.

ADOPTED this the day of .

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

E. Change Order

1. Change Order – Etowah River Emergency Pump Station – Phase I

Bob Jones, Water and Sewer Superintendent stated that Council approved the Etowah River Emergency Pump Station – Phase I construction contract with Heavy Contractors, Inc in August of 2012. During construction field conditions required the following changes:

- Upsizing intake piping from 16" to 24"
- Additional casing cleaning/material removal
- New 48" casing with double the wall thickness of the original casing because the original casing experienced a structural failure at a weld joint.

Mr. Jones stated that these changes resulted in a total additional cost in the amount of $92,722.55 and recommended approval.

A motion to approve the change order as presented was made by Council Member Hodge and seconded by Council Member Pruitt. Motion carried unanimously. Vote 4-0

Council Member Jayce Stepp joined the meeting

F. Engineering Services

1. Engineering Services Agreement and Task Order #1 – Peeples & Quigley

Tommy Sanders, Public Works Director stated that this is an Engineering Services Agreement and a task order for production of a drainage study and construction drawings for a stormwater detention pond and water quality pond on property the city owns on Carter Street. Mr. Sanders recommended approval of the agreement and task order with Peeples & Quigley in an amount not to exceed $7,950.00.

A motion to approve the agreement and task order with Peeples & Quigley was made by Council Member McDaniel and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

G. Other

1. Habitat for Humanity Quitclaim Deed – 22 and 24 Martin Luther King Jr. Drive

Tom Rhinehart, Finance Director stated that this is a quitclaim deed to be approved and signed conveying ownership of 22 and 24 Martin Luther King Jr. Drive to the Bartow Area Habitat for Humanity. Mr. Rhinehart stated that the houses had been completed some time ago and the deed was overlooked at the time of closing and recommended approval of the quitclaim deed and the Mayors signature on all related documents.

A motion to approve the quitclaim deeds for 22 and 24 Martin Luther King Jr. Drive and the Mayors signature on all related documents was made by Council Member Pruitt and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

Mayor Santini stated that there was one item to be added to the agenda. A motion to add an item to the agenda was made by Council Member Hodge and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

H. Added Item

1. Mellow Mushroom HPC Appeal

Mayor Santini stated that this is an appeal by Mellow Mushroom concerning a ruling by the Historic Preservation Commission. The question before the HPC was if they could keep a 40" strip of new brick that filled a portion of the front window on the Wall Street side of the building. The decision of the HPC was that it needed to be removed and replaced with windows to be symmetric in appearance.

Mayor Santini opened the floor for a public hearing. Frank Kenney and Leon Barry came forward and stated that thus far they have taken the building history seriously and have opened up windows and replaced the roof to put the building back as original as possible, The area where the brick was installed was originally slated to be a window but the brick was necessary to stabilize the structure of the building.

Larry Gregory and Ron Goss came forward to explain the actions of the HPC. Mr. Goss explained that the challenge is to look at the Historical Data or Significance case by case and that Mr. Pate knew that there was an issue a month earlier and did not bring it before the HPC for approval. Mr. Gregory stated that the HPC had certain guidelines established by both the City and State to follow when making decisions. With no further comments Mayor Santini closed the public hearing.

A motion to approve the appeal and allow the brick to remain was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried. Vote 4-1 with Council Member Tate voting against.

I. Monthly Financial Statement

1. February 2014

Mr. Tom Rhinehart, Finance Director, presented the February 2014 monthly financial statement with comparisons from the previous year of February 2013 by fund, along with supplemental financial information comparing the year to date revenues and expenses for each fund and a report of cash position through February 2014.

Mayor Santini wanted to say a special thank you to Ed Ruzumna for coming to repair the council sound system.

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
Mayor

ATTEST:

/s/ ______________________________
Connie Keeling
City Clerk