City Council Meeting
10 N. Public Square
January 3, 2013
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tonsmeire

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; Louis Tonsmeire, Sr., Council Member Ward Three; 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. Lindsey McDaniel Council Member Ward Four was absent.

II. Regular Agenda

A. Council Meeting Minutes

1. December 20, 2012

A motion to approve the December 20, 2012 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. Public Hearing – 2nd Reading of Zoning/Annexation Requests

1. File ZMA12-01: Zoning Map Amendment application by City of Cartersville to re-adopt the Official Zoning Map of the City of Cartersville

Randy Mannino, Planning and Development Director, stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino stated that this is an application by the City of Cartersville to re-adopt the Official Zoning Map. This process will update the map to show changes in zoning for properties that have occurred since the map was last adopted in December 2011. Mr. Mannino stated that there have been no changes or additions since the first reading and recommended approval.

Mayor Santini opened the floor for a public hearing. With no comments Mayor Santini closed the public hearing

A motion to readopt the Official Zoning Map was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. File T12-03: Text Amendment application by the City of Cartersville to amend various sections of the Zoning Ordinance

Randy Mannino, Planning and Development Director, stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino stated that this is a proposal by City Staff for changes to sections of the Zoning Ordinance since the 2010 revision. Mr. Mannino stated that this is a housekeeping measure to clean up the ordinance, that there have been no changes or additions since the first reading and recommended approval.

Mayor Santini opened the floor for a public hearing. With no comments Mayor Santini closed the public hearing

A motion to approve Ordinance No. 01-13 was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 01-13

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 26 ZONING is hereby amended as follows:

1.

That Article II. Interpretations and Definitions, Section 2.2.18.R, is hereby amended by deleting the definition of *Recreational vehicle* in its entirety therein and replacing it with the following:

***Recreational vehicle*. Boat trailers and any type of portable structure without a permanent foundation, which can be towed, hauled or driven or designed for temporary living accommodations for recreational, camping, and travel use, including, but not limited to, travel trailers, truck campers (on or off the truck), camping trailers and self-propelled motor homes.**

2.

That Article IV. General Provisions, Section 4.23.4, is hereby amended by deleting it in its entirety and replacing it with the following:

4. Intentionally omitted.

3.

That Article VI. Single-Family Dwelling District Regulations, Section 6.5.2.A, is hereby amended by adding the following uses to the list of permitted uses:

Nursing home facilities (SU).*
Retirement centers (SU).*

4.

That Article VI. Single-Family Dwelling District Regulations, Section 6.6.2.A, is hereby amended by adding the following uses to the list of permitted uses:

Nursing home facilities (SU).*
Retirement centers (SU).*

5.

That Article IX. Commercial District Regulations, Section 9.1.2.A, is hereby amended by deleting the use *Apartments and condominiums, above or behind commercial office uses in the same building (SU). in its entirety from the permitted uses; and adding the following uses to the list of permitted uses:**

Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).*
Hospices (SU).*

Nursing home facilities (SU).*
Retirement centers (SU).*

6.

That Article IX. Commercial District Regulations, Section 9.2.2.A, is hereby amended by deleting the use *Apartments and condominiums, above or behind commercial office uses in the same building (SU). in its entirety from the permitted uses; and adding the following uses to the list of permitted uses:**

Apartments and condominiums, above, below, or behind commercial uses in the same building (SU).*
Hospices (SU).*

7.

That Article IX. Commercial District Regulations, Section 9.3.2.A, is hereby amended by deleting the use *Apartments and condominiums, above or behind commercial office uses in the same building (SU). in its entirety from the permitted uses; and adding the following uses to the list of permitted uses:**

Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).*
Bed and breakfast inn (SU).*
Hospices (SU).*
Nursing home facilities (SU).*
Retirement centers (SU).*

8.

That Article IX. Commercial District Regulations, Section 9.3.3.T, is hereby deleted in its entirety and replaced with the following:

***Maximum commercial building floor area,* fifteen thousand (15,000) square feet.**

9.

That Article IX. Commercial District Regulations, Section 9.4.2.A, is hereby amended by deleting the use *Apartments and condominiums, above or behind commercial office uses in the same building (SU). in its entirety from permitted uses; and adding the following uses to the list of permitted uses:**

Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).*
Hospices (SU).*
Nursing home facilities (SU).*
Retirement centers (SU).*

10.

That Article IX. Commercial District Regulations, Section 9.5.2.A, is hereby amended by deleting the use *Apartments and condominiums, above or behind commercial office uses in the same building (SU). in its entirety from permitted uses; and adding the following uses to the list of permitted uses:**

Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).*

Automotive and truck sales or rental (properties fronting an arterial or major collector street only) (SU).*

11.

That Article IX. Commercial District Regulations, Section 9.6.2.A, is hereby amended by deleting the use *Apartments and condominiums, above or behind commercial office uses in the same building (SU). in its entirety from permitted uses; and adding the following uses to the list of permitted uses:**

Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).*

12.

That Article X. Industrial District Regulations, Section 10.1.1, is hereby amended by deleting it in its entirety and replacing it with the following:

Regulations in this section are the L-I district regulations. The L-I district is intended to provide locations and land areas for the development of industrial and business parks and uses which meet the needs of processing, manufacturing, fabricating, and warehousing, research, related office uses, and other uses as further described in section 3.1.20 of this chapter.

Light manufacturing establishments shall consist of any manufacturing establishment which does not use water in the manufacturing operation either for processing, cooling, or heating and which shall emit no smoke, noise, odor, dust, vibrations, or fumes beyond the walls of the building in which housed.

Manufacturing establishments which use limited water in the manufacturing operation either for processing, cooling, or heating; or which emit smoke, noise, odor, dust, vibrations, or fumes beyond the walls of the building in which housed shall not be allowed, except with approval of a special use in accordance with standards further described in section 16.4.9.

13.

That Article X. Industrial District Regulations, Section 10.2.2.A, is hereby amended by deleting the following use *Manufacturing, processing, warehousing, distribution, and research facilities which would not be allowed in the L-I district* in its entirety from said permitted uses; and replacing it with the following:

Manufacturing, processing, warehousing, distribution, and research facilities.

14.

That Article XIII. Main Street Overlay District Regulations, Section 13.10, is hereby amended by deleting it in its entirety and replacing it with the following:

Section 13.10. Reserved.

15.

That Article XIV. Business Park Overlay District, Section 14.9, is hereby amended by deleting it in its entirety and replacing it with the following:

Section 14.9. Reserved.

16.

That Article XVI. Special Uses, Section 16.1, is hereby amended by deleting it in its entirety and replacing it with the following:

A. This article specifies uses which are not classified as permitted uses as a matter of right in zoning districts, and are therefore only allowed through the approval

of a Special use. The standards which apply to each use are enumerated and must be met in order for an application to be granted.

B. In granting a Special use, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors in order to assimilate the proposed development or use into the neighborhood with minimal impact.

17.

That Article XVI. Special Uses, Section 16.3, is hereby amended by deleting it in its entirety and replacing it with the following:

A. In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site proposed for a use which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special use:

1. **The effect of the proposed activity on traffic flow along adjoining streets;**
2. **The availability, number and location of off-street parking;**
3. **Protective screening;**
4. **Hours and manner of operation of the proposed use;**
5. **Outdoor lighting;**
6. **Ingress and egress to the property; and**
7. **Compatibility with surrounding land use.**

B. Any use which may be authorized by Special use shall comply with all other City regulations, zoning district regulations and other regulations contained herein, and conditions of zoning approval if applicable. Whenever a standard contained in this section is in conflict with another provision of this chapter, the more restrictive provision shall prevail.

18.

That Article XVI. Special Uses, Section 16.4.2, is hereby amended by deleting the heading for this section and replacing it with the following:

Apartment, above, below, or behind commercial and office uses in the same building.

19.

That Article XVI, Special Uses, Section 16.4.13.A, is hereby amended by adding the following to the list of allowable districts:

P-S, N-C, DBD

20.

That Article XVII. Off-Street Parking and Service Requirements, Section 17.10, is hereby amended by deleting it in its entirety and replacing it with the following:

Recreational vehicles parked in any residential zone or residentially-used area shall not be permitted to be parked in any required buffer area, nor in any front-yard area. Recreational vehicles on residential property shall only be parked in the side or rear yard, on an all-weather surface material, and a minimum of five (5) feet from all property lines. No more than three (3) recreational vehicles shall be parked on any single residential lot.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 20th day of December 2012.
ADOPTED this the 3rd day of January 2013. Second Reading.

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

ATTEST:

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

C. Resolutions

1. Annual Update of Capital Improvements Element (CIE) in accordance with the Impact Fee Requirements

Randy Mannino, Planning and Development Director, stated that the city adopted Impact Fees in the last quarter of 2006. In accordance with the Development Impact Fee Regulations as outlined by the State the city is required to file an annual update to the Capital Improvements Element of the Comprehensive Plan because we collect fees and/or have an adopted impact fee ordinance. Mr. Mannino stated that the city held a public hearing for the updated information on November 1, 2012, and Council approved a resolution allowing this item to be transmitted to the Northwest Georgia Regional Commission and Department of Community Affairs for the review and approval. Mr. Mannino stated that the document had been approved and the city is required to formally adopt the annual update and recommended approval

A motion to approve Resolution No. 01-13 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Resolution No. 01-13

ADOPTION RESOLUTION
<u>Capital Improvements Element</u>

WHEREAS, The City of Cartersville adopted a Capital Improvements Element as an amendment to the *Cartersville Comprehensive Plan*; and

WHEREAS, The City of Cartersville has prepared an Annual Update to the adopted Capital Improvements Element; and

WHEREAS, the Capital Improvements Element Annual Update was prepared, submitted, and reviewed in accordance with the "Development Impact Fee Compliance Requirements" and the "Minimum Planning Standards and Procedures for Local Comprehensive Planning" adopted by the Board of Community Affairs pursuant to the Georgia Planning Act of 1989, and an advertised Public Hearing was held on November 1, 2012 at 7:00 P.M. in the City Council meeting room at Cartersville City Hall; and

BE IT THEREFORE RESOLVED, that the City Council of the City of Cartersville does hereby approve and adopt the Capital Improvements Element Annual Update attached hereto and incorporated herein as Exhibit "A" as per the requirements of the Development Impact Fee Compliance Requirements.

ADOPTED this the 3rd day of January 2013.

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

ATTEST:

/s/ <u>Connie Keeling</u>
Connie Keeling

City Clerk

2. Electric Cities of Georgia

David Myers, Electric Department Superintendent stated that the Electric Cities of Georgia provides retail energy services to the City of Cartersville Electric System. The existing contract expires June 30, 2013 and Mr. Myers recommended approval of the resolution and contract.

A motion to approve Resolution No. 02-13 and the contract with ECG was made by Council Member Tate and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

Resolution No. 02-13

A RESOLUTION OF THE CITY OF CARTERSVILLE

APPROVING THE INTERGOVERNMENTAL PARTICIPANT CONTRACT AMONG ALL PARTICIPANTS RESPECTING PARTICIPATION IN ELECTRIC CITIES OF GEORGIA, INC.; AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF SUCH CONTRACT; AND FOR OTHER PURPOSES

WHEREAS, all 52 political subdivisions or other governmental bodies owning or operating electric distribution systems in the State of Georgia (the "Participants"), including City of Cartersville (the "Participant"), caused to be formed Electric Cities of Georgia, Inc. ("ECG"), as successor to GMA's Electric Section, on September 2, 1992, in order to facilitate increased joint action among the Participants; and

WHEREAS, ECG is a Georgia nonprofit corporation under the Georgia Nonprofit Code and an instrumentality of the Participants under Section 115 of the Internal Revenue Code; and

WHEREAS, each Participant has entered into a Participant Services Contract, as amended and supplemented (together, the "Services Contracts") with ECG, evidencing, along with ECG's Articles and Bylaws, (a) each Participants' rights and obligations as an ECG Participant and (b) ECG's rights and obligations to the Participants, including to operate for the benefit of the Participants and in furtherance of ECG's purpose, as set forth in its Articles, "to permit each Participant to make the most efficient use of its powers by enabling it to cooperate with the other Participants on a basis of mutual advantage and thereby to provide services and facilities in a manner … that will accord the best geographic, economic, population and other factors influencing the needs and development of local communities, thereby achieving economies of scale, maximizing the executive, managerial and professional expertise that can be made available and lessening the burdens of government"; and

WHEREAS, ECG operates on a nonprofit basis on behalf of each of the Participants, having no purpose other than to benefit the Participant directly or through economies of scale, and all of its Annual Costs and benefits are shared and allocated among the Participants; and

WHEREAS, in accordance with its Bylaws, ECG is controlled by its Board of Directors, which is elected by the Participants from nominees that are residents or employees of one of the Participants, and its Directors are obligated to perform their duties in a manner each believes to be in ECG's best interests, which necessarily and at all times includes the Participants' best interests; and

WHEREAS, the Participants desire to effect certain changes to their relationship with ECG and among each other to, among other things, provide more long term stability respecting each independent Service and more flexibility to improve existing Services over time and develop new services while protecting the Participants' rights and options respecting the Services as much as practicable; and

WHEREAS, the Participants and ECG desire that the Services Contracts be terminated effective on June 30, 2013 and have caused to be drafted an Intergovernmental Participant Contract, dated as of February 1, 2013, among the Participants (the "Contract"), which replaces the Services Contracts in their entirety and provides for ECG services to continue beginning July 1, 2013 under the Contract; and

NOW, THEREFORE, be it resolved by the governing body of the Participant in a meeting duly assembled, and it is hereby resolved by authority thereof, as follows:

Section 1. The Participant hereby finds and determines that it is in its best interest to contract with the other Participants under the terms of the Contract respecting participation in ECG. Capitalized terms used herein but not defined have the meanings set forth in the Contract.

Section 2. The Participant hereby approves and authorizes the execution, delivery and performance of the Contract, including the exhibits thereto, hereby incorporated herein by reference. The Contract shall be executed by the Mayor (the "Authorized Official"), attested by the appropriate officer of the Participant, and shall have the Participant's seal affixed thereto, and shall be delivered to ECG on behalf of the other Participants, and when so executed and delivered, shall be binding upon the Participant in accordance with its terms. Execution of the Contract as authorized herein shall be conclusive evidence of the Participant's approval thereof.

Section 3. The Participant hereby authorizes the Authorized Official and the Electric Director, or either of them, to take any further actions and execute and deliver any other documents necessary to carry out the purpose of this Resolution, including without limitation completing and executing the Initial Confirmation and additional Confirmations from time to time and communicating the decisions of the Participant to ECG on behalf of the other Participants respecting any matter related to the Contract, as amended from time to time.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

ADOPTED this the 3rd day of January, 2013.

CITY OF CARTERSVILLE

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

3. Tax Anticipation Note

Dan Porta, Assistant City Manager stated that at a recent work session the need to issue debt to provide available funds to pay the remaining construction costs related to the Public Safety Headquarters and Fire Station #4 building was discussed. In order to issue the Tax Anticipation Notes (TANs) this resolution must be approved which allows the city to issue debt for expenses paid with the last 60 days of this project. Mr. Porta stated that he anticipates the TAN amount to be approximately $4.3 million dollars. The second resolution is for the issuance of the debt at 0.55% interest. Mr. Porta stated that the requirements for TANs are they can only be issued per calendar year, so the TANs will be paid off by December 31, 2013. Mr. Porta recommended approval.

A motion to approve Resolution No. 03-13 and Resolution No. 04-13 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

Resolution No. 03-13

OFFICIAL INTENT RESOLUTION

WHEREAS, the City of Cartersville, Georgia (the “City”) expects to issue tax-exempt obligations (the “Obligations”) in a principal amount not to exceed $4,500,000 to finance the costs of acquiring, constructing, and installing various purpose capital projects, including a new public safety headquarters building and a new fire station (collectively the “Project”); and

WHEREAS, the City has used or will use, before the issuance of the Obligations, moneys in its General Fund to pay expenditures related to the Project and reasonably expects to use proceeds of the Obligations to reimburse its General Fund for these expenditures; and

WHEREAS, Treasury Regulation Section 1.150-2 requires the City to declare its intent to use proceeds of the Obligations to reimburse its General Fund for moneys used to pay expenditures related to the Project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cartersville, Georgia, and it is hereby resolved by authority of the same, as follows:

1. **The City declares its intent to use proceeds of the Obligations to reimburse its General Fund for moneys used to pay expenditures related to the Project.**
2. **This Resolution shall take effect immediately upon its adoption.**

ADOPTED this 3rd day of January 2013.

CITY OF CARTERSVILLE, GEORGIA

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

Attest:

/s/ Connie Keeling
Connie Keeling
City Clerk

Resolution No. 04-13

A RESOLUTION TO PROVIDE FOR OBTAINING A TEMPORARY LOAN TO PAY CURRENT EXPENSES OF THE CITY OF CARTERSVILLE, GEORGIA IN CALENDAR YEAR 2013; TO PROVIDE FOR THE ISSUANCE AND SALE OF CITY OF CARTERSVILLE, GEORGIA TAX ANTICIPATION NOTES TO EVIDENCE SUCH LOAN; TO SPECIFY THE DATE AND THE RATE OF INTEREST THE NOTES SHALL BEAR; TO PROVIDE FOR THE FORM OF THE NOTES AND FOR THE EXECUTION OF THE NOTES; TO PROVIDE FOR THE PLACE OF PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTES; TO DESIGNATE A PAYING AGENT AND REGISTRAR FOR THE NOTES; TO PROVIDE FOR THE SOURCE OF PAYMENT OF THE NOTES AND THE INTEREST THEREON; TO AUTHORIZE AND DIRECT THE EXECUTION OF A CERTIFICATE PERTAINING TO THE PROCEEDS DERIVED FROM THE SALE OF THE NOTES; AND FOR OTHER RELATED PURPOSES.

WHEREAS, pursuant to Article IX, Section V, Paragraph V of the Constitution of the State of Georgia of 1983, the governing authority of the City of Cartersville, Georgia (the “City”) is authorized to incur debt by obtaining temporary loans in each calendar year to pay the current expenses of such year; and

WHEREAS, pursuant to this Constitutional provision, the aggregate amount of all such temporary loans may not exceed 75% of the total gross income of the City from taxes actually collected in the last preceding year; and

WHEREAS, pursuant to this Constitutional provision, no such temporary loan may be obtained when there is a loan then unpaid that was obtained in any prior year under this Constitutional provision, nor may the City incur in any one calendar year an aggregate of such temporary loans or other contracts, notes, warrants, or other obligations for current expenses in excess of the total anticipated revenue for such calendar year; and

WHEREAS, all temporary loans obtained by the City in calendar year 2012 and all prior calendar years pursuant to this Constitutional provision will be paid in full on or before the issuance and delivery of the tax anticipation notes hereinafter authorized; and

WHEREAS, during calendar year 2012, the total gross income of the City from taxes actually collected in calendar year 2012 aggregated not less than $7,494,185 and the City is accordingly authorized to obtain during calendar year 2013 a temporary loan or loans in an aggregate amount not exceeding seventy-five percent (75%) of such amount (which is $5,602,639); and

WHEREAS, the City Council of the City, after an independent investigation of the present and future needs of the City, has determined that it should obtain a temporary loan in the aggregate principal amount of $4,300,000 for the purpose of providing moneys to pay current expenses to be incurred by the City during calendar year 2013; and

WHEREAS, the most feasible method of obtaining this temporary loan is by the issuance and sale of the City's tax anticipation notes for such purpose; and

WHEREAS, the City has retained Raymond James & Associates, Inc. (the "Placement Agent") to act as its exclusive placement agent to arrange a private placement of the $4,300,000 in aggregate principal amount of tax anticipation notes hereinafter authorized to be issued, and the City desires to sell such tax anticipation notes to the purchaser designated by the Placement Agent as hereinafter provided; and

WHEREAS, as a result of this sale, the tax anticipation notes shall bear interest from date at the rate per annum hereinafter set forth, and all interest shall be payable on the date of the payment of these tax anticipation notes; and

WHEREAS, these tax anticipation notes should now be printed or otherwise reproduced, executed, and thereafter issued and delivered, and it is necessary to adopt a note form, to provide for the execution of these notes, to designate a place for the payment of the principal of and interest on these notes, and to designate a paying agent and registrar for these notes; and

WHEREAS, these tax anticipation notes, when issued, will constitute an indebtedness of the City that must be paid on or prior to December 31, 2013, and provision should be made for the levy of an ad valorem tax upon all property subject to taxation within the City to the extent necessary to produce moneys in an amount sufficient, together with any other funds of the City lawfully available for such purpose, to provide for the payment of the principal of and interest on these notes as the same become due and payable;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City, and it is hereby resolved by authority of the same, that, as authorized pursuant to the provisions of Article IX, Section V, Paragraph V of the Constitution of the State of Georgia of 1983 and Section 36-80-2 of the Official Code of Georgia Annotated, as amended, the City shall obtain a temporary loan in anticipation of the collection of taxes levied or to be levied during calendar year 2013, in the aggregate principal amount of $4,300,000, pursuant to the terms and conditions hereinafter set forth, to pay current expenses of the City in calendar year 2013.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that to evidence such temporary loan, there be and there is hereby authorized to be issued tax anticipation notes of the City in the aggregate principal amount of $4,300,000 to be designated "City of Cartersville, Georgia Tax Anticipation Notes" (the "Notes"), and the Notes shall be dated as of the date of their issuance and delivery, shall be issuable only in registered form without coupons in the denominations of $100,000 or any integral multiple of $5,000 in excess thereof, and shall bear interest from date and at the rate of 1.00% per annum, payable at maturity and computed on the basis of a 360-day year consisting of twelve 30-day months, and the entire principal amount of the Notes shall mature on December 31, 2013. The principal of and interest on the Notes shall be payable in lawful money of the United States of America at the principal corporate trust office of the Paying Agent (designated below), upon presentation and surrender of the Notes.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that U.S. Bank National Association, Atlanta, Georgia, is hereby designated as Paying Agent and Registrar (the "Paying Agent" or the "Registrar") for the Notes, the Mayor and City Clerk of the City are hereby authorized to execute and deliver, for and on behalf of the City, a paying agency and registrar agreement between the City and U.S. Bank National Association, and the execution and delivery of a paying agency and registrar agreement by the Mayor and City Clerk of the City shall constitute conclusive evidence of the ratification, confirmation, and approval by the City of the terms and conditions of the paying agency and registrar agreement.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that the Notes shall be executed by the Mayor or the Mayor Pro Tempore of the City and attested by the City Clerk or the Deputy City Clerk, and the official seal of the City shall be impressed upon each of the Notes, and the Notes shall be substantially in the form hereinafter set forth with such variations, omissions, and insertions as are permitted or required by this Resolution:

[FORM OF NOTE]

Unless this Note is presented by an authorized representative of The Depository Trust Company ("DTC"), a New York corporation, to the City or its agent for registration of transfer, exchange, or payment, and any Note issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF GEORGIA
CITY OF CARTERSVILLE, GEORGIA
TAX ANTICIPATION NOTE

Number R-__ **CUSIP:** **Principal Amount $4,300,000**

Date of Original Issue:	**Maturity Date:**	**Interest Rate:**
_________, 2013	**December 31, 2013**	**1.00%**

Registered Owner: Cede & Co.

KNOW ALL MEN BY THESE PRESENTS: THE CITY OF CARTERSVILLE, GEORGIA, A MUNICIPAL CORPORATION AND POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, for value received and in consideration of money borrowed, hereby promises to pay to the Registered Owner shown above, or registered assigns, without option of prior redemption, on the Maturity Date identified above, the Principal Amount identified above, together with interest on the unpaid Principal Amount at the Interest Rate per annum identified above, from the Date of Original Issue identified above until the Principal Amount has been fully paid, such interest being payable upon retirement of this Note and computed on the basis of a 360-day year consisting of twelve 30-day months. Both principal hereof and interest hereon are payable in lawful money of the United States of America at the principal office of U.S. Bank National Association, Atlanta, Georgia, as Paying Agent (the "Paying Agent"), upon presentation and surrender of this Note.

This Note is one of an issue aggregating $4,300,000 in principal amount, authorized by a Resolution duly adopted by the City Council (the "Governing Body") of the City of Cartersville, Georgia (the "City") on the 3rd day of January 2013, and in accordance with Article IX, Section V, Paragraph V of the Constitution of the State of Georgia of 1983 and Section 36-80-2 of the Official Code of Georgia Annotated, as amended, for the purpose of obtaining a temporary loan to pay expenses of the City in calendar year 2013.
This Note is issued in anticipation of the collection of taxes levied or to be levied for the calendar year 2013. The aggregate amount of all such Notes, together with other temporary loans obtained by the City to pay expenses of the City in calendar year 2013, does not exceed 75% of the total gross income from taxes collected by the City in calendar year 2012 and does not exceed, together with other contracts, notes, warrants, and obligations of the City for current expenses in calendar year 2013, the total anticipated revenues of the City for calendar year 2013.

This Note is issuable only in registered form without coupons in the denomination of $100,000 or any integral multiple of $5,000 in excess thereof. The registered owner of this Note may, if not prohibited by law, surrender the same (together with a written instrument of transfer satisfactory to U.S. Bank National Association, Atlanta, Georgia, as Registrar (the "Registrar") duly executed by the registered owner or its attorney duly authorized in writing) in exchange for an equal aggregate principal amount of Notes of the same interest rate and maturity and of any other authorized denominations. This Note is transferable by the registered owner in person or by the owner's attorney duly authorized in writing at the principal corporate trust office of the Registrar, upon surrender of this Note accompanied by a duly executed instrument of transfer, in form and with guarantee of signature satisfactory to the Registrar, and upon payment of any governmental charges or taxes incident to such transfer. Upon any such transfer, a new Note or Notes in the same aggregate principal amount and of the same interest rate and maturity and in authorized denominations will be issued to the transferee. The City, the Paying Agent, and the Registrar may deem and treat the person in whose name this Note is registered as the absolute owner hereof (whether or not this Note shall be overdue) for the purpose of receiving payment of, or on account of, the principal of and interest due on this Note and for all other purposes, and the City, the Paying Agent, and the Registrar shall not be affected by any notice to the contrary.

It is hereby certified, recited, and declared that all acts, conditions, and things required by law to be done precedent to and in the issuance of this Note have been properly done, have happened, and have been performed in the manner required by the Constitution and statutes of the State of Georgia relating thereto; that the tax levies in anticipation of which this Note is issued are or will be valid and legal levies; that the City will use a sufficient amount of the proceeds of such tax levies and other available funds for the payment of this Note and the interest thereon; and that this Note, together with all other indebtedness of the City, is within every debt or other limit provided by the Constitution and statutes of the State of Georgia.
This Note shall not be valid or become obligatory for any purpose or be entitled to any benefit until this Note shall have been authenticated and registered upon the register maintained by the Registrar. Such authentication and registration shall be evidenced by the execution by the manual signature of a duly authorized signatory of the Registrar of the Certificate of Authentication and Registration on this Note.

IN WITNESS WHEREOF, the City of Cartersville, Georgia, acting by and through its Governing Body, has caused this Note to be executed in its corporate name by the manual signature of its Mayor, attested by the manual signature of the City Clerk, and the official seal of the City to be impressed hereon, all as of the Date of Original Issue set forth above.

CITY OF CARTERSVILLE, GEORGIA

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Note is one of the above-described City of Cartersville, Georgia Tax Anticipation Notes, maturing December 31, 2013.

U.S. BANK NATIONAL ASSOCIATION, as Registrar

Date of Authentication and Registration:

By:______________________________________
Authorized Signatory

__________________, ________

The following abbreviations, when used in the inscription on this Note or in the assignment below, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM	-	as tenants in common
TEN ENT	-	as tenants by the entireties
JT TEN	-	as joint tenants with right of survivorship and not as tenants in common and not as community property
UNIF		______________________ Custodian
TRANS	-	________________________(Custodian)

under Uniform Transfers to Minors Act ______________________
(State)

Additional abbreviations may be used although not in the above list.

ASSIGNMENT AND TRANSFER

FOR VALUE RECEIVED, the undersigned sells, assigns, and transfers unto ____________
____
(Name and Address of Assignee)

(Insert Social Security or Taxpayer Identification Number of Assignee)

the within note of the City of Cartersville, Georgia and does hereby irrevocably constitute and appoint ______________________ attorney to transfer the Note on the books kept for registration thereof with full power of substitution in the premises.

Dated:____________________________

____
(Signature Guaranteed)
Notice: Signature(s) must be guaranteed by an eligible guarantor institution (such as banks, stockbrokers, savings and loan associations, and credit unions) with membership in an approved Signature Guarantee Medallion Program pursuant to S.E.C. Rule 17Ad-15.

____
Registered Owner
Notice: The signature(s) on this assignment must correspond with the name as it appears on the face of the within Note in every particular without alteration or enlargement or any change whatsoever.

[END OF FORM OF NOTE]

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that for the purpose of paying the principal of and interest on the Notes as the same become due and payable, there is hereby levied an ad valorem tax upon all property subject to taxation within the corporate limits of the City, to the extent necessary to produce moneys in an amount sufficient, together with any other funds of the City lawfully available for such purpose, to provide for the payment of the principal of and interest on the Notes, which moneys are hereby irrevocably pledged and appropriated to the payment of the principal of and interest on the Notes at their maturity. It is expressly provided, however, that nothing herein contained shall be construed as preventing the City from paying the principal of and interest on the Notes from any other funds lawfully available to it for such purpose.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that the City shall sell the Notes to Federated Investors, Inc. (the "Purchaser") for the price of $4,318,490.00. The Notes shall, in due course, be delivered to the Purchaser against payment for the Notes.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by the authority of the same, that the Mayor or the Mayor Pro Tempore of the City and the City Clerk or the Deputy City Clerk are hereby authorized and directed to execute, for and on behalf of the City, a certification, based upon facts, estimates, and circumstances as to the reasonable expectations regarding the amount, expenditure, and use of the proceeds derived from the sale of the Notes, as well as such other documents as may be necessary or desirable in connection with the issuance and delivery of the Notes.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that all resolutions, if any, in conflict with this Resolution be and the same are hereby repealed.

CITY OF CARTERSVILLE, GEORGIA

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

/s/ Connie Keeling
Connie Keeling
City Clerk

D. Contracts/Agreements

1. Addendum to Montessori School Rental Agreement

Dan Porta, Assistant City Manager stated that last summer the city entered into a new real estate lease agreement with the new owners of the Montessori School for city property located at 324 and 326 West Cherokee Avenue adjacent to the gymnastics building. The new owners have asked for approval to sublet part of the facility for speech therapists, occupational therapists or other similar professionals to help with the students attending the school and Mr. Porta recommended approval.

A motion to approve the addendum to the Montessori School Rental Agreement was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

E. Bid Award

1. Copy Machines

Dan Porta, Assistant City Manager stated that the city has received bids for three copy machines for the Police and Fire Departments as well as Downtown Development. After reviewing the bid proposals and monthly maintenance expenses Mr. Porta recommended approval of the lowest and best bid from Toshiba Business Solutions.

A motion to approve the purchase of copy machines from Toshiba Business Solutions was made by Council Member Tate and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

2. Parking Lot Lighting

David Myers, Electric Superintendent stated that the new Steak and Shake Restaurant at the Main Street Shopping Center has selected parking lot lighting from the City of Cartersville Electric System. Mr. Myers stated that there are not three bids on this purchase due to the assigned vendor service territory for the particular products; therefore a bid from Irby to supply the square steel lighting poles and concrete bases from this job was received in the amount of $8,256.00 and Mr. Myers recommended approval.

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

3. Dellinger Park Pool Improvements

Greg Anderson, Parks and Recreation Director stated that he had advertised for RFP's for Dellinger Park Pool Improvements. The RFP's were evaluated by a team of city employees and the group recommended the Dockery Group in the amount of $975,049.00. Mr. Anderson stated that the slide for the pool was omitted in the original amount budgeted for the pool renovations and would like to add it for approval at a cost of $113,898.50. The price of $975,049.00 includes the plumbing for the slide to be installed at a future date should council decide not to approve it at this time.

A motion to approve the pool renovations with the slide subject to the vendor providing a performance bond up to $1,088,947.50 was made by Council Member Stepp and seconded by Council Member Pruitt. Motion failed 2-3 with Council Members Hodge, Tonsmeire, and Tate voting against.

A motion to approve the budgeted amount of $975,049.00 including the stubbing for the slide at a future date was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

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

Meeting Adjourned

/s/ ____________________________
Matthew J. Santini
Mayor

ATTEST:

/s/ ________________________________
Connie Keeling
City Clerk