City Council Meeting
NOVEMBER 9, 2015

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
7:30 PM

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 11/2/2015)

B. Alcoholic Beverage License Application (PH-15-AB-12)

The Morning After, LLC d/b/a The Nest Café
58 Canton Street, Suite A
Consumption on Premises
Beer, Wine & Sunday Sales
Owner: The Morning After, LLC
Registered Agent: Jordan Segal

V. PROJECT UPDATES

A. Convention Center

B. City Center - Private Development

C. City Center - Public Development

VI. OLD BUSINESS

VII. NEW BUSINESS

A. Procurement Card Policy

B. Windward Parkway at GA 400 and Westside Parkway Improvements

C. Future Use of Old Library

D. Intergovernmental Agreement With City Of Milton: Facility Use And Court Services

VIII. WORKSHOP

A. Parks Without Borders Program with Johns Creek Recreation and Parks

B. Discussion on Milling And Resurfacing

C. Discussion of Public Art Ordinance

IX. PUBLIC COMMENT

X. REPORTS

XI. ADJOURNMENT

THE CITY OF ALPHARETTA GEORGIA

Official Minutes of Council Meeting

November 2, 2015

City Hall Council Chambers
2 Park Plaza
7:30 PM

Official Minutes

The public is advised that the following minutes are not a verbatim transcription of business presented at the Council Meeting of the date shown; but are a synopsis of pertinent information. The public is further advised that the tapes recorded at said meeting are a matter of public record and are available to be heard at the City of Alpharetta's Clerk's office during normal business hours.

I. CALL TO ORDER

- *Mayor Belle Isle called the meeting to order at 7:30 p.m.*

II. ROLL CALL

Members Present:

Mayor Belle Isle, Mayor Pro Tem Aiken, Council Members Mitchell, Cross, Gilvin, Owens and Kennedy

Members Absent:
None

Staff Present:

City Administrator Bob Regus, Assistant City Administrator James Drinkard, City Attorney Sam Thomas, City Clerk Coty Thigpen, Director of Community Development Kathi Cook, Director of Public Works Pete Sewczwicz, Director of Finance Tom Harris, Director of Economic Development Peter Tokar, Director of Information Technology Randy Bundy, Director of Public Safety Gary George

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS AND PRESENTATIONS

A. North Fulton Schools SAT Recognition Proclamation

B. Retired Educator's Day Proclamation

C. Pancreatic Cancer Awareness Month Proclamation

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 10/26/2015)

B. Alcoholic Beverage License Applications

1. PH-15-AB-10 Cutters Cigar Emporium, LLC
d/b/a Cutters Cigar
Emporium 5530
Windward Parkway
Suite 200B
Alpharetta,
Ga. 30005

Consumption on Premises
Liquor, Beer & Wine, Sunday Sales

Owner: Cutters Cigar Emporium, LLC
Registered Agent: Russell R. Sutton

2. PH-15-1AB-11 Sabrina Enterprises, Inc.
d/b/a Chevron
Food Mart 3955
Old Milton Parkway

Package Store
Beer & Wine – Sun. Sales

Owner: Sabrina
Enterprise, Inc. Registered
Agent: Mr. Siraj Ali

C. Financial Management Report for the month ending September 30, 2015.

- ❖ *Council Member Owens offered a motion to approve the Consent Agenda*
  - *The motion was seconded by Council Member Kennedy*
  - *Motion approved (6-0); Aiken absent*

VI. PROJECT UPDATES

A. Convention Center

B. City Center - Public Development

C. City Center - Private Development

- Mr. Regus reported that there will be a meeting with attorneys this week to discuss the project contract

Public Comment

None

VII. OLD BUSINESS

A. Historic Preservation Commission Appointments

- Council Member Gilvin appointed Joy Ross to the Historic Preservation Commission

VIII. NEW BUSINESS

A. A Resolution Regarding The Financing And Development Of An Assisted Living And Memory Care Facility As Proposed By Atlanta Senior Care Services, LLC To Be Known As Inspired Living At Alpharetta

- City Attorney, Sam Thomas, provided a brief explanation of this item
- Mr. Thomas read the Resolution aloud
- Atlanta Senior Care Services, LLC has requested that the Housing Authority of Fulton County (HAFC) issue its taxable and tax-exempt revenue bonds, the the proceeds of which will be used to finance a portion of the costs of the acquisition, construction and equipping by the Owner of an approximately 128 unit assisted living and memory care facility. The proposed facility would consist of approximately 82 assisted living units and approximately 46 memory care units and would be located at the southeast corner of Georgia Highway 400 and Old Milton Parkway.
- It is estimated that the total cost of the project; including the planning, design, acquisition, construction and development of the proposed project; will be approximately $42 million.
- Under the laws of the State of Georgia, HAFC is prohibited from exercising its powers to finance the project within the territorial boundaries of the City of Alpharetta without the adoption of a resolution of the governing body of the City declaring that there is a need for HAFC to exercise such powers within Alpharetta.

Public Comment

None

- ❖ *Council Member Kennedy offered a motion to approve the Resolution*
  - *The motion was seconded by Council Member Owens*
  - *Motion approved (4-3); Belle Isle, Cross and Gilvin voting no*

B. HP Servers and Storage for Public Safety 911

- Director of Information Technology, Randy Bundy, came forward to present this item on behalf of staff

- Staff requests that Mayor and Council award VeriStor Systems, Inc. as the vendor to provide for the purchase of HP blade server and storage equipment for the Public Safety 911 system in the amount of $214,477.00, and authorize the Mayor to execute all necessary documents.

- As approved in the FY 2015 and FY 2016 capital budgets, this project provides for the refresh and updating the server equipment from the E-911 account (21531800-542100) and updating the primary storage from the data storage management capital account (30117400-542400-C1312). This includes servers and storage that require replacement every 5-6 years (the current equipment is over 6-years old; we are currently hitting full capacity for processing time for existing services and also need to update to more current technology). These server components are the principle platforms for our virtual environment supporting OSSI and other critical public safety systems. VeriStor is the current vendor used by the City for these services and is the City's single source provider for virtualization/data center components and services. Pricing is consistent with competitively procured rates established within the Hewlett Packard Server and Storage contract with the State of Georgia.

Public Comment

None

❖ *Council Member Cross offered a motion to award VeriStor Systems, Inc. the contract for the purchase of HP blade server and storage equipment for the Public Safety 911 system in the amount of $214,477.00, and authorize the Mayor to execute all necessary documents.*

- *The motion was seconded by Council Member Aiken*

- *Motion approved (7-0)*

C. Application and Desktop Virtualization Pilot System

- Director of Information Technology, Randy Bundy, came forward to present this item no behalf of staff

- Staff requests that Mayor and Council award VeriStor Systems, Inc. as the vendor to provide for software, hardware, and installation of equipment for virtualization pilot system in the amount of $65,053.00, and authorize the Mayor to execute all necessary documents.
- As approved in the FY 2016 capital budget, this project consists of installation and deployment of a virtual desktop infrastructure (VDI) pilot for 30 users. VDI is a paradigm shift in the deployment and maintenance of physical workstations in the enterprise. This shift is being driven by the rising trend in the mobile environment and provides the flexibility to move between a traditional workstation and a mobile device. In the winter and spring of 2015 the IT Department stood up a proof of

concept (POC) to ensure the system was capable of meeting the basic needs of the City. The City provides a number of unique end-user experiences and the pilot will build upon the POC by allowing us to scale up to a large test group, which would mostly be made of users from various departments. The Pilot would have 3 parts; virtual desktops, centralized application interface, and physical desktop imaging. . This pilot is the basis to determine the best hardware devices and user interfaces for extending this technology to City departments.

- Pricing is consistent with competitively procured rates established within the Hewlett Packard Server and Storage contract with the State of Georgia, and the VMware State Contract.

Public Comment

None

- *Council Member Cross offered a motion to award VeriStor Systems, Inc. as the vendor to provide for software, hardware, and installation of equipment for virtualization pilot system in the amount of $65,053.00, and authorize the Mayor to execute all necessary documents*
  - *The motion was seconded by Council Member Gilvin*
  - *Motion approved (6-0); Mayor Pro Tem Aiken absent*

D. Equipment Refresh 2016

- Director of Information Technology, Randy Bundy, came forward to present this item no behalf of staff

- Staff requests approval of the request to provide for the annual replacement of technology for all City Departments in FY 2016 in the amount of $300,000 and authorize the Mayor to execute all necessary documents

- As approved in the FY 2016 capital budget, this project provides for the annual replacement of technology for all City departments. The current City standards for technology replacement are as follows: servers (5-years); SANS storage (5-years); desktop PCs (4-years); laptop PCs (3-years); iPad tablets (2-years); large scale multi-function printers (5-7 years); small scale multi-function printers (3-years); desktop UPS (3-years); network UPS (4-years); network routers/switches/firewalls (5-years); telephony gateways (7-years). The City standards are based on best practice and standards in the information technology industry that provide for the best balance of efficiency, reliability, cost, and modernization of equipment.

- The City currently has 151 iPhones and 133 iPad tablets. About 50% of the phones and 25% of the tablets will be refreshed in FY2016 for approximately $45,500.

- The City currently has 461 PC systems (221 desktop and 225 laptop systems) with 142 PC systems (@ 82 Laptops and @ 60 desktops) prioritized to be refreshed in FY2016 for approximately $254,500 (*8 more laptops were scheduled this year, but will be extended to FY2017 for replacement to help smooth future PC refresh totals to annual replacement rates).*

- Technology will be procured through multiple sources including State Contracts (Dell and Apple products) and the City quote process. The largest portion of this funding will be utilized for Dell computers which is the standard personal computer platform for the City and is purchased from the State of Georgia technology contract. This provides a consistency of platform for management and operations/maintenance for City services. The City has also standardized on the iOS platform for tablets and smart phones in order to provide consistency and the best level of integration and security with City systems.

Public Comment

None

- ❖ *Council Member Cross offered a motion to approve the request to provide for the annual replacement of technology for all City Departments in FY 2016 in the amount of $300,000 and authorize the Mayor to execute all necessary documents*
  - *The motion was seconded by Council Member Kennedy*
  - *Motion approved (7-0)*

E. Purchase of Public Safety Vehicles

- Director of Public Safety, Gary George, came forward to present this item

- Staff requests approval of the purchase fourteen vehicles for Public Safety at a total cost of $330,144.76:

  - Nine Chevrolet Impala PPV's from Hardy Chevrolet under state contract for $21,136.64 each.
  - Five Ford Interceptor SUV's from Wade Ford under state contract for $27,983.00 each.

- The Department normally brings two primary vehicle purchase requests to Council in a fiscal year, dividing its forecast replacement needs for the year approximately in half. The first request for FY16 was presented on September 2nd, and the Department in bringing its second request now because of timing issues with the Impala. Production of this vehicle is ending with the current model year and final orders must be placed by mid-November. Actual deliveries (and payments) will be spread through the model year, but approval is needed now to place the order. It should be noted that General Motors has not guaranteed that all orders will be filled, so it is possible that actual deliveries may fall short of the need.

- The state contract price of a Police Impala is $21,136.64 after a 2% prompt pay discount. The current request also includes SUV's that will be needed in the second half of the fiscal year. SUV's are better suited than sedans for personnel who often work with a partner (such as field training officers working with recruits) and those who need additional cargo space (e.g. SWAT operators, and Community Relations Officers).

- The state contract price of an Interceptor SUV is $27,983.00. No discount is available. The Department also obtained quotes from three other dealers. Those quotes were higher than the contract price by $871.00 to $1,871.00.

Public Comment
None

- ***Council Member Aiken offered a motion to approve the purchase fourteen vehicles for Public Safety at a total cost of $330,144.76 broken up as:***

    - ***Nine Chevrolet Impala PPV's from Hardy Chevrolet under state contract for $21,136.64 each.***
    - ***Five Ford Interceptor SUV's from Wade Ford under state contract for $27,983.00 each.***

- ***The motion was seconded by Council Member Cross***
- ***Motion approved (7-0)***

F. Intergovernmental Agreement - High Impact Permitting and Inspection Grant

- Director of Economic Development, Peter Tokar, came forward to present this item

- Staff recommends approval of the Intergovernmental Agreement between the City of Alpharetta and the Development Authority of Alpharetta for the High Impact Permitting and Inspection Grant

- The High Impact Permitting and Inspection Grant (HIPIG) program is a part of the Economic Development Toolkit used to incentivize new or expanding businesses that are deemed high impact to the City of Alpharetta in terms of local job creation, high-wages and real property capital investment.

- This Intergovernmental Agreement transfers the program from the City to the Development Authority of Alpharetta to administer the program. The HIPIG is subject to funding from the City from time to time under the City's standard budgetary process

Public Comment

None

- *Council Member Cross offered a motion to approve the Intergovernmental Agreement between the City of Alpharetta and the Development Authority of Alpharetta for the High Impact Permitting and Inspection Grant*
  - *The motion was seconded by Council Member Gilvin*
  - *Motion approved (6-0); Aiken absent*

IX. WORKSHOP

A. Update on Business & Lifestyle Media Marketing

- Director of Economic Development, Peter Tokar, came forward to present this item and obtain feedback from Mayor and Council

B. Discussion and Public Input on Stormwater

- Director of Public Works, Pete Sewczwicz, came forward to present this item and obtain feedback from Mayor and Council

X. PUBLIC COMMENT

None

XI. REPORTS

- Council Member Gilvin provided a brief report on the recent Wire and Wood festival. Staff and event producer to come back in early December for a more in depth report and analysis

XII. ADJOURNMENT

- *Mayor Belle Isle adjourned the meeting at 9:11 p.m.*

Respectfully Submitted,

Coty Thigpen

Coty Thigpen, City Clerk

City Council Meeting
Agenda Item Routing Form

Department Director:	Coty Thigpen
Prepared By:	Lyn Kennedy
Council Meeting Date:	November 9, 2015
Agenda Item Title:	Alcohol Beverage License Applications
RFP / Bid # *(if applicable)*:	N/A

Check One: ☐ Business ☒ Consent ☐ Public Hearing ☐ Workshop

After approval by the director of the submitting department, please attach this form to your report and related / supporting items and route the full packet to the following departments in the order listed below. The initiating department is responsible for obtaining all necessary signatures prior to submittal of the report to the City Clerk; however, each reviewer is asked to forward the packet to the next reviewer following approval. All items must be received by the City Clerk a minimum of ten (10) business days before the scheduled Council Meeting.

Department	Date In	Date Out	Approved Yes / No	Initial
Information Technology [1]			☐ Yes ☐ No	
Public Works [2]			☐ Yes ☐ No	
Finance			☐ Yes ☐ No	
City Attorney			☐ Yes ☐ No	
City Clerk			☐ Yes ☐ No	
Assistant City Administrator			☐ Yes ☐ No	
City Administrator			☐ Yes ☐ No	

1 Required of all items involving software, computer systems, network resources, communication devices, etc.

2 Required of all items involving facilities, infrastructure, etc.

City Council Meeting
Staff Report

Submitting Department: Choose an item.
Submitted By: Choose an item.
Drafted By: Click here to enter text.

I. Agenda Item Title: Alcohol Beverage License Application

II. Recommendation:

Please approve: 1. PH-15-AB-12 - The Morning After, LLC d/b/a The Nest Café

III. Budget Implications:

☐ Non-Budgeted Item ☐ No Fiscal Impact

☐ Included In Current FY Capital Budget ☐ Included In Current FY Operating Budget

Total Project Cost: $

Internal Funding Sources:

Account Number	Dollar Amount
	$ 0.00
	$ 0.00

External Funding Sources (Grants, Donations, Etc.):

Source	Dollar Amount
	$ 0.00
	$ 0.00

IV. Report In Brief:

A Public Hearing was held on Thursday, November 5th, 2015 for PH-15-AB-12 - The Morning After, LLC d/b/a The Nest Café. After doing the background check and review by staff; approval is recommended. No one came forward to speak in favor or against the application.

V. Alternatives:

N/A

VI. Attachments:

- Agenda

CITY OF ALPHARETTA
PUBLIC HEARING
ALCOHOL BEVERAGE LICENSE

DATE:	NOVEMBER 5, 2015
TIME:	3:00 P.M.
LOCATION:	CITY HALL COUNCIL CHAMBERS

AGENDA

I. Call to order

II. License Applications:

A. PH-15-AB-12

The Morning After, LLC
d/b/a The Nest Café
58 Canton Street
Suite A
Alpharetta, Ga. 30009

Consumption on Premises
Beer & Wine, Sunday Sales

Owner: The Morning After, LLC
Registered Agent: Jordan Segal

III. Adjournment

City Council Meeting
STAFF REPORT

Submitting Department: Finance
Submitted By: Thomas Harris, Finance Director
Meeting Date: November 9, 2015

I. AGENDA ITEM TITLE: PROCUREMENT CARD POLICY

II. RECOMMENDATION:

Adopt the attached ordinance (1st reading) approving the Procurement Card Policy.

III. REPORT IN BRIEF:

The Mayor and Council of the City of Alpharetta recognize it is essential that the public have confidence in the integrity and impartiality of the City's administration of its financial affairs. As such, the City approved an updated Procurement Policy in November 2014 to reflect current business practices including revised procurement thresholds, change order thresholds, and local vendor preferences.

The Procurement Policy guides certain aspects of procurement card usage (e.g. purchasing thresholds). However, procurement card program activities have historically been administered through procedures established, managed, and audited by the Finance Department. Recent changes in State Law (House Bill 192) necessitate the adoption of a formal procurement card policy that governs the operations, management, and auditing of the procurement card program.

The attached Procurement Card Policy brings the City in alignment with State law.

IV. ALTERNATIVES:

V. ATTACHMENTS:

Procurement Card Policy Ordinance, Procurement Card Policy (Exhibit A of Ordinance)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA, ADOPTING A COMPREHENSIVE PROCUREMENT CARD POLICY FOR THE CITY OF ALPHARETTA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Alpharetta recognize it is essential that the public have confidence in the integrity and impartiality of the City's administration of its financial affairs;

WHEREAS, the use of procurement cards for official government purchases is a customary and economical business practice to improve cash management, reduce costs, and increase efficiency;

WHEREAS, the City has established procedures but desires to establish a formal policy to govern operations, management, and auditing of the procurement card program;

NOW, THEREFORE BE IT ORDAINED that the Procurement Card Policy, attached hereto as Exhibit "A" and by this reference incorporated as if set forth herein, is hereby adopted as the City of Alpharetta Procurement Card Policy; and

BE IT FURTHER ORDAINED that this Ordinance shall become effective on December 1, 2015, and any and all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed; and

BE IT FURTHER ORDAINED that this Ordinance shall become part of The Code of the City of Alpharetta, Georgia.

ADOPTED AND APPROVED this _____ day of _______________, 2015.

CITY OF ALPHARETTA, GEORGIA

By:________________________________
David Belle Isle, Mayor

COUNCILMEMBERS

____

____

____

____

____

____

(SEAL)

Attest:

____
Coty Thigpen, City Clerk

First Reading:_______________

Second Reading:____________

Adopted:___________________

1669706

Finance Department
2 Park Plaza
City Hall
Alpharetta, GA 30009
Phone: 678.297.6000
Fax: 678.297.6063
www.alpharetta.ga.us

Procurement Card Policy

Financial Management Policy
Adopted Date: TBD
Effective Date: TBD

TABLE OF CONTENTS

I. INTRODUCTION

I. Introduction

A. Purpose

The purpose of this Policy is to set requirements and standards for the City of Alpharetta Procurement Card Program ("P-Card Program"). This Policy is not intended to replace current State of Georgia statutes but is intended to comply with such state laws and establish more efficient guidelines for elected officials and City staff using P-Cards. All purchases utilizing a P-Card must be in accordance with these guidelines and with state law.

B. Program Overview

The P-Card Program streamlines payments for goods and/or services for city business by eliminating the administrative burdens and costs associated with traditional methods of payment.

Benefits and efficiencies include:

1. Cardholders and user departments
    a. Streamlines the purchasing process by reducing the need for purchase orders and check requests.
    b. Reduces petty cash/reimbursement handling and processing.
    c. Provides a more direct and efficient means of obtaining goods and/or services.
    d. Expands available vendors and competition.
2. Finance Department
    a. Reduced burden on the procurement function for small dollar and non-biddable goods and/or services.
    b. Reduces overhead expenses related to accounting processes for payments.
    c. Increases efficiency through the consolidation of multiple charges on one billing summary requiring only one payment (to the Bank).
3. Vendors
    a. Lower overhead (e.g. billing, collection, paperwork).
    b. Improved cash flow due to quicker payment cycle.

I. INTRODUCTION

C. Definitions

When used in this Policy, the following words, terms, and phrases, and their derivations, shall be the meaning ascribed to them in this section, except where context clearly indicates a different meaning.

1. Cardholder: City employee or elected official (subject to stipulations defined herein) who is approved to hold a P-Card. Cardholders are purchasing agents for the City and shall comply with all applicable City procurement policies and procedures including this Policy.
2. Cardholder Agreement Form: Issuance of a P-Card will require a signed *Cardholder Agreement*. At a minimum, the *Cardholder Agreement* will require documented approval by the Procurement Official, employee to whom the P-Card is issued, and the employee's Department Director. Please refer to Appendix A for an example *Cardholder Agreement*.
3. Department Coder: City employee responsible for managing the Cardholders' day-to-day P-Card Program activities and usage. Department coders shall comply with all applicable City procurement policies and procedures including this Policy
4. Department Director: The director of the user department utilizing the P-Card Program. Department directors are responsible for ensuring the integrity of the P-Card Program within their department by ensuring compliance with all applicable City procurement policies and procedures including this Policy. Where applicable, Department Director will also refer to his/her designee(s).
5. Procurement Card ("P-Card"): A type of corporate charge card that allows the City to take advantage of the existing credit card infrastructure to make electronic payments for allowable purchases of goods and/or services. In the simplest terms, a P-Card is a charge card, similar to a consumer credit card.
6. Procurement Card Usage Notice Form: At the end of each billing cycle and reconciliation process, the Procurement Official will audit and log P-Card Program process/documentation deficiencies onto the *P-Card Usage Notice* Form and submit to the Cardholder and approving Department Director for remedies. Please refer to Appendix B for an example *P-Card Usage Notice* Form.
7. Procurement Official: The principal purchasing official of the City. The Finance Director is the City's Procurement Official. The Procurement Official is responsible for the overall administration of the P-Card Program including implementation, training, management, monitoring, reporting, and auditing. Where applicable, Procurement Official will also refer to his/her designee(s).

I. INTRODUCTION

8. Sales Tax Exemption Form: O.C.G.A. §48-8-3 exempts purchases made by the City within the State of Georgia from State Sales Tax when payment is made with appropriated funds. Cardholders must present the Department of Revenue's *Sales Tax Certificate of Exemption* Form to vendors upon request. Please refer to Appendix C for the *Sales Tax Certificate of Exemption* Form.

D. Application of Federal and State Law

It is intended that this Policy shall conform to all applicable provisions of the laws of the United States and the State of Georgia, and the provisions hereof shall be so construed wherever possible. In the event any portion of this Policy shall be declared invalid for its failure to conform to state or federal law, such invalidity shall not affect the remaining portions hereof. Notwithstanding any other provision of this Policy, the City may enter into any contract, follow any procedure, or take any action that is otherwise at variance with this Policy if necessary or convenient to receiving funds from the government of the United States, State of Georgia, or other governmental/public entities.

E. Equal Opportunity

The City of Alpharetta hereby gives public notice that it is the policy of the City to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. It is our policy that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs or activities.

F. Public Access to P-Card Information

Interested persons shall have access to information regarding City procurement transactions in accordance with City policy and the Georgia Open Records Act, O.C.G.A. §50-18-70, *et seq*.

G. Unauthorized Purchases

No purchases of materials, supplies, equipment, or services shall be made in the name of the City or one of its departments, except such as required for official use by the City or one of its departments. Purchases in the name of the City or one of its departments for personal use/gain (includes vendor loyalty programs) by an individual or for any purpose other than official use are prohibited.

II. Staff Responsibilities

A. Authority and Duties of the Procurement Official

The Procurement Official is responsible for the overall administration of the P-Card Program including implementation, training, management, monitoring, reporting, and auditing.

The Procurement Official shall have the authority and duty as provided throughout this Policy including, but not limited to, the following:

1. Serves as liaison between the Cardholders and the Bank.
2. Maintains the signed *Cardholder Agreement* (Appendix A) for all Cardholders.
3. Establishes P-Card Program operating procedures that:
    a. Ensures compliance with all applicable City procurement policies and procedures including this Policy.
    b. Ensures the secure ordering of new P-Cards and cancellation of existing P-Cards when lost/stolen or when a Cardholder changes job duties/leaves employment.
    c. Ensures timely payment and/or allocation of transactions to the general ledger at least monthly.
    d. Ensures proper documentation and storage of receipts, logs, and approvals.
    e. Ensures sufficiently documented internal controls and other measures (e.g. audits) to prevent and/or detect misuse or abuse of the P-Card.
    f. Ensures transactions are audited at least monthly and deficiencies are submitted to the Department Director, Department Coder, and/or Cardholder for corrective action (see Appendix B for an example *P-Card Usage Notice* form).
    g. Ensures continual training for Cardholders to be delivered at least annually (existing Cardholders) or upon delivery of the P-Card (new Cardholders).
4. Works with Department Directors to identify job titles or positions that require a P-Card or that would be good candidates for use of a P-Card.
5. Identifies P-Cards with immaterial usage to determine if the P-Cards are needed. P-Cards with no activity for six months will be considered dormant and the account subject to closing.

II. STAFF RESPONSIBILITIES

6. Escalates transaction disputes with the Bank after contact from the Cardholder and/or Department Coder does not result in a decision.
7. Keeps Cardholders up-to-date on new or changing information.
8. Upon receipt of information indicating fraudulent use or lost/stolen P-Cards immediately report it to the Bank and notify the Department Director, Department Coder, and Cardholder at the first opportunity during business hours
9. Maintains account information and secures all Cardholder information.
10. Provides instruction, training, and assistance to Cardholders and Department Coders.

B. Authority and Duties of the Department Director

Department Directors are responsible for ensuring the integrity of the P-Card Program within their department by ensuring compliance with all applicable City procurement policies and procedures including this Policy.

Department Directors shall have the authority and duty as provided throughout this Policy including, but not limited to, the following:

1. Maintain knowledge of all applicable City procurement policies and procedures including this Policy to allow for the effective management of P-Card activity and usage within their respective department.
2. Designate a Department Coder to manage the day-to-day activity and usage of P-Cards within their department.
3. Request P-Cards for employees in their respective department by submitting a signed *Cardholder Agreement* (Appendix A) to the Procurement Official for processing.
4. Review and approve Cardholders' monthly transaction activity as part of the monthly approval process. Verification is attesting that the transactions are valid, the amount charged is accurate, and that the transactions serve a valid City purpose.
5. Ensure all purchases are in accordance with applicable City procurement policies and procedures including this Policy and are only for legitimate business purposes. Misuse (inappropriate, unauthorized, or fraudulent use) of the card may subject the cardholder to disciplinary action, criminal prosecution, and/or termination of City employment.

II. STAFF RESPONSIBILITIES

6. Ensure that appropriate disciplinary actions are taken for violation of this Policy and any related procedures.
7. Upon receipt of information indicating fraudulent use or lost/stolen P-Cards immediately report it to the Bank and notify the Department Coder, Cardholder, and Procurement Official at the first opportunity during business hours.
8. Ensure the return of a P-Card upon a Cardholder's employment termination or extended leave, transfer to another department/position (if P-Card is no longer a requirement), or upon request to forfeit card.

C. Authority and Duties of the Cardholder

Cardholders are purchasing agents for the City and shall comply with all applicable City procurement policies and procedures including this Policy.

Cardholders shall have the authority and duty as provided throughout this Policy including, but not limited to, the following:

1. Maintain knowledge of all applicable City procurement policies and procedures including this Policy to allow for the effective management of their P-Card activity and usage.
2. Ensure that no other persons have access to any card information (i.e. card account number, expiration date, security code).
3. Obtain best-value for P-Card purchases by striving to obtain competitive pricing from qualified vendors.
4. Ensure all purchases are in accordance with applicable City procurement policies and procedures including this Policy and are only for legitimate business purposes. Misuse (inappropriate, unauthorized, or fraudulent use) of the card may subject the Cardholder to disciplinary action, criminal prosecution, and/or termination of City employment.
5. Obtain original itemized receipts (e.g. invoices, charge slips, cash register receipts and phone/mail/fax/internet order forms and confirmations) for all P-Card transactions and provide to the Department Coder. The original itemized receipts should display the date of purchase, vendor name, itemized descriptions, cost, and tax exemption status. If a receipt is lost, the Cardholder/Department Coder must attach a written memorandum (signed by their department director) to the monthly P-Card statement explaining the purchase transaction. The memorandum will be submitted to the Procurement Official. Employees who repeatedly lose receipts will be subject to P-Card revocation.

II. STAFF RESPONSIBILITIES

6. Ensure vendors do not charge Georgia Sales and Use Tax. If tax is charged, contact vendor to obtain a credit to the card. Documentation of attempts to obtain credit for the tax charged in error must be maintained with the documentation for the transaction where the tax was charged.
7. Review and approve monthly transaction activity as part of the monthly approval process. Verification is attesting that the transactions are valid, the amount charged is accurate, and that the transactions serve a valid City purpose.
8. Upon receipt of information indicating fraudulent use or lost/stolen P-Cards immediately report it to the Bank and notify the Department Director, Department Coder, and Procurement Official at the first opportunity during business hours.
9. Return P-Card when terminating employment, out on extended leave, transferring to another department (if P-Card is no longer a requirement), or upon request to forfeit card.
10. Attempt to resolve a dispute or billing error directly with the vendor. If a Cardholder cannot resolve the dispute or error with the vendor directly, then the Cardholder shall escalate to the Department Coder.

D. Authority and Duties of the Department Coder

Department Coders are assigned the responsibility of managing the Cardholders' day-to-day P-Card Program activities and usage and shall comply with all applicable City procurement policies and procedures including this Policy.

Department Coders shall have the authority and duty as provided throughout this Policy including, but not limited to, the following:

1. Maintain knowledge of all applicable City procurement policies and procedures including this Policy to allow for the effective management of P-Card activity and usage within their respective department.
2. Regularly monitor transactions and account activity to ensure that all purchases are for legitimate City business use. Transactions must be reviewed in a timely manner in order to identify fraud or misuse and is necessary to qualify for the liability protection included with the Bank.
3. Collect original itemized receipts (e.g. invoices, charge slips, cash register receipts and phone/mail/fax/internet order forms and confirmations) from assigned Cardholders for all P-Card transactions. The original itemized receipts should display the date of purchase, vendor name, itemized descriptions, cost,

II. STAFF RESPONSIBILITIES

and tax exemption status. If a receipt is lost, the Cardholder/Department Coder must attach a written memorandum (signed by their department director) to the monthly P-Card statement explaining the purchase transaction. The memorandum will be submitted to the Procurement Official. Employees who repeatedly lose receipts will be subject to P-Card revocation.

4. Complete the monthly reconciliation process:
    a. Review and reconcile each assigned Cardholders' invoices/receipts to their respective card statement.
    b. Attach all receipts and other related documentation to each Cardholders' monthly statement.
    c. Review all documentation to ensure:
        i. Original receipts are included in an orderly fashion to allow for easy reference (e.g. sorted by charge date);
        ii. Insufficient/missing documentation is noted and explained in detail (avoid technical jargon);
        iii. State Sales and Use Tax was not charged; and
        iv. Purchases were for legitimate City business use.
5. Review and approve Cardholders' monthly transaction activity as part of the monthly approval process. Verification is attesting that the required documentation has been attached.
6. Attempt to resolve any disputes with vendors (including sales tax charges) that have not been resolved by Cardholder.
7. Upon receipt of information indicating fraudulent use or lost/stolen P-Cards immediately report it to the Bank and notify the Department Director, Cardholder, and Procurement Official at the first opportunity during business hours.
8. Ensure the return of a P-Card upon a Cardholder's employment termination or extended leave, transfer to another department/position (if P-Card is no longer a requirement), or upon request to forfeit card.

III. P-CARD USAGE

III. P-Card Usage

A. P-Card Categories

1. General P-Cards

   Cardholders are limited to one active P-Card under this category. Eligible Cardholders include elected officials, permanent (part-time or full-time) City employees, or temporary/seasonal City employees (subject to the limitations contained herein). Requests to provide temporary/seasonal City employees with a P-Card will require a memorandum, signed by the Department Director, documenting the need for the P-Card and will be subject to approval by the Procurement Official. There will be no exceptions to the following:

   a. P-Cards will not be issued to contractors (e.g. person hired for a pre-determined period of time for a specific project).

   b. P-Cards will not be issued in the name of a Department or work unit (e.g. Fire Suppression) to be shared by multiple employees except for P-Cards provided under the City's Travel and Meal Expenditure Policy.

   Issuance of a P-Card will require a signed *Cardholder Agreement* (Appendix A). At a minimum, the *Cardholder Agreement* will require documented approval by the Procurement Official, employee to whom the P-Card is issued, and the employee's Department Director. Cardholders must meet all applicable training requirements as described in Section VI of this Policy.

2. Emergency P-Cards

   The City has two Emergency P-Cards which are issued to the City Administrator and Procurement Official. These P-Cards are kept in a secure location and are not released until an emergency declaration by the City Administrator. In accordance with the City's Procurement Policy, the City Administrator may authorize an emergency procurement when there exists an immediate threat or danger to public health, safety, welfare, loss of public or private property, or interruption in the delivery of essential governmental services. The City Administrator will notify the City Council of the emergency as well as the expenses incurred.

III. P-CARD USAGE

B. Transaction Limits

The P-Card has transaction limits. The maximum charge allowed for a single transaction is known as the "single transaction limit". The monthly available credit for each P-Card is known as the "Monthly Credit Limit". A P-Card transaction will be denied when swiped if the transaction exceeds any of these established limits.

Transaction Limits				
Cardholder Category	Single Transaction Limit	Monthly Credit Limit	Approval Authority	Cardholders
General	$2,499.99	$10,000.00	Department Director	City Elected Officials/Employees
Emergency	$100,000.00	$100,000.00	Declaration of Emergency by the City Administrator	City Administrator and Procurement Official

1. P-Card transaction limits (single/monthly) can be set lower than the limits listed above, but cannot exceed them except as noted below.
2. The Procurement Official can authorize the use of P-Cards for targeted purchases in excess of $2,499.99 upon written justification that: (1) no other feasible payment options exist (e.g. vendor will not accept a purchase order; vendor will not invoice; etc.); (2) delays associated with other payment methods (e.g. purchase order process) would have a detrimental effect; and/or (3) the City can realize savings through early payment discounts, rebates, etc.

C. Allowable Purchases

P-Cards may be used to purchase goods and/or services not prohibited by this policy or state law. Such purchases include, but are not limited to:

1. Purchases of goods and/or services for official City use which fall within the transactional restrictions of this policy and are not otherwise restricted under this policy.
2. Emergency purchases in accordance with the City's Procurement Policy.

D. Prohibited Purchases

Cardholders may not use a P-Card for the following purchases unless otherwise noted:

1. Goods and or services for personal use (non-public purpose).

III. P-CARD USAGE

No Exceptions. Cardholders are prohibited from using the P-Card for the purchase of any goods and/or services not directly or indirectly related to official City business. Intentional use of the card for personal purchases will result in disciplinary action, up to and including termination from City employment and criminal prosecution.

2. Cash advances, cash-back arrangements, and similar transactions (including ATMs and money-transfer locations such as Western Union).

   No Exceptions.

3. Money orders, traveler's checks, and similar products.

   No Exceptions.

4. Gift cards, calling cards, pre-paid cards.

   Exceptions require prior approval from the Procurement Official.

5. Alcoholic beverages (either stand-alone or as part of a meal) and tobacco products.

   Exceptions are made for Public Safety initiatives approved by the Public Safety Director (e.g. DUI training).

6. Firearms, ammunition, and explosives.

   Exceptions are made for Public Safety initiatives approved by the Public Safety Director (e.g. explosives training).

7. Fuel (Fulton County Fuel depot provides the most economical pricing and should be used whenever feasible).

   Exceptions include fuel purchases made with City issued fuel cards (e.g. Wright Express cards) and documented situations when it was not feasible to go to the Fulton County Fuel Depot (e.g. trips out of town, situations where there was not enough fuel to make it to the Depot, etc.).

8. Expenses for which per diem rates apply (in accordance with the City's Travel and Meal Expenditure Policy).

9. Unauthorized purchases also include purchases generally considered legitimate that are disallowed/not approved by the Cardholder's Department Director.

10. Purchases or transactions made with the intent to circumvent the City purchasing policy, transactional limits, or state law.

III. P-CARD USAGE

E. Split Purchases Prohibited

Cardholders are prohibited from splitting a transaction between two or more transactions on a single P-Card account, two or more transactions on multiple P-Card accounts, or two or more transactions using the P-Card and a purchase order in order to circumvent competitive procurement requirements as set forth in the City's Procurement Policy.

Cardholders are prohibited from splitting a transaction between two or more transactions on a single P-Card, two or more transactions on multiple P-Cards, or two or more transactions using a P-Card and a purchase order in order to circumvent the Transaction Limits set forth herein.

Only the Procurement Official can authorize the use of P-Cards for targeted purchases in excess of transaction limits pursuant to this Policy.

F. Payment of Sales and Use Tax

O.C.G.A. §48-8-3 exempts purchases made by the City from State Sales Tax when payment is made with appropriated funds. Cardholders must present the Department of Revenue's *Sales Tax Certificate of Exemption* Form ST-5 (Appendix C) to vendors upon request. Purchases made in other states are subject to that state's sales tax.

Cardholders are responsible for making a good faith effort to ensure that vendors do not charge State Sales Tax on City purchases.

- If taxes are charged, the Cardholder must contact the vendor to obtain a credit to the account. Credits cannot be obtained by any other method, including, but not limited to, cash, gift cards, or store credit without approval from the Procurement Official.
- If the vendor cannot deduct the sales tax because of pre-set controls within their computer system or will not honor the exemption, the Cardholder may continue with the purchase but must note the refusal on the receipt (include all substantiating details such as vendor's employee name/title, date, time, etc.).

G. Returns

Cardholders are responsible for coordinating returns with the vendor and making sure a proper credit is obtained. Credits shall be issued to the Cardholder's account. Refunds in the form of cash, gift cards, or store credit are not allowed without approval from the Procurement Official.

H. Cardholder Liability

The P-Card is a "corporate" charge card that will not affect the Cardholder's personal credit; however, it is the Cardholder's responsibility to ensure that the card is used within the guidelines of the City's applicable policies and procedures.

The City will not accept liability or financial responsibility for unauthorized use of P-Cards (e.g. purchases made for personal use).

Cardholders must ensure all purchases are in accordance with applicable City procurement policies and procedures including this Policy and are only for legitimate business purposes. Misuse (inappropriate, unauthorized, or fraudulent use) of the P-Card may subject the Cardholder to disciplinary action, criminal prosecution, and/or termination of City employment.

I. Dormant P-Cards

P-Cards with no activity for six months will be considered dormant and the account subject to closing.

IV. P-Card Documentation

A. Transaction Documentation

Supporting documentation in the form of original itemized receipts (e.g. invoices, charge slips, cash register receipts and phone/mail/fax/internet order forms and confirmations) must accompany each transaction. The original itemized receipts should display the date of purchase, vendor name, itemized descriptions, cost, and tax exemption status. If a receipt is lost, the Cardholder/Department Coder must attach a written memorandum (signed by their department director) to the monthly P-Card statement explaining the purchase transaction. The memorandum will be submitted to the Procurement Official. Employees who repeatedly lose receipts will be subject to P-Card revocation.

B. Records Retention Requirements

The City Clerk maintains the official Records Retention Schedule for the City. Documents related to the P-Card Program will be retained in accordance with the record series parameters provided under State law.

V. P-CARD COMPLIANCE

C. E-Verify

The Georgia Security and Immigration and Compliance Act, O.C.G.A. §13-10-91, requires certain vendors to file an affidavit that the vendor and its subcontractors have registered and participate in the federal work authorization program known as E-Verify. This program is intended to ensure that only lawful citizens or lawful immigrants are employed by the vendor or subcontractor. The City obtains this signed and notarized affidavit from vendors prior to entering into any service contract $2,500.00 or greater (subject to applicability standards as set forth in law). The P-Card single transaction limit is lower than the $2,500.00 E-Verify threshold negating the need to obtain an affidavit for P-Card purchases. Should the Procurement Official authorize a P-Card charge that is (1) in excess of the transaction limits and (2) falls under the E-Verify law, an affidavit will need to be obtained for the transaction.

V. P-Card Compliance

A. Merchant Category Code Authorizations

Merchant Category Codes (MCC's) are assigned by a vendor's bank based on the type of goods and/or services that they typically provide. Allowing or blocking certain MCC's, while not a fail-safe protection against unauthorized use of the P-Card, does provide a measure of protection against unauthorized or prohibited purchases.

The Procurement Official determines the City-authorized MCC groups that will be available to all Cardholders. Transactions at non-authorized MCC's are denied at the point-of-sale.

B. Internal Controls

An internal control structure is established to ensure compliance with all applicable City procurement policies and procedures including this Policy.

Internal controls include:

1. Appropriate separation of duties between individuals initiating transactions (Cardholders), reviewing and approving transactions for payment (Department Coders, Department Directors, and Procurement Official), and payment of monthly billing statement (Finance Department/Accounts Payable).
2. Appropriate hierarchical review and approval of purchases by someone with supervisory authority over the Cardholder and/or the authority to question

purchases if needed (Department Coders, Department Directors, Procurement Official, and/or Finance Department/Accounts Payable).

C. Internal Audits

1. Monthly Audits

   At the end of each billing cycle and reconciliation process, the Procurement Official will audit and log P-Card Program process/documentation deficiencies onto the *P-Card Usage Notice* Form (Appendix B) and submit to the Cardholder and approving Department Director for remedies. Failure to remedy the deficiencies and/or a repeated pattern of deficiencies will result in removal of the P-Card and, depending on the severity of the deficiency, disciplinary action, criminal prosecution, and/or termination of City employment.

2. On-site Audits

   The Procurement Official will conduct random audits to ensure compliance with the City's P-Card Program policy and procedures. The audit will be based on selected transactions and a periodic visual review of the purchased item (if applicable). Upon request, the Department Director, Department Coder, and/or Cardholder will assist with the location of the purchased item.

VI. P-Card Training

P-Card Program training is required for Department Directors, Department Coders, and Cardholders.

1. P-Card Training Session – Periodic training sessions will be provided to focus on program fundamentals including participant responsibilities, process flow, documentation requirements, fraud prevention, and follow-up compliance and auditing measures.
2. P-Card Knowledge Assessment – Department Directors, Department Coders, and Cardholders are required to complete/pass a knowledge assessment annually (existing City staff and Elected Officials) or before a P-Card is issued (new City staff and Elected Officials).

APPENDIX A

Appendix A

Example *Cardholder Agreement*

P-CARD APPLICATION AND ACCEPTANCE AGREEMENT

THE CITY OF ALPHARETTA GEORGIA

FINANCE DEPARTMENT
2 PARK PLAZA
ALPHARETTA, GA 30009

I, ______________________________, hereby request a City P-Card.

1. I agree to comply with the terms and conditions of this Agreement and with the provisions of the *Purchasing Policies* and *Procurement Card Policies and Procedures*. All documents are available on the AlphaWeb as well as by contacting your Finance Liaison.
2. I understand that the City is liable to SunTrust Bank for all charges I make on the P-Card.
3. I agree to use the P-Card for authorized official business purchases only and agree not to charge personal purchases. I authorize the City to take whatever steps are necessary to collect an amount equal to the total of the improper purchases, including but not limited to declaring such purchases an advance on my wages to the extent allowed by law.
4. I agree to notify the P-Card Administrator at Purchasing@alpharetta.ga.us if my name or contact information changes. I further acknowledge that name changes will require proof of change (i.e. copy of marriage license and/or decree of legal name change).
5. If the P-Card is lost or stolen, I will **immediately** notify SunTrust Bank at 1-800-836-8562. I will also notify my Department Director, Department Coder, and the P-Card Administrator at Purchasing@alpharetta.ga.us, in writing/e-mail, at the first opportunity during normal business hours.
6. I understand that improper or fraudulent use of the P-Card may result in disciplinary action, up to and including termination of my employment. I further understand that the City may suspend my right to use the P-Card at any time for any reason.
7. I agree to surrender the P-Card immediately upon request or upon termination of employment for any reason.

Cardholder Agreement and Acceptance:

Employee Signature: ______________________ Date: ______________

Print Name: ______________________ Last 4 Digits of SSN: __________

Employee's E-mail Address: ______________________ Phone: ______________

Department: ______________________

Cardholder's Department Director:

Request Approval/Signature: ______________________ Date: ______________

Director of Finance /Procurement Official:

Request Approval/Signature: ______________________ Date: ______________

Cardholder Acknowledgement of Receipt of Card:

The **City of Alpharetta** is pleased to present you with this P-Card. It represents trust in you and your empowerment as a responsible agent to safeguard and protect City of Alpharetta assets.

Last 4 Digits of Card Number: ______________ Card Expiration Date: __________

Cardholder Signature for Card Receipt: ______________________ Date Received: ______________

CITY OF ALPHARETTA 2 PARK PLAZA ALPHARETTA, GA 30009 WWW.ALPHARETTA.GA.US 678.297.6000

APPENDIX B

Appendix B

Example *P-Card Usage Notice* Form

P-CARD CARD USAGE NOTICE

FINANCE DEPARTMENT
2 PARK PLAZA
ALPHARETTA, GA 30009

Date: ____________________

To: ___________________________________ Last (4) Digits of Card: _____________

CC: ___________________________________, Department Director
Thomas Harris, Finance Director
Shawn Mitchell, Budget & Procurement Manager

From: Finance Department, Budget & Procurement Division

Re: P-Card Statement Date (Mo/Yr): ______________________________

Finance Department staff has reviewed the monthly P-card transactions. Please follow up with ____________________________, in writing, within two weeks from the date of this notice detailing the action(s) taken and providing any necessary documentation.

_____ **Sales taxes paid**. All purchases made with a P-Card are exempt from State of Georgia sales tax. Although sales tax reimbursement is no longer required, if sales tax is charged, it is the cardholder's responsibility to attempt to secure a credit from the vendor and document such process as part of the statement's backup.

_____ **Inadequate or no description of item purchased**. Sales receipt does not give a proper description of the item purchased. Please explain/describe the item purchased. Descriptions must also be added when receipt uses store coding, inventory codes, abbreviations, etc. that do not clearly name or describe the purchase.

_____ **Original receipt not included.** All receipts accompanying the monthly statement are to be the originals. Copies may be kept for department records or to include with travel expense reports.

_____ **Exceeded single transaction limit/split charge.** The single transaction limit is $2,499.99. For any purchases over $2,499.99, please see your department's admin staff for assistance in initiating a purchase order.

_____ **Travel meal purchased.** For non-local travel, the City provides per diem for meal and incidental costs. Please remit reimbursement within ten (10) business days.

_____ **Local fuel purchased.** For all City owned vehicles, fuel for local vicinity driving (within 50 miles of City Hall) should be purchased through the Fulton County fuel depot. Please inform your department's admin staff if the fuel purchase was related to non-city vehicle so they can document accordingly. All fuel receipts must be marked with vehicle ID and driver name.

_____ **Itemized meal receipt not included.**

_____ **Food purchase – no list of participants / no explanation.** In order to comply with IRS regulations, the City requires itemized meal receipts and the final sales receipt. All food and meal purchases must be accompanied with a list of those attending and the reason for the purchase/meeting. Please forward the itemized meal receipt and/or details noted within ten (10) business days. If the receipt cannot be located and the vendor will not provide a duplicate, your department director should provide an explanatory memo detailing the reasons for lack of compliance with this section.

_____ **Missing receipt.** The P-Card receipt for ______________________________ was not included with the monthly statement. Please provide a written memo within ten (10) business days, signed by your department director, explaining the reason for lack of compliance with this section.

_____ **Non Staples purchase.** In order to receive the best price for office supplies, the City only purchases office supplies from Staples. Please provide an explanatory memo along with documentation supporting why this purchase was not possible/appropriate to be initiated through Staples. If research proves that another source is less than Staples, please provide that information.

_____ **Other:** ____

Please contact the appropriate Finance Department liaison with any questions you may have regarding the information contained herein.

CITY OF ALPHARETTA 2 PARK PLAZA ALPHARETTA, GA 30009 WWW.ALPHARETTA.GA.US 678.297.6000

APPENDIX C

Appendix C

Sales Tax Certificate of Exemption

Form**ST-5** (Rev. 2/2012)

STATE OF GEORGIA
DEPARTMENT OF REVENUE
SALES TAX CERTIFICATE OF EXEMPTION
GEORGIA PURCHASER OR DEALER

EFFECTIVE OCTOBER 1, 2011

To: ______________________________ ____________, ______
(SUPPLIER) (DATE)

______________________________ ____________ ________ __________
(SUPPLIER'S ADDRESS) (CITY) (STATE) (ZIP CODE)

THE UNDERSIGNED DOES HEREBY CERTIFIES that all tangible personal property purchased or leased after this date will be for the purpose indicated below and that this certificate shall remain in effect until revoked in writing. Any tangible personal property obtained under this certificate of exemption is subject to the sales and use tax if it is used or consumed by the purchaser in any manner other than that indicated on this certificate (Check appropriate box.)

[ ] 1. Purchases or leases of tangible personal property or services for resale. O.C.G.A. § 48-8-30.

[x] 2. For use by the Federal Government, Georgia State Government, any county, municipality, qualifying authority or public school system of this state. Payment must be made by warrant on appropriated Government funds. A Georgia sales and use tax number is not required for this exemption. O.C.G.A. § 48-8-3(1).

[ ] 3. Purchases or leases of tangible personal property or services for **RESALE ONLY** by a church, qualifying nonprofit child caring institution, nonprofit parent teacher organization or association, nonprofit private school (grades K-12), nonprofit entity raising funds for a public library, member councils of the Boy Scouts of the U.S.A. or Girl Scouts of the U.S.A. **THIS EXEMPTION DOES NOT EXTEND TO ANY PURCHASE TO BE USED BY OR DONATED BY THE PURCHASING ENTITY.** A Georgia sales and use tax number is not required for this exemption. O.C.G.A. § 48-8-3(15),(39),(41),(56),(59),and(71).

[ ] 4. Non-returnable materials used to package tangible personal property for shipment or sale. These items shall be used solely for packaging and shall not be purchased for reuse. O.C.G.A. § 48-8-3(35).

[ ] 5. Aircraft, watercraft, motor vehicles, and other transportation equipment manufactured or assembled in this state sold by the manufacturer or assembler for use exclusively outside of this state when possession is taken by the purchaser within this state for the sole purpose of removing the property from this state under its own power due to the fact that the equipment does not lend itself more reasonably to removal by other means. A Georgia sales and use tax number is not required for this exemption. O.C.G.A. § 48-8-3(32).

[ ] 6. The sale of aircraft, watercraft, railroad locomotives and rolling stock, motor vehicles, and major components and replacement/repair parts of each, which will be used principally to cross the borders of this state in the service of transporting passengers or cargo by common carriers in interstate or foreign commerce under authority granted by the United States government. Private and contract carriers are not exempt. O.C.G.A. § 48-8-3(33)(A).

____
PURCHASER'S BUSINESS ACTIVITY

Under penalties of perjury I declare that this certificate has been examined by me and to the best of my knowledge and belief is true and correct, made in good faith, pursuant to the sales and use tax laws of the State of Georgia.

Name of Purchaser: CITY OF ALPHARETTA, GEORGIA Sales Tax Number: 301-682441

Purchaser's Address: 2 PARK PLAZA City: ALPHARETTA State: GA ZIP Code: 30009

Name: THOMAS G HARRIS Signature: Title: FIN DIRECTOR

A dealer must secure one completed certificate from each buyer making tax exempt purchases. The dealer must maintain a copy of the certificate presented for audit purposes. Certificates must be obtained within 90 days of the exempt sale being completed or within 120 days of the Department's request. Certificates obtained within 120 days of the Department's request must meet the good faith standard as defined in O.C.G.A. § 48-8-38. Exempt sales cannot be made to Taxpayers holding a "214" prefix sales and use tax number.

City Council Meeting
STAFF REPORT

Submitting Department: Public Works
Submitted By: Pete Sewczwicz, Public Works Director
Meeting Date: November 9, 2015

I. AGENDA ITEM TITLE: WINDWARD PARKWAY AT GA 400 AND WESTSIDE PARKWAY IMPROVEMENTS

II. RECOMMENDATION:

Please authorize the Mayor to execute the agreement between the City, Fulton County, and North Fulton Community Improvement District (NFCID) for improvements along Windward Parkway.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

IV. REPORT IN BRIEF:

The intersection of GA 400 and Windward Parkway has congestion in both the morning and evening peak hours. The solution to resolve the morning issue was to construct an additional lane along Windward Parkway between the exit ramp and North Point Parkway. NFCID contracted with an engineering firm to design the work and then worked with the City and Georgia Department of Transportation (GDOT) to implement the improvements. Ultimately, GDOT funded the project through its operations program and the project has been completed.

Solving the congestion in the evening hours consists of installing triple lefts from the ramp onto Windward Parkway. The third lane turns into a dedicated right-turn lane onto Deerfield. Associated with Phase Two is an improvement at Westside and Windward to permit dual left turn lanes onto southbound Westside Parkway. The cost of Phase Two is approximately $5.760M. This cost includes design, right-of-way acquisition, utility relocations, and construction.

To assist in covering this cost the City has been awarded $1.370M from GDOT. On January 26, 2015 the City approved the Project Framework Agreement (PFA) between GDOT and the City. The previous month, the City approved a Memorandum of Understanding (MOU) between the City and NFCID, stating any cost overruns associated with this project is the responsibility of the NFCID. The NFCID obtained funding from several sources other sources, $2.783M from Georgia Transportation Infrastructure Bank (GTIB) and $300k from GDOT Operations. Additionally, the NFCID has allocated over $807k of their own funds to cover design and project management costs.

Over the last year the NFCID has been working with Fulton County to obtain additional funds to cover construction costs. Per Georgia law, Fulton County cannot provide street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic, inside the boundaries of any municipality *except by contract with the municipality affected*. The attached Inter-

Governmental Agreement (IGA) between the City, Fulton County, and NFCID outlines the responsibility of each party and the transferring of $500k to the NFCID with 45 days of all parties signing the IGA.

The current schedule has this project letting in December of 2017 and construction starting in the Spring of 2018.

V. ALTERNATIVES:

VI. ATTACHMENTS:

IGA Between City, NFCID, County

INTERGOVERNMENTAL AGREEMENT
between
FULTON COUNTY, GEORGIA,
THE CITY OF ALPHARETTA,
and
NORTH FULTON COMMUNITY IMPROVEMENT DISTRICT
for
FUNDING OF WINDWARD PARKWAY, PHASE 2

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into effective the date last signed below ("Effective Date"), by and between FULTON COUNTY, GEORGIA ("County"), a political subdivision of the State of Georgia, THE CITY OF ALPHARETTA ("City"), a municipal corporation of the State of Georgia, and the NORTH FULTON COMMUNITY IMPROVEMENT DISTRICT ("CID"), a community improvement district created pursuant to Georgia law. (County, City, and CID are sometimes referred to herein individually as "Party" and collectively as "Parties".)

WHEREAS, by Resolution of Fulton County, the North Fulton Community Improvement District was created pursuant to an Act of the Georgia Legislature, 1987 Ga. L. 5460, and lies within Fulton County, Georgia; and

WHEREAS, the CID was created to provide a means to supplement and enhance the government services and facilities within the CID including for street and road construction; and

WHEREAS, the CID has designed improvements to the Georgia 400 northbound exit lane to Windward Parkway so as to add a left turn which will result in triple left turns, as well as widening Windward Parkway westbound to receive the triple left movement (collectively "Project"); and

WHEREAS, the Project concept has been approved by the Georgia Department of Transportation ("GDOT"); and

WHEREAS, the Project improvements are located within the City; and

WHEREAS, pursuant to the Georgia Constitution, Art. 9, § 2, ¶ III, the County cannot provide street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic, inside the boundaries of any municipality except by contract with the municipality affected; and

WHEREAS, completion of the Project will provide the following: valuable improvement to the transportation facilities within the County and the CID; enhanced economic productivity within the County; and improved quality of life for the citizens of the County; and

WHEREAS, the Project cost is estimated at $5,760,546, with funding identified from the CID, GDOT, and the State Road and Tollway Authority ("SRTA"), and the CID has requested funding from the County of $500,000 to complete the Project; and

WHEREAS, the County desires to contribute to the funding of the Project.

NOW, THEREFORE, in consideration of the mutual covenants and benefits flowing to the parties, the County, the City, and the CID do agree as follows:

1.

As between the Parties, CID is responsible for causing the design, environmental, acquisition of right of way, utility relocation if necessary, engineering, permitting, and construction of the Project.

2.

GDOT will let the Project.

3.

The County undertakes no responsibilities related to the Project other than funding $500,000 of its cost, and will in no event be responsible for cost overruns.

4.

The County will fund a portion of Project costs by forwarding $500,000 to CID within forty-five (45) days of the Effective Date of this Agreement.

5.

The City is a Party to this Agreement solely for the purpose of complying with the Home Rule provisions of the Constitution of the State of Georgia and does not undertake any duties herein except to serve as sponsor in a Project Framework Agreement with the Georgia Department of Transportation. Both the County and the CID hereby acknowledge that the City shall have no financial responsibility arising from this Agreement.

6.

This Agreement is made and entered into in Fulton County, Georgia, and shall be governed and construed under the laws of the State of Georgia. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assignees of the parties hereto.

IN WITNESS WHEREOF, the County, the City, and the CID have caused this Agreement to be executed under seal by their duly authorized representatives effective the date last signed below.

FULTON COUNTY, GEORGIA	**CITY OF ALPAHRETTA, GEORGIA**
______________________________	______________________________
John H. Eaves, Chairman Board of Commissioners	David Belle Isle, Mayor
ATTEST:	ATTEST:
______________________________	______________________________
Clerk to Commission	City Clerk
Date: _________________________	Date: _________________________
Approved as to form:	Approved as to form:
______________________________	______________________________
Office of the County Attorney	City Attorney

NORTH FULTON COMMUNITY IMPROVEMENT DISTRICT

BY: ___________________________
Chairman

ATTEST:

____

Date: _________________________

City Council Meeting
STAFF REPORT

Submitting Department: Recreation and Parks
Submitted By: Lisa Cherry, Rec. & Parks Deputy Director
Meeting Date: November 9, 2015

I. AGENDA ITEM TITLE: FUTURE USE OF OLD LIBRARY

II. RECOMMENDATION:

Provide direction to staff on future use of the former Fulton County library located at 238 Canton Street.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO | FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO | INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

IV. REPORT IN BRIEF:

In September 2015, Fulton County officials deeded the old library property at 238 Canton Street to the City. This 3 acre property is located at the intersection of Canton Street and Mayfield Road. It includes the main building (approximately 9,000 sq. ft.), 38 parking spaces, and the surrounding outdoor area. The City took possession of the property in October.

The next step was gathering citizen input on future use of the property. The idea of converting the old library into an arts center was already on the radar as a result of citizen input obtained during the development of Recreation and Parks Master Plan 2025. One of the plan recommendations listed in the document is "acquire the Fulton County Library site for use as a relocated Adult Activity Center or Visual/Performing Arts Center." Further, the plan recommended the City continue to facilitate Arts programs through use of City facilities and continued relationships and partnerships with art advocacy and non-profit groups.

As the certainty of the property becoming the City's grew, staff scheduled two public input meetings to gather additional citizen input on the future use of the property.. These meetings were held on September 21 and October 5 and were well-attended by the public. In addition to an arts center, citizens brought forth other ideas including space for special needs programs, Police Athletic League, teen center, and a tech museum.

A community arts center has the potential to serve a broad population of residents. An arts center would offer an extensive and diverse program of classes, art exhibitions, speaker series, gallery space, black box theatre, and outreach programs for the entire community including children, teens, adults, seniors, those with special needs, and underserved populations.

Through greater visibility and more centralized access for residents, the center promises to be a gathering space for Alpharetta's artistic community. The current class offerings could expand exponentially and the center could become one of the finest art centers in our region.

Visual art classes could include drawing, painting, pottery, glass, photography, digital media and more. The spirit of the old library could also be maintained by the addition of an art library of donated books.

A black box theatre within the new arts center can foster the expansion of the performing arts. The theatre could be used as a community theatre, music venue, lecture hall, and teaching space. Classes in dance, theatre, drama, set design, and music could easily be accommodated. The center could be designed with a separate entrance for evening performances that would include access to gallery space, restrooms, and a concessions area. A black box theatre could serve as a practice and performance venue for the Alpharetta City Band, Atlanta Symphony, and the Alpharetta Chorus.

Classes could also be offered on the lanai of the building as well as on the grounds. Over time, the surrounding property could be home to an outdoor sculpture garden and small event space. A small scenic pathway for public art displays, reflection and meditation could be developed on the 2/3 acre property across from the library. The visual connection of the two properties would enhance the entrance to the downtown garden district.

A new arts facility could provide citizens unprecedented access to the arts and artistic expression not currently afforded by the limited 3-room space of the current facility at Crabapple Government Center. The current facility is not visible and easily accessible to many of the citizens of Alpharetta.

It is important to keep the development and upgrade of this facility as flexible and relevant as possible. A focus of classic visual and cultural arts is implied with an arts center but a multi-faceted and modern-thinking use of the building must be considered as well. Attention needs to be given to creating a facility that is innovative and fresh yet flexible for future growth. The arts by their very nature are on the forefront of change and evolution, but facilities that are too static run the risk of being outdated and irrelevant within the first few years of operation. A flexible and open approach to usage should be considered with planning for future use of the building. This will allow the building to "find its own identity" based on the needs and wants of the arts community.

V. ALTERNATIVES:

VI. ATTACHMENTS:

City Council Meeting
STAFF REPORT

Submitting Department: Recreation and Parks
Submitted By:
Meeting Date: November 9, 2015

I. AGENDA ITEM TITLE: PARKS WITHOUT BORDERS PROGRAM WITH JOHNS CREEK RECREATION AND PARKS

II. RECOMMENDATION:

Staff recommends continuing the Parks without Borders Program with Johns Creek for youth recreational softball and expanding the program to include youth recreational baseball and recreational lacrosse for the 2016 spring and fall seasons, and authorize the Mayor to execute all necessary documents.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO | FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO | INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST: $0

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

IV. REPORT IN BRIEF:

A recommendation listed in the City of Alpharetta Recreation and Parks Department's ("ARPD") Master Plan 2025 is to continue and/or develop partnerships with neighboring municipalities for the provision of mutually beneficial recreation and parks programs and services. In 2015, City officials approved a one-year memorandum of understanding with the City of Johns Creek Recreation and Parks Department ("Johns Creek") for mutual waiving of non-resident fees for youth recreational softball for the spring and fall seasons. This MOU was unofficially dubbed the "Parks without Borders" program.

ARPD and Johns Creek employees have independently and collectively evaluated the effectiveness of the arrangement. Based on participation trends and the positive feedback from participants, the relationship has met the goal of being beneficial to residents of both cities. Financially, the loss of non-resident revenue collected for youth recreational softball (estimated to be @ $4,500 out of $200,000 collected annually by ARPD) is negligible compared to the value to the communities. Our partner for girls' softball, Alpharetta Youth Softball Association, has embraced the Parks without Borders program and supports the continuation of the agreement for 2016 and beyond. Youth recreational softball participation is noted below.

ARPD Leagues

Spring 2014 Total Participation: 343
- Alpharetta: 138
- Milton: 154
- Johns Creek: 15
- Other: 36

Spring 2015 Total Participation: 373
- Alpharetta: 128
- MIlton: 161

- Johns Creek: 41
- Other: 41

<u>Johns Creek Leagues:</u>
Spring 2014 Total Participation: 80
- Alpharetta: 3
- Milton: 0
- Johns Creek: 73
- Other: 4

Spring 2015 Total Participation: 55
- Alpharetta: 4
- Milton: 0
- Johns Creek: 49
- Other: 2

The success of the initial Parks without Borders program led staff to consider opportunities to expand to other programs, bearing in mind the priority of ensuring residents of each city are not adversely affected by the relationship. Representatives of both cities discussed the possibility of including recreational lacrosse and baseball and believe including these two activities (in addition to youth recreational softball) will unquestionably enhance the recreational experiences of everyone involved in these programs without negatively affecting either city's bottom line.

Both ARPD and Johns Creek offer quality youth recreational baseball programs (ARPD at Wills Park and Webb Bridge Park and Johns Creek at Ocee Park and Newtown Park).. For Alpharetta residents who live near Ocee and Newtown Parks, it would be much more convenient for them to have an option to play closer to home. Our partner, Alpharetta Youth Baseball Association, is supportive of the Parks without Borders program with Johns Creek and believes it will make their program stronger and allow them to serve more youth. Youth recreational baseball participation is noted below.

<u>ARPD Leagues</u>
Spring 2014 Total Participation: 647
- Alpharetta: 455
- Milton: 106
- Johns Creek: 58
- Other: 28

Spring 2015 Total Participation: 948
- Alpharetta: 446
- Milton: 373
- Johns Creek: 51
- Other: 78

<u>Johns Creek Leagues</u>
Spring 2014 Total Participation: 787
- Alpharetta: 102
- Milton: 2
- Johns Creek: 623
- Other: 60

Spring 2015 Total Participation: 685
- Alpharetta: 86
- Milton: 0
- Johns Creek: 547
- Other: 52

Although ARPD has made an effort to increase the quality of and participation in our youth lacrosse leagues, Johns Creek has a larger and arguably stronger program. The addition of youth lacrosse to the Parks without Borders program would be extremely popular with Alpharetta residents whose children play lacrosse. The larger pool of teams to compete against would improve the skill level and development of Alpharetta players. Youth recreational lacrosse participation is noted below.

ARPD Leagues
Spring 2014 Total Participation: 34
- Alpahretta: 20
- Milton: 10
- Johns Creek: 4
- Other: 0

Spring 2015 Total Participation: 126
- Alpharetta: 102
- Milton: 24
- Johns Creek: 0
- Other: 0

Johns Creek Leagues
2014 Spring Total Participation: 153
- Alpharetta: 32
- Milton: 0
- Johns Creek 118
- Other: 3

Spring 2015 Total Participation: 199
- Alpharetta: 17
- Milton: 1
- Johns Creek: 178
- Other: 3

If Council is amenable to continuing and expanding the Parks without Borders program, ARPD staff will work with the City Attorney and Johns Creek officials to develop an updated MOU and a new resolution to present at a future Council meeting.

V. ALTERNATIVES:

VI. ATTACHMENTS:

City Council Meeting
STAFF REPORT

Submitting Department: Administration
Submitted By: Sam Thomas, City Attorney
Meeting Date: November 9, 2015

I. AGENDA ITEM TITLE: DISCUSSION OF PUBLIC ART ORDINANCE

II. RECOMMENDATION:

III. REPORT IN BRIEF:

Staff will present for purpose of discussion a draft ordinance to establish the Alpharetta Cultural Arts Commission, standards and requirements for public art, and create the framework for the Art In Public Places Program.

IV. ALTERNATIVES:

V. ATTACHMENTS:

Draft Public Art Ordinance

ORDINANCE NO. ________

AN ORDINANCE TO PROVIDE STANDARDS AND REQUIREMENTS FOR THE PLACEMENT OF ART IN PUBLIC PLACES; TO CREATE THE ALPHARETTA CULTURAL ARTS COMMISSION AND TO PROVIDE FOR ITS DUTIES AND POWERS; TO ESTABLISH PROCEDURES FOR THE SELECTION AND REVIEW OF WORKS OF ART IN PUBLIC PLACES; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Alpharetta (the "City Council") are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta (the "City"); and

WHEREAS, the City Council finds and declares that the City has a responsibility for expanding public experience with art; and

WHEREAS, the City Council desires to further the policies and goals of creating a system of outdoor public art attractions by adopting an ordinance providing requirements for the placement of visual works of art in public places within the City of Alpharetta; and

WHEREAS, the City Council desires to further the policies and goals of creating a public art program and promoting public art by establishing the Art in Public Places Program, creating the Alpharetta Cultural Arts Commission, and adopting regulations governing the selection, location and placement of works of art in public places and establishing procedures related thereto; and

NOW THEREFORE, The Council of the City of Alpharetta hereby ordains, as follows:

Section 1: Chapter 16 of The Code of the City of Alpharetta, Georgia is hereby amended by adding a new Article IV, entitled "Art in Public Places," which is attached hereto as Exhibit "A" and incorporated herein by this reference.

Section 2: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 3: This Ordinance shall be effective immediately upon its adoption by the City Council and incorporated into The Unified Development Code of the City of Alpharetta, Georgia. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the ____________day of ________________________, 2015.

ORDINANCE NO. ________

Approved:

____
David Belle Isle, Mayor
COUNCILMEMBERS

Attest:

____
Coty Thigpen, City Clerk
(Seal)

____

Approved as to Form:

____

____
C. Sam Thomas, City Attorney

____

____

____

EXHIBIT A

ARTICLE IV. ART IN PUBLIC PLACES

16-70. PURPOSE AND FINDINGS

(a) Purpose. It is the intent of this Article to establish and implement a program providing art in public places in the City of Alpharetta and thereby provide for and promote the creation of works of art, the acquisition and/or commission of works of art, and the placement and maintenance of works of art in public places, and to otherwise establish regulations that promote the welfare and prosperity of the community through the experience of the arts and participation in art programs available within the City. These regulations are established for the purpose of implementing the policies and goals set forth in the City's Comprehensive Plan and Downtown Master Plan and other interests, policies and goals of the City, including: (a) to foster community pride; (b) to improve the visual attractiveness of public spaces; (c) to provide for the incorporation and connectivity of small scale outdoor spaces, green spaces, open spaces and other public spaces as a system of public art attractions; (d) to encourage the creation of art in public places; (e) to encourage public interaction with public places, areas that provide for public ownership or accessibility, via the placement or performance of works of art; (f) to promote art attractions to residents, tourists and visitors and thereby promote and stimulate business and economic development in the City; and (g) to provide for the opportunity and ability to appreciate art and expand cultural opportunities throughout the community.

(b) Findings. The City Council finds that the City has a responsibility for expanding public experience with art. The City Council further finds that the City's public system of outdoor public art attractions, including outdoor visual works of art placed on or within property owned or leased by the City, public right-of-way, or the public pedestrian and bicycle transportation system, play an important role in defining the identity that the City projects to its residents and the outside world and that the City has a substantial interest in selecting works of art that are appropriate for the place in question, based on aesthetics, history, local culture, and similar factors. Accordingly, the City Council finds that such visual works of art convey and have the effect of conveying a government message and thus constitute government speech.

Sec. 16-71. DEFINITIONS

For purposes of this Article, the following words and phrases shall have the meanings set forth below:

"Art in public places" means any visual work of art placed and displayed on City-owned property, including in the public right-of-way, on the exterior of any City-owned facility or inside any City-owned facility in areas designated as public areas, and any work of art displayed on private property when the work of art is installed or financed wholly or in part with City funds or grants procured by the City or the visual work of art is installed in a publicly visible and accessible area of the property as a public improvement in accordance with a condition of zoning approval, as further provided herein.

"Performing artist" means a person who is schooled and experienced in and practices one of the performing arts.

"Performing arts" includes the following art forms: music, dance, film, video, theater, visual arts, voice, and writing.

"Work of art" includes, but is not limited to, visual arts, such as a sculpture, monument, mural, fresco, relief, painting, fountain, mosaic, carving, and stained glass, and performing arts. "Work of art" does not include landscaping, paving, architectural ornamentation, or signs.

Sec. 16-72. PLACEMENT OF ART IN PUBLIC PLACES REQUIRED.

In furtherance of the aforesaid policies and in order to implement the Comprehensive Plan and Downtown Master Plan policies and goals of creating a public art program and providing for the incorporation and connectivity of small scale outdoor spaces, green spaces and open spaces as a system of outdoor public art attractions in order to foster community pride, improve the visual attractiveness of public spaces and promote public art, the placement of works of art in public places shall be required by the City as follows:

(a) City Projects. The City hereby establishes a policy of directing the inclusion of visual works of art in City capital improvement projects when the placement of such works of art will implement the interests, policies and goals of the City, as determined by the City Council. In accordance therewith, as part of the planning of capital improvement projects, funding and locations for the placement of visual works of art within the limits of the following types of capital improvement projects will be assessed: (1) construction of a new City building; (2) substantial renovation and/or expansion of an existing City building; (3) development or redevelopment of a City-owned park or plaza, excluding projects limited to maintenance, repair and/or landscaping; and (4) City streetscape projects. When approved by the City Council, the placement of visual works of art shall be included within the scope of certain capital improvement projects.

(b) Redevelopment of Private Property. Visual works of art should be incorporated into private developments in order to ensure that such proposed uses and developments are in harmony with the Comprehensive Plan, as well as the Downtown Master Plan, Downtown

Circulation Study and Arts Master Plan, and compatible with existing and planned City art projects and the City's outdoor public art system, as determined by the City Council, and placed or installed as public improvements on privately-owned public spaces and park spaces (hereinafter referred to as a "public spaces"), which are interconnected and linked by the City's pedestrian and bicycle network to other public spaces, as part of the City's public system of outdoor public art attractions, when the City Council determines that such required public improvements are substantially related to the public, health, and welfare. In order for such works of art to be publicly visible and accessible and integrated as part of the City's public art system and pedestrian and bicycle transportation system, easements providing public access to and use and enjoyment of such visual works of art by the public are required to be dedicated to the City. Accordingly, when the placement of a visual work of art on a privately-owned public space, or other publicly visible and accessible location on private property, is required as a public improvement pursuant to a condition of zoning approval, the selection and placement of such work of art shall be performed in conformity with the applicable provisions of this Article.

Sec. 16-73. ART IN PUBLIC PLACES PROGRAM

(a) Art in Public Places Program Established. In order to further implement the foregoing objectives and policies and to promote the welfare and prosperity of the community through the experience of art in public places, the City of Alpharetta hereby establishes the Art in Public Places Program.

(b) Applicability. The Art in Public Places Program is intended to guide the City's expenditure of funds allocated to the placement of visual works of art in public places and the selection, development, and placement of visual works of art on City-owned property. The program shall strive to encourage artists capable of creating works of art for placement or performance in public places so as to expand cultural opportunities throughout the community and elevate Alpharetta's status within the region as a vibrant, intelligent, and culturally rich community.

(c) Objectives. The primary objectives of the Art in Public Places Program are:

(1) To identify and develop public art projects and works of art that enhance the aesthetic quality of public places within the City of Alpharetta and convey the history, culture, values, identity, and diversity of the City, its neighborhoods, its districts, its buildings, and its places;

(2) To commission artists to create and/or otherwise select such works of art for placement on City-owned property;

(3) To identify and pursue additional sources of funding for works of art and donations of works of art to the City;
(4) To inform the public regarding works of art in public places, including opportunities for public participation in all phases of the public art process; and
(5) To promote the visual and performing arts in the City of Alpharetta.

Sec. 16-74. CULTURAL ARTS COMMISSION

(a) Creation of the Cultural Arts Commission.

There is hereby created a City commission whose title shall be the "Alpharetta Cultural Arts Commission" (hereinafter, the "Arts Commission").

(b) Arts Commission Members: Number, Appointment, Terms, and Compensation.

The Arts Commission shall consist of seven (7) members. The mayor and each council member shall each appoint one (1) member to the commission, to serve concurrently with and at the pleasure of the mayor or council member making the appointment. There shall be no limit on the number of terms a member may serve on the Arts Commission. Arts Commission members must be residents of the City. At least four (4) members of the Arts Commission shall have demonstrated special interest, experience, or education in visual or performing arts. Arts Commission members shall not receive a salary, although they may be reimbursed for expenses with the prior approval of the city administrator.

(c) Administration of Arts in Public Places Program.

The Arts Commission shall act in an advisory capacity to the City Council in matters relating to the administration of the Art in Public Places Program, as follows:

(1) Reviews and makes recommendations regarding the acquisition, commission, selection, and placement of works of art for projects that have been approved, funded and referred to the Arts Commission by the City Council;
(2) Reviews and makes recommendations on project concepts for public art projects, including suitable locations and appropriate artistic formats, as referred by the City Council;
(3) Reviews, develops and recommends guidelines governing the Art in Public Places Program for City Council consideration; and
(4) Reviews and makes recommendations on other matters related to the Art in Public Places Program as requested by the City Council.

(d) Review and Approval of Works of Art Placed on Private Property as Public Improvement.

The Arts Commission shall review and approve, reject or otherwise act on all applications for concept and design approval of visual works of art that are required to be placed on privately-owned public spaces and dedicated to the City as a public improvement pursuant to a condition of zoning approval.

(e) Other Powers and Duties.

To facilitate the administration of the provisions of this Article relating to art in public places, including the selection and placement of visual works of art in public places and the production of performing arts, as further set forth herein, the powers and duties of the Arts Commission shall further include the following:

(1) Recommend guidelines, rules and procedures necessary to implement regulations of this Article;

(2) If requested by the City Council, develop and update a citywide public art master plan that identifies opportunities for the placement of works of art in public places in the City of Alpharetta;

(3) Screen artists and, based on artist's professional recognition and credentials, approve or reject an artist's listing on City registry of artists qualified for commissioning of works of art by the City;

(4) Develop and maintain a registry of materials regarding works of art submitted by artists for consideration for future art projects;

(5) Review and make recommendations to City staff on request for proposals to create works of art for art projects that have been funded and approved by the City Council;

(6) Review and make recommendations to the City Council for the selection of artists and works of art for projects that have been funded and approved by the City Council;

(7) Develop and maintain an inventory of works of art in public places in the City of Alpharetta and produce and disseminate educational and promotional materials regarding such works of art;

(8) Engage widespread public participation in Art in Public Places Program;

(9) Coordinate public art projects with participating City departments and other participating agencies and organizations;

(10) Establish schedules and standards for maintenance of works of art in public places in consultation with the artist, if feasible;

(11) Provide an annual report to the City Council documenting activities and accomplishments and provide such other reports as may be requested from time to time by the City Council;

(12) Recommend other art programs to the City Council for program funding, such as rotating art exhibitions, cultural symposiums and theatrical productions; and

(13) Review and perform such other duties and functions as expressly delegated to the Arts Commission by the City Council.

Sec. 16-75. SELECTION OF WORKS OF ART

(a) Art in Public Places Registry. The City shall establish a registry of qualified artists, which shall be known as the "Art in Public Places Registry."

(b) Selection Process. In accordance with the provisions of this Article and such other guidelines and procedures adopted by the City Council, the Arts Commission shall solicit input, review, and make recommendations regarding works of art in public places for which funding and project development have been approved by the City Council, or which have otherwise been funded and referred to the Arts Commission by the City Council, as follows:

(1) Community Participation. The Arts Commission shall engage local residents and other local stakeholders in the process of selecting works of art for public art projects in accordance with City guidelines and procedures.

(2) Project Concept. The Arts Commission shall work with the Community Development Department, project design team, and, for public art projects that are included within the scope of a capital improvement project, other applicable City department(s) to further develop the concept for the public art project, including suitable locations and appropriate formats, consistent with the goals and framework established by the City Council.

(3) Selection Method. The Arts Commission shall recommend to the City Council the most appropriate method of selecting works of art for each public art project, which may be selected by a variety of methods, including, but not limited to, the following:

a. Open Competition: A request for proposal is advertised locally, regionally, or nationally and through the Art in Public Places Registry. Interested artists may submit materials for review, which include slides, sketches, letters of interest, resumes and supplementary materials, such as reviews, articles, books or brochures.

b. Limited Invitational: Proposals are solicited from artists listed in the Art in Public Places Registry who are determined to be pre-qualified for the subject type of public art project, such that a select number of artists from the Art In Public Places Registry are invited to submit materials for review. Finalists may be further selected to submit detailed models for the project for which they will be paid a fee.

c. Invitation (sole source): One artist from the Art in Public Places Registry is invited to submit materials for review, and may be commissioned to create a detailed proposal.

d. Direct purchase (sole source/informal): An existing work is purchased for a specific project.

(4) Submission Options. The Arts Commission shall recommend to City Council and/or City staff, as applicable, submission requirements for each public art project.

(5) Recommendation; Approval. Unless otherwise authorized by the City Council, the Arts Commission shall make its recommendation to the City Council on the selection of an artist/vendor to perform a public art project or create a work of art, which shall make the final determination. Alternatively, the Arts Commission may recommend that no selection be made and that additional proposals be submitted or another available method for selection be undertaken.

(c) Selection Criteria. In regard to the selection of works of art, the Arts Commission and City Council shall consider the following factors:

(1) Extent to which the work of art represents or reflects special elements of the City's cultural, social, economic and architectural history;

(2) Compatibility with the design concept for the public art project, as established by the City Council and/or the Arts Commission (as applicable), and the appropriateness of the materials, textures, colors and design of the work of art to the expression of the design concept;

(3) Compatibility of the design with the immediate environment of the site and the appropriateness of the design to the function of the site;

(4) Compatibility of the design and location of the work of art with the character of the site and the surrounding area, including whether the style of art and design (in terms of its size, scale, height, shape, color, texture, and materials) is in harmony with the surrounding area;

(5) Appropriateness of the work of art to its context and whether the design and location of the work of art creates an internal sense of order and a desirable environment for the community;

(6) Extent to which the work of art improves the aesthetics of the site and surrounding area;

(7) Contribution the work of art makes to a citywide public art system that reflects the broad variety of tastes within the community and a balanced inventory to ensure a variety of style, design, and media throughout the community;

(8) Extent to which the work of art fosters a sense of community pride;

(9) Artistic quality of the work of art;

(10) Feasibility of implementation; and

(11) Such other factors established in applicable guidelines adopted by the City Council.

Sec. 16-76. WORKS OF ART PLACED ON PRIVATE PROPERTY AND DEDICATED TO CITY AS PUBLIC IMPROVEMENT

(a) Purpose. The provisions set forth in this Section are intended to implement the Comprehensive Plan and Downtown Master Plan policies and goals of providing for the incorporation and connectivity of small scale outdoor spaces, green spaces and open spaces as a system of outdoor public art attractions in order to foster community pride, improve the visual attractiveness of public spaces and promote public art. The purpose of this Section is to establish standards and procedures governing the selection and placement of visual works of art in public spaces located on private property when same are required to be installed by the owner or developer and subsequently dedicated to the City for the benefit of the public as a condition of zoning approval.

(b) Findings. The City Council finds that the City's public system of outdoor public art attractions and public pedestrian and bicycle transportation system play an important role in defining the identity that the City projects to its residents and the outside world and that the City has a substantial interest in selecting works of art that are appropriate for the place in question, based on aesthetics, history, local culture, and other similar factors. Accordingly, the City Council finds that visual works of art placed in public spaces and located on private property, which are required to be dedicated to the City for the benefit of the public, convey and have the effect of conveying a government message and thus constitute government speech.

(c) Applicability. The regulations and procedures set forth in this Section govern the selection and placement of visual works of art that are required to be placed in public spaces located on private property and subsequently dedicated to public use pursuant to conditions of zoning approval. The regulations and procedures set forth in this Section are only intended to apply to the placement of visual works of art in public spaces that are required to be subsequently dedicated to the City, as part of the City's public art system (and pedestrian and bicycle transportation system), by the land owner's conveyance of an easement in, onto, across and over such portion of the private property as necessary to provide public access to and use and enjoyment of such visual work of art by the public.

(d) Standards for Approval. In regard to the selection of a visual works of art that are required to be placed in public spaces located on private property and dedicated to the City as public improvements pursuant to conditions of zoning approval, the Arts Commission shall consider the factors set forth in Section 16-75(c) when evaluating applications for concept and design approval of such works of art.

Sec. 16-77. LOCATION OF WORKS OF ART

(a) Public Property. Works of art acquired or commissioned with City funds pursuant to this Article may be placed, temporarily or permanently, in, on or about any public right-of-way, city-owned property, or city-leased property, provided the specific location for any such work of art must be authorized or approved by the City Council. Further, the placement of visual works of art within the public right-of-way shall require the prior review and approval of the Director of Public Works.

(b) Private Property - Written Agreement. Works of art acquired or commissioned with City funds and displayed pursuant to this Article may also be placed in, on or about any private property with substantial public exposure in the City pursuant to a written agreement with the owner of such property. No work of art financed or installed either wholly or in part with City funds or with grants procured by the City shall be installed on privately-owned property without a written agreement between the City and the owner specifying the proprietary interests in the work of art and specifying other provisions deemed necessary or desirable by the City Attorney, which may include provisions specifying that the private property owner shall assure that:
   (1) The installation of the work of art, if applicable, or other improvement in the vicinity of the work of art will be done in a manner which will protect the work of art and the public;
   (2) The work of art will be maintained in good condition;
   (3) Public access to view the work of art shall be afforded, and not be inhibited; and
   (4) Insurance and indemnification will be provided, as appropriate.

(c) Private Property - Condition of Zoning. Visual works of art that are required to be placed on privately-owned property as a public improvement pursuant to a condition of zoning approval shall be located so as to be visible and accessible to the public. The proposed locations for such works of art shall be reviewed for conformity with the subject conditions of zoning approval, including any conditioned site plan. Subject to the terms of the applicable condition of zoning approval, if the Director of Community Development determines that the proposed placement of the work of art in a particular location of the site would be inappropriate due to inadequate public visibility or public access, the Director may require an alternate location on the site for placement of the work of art.

Sec. 16-78. OWNERSHIP

Title to all visual works of art acquired or commissioned with City funds or donated to the City shall be held in the name of the "City of Alpharetta, Georgia", except for visual works of art that are loaned, leased or donated to the City for temporary placement, as understood at time of funding approval or as otherwise approved by the City Council. Any artist of a visual work of art that the City has commissioned, or who donates, tenders or otherwise conveys title to any visual work of art to the City, shall be deemed to have waived any and all rights under the Visual Artists Rights Act (17 U.S.C. § 101, et seq.). Unless otherwise expressly provided, title to visual works of art that are placed in public spaces located on private property by the owners or developers thereof as public improvements, and for which easements providing public access to and use and enjoyment of such visual works of art by the public are required to be dedicated to the City, shall not be required to be conveyed to the City.

Sec. 16-79. MAINTENANCE, REPAIRS AND REMOVAL

(a) Maintenance and Repairs. The City department having jurisdiction over the site on which the art has been placed shall maintain works of art acquired or commissioned by the City pursuant to this Article, unless other maintenance responsibilities are established by guidelines adopted by the City Council. Maintenance shall be conducted pursuant to schedules and standards recommended by the Arts Commission and approved by the City Council. Unless otherwise provided by the condition of zoning approval or the legal instrument dedicating the public easement to the City and accepted by the City Council, visual works of art placed on privately-owned property as public improvements shall be maintained by the owner thereof.

(b) Removal. In the event that a work of art needs to be removed due to its condition, changes to its site, or other factors, the Arts Commission shall recommend to the City Council the most appropriate means of removal and disposition, making a reasonable effort to consult with the artist responsible for the artwork.

(c) Performed in Consultation with Artist. Installation, maintenance, alteration, refinishing, and moving of art in public places shall be done in consultation with the artist whenever feasible.

EXHIBIT A

Sec. 16-80. PERFORMING ARTS

Subject to the City Council's adoption of an annual budget providing for the appropriation of such funds, the City may: (a) provide funds to performing artists to support the direct costs of art performances that are open to the public or to perform art performances for a City event; and (b) award grants to bona fide nonprofit organizations, which practice and promote the performing arts, in order to defray the direct expenses of art performances or performance art programs that are open to the public. The City's award of grant funds is subject to funding availability and, in accordance with O.C.G.A. § 36-30-3, any such grant program may be terminated immediately and absolutely if the City determines that adequate funds are not appropriated or funds are de-appropriated such that the City cannot sufficiently fund the subject grant program, which determination is at the City's sole discretion and shall be conclusive.

Sec. 16-81. RECREATIONAL AND CULTURAL ART PROGRAMS

Subject to the City Council's approval of funds as part of the annual budget, the Arts Commission shall recommend recreational and cultural art programs for the City to operate and conduct at recreational or art facilities owned or controlled by the City, and, if authorized by the City Council, the Arts Commission, in coordination with the Recreation and Parks Department, shall supervise and manage the operation of such art programs. Notwithstanding the foregoing, City-operated recreational and cultural art programs may also be conducted on other public properties or on private properties pursuant to an agreement with such other governmental entity or private property owner, provided such agreement is authorized or approved by the City Council.