



P.O Box 1390 – 10 Public Square – Cartersville, Georgia 30120
Telephone: 770-387-5616 – Fax 770-386-5841 – www.cityofcartersville.org

COUNCIL PERSONS:

Matt Santini – Mayor
Dianne Tate – Mayor Pro Tem
Kari Hodge
Lindsey McDaniel, Jr.
Lori Pruitt
Jayce Stepp
Louis Tonsmeire, Sr.

AGENDA

Council Chamber, Third Floor of City Hall – 9:00
AM – 12/4/2014
Work Session – 8:00 A.M.

CITY MANAGER:

Sam Grove

CITY ATTORNEY:

David Archer

CITY CLERK:

Connie Keeling

I. Opening of Meeting

- Invocation
- Pledge of Allegiance
- Roll Call

II. Regular Agenda

A. Council Meeting Minutes

1. November 20, 2014 Pages 1-15)

[Attachments](#)

B. Public Hearing - 2nd Reading of Zoning/Annexation Requests

1. File SU14-03: Special Use application by Mark Harris to allow a title pawn business at 422 N. Tennessee Street in the M-U Zoning District Pages 16-28)

[Attachments](#)

C. First Reading of Ordinances

1. Park and Recreational Facilities Bond, Series 2014 (Pages 29-45)

[Attachments](#)

D. Other

1. 9 Clover Lane Subordination Agreement (Pages 46-49)

[Attachments](#)

2. Proposed Workers Compensation Settlement Agreement (Pages 50-61)

[Attachments](#)

E. Bid Award/Purchases

1. Citizen Survey 2015 (Pages 62-63)

[Attachments](#)

2. Transformer for Electric Department (Pages 64-65)

[Attachments](#)

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES OFFICE, ADA COORDINATOR, 48 HOURS IN ADVANCE OF THE MEETING AT 770-387-5616.



City of Cartersville

City Council Meeting
12/4/2014 9:00:00 AM
November 20, 2014

SubCategory:	Council Meeting Minutes
Department Name:	Clerk
Department Summary Recommendation:	Attached are the minutes for your review and approval.
City Manager's Remarks:	The minutes are recommended for your approval.
Financial/Budget Certification:	
Legal:	
Associated Information:	

City Council Meeting
 10 N. Public Square
 November 20, 2014
 6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tonsmeire

Pledge of Allegiance led by Council Member Hodge

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

II. Regular Agenda

A. Council Meeting Minutes

1. November 6, 2014

A motion to approve the November 6, 2014 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

B. Public Hearing – 1st Reading of Zoning Annexation Requests

1. File SU14-03: Special Use application by Mark Harris to allow a title pawn business at 422 North Tennessee Street in the M-U Zoning District.

Randy Mannino, Planning and Development Director, stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino stated that this application is for 422 North Tennessee Street and the applicant proposes to operate a title pawn shop in this building. The applicant has stated in writing that there would be no outdoor storage on the property. The Planning Commission has recommended approval with the condition that there be no outdoor storage.

Mayor Santini opened the floor for a public hearing and Mark Harris came forward to answer any questions the council may have. With no further comments Mayor Santini closed the public hearing.

NO ACTION REQUIRED

C. Resolutions

1. Use of Ad Valorem Taxes for East Main Street

Sam Grove, City Manager stated that this is two resolutions regarding the TAD (Tax Allocation District). The Mayor and City Council have previously approved the TAD and as such, resolutions were sent to the City Schools and Bartow County to see if they were onboard with the sharing of ad valorem taxes. Mr. Grove stated that both have approved and now the City needs to consent to the approval. An intergovernmental agreement will be drawn up between parties to reflect same and Mr. Grove recommended approval.

A motion to approve the resolutions by the City School System and Bartow County regarding TAD was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

2. EIP Grant for Sheet Metal Components (This item was removed from the agenda)

3. Freeport Tax Exemption

Dan Porta, Assistant City Manager stated that the City of Cartersville Freeport exemption is at 60% for certain classes of inventory as allowed by law. He stated that as a way to continue to help with Economic Development this resolution proposes to increase the Freeport tax exemption to 80% beginning in 2015. Mr. Porta stated that the Cartersville School Board has approved this increase and recommended approval.

A motion to approve Resolution No. 24-14 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

Resolution No. 24-14

WHEREAS, on Tuesday, June 17, 2003 pursuant to the provisions of O.C.G.A. §48-5-48.2, a referendum was held in the City of Cartersville, Georgia, known as the Freeport Referendum, regarding the exemption of certain property from ad valorem taxation as described in the aforementioned provisions; and

WHEREAS, the electors of the City of Cartersville, Georgia have approved in said Referendum the exemption of all three classes of inventory described in the aforementioned provisions, namely:

- a. Inventory of goods in the process of manufacture or production which shall include all partly finished goods and raw materials held for direct use or consumption in the ordinary course of the taxpayer's manufacturing or production business in this State.**
- b. Inventory of finished goods manufactured or produce in this State in the ordinary course of the taxpayer's manufacturing or production business when held by the original manufacturer or producer of such finished goods, and**

- c. Inventory of finished goods which, on January 1, are stored in a warehouse, dock, or wharf, whether public or private, and which are destined for a shipment to a final destination outside this State and inventory of finished goods which are shipped into this State from outside this State and store for transshipment to a final destination outside this State.

WHEREAS, the governing authority of the City of Cartersville, Georgia wishes to implement the exemptions approved by the voters as hereinbefore described.

WHEREAS, the Mayor and City Council have received a Resolution of support from the Cartersville School Board to increase the Freeport exemption by an additional twenty percent (20%).

WHEREAS, by Resolution No. 23-03 dated July 17, 2003, the Mayor and Council resolved that all three classes of inventory described above be hereby exempt from ad valorem taxation at the rate of twenty (20%) percent of the value of said property as defined in O.C.G.A. §48-5-48.2, with said exemptions commencing January 1.

WHEREAS, by Resolution No. 05-12 dated February 15, 2012, the Mayor and Council resolved to increase for all three classes of inventory as described above are to be hereby exempt from ad valorem taxation at the rate of forty (40%) percent of the value of said property as defined in O.C.G.A. §48-5-48.2, with said exemptions commencing January 1, 2013.

WHEREAS, by Resolution No. 07-13 dated February 21, 2013 the Mayor and City Council resolved to increase for all three classes of inventory as described above are to be hereby exempt from ad valorem taxation at the rate of sixty percent (60%) of the value of said property as defined in O.C.G.A. § 48-5-48.2 with said exemptions commencing January 1, 2014.

NOW THEREFORE by it hereby resolved by the Mayor and City Council that commencing January 1, 2015, said ad valorem taxation for all three classes of inventory described above is to be increased twenty percent (20%) and is to be hereby exempt at the rate of eighty percent (80%) of the value of said property as defined in O.C.G.A. § 48-5-48.2, with said exemptions commencing January 1, 2015; and the Mayor is further directed to immediately transmit a certified copy of this Resolution to the Georgia State Revenue Commissioner and the Bartow County Tax Commissioner.

BE IT AND IT IS HEREBY RESOLVED.

This the 20th day of November, 2014.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

4. November 4, 2014 Election Results

Connie Keeling, City Clerk presented the results and Resolution for the November 4, 2014 General Election in reference to the Park and Recreational Facility Bond and recommended approval.

A motion to approve Resolution No. 25-15 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

A RESOLUTION DECLARING THE RESULTS OF A BOND ELECTION HELD ON NOVEMBER 4, 2014; PROVIDING FOR NOTIFICATION OF THE DISTRICT ATTORNEY; AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City Council of the City of Cartersville, Georgia (the "Governing Body"), which is charged with the duties of levying taxes, contracting debts, and managing the affairs of the City of Cartersville, Georgia (the "City"), and the Bartow County Board of Elections and Registration (the "Elections Board"), which is the Municipal Election Superintendent of the City, called an election that was held on November 4, 2014, for the purpose of submitting to the qualified voters of the City for their determination the question of whether or not \$8,200,000 in aggregate principal amount of City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds (the "Bonds") should be issued for the purpose of providing funds to pay or be applied toward the cost of acquiring, constructing, reconstructing, renovating, repairing, improving, and installing park and recreational facilities and other facilities, equipment, and property, both real and personal, useful or desirable in connection therewith, to pay capitalized interest incident thereto, and to pay expenses incident to accomplishing the foregoing; and

WHEREAS, the returns of the bond election were duly brought up by the managers of such election, as required by law, and were presented to the Governing Body and the Elections Board for consolidation and for the declaration of the result of the election; and

WHEREAS, the returns of the election were received from all of the poll officers and thereupon the Elections Board canvassed, computed, and consolidated the returns of the election and concurrent with the adoption of this resolution delivered a certified copy of the consolidated return of the election to the Governing Body, and the result of the election was as follows:

Total number of votes cast	4,540
Total number of spoiled ballots	0
Total number of votes cast FOR the issuance of \$8,200,000 City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds	3053
Total number of votes cast AGAINST the issuance of	1487

Item # 1

\$8,200,000 City of Cartersville, Georgia General
Obligation Park and Recreational Facilities Bonds

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cartersville, Georgia, and it is hereby resolved by authority of the same, that the election resulted in favor of the issuance of the Bonds, by an affirmative vote of a majority of the qualified voters of the City voting in the election held for such purpose, that the issuance of the Bonds has been authorized as required by law, and that the results of the election are hereby declared to be as set forth above.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that a duly certified copy of the consolidated election return of the Elections Board be attached to this resolution as Exhibit "A" and made a part hereof.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that, after the expiration of the period provided by law for the filing of a petition in the office of the Clerk of the Superior Court of Bartow County contesting the results of the election, there shall be given to the District Attorney of the Cherokee Judicial Circuit personal notice in writing that such election was held and that the result of the election was in favor of the issuance of the Bonds, and requesting him to take immediate and proper steps to institute proceedings for the validation of the Bonds as required by law.

PASSED, ADOPTED, SIGNED, APPROVED, AND EFFECTIVE this 20th day of November 2014.

(SEAL)

CITY OF CARTERSVILLE, GEORGIA

Matthew J. Santini
Mayor

Attest:

Connie Keeling
City Clerk

**A RESOLUTION OF THE BARTOW COUNTY BOARD OF ELECTIONS
AND REGISTRATION DECLARING THE RESULTS OF A BOND
ELECTION HELD ON NOVEMBER 4, 2014; AND FOR OTHER
RELATED PURPOSES.**

WHEREAS, the City Council of the City of Cartersville, Georgia (the "Governing Body"), which is charged with the duties of contracting debts and managing the affairs of the City of Cartersville, Georgia (the "City"), and the Bartow County Board of Elections and Registration (the "Elections Board"), which is the Municipal Election Superintendent of the City, called an election which was held on November 4, 2014, for the purpose of submitting to the qualified voters of the City for their determination the question of whether or not \$8,200,000 in aggregate principal amount of City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds should be issued; and

WHEREAS, the returns of the bond election were duly brought up by the Managers of such election, as required by law, and were presented to the Governing Body and the Elections Board for consolidation and for the declaration of the result of the election; and

WHEREAS, the returns of the election were received from all of the poll officers and thereupon the Elections Board canvassed, computed, and consolidated the returns of the election, and the result of the election was as follows:

Total number of votes cast	4,540
Total number of spoiled ballots	0
Total number of votes cast FOR the issuance of \$8,200,000 City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds	3,053
Total number of votes cast AGAINST the issuance of \$8,200,000 City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds	1,487

NOW, THEREFORE, BE IT RESOLVED by the Bartow County Board of Elections and Registration, and it is hereby resolved by authority of the same, that the election resulted in favor of the issuance of the Bonds, by an affirmative vote of a majority of the qualified voters of the City voting in the election held for such purpose, that the issuance of the Bonds has been authorized as required by law, and that the results of the election are hereby declared to be as set forth above.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that the election returns of the several Managers on file with the Elections Board are incorporated herein by this reference.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that a duly certified copy of this resolution be furnished to the Governing Body so that it may declare the results of the election as provided by law.

EXHIBIT A

PASSED, ADOPTED, SIGNED, APPROVED, AND EFFECTIVE this 7th day of November 2014.

BARTOW COUNTY BOARD OF ELECTIONS AND REGISTRATION

By: _____

Chairman

Member

Member

Member

Member

SECRETARY'S CERTIFICATE

I, JOSEPH KIRK, Secretary of the Bartow County Board of Elections and Registration, **DO HEREBY CERTIFY** that the foregoing pages constitute a true and correct copy of a resolution adopted by the Bartow County Board of Elections and Registration at an open public meeting duly called and lawfully assembled at 5:05p.m., on the 7th day of November 2014, in connection with declaring the results of an election pertaining to the issuance or non-issuance of City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds, the original of such resolution being duly recorded in the Minute Book of the Bartow County Board of Elections and Registration, which Minute Book is in my custody and control.

I do hereby further certify that the following members of the Bartow County Board of Elections and Registration were present at such meeting:

Neil Hopper, Chairman Janet
Queen, Vice Chairman
Bobby Wilson
Arthur Carter
Mike Powell

and that the following members were absent:

and that such resolution was duly adopted by a vote of:

Aye **5** Nay **0.**

WITNESS my hand and the official seal of the Bartow County Board of Elections and Registration, this the 7th day of November 2014.

(SEAL) _____



Secretary

CITY CLERK'S CERTIFICATE

I, **CONNIE KEELING**, City Clerk of the City of Cartersville, Georgia, **DO HEREBY CERTIFY** that the foregoing pages constitute a true and correct copy of a referendum resolution adopted by the City Council of the City of Cartersville, Georgia (the "Governing Body") at an open public meeting duly called and lawfully assembled at 7:00p.m., on the 20th day of November 2014, in connection with declaring the results of an election pertaining to the issuance or non-issuance of City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds, the original of such referendum resolution being duly recorded in the Minute Book of the Governing Body, which Minute Book is in my custody and control.

I do hereby further certify that the following members of the Governing Body were present at such meeting:

Matt Santini,
Mayor
Dianne Tate, Mayor Pro
Tempore
Kari Hodge
Lindsey McDaniel,
Jr.
Lori Pruitt
Jayce
Stepp
Louis Tonsmeire,

Sr. and that the following members were absent:

Lori Pruitt
Jayce Stepp

and that such resolution was duly adopted by a
vote of: Aye 4
Nay 0

WITNESS my hand and the official seal of the City of Cartersville, Georgia, this the 20th day of November 2014.

Connie Keeling
City Clerk

D. Grant Application/Acceptance

1. Georgia Department of Natural Resources Recreational Trails Grant

Greg Anderson, Parks and Recreation Director stated that they wish to apply for the annual Georgia Department of Natural Resources Recreational Trails grant. This grant will be used to construct restrooms and a pavilion at the canoe/kayak launch on the Etowah River Water Trail at Leak Mounds. Mr. Anderson stated that although the final estimated budget was not complete before the agenda item was due he did not expect the project to exceed \$80,000 which would require a match of approximately \$16,000 (20%) and recommended approval of the resolution and to authorize the mayor to sign all related documents.

A motion to approve Resolution No. 23-14 and the approval for the Mayor to sign all related documents was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

Resolution No. 23-14

WHEREAS, the Georgia Department of Natural Resources has notified the City of Cartersville and other general purpose governments that federal funds, managed by said state agency, are available to local governmental units under the Georgia Recreational Trails Program for the purpose of expanding the supply of said trails in the state; and

WHEREAS, the purpose of said grant shall be to enhance the Etowah River Water Trail at Leake Mounds by enhancing the trailhead at the canoe/kayak launch along the Etowah River at Highway 61/113; and

WHEREAS, the City of Cartersville is committed to working cooperatively with the Georgia Department of Natural Resources, multiple federal project participants, property owners and the citizens of Cartersville to implement the Project in accordance with federal and state guidelines as defined by Recreation Trails Program staff of the Georgia Department of Natural Resources in such a manner as to assure that the Project is developed, operated and maintained as a community asset designed to benefit current and future residents of the City of Cartersville; and

WHEREAS, the City of Cartersville deems the Project to be in the best interests of the citizens of Cartersville; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of Cartersville acting in his official capacity and in behalf of the Cartersville City Council is hereby authorized to file an application with the Georgia Department of Natural Resources in order to obtain said Recreation Trails Program Grant in order to perform those activities specified within this resolution; and

BE IT FUTHER RESOLVED, that the City of Cartersville shall be committed to the operation and maintenance of trailways and other facilities developed through the Grant resources herein specified as a part of its permanent parks and recreation inventory; and

BE IT FUTHER RESOLVED, that the Mayor of Cartersville is hereby authorized to execute any and all documents as may be required to accompany said application and to provide the Georgia Department of Natural Resources any and all Support Documentation which is considered to be part of said application process.

SO ADOPTED, this 20th day of November 2014.

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

ATTEST:

**/s/ Connie Keeling
Connie Keeling
City Clerk
E. Other**

1. GADOT Letter – Leake Mounds and Pettit Creek Trails

Greg Anderson, Parks and Recreation Director stated that with the passage of the Parks and Recreation Bond Referendum, the city is ready to move forward with two of the GDOT Transportation Enhancement grant projects – the Leake Mounds – Etowah River Walk Link and Pettit Creek Trail Phase III. Mr. Anderson recommended approval for the Mayor to sign all related documents.

A motion to approve the Mayor to sign all related documents was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

2. 30 Topridge Drive Lien Release

Richard Osborne, City Planner stated that this is a part of the first time homebuyer program with the five-year forgivable loan. The owner of 30 Topridge Drive is selling before the five year period and will reimburse the city for the balance of the loan and Mr. Osborne recommended approval.

A motion to approve the Lien Release for 30 Topridge Drive was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 4-0

3. Utilities Protection Center Invoice

Gary Riggs, Gas Superintendent stated that this is the annual dues for being a member of the Georgia One Call System required by state law. Mr. Riggs recommended approval of the annual dues in the amount of \$7,869.74.

A motion to approve Utilities Protection Center Invoice was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

F. Change Order

1. Etowah Drive Water Main Engineering Services Change Order No. 1

Bob Jones, Water and Sewer Superintendent stated that this change order is for the investigation and incorporation of the line stop system into the design and additional construction time for the replacement of non-operations existing valves for the Etowah Drive Water Main Replacement. Mr. Jones stated that the additional engineering cost is \$17,400.00 and recommended approval.

A motion to approve the Etowah Drive Change Order No. 1 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

2. US 41/411 Engineering Services Change Order

Bob Jones, Water and Sewer Superintendent stated that this change order is for the design, permitting and contract administration for the expanded scope of work for the US41-411 Project.. The total additional engineering cost is \$31,900.00 and Mr. Jones recommended approval.

A motion to approve the US 41/411 Engineering Services Change Order was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

3. Center Road 24-inch Gravity Sewer Replacement

Bob Jones, Water and Sewer Superintendent stated that this change order if for the design, permitting and contract administration of the revised Center Road 24 inch Gravity Sewer Replacement project. The total additional engineering cost is \$19,100.00 and Mr. Jones recommended approval.

A motion to approve the change order for the Center Road Sewer Replacement was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 4-0

G. Bid Award/Purchases

1. WPCP Polymer Feed System Upgrade

Bob Jones, Water and Sewer Superintendent stated that the current polymer feed system in use at the Water Pollution Control Plant (WPCP) was installed in 1992. The controls for this process are a relay logic system which was state of the art at the time, but is now obsolete. Mr.

Jones stated that malfunctions of the system waste valuable time when needing to remove solids from the plant quickly. Bids were received from three companies and Mr. Jones recommended approval of the low bid from Fox Systems Inc in the amount of \$28,500.00.

A motion to approve the low bid from Fox Systems Inc. was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

2. Site Med Fire Fighter Physicals 2014

Dan Porta, Assistant City Manager stated that this is the annual Firefighter Physical Exams by Site Med in the amount of \$19,003.00 and recommended approval.

A motion to approve the annual exams by Site Med was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

3. Council Chamber Sound System

Connie Keeling, City Clerk stated that the sound system in the Council Chamber was not working properly and the IT Department has recommended a new system and installation by Telenet Systems for a total amount of \$5,504.50 and Ms. Keeling recommended approval.

A motion to approve the purchase and installation by Telenet Systems was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 4-0

4. Annual Cogsdale Software Maintenance

Tom Rhinehart, Finance Director stated that this is the annual utility software maintenance agreement with Cogsdale Corporation in the amount \$65,339.33 (an increase of about 6.7%). Mr. Rhinehart stated that he had spoke with the Director of Support for Cogsdale regarding the increase and was informed that this was a system wide increase. Mr. Rhinehart recommended approval.

A motion to approve annual Cogsdale Software Maintenance agreement was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 4-0

H. Monthly Financial Statement

1. September 2014

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

After announcements a motion to adjourn the meeting was made by Council Member Hodge and needing no second. Motion carried unanimously. Vote 4-0

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk



City of Cartersville

City Council Meeting
12/4/2014 9:00:00 AM

File SU14-03: Special Use application by Mark Harris to allow a title pawn business at 422 N. Tennessee Street in the M-U Zoning District

SubCategory:	Public Hearing - 2nd Reading of Zoning/Annexation Requests
Department Name:	Planning and Development
Department Summary Recommendation:	The subject lot is 422 N. Tennessee Street, at the intersection with MLK Jr Drive. The property includes a freestanding single-use commercial building constructed in approximately 2000. The applicant (representing Check into Cash) proposes to operate a title pawn shop in this building. The applicant has stated in writing that there would be no outdoor storage on the property. Planning Commission recommended approval with the condition that there be no outdoor storage.
City Manager's Remarks:	The Planning Commission recommends your approval of this item.
Financial/Budget Certification:	
Legal:	
Associated Information:	

SPECIAL USE APPLICATION SYNOPSIS

Petition Number(s): **SU14-03**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Mark Harris (for Check into Cash)**

Representative: **None**

Property Owner: **Dad & His Daughter LLC**

Property Location: **422 N. Tennessee Street**

Access to the Property: **Tennessee Street and MLK Jr Drive**

Site Characteristics:

Tract Size: Acres: **0.49 acres** District: **4th** Section: **3rd** LL(S): **383**

Ward: **1** Council Member: **Kari Hodge**

LAND USE INFORMATION

Current Zoning: **M-U (Multiple Use)**

Proposed Special Use: **Allow title pawn shop (applicant has stated that there would be no outdoor storage).**

Current Zoning of Adjacent Property:

North: **M-U**

South: **M-U**

East: **M-U**

West: **M-U**

The Future Development Plan designates the subject property as:

Tennessee Street Corridor, with recommended zoning districts O-C, M-U, P-S, and P-D.

ZONING ANALYSIS

City Departments Reviews

Water and Sewer:

No comments.

Public Works:

No comments.

Gas:

No comments.

Electric:

No comments.

Fire:

No comments.

Police:

No comments.

The subject lot is 422 N. Tennessee Street, at the intersection with MLK Jr Drive. The property includes a freestanding single-use commercial building constructed in approximately 2000. The applicant (representing Check into Cash) proposes to operate a title pawn shop in this building. The applicant has stated in writing that there would be no outdoor storage on the property. Planning Commission recommended approval with the condition that there be no outdoor storage.

Please review the following findings, as stated in the Zoning Ordinance, that are to be utilized in determining justification for approval or denial of special use request(s).

ARTICLE XVI. SPECIAL USES

Sec. 16.1. Scope and intent.

- A. This article specifies uses which are not classified as permitted uses as a matter of right in zoning districts, and are therefore only allowed through the approval of a Special use. The standards which apply to each use are enumerated and must be met in order for an application to be granted.
- B. In granting a Special use, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors in order to assimilate the proposed development or use into the neighborhood with minimal impact.

Sec. 16.2. Application of regulations and approval.

Uses allowable with a Special use and the minimum standards for such uses are listed in section 16.4 of this article.

Uses in the districts enumerated herein may be authorized by Special use only. The regulations contained in this article shall not apply to any permitted use as a matter of right in any zoning district.

Any use which may be authorized by Special use shall be approved by the Mayor and Council in accordance with section 16.1, scope and intent, provided:

- A. The standards for the Special use as specified herein can be met;
- B. Recommendations have been received from the planning and development staff and other appropriate City departments.
- C. A public hearing has been held in relation to the Special use before the Planning Commission in conformance with the advertising standards outlined in article XXIV of this chapter. The Planning Commission shall make recommendations to the Mayor and Council regarding the application for a Special use; and
- D. A public hearing has been held in relation to the Special use before the Mayor and Council in conformance with the advertising standards outlined in article XXIV of this chapter.

Sec. 16.3. Additional restrictions.

- A. In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site proposed for a use which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall

be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special use:

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

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

Sec.16.4. Minimum Special use standards.

No specific standards related to allowing a pawn and/or title pawn shop in the M-U zoning district.

HOW GENERAL AND SPECIFIC STANDARDS ARE MET

General Standard #1: The effect of the proposed activity on traffic flow along adjoining streets.

How Standard #1 has / will be met: The applicant has stated that traffic flow will be minimally impacted in this area.

General Standard #2: The availability, location, and number of off-street parking.

How Standard #2 has / will be met: Applicant has stated that there are approximately 16 parking spots on the property. The applicant stated that there is adequate parking for the use.

General Standard #3: Protective screening.

How Standard #3 has / will be met: Not applicable – all adjacent properties are zoned for potential commercial M-U, and the applicant has stated in writing that there will not be any outdoor storage.

General Standard #4: Hours and manner of operation:

How Standard #4 has / will be met: Typical office use daytime business hours.

General Standard #5: Outdoor lighting

How Standard #5 has / will be met: The applicant has stated that there is already sufficient security lighting.

General Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met: Applicant has stated that there is adequate Tennessee St and MLK Jr Dr access.

General Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met: Adjacent properties are commercial and institutional.

Specific Standards:

None for pawn and/or title pawn shop.

Staff Recommendation:

No concerns.

PLANNING COMMISSION RECOMMENDATION

Approval with condition that there be no outdoor storage.

Application for Special Use

Planning and Development Department
10 North Public Square
City of Cartersville
(770) 387-5600

Application Number

SU14-03

Hearing Dates

11-12 @ 5:30 PM
11-20 @ 7:00 PM
12-4 @ 9:00 AM

Applicant <u>MARK HARRIS</u>	Business Phone <u>770-386-1400</u>
(applicant's printed name)	
Address <u>700 DOWNTOWN FERRY RD #770</u>	Home Phone <u>770-314-3145</u>
City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u>	
Phone _____ Fax # _____	
(Representative's printed name (if other than applicant))	
Representative's signature _____	Applicant's signature <u>Yah Q. Harris</u>
Signed, sealed and delivered in presence of:	
<u>Catherine H. Hume</u>	My commission expires: <u>6-20-18</u>
Notary Public	

Titleholder <u>DAUGHTER LLC</u>	Business <u>770-386-1400</u> Home <u>770-314-3145</u>
(titleholder's printed name)	
*attach additional notarized signatures as needed on separate application page	
Address <u>700 DOWNTOWN FERRY RD #770, CARTERSVILLE, GA 30120</u>	
Signature <u>Yah Q. Harris, AUTHORIZED REPRESENTATIVE</u>	
Signed, sealed and delivered in presence of:	
<u>Catherine H. Hume</u>	My commission expires: <u>6-20-18</u>
Notary Public	

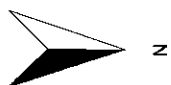
Present Zoning District <u>U</u>	Requested Special Use <u>ALLOW TITLE PAWN</u>
Acreage <u>0.49</u> Land Lot(s) <u>383</u> District(s) <u>4</u> Section(s) <u>3</u>	
Location of Property <u>422 N. TENNESSEE STREET</u>	
(street address, nearest intersections, etc)	
Reason for requested Special Use: <u>ALLOW TITLE PAWN WITH NO OUTDOOR STORAGE.</u>	
(attach additional statement as necessary)	

Attach a copy of a current boundary survey showing metes and bounds and indicating all existing site improvements and confirmation of the availability of all public utilities. Said site must meet the proposed zoning district development standards and access requirements of the City's regulations.

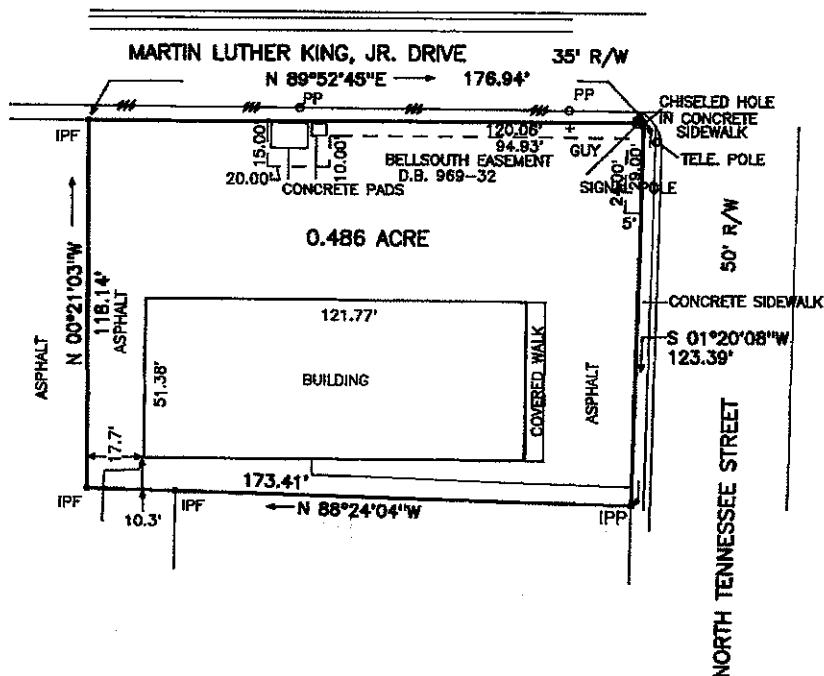
422 N. Tennessee St - Special Use case SU14-03

Item # 2





SURVEY FOR
EARL SMALL
 PROPERTY IN THE CITY OF CARTERSVILLE,
 IN LAND LOT 383, 4th DISTRICT,
 3rd SECTION, BARTOW COUNTY, GEORGIA



2623-1.CRD 2623-3.PL1

NOTE: IRON PINS ARE (1/2" RE-BAR)
 EXCEPT AS SHOWN.

FLOOD INSURANCE RATE MAP 13015C0089 F
 DATED SEPT. 29, 1989 SHOWS THIS PROPERTY
 IS NOT IN THE 100 YEAR FLOOD ZONE.

FIELD TRAVERSE:
 CLOSURE: ONE FOOT IN 20,000 FEET
 USING A LIETZ SET 3.
 ANGULAR ERROR: 0°00'08" PER ANGLE
 POINT USING A LIETZ SET 3.
 ADJUSTED: USING THE COMPASS RULE.

SMITH & SMITH LAND SURVEYORS, P.C.
 2 SOUTH AVENUE, CARTERSVILLE, GA. 30120
 PHONE 770-382-0457

REGISTERED LAND SURVEYOR No. 1803

R/W — RIGHT OF WAY	R — RADIUS	LP — LIGHT POLE
IPF — IRON PIN PLACED	X — X — FENCE	
IPF — IRON PIN FOUND	— — — LAND LOT LINE	
CM — CONCRETE MARKER	— — — CENTER LINE	
CH — CHORD	— — — POWER LINE	
L OR A — LENGTH OF CURVE	PP — POWER POLE	



PLAT CLOSURE:
 ONE FOOT IN
 80,000 FEET.
 JUNE 19, 2000

0 8 40
 4 20 60
 SCALE 1"=40'

FILE 2623-3



SPECIAL USE JUSTIFICATION

The Mayor and City Council, upon review, may authorize a Special Use which is not classified as a permitted use as a matter of right in a zoning district.

Zoning Ordinance section 16.3.A

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

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

Zoning Ordinance section 16.4 states standards for specific uses – if the use you are applying for has additional standards, these must also be addressed below.

Use applied for: Title pawn in M-U district

Standard #1: The effect of the proposed activity on traffic flow along adjoining streets.

How Standard #1 has / will be met:

Effect should be minimal

Standard #2: The availability, number, and location of off-street parking.

How Standard #2 has / will be met:

Approximately 15-16 paved on-site paved, striped spaces – adequate for intended use.

Standard #3: Protective screening.

How Standard #3 has / will be met:

Not applicable – not directly adjacent to residential

Standard #4: Hours and manner of operation of the proposed use.

How Standard #4 has / will be met:

Typical office use daytime
business hours

Standard #5: Outdoor lighting.

How Standard #5 has / will be met:

Security lighting in place

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met:

N. Tennessee St and MLK Jr Dr
access

Standard #7: Compatibility with surrounding land use.

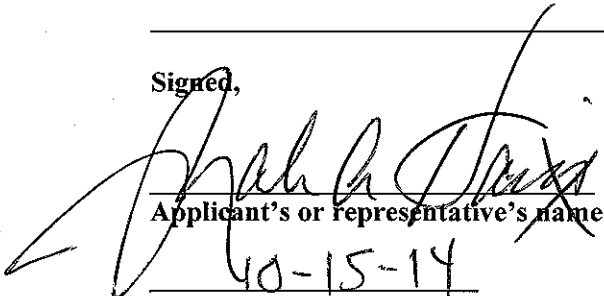
How Standard #7 has / will be met:

Adjacent properties are commercial
and institutional

Additional standards from Zoning Ordinance section 16.4 for use applied for and how they are met:

None

Signed,


Applicant's or representative's name

Date

40-15-14



City of Cartersville

City Council Meeting
12/4/2014 9:00:00 AM
Park and Recreational Facilities Bond, Series 2014

SubCategory:	First Reading of Ordinances
Department Name:	
Department Summary Recommendation:	Attached is an initial draft of the Bond Ordinance proposed for adoption by the City Council.
City Manager's Remarks:	Your approval of this bond ordinance is recommended.
Financial/Budget Certification:	This bond issue annual payments will be paid for with an increase in the yearly millage rate voted in by the citizens in November 2014.
Legal:	
Associated Information:	

ORDINANCE NO. 2014 - ____

A BOND ORDINANCE AUTHORIZING THE ISSUANCE OF \$8,200,000 IN PRINCIPAL AMOUNT OF CITY OF CARTERSVILLE, GEORGIA GENERAL OBLIGATION PARK AND RECREATIONAL FACILITIES BOND, SERIES 2014, ADOPTING A FORM FOR THE BOND, AUTHORIZING THE EXECUTION OF THE BOND, ESTABLISHING THE DATE, DENOMINATIONS, RATE OR RATES OF INTEREST, AND REDEMPTION PROVISIONS FOR THE BOND, LEVYING AN ANNUAL AD VALOREM TAX ON THE TAXABLE PROPERTY WITHIN CITY OF CARTERSVILLE, GEORGIA SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BOND AS THE SAME BECOME DUE, AUTHORIZING THE SALE OF THE BOND, AND FOR OTHER RELATED PURPOSES.

WHEREAS, on June 17, 2014, the City Council of the City of Cartersville, Georgia (the “Governing Body”), which is the governing authority of the City of Cartersville, Georgia (the “City”), adopted, at a meeting duly called and held, a resolution (the “Referendum Resolution”) entitled:

A REFERENDUM RESOLUTION TO REGULATE AND PROVIDE FOR THE CALLING OF AN ELECTION AND TO CALL AN ELECTION TO DETERMINE THE ISSUANCE OR NON-ISSUANCE BY THE CITY OF CARTERSVILLE, GEORGIA OF GENERAL OBLIGATION PARK AND RECREATIONAL FACILITIES BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,200,000; TO PROVIDE FOR THE DATE, RATE OR RATES OF INTEREST, AND SCHEDULE OF MATURITIES THAT SUCH BONDS SHALL BEAR AND THAT THE BONDS MAY BE MADE SUBJECT TO REDEMPTION PRIOR TO MATURITY TO THE EXTENT PERMITTED BY LAW; TO PROVIDE FOR THE LEVY AND COLLECTION OF TAXES TO SERVICE SUCH BONDED INDEBTEDNESS, IF SO AUTHORIZED; TO PROVIDE THAT THE BONDS AUTHORIZED MAY BE ISSUED IN ONE OR MORE SERIES AND ON ONE OR MORE DATES OF ISSUANCE; AND FOR OTHER PURPOSES; and

WHEREAS, the Referendum Resolution called an election to be held in the City for the purpose of submitting to the qualified voters of the City for their determination the question, among others, of whether or not \$8,200,000 in aggregate principal amount of City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds should be issued for the purpose of providing funds to pay or be applied toward the cost of acquiring, constructing, reconstructing, renovating, repairing, improving, and installing park and recreational facilities and other facilities, equipment, and property, both real and personal, useful

or desirable in connection therewith, to pay capitalized interest incident thereto, and to pay expenses incident to accomplishing the foregoing; and

WHEREAS, the Referendum Resolution called the election for November 4, 2014 and authorized and directed publication of notice of the election (in the form specified in the Referendum Resolution) in the newspaper in which sheriff's advertisements for Bartow County are published for a period of not less than thirty (30) days preceding the date of the election; and

WHEREAS, notice of the election was duly published in The Daily Tribune News, which is the newspaper in which sheriff's advertisements for Bartow County are published, as required by law; and

WHEREAS, at the election duly called and held on November 4, 2014, a majority of the qualified voters of the City, voting in the election, voted in favor of the issuance of \$8,200,000 in aggregate principal amount of City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds, such bonds to be dated as of the first day of the month of delivery or such other date(s) as the Governing Body may approve, to be in such denomination or denominations as the Governing Body may approve, and to bear interest from date at such rate or rates as the Governing Body may approve but not exceeding six percent (6.00%) per annum in any year, all interest to be payable semiannually on July 1 and January 1 of each year, beginning on July 1, 2015, and the principal to mature (by scheduled maturity or by mandatory redemption, as the Governing Body may approve) on January 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2016	\$745,000	2021	\$820,000
2017	755,000	2022	840,000
2018	770,000	2023	870,000
2019	780,000	2024	895,000
2020	800,000	2025	925,000

and;

WHEREAS, on November 20, 2014, the Governing Body adopted, at a meeting duly called and held, a resolution entitled:

**A RESOLUTION DECLARING THE RESULTS OF A BOND
ELECTION HELD ON NOVEMBER 4, 2014; PROVIDING
FOR NOTIFICATION OF THE DISTRICT ATTORNEY;
AND FOR OTHER RELATED PURPOSES**

declaring the results of the election to be in favor of the issuance of \$8,200,000 in aggregate principal amount of City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bonds, and authorizing the commencement of validation proceedings for such bonds; and

WHEREAS, on December 17, 2014, the Superior Court of Bartow County entered a judgment validating such bonds, in the case of **STATE OF GEORGIA vs. CITY OF CARTERSVILLE, GEORGIA**, Civil Action File No. _____; and

WHEREAS, the City now wishes to issue all of such bonds so authorized in the form of a single general obligation bond in the principal amount of \$8,200,000 and to ratify, confirm, and approve the commencement of validation proceedings for such bond; and

WHEREAS, in order to issue and deliver such bond, it is necessary to adopt a form for such bond, to authorize the execution of such bond, to establish the date, denominations, rate or rates of interest, and redemption provisions for such bond, to levy an annual ad valorem tax on the taxable property within the City sufficient to pay the principal of and interest on such bond as the same become due, to authorize the acceptance of an offer to purchase such bond from, and the sale of such bond to, _____ (the "Purchaser");

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

Section 1. There is hereby authorized to be issued, executed, and delivered \$8,200,000 in original principal amount of a bond designated "City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bond, Series 2014" (the "Bond"). The Bond shall be dated the date of issuance and delivery, shall be issued only as a single, fully registered bond without coupons in the principal amount of \$8,200,000, shall be numbered R-1, and shall bear interest from date on the outstanding principal amount thereof at the rate per annum equal to ____% (computed on the basis of a 360-day year consisting of twelve 30-day months). Interest on the Bond shall be payable semiannually on July 1 and January 1 in each year, beginning July 1, 2015. Principal of the Bond shall be payable on January 1, in the years and in the amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2016	\$745,000	2021	\$820,000
2017	755,000	2022	840,000
2018	770,000	2023	870,000
2019	780,000	2024	895,000
2020	800,000	2025	925,000

Section 2. (a) The City shall keep at its office a register for the registration and registration of transfers of the Bond. The name and address of the registered owner of the Bond (the "Bondholder"), each transfer thereof, and the name and address of each transferee of the Bond shall be registered in such register. Prior to due presentment for registration of transfer, the person in whose name the Bond shall be registered shall be deemed and treated as the owner and holder thereof for all purposes hereof (including the receipt of payments of principal of, premium, if any, and interest on the Bond), whether or not the Bond shall be overdue, and the City shall not be affected by any notice or knowledge to the contrary.

(b) Upon surrender of the Bond at the office of the City for registration of transfer, duly endorsed or accompanied by a written instrument of transfer duly executed by the registered

owner of the Bond or its attorney duly authorized in writing and accompanied by the address for notices of each transferee of the Bond, the City shall execute and deliver, at its expense (except as provided below), a new Bond in exchange therefor, in a principal amount equal to the unpaid principal amount of the surrendered Bond. Each such new Bond shall be payable to such person as the former Bondholder may request and shall be issued as a single, fully registered bond substantially in the form provided in Section 6 hereof. Each such new Bond shall be dated and bear interest from the date to which interest shall have been paid on the surrendered Bond or dated the date of the surrendered Bond if no interest shall have been paid thereon. The City may require payment of a sum sufficient to cover any stamp tax or governmental charge imposed in respect of any such transfer of the Bond. The Bond shall not be transferred in a denomination of less than the unpaid principal amount of the surrendered Bond. The City shall not be required to transfer the Bond until the certificate of validation on any new Bond shall have been properly executed by the Clerk of the Superior Court of Bartow County.

(c) Upon receipt by the City of evidence reasonably satisfactory to it of the ownership of and the loss, theft, destruction, or mutilation of the Bond, and

(1) in the case of loss, theft, or destruction, of indemnity reasonably satisfactory to it (provided that if the Bondholder is, or is a nominee for, the initial Bondholder or is another Bondholder with a minimum net worth of at least \$25,000,000, such person's own unsecured agreement of indemnity shall be deemed to be satisfactory), or

(2) in the case of mutilation, upon surrender and cancellation thereof,

the City at its expense shall execute and deliver, in lieu thereof, a new single, fully registered Bond, dated and bearing interest from the date to which interest shall have been paid on such lost, stolen, destroyed, or mutilated Bond or dated the date of such lost, stolen, destroyed, or mutilated Bond if no interest shall have been paid thereon.

Section 3. All sums becoming due on the Bond for principal, premium, if any, and interest shall be paid in lawful money of the United States by the method and at the address specified for such purpose by the Bondholder in writing to the City, without the presentation or surrender of the Bond or the making of any notation thereon, except that upon written request of the City made concurrently with or reasonably promptly after payment or redemption in full of the Bond, the Bondholder shall surrender the Bond for cancellation, reasonably promptly after any such request, to the City. Prior to any sale or other disposition of the Bond the Bondholder shall endorse thereon the amount of principal paid thereon and the last date to which interest has been paid thereon.

All payments of principal of the Bond (whether at maturity or upon redemption), including the date and amount of each payment, shall be endorsed by the Bondholder on the Schedule of Payments and Redemptions attached to the Bond; provided, however, that any failure by the Bondholder to endorse such information on such Schedule or any error therein shall not in any manner affect the obligation of the City to make payments of principal and interest in accordance with the terms of the Bond. The City hereby irrevocably authorizes and directs the Bondholder to enter on the Schedule of Payments and Redemptions the date and amount of each payment of principal of the Bond.

The Bondholder shall permit the City at any time during regular business hours to make at its office an appropriate notation on the Bond of payments of principal thereof, if at least five days prior thereto the City shall have given written notice of its intention to do so and if it shall not have received from you a written confirmation that the requested notation has been made.

Section 4. The Bond may be redeemed prior to maturity at the option of the City, either in whole or in part on any date, upon payment of a redemption price for the Bond or portion thereof to be redeemed equal to ____% of the principal amount thereof plus accrued interest thereon to the redemption date. As a condition precedent to each optional redemption under this Section 4 (unless waived by the Bondholder), the Bondholder shall receive written notice of such optional redemption not less than 30 days and not more than 60 days prior to the date fixed for such redemption. Each such notice shall specify the date of redemption, the principal amount of the Bond to be redeemed on such date, the accrued interest (if the same can be calculated) to be paid on the redemption date with respect to the principal amount being redeemed, and the applicable premium, if any.

Any partial redemptions of the Bond shall be applied to the annual principal payments due on the Bond in the inverse order of their maturities.

In the case of each redemption of the Bond pursuant to this Section 4, the principal amount of the Bond to be redeemed shall mature and become due and payable on the date fixed for such redemption, together with interest on such principal amount accrued to such date and the applicable premium, if any. From and after such date, unless the City shall fail to pay such principal amount when so due and payable, together with the interest and premium, if any, as aforesaid, interest on such principal amount shall cease to accrue.

Section 5. There shall be and is hereby levied a continuing direct annual ad valorem tax for the years 2014 through 2024, without limitation as to rate or amount, upon all property subject to taxation for general obligation bond purposes within the corporate limits of the City, sufficient to provide moneys required to pay the principal of and interest on the Bond, as more fully set forth in Exhibit A attached hereto and incorporated herein by this reference. The sums hereby levied are hereby irrevocably pledged and appropriated to the payment of the principal of and interest on the Bond as the same become due and payable. The amount to be levied for each year is the amount specified to pay principal, if any, and interest coming due in the following year. These sums shall be collected by the tax collector of the City, in each of the years levied, and shall be paid into a sinking fund to be maintained for, and shall be applied to, the payment of the principal of and interest on the Bond as the same become due and payable, and provisions to meet the requirements of this Section 5 shall be made annually hereafter.

Section 6. The Bond, the Validation Certificate, the Schedule of Payments and Redemptions, and the Assignment and Transfer shall be substantially in the following forms, with such variations, omissions, substitutions, and insertions as may be required or permitted by this Ordinance:

[FORM OF BOND]

THIS BOND IS SUBJECT TO AN INVESTMENT LETTER AGREEMENT AND MAY NOT BE SOLD, TRANSFERRED, ASSIGNED, OR OTHERWISE DISPOSED OF EXCEPT PURSUANT TO THE TERMS OF SUCH INVESTMENT LETTER AGREEMENT.

**UNITED STATES OF AMERICA
STATE OF GEORGIA
CITY OF CARTERSVILLE, GEORGIA
GENERAL OBLIGATION PARK AND RECREATIONAL FACILITIES BOND,
SERIES 2014**

Number R-1

\$8,200,000

Maturity
Date

Interest
Rate

Dated

January 1, 2025

____%

December __, 2014

Registered Owner:

Principal Amount: EIGHT MILLION TWO HUNDRED THOUSAND
AND NO/100 DOLLARS

CITY OF CARTERSVILLE, GEORGIA (the “City”), for value received, hereby promises to pay to the registered owner identified above, or registered assigns, on the principal payment dates specified herein, unless redeemed prior thereto as hereinafter provided, the principal amount identified above and to pay interest from the date of this Bond, or from the most recent interest payment date to which interest has been paid, on the balance of such principal sum from time to time remaining unpaid, as indicated on the Schedule of Payments and Redemptions attached to this Bond, at the interest rate per annum shown above (computed on the basis of a 360-day year consisting of twelve 30-day months) on July 1 and January 1 of each year, commencing July 1, 2015, until the payment of the principal amount of this Bond in full. Principal of this Bond shall be payable on January 1, in the years and in the amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2016	\$745,000	2021	\$820,000
2017	755,000	2022	840,000
2018	770,000	2023	870,000
2019	780,000	2024	895,000
2020	800,000	2025	925,000

All sums becoming due on this Bond for principal, premium, if any, and interest shall be paid in lawful money of the United States by the method and at the address specified for such purpose by the registered owner of this Bond in writing to the City, without the presentation or surrender of this Bond or the making of any notation hereon, except that upon the written request of the City made concurrently with or reasonably promptly after payment or redemption in full of this Bond, the registered owner of this Bond shall surrender this Bond for cancellation, reasonably promptly after any such request, to the City. Prior to any sale or other disposition of this Bond, the registered owner of this Bond shall endorse hereon the amount of principal paid hereon and the last date to which interest has been paid hereon.

All payments of principal of this Bond (whether at maturity or upon redemption), including the date and amount of each payment, shall be endorsed by the registered owner of this Bond on the Schedule of Payments and Redemptions attached to this Bond; provided, however, that any failure by the registered owner of this Bond to endorse such information on such Schedule or any error therein shall not in any manner affect the obligation of the City to make payments of principal and interest in accordance with the terms of this Bond. The City hereby irrevocably authorizes and directs the registered owner of this Bond to enter on the Schedule of Payments and Redemptions the date and amount of each payment of principal of this Bond.

This Bond is the only bond of an authorized issue limited in original principal amount to \$8,200,000, issued by the City for the purpose of providing funds to pay or be applied toward the cost of acquiring, constructing, reconstructing, renovating, repairing, improving, and installing park and recreational facilities and other facilities, equipment, and property, both real and personal, useful or desirable in connection therewith, to pay capitalized interest incident thereto, and to pay expenses incident to accomplishing the foregoing. The Bond is authorized by the Constitution and laws of the State of Georgia and is being issued pursuant to an ordinance (the "Bond Ordinance") duly adopted by the City Council of City of Cartersville, Georgia on December 18, 2014.

This Bond shall be issued as a single, fully registered bond without coupons in the original principal amount of \$8,200,000. Upon surrender of this Bond at the office of the City for registration of transfer, duly endorsed or accompanied by a written instrument of transfer duly executed by the registered owner of this Bond or its attorney duly authorized in writing and accompanied by the address for notices of each transferee of this Bond, the City shall execute and deliver, at the City's expense (except as provided below), a new Bond in exchange herefor, in a principal amount equal to the unpaid principal amount of the surrendered Bond. Each such new Bond shall be payable to such person as the former registered owner of this Bond may request and shall be issued as a single, fully registered bond. Each such new Bond shall be dated and bear interest from the date to which interest shall have been paid on the surrendered Bond or dated the date of the surrendered Bond if no interest shall have been paid hereon. The City may require payment of a sum sufficient to cover any stamp tax or governmental charge imposed in respect of any such transfer of this Bond. This Bond shall not be transferred in a denomination of less than the unpaid principal amount of the surrendered Bond.

Prior to due presentment for registration of transfer, the person in whose name this Bond shall be registered shall be deemed and treated as the owner and holder hereof for all purposes hereof (including the receipt of payments of principal of, premium, if any, and interest on this

Bond), whether or not this Bond shall be overdue, and the City shall not be affected by any notice or knowledge to the contrary.

The City has designated this Bond as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED, RECITED, AND DECLARED that all acts, conditions, and things required by the Constitution and laws of the State of Georgia to exist, happen, and be performed precedent to and in the issuance of this Bond do exist, have happened, and have been performed in due time, form, and manner as required by law, that provision has been made for the collection of a direct annual ad valorem tax, without limitation as to rate or amount, sufficient to pay the principal of and interest on this Bond in accordance with its terms, and that the total indebtedness of the City, including the Bond, does not exceed any limitation prescribed by the Constitution and laws of the State of Georgia.

IN WITNESS WHEREOF, City of Cartersville, Georgia has caused this Bond to be executed by its Mayor and has caused the official seal of the City to be impressed hereon and attested by its City Clerk.

CITY OF CARTERSVILLE, GEORGIA

(SEAL)

By: _____
Mayor

Attest:

City Clerk

VALIDATION CERTIFICATE**STATE OF GEORGIA****COUNTY OF BARTOW**

The undersigned Clerk of the Superior Court of Bartow County, Georgia, does hereby certify that this Bond was validated and confirmed by judgment of the Superior Court of Bartow County, Georgia, on the 17th day of December 2014, that no intervention or objection was filed opposing the validation of this Bond, and that no appeal of such judgment of validation has been taken.

IN WITNESS WHEREOF, I have hereunto set my hand and have impressed hereon the official seal of the Superior Court of Bartow County, Georgia.

(SEAL)

Clerk, Superior Court of
Bartow County, Georgia

SCHEDULE OF PAYMENTS AND REDEMPTIONS

[illegible]

ASSIGNMENT AND TRANSFER

FOR VALUE RECEIVED, the undersigned, _____,
hereby sells, assigns, and transfers unto

(Tax Identification or Social Security No. _____)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints
_____ attorney to transfer the within Bond on the
books kept for registration thereof, with full power of substitution in the premises.

Dated: _____
Signature _____

NOTICE: The signature(s) to this assignment must correspond with the name as it appears
upon the face of the within bond in every particular, without alteration or
enlargement or any change whatsoever.

[END OF FORM OF BOND]

Section 7. The Bond shall be executed for and on behalf of the City by the manual signature of its Mayor, and the City's seal shall be impressed thereon and attested by the manual signature of its City Clerk. In case any officer whose signature shall appear on the Bond shall cease to be such officer before delivery of the Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer remained in office until such delivery.

Section 8. The City shall sell the Bond to the Purchaser for the price of \$8,200,000. The Mayor of the City is hereby authorized to execute and deliver, on behalf of the City, a purchase contract between the City and the Purchaser, providing for the sale of the Bond. The execution and delivery of a purchase contract by the Mayor of the City shall constitute conclusive evidence of the ratification, confirmation, and approval by the City of the terms and conditions of the purchase contract.

Section 9. The Bond shall, in due course, be delivered to the Purchaser against payment for the Bond.

Section 10. All actions taken or to be taken by the Governing Body and by the City Manager relating to the authorization, issuance, and sale of the Bond, shall be, and the same are hereby, ratified, confirmed, and approved.

Section 11. The City recognizes that the purchaser and owner of the Bond will have accepted the Bond on, and paid for the Bond a price that reflects, the understanding that interest on such Bond is not included in the gross income of the owners for federal income tax purposes under laws in force at the time the Bond shall have been delivered.

The City shall take any and all action that may be required from time to time in order to assure that interest on the Bond shall remain excludable from the gross income of the owners of the Bond for federal income tax purposes and shall refrain from taking any action that would adversely affect such status.

Prior to or contemporaneously with delivery of the Bond, the Mayor and the City Clerk of the City shall execute a Certificate as to Arbitrage Matters on behalf of the City respecting the investment of the proceeds of the Bond. Such certificate shall be a representation and certification of the City, and an executed copy thereof shall be delivered to the Purchaser. The City shall not knowingly invest or participate in the investment of any proceeds of the Bond if such investment would cause interest on the Bond to become included in gross income for federal income tax purposes.

The Mayor or the City Clerk of the City may also execute and deliver, on behalf of the City: (i) such agreements, filings, and other writings as may be necessary or desirable to cause or bind the City to comply with any requirements for rebate under Section 148(f) of the Internal Revenue Code of 1986, as amended (the "Code"), or (ii) such certificate or other writing as may be necessary or desirable to qualify for exemption from such rebate requirements.

The City shall calculate, from time to time, as required in order to comply with the provisions of Section 148(f) of the Code, the amounts required to be rebated (including penalties) to the United States and shall pay or cause to be paid to the United States any and all of such amounts on or before the due date.

The City hereby covenants and agrees that it will not use or permit any use of the proceeds of the sale of any Bond, or use or permit the use of any of the facilities being financed thereby, which would cause the Bond or any portion thereof to be “private activity bonds” within the meaning of Section 141 of the Code.

The City hereby designates the Bond as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code and covenants that the Bond does not constitute a “private activity bond,” as defined in Section 141 of the Code, and that not more than \$10,000,000 in aggregate principal amount of obligations the interest on which is excludable from gross income for federal income tax purposes (excluding, however, private activity bonds, as defined in Section 141 of the Code, other than qualified 501(c)(3) bonds, as defined in Section 145 of the Code), including the Bond, have been or shall be issued by the City, including all subordinate entities of the City and all entities that issue obligations on behalf of the City, during the calendar year 2014.

The covenants, certifications, representations, and warranties contained in this Section 11 shall survive payment in full or provision for payment in full of the Bond.

Section 12. The issuance of the Bond shall not exceed any debt limitation prescribed by the Constitution of the State of Georgia.

Section 13. All ordinances and resolutions and parts of ordinances and resolutions in conflict with this Ordinance, if any, shall be and the same are hereby repealed.

Section 14. The Mayor and the City Clerk of the City are hereby authorized and directed to execute, for and on behalf of the City, such other agreements, certificates, or documents as may be necessary or desirable in connection with the issuance, sale, and delivery of the Bond or the investment of the proceeds of the Bond, including, without limitation, a placement agreement between the City and Raymond James & Associates, Inc.

Section 15. Notwithstanding anything herein to the contrary, any action that the Mayor of the City is required, permitted, or otherwise authorized to take in connection with the Bond may be taken by the Mayor Pro Tempore of the City, in the absence at the time or in the event of the vacancy in the office of the Mayor or the incapacity at the time of the Mayor. These actions shall include execution, delivery, or performance of any certificate, agreement, instrument, document, or other writing relating to the Bond, including the execution of the Bond. To this end, this Ordinance shall be construed so that all references to the Mayor of the City may also be considered to be references to the Mayor Pro Tempore of the City. The City Clerk of the City shall determine whether the Mayor is absent or incapacitated or whether there is a vacancy in the office of Mayor so that the Mayor Pro Tempore may act under this Section 15, and the determination of the City Clerk of the City shall be binding and conclusive upon the City.

PASSED, ADOPTED, SIGNED, APPROVED, AND EFFECTIVE this 18th day of
December 2014.

CITY OF CARTERSVILLE, GEORGIA

(SEAL)

By: _____
Mayor

Attest:

City Clerk

EXHIBIT A**DEBT SERVICE SCHEDULE**

Payment Date	<u>Principal</u>	<u>Interest</u>	<u>Total Debt Service</u>
7/1/15	\$ ---		
1/1/16	745,000		
7/1/16	---		
1/1/17	755,000		
7/1/17	---		
1/1/18	770,000		
7/1/18	---		
1/1/19	780,000		
7/1/19	---		
1/1/20	800,000		
7/1/20	---		
1/1/21	820,000		
7/1/21	---		
1/1/22	840,000		
7/1/22	---		
1/1/23	870,000		
7/1/23	---		
1/1/24	895,000		
7/1/24	---		
1/1/25	<u>925,000</u>		
Total	<u>\$8,200,000</u>		

**STATE OF GEORGIA
BARTOW COUNTY**

CITY CLERK'S CERTIFICATE

I, **CONNIE KEELING**, City Clerk of City of Cartersville, Georgia, **DO HEREBY CERTIFY** that the foregoing pages constitute a true and correct copy of a Bond Ordinance adopted by the City Council of City of Cartersville, Georgia (the "Governing Body") at an open public meeting duly called and lawfully assembled at 7:00 p.m., on the 18th day of December 2014, in connection with the issuance and sale of \$8,200,000 in original principal amount of City of Cartersville, Georgia General Obligation Park and Recreational Facilities Bond, Series 2014, the original of such Bond Ordinance being duly recorded in the Minute Book of the Governing Body, which Minute Book is in my custody and control.

I do hereby further certify that the following members of the Governing Body were present at such meeting:

Matt Santini, Mayor
Dianne Tate, Mayor Pro Tempore
Kari Hodge
Lindsey McDaniel, Jr.
Lori Pruitt
Jayce Stepp
Louis Tonsmeire, Sr.

and that the following members were absent:

and that such Bond Ordinance was duly adopted by a vote of:

Aye _____ Nay _____.

WITNESS my hand and the official seal of City of Cartersville, Georgia, this the 18th day of December 2014.

(SEAL)

City Clerk



City of Cartersville

City Council Meeting
12/4/2014 9:00:00 AM
9 Clover Lane Subordination Agreement

SubCategory:	Other
Department Name:	Planning & Development
Department Summary Recommendation:	The purpose of this item is for Mayor & Council to review and possibly approve the Subordination Agreement for property at 9 Clover Lane. The current property owner purchased the property in June 2010. At the same time, she participated in the City first-time \$10,000 homebuyer five-year forgivable loan program through the federal Community Housing Improvement Program (CHIP). At this time, the property owner would like to refinance to obtain a better rate. This paperwork is needed to confirm that the five-year forgivable loan, shown as a lien on the property, will remain secondary / subordinate to the mortgage. The City Attorney's office has reviewed the Subordination Agreement and has no objections.
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

MEMO

To: Mayor Santini & Council
From: Randy Mannino and Richard Osborne
Date: November 24, 2014
Re: 9 Clover Lane – subordination agreement (re: first-time homebuyer program)

The purpose of this item is for Mayor & Council to review and possibly approve the Subordination Agreement for property at 9 Clover Lane.

The current property owner purchased the property in June 2010. At the same time, she participated in the City first-time \$10,000 homebuyer five-year forgivable loan program through the federal Community Housing Improvement Program (CHIP).

At this time, the property owner would like to refinance to obtain a better rate. This paperwork is needed to confirm that the five-year forgivable loan, shown as a lien on the property, will remain secondary / subordinate to the mortgage.

The City Attorney's office has reviewed the Subordination Agreement and has no objections.

STATE OF GEORGIA
COUNTY OF BARTOW

Cross Ref: Book 2426, Page 785
Bartow Co. GA records.

SUBORDINATION AGREEMENT

WHEREAS, on the 23rd day of June, 2010, a Promissory Note and Deed to Secure Debt in the principal amount of \$10,000.00 were given by TARA M. SANTACRUZ to THE CITY OF CARTERSVILLE and recorded in the office of the Clerk of the Superior Court of Bartow County, Georgia in Deed Book 2426, Pages 785-794, encumbering the following described property lying and being in the County of Bartow, State of Georgia, to-wit:

Attachment number 2 \nPage 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in the City of Cartersville, and in Land Lot 267 of the 4th District, 3rd Section, Bartow County, Georgia, and being more particularly described as follows:

TRACT 1:

BEGINNING at the northeastern corner of Clover Lane and Jones Mill Road, and running north 82 degrees east along the northern side of said Clover Lane 85 feet to an iron pin; thence north 6 degrees west 150 feet to an iron pin; thence south 78 degrees west 150 feet to an iron pin on the eastern side of said Jones Mill Road; thence down the eastern side of said Jones Mill Road south 30 degrees east 150 feet to the point of beginning.

Being described as the southern part of Lot 32 of North Side Homes Subdivision, a plat of which is recorded in Plat Book 2, Page 134, Clerk's Office of the Superior Court of Bartow County, Georgia.

TRACT 2:

BEGINNING at an iron stake on the east boundary of Jones Mill Road 150 feet in a northerly direction from the point where the north side of Clover Lane intersects the corner of the property or former property of Harold Dixon (being the northwest corner of the property described in Tract 1); and from said point of beginning thence 150 feet in an easterly direction along the north boundary of said Dixon property to an iron stake, said iron stake being the northeastern corner of said Dixon property; thence 15 feet in a northerly direction to an iron pin; thence 150 feet in a westerly direction parallel with said Dixon property to an iron stake on the east boundary of said Jones Mill Road; thence 15 feet in a southerly direction along the east boundary of said Jones Mill Road to the beginning point.

Being the same property as that conveyed to Harold H. Dixon by deeds recorded in Deed Book 152, Pages 118 and 199 of the Bartow County, Georgia, records.

Subject property address: 9 Clover Lane, Cartersville, GA 30120
Parcel ID: C029-0008-003

WHEREAS, FAMILY SAVINGS CREDIT UNION has agreed to make a first priority mortgage loan in the amount of \$62,000.00 from TARA M. SANTACRUZ to FAMILY SAVINGS CREDIT UNION encumbering the above described property, provided that the Security Deed and promissory note to THE CITY OF CARTERSVILLE is subordinated to the new Security Deed and new promissory note.

NOW, THEREFORE, in order to induce FAMILY SAVINGS CREDIT UNION to make the new mortgage loan in the amount of \$62,000.00, and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations paid by TARA M. SANTACRUZ receipt of which is hereby acknowledged, the mortgagee hereby agrees that by this instrument the debt first described to THE CITY OF CARTERSVILLE is hereby made subordinate and inferior to the new Security Deed given to FAMILY SAVINGS CREDIT UNION.

IN WITNESS WHEREOF, mortgagee has hereunto set mortgagee's hand and seal on this
____ day of _____, 2014.

Signed, sealed and delivered in
Presence of:

CITY OF CARTERSVILLE

Unofficial Witness

By: _____

Printed Name: _____

Attachment number 2 \nPage 2

Notary Public

Title: _____

My Commission Expires: _____



City of Cartersville

City Council Meeting

12/4/2014 9:00:00 AM

Proposed Workers Compensation Settlement Agreement

SubCategory:	Other
Department Name:	
Department Summary Recommendation:	Proposed Workers Compensation Settlement Agreement
City Manager's Remarks:	Your approval of this settlement agreement is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	

STATE BOARD OF WORKERS' COMPENSATION

STATE OF GEORGIA

WILLIAM ST. JOHN,

Claimant,

vs.

CITY OF CARTERSVILLE,

Employer,

and

UNITED SELF INSURED SERVICES,

Insurer.

Board Claim No: 2013-027031

D/O/A: 06/26/2013

SSN: [REDACTED]

Our File No.: 130901.00001

William St. John
 288 Thomas Road
 Dallas, GA 30132
404-387-4285

Claimant

City of Cartersville
 Attn: Cheryl Jackson
 P.O. Box 1390
 Cartersville, GA 30120
770-387-5619

Employer/Self-Insurer

USIS - United Self Insured Services
 Attn: Mary Justice
 P.O. Box 616648
 Orlando, FL 32861-664
1-800-444-9098 Ext 8346

Servicing Agent

J. Allen Turner, Esq.
 200 East Memorial Drive, Suite 5
 Dallas, GA 30132
770-505-6979

Attorney for Claimant

Fed. Tax Id. No. _____

Tristan B. Morrison, Esq.
 Moore Ingram Johnson & Steele, LLP
 Emerson Overlook
 326 Roswell Street
 Marietta, Georgia 30060
770-429-1499

Attorney for Employer/Self-Insurer/Servicing Agent

STIPULATION AND AGREEMENT

WHEREAS, it is the desire of the parties hereto to enter into a total, complete and irrevocable settlement and extinguishment of the claim of Claimant, William St. John, as against the self-insured Employer, City of Cartersville, (hereinafter referred to as "Employer/Self-Insurer"), pursuant to the provisions of O.C.G.A. § 34-9-15, the following stipulations and settlement agreements are entered into by and between the parties hereto and are submitted to the State Board of Workers' Compensation as a full and complete statement of that settlement as reached between the parties. The parties acknowledge that the names, addresses, telephone numbers, tax identification numbers, and all other information contained in the cover sheet of this Stipulation and Agreement are accurate to the best of their knowledge and belief.

1.

The files of the State Board of Workers' Compensation may be referred to by the Board in approving this Stipulation and Agreement.

2.

On 06/26/2013, while Claimant was employed by the above-named at an average weekly wage of \$549.12, Claimant states that he sustained an injury to his right shoulder.

3.

Employer/Self-Insurer has heretofore paid to or will pay on behalf of Claimant all authorized medical expenses already incurred regarding the subject injury.

4.

It is the contention of Claimant that he is partially and/or permanently disabled and unable to return to gainful employment and is, therefore, entitled to additional weekly benefits and other benefits pursuant to the Georgia Workers' Compensation Act.

Item # 5

5.

It is the contention of Employer/Self-Insurer that Claimant has been released from routine care by the authorized treating physician and has reached maximum medical improvement. It is further the contention of Employer/Self-Insurer that Claimant is capable of doing regular duty work without restrictions, which decreases the future exposure in this claim.

6.

There exists a bona fide dispute between the parties as to the facts, the determination of which will materially affect the right of Claimant to receive compensation, and as to the amount of compensation which could be recovered, if any. Further, the parties acknowledge that there is conflicting evidence as to the cause and degree of disability, if any, the duration and extent of any such disability, if any, the compensability of any such disability under the Georgia Workers' Compensation Act, and the amount of compensation that is alleged to be due now or in the future as a result of the accident or injury arising out of and in the course of Claimant's employment with Employer/Self-Insurer.

7.

Motivated by the valid disputes of fact as hereinbefore set forth, the parties have reached a settlement of the claim of Claimant, William St. John, for workers' compensation benefits, which settlement gives due regard and weight to the conflicting evidence available relating to said disputed facts. Said compromise agreement is that Employer/Self-Insurer agrees to pay, and Claimant agrees to accept the total sum of **\$7,000.00 SEVEN THOUSAND DOLLARS and NO/100s)** in a lump sum settlement as a complete and final settlement and disposition of all claims on account of the injury which Claimant sustained on 06/26/2013; said payment to constitute full compensation for any and all medical and disability benefits to which Claimant

may be entitled as a result of said work-related injury. Employer/Self-Insurer is entitled to a credit against the lump sum amount referenced above for any weekly indemnity benefits or attorney's fees paid after the date the Board approves this Stipulation and Agreement.

Any further or additional medical expenses incurred by Claimant after the approval of this Stipulation and Agreement by the State Board of Workers' Compensation shall be Claimant's own personal responsibility and shall be borne by Claimant.

8.

Claimant has considered vocational rehabilitation but stipulates there is no need for nor desire for same; and Claimant further agrees that Employer/Self-Insurer is not and shall not be responsible for payment of any vocational rehabilitation services.

9.

In the event of any dispute regarding medical treatment, medical expenses, or vocational rehabilitation, it is expressly agreed by all parties that the sole and exclusive jurisdiction to resolve all issues regarding medical treatment, medical expenses, or vocational rehabilitation shall remain with the State Board of Workers' Compensation. However, Claimant agrees that for the consideration given in the instant settlement, he will not pursue reimbursement or payment of any medical benefits which have been denied or controverted prior to the execution of this Stipulation and Agreement.

10.

It is, therefore, the mutual intent and desire of the parties that the above and foregoing Stipulation and Agreement should serve as the basis for an Award of the State Board of Workers' Compensation, which Award shall conclude and dispose of this claim and which shall preclude

and debar any of the parties from any subsequent amendment, modification, change or reopening of this matter.

11.

No stipulation of facts or conclusion of law contained herein shall be binding on any party hereto or admissible in evidence on behalf of or against any party hereto unless and until approved by the State Board of Workers' Compensation.

12.

Claimant agrees that from the above-stated settlement amount, Claimant's attorney, J. Allen Turner, federal tax identification number _____, will receive a fee of 25% of the recovery as attorney fees, or \$_____, and _____ for expenses, totaling \$_____, with Claimant receiving \$_____. The settlement proceeds should be paid by separate checks to Claimant and Claimant's attorney for the amounts referenced above. The settlement checks should be sent directly to the care, custody and control of Claimant's attorney at the address shown for Claimant's attorney at the front of this Stipulation and Agreement, upon the approval of this Stipulation and Agreement by the State Board of Worker's Compensation; with the understanding that Claimant's attorney will promptly notify Claimant of the receipt of such settlement checks and promptly disburse same to Claimant.

13.

In accordance with O.C.G.A. §19-11-9(1a), Claimant, William St. John, does hereby warrant and confirm that there are no child support recovery liens pending against him.

MOORE INGRAM
JOHNSON & STEELE
Limited Liability Partnership
Emerson Overlook
326 Roswell Street
Marietta, GA 30060
(770) 429-1499
FAX (770) 429-8631

Item # 5

14.

Claimant and his attorney also hereby warrant and affirm that there are no pending attorney fee liens for legal work performed on behalf of Claimant by other attorneys regarding the above-referenced case.

15.

As an inducement to Employer/Self-Insurer to enter this stipulated settlement, Claimant hereby warrants and confirms that he is not receiving Social Security Disability Income benefits, and he is not receiving Medicare benefits. This also confirms that he has not applied for Social Security Disability Income benefits or Medicare benefits and does not anticipate making such an application.

16.

Of the **\$7,000.00 SEVEN THOUSAND DOLLARS and NO/100s)** settlement, \$_____ shall be paid as attorney's fees and expenses to J. Allen Turner as attorney for Claimant. The \$_____ to be paid to Claimant shall be calculated without commutation of interest but shall represent the negotiated compromise agreement that Claimant's life expectancy is ____ years forward from this date, pursuant to the National Vital Statistics CDC Life Table (2009), and that the settlement herein reached represents the payment of \$_____ per week to Claimant over the balance of the _____ week life expectancy of Claimant into the future.

IT IS UNDERSTOOD and MUTUALLY INTENDED by and between the parties hereto that the foregoing settlement shall be forever binding and not subject to modification or change in any manner, and it is intended to constitute the complete and final disposition of any and all

MOORE INGRAM
JOHNSON & STEELE
Limited Liability Partnership
Emerson Overlook
326 Roswell Street
Marietta, GA 30060
(770) 429-1499
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Item # 5

workers' compensation claims against Employer/Self-Insurer on account of the injury occurring on or about the date of accident referenced above.

IT IS FURTHER STIPULATED by Claimant herein that the date of injury shown on this Stipulation and Agreement is the only date of injury with Employer/Self-Insurer.

WHEREFORE, all parties pray that this Stipulation and Agreement be approved and that an Award be entered accordingly.

This the _____ day of _____, 2014.

Claimant:

William St. John

Claimant's Attorney:

J. Allen Turner

A COPY OF THE SETTLEMENT AGREEMENT HAS BEEN SENT TO EMPLOYER/SELF-INSURER PRIOR TO ANY PARTY HAVING SIGNED IT.

Employer/Self-Insurer: City of Cartersville
Servicing Agent: USIS - United Self Insureds Service

By:

Tristan B. Morrison Date
Attorney for Employer/Self-Insurer/Servicing Agent

I understand the provisions of this settlement instrument and that this shall conclude every element of this case and claim, that I shall not receive any further workers' compensation benefits in any amount, that this claim shall then be barred forever, that any medical expenses I incur AFTER the date of approval of this Stipulation and Agreement by the State Board of Workers' Compensation shall be my own responsibility and that I shall have no further right or claims of any nature against the above referenced parties.

I sign this instrument without duress, threat, promise, or inducement and am satisfied with the provisions of this settlement.

Claimant:

William St. John

Date

AS ATTORNEY FOR CLAIMANT IN THE FOREGOING, I HEREBY APPROVE THIS STIPULATION AND AGREEMENT AND CERTIFY THAT I HAVE EXPLAINED ITS FULL LEGAL IMPORT TO CLAIMANT.

Attorney for Claimant:

J. Allen Turner

Date

FULL AND COMPLETE RELEASE

For and in consideration of the sum of ONE (\$1.00) DOLLAR, and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, I, William St. John, have remised, released and forever discharged and I do hereby for myself, my heirs, executors, administrators and assigns, remise, release and forever discharge the City of Cartersville, and/or their subsidiaries, affiliates, insurers and their respective representatives, and servicing agents, directors, officers, employees, successors, agents, assigns (hereinafter referred to as the "Companies") from all debts, claims, actions, causes of action, including, but not limited to, those federal, state and local laws prohibiting employment discrimination based on age, sex, race, color, national origin, religion, handicap or veteran status such as the Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.; Equal Pay Act of 1963, 29 U.S.C. § 206 et seq.; Title VII of The Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.; Americans With Disabilities Act, 42 U.S.C. § 12101; Rehabilitation Act of 1973, 29 U.S.C. § 791 et seq.; the Georgia Age Discrimination Act, Ga. Code Ann. § 34-1-2 (1982); the Georgia Fair Employment Practices Act of 1978, Ga. Code Ann. § 45-19-20 et seq., (1982); and the Georgia Equal Employment for the Handicapped Code, Ga. Code Ann. § 34-6A-1 et seq., (1982); suits, dues, sums of money, accounts, reckonings, covenants, contracts, claims for attorney's fees, controversies, agreements, promises and all liabilities of any kind or nature whatsoever, at law, in equity, or otherwise which I ever had, now have, or which I, my heirs, executors, administrators and assigns hereafter can, shall or may have, from the beginning of my employment through this date, including those associated with my employment and separation from employment with the City of Cartersville.

It is further understood and agreed that by execution of this Full and Complete Release, I am voluntarily resigning from my employment with City of Cartersville in order to receive the

Item # 5

lump-sum payment referenced in the Stipulation and Agreement dated the ____ day of _____, 2014. I also agree not to apply for re-employment with the Companies herein at any time in the future. Said voluntary resignation to be effective as of the last day I worked with the City of Cartersville.

It is further understood and agreed that I will hold harmless, defend and indemnify any and all parties released hereby from any and all claims brought by me or others against the parties released hereby for any causes of action covered by this Full and Complete Release or the workers' compensation Stipulation and Agreement.

It is understood and agreed that this is a full and complete receipt, release and settlement of all claims and that it is not and shall not be construed to be an admission of liability of any kind on the part of the party or parties hereby released.

Through execution of this Full and Complete Release, I recognize and agree that the facts of and the contents of my settlement are to remain confidential and are not to be disclosed by me or my agents or representatives to anyone except as required by law through formal court proceedings. However, I understand that I am permitted to show this Full and Complete Release to potential employers solely to secure future employment and to demonstrate that I voluntarily quit my job with the City of Cartersville. I specifically agree not to divulge the contents of my workers' compensation settlement entered into with the City of Cartersville or any specifics regarding the settlement to any other parties.

I have read and reviewed the release, fully understand it, and voluntarily sign same.

Witness

William St. John, Claimant

Date: _____ Item # 5



City of Cartersville

City Council Meeting
12/4/2014 9:00:00 AM
Citizen Survey 2015

SubCategory:	Bid Award/Purchases
Department Name:	City Manager's Office
Department Summary Recommendation:	This is the first invoice for the 2015 Citizen Survey. This invoice is for \$6,900 and the total survey will cost \$10,900. We recommend your approval of this item.
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	This is a budgeted item.
Legal:	
Associated Information:	



NRC
National Research Center, Inc.

2955 Valmont Road
Suite 300

Boulder, CO 80301

T: (303) 444-7863

F: (303) 444-1145

Invoice

Date	Invoice No.
November 17, 2014	5266

Bill to:

Rebecca Bohlander
City of Cartersville
1 North Erwin Street
Cartersville, GA 30120
770-387-5612

Terms

Net 30 days

Description	Total	Amount Paid	Amount Due
The National Citizen Survey™ Basic Service	\$10,900	\$0	\$6,900

TOTAL	\$10,900.00	\$0.00	\$6,900.00
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If payment is not received within 30 days, National Research Center, Inc. reserves the right to charge an additional fee of 3% of the total invoiced amount on any late payments. This policy helps keep costs low for clients that pay in a timely fashion.



City of Cartersville

**City Council Meeting
12/4/2014 9:00:00 AM
Transformer for Electric Department**

SubCategory:	Bid Award/Purchases
Department Name:	Electric Department
Department Summary Recommendation:	The Electric department needs to replenish our stock by purchasing a 1000 kVA transformer to replace the one that was recently installed at a customers site. A bid was sent to 4 manufacturer representative. We received 4 bids for the unit which meets our specifications. Attached is a bid summary from the 4 bids we received. The Electric department is asking council to approve the purchase of the transformer from Stuart C. Irby which has the lowest Total Ownership Cost as well as the lowest unit price of \$12,334.00. The bid quotes are available at the Electric department for review.
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	The cost of this transformer is a budgeted item.
Legal:	
Associated Information:	E-verify and SAVE documents are available at the electric department for review.

Electric Department Bid the following item on November 11, 2014

ITEM: Pad Mounted, 3 phase, 1000 kva transformer, High Voltage = 12470GRDY/7200, Low Voltage = 480Y / 277. The unit is bid per City of Cartersville and Electric Cities of Georgia specifications.

We received bid quotes from 4 manufacturers which are shown below.

<u>Bidder (Supplier)</u>	<u>Manufacturer</u>	Total Ownership	
		<u>Cost (TOC)</u>	<u>Price of Unit</u>
Stuart C. Irby	General Electric	40,209.50	12,334.00
HF Supply	ABB	41,554.00	15,630.00
Gresco	ERMCO	41,648.50	15,176.00
Gresco	Cooper	46,206.00	16,925.00

This item is a budgeted item.

The electric department is asking that council approve the purchase of the transformer from Stuart C. Irby which has the lowest Total Ownership Cost as well as the lowest unit price of \$12,334.00