



City of Cartersville

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 – 7:00
PM – 1/2/2014
Work Session – 6:00 P.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. Swearing in of Elected Officials**

1. Swearing in of Elected Officials (Page 1)

[Attachments](#)

B. Council Meeting Minutes

1. December 19, 2013 (Pages 2-13)

[Attachments](#)

C. Appointments

1. Appointment and Swearing in of Municipal Court Judge (Page 14)

[Attachments](#)

2. Appointment and Swearing in of Assistant Municipal Court Judge (Page 15)

[Attachments](#)

3. Development Authority (Page 16)

[Attachments](#)

4. Recreation Advisory Board (Page 17)

[Attachments](#)

5. Water Superintendent (Page 18)

[Attachments](#)

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

1. File SU13-06: Special Use Application by James Forte to operate a pawn shop with no outdoor storage at 617 North Tennessee Street (approximately 0.26 acres). (Pages 19-31)

[Attachments](#)

2. File T13-05: Text Amendment application by the City of Cartersville to amend various sections of the Zoning Ordinance. (Pages 32-35)

[Attachments](#)

3. File Z13-08: Rezoning application by Randy Cochran for property located at 150 Old Mill Road (approximately 20.3 acres). Applicant proposes to delete condition 2 from this property zoned MF-14 with conditions. (Pages 36-45)

[Attachments](#)

E. Second Reading of Ordinances

1. Amendment to Swimming Pool and Spa Code (Pages 46-47)

[Attachments](#)

2. Revision to Ordinance Chapt.4, Art.II, Div. 2, Sec. 4-56 (Pages 48-50)

[Attachments](#)

F. Resolutions

1. Amendment to Cartersville Pension Plan Document (Pages 51-52)

[Attachments](#)

G. Contracts/Agreements

1. Immigration and Customs Enforcement (Pages 53-61)

[Attachments](#)

H. Bid Award/Purchases

1. Industrial Park Road Railroad Crossing Repair (Page 62)

[Attachments](#)

2. Line Truck Rebuild - Additional Repairs (Pages 63-66)

[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
1/2/2014 7:00:00 PM
Swearing in of Elected Officials**

SubCategory:	Swearing in of Elected Officials
Department Name:	Clerk
Department Summary Recommendation:	This will be the swearing in of the officials elected in the November 2013 election. Mayor and Council Member Wards 1, 3, and 5.
City Manager's Remarks:	This is a ceremonial item that is necessary to allow the Mayor and Council to legally be sworn in for the next term. The City Clerk will lead us through this item. No formal action is required of City Council as a whole
Financial/Budget Certification:	
Legal:	
Associated Information:	



City of Cartersville

City Council Meeting
1/2/2014 7:00:00 PM
December 19, 2013

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

City Council Meeting
 10 N. Public Square
 December 19, 2013
 6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tonsmeire

Pledge of Allegiance led by Council Member Stepp

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

II. Regular Agenda

A. Council Meeting Minutes

1. December 5, 2013

A motion to approve the December 5, 2013 City Council Meeting Minutes as presented was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

B. Appointments

1. Bartow – Cartersville Second Joint Development Authority

Keith Lovell, Assistant City Attorney stated that the terms of Greg Frisbee and Lamar Pendley will expire this month and recommended that they be reappointed to a new term to expire December 31, 2017.

A motion to approve the appointments of Greg Frisbee and Lamar Pendley was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

2. Planning Commission

Randy Mannino, Planning and Development Director stated that there are four (4) members of the Planning Commission whose terms will expire January 31, 2014. Mr. Mannino stated that these appointments coincide with the terms of Mayor and Council and recommended that Lamar Pendley (Mayor) be reappointed to a term ending January 31, 2016 and Travis

Popham (Ward 1), Ralph Miller (Ward 3) and Sandra Cline (Ward 5) all be reappointed to a term ending January 31, 2018.

A motion to approve the reappointments to the Planning Commission was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

C. First Reading of Ordinances

1. Revision to Ordinance Chap 4, Art II, Div 2, Sec 4-56

Randy Mannino, Planning and Development Director stated that the Bartow County Tax Commissioner has adopted a policy to not issue occupation tax certificates (business license) or alcohol license until proof of payment of outstanding ad valorem taxes have been paid. This policy has cleared up a great number of backlogs in the county and felt that the same policy would be beneficial to the City. Mr. Mannino stated after a review of city ordinances this is already required for Occupation Taxes; however no similar provision exists under the alcohol license. Mr. Mannino recommended approval of this amendment to the Alcohol License Ordinance.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Now be it and it is hereby **ORDAINED** by the Mayor and City Council of the City of Cartersville, that the **CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 4. ALCOHOLIC BEVERAGES. ARTICLE II. LICENSING REQUIRMENTS. DIVISION 2. APPLICATION AND ISSUANCE. Section 4-56. Limitations on issuance** is hereby amended by adding a new paragraph (d) as follows:

1.

(d) Upon the payment of all occupation, specific, special, or ad valorem taxes due the City by such person or entity being the applicant or other parties of interest in the application for any previous year

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 19th day of December 2013.

ADOPTED this the day of. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

2. Amendment to Swimming Pool and Spa Code

Randy Mannino, Planning and Development Director stated that on January 1, 2014 the now codes adopted by the DCA (Department of Community Affairs) will be in effect. Mr. Mannino stated that the code for pools, spas, and water parks was last amended in 2001 and these new codes apply to new construction not pools in existence. Mr. Mannino recommended approval.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 6. BUILDINGS AND BUILDING REGULATIONSVIII. SWIMMING POOLS. Sec. 6-161 Standard Swimming Pool Code-Adopted is hereby amended by deleting said Section Sec. 6-161 in its entirety and replacing it with the following:

1.

Sec. 6-161. - Standard Swimming Pool Code—Adopted.

The International Swimming Pool and Spa Code 2012 Edition, and all amendments thereto, are adopted by reference.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED.

**First Reading this the 19th day of December 2013.
ADOPTED this the day of. Second Reading.**

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

ATTEST:

**/s/ Connie Keeling
Connie Keeling
City Clerk**

D. Public Hearing – 1st Reading of Zoning/Annexation Requests

1. File T13-05: Text Amendment application by the City of Cartersville to amend various sections of the Zoning Ordinance

Randy Mannino, Planning and Development Director stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino stated that this application by the City of Cartersville is to revise the Optional Density Bonus section of various residential district portions of the Zoning Ordinance, as requested by the City Attorney's Office. The Optional Density Bonus allow single family houses to be built on smaller lots than would normally be allowed in a residential zoning district if a builder chooses to use one of the options written into the ordinance. Mr. Mannino stated that the City Attorney's Office has requested that item three (3), one of the options used to obtain the density bonus related to donation of land be removed from the list. This removal would affect the R-20, R-15, R-10, R-7, and R-D Districts. Mr. Mannino recommended approval.

NO ACTION REQUIRED

Ordinance

of the
City of Cartersville, Georgia

Ordinance No.

Petition No. T13-05

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, that the Code of Ordinances, City of Cartersville, Georgia **CHAPTER 26. ZONING. ARTICLE VI. SINGLE FAMILY DWELLING DISTRICT REGULATIONS.** is hereby amended by deleting the following subsections:

1.

Sec. 6-1. R-20 Single-Family Dwelling District 6.1.3 Development Standards K. Optional Density Bonus (3).

2.

Sec. 6.2.R-15 Single-Family Dwelling District 6.2.3 Development Standards K. Optional Density Bonus (3).

3.

Sec.6.3.R-10 Single-Family Dwelling District 6.3.3 Development Standards K. Optional Density Bonus (3).

4.

Sec. 6.5.3.R-7 Single-Family Dwelling District 6.5.3 Development Standards N. Optional Density Bonus (3).

5.

Sec. 6.6. R-D Single Family Dwelling District 6.6.3 Development Standards L. Optional Redevelopment Density Bonus (3).

6.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

First Reading this the 19th day of December 2013.

ADOPTED this the day of. Second Reading.

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

ATTEST:

**/s/ Connie Keeling
Connie Keeling
City Clerk**

2. File Z13-08: Rezoning application by Randy Cochran for property located at 150 Old Mill Road (approximately 20.3 acres). Applicant proposes to delete condition two (2) from this property zoned MF-14 with conditions.

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 this is an amendment for the Hillendale Senior Condo Complex located at 150 Old Mill Road. This property was rezoned from the industrial to multi-family residential in 1998 with a timeframe on the use of River Drive for construction access to the property for a maximum of two years from the issuance of a Certificate of Occupancy on the first units completed. Mr. Mannino stated that only a portion of this complex has been constructed and the applicant seeks to temporarily use River Drive and an industrial property to the south for construction access. Mr. Mannino stated that the Planning Commission has recommended approval of modifying the zoning condition (keeping the property zoned MF-14) with the condition that the rear access expires two (2) years from the issuance of the first building permit.

Mayor Santini opened the floor for a public hearing and with no comments he closed the public hearing.

NO ACTION REQUIRED

Ordinance

of the
City of Cartersville, Georgia

Ordinance No.

Petition No. Z13-08

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Hillendale – Cartersville LLC. Property is located at 150 Old Mill Road. Said property contains 20.28 acres located in the 4th District, 3rd Section, Land Lot(s) 627 and 670 as shown on the attached plat Exhibit “A”. Property is hereby rezoned from MF-14 with conditions to MF-14 with conditions the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

- 1. Allow the use of River Drive for temporary construction vehicle access to complete the final phase of the Hillendale Senior Condo Complex with access limited to two years from the issuance of the first building permit.**

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 19th day of December 2013.
ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

- 3. File SU13-06: Special Use Application by James Forte to operate a pawn shop with no outdoor storage at 617 North Tennessee Street (approximately 0.26 acres).**

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 property is located at 617 North Tennessee Street, near the intersection with Porter Street. The property includes a freestanding, single-use commercial building constructed in approximately 1969. The applicant proposes to operate a pawn shop in this building without outdoor storage. Mr. Mannino stated that the Planning Commission has recommended approval.

Mayor Santini opened the floor for a public hearing and with no comments he closed the public hearing.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. SU13-06

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Kathy Allen. Property is located 617 North Tennessee Street. Said property contains 0.26 acres located in the 4th District, 3rd Section, Land Lot(s) 337 as shown on the attached plat Exhibit "A". Property is hereby rezoned from M-U (Multiple Use) to M-U (Multiple Use) with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

- 1. To allow pawn and/or title pawn shop with no outdoor storage.**

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 19th day of December 2013.

ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

E. Contracts/Agreements

- 1. Pettit Creek Flood Study**

Wade Wilson, City Engineer stated that this Pettit Creek Flood Study Proposal was submitted by Southland Engineering at the City's request to study the impacts of the recent

work done adjacent to Pettit Creek. The new owners have completed grading work for their horse pastures and the City wants to determine the impact to the flood plain and adjacent properties. Mr. Wilson stated that this agreement includes \$2,390.00 for surveying and database preparation and \$5,700.00 for modeling and reporting for a total study cost of \$8,090.00 and recommended approval.

A motion to approve the Pettit Creek Flood Study was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

2. GMA Telecommunication Management Services

Dan Porta, Assistant City Manager stated that this is the annual contract with GMA (Georgia Municipal Association) for telecommunications management services. Mr. Porta stated that this amount reflects an increase of \$1,500.00 for a total of \$6,500.00 and recommended approval.

A motion to approve the contract with GMA was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

F. Bid Award/Purchases

1. Computer Management Software

Dan Porta, Assistant City Manager stated that this software is to maintain the integrity of city workstations by only allowing approved software application to be installed. This will help defend against malicious software that impedes city employees from getting work done and reduces the amount of time spent by IT staff to remove unwanted software. Mr. Porta stated that the cost is \$9,270.50 and recommended approval.

A motion to approve purchase for computer management software was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

2. Trench Box

Michael Hill, Assistant Gas Superintendent stated that the Gas Department had received bids for a trench box to be used in holes to provide safety for employees. Mr. Hill recommended approval of the low bid from J & B Tool in the amount of \$8,320.00.

A motion to approve the low bid from J & B Tools was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

3. Cleaning Water Storage Tank

Bob Jones, Assistant Water Superintendent stated that bids were received to clean the five (5) million gallon water storage tank on Tank Hill Road. Mr. Jones recommended the low

bid in the amount of \$5,950.00 from SE Diving Services, LLC.

A motion to approve the low bid from SE Diving Services, LLC was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

4. Annual Software Maintenance

Tom Rhinehart, Finance Director stated that this is the annual software maintenance invoice from Cogsdale. This invoice reflects an increase of 6% over last year due to the increased cost of providing support services and ongoing product improvements. Mr. Rhinehart recommended approval of this agreement in the amount of \$61,229.03.

A motion to approve annual maintenance agreement with Cogsdale was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

4. WRS Benefits Invoice (Actuary)

Tom Rhinehart, Finance Director stated that this is an invoice to WRS Benefits for work performed on the annual GASB45 (OPED) valuation needed for the audit. This invoice total is \$15,400.00 for the FY 2013-14 valuations and Mr. Rhinehart recommended approval.

A motion to approve the invoice from WRS Benefits was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

G. Monthly Financial Statement

1. October 2013

Mr. Tom Rhinehart, Finance Director, presented the October 2013 monthly financial statement with comparisons from the previous year of October 2012 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 October 2013

H. Discussion

1. TANs Payment Due 12/31/13

Tom Rhinehart, Finance Director stated that the TANs are due on December 31, 2013 in the amount of \$4,318,490.00. The current balance on the SPLOST funds are \$2,988,436.83. The city should receive two more SPLOST checks and three more TAVT checks from the county totaling an estimated \$565,000.00. This will give the SPLOST checking account a total amount to pay toward the retirement of the TANs of \$3,553,436.83 and will result in a shortfall of approximately \$765,000.00. Mr. Rhinehart stated that the city had two options – (1) pay the balance using general funds or (2) re-issue TANs early in the calendar year 2014 in the amount

of \$765,000.00 and requested direction from council.

A motion to add an item to the agenda was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

A motion to authorize staff to pay off the TANs from the General Fund was made by Council Member Pruitt and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

2. Parks and Recreation Property Bond

Greg Anderson, Parks and Recreation Director stated that the Parks and Recreation Advisory Board voted unanimously to recommend the City Council to call for a special election be held on May 20, 2014 that would call for a one (1) millage property tax increase, not to exceed 10 years for Park/Facility Improvements and Trails. Mr. Anderson stated that this one (1) mill should generate an estimated \$8,000,000.00 over the projected 10 years. No action was made at this time.

After announcements a motion to adjourn the meeting was made by Council Member Stepp and needing no second. Motion carried unanimously. Vote 6-0

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk



City of Cartersville

**City Council Meeting
1/2/2014 7:00:00 PM
Appointment and Swearing in of Municipal Court Judge**

SubCategory:	Appointments
Department Name:	
Department Summary Recommendation:	This is the annual reappointment of Municipal Court Judge, Harry White, as required according to statute per Keith Lovell.
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	



City of Cartersville

City Council Meeting

1/2/2014 7:00:00 PM

Appointment and Swearing in of Assistant Municipal Court Judge

SubCategory:	Appointments
Department Name:	
Department Summary Recommendation:	This is the annual reappointment of Assistant Municipal Court Judge, Jay Choate, as required according to statute per Keith Lovell.
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	



City of Cartersville

**City Council Meeting
1/2/2014 7:00:00 PM
Development Authority**

SubCategory:	Appointments
Department Name:	
Department Summary Recommendation:	Development Authority of Cartersville to reappoint Gene Tilley, Tommy Strickland and Walter Mahone to a new term to expire 1.06.18.
City Manager's Remarks:	Reappointment of the 3 individuals mentioned above is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	



City of Cartersville

**City Council Meeting
1/2/2014 7:00:00 PM
Recreation Advisory Board**

SubCategory:	Appointments
Department Name:	Parks and Recreation
Department Summary Recommendation:	Cartersville Parks and Recreation Department's Recreation Advisory Board members: Brian Thomas – appointed by Councilmember Hodge Kathy Hayes – appointed by Councilmember Tonsmeire Tommy Hall – appointed by Councilmember Tate Howard Smith – appointed by Mayor Santini All of the mentioned board members current term is expiring and are up for re-appointment. All are eligible for another full-term (4-years city council appointee & 2-years mayor appointee). I have spoken w/ each board member and all wish to continue to serve the City of Cartersville as a Recreation Advisory Board
City Manager's Remarks:	Your approval of the list above is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	



City of Cartersville

City Council Meeting
1/2/2014 7:00:00 PM
Water Superintendent

SubCategory:	Appointments
Department Name:	
Department Summary Recommendation:	The fourteen day public notice of the candidates being considered for Water Superintendent has ended. The City Manager will make his recommendation for this position at tonight's meeting.
City Manager's Remarks:	This process is being done in compliance with state law and the city charter. I will make my recommendation to you Thursday.
Financial/Budget Certification:	
Legal:	
Associated Information:	



City of Cartersville

City Council Meeting

1/2/2014 7:00:00 PM

File SU13-06: Special Use Application by James Forte to operate a pawn shop with no outdoor storage at 617 North Tennessee Street (approximately 0.26 acres).

SubCategory:	Public Hearing - 2nd Reading of Zoning/Annexation Requests
Department Name:	Planning and Development
Department Summary Recommendation:	The subject lot is 617 N. Tennessee Street, near the intersection with Porter Street. The property includes a freestanding single-use commercial building constructed in approximately 1969. The applicant proposes to operate a 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.
City Manager's Remarks:	This item is unchanged from first reading and is recommended for your approval.
Financial/Budget Certification:	
Legal:	
Associated Information:	

SPECIAL USE APPLICATION SYNOPSIS

Petition Number(s): SU13-06

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: James Forte

Representative: none

Property Owner: Kathy Allen

Property Location: 617 N. Tennessee Street

Access to the Property: Tennessee Street

Site Characteristics:

Tract Size: Acres: 0.26 acres District: 4th Section: 3rd LL(S): 337

Ward: 1 Council Member: Kari Hodge

LAND USE INFORMATION

Current Zoning: M-U (Multiple Use)

Proposed Special Use: Allow pawn and/or 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 617 N. Tennessee Street, near the intersection with Porter Street. The property includes a freestanding single-use commercial building constructed in approximately 1969. The applicant proposes to operate a 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.

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 17 parking spots on the property. The applicant stated that there is adequate parking for all tenants.

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: M-F 9:00-6:00, Sat 10:00-5:00, closed Sunday).

General Standard #5: Outdoor lighting

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

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

How Standard #6 has / will be met: Standard GDOT approved curb cuts are in place for ingress and egress.

General Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met: Applicant has stated that this use may be compatible with surrounding commercial uses.

Specific Standards:

None for pawn and/or title pawn shop.

Staff Recommendation:

No concerns.

PLANNING COMMISSION RECOMMENDATION:

Approval

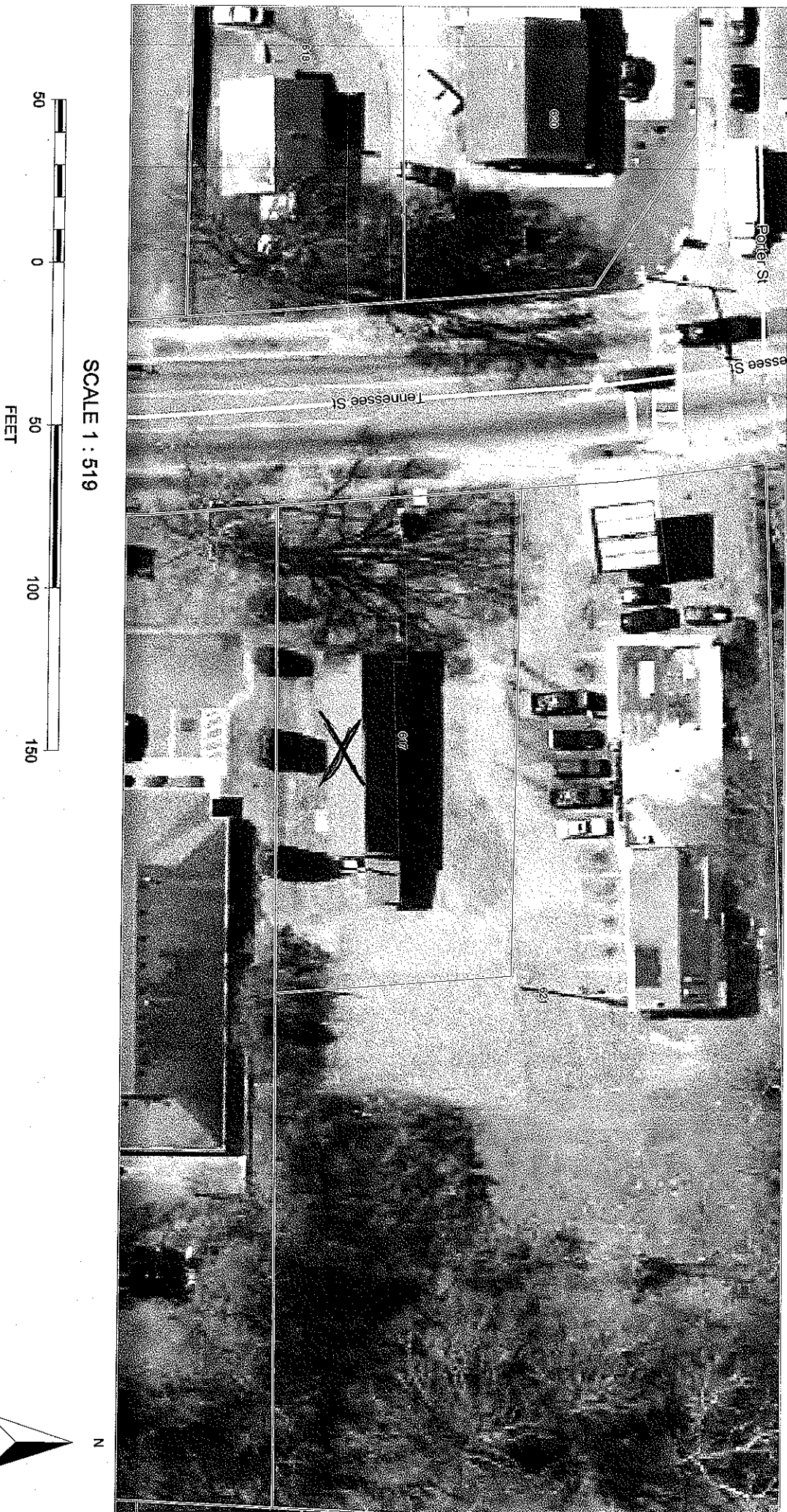
617 N. Tennessee St - special use case SU13-06

Item # 8



617 N. Tennessee St - special use case SU13-06

Item # 8



Application for Special Use

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

Application Number SU13-06
December 10 @ 5:30 PM
Hearing Dates Dec. 19 @ 7:00 PM
January 2 @ 7:00 PM

Paid \$450
10-30-13
-RO

Applicant <u>James A. Fork</u> (applicant's printed name)		Business Phone <u>678.721.4199</u>
Address <u>1153 B Burnt Hickory Road</u>		Home Phone <u>770.875.3561</u>
City <u>Cartersville</u>	State <u>GA</u>	Zip <u>30120</u>
Phone <u>same</u>		Fax # <u>N/A</u>
(Representative's printed name (if other than applicant))		
Representative's signature <u>[Signature]</u>		Applicant's signature <u>[Signature]</u>
Signed, sealed and delivered in presence of: <u>Thomas Rabor Taylor</u> Notary Public		

My commission expires: Sept. 30, 2016

THOMAS RABORN TAYLOR
NOTARY
EXPIRES
GEORGIA
Sept. 30, 2016
PUBLIC
WASHINGTON COUNTY

Titleholder <u>Kathy Allen</u> (titleholder's printed name)	Business <u>770.843.8121</u>	Home <u>770.684.7307</u>
*attach additional notarized signatures as needed on separate application page		
Address <u>1984 Hills Creek Road</u>		
Signature <u>[Signature]</u>		
Signed, sealed, delivered in presence of: <u>Thomas Rabor Taylor</u> Notary Public		

My commission expires: Sept. 30, 2016

THOMAS RABORN TAYLOR
NOTARY
EXPIRES
GEORGIA
Sept. 30, 2016
PUBLIC
WASHINGTON COUNTY

Present Zoning District(s) <u>M-U</u>	Requested Special Use <u>Pawn shop in M-U</u>
Acreage <u>.258±</u>	Land Lot(s) <u>337</u>
District(s) <u>4</u>	Section(s) <u>3</u>
Location of Property <u>617 North Tennessee Street, Cartersville, GA 30120. Near Intersection of Porter Street + N. Tennessee Street</u> (street address, nearest intersections, etc)	
Reason for requested Special Use: <u>Operate a Pawn Shop without Outdoor Storage within M-U zoning.</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.

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: Pawn Shop with NO outdoor storage.

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

How Standard #1 has / will be met:

Property is located at a traffic light. The traffic light will control traffic flow, not causing any negative effects.

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

How Standard #2 has / will be met:

There are 17 parking spots on the subject property

Standard #3: Protective screening.

How Standard #3 has / will be met:

N/A. All items will be stored inside the existing building

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

How Standard #4 has / will be met:

Hours of operation shall be 9AM-6PM Monday-Friday & 10AM-5PM Saturday. Closed on Sundays.

Standard #5: Outdoor lighting.

How Standard #5 has / will be met:

Exterior lighting existing on the building, surrounding buildings, and the street.

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met:

Standard GDOT approved curb cuts in place.

Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met:

Similar to other surrounding retail uses.

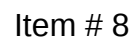
Additional standards from Zoning Ordinance section 16.4 for use applied for and how they are met:

N/A

Signed,

X 
Applicant's or representative's name

10/30/13
Date





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

File # **SU13-06**

DISCLOSURE OF INTERESTS BY LOCAL OFFICIAL

(To be completed by Mayor, City Council, and Planning Commission)

James Forte has made a Special use request on the following property: Approximately 0.26 acres located at 617 N. Tennessee Street in Land Lot 337, 4th District, 3rd Section, to allow a pawn and/or title pawn shop in M-U.

Pursuant to O.C.G.A § 36-67A-2 any local government official considering a rezoning request must disclose if he has any of the following interest:

1. A Property interest in any real property affected by a rezoning request.
Yes _____ No _____ If the answer is Yes, please disclose the nature and extent of such interest.

2. A financial interest in any business entity which has a property interest in any real property affected by a rezoning action.
Yes _____ No _____
If the answer is Yes, please disclose the nature and extent of such interest.

3. A spouse, mother, father, brother, sister, son, or daughter with either of the above interests.
Yes _____ No _____ If the answer is Yes, please disclose the nature and extent of such interest.

TITLE: _____

DATE: _____



City of Cartersville

City Council Meeting

1/2/2014 7:00:00 PM

File T13-05: Text Amendment application by the City of Cartersville to amend various sections of the Zoning Ordinance.

SubCategory:	Public Hearing - 2nd Reading of Zoning/Annexation Requests
Department Name:	Planning and Development
Department Summary Recommendation:	Text Amendment T13-05 is an application by City of Cartersville to revise the Optional Density Bonus section of various residential district portions of the Zoning Ordinance, as requested by the City Attorney's office. The Optional Density Bonus allows single-family houses to be built on smaller lots than would normally be allowed in a residential zoning district if a builder chooses to use one of the options written into the ordinance. The City Attorney's office has requested that item 3, one of the options used to obtain the density bonus related to donation of land, be removed from the list. This removal would affect the R-20, R-15, R-10, R-7, and R-D districts. The City Attorney's office has prepared the proposed ordinance. Planning Commission recommended approval.
City Manager's Remarks:	This item is unchanged from first reading and is recommended for your approval.
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: Planning Commission, Mayor Santini & Council
 From: Randy Mannino and Richard Osborne
 Date: December 3, 2013
 Re: Text Amendment T13-05

Text Amendment T13-05 is an application by City of Cartersville to revise the Optional Density Bonus section of various residential district portions of the Zoning Ordinance, as requested by the City Attorney's office. The Optional Density Bonus allows single-family houses to be built on smaller lots than would normally be allowed in a residential zoning district if a builder chooses to use one of the options written into the ordinance.

The City Attorney's office has requested that item 3 below, related to donation of land, be removed from the list of options. This removal would affect the R-20, R-15, R-10, R-7, and R-D districts. The City Attorney's office has prepared the proposed ordinance and recommends its approval. Planning Commission recommended approval.

(Example below from the R-20 zoning district, in which lots would normally need to be minimum 20,000 square feet in size)

Section 6-1 R-20 Development Standards (K) Optional Density Bonus.

Proposed developments may contain lots with minimum areas of 17,000 square feet if one (1) of the following items is met:

1. Submittal of an affidavit certifying that all units will meet certification standards of the EarthCraft House certification program or will be LEED certified homes.
2. Submittal of an affidavit certifying that all units will be clad with exterior finishes of brick, stone, or hard-coat stucco on sixty-seven percent (67%) or more of wall surfaces and one hundred percent (100%) architectural roofing shingles.
3. A donation of land to the City of Cartersville for one (1) of the following: community greenway facility including surface trails if directly accessible from the development, or a neighborhood park with public access. In either case, the minimum total area to be donated shall be ten (10) percent of the total acreage of the property. All legally necessary documents, including but not limited to a property deed to convey land to the City of Cartersville, shall be completed at time of approval of any final plats.

Since the Optional Density Bonus was added to the Zoning Ordinance in 2010, a few single-family houses have been built in the North Towne area (by private individuals and by Habitat for Humanity) using item 2.

Ordinance no. _____

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, that the Code of Ordinances, City of Cartersville, Georgia **CHAPTER 26. ZONING. ARTICLE VI. SINGLE FAMILY DWELLING DISTRICT REGULATIONS.** is hereby amended by deleting the following subsections:

1.

Sec. 6-1. R-20 Single-Family Dwelling District 6.1.3 Development Standards K. Optional Density Bonus (3).

2.

Sec. 6.2.R-15 Single-Family Dwelling District 6.2.3 Development Standards K. Optional Density Bonus (3).

3.

Sec.6.3.R-10 Single-Family Dwelling District 6.3.3 Development Standards K. Optional Density Bonus (3).

4.

Sec. 6.5.3.R-7 Single-Family Dwelling District 6.5.3 Development Standards N. Optional Density Bonus (3).

5.

Sec. 6.6. R-D Single Family Dwelling District 6.6.3 Development Standards L. Optional Redevelopment Density Bonus (3).

6.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
CONNIE KEELING, CITY CLERK



City of Cartersville

City Council Meeting

1/2/2014 7:00:00 PM

File Z13-08: Rezoning application by Randy Cochran for property located at 150 Old Mill Road (approximately 20.3 acres). Applicant proposes to delete condition 2 from this property zoned MF-14 with conditions.

SubCategory:	Public Hearing - 2nd Reading of Zoning/Annexation Requests
Department Name:	Planning and Development
Department Summary Recommendation:	The subject tract is the Hillendale Senior Condo Complex, located at 150 Old Mill Road. The property was rezoned from industrial to multi-family residential (MF-14) with conditions in 1998. At that time, an apartment complex was proposed to be built on the property. Zoning condition #2 placed a timeframe on the use of River Drive for construction access to the property for a maximum of two years from the issuance of a Certificate of Occupancy on the first units completed. Since 1998, only a portion of the Hillendale Senior Condo Complex has been constructed. No construction has occurred in many years, and now the applicant is interested in finishing the development. In order to minimize disturbance to existing residents, the applicant seeks to temporarily use River Drive and an industrial property to the south of Hillendale for construction access. Planning Commission recommended approval of modifying the zoning conditions (keeping the property zoned MF-14) with the condition that the rear access expires two years from issuance of the first building permit.
City Manager's Remarks:	This item is unchanged from first reading and is recommended for your approval.
Financial/Budget Certification:	
Legal:	
Associated Information:	

ZONING SYNOPSIS

Petition Number(s): **Z13-08**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Randy Cochran / Gene Vance**

Representative: **Gene Vance**

Property Owner: **Hillendale – Cartersville LLC**

Property Location: **150 Old Mill Road**

Access to the Property: **Old Mill Road**

Site Characteristics:

Tract Size: Acres: **20.28 acres** District: **4th** Section: **3rd** LL(S): **627, 670**

Ward: **3** Council Member: **Louis Tonsmeire**

LAND USE INFORMATION

Current Zoning: **MF-14 with conditions**

Proposed Zoning: **MF-14 with conditions (propose to delete condition #2)**

Proposed Use: **Delete zoning condition #2 to allow the use of River Drive for temporary construction vehicle access to complete the final phase of the Hillendale senior condo complex.**

Current Zoning of Adjacent Property:

North: **R-20**

South: **L-I**

East: **L-I**

West: **R-20**

The Future Development Plan designates the subject property as:
Suburban Living with recommended zoning districts R-20 and R-15.

ZONING ANALYSIS

City Departments Reviews

Water and Sewer:

No objections.

Public Works:

No objections.

Gas:

No objections.

Electric:

No objections.

Fire:

No objections.

Police:

No comments.

The subject tract is the Hillendale Senior Condo Complex, located at 150 Old Mill Road. The property was rezoned from industrial to multi-family residential (MF-14) with conditions in 1998. At that time, an apartment complex was proposed to be built on the property. Zoning condition #2 placed a timeframe on the use of River Drive for construction access to the property for a maximum of two years from the issuance of a Certificate of Occupancy on the first units completed.

Since 1998, only a portion of the Hillendale Senior Condo Complex has been constructed. No construction has occurred in many years, and now the applicant is interested in finishing the development. In order to minimize disturbance to existing residents, the applicant seeks to temporarily use River Drive and an industrial property to the south of Hillendale for construction access. Planning Commission recommended approval of modifying the zoning conditions (keeping the property zoned MF-14) with the condition that the rear access expires two years from issuance of the first building permit.

STANDARDS FOR EXERCISE OF ZONING POWERS.

- A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposal is related to the conditions and would not result in a change in zoning district or the allowed uses on the property.
- B. *Whether the zoning proposal will create an isolated district unrelated to adjacent and nearby districts.*
The MF-14 zoning would not change – this would be deleting a condition related to access.
- C. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The proposal may not adversely affect the existing use of adjacent properties.
- D. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*
As currently zoned for MF-14 with conditions, the property may have a reasonable economic use.
- E. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The proposal may not cause an excessive use of existing streets and facilities. Utility, Public Works, and Planning & Development staff would review any future development based on possible use on roads, utilities, and other factors.

- F. *Whether the zoning proposal is in conformity with the adopted local Comprehensive Land Use Plan.*

The underlying MF-14 zoning district and associated allowed uses would not change.

- G. Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.

The proposal may not result in a use which could adversely affect the environment. Utility, Public Works, and Planning & Development staff would review any future development/redevelopment.

- H. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Since the proposal is related to access rather than the zoning district or allowed uses on the property, it may be appropriate to consider the temporary access and traffic effects to existing Hillendale residents and to motorists traveling on the high-traffic collector Old Mill Road. Having the second access, temporarily, could be beneficial.

STAFF RECOMMENDATION

Staff has no objections.

PLANNING COMMISSION RECOMMENDATION:

Approval with the condition that the rear access expire two years from issuance of the first building permit.

Application for Rezoning

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

\$450 Fee
 paid 11-1-13

Application Number 213-08
12-10 @ 5:30 PM
 Hearing Dates 12-19 @ 7:00 PM
1-2 @ 7:00 PM

Applicant <u>Randy Cochran</u> (applicant's printed name)	Business/Cell Phone <u>770-655-8132</u>
Address <u>38 Pine Grove Rd</u>	Home Phone _____
City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u> Email <u>rcoch@bellsouth.net</u>	
(Representative's printed name (if other than applicant)) _____	Phone _____ Fax # _____
Representative's signature _____	Applicant's signature <u>Randy Cochran</u>
Signed, sealed and delivered in presence of: <u>Connie Keeling</u> Notary Public	My commission expires: _____

Titleholder <u>Randy Cochran</u> (titleholder's printed name)	Business <u>(same info)</u>	Home _____
*attach additional notarized signatures as needed on separate application page Address _____		
Signature <u>Randy Cochran</u>		
Signed, sealed and delivered in presence of: <u>Connie Keeling</u> Notary Public	* SEE Attached For new owner information	
	My commission expires: _____	

Present Zoning District(s) <u>MF-14 w/cond.</u>	Requested Zoning <u>MF-14 (modify conditions to delete #2)</u>
Acreage <u>20.3 ac</u> Land Lot(s) <u>627,670</u>	District(s) <u>4</u> Section(s) <u>3</u>
Location of Property <u>150 Old Mill Rd</u> (street address, nearest intersections, etc)	
Reason for requested Rezoning: <u>modify conditions to delete condition #2 so that construction vehicles will not disturb existing residents</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.

Application for Rezoning

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

Application Number Z13-08

Hearing Dates _____

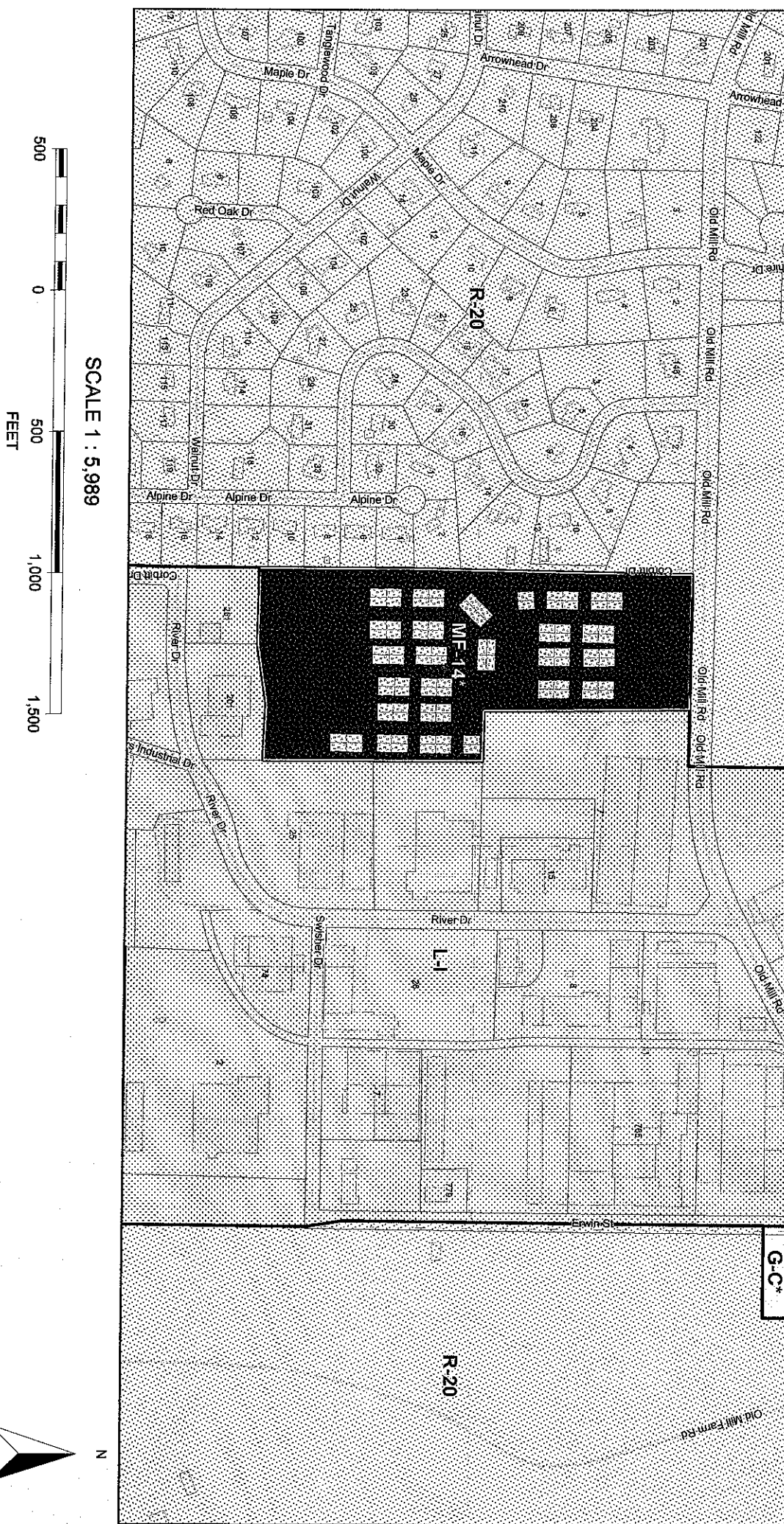
Applicant _____ (applicant's printed name)		Business/Cell Phone _____	
Address _____		Home Phone _____	
City _____	State _____	Zip _____	Email _____
(Representative's printed name (if other than applicant))		Phone _____	Fax # _____
Representative's signature _____		Applicant's signature _____	
Signed, sealed and delivered in presence of: _____			
Notary Public _____		My commission expires: _____	

Titleholder: <u>Cartersville LLC Builders</u>	Home: <u>P.O. Box 3153</u>
*attach additional notarized signatures as needed on separate application page Address: <u>Cartersville, Ga</u>	
Signature: <u>[Signature]</u>	<u>30120</u>
Signed, sealed, delivered in presence of: <u>[Signature]</u>	
Notary Public: <u>[Signature]</u>	My commission expires: <u>11-30-13</u>

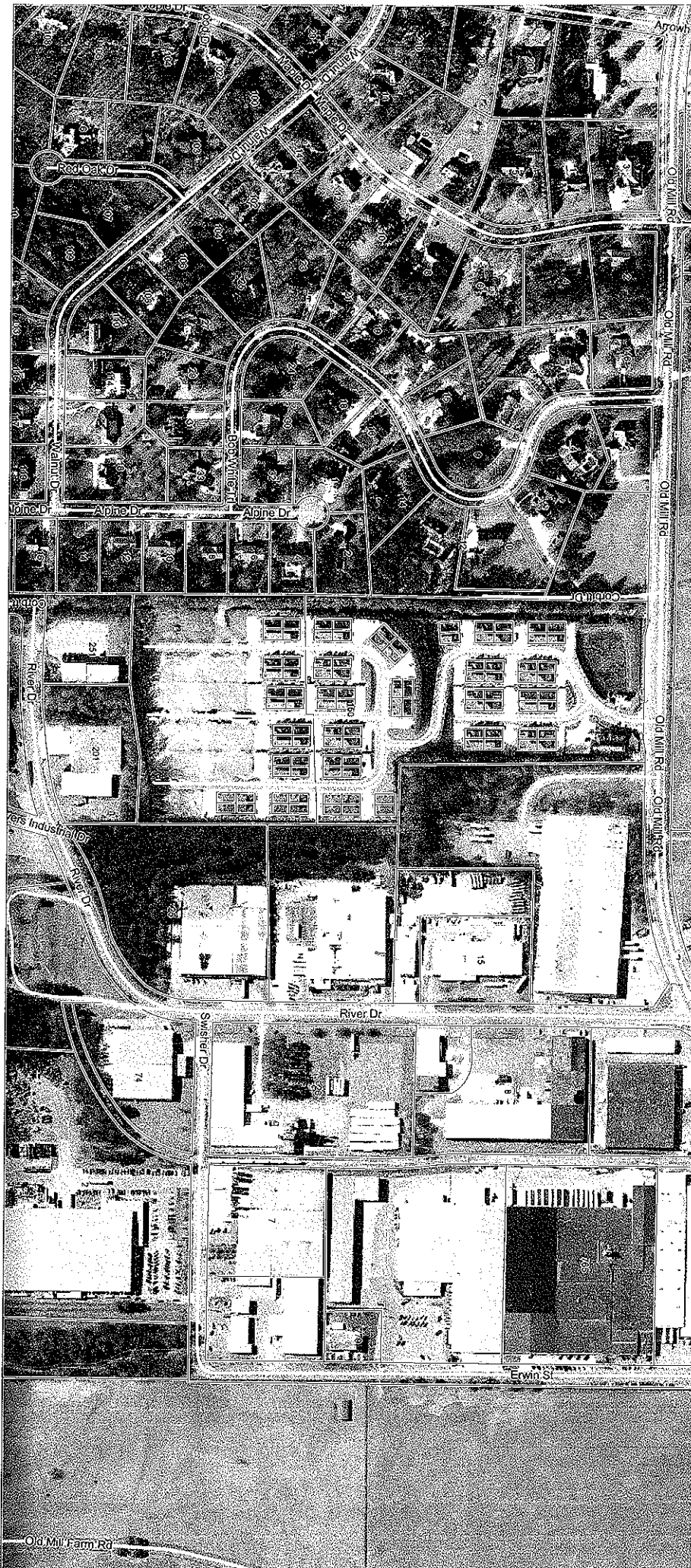
Present Zoning District(s) _____	Requested Zoning _____
Acreage _____	Land Lot(s) _____
District(s) _____	Section(s) _____
Location of Property _____ (street address, nearest intersections, etc)	
Reason for requested Rezoning: _____ (attach additional statement as necessary)	

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.

150 Old Mill Rd - zoning case Z13-08



150 Old Mill Rd - zoning case Z13-08





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

File # **Z13-08**

DISCLOSURE OF INTERESTS BY LOCAL OFFICIAL

(To be completed by Mayor, City Council, and Planning Commission)

Randy Cochran / Gene Vance has made a zoning request on the following property:
Approximately 20.28 acres located at 150 Old Mill Road (Hillendale development) in Land Lots
627 and 670, 4th District, 3rd Section, to delete zoning condition #2 for this property currently
zoned MF-14 with conditions.

Pursuant to O.C.G.A § 36-67A-2 any local government official considering a rezoning request must disclose if he has any of the following interest:

1. A Property interest in any real property affected by a rezoning request.
 Yes _____ No _____ If the answer is Yes, please disclose the nature and extent of such interest.

2. A financial interest in any business entity which has a property interest in any real property affected by a rezoning action.
 Yes _____ No _____
 If the answer is Yes, please disclose the nature and extent of such interest.

3. A spouse, mother, father, brother, sister, son, or daughter with either of the above interests.
 Yes _____ No _____ If the answer is Yes, please disclose the nature and extent of such interest.

 TITLE: _____

DATE: _____



City of Cartersville

**City Council Meeting
1/2/2014 7:00:00 PM
Amendment to Swimming Pool and Spa Code**

SubCategory:	Second Reading of Ordinances
Department Name:	Planning and Development
Department Summary Recommendation:	On January 1, 2014 the new codes adopted by DCA will be effective. We will need to adopt the new International Swimming Pool and Spa Code.
City Manager's Remarks:	This is the adoption of a national code governing pools. Similar to other national codes this one needs to be adopted. Your approval is recommended.
Financial/Budget Certification:	
Legal:	City attorney is drawing up the ordinance
Associated Information:	

Ordinance
of the
City of Cartersville, Georgia

Ordinance No.

Now be it and it is hereby **ORDAINED** by the Mayor and City Council of the City of Cartersville, that the **CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 6. BUILDINGS AND BUILDING REGULATIONS****VIII. SWIMMING POOLS. Sec. 6-161 Standard Swimming Pool Code-Adopted** is hereby amended by deleting said Section Sec. 6-161 in its entirety and replacing it with the following:

1.

Sec. 6-161. - Standard Swimming Pool Code—Adopted.

The International Swimming Pool and Spa Code 2012 Edition, and all amendments thereto, are adopted by reference.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the day of.

ADOPTED this the day of. Second Reading.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk



City of Cartersville

City Council Meeting

1/2/2014 7:00:00 PM

Revision to Ordinance Chapt. 4, Art. II, Div. 2, Sec. 4-56

SubCategory:	Second Reading of Ordinances
Department Name:	Planning and Development
Department Summary Recommendation:	To: Same Grove cc: Randy Mannino From: E. Keith Lovell Date: December 4, 2013 Re: Occupational Taxes and Alcohol Licenses I met with the County Tax Commissioner who mentioned that the County has adopted a policy to not issue occupation tax certificates (business licenses) or alcohol licenses until proof of payment of outstanding ad valorem taxes has been made. He stated that this had cleared up a great number of backlogs in the County and felt that the same policy would be beneficial to the City. He stated that his office would be willing to do this by phone or by a sign off sheet whatever the City recommended. I informed him that I would pass on the request. He said that logistically, the County just requires it on new businesses not renewals. A review of our ordinances finds the following: (A) Occupational Taxes. This is required already by Code Section 10-106, so should be being done by staff upon issuance of license. The responsibility of the applicant or staff, either would work. Copy attached. (B) Alcohol Licenses: No similar provision exists under the alcohol licenses, I have attached a draft amendment for consideration. In real world terms this would allow the County to collect back taxes on properties in the City, of which the City would get their appropriate share. If not a logistical problem for staff, it would be my recommendation to incorporate said policy.
City Manager's Remarks:	This item is unchanged from first reading and is recommended for your approval. Cover Memo Item # 11

Financial/Budget Certification:	
Legal:	See Department Summary
Associated Information:	

Ordinance
of the
City of Cartersville, Georgia

Ordinance No.

Now be it and it is hereby **ORDAINED** by the Mayor and City Council of the City of Cartersville, that the **CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 4. ALCOHOLIC BEVERAGES. ARTICLE II. LICENSING REQUIRMENTS. DIVISION 2. APPLICATION AND ISSUANCE. Section 4-56. Limitations on issuance** is hereby amended by adding a new paragraph (d) as follows:

1.

(d) Upon the payment of all occupation, specific, special, or ad valorem taxes due the City by such person or entity being the applicant or other parties of interest in the application for any previous year

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the day of.

ADOPTED this the day of. Second Reading.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk



City of Cartersville

**City Council Meeting
1/2/2014 7:00:00 PM
Amendment to Cartersville Pension Plan Document**

SubCategory:	Resolutions
Department Name:	Administration
Department Summary Recommendation:	This resolution will amend the Pension Plan to delete section 6.10 Terminal Pay. This provision of the Pension Plan was added in June 2011 to pay vacation and other termination compensation from the pension plan and not from regular city operating funds. This provision was added to the Pension Plan as a savings mechanism to the city but was not consistently followed by city staff, therefore, it is recommended that section 6.10 be deleted from the Pension Plan.
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	

Resolution No. - 14

WHEREAS, The City of Cartersville (“Employer”) maintains The City of Cartersville Pension Plan (“Plan”) for the benefit of such of its employees as are eligible thereunder; and

WHEREAS, in accordance with the power reserved to it in Section 12.1 of the Plan, the Employer may amend the Plan at any time, subject to certain conditions not now relevant; and

WHEREAS, the Employer deems it advisable to amend the Plan to reflect the deletion of Section 6.10 Terminal Pay;

NOW, THEREFORE, it is RESOLVED, that the plan shall be, and hereby is, amended, and it is further

RESOLVED, that the proper officers of the Employer are hereby authorized and directed to take such other and further actions on the advice of counsel, including the making of additional amendments not inconsistent with the general tenor of the foregoing, so that the Plan, as amended, continues to meet the qualification requirements of Section 401(a) of the Internal Revenue Code of 1986, as amended (“Code”), and the implementing trust thereunder continues to be tax-exempt under said Code.

ADOPTED this the 2nd day of January 2014.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk



City of Cartersville

**City Council Meeting
1/2/2014 7:00:00 PM
Immigration and Customs Enforcement**

SubCategory:	Contracts/Agreements
Department Name:	Police
Department Summary Recommendation:	TO : Sam Grove, City Manager FROM : T.N. Culpepper, Chief of Police DATE : January 2, 2014 SUBJECT : Memorandum of Understanding with Immigration and Customs Enforcement As part of the Bartow-Cartersville Drug Task Force it is often necessary to have Immigration and Custom's Enforcement involved in cases where suspects are discovered to be illegal aliens or have outstanding order for deportation in existence. The attached MOU will make certain ICE filed resources available to the Drug Task Force and Police Department. There will be no cost to the City under this agreement. Your approval of this MOU is requested.
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	

For Official Use Only**BARTOW/CARTERSVILLE****DRUG TASK FORCE****MEMORANDUM OF UNDERSTANDING****PARTIES**

1. This Memorandum of Understanding (MOU) is entered into by and between the Bartow/Cartersville Drug Task Force, Cartersville Police Department, Bartow County Sheriff's Office and Immigration and Customs Enforcement- Enforcement and Removal Operations- Atlanta Field Office. Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation which exists between these agencies.

PURPOSE

2. The purpose of this MOU is to delineate the responsibilities of the Bartow/Cartersville Drug Task Force (BC/DTF) participants, maximize inter-agency cooperation, and formalize relationships between the participating agencies for policy guidance, planning, training, public and media relations. This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against the parties, the United States, or the officers, employees, agents, or other associated personnel thereof.

MISSION

3. The mission of the BC/DTF is to identify and target for prosecution criminal enterprise groups responsible for drug trafficking, money laundering, alien smuggling, and violent street gangs, as well as to intensely focus on the apprehension of dangerous fugitives where there is or may be a federal investigative interest. The BC/DTF will enhance the effectiveness of federal/state/local enforcement resources through well-coordinated initiative seeking the most effective investigative/prosecutive avenues by which to convict and incarcerate dangerous offenders.

SUPERVISION AND CONTROL**A. Supervision**

4. Overall management of the BC/DTF shall be the shared responsibility of the participating agency heads and/or their designees.

5. The Sheriff of Bartow County, Georgia shall designate one Supervisor to supervise the BC/DTF. The BC/DTF Supervisor may designate a subordinate supervisor, to oversee the day-to-day operational and investigative matters pertaining to the BC/DTF.

6. Responsibility for conduct, shall be addressed by the Task-Force Coordinator, of each BC/DTF member and reported to the respective agency head and each agency shall be responsible for the actions of its respective employees.

7. Each BC/DTF member will be subject to the laws, regulations, policies, and personnel rules applicable to his or her respective agency.

For Official Use Only

8. Each BC/DTF member will continue to report to his or her respective agency head for ~~non-investigative~~ administrative matters.

9 Continued assignment to the BC/DTF will be based on performance and/or at the discretion of each BC/DTF member's respective agency head. BC/DTF Supervisor will also retain discretion to remove any member from the BC/DTF.

B. Case Assignments

10. The BC/DTF Supervisor will be responsible for opening, monitoring, directing and closing BC/DTF investigations in accordance with existing Bartow County and City of Cartersville policy and the applicable United States Attorney General's Guidelines and the Guidelines of the Cherokee Judicial Circuit.

11. Assignments of cases to personnel will be based on, but not limited to, experience, training and performance, in addition to the discretion of the BC/DTF Supervisor.

12. For BC/DTF administrative purposes, BC/DTF cases will be entered into the relevant BC/DTF computer system.

13. BC/DTF members will have equal responsibility for each case assigned. BC/DTF personnel will be fully responsible for the complete investigation from predication to resolution.

C. Resource Control

14. The head of each participating agency shall determine the resources to be dedicated by that agency to the BC/DTF, including personnel, as well as the continued dedication of those resources. The participating agency head or designee shall be kept fully apprised of all investigative developments by his or her subordinates.

OPERATIONS**A. Investigative Exclusivity**

15. It is agreed that matters designated to be handled by the BC/DTF will not knowingly be subject to non- BC/DTF law enforcement efforts by any of the participating agencies. It is incumbent on each agency to make proper internal notification regarding the BC/DTF's existence and areas of concern.

16. It is agreed that there is to be no unilateral action taken on the part of the BC/DTF or participating agencies relating to the BC/DTF investigations or areas of concern as described in paragraph 3. All law enforcement actions will be coordinated and cooperatively carried out.

17. BC/DTF investigative leads outside of the geographic areas of responsibility for BC/DTF will be communicated to other law enforcement agencies for appropriated investigation.

For Official Use Only

C. Reports and Records

18. All investigative reporting will be prepared in compliance with existing BC/DTF policy. Subject to pertinent legal and/or policy restrictions, copies of pertinent documents created by each member of the BC/DTF will be made available for inclusion in the respective investigative agencies' files as appropriate.

19. BC/DTF reports prepared in cases assigned to state, county, or local participants will be maintained at an approved location; original documents will be maintained by the BC/DTF.

20. Records and reports generated in BC/DTF cases which are opened and assigned by the BC/DTF Supervisor with designated oversight for the investigative matters will be maintained in the BC/DTF investigative file for the BC/DTF. Personnel matters shall be forwarded to the employee's respective agency head.

21. BC/DTF investigative records maintained at the BC/DTF offices will be available to all BC/DTF members, as well as their supervisory and command staff subject to pertinent legal, administrative and/or policy restrictions.

22. All evidence and original tape recordings (audio and video) acquired by the BC/DTF during the course of the BC/DTF investigations will be maintained by the BC/DTF. The BC/DTF's rules and policies governing the submission, retrieval and chain of custody will be adhered to by BC/DTF personnel.

23. All BC/DTF investigative records will be maintained at an approved location. Placement of all or part of said information into participating agency files rests with the discretion of supervisory personnel of the concerned agencies, subject to BC/DTF Supervisory approval.

24. Classified information and/or documents containing information that identifies or tends to identify a BC/DTF informant shall not be placed in the files of participating agencies unless appropriate BC/DTF policy has been satisfied.

25. The Parties acknowledge that the information that members will be able to access as a result of this MOU may contain information about U.S. persons, which may be protected by the Privacy Act of 1974 and/or Executive Order 12333. The Parties expressly agree that all such information will be handled lawfully pursuant to the provisions thereof. The Parties further agree that if this access to information by the members requires a change in privacy compliance documents, those changes will be accomplished prior to access being granted.

INFORMATION SHARING

26. No information possessed by the BC/DTF, to include information derived from informal communications by the BC/DTF member with personnel of the BC/DTF, may be disseminated by the BC/DTF member to non-BC/DTF personnel without the approval of the BC/DTF Supervisor and in accordance with the applicable laws and internal regulations, procedures or agreements between the BC/DTF and the participating agencies that would permit the participating agencies to receive that information directly. Likewise, the BC/DTF member will not provide any participating agency information to the BC/DTF that is not otherwise available to it unless authorized by appropriate participating agency officials. The BC/DTF agrees that it will fully comply, subject to applicable legal limitations, with the Freedom of Information Act.

For Official Use Only

PROSECUTIONS

27. BC/DTF investigative procedures, whenever practicable, are to conform to the requirements which would allow for either federal or state prosecution.

28. A determination will be made on a case-by-case basis whether the prosecution of BC/DTF cases will be at the state or federal level. This determination will be based on the evidence obtained and a consideration of which level of prosecution would be of the greatest benefit to the overall objectives of the BC/DTF.

29. In the event that a state or local matter is developed that is outside the jurisdiction of the BC/DTF or it is decided to prosecute a BC/DTF case at the state or local level, the BC/DTF agrees to provide all relevant information to state and local authorities in accordance with all applicable legal limitations.

A. Investigative Methods/Evidence

30. For cases assigned to a BC/DTF agent or in which BC/DTF informants or cooperating witnesses are utilized, the parties agree to conform to federal standards concerning evidence collection, processing, storage, and electronic surveillance. However, in situations where the investigation will be prosecuted in State Court where statutory or common law of the state is more restrictive than the comparable federal law, the investigative methods employed by BC/DTF case agents shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.

31. In all cases assigned to state, county, or local law enforcement participants, the parties agree to utilize federal standards pertaining to evidence handling and electronic surveillance activities as outlined in the Domestic Investigations and Operations Guide to the greatest extent possible. However, in situations where the statutory or common law of the state is more restrictive than the comparable federal law, the investigative methods employed by state and local law enforcement agencies shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.

32. The use of other investigative methods (search warrants, interceptions of oral communications, etc.) and reporting procedures in connection therewith will be consistent with the policies and procedures of the BC/DTF.

DEADLY FORCE AND SHOOTING INCIDENT POLICIES

33. Members of the BC/DTF will follow their own agency's policy concerning firearms discharge and use of deadly force.

DEPUTATIONS

34. Local and state law enforcement personnel designated to the BC/DTF, subject to a limited background inquiry, may be sworn as deputized Special Deputy Sheriff's in Bartow County, Georgia, with the Sheriff of Bartow County, Georgia approving these deputations. These deputations should remain in effect throughout the tenure of each investigator's assignment to the BC/DTF or until the termination of the BC/DTF, whichever comes first.

35. Deputized BC/DTF members will be subject to the rules and regulations pertaining to such deputation. Administrative and personnel policies imposed by the participating agencies will not be voided by deputation of their respective personnel.

For Official Use Only

VEHICLES

36. In furtherance of this MOU, employees of LEA may be permitted to drive BC/DTF owned or leased vehicles for official BC/DTF business and only in accordance with applicable BC/DTF rules and regulations. The assignment of a BC/DTF owned or leased vehicle to a LEA BC/DTF member will require the execution of a separate Vehicle Use Agreement.

37. The participating agencies agree that BC/DTF vehicles will not be used to transport passengers unrelated to BC/DTF business.

38. The BC/DTF and Bartow County, Georgia will not be responsible for any tortious act or omission on the part of LEA and/or its employees or for any liability resulting from the use of an BC/DTF owned or leased vehicle utilized by an LEA BC/DTF member, except where liability may fall under the provisions of the Federal Tort Claims Act (FTCA), as discussed in the Liability Section herein below.

39. The BC/DTF and Bartow County, Georgia shall not be responsible for any civil liability arising from the use of an BC/DTF owned or leased vehicle by an LEA task force member while engaged in any conduct other than his or her official duties and assignments under this MOU.

39. To the extent permitted by applicable law, LEA agrees to hold harmless the BC/DTF and Bartow County, Georgia, for any claim for the property damage or personal injury arising from any use of a BC/DTF owned or leased vehicle by an LEA BC/DTF member which is outside the scope of his or her official duties and assignments under this MOU.

SALARY/OVERTIME COMPENSATION

40. The BC/DTF and all participating agencies remain responsible for all personnel costs for their BC/DTF representatives, including salaries, overtime payments and fringe benefits consistent with their respective agency.

PROPERTY AND EQUIPMENT

41. Property utilized by the BC/DTF in connection with authorized investigations and/or operations and in the custody and control and used at the direction of the BC/DTF, will be maintained in accordance with the policies and procedures of the agency supplying the equipment. Property damaged or destroyed which was utilized by BC/DTF in connection with authorized investigations and/or operations and is in the custody and control and used at the direction of BC/DTF, will be the financial responsibility of the agency supplying said property. All loss of or damage to equipment or vehicles shall be reported to the respective participating agency in accordance with that agency's policy.

FUNDING

42. This MOU is not an obligation or commitment of funds, nor a basis for transfer of funds, but rather is a basic statement of the understanding between the parties hereto of the tasks and methods for performing the tasks described herein. Unless otherwise agreed in writing, each party shall bear its own costs in relation to this MOU. Expenditures by each party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations, and policies. The parties expressly acknowledge that the above language in no way implies that Congress will appropriate funds for such expenditures.

For Official Use Only**FORFEITURES**

43. The BC/DTF shall be responsible for processing assets seized for federal forfeiture in conjunction with BC/DTF operations and requirements of the U.S. Attorney's Office. State forfeitures shall be properly processed through the appropriate Superior Court and reported to the Carl Vinson Institute for Government as outlined by applicable law.

44. Asset forfeitures will be conducted in accordance with federal law, and the rules and regulations set forth by the FBI and DOJ. Forfeitures attributable to BC/DTF investigations may be equitably shared with the agencies participating in the BC/DTF.

DISPUTE RESOLUTION

45. In cases of overlapping jurisdiction, the participating agencies agree to work in concert to achieve the BC/DTF's objectives.

46. The participating agencies agree to attempt to resolve any disputes regarding jurisdiction, case assignments, workload, etc., at the field level first before referring the matter to supervisory personnel for resolution.

MEDIA RELEASES

47. All media releases and statements will be mutually agreed upon and jointly handled according to BC/DTF and participating agency guidelines.

48. Press releases will conform to DOJ Guidelines regarding press releases. No release will be issued without final approval from all agencies affected.

LIABILITY

49. The participating agencies acknowledge that this MOU does not alter the applicable law governing civil liability, if any, arising from the conduct of personnel assigned to the BC/DTF.

50. The participating agency shall immediately notify the FBI BC/DTF of any civil, administrative, or criminal claim, complaint, discovery request, or other request for information of which the agency receives notice, concerning or arising from the conduct of personnel assigned to the BC/DTF or otherwise relating to the BC/DTF. The participating agency acknowledges that financial and civil liability, if any and in accordance with applicable law, for the acts and omissions of each employee detained to the BC/DTF remains vested with his or her employing agency. In the event that a civil claim or complaint is brought against a state or local officer assigned to the BC/DTF, the officer may request legal representation and/or defense by DOJ, under circumstances and pursuant to the statutes and regulations identified below. Local Officers assigned to the BC/DTF shall immediately notify their respective agency when any civil action is filed pursuant to their assignment to the BC/DTF.

51. For the limited purpose of defending against a civil claim arising from alleged negligent or wrongful conduct under common law under the FTCA, 28 U.S.C. § 1346(b), and §§ 2671-2680: An officer who has been specially deputized and who is named as a defendant in a civil action as a result of or in connection with the performance of his or her official duties and assignments pursuant to this MOU may request to be certified by the Attorney General or his designee as having acted within the scope of federal employment at the time of the incident giving rise to the suit. 28 U.S.C. § 2679(d)(2). Once an individual is certified as an employee of the United States for the purposes of the FTCA, the United States is substituted for the employee as the sole defendant with respect to any tort claims. Decisions regarding

For Official Use Only

certification of employment under the FTCA are made on a case-by-case basis, and the BC/DTF cannot guarantee such certification to any BC/DTF member.

52. Liability for any conduct by a BC/DTF member undertaken outside of the scope of his or her assigned duties and responsibilities under this MOU shall not be the responsibility of the BC/DTF or Bartow County, Georgia and shall be the sole responsibility of the respective employee and/or agency involved.

DURATION

53. The term of this MOU is for the duration of the BC/DTF's operations, contingent upon approval of necessary funding, but may be terminated at any time upon written mutual consent of the agency involved.

54. Any participating agency may withdraw from the BC/DTF at any time by written notification to the BC/DTF Supervisor with designated oversight for investigative and personnel matters or program manager of the BC/DTF at least 30 days prior to withdrawal.

55. Upon termination of this MOU, all equipment provided to the BC/DTF will be returned to the supplying agency/agencies. In addition, when an entity withdraws from the MOU, the entity will return equipment to the supplying agency/agencies. Similarly, remaining agencies will return to a withdrawing agency any unexpended equipment supplied by the withdrawing agency during any BC/DTF participation.

MODIFICATIONS

56. This agreement may be modified at any time by written consent of all involved agencies.

57. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

For Official Use Only**SIGNATORIES**

Sheriff
Bartow County, Georgia

Date

Mayor
City of Cartersville

Date

Drug Task Force Commander
Bartow/Cartersville Drug Task Force

Date

Field Office Director
Immigration and Customs Enforcement
Enforcement and Removal Operations-
Atlanta Field Office

Date



City of Cartersville

City Council Meeting
1/2/2014 7:00:00 PM
Industrial Park Road Railroad Crossing Repair

SubCategory:	Bid Award/Purchases
Department Name:	Public Works
Department Summary Recommendation:	We are seeking approval to pay a \$9,024.75 invoice from Vorst Paving, Inc. for services rendered in the repair of the railroad crossing in the City on Industrial Park Road. We have been in talks with CSX for the last few years about getting this crossing repaired. CSX advised that they would agree to repair the crossing if we paid for the asphalt. This is a budgeted item and we recommend approval.
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	This is a budgeted item.
Legal:	
Associated Information:	EVERify and SAVE documents not required due to General Contractor covered under Title 43.



City of Cartersville

City Council Meeting
1/2/2014 7:00:00 PM
Line Truck Rebuild - Additional Repairs

SubCategory:	Bid Award/Purchases
Department Name:	Electric Department
Department Summary Recommendation:	On November 7th City Council approved an estimate for \$47,978.31 to rebuild our 12 year old line truck. After Terex took the truck apart additional repair items were found. The total of the additional repair work is \$ 5,596.01. See attached quote for details. We anticipated some extra repairs might be needed and we budgeted \$ 55,000 for the total rebuild. With the original estimate and the additional quote we will still be under budget on the rebuild. The Electric Department is recommending that you approve the additional work at a cost of \$5,596.01.
City Manager's Remarks:	Additional repairs on an item that was previously repaired are needed. Your approval is recommended.
Financial/Budget Certification:	This is a budgeted item.
Legal:	
Associated Information:	



December 20, 2013

City of Cartersville
320 S. Erwin Street
Cartersville, GA. 30120

Phone: 770-387-7400
Fax: 770-387-5630
Email: dhassebrock@cityofcartersville.org

Attention: Don Hassebrock

Proposal: 8950-2

This is an estimate for additions to your 5yr. Rebuild of your unit Model: Terex Telelect Model C6051sn. DK16027.

- Replace Pintle Hook D-rings.
- Replace Mud flaps.
- Replace Roller Assembly for cat track.
- Replace latch pins on rear radial outrigger.
- Replace rear outrigger valve section.
- Replace both holding valves in both rear outrigger cylinders.
- Replace lift cylinder.
- Replace boot on collector ring.
- Repair light bar at rear of truck.
- Repair steps at rear of truck.
- Repair outrigger pad holders.
- Replace rope keeper bracket.

Estimated Cost:----- \$5,596.01

Above estimate is for stated repairs only. If during the repair cycle other items are found needing Attention, the customer will be advised of costs BEFORE ADDITIONAL WORK IS PERFORMED. Above estimated prices are good for thirty (30) days from the date of this proposal.

Price does not include any FET charges, environmental fees, shop supplies, applicable taxes, shipping and handling charges.

SPECIAL NOTE: All replacement parts supplied are the original manufacturer's approved replacement parts. ** All work performed will be completed in house by Terex factory trained technicians.**



Proposal: 8950-2

TERMS AND CONDITIONS

Customer hereby authorizes Terex Equipment Services ("Seller") to perform the disassembly and inspection of the equipment described herein, and any repair work indicated herein (including provision of all necessary parts and labor) and agrees that Seller is not responsible for any damage or loss to the equipment or any personal property left in the equipment in the case of fire, theft, or any other cause beyond Seller's control, nor for any delays caused by unavailability of parts or other causes. Customer hereby authorizes Seller and its employees to operate the equipment on streets, highways or elsewhere for the purpose of testing and/or inspection. Customer will be subject to a storage fee of \$20 per day for any equipment left on Seller's premises more than 15 days after completion of repairs. Customer grants Seller a security interest and lien in the equipment and any parts supplied until payment in full of any amounts owed by Customer to Seller. Seller is entitled to all remedies of a secured party after default under the Delaware Uniform Commercial Code in addition to all other rights provided by contract and by operation of law. Customer agrees to pay to Seller, in addition to interest at the rate of 18% annually on overdue sums (or the maximum rate permitted by law), reasonable attorney fees, court costs and other expenses of Seller incurred in enforcing Seller's rights. Customer agrees to execute any instrument or document considered necessary by Seller to perfect its security interest in the equipment. In the event Customer fails to retrieve its equipment within 90 days of the completion of repairs, Customer grants Seller a power of attorney to sell, or otherwise dispose of, such equipment and to convey title to a purchaser of such equipment, and to apply the proceeds against any amount owed by Customer to Seller. In the event of default by Customer, all unpaid sums owed to Seller shall, at the Seller's sole option, become immediately due and payable without notice of any kind to Customer. Customer hereby agrees to indemnify Seller, its directors, officers, employees, agents, representatives, successors, and assigns against any and all claims, demands, suits, actions, expenses or liabilities, to any person whatsoever, or damage to any property, arising out of or related to Customer's negligence or willful misconduct. This agreement constitutes the entire agreement between the parties regarding the subject matter hereto and shall be construed and enforced in accordance with the laws of the State of Delaware. The parties agree that the proper and exclusive forum and venue in all legal actions brought to enforce or construe any of the provisions of this agreement shall be in the state and federal courts of the State of Delaware.

PARTS AND SERVICE WARRANTY: Seller warrants its new parts to be free of defects in materials or workmanship for a period of 12 months after purchase by Customer. Seller will repair or replace, at its sole option, any parts which shall, within 12 months after purchase by Customer, appear to Seller after inspection to be defective. If requested by Seller, Customer must return the defective parts to Seller for inspection. Seller warrants, for a period of 30 days, that repairs performed by its employees shall be of good workmanship. Any repairs required within 30 days after completion of the original repairs performed by Seller that are due to poor workmanship shall be provided at no charge to Customer. This Warranty is extended only to the original Customer identified herein and is not transferable.

This Warranty shall be null and void if the defect or need for repair results from: (1) the intentional or negligent action or inaction by Customer, its agents or employees; or (2) improper maintenance, improper use, abuse, improper storage, operation beyond rated capacity, operation after discovery of defective or worn parts, accident, sabotage or alteration or repair of the equipment by persons not authorized by Seller. Wear parts and maintenance services including, but not limited to: lamps, lenses, seals, gaskets, hoses, filters, breathers, belts, nozzles, friction plates, glass, clutch and brake linings, wire rope, nuts and fittings, exterior coatings, proper tightening of bolts, adding or replacing of fluids, adjustments of any kind, services, inspections, diagnostic time, travel time and supplies such as hand cleaners, towels and lubricants are not covered under this Warranty.



THIS WARRANTY IS EXPRESSLY IN LIEU OF AND EXCLUDES ALL OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND ALL OTHER STATUTORY, CONTRACTUAL, TORTIOUS AND COMMON LAW OBLIGATIONS OR LIABILITY ON SELLER'S PART ARE HEREBY EXPRESSLY EXCLUDED TO THE MAXIMUM EXTENT PERMITTED BY LAW. THERE ARE NO WARRANTIES THAT EXTEND BEYOND THE LIMITED WARRANTY CONTAINED HEREIN. IN NO EVENT SHALL SELLER, OR ANY AFFILIATE, SUBSIDIARY OR DIVISION THEREOF BE LIABLE FOR INDIRECT, INCIDENTAL OR CONSEQUENTIAL DAMAGES OR LOSSES RESULTING

FROM ANY BREACH OF WARRANTY, REPRESENTATION OR CONDITION, EXPRESS OR IMPLIED, OR ANY TERMS OF THIS WARRANTY, OR ANY BREACH OF ANY DUTY OR OBLIGATION IMPOSED BY STATUTE, CONTRACT, TORT, COMMON LAW OR OTHERWISE (WHETHER OR NOT CAUSED BY THE NEGLIGENCE OF THE SELLER, ITS EMPLOYEES, AGENTS OR OTHERWISE), INCLUDING, WITHOUT LIMITATION, LOSS OF USE, LOST PROFITS OR REVENUES, LABOR OR EMPLOYMENT COSTS, LOSS OF USE OF OTHER EQUIPMENT, DOWNTIME OR HIRE CHARGES, THIRD PARTY REPAIRS, IMPROPER PERFORMANCE OR WORK, LOSS OF SERVICE OF PERSONNEL, LOSS OF CONTRACTOR OPPORTUNITY AND PENALTIES OF ANY KIND, PERSONAL INJURY, EMOTIONAL OR MENTAL DISTRESS, OR FAILURE OF EQUIPMENT TO COMPLY WITH ANY APPLICABLE LAWS;

Proposal: 8950-2

Offer made by Terex Equipment Services:

Sign: *Bill Kugler*

Print: Bill Kugler

Date: December 20, 2013

Accepted by:

PO No.: _____

Sign: _____

Print: _____