



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– 9:00
AM – 12/5/2013
Work Session – 8:00 A.M.

CITY MANAGER:

Sam Grove

CITY ATTORNEY:

David Archer

CITY CLERK:

Connie Keeling

I. Opening of Meeting

- Invocation
- Pledge of Allegiance
- Roll Call

II. Regular Agenda**A. Council Meeting Minutes**

1. November 21, 2013 (Pages 3-16)

[Attachments](#)

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

1. File T13-04: Text Amendment application by Womack Two LLC (Ray Womack, Representative) to add the use of Automotive storage yards and wrecker service in the L-I (Light Industrial) District (Pages 17-18)

[Attachments](#)

2. File Z13-07: Rezoning application by James Kareken to rezone property located on Old Alabama Road (north side) near Douthit Ferry Road (approximately 23.2 acres) from RA-12 (Townhouse Residential) with conditions to R-20 (Single Family Residential) (Pages 19-31)

[Attachments](#)

C. Second Reading of Ordinances

1. Amendment to Budget Ordinance for Fiscal Year 2012-13 (Pages 32-34)

[Attachments](#)

2. Water and Sewer Capacity Fee Restoration (Pages 35-36)

[Attachments](#)

D. Contracts/Agreements

1. Cable Franchise Agreement (Page 37)

[Attachments](#)

2. Comcast Pole Attachment Agreement (Page 38)

[Attachments](#)

3. Public Service Commission Consent Agreement (Pages 39-43)

[Attachments](#)

4. Memorandum of Understanding between the Federal Bureau of Investigations and the Bartow-Cartersville Drug Task Force for Office Expansion (Pages 44-48)

[Attachments](#)

E. Bid Award/Purchases

1. New Police Vehicles (Pages 49-53)

[Attachments](#)

2. Itron Handheld Unit (Pages 54-55)

[Attachments](#)

3. Academy Sports Lighting (Pages 56-58)

[Attachments](#)

F. Presentations

1. Citizen's Survey Results (Page 59)

[Attachments](#)

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



City of Cartersville

City Council Meeting
12/5/2013 9:00:00 AM
November 21, 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 generated and reviewed by staff and are now recommended for your approval.
Financial/Budget Certification:	
Legal:	
Associated Information:	

City Council Meeting
10 N. Public Square
November 21, 2013
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tate

Pledge of Allegiance led by Council Member Hodge

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

II. Regular Agenda

A. Council Meeting Minutes

1. November 7, 2013

A motion to approve the November 7, 2013 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

B. Proclamations

1. Native American Awareness Month

Mayor Pro-Tem Tate presented a proclamation to Bobby Bagley proclaiming November as Native American Awareness month and to honor the memory of the Cherokees who died during the infamous Trail of Tears. Mr. Bagley came forward to accept the proclamation and to thank the Mayor and Council speaking both Cherokee and English.

C. Second Reading of Ordinances

1. Amendment to Utility Fees Ordinance

Dan Porta, Assistant City Manager, stated that part of this fiscal year's budget City customers who pay utility bills, permits, invoices, etc. to the City with a credit or debit card were to begin paying a convenience fee to offset the credit card processing fees (saving approximately \$10,000.00 per month) that have been paid by the City. The change to the ordinance sets this fee at 2.5% Mr. Porta stated that there have been no changes or corrections since the first reading and recommended approval.

A motion to approve Ordinance No. 28-13 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

Ordinance
of the
City of Cartersville, Georgia

Ordinance No. 28 -13

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that the Code of Ordinances City of Cartersville, Georgia CHAPTER 24. UTILITIES, Sec. 24-21. Schedule of Charges, etc., (12) i. Additional charges is hereby amended by deleting said section in its entirety and replacing as follows:

Section 24-21. Schedule of Charges, etc.
“(12) Additional charges.

- i. City customers who pay for utility bills and other city invoices with a credit or debit card will be charged a 2.5% convenience fee.**

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED this the 7th day of November 2013. First Reading
ADOPTED this the 21st day of November 2013. 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 T13-04: Text Amendment application by Womack Two LLC (Ray Womack, Representative) to add the use of Automotive Storage Yards and Wrecker Service in the L-I (Light Industrial) District

Randy Mannino, Planning and Development Director, stated that the Public Official

Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino stated that this text amendment is an application by Womack Two LLC to add the following as a permitted use in the L-I (Light Industrial) zoning district: *Automotive storage yard and wrecker service*. This use is currently only allowed in the GC District. Mr. Mannino stated that the 2010 Zoning Ordinance revision included changes to the L-I zoning district to allow some auto-related and equipment-related uses and this proposed text amendment would expand the list of options for properties zoned L-I. Mr. Mannino stated that the Planning Commission had recommended approval.

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

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 26 ZONING. ARTICLE X. INDUSTRIAL DISTRICT REGULATIONS. Section 10.1.2. Use Regulations** is hereby amended by adding the following use to Section 10.1.2 as indicated herein:

1.

That Article X. Industrial District Regulations, Section 10.1.2., is hereby amended by adding the following use:

Automotive storage yards and wrecker service.

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 or alphabetized to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 21st day of November 2013.

ADOPTED this the day of December 2013. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. File Z13-07: Rezoning application by James Kareken to rezone property located on Old Alabama Road (north side) near Douthit Ferry Road (approximately 23.2 acres) from RA-12 (Townhouse Residential) with conditions to R-20 (Single Family Residential)

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 tract is located on Old Alabama Road, near the intersection with Douthit Ferry Road. In 2007 this tract was approved for a rezoning request from R-20 to RA-12 (detached or attached residential 12 units per acre) for a senior development. After approval of the rezoning, no site plans were submitted to City Staff and no grading work occurred on the property. Due to the significant amount of floodplain on this tract the current applicant has submitted a request to rezone the property to a lower-density zoning to R-20. Mr. Mannino stated that the Planning Commission had recommended approval.

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

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. Z13-07

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 James Kareken. Property is located on Old Alabama Road. Said property contains 23.15 acres located in the 4th District, 3rd Section, Land Lot(s) 918-919 and 954-955 as shown on the attached plat Exhibit "A". Property is hereby rezoned from RA-12 with conditions to R-20 (Single Family Residential) with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 21st day of November 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. First Reading of Ordinances

1. Amendment to Budget Ordinance for Fiscal Year 2012-13

Tom Rhinehart, Finance Director stated that after completion of the Fiscal Year 2012-13 close, the general fund and special revenue fund budgets need to be amended. By amending these budgets, the city general fund and special revenue funds will be in compliance with Generally Accepted Accounting Principles (GAAP). Mr. Rhinehart stated that these adjustments reflect the necessary changes needed to keep the budgets of these funds at a zero based level for the fiscal year and recommended approval.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

NOW BE IT HEREBY ORDAINED by the Mayor and City Council that pursuant to the City of Cartersville Charter; the City of Cartersville Fiscal Year 2012 - 2013 budget.

2012 - 2013 Budget Summary

<u>General Fund</u>	<u>Revenues</u>	<u>Expenditures</u>
Revenues	\$39,488,170	
Expenditures:		
Legislative		\$19,831,025
Administration		\$ 986,810
Finance Dept.		\$ 1,089,225
Customer Service Dept.		\$ 684,000
Police		\$ 5,040,625
Fire		\$ 5,536,095
Municipal Court		\$ 213,670
Public Works		\$ 2,356,960
Recreation		\$ 2,908,935
Planning & Development		\$ 718,045
Downtown Development Authority		\$ 122,780
 <u>Special Revenue Funds</u>		
SPLOST – 2003	\$ 3,811,505	\$ 3,811,505
SPLOST – 2007	\$ 8,303,395	\$ 8,303,395
SPLOST – 2014	\$ 1,018,545	\$ 1,018,545
DEA	\$ 1,133,160	\$ 1,133,160
State Forfeiture	\$ 3,000	\$ 3,000
CDBG Supplemental Dis Rec	\$ 11,305	\$ 11,305
Hotel/Motel Tax	\$ 465,755	\$ 465,755
Motor Vehicle Rental Tax	\$ 52,990	\$ 52,990
Grant Funds	\$ 307,510	\$ 307,510
Impact Fees	\$ 317,254	\$ 317,254
Business Improve Dist Tax	\$ 77,750	\$ 77,750
Development Fees	\$ 5,000	\$ 5,000
Cartersville Building Auth	\$ 1,487,150	\$ 1,487,150
<u>Enterprise Funds</u>		
Fiber Optics	\$ 1,635,335	\$ 1,635,335
Electric	\$44,591,295	\$44,591,295
Gas	\$23,123,195	\$23,123,195
Solid Waste	\$ 2,397,270	\$ 2,397,270
Stormwater	\$ 1,323,050	\$ 1,323,050
Water & Sewer	\$20,710,175	\$16,263,215
Water Pollution Control Plant		\$ 2,254,970
Water Treatment Plant		\$ 2,191,990
 <u>Internal Service Fund</u>		
Garage	\$ 1,592,565	\$ 1,592,565

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED, this 24th day of November 2013. First Reading.

ADOPTED this day of December 2013. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

2. Water and Sewer Capacity Fee Restoration

Ed Mullinax, Assistant Water Superintendent recommended approval of the ordinance revision to restore Water and Sewer Capacity Fees to the original amounts effective December 31, 2013.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, that the Code of Ordinances, City of Cartersville, Georgia CHAPTER 24. UTILITIES. ARTICLE IV. WATER SERVICE. Sec. 24-64 Water and Sewage Utility Rates (g) is hereby amended by deleting it in its entirety

2.

The effective date of this Ordinance shall be December 31, 2013

3.

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 21st day of November 2013.

ADOPTED this the day of. Second Reading.

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

ATTEST:

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

F. Resolutions

1. Downtown Master Plan

Tara Currier, DDA Director stated that City Staff and the Downtown Development Authority (DDA) Representative have been working on a Downtown Master Plan for Cartersville. The plan is intended to be used by City Council and DDA leaders to enhance downtown and encourage private investment. Ms. Currier stated that the DDA Board has recommended approval of the plan and the DDA has chosen to oversee implementation of the plan. Ms. Currier stated that any proposed initiative program must be reviewed by the City Attorney; will be subject to funding availability; and must be approved by Council. Ms. Currier recommended approval of the Resolution Adopting a Downtown Master Plan.

A motion to approve Resolution No. 24-13 was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

Resolution No. 24-13

**A RESOLUTION ADOPTING A DOWNTOWN MASTER PLAN
CITY OF CARTERSVILLE, GEORGIA**

WHEREAS, the City of Cartersville and Downtown Development Authority (DDA) have prepared a Downtown Master Plan to enhance downtown and encourage private investment; and

WHEREAS, the Downtown Master Plan can be used alone, or in combination with, other local, State, and Federal development and redevelopment tools to support comprehensive planning, revitalize commercial corridors, recruit and nurture small businesses, ensure architecturally compatible infill development, and generate adaptive reuse for old structures; and

WHEREAS, the City of Cartersville has identified the geographic Downtown Business District (DBD) area boundary, and can be described as:

That certain area lying within the corporate limits of the City of Cartersville and being enclosed by the boundary identified in Exhibit “A”, City of Cartersville, Georgia Downtown Business District (DBD).

WHEREAS, the Downtown Master Plan has been recommended for adoption by the Downtown Development Authority (DDA) Board to the Mayor and City Council of the City Council; and

WHEREAS, the City of Cartersville desires to work with public and private sector partners to ensure that quality infill development and redevelopment are achieved; and

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Mayor and City Council of the City of Cartersville, Georgia do hereby adopt the attached Downtown Master Plan (Exhibit “B”).

This Resolution is adopted this 21st day of November, 2013.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

G. Certification

1. Election Results

Connie Keeling, City Clerk presented the Mayor and Council with the results of the November 5, 2013 General Election certified by the Bartow County Board of Elections on November 8, 2013. Mrs. Keeling recommended approval.

A motion to approve the Certified Election Results was made by Council Member Hodge and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

This report constitutes the returns of the General Election held on November 5, 2013 to the Governing Authority of the City of Cartersville, as required by the Georgia Municipal Election Code.

The purpose of the General Election was to elect the Mayor, City Council Members from Wards One, Three, and Five School Board Members Wards One, Two, Five, and Six.

The election review board was Richard Osborne and Cheryl Jackson.

Results of the November 5, 2013 General Election is as follows:

Office	Votes Received
Mayor	
Matthew J. Santini	1115
Write in Votes	20
Council Ward 1	
Kari Hodge	97
Write in Votes	1
Council Ward 3	
Valerie Hold	177
Louis Tonsmeire Sr. (I)	353
Write in Votes	0
Council Ward 5	
Dianne E. Tate	146
Write in Votes	1
Cartersville School Board Ward 1	
Carolyn Johnson	98
Write in Votes	1
Cartersville School Board Ward 2	
Floyd Braid	195
Write in Votes	3
Cartersville School Board Ward 5	
David Apple	141
Write in Votes	0
Cartersville School Board Ward 6	
Kelley A. Dial	111
Write in Votes	0

The number of registered voters is 9338

The number voting at the Cartersville West Precinct, Civic Center is 733

The number voting at the Cartersville East Precinct, Chamber of Commerce is 469

The number of valid absentee ballots is 9.

The number of provisional ballots is zero.

H. Grant Application/Acceptance

1. LWCF Grant Application & Resolution – Dellinger Park Fence Replacement

Greg Anderson, Parks and Recreation Director, stated that this is an application for a 2013 Land, Water and Conservation Fund grant, administered by the Georgia Department of Natural Resources. The grant application request will be for a maintenance project that will consist of removal and replacement of fencing, backstop, gates and dugouts on Field #1, #2 and Cricket Field, all original fields at Dellinger Park. The fields were constructed in 1975-76 and are in need of renovation. Mr. Anderson stated that the cost per field is estimated at \$62,779.00 with the total cost of all three fields being \$188,337.00. Mr. Anderson stated that this is a 50-50 grant and if approved the city's portion would be \$94,168.50 which would come from the Parks and Recreation 2014-15 Outdoor Maintenance Budget. Mr. Anderson recommended approval of the grant application, resolution, and the Mayors signature on these documents and any other related documents for the grant project.

A motion to approve Resolution No. 25-13 and for the Mayor to sign any related document for the grant project was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

Resolution No. 25-13

STATE OF GEORGIA COUNTY OF BARTOW

WHEREAS, at the regular meeting of City of Cartersville City Council Meeting of Bartow County, Georgia, held on November 21, 2013, a motion was made and duly seconded that the City of Cartersville agrees to submit a Pre-application for funding from the Land and Water Conservation Fund. Proposed project will be for needed maintenance at Dellinger Park as fencing replacement on the three – (3) original baseball/softball fields, Fields 1, 2, and Cricket Field. The City of Cartersville further agrees that in the event the City of Cartersville pre-application is recommended for funding by the Department of Natural Resources, the City of Cartersville certifies and assures that it has the ability and intention to finance their 50 percent of the total project cost and will move forward with

due diligence to prepare, or have prepared, appropriate documentation required for a formal LWCF application.

CITY OF CARTERSVILLE, GEORGIA

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

Attest:

/s/ Connie Keeling
Connie Keeling
City Clerk

I. Bid Award/Purchases

1. Printing for 2014 Calendar

Rebecca Bohlander, Communications/Public Relations stated that bids were requested for the printing of the 2014 calendars. Four printer companies responded and Ms. Bohlander recommended the low bid from New Dimensions Printing of Cartersville in the amount of \$7,317.84 for printing and \$1,622.82 postage for a total of \$8,940.66.

A motion to approve the low bid from New Dimensions Printing was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

J. Monthly Financial Statement

1. September 2013

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

K. Presentations

1. Citizen's Survey Results

Sam Grove, City Manager, spoke about the Community Inclusiveness and Civic Engagement topics of the Citizen's Survey Results.

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
12/5/2013 9:00:00 AM

File T13-04: Text Amendment application by Womack Two LLC (Ray Womack, Representative) to add the use of Automotive storage yards and wrecker service in the L-I (Light Industrial) District

SubCategory:	Public Hearing - 2nd Reading of Zoning/Annexation Requests
Department Name:	
Department Summary Recommendation:	Text Amendment T13-04 is an application by Womack Two LLC to add the following as a permitted use in the L-I (Light Industrial) zoning district: -Automotive storage yards and wrecker service This use is currently only allowed in the GC district. The 2010 Zoning Ordinance revision included changes to the L-I zoning district to allow some auto-related and equipment-related uses, including the following: -Repair garage, automotive (no outdoor storage of inoperable and/or dismantled vehicles). -Repair garage, heavy equipment (no outdoor storage of inoperable and/or dismantled trucks and equipment). -Truck terminals. This proposed text amendment would expand the list of options for properties zoned L-I.
City Manager's Remarks:	This item remains 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: Mayor Santini & Council
From: Randy Mannino and Richard Osborne
Date: November 6, 2013
Re: Text Amendment T13-04

Text Amendment T13-04 is an application by Womack Two LLC to add the following as a permitted use in the L-I (Light Industrial) zoning district:

- Automotive storage yards and wrecker service

This use is currently only allowed in the GC district. The 2010 Zoning Ordinance revision included changes to the L-I zoning district to allow some auto-related and equipment-related uses, including the following:

- Repair garage, automotive (no outdoor storage of inoperable and/or dismantled vehicles).
- Repair garage, heavy equipment (no outdoor storage of inoperable and/or dismantled trucks and equipment).
- Truck terminals.

This proposed text amendment would expand the list of options for properties zoned L-I.



City of Cartersville

City Council Meeting
12/5/2013 9:00:00 AM

File Z13-07: Rezoning application by James Kareken to rezone property located on Old Alabama Road (north side) near Douthit Ferry Road (approximately 23.2 acres) from RA-12 (Townhouse Residential) with conditions to R-20 (Single Family Residential)

SubCategory:	Public Hearing - 2nd Reading of Zoning/Annexation Requests
Department Name:	Planning and Development
Department Summary Recommendation:	The subject tract is located on Old Alabama Road, near the intersection with Douthit Ferry Road. In 2007, a different applicant was approved for a rezoning request from R-20 to RA-12 (detached or attached residential 12 units per acre) for a senior development. After approval of the rezoning, no site plans were submitted to City staff, and no grading work occurred on the property. At this time, the current applicant has submitted a request to rezone the property to a lower-density zoning, R-20, that would take into account the significant amount of floodplain on this large tract and would allow him to have horses on the property, with future potential for one single-family residence.
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): **Z13-07**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **James Kareken**
Representative: **none**
Property Owner: **James Kareken**
Property Location: **Old Alabama Road**
Access to the Property: **Old Alabama Road**

Site Characteristics:

Tract Size: Acres: **23.15 acres** District: **4th** Section: **3rd** LL(S): **918-919 and 954-955**
Ward: **3** Council Member: **Louis Tonsmeire Sr.**

LAND USE INFORMATION

Current Zoning: **RA-12 w/ conditions (Residential attached/detached 12 units per acre)**
Proposed Zoning: **R-20 (Single-family Residential)**
Proposed Use: **Allow for equestrian use and a single-family residence**
Current Zoning of Adjacent Property:
North: **Bartow County jurisdiction**
South: **Bartow County jurisdiction**
East: **R-20**
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 comments.

Gas:

No objections.

Electric:

No objection.

Fire:

No objections.

Police:

No comments.

The subject tract is located on Old Alabama Road, near the intersection with Douthit Ferry Road. In 2007, a different applicant was approved for a rezoning request from R-20 to RA-12 (detached or attached residential 12 units per acre) for a senior development. After approval of the rezoning, no site plans were submitted to City staff, and no grading work occurred on the property. At this time, the current applicant has submitted a request to rezone the property to a lower-density-zoning, R-20, that would take into account the significant amount of floodplain on this large tract and would allow him to have horses on the property, with future potential for one single-family residence.

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 R-20 zoning proposal may permit a use that is suitable in view of the large lot residential found on Old Alabama Road.
- B. *Whether the zoning proposal will create an isolated district unrelated to adjacent and nearby districts.*
The R-20 zoning proposal may not create an isolated zoning district since there are residential zoned properties on adjacent tracts.
- C. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The R-20 zoning 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 RA-12 with conditions, the property may not have a reasonable economic use. Approximately 90% or more of the property is in floodplain, and would be extremely costly to develop a higher-density development based on discussions with Public Works representatives.
- 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 zoning proposal is in conformity with the Future Development Map of the comprehensive plan.

- 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.
Economic conditions have changed so drastically since 2007 (date of rezoning from R-20 to RA-12) that, given the unusually high costs of constructing a higher density development on this property with 90% or more floodplain, it may be appropriate for the property to have a lower density zoning designation.

STAFF RECOMMENDATION:

Staff has no objections to the rezoning request.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

Application for Rezoning

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

Application Number

Z13-0711-12-13 @ 5:30 PM11-21-13 @ 7:00 PM

Hearing Dates

12-5-13 @ 9:00 AMSee Z13-06JAMES Kareken

Applicant

Daniel Wannall

Business/Cell Phone _____

(applicant's printed name)

Address _____

Home Phone _____

City

SAME AS OWNER

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:

see other sheet

My commission expires: _____

Notary Public _____

Titleholder

James Kareken

Business _____

Home _____

(titleholder's printed name)

*attach additional notarized signatures as needed on separate application page Address _____

Signature _____

Signed, sealed, delivered in presence of:

see other sheet

My commission expires: _____

Notary Public _____

Present Zoning District(s)

RA-12 w/cond.

Requested Zoning

R-20

Acreage

23.2 ac

Land Lot(s)

918-919, 954-955

District(s)

4

Section(s)

3

Location of Property

Old Alabama Rd (north side) near Denthit Ferry Rd

(street address, nearest intersections, etc)

Reason for requested Rezoning:

Allow For horses and S-F residence

(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

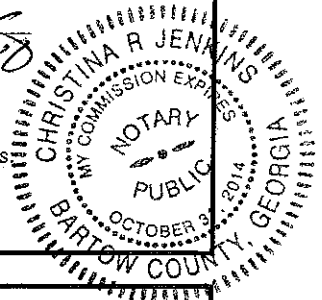
Planning and Development Department
10 North Public Square
City of Cartersville
 (770) 387-5600

Application Number 213-06

Hearing Dates 10-8-13
10-17-13
11-7-13

JAMES KAREKEN

Applicant Daniel G. Wannall **Business/Cell Phone** (404)-451-0288
 (applicant's printed name)
Address 4 Wilton Trace SW **Home Phone** (404)-451-0288
City Cartersville **State** GA **Zip** 30120 **Email** dwannall@yahoo.com
Phone _____ **Fax #** _____
 (Representative's printed name (if other than applicant))
Representative's signature _____ **Applicant's signature** D. Wannall
 Signed, sealed and delivered in presence of: SEE OWNER INFO
Kaycee Blankenship **My commission expires** 10/31/14
 Notary Public



Titleholder JAMES W. KAREKEN **Business** OWNER **Home** _____
 (titleholder's printed name)
 *attach additional notarized signatures as needed on separate application page **Address** 451 GAIWARDIA Way
ALWORTH GA 30102
Signature J. W. Kareken
 Signed, sealed, delivered in presence of: Shanda D. Mayo
9/16/2013
 Notary Public **My commission expires:** SHANDA D. MAYO
NOTARY PUBLIC, COBB COUNTY, GEORGIA
MY COMMISSION EXPIRES 9/17/2015

Present Zoning District(s) RA-12 w/conditions **Requested Zoning** AG
Acreage 4-23.15 ac **Land Lot(s)** 918, 919, 954-955 **District(s)** 4 **Section(s)** 3
Location of Property Old Alabama Rd near Donthit Ferry Rd
 (street address, nearest intersections, etc)
Reason for requested Rezoning: Allow for equestrian use and single-family residence
 (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.

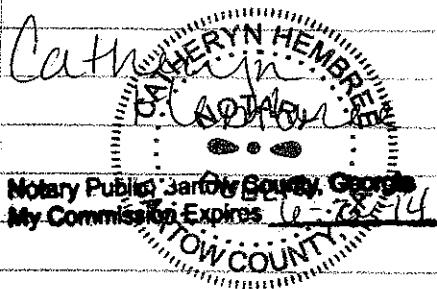
Oct 15, 2013

I, Daniel Wannall, am the applicant for
property located on the north side of
Old Alabama Road, (file 213-06).

I wish to withdraw this application and
apply for rezoning of this property
to the R-20 zoning district.

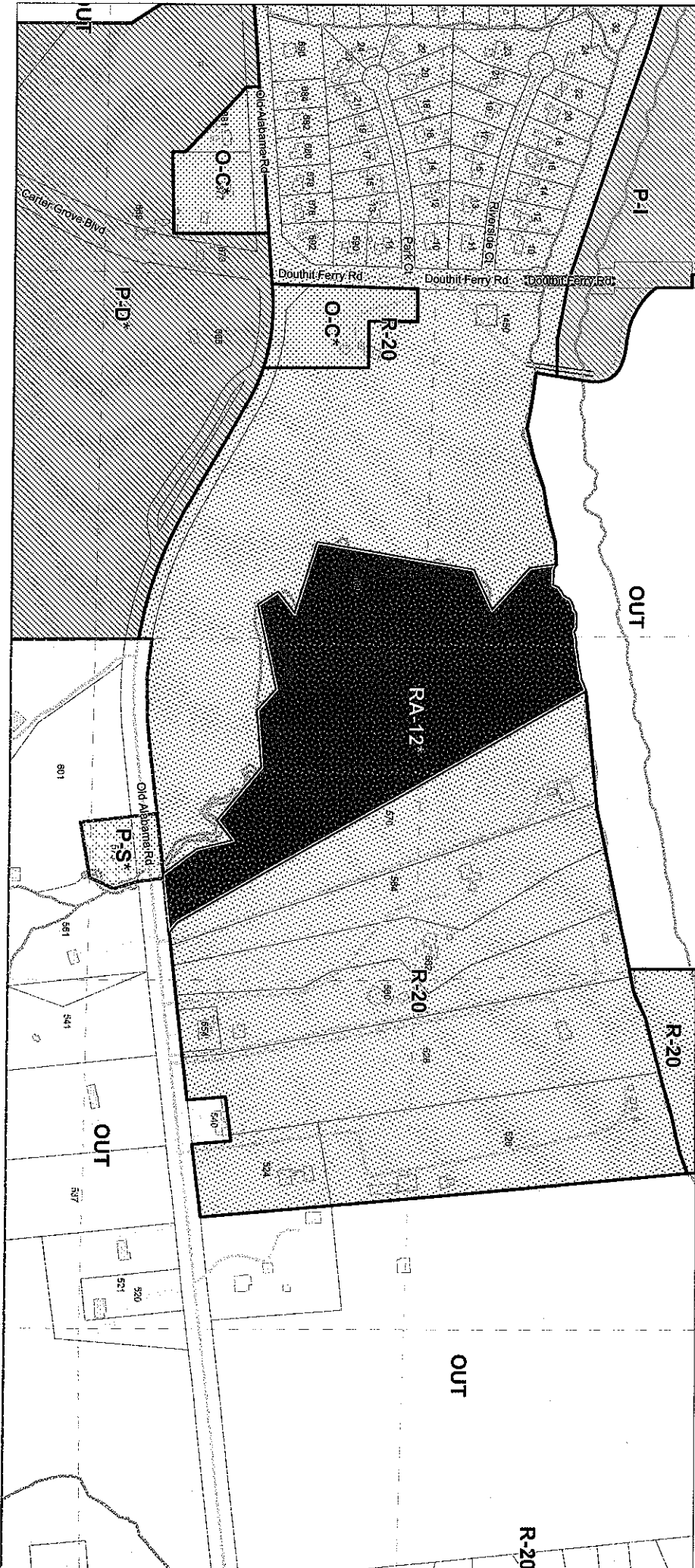
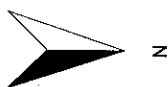
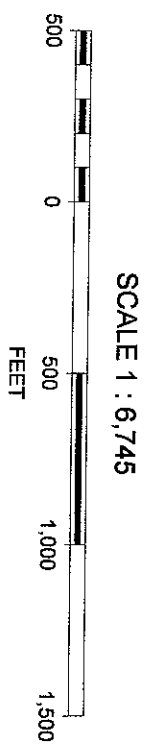
D. L. Wannall

Daniel Wannall

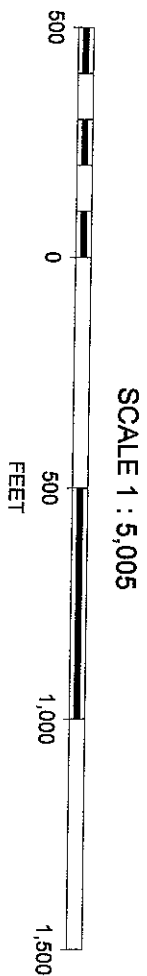


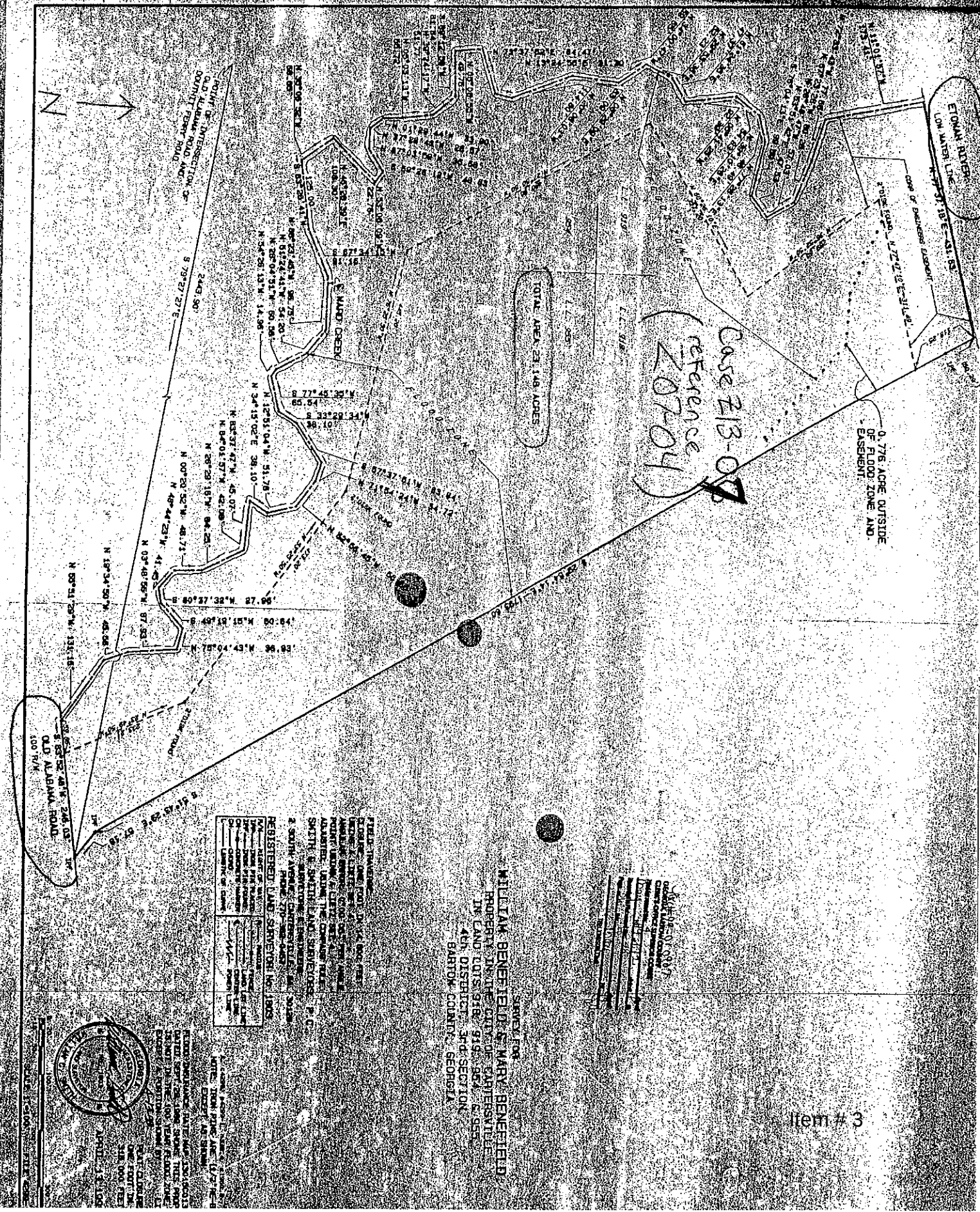
Old Alabama Rd (north side) - rezoning Z13-07

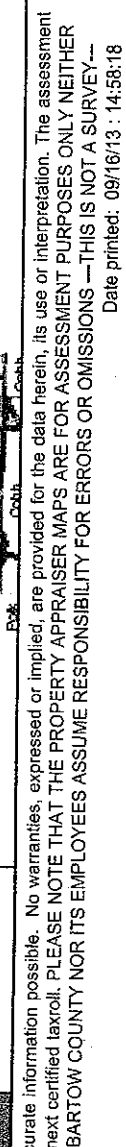
Item # 3



Old Alabama Rd (north side) - rezoning Z13-07









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 # **Z13-07**

DISCLOSURE OF INTERESTS BY LOCAL OFFICIAL (To be completed by Mayor, City Council, and Planning Commission)

Danny Wannall has made a rezoning request on the following property: Approximately 23.15 acres located on Old Alabama Road in Land Lots 918-919 and 954-955, 4th District, 3rd Section, from RA-12 with conditions (Residential attached or detached 12 units per acre) to R-20 (Single-family Residential).

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

12/5/2013 9:00:00 AM

Amendment to Budget Ordinance for Fiscal Year 2012-13

SubCategory:	Second Reading of Ordinances
Department Name:	Finance
Department Summary Recommendation:	After completion of the Fiscal Year 2012-13 close, the general fund and special revenue fund budgets need to be amended. By amending these budgets, the city general fund and special revenue funds will be in compliance with Generally Accepted Accounting Principles (GAAP). These adjustments reflect the necessary changes needed to keep the budgets of these funds at a zero based level (revenues equal expenses) for the fiscal year. I recommend approval of the attached ordinance amendment.
City Manager's Remarks:	This item is unchanged from first reading and is recommended for your approval.
Financial/Budget Certification:	
Legal:	
Associated Information:	

Ordinance
of the
City of Cartersville, Georgia

Ordinance No.

NOW BE IT HEREBY ORDAINED by the Mayor and City Council that pursuant to the City of Cartersville Charter; the City of Cartersville Fiscal Year 2012 - 2013 budget.

2012 - 2013 Budget Summary

<u>General Fund</u>	<u>Revenues</u>	<u>Expenditures</u>
Revenues	\$39,488,170	
Expenditures:		
Legislative		\$19,831,025
Administration		\$ 986,810
Finance Dept.		\$ 1,089,225
Customer Service Dept.		\$ 684,000
Police		\$ 5,040,625
Fire		\$ 5,536,095
Municipal Court		\$ 213,670
Public Works		\$ 2,356,960
Recreation		\$ 2,908,935
Planning & Development		\$ 718,045
Downtown Development Authority		\$ 122,780
<u>Special Revenue Funds</u>		
SPLOST – 2003	\$ 3,811,505	\$ 3,811,505
SPLOST – 2007	\$ 8,303,395	\$ 8,303,395
SPLOST – 2014	\$ 1,018,545	\$ 1,018,545
DEA	\$ 1,133,160	\$ 1,133,160
State Forfeiture	\$ 3,000	\$ 3,000
CDBG Supplemental Dis Rec	\$ 11,305	\$ 11,305
Hotel/Motel Tax	\$ 465,755	\$ 465,755
Motor Vehicle Rental Tax	\$ 52,990	\$ 52,990
Grant Funds	\$ 307,510	\$ 307,510
Impact Fees	\$ 317,254	\$ 317,254
Business Improve Dist Tax	\$ 77,750	\$ 77,750
Development Fees	\$ 5,000	\$ 5,000
Cartersville Building Auth	\$ 1,487,150	\$ 1,487,150

Enterprise Funds

Fiber Optics	\$ 1,635,335	\$ 1,635,335
Electric	\$44,591,295	\$44,591,295
Gas	\$23,123,195	\$23,123,195
Solid Waste	\$ 2,397,270	\$ 2,397,270
Stormwater	\$ 1,323,050	\$ 1,323,050
Water & Sewer	\$20,710,175	\$16,263,215
Water Pollution Control Plant		\$ 2,254,970
Water Treatment Plant		\$ 2,191,990

Internal Service Fund

Garage	\$ 1,592,565	\$ 1,592,565
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BE IT AND IT IS HEREBY ORDAINED.

ADOPTED, this 24th day of November 2013. First Reading.

ADOPTED this day of December 2013. Second Reading.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk



City of Cartersville

**City Council Meeting
12/5/2013 9:00:00 AM
Water and Sewer Capacity Fee Restoration**

SubCategory:	Second Reading of Ordinances
Department Name:	Water
Department Summary Recommendation:	MEMO TO: Sam Grove FROM: Edmund L. Mullinax DATE: November 21, 2013 SUBJECT: Water and Sewer Capacity Fee Restoration The Water Department Recommends approval of the City Ordinance Revision drafted by the City Attorney to restore Water Sewer Capacity Fees to their original amounts effective December 31, 2013.
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	The FY 2014 reflects the increase of the capacity fees back to their full amounts.
Legal:	
Associated Information:	

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 24. UTILITIES. ARTICLE IV. WATER SERVICE. Sec. 24-64 Water and Sewage Utility Rates (g)** is hereby amended by deleting it in its entirety

2.

The effective date of this Ordinance shall be December 31, 2013

3.

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
12/5/2013 9:00:00 AM
Cable Franchise Agreement

SubCategory:	Contracts/Agreements
Department Name:	Administration
Department Summary Recommendation:	The city has reached agreement on the cable franchise agreement with Comcast Cable. The City Attorney has reviewed and approved the agreement which has a ten year term. I recommend approval of the franchise agreement with Comcast Cable.
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	E-Verify documentation is attached.

CONTRACTOR AFFIDAVIT AND AGREEMENT

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with City of Cartersville has registered with and is participating in a federal work authorization program* [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. 13-10-91.

The undersigned further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to this contract with City of Cartersville, contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G.A. 13-10-91 on the Subcontractor Affidavit provided in Rule 300-10-01-.08 or substantially similar form. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to the City of Cartersville at the time the subcontractor(s) is retained to perform such service.

The undersigned Contractor is using and will continue to use the federal work authorization program throughout the contract period.

265019

EEV/Basic Pilot Program* User Identification Number

BY: James A. Macke
Authorized Officer or Agent
(Contractor Name)

12/02/2013

Date

Comcast
Contractor/Entity Name

VP, External Affairs
Title of Authorized Officer or Agent of Contractor

2925 Courtyards Drive; Norcross, GA 30071
Contractor Address

James A. Macke
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

2nd DAY OF December, 2013

Doris M. St Clair
Notary Public
My Commission Expires:

DORIS M ST CLAIR
Notary Public, Gwinnett County, GA
My Commission Expires May 22, 2016

5-22-16

* As of the effective date of O.C.G.A. 13-10-91, the applicable federal work authorization program is the "EEV/Basic Pilot Program" operated by the U.S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA).



City of Cartersville

**City Council Meeting
12/5/2013 9:00:00 AM
Comcast Pole Attachment Agreement**

SubCategory:	Contracts/Agreements
Department Name:	Electric Department
Department Summary Recommendation:	Electric Department recommends that the City Council authorize the signing of this Pole Attachment Agreement with Comcast. We have been without a contract for several years and the signing of the contract will allow a new contract to be in effect for 12 years. The agreement will allow for a better working relationship with Comcast.
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	
Legal:	Keith Lovell has reviewed and supports the signing of this agreement.
Associated Information:	A copy of the agreement will be on file in the City Manager's office.



City of Cartersville

**City Council Meeting
12/5/2013 9:00:00 AM
Public Service Commission Consent Agreement**

SubCategory:	Contracts/Agreements
Department Name:	Gas Department
Department Summary Recommendation:	This agreement allows us to mitigate the penalty associated with our Public Awareness Program inspection by providing additional training for the Bartow County Fire Department. I recommend approval of this agreement.
City Manager's Remarks:	Your approval of the consent agreement as outlined above is recommended.
Financial/Budget Certification:	N/A
Legal:	This agreement has been approved by the City Attorney's office.
Associated Information:	

IN THE MATTER OF:)

City of Cartersville Gas Department, Respondent)

) **DOCKET NO. 37032**

) **(Inspection Report No. JM13-024)**

**BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA**

CONSENT AGREEMENT

WHEREAS, the Georgia Public Service Commission ("Commission") Pipeline Safety Staff ("Staff") and the City of Cartersville Gas Department ("Cartersville" or "Operator" or "City") hereby jointly enter into this Consent Agreement to recommend a resolution of the issues as discussed in Inspection Report JM13-024;

WHEREAS, Commission Staff and Cartersville believe that the terms and conditions of this Consent Agreement constitutes a reasonable resolution of the issues as discussed in JM13-024;

WHEREAS, adoption of this Consent Agreement is in the public interest represents an efficient, effective and responsible discharge of the Commission's responsibilities in this matter;

NOW THEREFORE, the Commission Staff and Cartersville mutually agree and propose the following Consent Agreement:

Findings and Conclusions

1.

The Georgia Public Service Commission ("Commission") has jurisdiction over this matter pursuant to inter alia: 49 C.F.R. Parts 191 and 192; O.C.G.A. §§ 46-2-20, 46-2-30, 46-2-53, 46-2-90, 46-2-91, 46-4-1, 46-4-31, 46-4-34, 50-13-1 *et. seq.*; and Commission Rules 515-9-1-.01 *et. seq.*, 515-9-3.01 *et. seq.*, and 515-9-7-.01 *et. seq.*; all regarding the safe installation and operation of gas distribution systems within the State of Georgia.

2.

Pursuant to Commission Rules 515-9-1-.01 and 515-9-3-.03; the Rules and Regulations prescribed by the United States Department of Transportation applicable to the "Transportation of Natural and Other Gas by Pipeline: Minimum Safety Standards" (49 C.F.R. Parts 40, 191 192, 193 and 199) have been made the Rules and Regulations of the Commission for the safe installation and operation of all natural gas transmission and distribution facilities by companies subject to the jurisdiction of the Commission.

3.

The Facilities Protection Unit Staff ("Staff") of the Commission has the authority to inspect the facilities of municipal natural gas providers pursuant to the legal citations contained *supra*.

4.

The Commission may propose a Compliance Order in conjunction with this Notice of Probable Violation (“NOPV”) pursuant to the legal citations contained *supra*.

5.

The City of Cartersville is a natural gas distribution operator that is subject to the jurisdiction of the Commission.

6.

Pursuant to O.C.G.A. § 50-13-13(a)(4), the Commission is authorized to resolve matters by Consent Agreement.

7.

During Staff’s April 30, 2013 inspection of Cartersville’s Public Awareness Program (“PAP”), Staff determined that Cartersville had committed probable violations of the minimum federal safety standards required by 49 CFR, Part 192. (See Inspection Report JM13-024). Staff informed Cartersville of the probable violations during the exit interview.

8.

On August 27, 2013, an NOPV was sent by certified mail to Cartersville. Said NOPV alleged:

As a result of this inspection Staff has determined that the City of Cartersville has committed a probable violation of the pipeline safety standards, specifically:

§192.13 What general requirements apply to pipelines regulated under this part?

(c) Each operator shall maintain, modify as appropriate, and follow the plans, procedures, and programs that it is required to establish under this part.

Probable Violation: The City of Cartersville failed to follow the procedures required by their Public Awareness Program.

9.

On September 26, 2013, pursuant to Commission Rule 515-9-3-.09(i)(c), Cartersville requested an informal conference to discuss the probable violations noted in Inspection Report JM13-024.

10.

On October 23, 2013, Commission Staff met with Cartersville to discuss the probable violations noted in Inspection Report JM13-024. During the informal conference, it was decided that a follow-up inspection will be required in order to clear the probable violations. In addition, the parties agreed that mitigation of the recommend civil penalty was in the public interest.

11.

Violations found during recent or past inspections other than those mentioned in the previous section (8) or future violations of other Commission Utility Rules or Federal Pipeline

Safety Rules in 49 C.F.R. PARTS 40, 191, 192, 193 and/or 199 are intentionally excluded from this Consent Agreement. Any such previous or future violations shall be dealt with as such violations are found by Commission inspectors or otherwise not resolved in a timely manner and come to the attention of the Commission. Moreover, Operator cannot use this Consent Agreement as a defense against violations besides those expressly covered by this Consent Agreement.

12.

Operator's conduct described *supra*, constitutes sufficient grounds for the imposition of sanctions by the Commission pursuant to *inter alia*: 49 C.F.R. §§ 40, 191, 192 and 199; O.C.G.A. §§ 46-2-20, 46-2-21, 46-2-30, 46-2-53, 46-2-90, 46-2-91, 46-4-1, 46-4-31, 46-4-34, 50-13-1 *et. seq.*; and Commission Rules 515-2-1.04, 515-9-1.01, 515-9-3.03, 515-9-3.04, 515-9-3.06, 515-9-3.07 through 515-7-9-13.

13.

Operator makes no contest to the allegations set forth in the NOPV attached hereto as "Exhibit A." Operator understands that by doing so, it is not admitting the truth of any of the allegations or acknowledging any impropriety but is agreeing that the Commission may enter an order based upon the alleged probable violations without the necessity of receiving evidence in support thereof. Operator hereby waives any further Findings of Fact and Conclusions of Law with respect to the above-styled matter.

Agreements Between the Parties

1.

This Joint Consent Agreement, if approved by the Commission, shall constitute a final resolution of the alleged probable violations in JM13-024. Operator agrees that it will abide by the terms of this Joint Consent Agreement.

2.

Cartersville is subject to civil penalties pursuant to O.C.G.A. §46-2-91 for violation of any Commission Order or Statute or Rule administered by the Commission. Staff reviewed the circumstances surrounding Cartersville's probable violations of 49 C.F.R. §192.13(c) cited in Inspection Number JM13-024 and recommended a civil penalty in the amount of Fifteen Thousand Dollars (\$15,000.00).

3.

Based upon Staff's review of the facts and circumstances surrounding this inspection and the progress that Cartersville has demonstrated concerning its Public Awareness Program, Staff recommends the following remedial action in mitigation of the recommended civil penalties, based on the Operator's agreement and adherence to:

1. Cartersville shall notify the Staff within thirty (30) days of this agreement when the City's is ready for a follow-up inspection.
2. In addition to the requirements of Part 192, Cartersville shall conducting additional public awareness training with the Bartow County Fire Department. This training will be is scheduled for a total of six days in January 2014. The dates for the training are

January 7, 8, 9, 14, 15, and 16. The training should provide information on public awareness and natural gas safety. The estimated cost of the personnel for the training is approximately \$2,325.00.

4.

Should complications arise as to compliance with and/or implementation of this Joint Consent Agreement, Operator and Commission Staff agree to work in good faith to resolve any such complications. Any matters not resolved between the parties shall be timely presented to the Commission for consideration and final adjudication.

5.

This Joint Consent Agreement shall not become effective until and unless it is approved by the Commission. Operator enters into this Joint Consent Agreement without admission of fault or liability.

6.

The undersigned authorized representative(s) of Operator acknowledge by their respective signatures below that each has read this Joint Consent Agreement and understands its contents. The undersigned hereby further acknowledge that the City has a right to a hearing in this matter and does freely, knowingly, and voluntarily waive such right by entering into this Joint Consent Agreement. The undersigned hereby consent on the City's behalf to the resolution of this proceeding as provided for herein.

IN WITNESS WHEREOF, the parties hereto have executed this Consent Agreement as of the day and year first below written.

By: _____
Matt Santini, Mayor
City of Cartersville

By: _____
Connie Keeling
City Clerk
City of Cartersville

By: _____
Michelle Thebert, Director
Facilities Protection Unit
Georgia Public Service Commission

Agreed to this ____ day of December 2013.



City of Cartersville

City Council Meeting
12/5/2013 9:00:00 AM

Memorandum of Understanding between the Federal Bureau of Investigation and the Bartow-Cartersville Drug Task Force for Office Expansion

SubCategory:	Contracts/Agreements
Department Name:	Police
Department Summary Recommendation:	Memorandum of Understanding between the Federal Bureau of Investigation and the Bartow-Cartersville Drug Task Force As you are aware, the City of Cartersville and the Bartow County Sheriff's Department have a cooperative agreement to operate a combined drug task force. This task force currently operates out of a City owned facility. Additionally, the Drug Task Force cooperates with the FBI as part of the Safe Streets program and works closely with ICE, the US Marshalls Service, and the GBI to enforce drug laws in our area. The FBI has agreed to expand the office space at the DTF, at no expense to the City, to install secure computer terminals. This expansion would not cause any disruption to any other City department. This expansion would be highly controlled access, used by only those persons cleared by the FBI. This MOU requires the City to approve before any work can move forward. The FBI has already allocated the funds for this project. In the interest of continued cooperation and in an effort to better serve the community, I am requesting that the Mayor and City Clerk be authorized to sign this MOU and authorized this expansion project.
City Manager's Remarks:	Your approval of the MOU as outlined above is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	

MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL BUREAU OF INVESTIGATION
AND
BARTOW/CARTERSVILLE DRUG TASK FORCE

1. PURPOSE: The purpose of this Memorandum of Agreement (MOA) between the Federal Bureau of Investigation (FBI) and the Bartow/Cartersville Drug Task Force, hereinafter referred to as the "parties", is to define the scope of work and responsibilities of the parties concerning reimbursement for the renovation costs associated with office space located at 500 Tennessee Street in Cartersville, Georgia which is utilized by both the Bartow/Cartersville Drug Task Force and the Northwest Georgia Criminal Enterprise Task Force (NGCETF).

2. BACKGROUND: In October of 2004, the FBI established the NGCETF via an MOU with numerous state and local law enforcement agencies in the Northwest Georgia area. The NGCETF is currently co-located in office space utilized by the Bartow/Cartersville Drug Task Force at 500 Tennessee Street in Cartersville, Georgia. The NGCETF seeks to have a portion of the Bartow/Cartersville Drug Task Force work space renovated to enable members of the NGCETF to have access to FBI computer networks which currently are not accessible from the task force work space. In order to bring a portion of this work space into compliance with FBI security requirements enabling the placement of FBI computer networks at the task force office, the Bartow/Cartersville Drug Task Force will expend approximately \$59,500.00 to complete the required renovations. The FBI will expend an additional approximate \$85,500.00 for the installation of the computer network system.

3. AUTHORITY: The FBI is entering into this MOA under the authority provided by 28 U.S.C. §§ 533, 530C and 28 C.F.R. § 0.85.

4. SCOPE: This MOA defines the terms and conditions for reimbursement by the FBI of expenditures incurred by Bartow/Cartersville Drug Task Force in renovating the task force space, as agreed upon by the parties as follows:

- Contingent on the availability of funds through the FBI's Asset Forfeiture Fund, the FBI will seek funding for the Bartow/Cartersville Drug Task Force as reimbursement for the renovation of the NGCETF office space.
- The anticipated costs of the renovation and the FBI computer network installation are attached to this MOA. The construction bid was provided by the Bartow/Cartersville Drug Task Force in an approximate amount of \$59,500.00. The FBI computer network installation costs were provided by FBI officials. It is anticipated that Bartow/Cartersville Drug Task Force employees or their designees will conduct all renovation activities.

The Bartow/Cartersville Drug Task Force will only make purchases as stated in the construction bid previously submitted to the FBI totaling approximately \$59,500.00. Any exceptions must be approved in advance by the Atlanta Division, Dalton Resident Agency SSRA. The Bartow/Cartersville Drug Task Force will submit copies of each and every invoice(s) to the Atlanta Division Dalton Resident Agency SSRA as they are received so that the SSRA can complete a full accounting of expenditures to FBIHQ Safe Streets Gang Unit.

- All maintenance, utilities, and other related costs will be borne by the Bartow/Cartersville Drug Task Force other than the annual computer network expenses pertaining to the FBI computer network system. The Bartow/Cartersville Drug Task Force agrees to take, as part of its overall maintenance responsibilities, appropriate steps to insure the facility is maintained in a manner that complies with State and Federal environmental regulations and laws.
- The parties agree that the space will be available for use by the NGCETF for the duration of the MOU establishing the task force unless and until the MOU is modified to affect the establishment of the NGCETF or is terminated in writing by all parties of the MOU.

5. FUNDING: The FBI hereby agrees to spend a sum of money not to exceed Fifty-Nine thousand five hundred dollars (\$59,500.00) for reimbursement to the Bartow/Cartersville Drug Task Force for the renovation of the NGCETF office space. The FBI will expend an additional approximate Eighty-Five thousand five hundred dollars (\$85,500.00) for the installation of the computer network system.

6. LIABILITY: The parties agree that each party is responsible for the negligent and wrongful acts and omissions by its employees. In addition, the parties agree that should a claim arise under the terms and conditions of the Federal Tort Claims Act (FTCA), Title 28, United States Code, Sections 1346 and 2671 et seq., for the negligent and wrongful act and omission by either parties' employee in the performance of assigned duties, the FBI shall be responsible for the investigation and disposition of said claim. Nothing herein should be construed as supplanting any applicable statute, rule, or regulation.

7. POINTS OF CONTACT: The Atlanta Division Dalton Resident Agency SSRA will be the designated point of contact (POC) for the FBI and the Captain of the Bartow/Cartersville Drug Task Force will be the point of contact for the Bartow/Cartersville Drug Task Force. The POCs will address and resolve all issues related to this agreement. The parties agree to coordinate safety issues, jurisdictional matters, and other issues through their designated POC.

8. SETTLEMENT OF DISPUTES: Disagreements between the parties arising under or relating to this MOA will be resolved only by consultation between the parties and will not be referred to a local, state, or federal court.

9. AMENDMENT, TERMINATION, ENTRY INTO FORCE, AND DURATION

- a. All activities of the parties under this MOA will be carried out in accordance with the terms and conditions of this MOA.
- b. Except as otherwise provided, this MOA may be amended by the mutual written consent of the parties' authorized representatives.
- c. Either party may terminate this Agreement upon sixty (60) days written notice. Should this Agreement be terminated by the Bartow/Cartersville Drug Task Force prior to the end of the designated term or completion of the renovation, the Bartow/Cartersville Drug Task Force will return to the FBI any residual funds remaining.

10. FORCE AND EFFECT

This MOA, which consists of 10 Sections, will enter into effect upon signature of all parties and will remain in effect for the duration of the NGCETF. This MOA is the complete and exclusive statement of agreement between the parties with respect to the FBI's reimbursement to the Bartow/Cartersville Drug Task Force for the renovation costs associated with the space utilized by the NGCETF located at 500 Tennessee Street, Cartersville, Georgia. This MOA supersedes all written and oral proposals and other communications between the parties. All activities of the parties under this MOA will be carried out in accordance with the terms and conditions of this MOA. Nothing in this MOA is intended to create, nor does it create, an enforceable legal right or private right of action. The foregoing represents the understandings reached between the FBI and the Bartow/Cartersville Drug Task Force upon the matters referred to herein.

FOR THE FEDERAL BUREAU OF INVESTIGATION

Signature

Mark F. Giuliano
Special Agent in Charge
Atlanta Division

Date

Signature

Contracting Officer
Finance Division

Date

Item # 9

FOR THE BARTOW/CARTERSVILLE DRUG TASK FORCE

Signature

Date

Captain Mark Mayton
Bartow County Sheriff's Office

FOR THE CARTERSVILLE CITY GOVERNMENT, CARTERSVILLE, GEORGIA

MATT SANTINI, MAYOR, CITY OF CARTERSVILLE

Date

CONNIE KEELING, CARTERSVILLE CITY CLERK

Date



City of Cartersville

City Council Meeting
12/5/2013 9:00:00 AM
New Police Vehicles

SubCategory:	Bid Award/Purchases
Department Name:	Police
Department Summary Recommendation:	TO : Sam Grove, City Manager FROM : Thomas N. Culpepper, Chief of Police DATE : November 19, 2013 SUBJECT : Purchase of new police vehicles On 10-18-2013, five bid requests were sent out, via USPS, to dealers for bids on three (3) new police vehicles. None of the bid requests have been returned unopened or undeliverable. Bids were sent to the same vendors from previous years. 1. Dallas Dodge Chrysler Jeep, Dallas , GA 2. Robert Loehr Dodge, Cartersville, GA 3. Carl Gregory Dodge, Columbus, GA 4. Akins Dodge Chrysler Jeep, Winder, GA 5. Butler Chrysler Jeep, Beaufort, SC Bids were due 11-18-2013 by 5:00 p.m. The following bids have been received: 1. Robert Loehr Dodge @ \$25,414 per unit = \$75,423. In consideration of the time frame for order and delivery and the fact that he only response was from the local dealer, I am requesting that he bid from Robert Loehr Dodge be accepted and that the Council approve the purchase of the vehicles and all associated equipment (lighting, computer, radios, cameras, containment units, decals, mounts, etc.), in an amount not to exceed \$97,000.00 (this is under the budgeted amount of \$172,000). This bid meets all stated specifications and includes E-Verify and SAVE documentation.
City Manager's Remarks:	Vehicle bids as outlined above by the Chief are recommended for your approval.
Financial/Budget Certification:	This is a budgeted item to be paid for with DEA Funds.
Legal:	
Associated Information:	



City of Cartersville

P O L I C E D E P A R T M E N T

Dear Valued Vendor

The Cartersville Police Department would like to extend an invitation to you to submit a bid for three (3) police vehicles. If you have an interest in submitting a bid, please review the attached bid specification sheet carefully and submit as directed. Should you have any questions regarding the specifications or bid process, please feel free to contact me directly.

It is important to this agency to obtain the best bid possible and the lowest bid (including any bid within 2% of the lowest bid shall be considered for the best bid). Your participation will help to ensure that we spend tax dollars wisely. I look forward to receiving your bid proposal. Please direct your questions to,

Chief Thomas N. Culpepper
Chief of Police
Cartersville Police Department
P.O. Box 1390
Cartersville, GA 30120
770-607-6238
tnculpepper@cartersvillepolice.com

City of Cartersville
P.O. Box 1390
Cartersville, Georgia 30120

Attn: Police Department
Contact: Chief Thomas N. Culpepper 770-607-6238
tnculpepper@cartersvillepolice.com; Attn: Vehicle Bids

Bid Specification Sheet
Request for Bid

New Dodge Charger Police
Pursuit Vehicle

TO: Chuck Clancy Dodge
Government Sales
539 E. Main Street
Cartersville, GA 30120

Quantity: 3

Model Year :New 2013-2014

Make: 4 Door

Vendor Information:

The vehicle offered shall meet or exceed the requirements listed below (unless otherwise noted).

Bidders are to indicate in the "**Meets or Exceeds Specifications**" column if bid specifications are met.

All bids must include completed SAVE and E-Verify Documentation. Failure to provide these documents Will result in the bid being rejected. Items not specified may be included. The lowest/best bidder will be contacted. Bids submitted after the Due NLT date, incomplete or not to specification will not be accepted.

Supporting Data:

Bidders may furnish catalog pages, specification sheets, or similar data to support statements made in Meets or Exceeds Specifications Column.

Police Pursuit Vehicles	<u>Meets or Exceeds Specifications</u>		COMMENTS
	<u>YES</u>	<u>NO</u>	
Body Type- four door, sedan	X		
Engine- 5.7L Hemi, V8	X		
Engine Hour Meter	X		
Severe-duty Cooling System	X		
Automatic Transmission – Police rated	X		
Power Steering	X		
Heavy Duty Antilock Brakes	X		
Factory Air Conditioning	X		
Front Seats – Cloth, adjustable - bucket	X		

AFFIDAVIT VERIFYING STATUS FOR CITY OF CARTERSVILLE BENEFIT APPLICATION

By executing this affidavit under oath, as an applicant for a City of Cartersville, Georgia Occupation Tax Certificate, Alcohol License or other public benefits as referenced in O.C.G.A. Section 50-36-1, I am stating the following with respect to my application for a City of Cartersville, Georgia Occupational Tax Certificate, Alcohol License or other public benefit (circle one) for

Robert Loehr

[Name of natural person applying on behalf of individual, business, corporation, partnership, or other private entity]

Robert Loehr Chrysler Dodge Jeep Ram

[Name of business, corporation, partnership]

- 1) ☒ I am a United States citizen
- 2) ☐ I am a legal permanent resident 18 years of age or older or I am an otherwise qualified alien or non-immigrant under the Federal Immigration and Nationality Act 18 years of age or older and lawfully present in the United States.*

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of Code Section 16-10-20 of the Official Code of Georgia.

R. A. Salt
Signature of Applicant:

11/18/2013
Date

Robert Loehr
Printed Name:

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
18th DAY OF November, 2013

*
Alien Registration number for non-citizens

Notary Public

My Commission Expires: 25 January 2016

*Note: O.C.G.A. § 50-36-1(e)(2) requires that aliens under the federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the federal definition of "alien", legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number below:

SUBCONTRACTOR AFFIDAVIT

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services under a contract with Robert Loehr Chrysler Dodge Jeep Ram (name of contractor) on behalf of City of Cartersville has registered with and is participating in federal work authorization program being* [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. 13-10-91.

The undersigned subcontractor is using and will continues to use the federal work authorization program throughout the contract period.

352721

EEV/Basic Pilot Program* User Identification Number

R. A. Sault
BY: Authorized Officer or Agent
(Subcontractor Name)

11/18/2013
Date

Owner/CEO
Title of Authorized Officer or Agent of Subcontractor

Robert Loehr
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

18th DAY OF November, 2013

Notary Public

My Commission Expires:

25 January 2014

* As of the effective date of O.C.G.A. 13-10-91, the applicable federal work authorization program is the "EEV/Basic Pilot Program" operated by the U.S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA).



City of Cartersville

City Council Meeting
12/5/2013 9:00:00 AM
Itron Handheld Unit

SubCategory:	Bid Award/Purchases
Department Name:	Gas Department
Department Summary Recommendation:	This handheld unit is needed to be able to program new electronic remote transmitters (ERTs) for gas meters. We recommend accepting the bid of \$5,178.00 from H-D Supply.
City Manager's Remarks:	Your approval of the bid award as outlined above is recommended.
Financial/Budget Certification:	This is a budgeted item.
Legal:	N/A
Associated Information:	

Memorandum

To: Gary Riggs

From: Linda Munsey, Administrative Assistant

Date: November 21, 2013

RE: Handheld for ERT's

The Gas System needs to purchase an ITRON FC300 Handheld Unit for programming and reading electronic remote transmitters, or ERT's.

The sole provider of the ITRON FC300, H-D Supply, has submitted a quote in the amount of \$5,178.00, which includes all accessories necessary to operate this handheld.

It is my recommendation that we place the order with H-D Supply.

The bid tabulation form as well as the E-Verify is attached. .



City of Cartersville

City Council Meeting
12/5/2013 9:00:00 AM
Academy Sports Lighting

SubCategory:	Bid Award/Purchases
Department Name:	Electric Department
Department Summary Recommendation:	The Electric Department is requesting authorization to purchase materials to provide area lighting service to the new Academy Sports store at 453 East Main Street (formerly Kmart).
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	

Quotation



ZT # WCH

STUART C IRBY BR743 MARIETTA
 1060 TRIAD COURT SUITE D
 MARIETTA GA 30062-2271
 770-422-1005 Fax 770-427-8455

QUOTE DATE	ORDER NUMBER
11/22/13	S007973198
REMIT TO:	PAGE NO.
STUART C IRBY CO POST OFFICE BOX 741001 ATLANTA GA 30384	1

SOLD TO:
 CITY OF CARTERSVILLE
 P. O. BOX 1390
 CARTERSVILLE, GA 30120-1390

SHIP TO:
 CITY OF CARTERSVILLE
 ATTN: ELECTRICAL DEPARTMENT
 320 S. ERWIN STREET
 CARTERSVILLE, GA 30120

ORDERED BY:

CUSTOMER NUMBER		CUSTOMER ORDER NUMBER		JOB/RELEASE NUMBER		OUTSIDE SALESPERSON	
129337						James A Narmore	
INSIDE SALESPERSON		REQD DATE		FRGHT ALLWD		SHIP VIA	
Neil Godfrey		11/22/13		Yes			
ORDER QTY	SHIP QTY	LINE	DESCRIPTION		Prc/Uom	Ext.Amt	
26EA		1	*GELI DKA01M0A2SSDB2 GE 1000 WATT METAL HALIDE M-VOLT DIMENSION 1000 SERIES LUMINAIRE W/ PE RECEPTACLE; PAINTED DARK BRONZE		473.000EA	12298.00	
4EA		2	*GELI PF4S40E0A27X6DBS GE 400 WATT PULSE ARC METAL HALIDE M-VOLT POWERFLOOD LUMINAIRE W/ LARGE KNUCKLE SLIPFITTER		210.000EA	840.00	
18EA		3	*VALI DS330-600W400-D4-FP-HH-FBC-LAB 40FT SQUARE STEEL ANCHOR BASE POLE; NON-TAPERED; DRILLED FOR 4ea GE DECASHIELD FIXTURES, MEDIUM BRONZE POWDER PAINT; 12" BOLT CIRCLE, FATIGUE RESISTANT BASE, LESS ANCHOR BOLTS		1163.000EA	20934.00	
18EA		4	*PRCA 8'X18"-4C PRECAST CONCRETE POLE BASE; 12" BOLT CIRCLE; 1" ANCHOR BOLTS; WITH 4ea - 2" PLUMBING ELBOWS AND SCH 40 COUPLINGS AT 90 DEGREES		387.500EA	6975.00	
2EA		5	*ACMA AMI-177-BRZ 2-LIGHT TENON-TO BULLHORN PAINTED DARK BRONZE W/ 36IN SPACING		62.000EA	124.00	
30EA		6	64468 SYL M1000/U CLR BT56MOG MH LAMP **LAMP CONTAINS MERCURY, PLEASE DISPOSE OF PROPERLY**		17.500EA	525.00	
*** Continued on Next Page ***							

Quotation



STUART C IRBY BR743 MARIETTA
1060 TRIAD COURT SUITE D
MARIETTA GA 30062-2271
770-422-1005 Fax 770-427-8455

QUOTE DATE	ORDER NUMBER
11/22/13	S007973198
REMIT TO: STUART C IRBY CO POST OFFICE BOX 741001 ATLANTA GA 30304	PAGE NO. 2

SOLD TO:
CITY OF CARTERSVILLE
P. O. BOX 1390
CARTERSVILLE, GA 30120-1390

SHIP TO:
CITY OF CARTERSVILLE
ATTN: ELECTRICAL DEPARTMENT
320 S. ERWIN STREET
CARTERSVILLE, GA 30120

ORDERED BY:

CUSTOMER NUMBER		CUSTOMER ORDER NUMBER		JOB/RELEASE NUMBER		OUTSIDE SALESPERSON	
129337						James A Narmore	
INSIDE SALESPERSON		REQD DATE		FRGHT ALLWD		SHIP VIA	
Neil Godfrey		11/22/13		Yes			
ORDER QTY	SHIP QTY	LINE	DESCRIPTION		Prc/Uom	Ext.Amt	
6ea		7	64321 SYL M400/PS/U 400W MH LAMP **LAMP CONTAINS MERCURY, PLEASE DISPOSE OF PROPERLY**		12.250EA	73.50	
30EA		8	EFSE MEN30 250V MIDGET TD FUSE		3.200EA	96.00	
30EA		9	BUSS HEB-AW-RYC FUSEHOLDER		49.950EA	1498.50	
2EA		10	GELI SFADB-001 DARK-BRONZE SLIPFITTER		23.000E	46.00	
* This is a quotation *					Subtotal	43410.00	
Prices firm for acceptance within 30 days with the exception of commodity prices which are subject to change daily. Quotation is void if changed. Complete quote must be used unless authorized in writing. For Terms and Conditions, Please See our website.					S&H CHGS	0.00	
					Sales Tax	0.00	
					TOTAL	43410.00	



City of Cartersville

City Council Meeting
12/5/2013 9:00:00 AM
Citizen's Survey Results

SubCategory:	Presentations
Department Name:	City Manager's Office
Department Summary Recommendation:	Staff will be presenting a portion of the results from the recently completed Citizen Survey. Today's presentation will address Information/Awareness, Public Trust & Cartersville Employees.
City Manager's Remarks:	Another section of the citizens survey that I will be presenting at the meeting.
Financial/Budget Certification:	
Legal:	
Associated Information:	
