



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 – 3/3/2011
Work Session – 6:00 PM

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. February 17, 2011 (page 3-13)

[Attachments](#)

B. Second Reading of Ordinances

1. Amendment to Retirement Plan Ordinance (page 14-15)

[Attachments](#)

2. Amendment to Permit Fees Ordinance (page 16-17)

[Attachments](#)

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

1. Z11-01 Rezoning application T-Shell Cartersville for property located at 9 Medical Drive from P-S to O-C (page 18-22)

[Attachments](#)

D. Other

1. Urban Redevelopment Plan Update (page 23-24)

[Attachments](#)

E. First Reading of Ordinances

1. Amendment to Utilities Ordinance Relating to Refunds (page 25-26)

[Attachments](#)

F. Resolutions

1. Waiver of Building Permit Fees (page 27-28)

[Attachments](#)

G. Easements

1. Collins Pointe Holdings - Electric Department (page 29-35)

[Attachments](#)

H. Surplus Equipment

1. Electric Department (page 36)

[Attachments](#)

I. Contracts/Agreements

1. ATT Regarding Public Safety Headquarters (page 37-43)

[Attachments](#)

J. Change Order

1. Engineering for Etowah Pump Station (page 44)

[Attachments](#)

K. Bid Award/Purchases

1. Repair Bands - Water Department (page 45)

[Attachments](#)

2. Residential Gas Meters (page 46-52)

[Attachments](#)



City of Cartersville

City Council Meeting
3/3/2011 7:00:00 PM
February 17, 2011

SubCategory:	Council Meeting Minutes
Department Name:	Clerk
Department Summary Recommendation:	Attached are the minutes for your review and approval.
City Manager's Remarks:	Minutes for the February 17th City Council Meeting have been generated and reviewed by staff. They are now ready for your approval with any amendments that you care to make.
Financial/Budget Certification:	
Legal:	
Associated Information:	

City Council Special Called Meeting
10 N. Public Square
February 17, 2011
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation and Pledge of Allegiance led by Cub Scout Troop Pack 15

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; Sam Grove, City Manager; Connie Keeling, City Clerk and David Archer, City Attorney. Lori Pruitt, Council Member Ward Six was absent.

II. Regular Agenda

A. Council Meeting Minutes

1. February 3, 2011

A motion to approve the February 3, 2011 City Council Minutes as presented was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

B. Second Reading of Ordinances

1. Amendment to Parade Permit Ordinance

Greg Anderson, Parks and Recreation Director stated that his department wishes to have the Parade Permit Ordinance amended. The amendment would allow a parade permit application to be accepted by the City of Cartersville not more than one (1) year prior to the proposed event. This is a change from sixty (60) days prior to the event. Mr. Anderson stated that changing the application would coincide with park patrons being able to reserve park facilities one year in advance thus allowing for better planning and coordination of large events that use both park facilities and parade routes. Mr. Anderson stated that there have been no changes since the first reading and recommended approval.

A motion to approve Ordinance No. 06-11 was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 06-11

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 22. STREETS AND SIDEWALKS. ARTICLE II. PARADES** Section 22-37 Application paragraph (b) is hereby amended by deleting said paragraph (b) in its entirety and replacing it with the following:

1.

“(b) *Filing period.* An application for a parade permit shall be filed with the city manager or his designee not less than ten (10) days or more than one (1) year before the date on which it is proposed to conduct the parade.”

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 remaining provisions of Section 22-37, shall remain unchanged.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 3rd day of February 2011.

Second Reading and Adoption this the 17th day of February 2011.

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

ATTEST:

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

C. Proclamations

1. Arbor Day

Randy Mannino stated that Arbor Day is a nationally celebrated observance that encourages tree planting and care. Founded by J. Sterling Morton in 1872, it is celebrated in Georgia each year on the third Friday in February. Mr. Mannino stated that this proclamation officially recognizes Arbor Day in the City of Cartersville and is one of the items that needed to be completed for eventual certification into the Tree City USA program. Dianne Tate read the

proclamation and she and Mayor Santini presented the proclamation to Sherry Henshaw with Keep Bartow Beautiful

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

1. File Z11-01 Rezoning application by T-Shell Cartersville LLC for property located at 9 Medical Drive (approximately 1.3 acres) from P - S (Professional Services) to O-C (Office Commercial).

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 at 9 Medical Drive just off State Route 20 in the Cloverleaf area near the Cartersville Medical Center. Mr. Mannino stated that this property was one of a few tracts that were annexed into the City in 2001. The subject tract, similar to surrounding lots, has an annexation condition placed on it that Medical Drive must be upgraded before this private drive can be accepted as a public street and that it was never a publicly maintained street in the Bartow County jurisdiction prior to annexation. The applicants seek to rezone this property from P-S (Professional Services) to O-C (Office Commercial) to allow for a greater variety of medical uses in this building. At this time the applicant has not requested that the annexation condition be modified or eliminated. Mr. Mannino stated that the Planning Commission recommended approval of the rezoning with the condition that only the following uses be allowed:

Clinics (excludes veterinary clinic)
Hospices – Hospitals
Laboratories (medical and dental)
Medical Offices (excludes veterinary)
Nursing Home Facilities
Personal Care Homes (SU)
Research Laboratories

Mayor Santini declared a Public Hearing for the zoning application open. Corley Thomas, representative came forward. After no further comments, Mayor Santini declared the Public Hearing closed.

No Action Required

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. Z11-01 (reference case AZ01-09)

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 T-Shell Cartersville LLC. Property is located 9 Medical Drive. Said property contains 1.3 acres located in the 4th District, 3rd Section, Land Lot(s) 95 as shown on the attached plat Exhibit “A”. Property is hereby rezoned from P-S (Professional Services) to O-C (Office Commercial) with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

- 1. Rezoning from P-S to O-C with the condition that only the following uses be allowed:**

**Clinics (excludes veterinary clinic)
Hospices
Hospitals
Laboratories (medical and dental)
Medical offices (excludes veterinary)
Nursing home facilities
Personal care homes (SU)*
Research laboratories**

BE IT AND IT IS HEREBY ORDAINED.

**First Reading this the 17th day of February 2011.
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 Permit Fees Ordinance**

Sam Grove, City Manager stated that he is requesting a waiver of all building, electrical, mechanical, and plumbing permit fees for six (6) residential construction projects to be completed by Bartow Area Habitat for Humanity on behalf of the City of Cartersville. By avoiding these permit fees, Habitat will be able to apply more funding towards the construction of the homes, resulting in a higher quality build. Mr. Grove stated that this ordinance will allow the city to waive fees in the future by process of a resolution. Funding for the project is through

the CDBG Supplemental Recovery Grant and Mr. Grove 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 17. PLANNING AND DEVELOPMENT. V. PERMIT FEES** is hereby amended by creating a new Section 17-91 in its entirety as follows:

1.

Section 17-91. Waiver of Fees.

The Mayor and City Council, may by resolution waive the fees for inspection required by Sections 17-77, 17-79, 17-80, and 17-82 for 501(C) (3) entities constructing or remodeling low income housing through a City of Cartersville sponsored grant.

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 17th day of February 2011.
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 Retirement Plan Ordinance

Dan Porta, Assistant City Manager stated that the Cartersville Pension Board sent out RFP's for investment advisor services and received fourteen proposals. After reviewing the proposals, the Pension Board recommends Weeks Retirement solutions (WRS) for investment advisor services. Mr. Porta stated that this ordinance needed to be amended due to the recommended change from SunTrust to WRS. Mr. Porta recommended approval.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Whereas, the City of Cartersville Retirement Board has reviewed the proposed amendment and hereby recommends said amendment to the Mayor and City Council.

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 16. PERSONNEL, DIVISION 2. RETIREMENT PLAN, Sec. 16-51. Adopted; short title; definition. (a) is hereby amended by deleting said section in its entirety and replacing it as follows:

Section 16-51. Adopted; short title; definition.

“(a) The Cartersville Retirement Plan was created on April 15, 1973 with Lincoln National Life Insurance Company, Fort Wayne, Indiana, and in 2011 the plan's assets have been transferred over to Benefit Trust Company, a Kansas company, a copy of which is on file in the office of the city manager. The Retirement Plan and all of its business shall be transacted and all of its funds shall be invested by WRS; and all of its cash, securities and other property shall be held in trust by Benefit Trust Company, for the purposes set forth in this plan.”

BE IT AND IT IS HEREBY ORDAINED.

**First Reading this the 17th day of February 2011.
ADOPTED this the day of. Second Reading.**

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

F. Appointments

1. Downtown Development Authority

Sam Grove, City Manager stated that three members of the DDA board of directors terms expire this month. Mr. Grove stated that Harry Finchum, Susan Howard, and Nancy Jackson have been active and strong supporters of the downtown business district and recommended their reappointment. Mr. Grove stated these members terms will expire on February 18, 2015.

A motion to approve the reappointment of Harry Finchum, Susan Howard and Nancy Jackson was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

G. Contracts/Agreements

1. Georgia Department of Transportation 2005 Transportation Enhancement Grant for Leake Mound – Etowah Riverwalk Link

Greg Anderson, Parks and Recreation Director stated that this agreement with G-DOT and the City of Cartersville is for the 2005 Transportation Enhancement Grant for the Leake Mounds-Etowah Riverwalk Link. This agreement states that the City of Cartersville has acquired a permanent easement per Federal Highway Administration requirements and that the City has the authority to receive and expend federal funds for the purpose of the proposed project. Mr. Anderson recommended approval of this agreement and the authorization of the Mayor to sign any remaining documents pertaining to the Leake Mounds-Etowah Riverwalk Link TE Grant.

A motion to approve the G-DOT agreement and to authorize the Mayor to sign any remaining documents pertaining to the Leake Mounds-Etowah Riverwalk Link TE Grant. was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

2. Weeks Retirement Solutions Regarding Investment Advisor

Dan Porta, Assistant City Manager stated that since May 2002 the City of Cartersville Pension Plan, which currently has \$24 million in assets, has used Sun Trust as our investment advisor and plan trustee. The purpose of the investment advisor is to work with the Pension Board on the type of investments that the Pension Plan assets are invested. The plan trustee takes care of the retiree benefit payments. Last fall the Pension Board decided to issue a request for proposal (RFP) for investment advisor and plan trustee services. A total of fourteen proposals were received and reviewed to ensure that each firm's proposal met the RFP requirement. A total of five firms were invited for an interview by the Pension Board. Mr. Porta

stated that after interviewing each firm, the Pension Board voted and recommended Weeks Retirement Solutions (WRS) as the investment advisor and Benefit Trust Services as plan trustee. WRS submitted a proposal with actual five year investment returns of 5.35% (net of fees) compared to some other firms who only submitted theoretical fund returns. Mr. Porta recommended approval to change from SunTrust to WRS for investment advisor services.

A motion to approve Weeks Retirement Solutions as the Investment Advisor was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

3. Condrey and Associates Regarding Wage and Salary Study

Sam Grove, City Manager stated that this is an agreement with Condrey and Associates to complete a comprehensive Wage/Salary Study to include reviewing internal positions/salaries, complete a market survey of comparable municipalities/entities, and compare the city's current salary structure to the market. Mr. Grove stated that it has been approximately 10 years since the city has completed a salary survey. The cost for this survey will be \$24,500.00, will be complete by May 17, 2011 for budget consideration. Mr. Grove recommended approval.

A motion to approve the agreement with Condrey and Associates was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

H. Bid Award/Purchases

1. Retiree Insurance Renewal

Dan Porta, Assistant City Manager stated that staff has met with a group of eight retirees and discussed the two best options for their health insurance coverage. The two options were a passive PPO offered through Humana Medicare Advantage and a Medicare supplement offered through United Healthcare. After discussing both insurance options, the retirees unanimously decided on the United Healthcare Medicare supplement. Mr. Porta stated the monthly premium for this coverage is slightly less than the current monthly premium and the plan will become effective on April 1, 2011. Mr. Porta recommended approval of the change to United Healthcare Senior Supplement.

A motion to approve the agreement with United Healthcare was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. Reconstruct South Hanger Taxiway Pavement

Dan Porta, Assistant City Manager stated that the Cartersville – Bartow County Airport Authority received funding from the Federal Aviation Administration and the Georgia Department of Transportation to help pay 95% of the south hangar taxiway pavement reconstruction. The City and Bartow County have agreed to split the remaining 5% of the costs.

Mr. Porta stated that the grant will flow through the City and required paperwork will need to be signed by the Mayor, City Clerk and City Attorney. Mr. Porta stated that the Airport Authority issued bids for the paving work and Bartow Paving was hired as the paving contractor. The total projected cost of the project is \$373,211.00 with the City's share at \$9,331.00. Mr. Porta recommended approval of this expenditure and the authorization of the Mayor, City Clerk and City Attorney to sign the required grant paperwork.

A motion to approve the agreement to reconstruct the South Hanger Taxiway Pavement and to authorize the Mayor, City Clerk and City Attorney to sign the required grant paperwork was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

3. Emergency Repair to Damaged Water Main: Water Plant to Main Street

Jim Stafford, Water and Sewer Superintendent stated the 36" ductile iron water main from the water plant to Main Street was damaged when a back hoe operator working for New Riverside Ochre hit the line. The city had to do an emergency repair and hire an outside contractor T. J. Lyle & Co., Inc. to do the backhoe work because the city's backhoe could not handle the job. Mr. Stafford stated that his expenditure is \$5,200.00 and will be paid from the maintenance to water mains budget. Mr. Stafford recommended approval.

A motion to approve the emergency repair by T. J. Lyle & Co. Inc. was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

4. Video System for Police Vehicles

Tommy Culpepper, Chief of Police stated that each police patrol vehicle is equipped with an in-car video system. These systems have been instrumental in collecting evidence and answering complaints regarding officer conduct. Chief Culpepper stated that the current vendor, ICOP, has filed for bankruptcy and is looking to be purchased by a company with a competing in-car video product on the market and he no longer feels that this company can provide timely sales and service of this equipment. Chief Culpepper requested the approval to expend an additional \$8,500.00 from DEA Asset Forfeiture to cover the cost of changing systems from ICOP to Digital Ally. The new systems are easier to install and will provide quality video. These systems will operate on the current server and will be installed in the four (4) new patrol vehicles and the new vehicles cannot be put into operation until these systems are installed. Chief Culpepper stated the original cost (approved on September 16, 2010) for the purchase of the vehicles and all equipment was \$83,324.00. Chief Culpepper stated that other vehicles will be equipped with the new video systems as the old systems fail to operate and recommended approval of this change.

A motion to approve the use of an additional \$8,500.00 in DEA Funds to purchase Video Systems from Digital Ally was made by Council Member McDaniel and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

I. Monthly Financial Statement

1. December 2010 Financial Report

Tom Rhinehart, Finance Director presented the December 2010 monthly financial statement with comparisons from the previous year of December 2009 by funds along with supplemental financial information comparing the year to date revenues and expenses for each fund and a report of cash position through December 2010.

Tom Quist and Don Liotta gave an overview on the upcoming Habitat for Humanity project.

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
3/3/2011 7:00:00 PM
Amendment to Retirement Plan Ordinance

SubCategory:	Second Reading of Ordinances
Department Name:	Administration
Department Summary Recommendation:	The Cartersville Pension Board sent out RFPs for investment advisor services and received fourteen proposals. After reviewing the proposals, the Pension Board recommended WRS for investment advisor services. Due to the recommended change from SunTrust to WRS, this ordinance needs to be amended. I recommend approval of this ordinance change.
City Manager's Remarks:	This item is unchanged from last meeting. Your approval of this ordinance change is recommended.
Financial/Budget Certification:	N/A
Legal:	
Associated Information:	N/A

Ordinance
of the
City of Cartersville, Georgia

Ordinance No.

Whereas, the City of Cartersville Retirement Board has reviewed the proposed amendment and hereby recommends said amendment to the Mayor and City Council.

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 16. PERSONNEL, DIVISION 2. RETIREMENT PLAN, Sec. 16-51. Adopted; short title; definition. (a) is hereby amended by deleting said section in its entirety and replacing it as follows:

Section 16-51. Adopted; short title; definition.

“(a) In April 2011, the Cartersville Retirement Plan assets have been transferred over to Benefit Trust Company, a Kansas company, a copy of which is on file in the office of the city manager. The Retirement Plan and all of its business shall be transacted and all of its funds shall be invested by Weeks Retirement Solutions LLC; and all of its cash, securities and other property shall be held in trust by Benefit Trust Company, for the purposes set forth in this plan.”

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED this the 17th day of February 2011. First Reading
ADOPTED this the 3rd day of March 2011. Second Reading.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk



City of Cartersville

**City Council Meeting
3/3/2011 7:00:00 PM
Amendment to Permit Fees Ordinance**

SubCategory:	Second Reading of Ordinances
Department Name:	Administration
Department Summary Recommendation:	We are requesting the waiver of all building, electrical, mechanical, and plumbing permit fees for six (6) residential construction projects to be completed by Bartow Area Habitat for Humanity on behalf of the City. By avoiding these permit fees, Habitat will be able to apply more funding towards the construction of the homes, resulting in a higher quality build. Funding for this project is through the CDBG Supplemental Disaster Recovery Grant. Your approval of this item is recommended.
City Manager's Remarks:	This item is unchanged from last meeting. Your approval of this item is recommended.
Financial/Budget Certification:	
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 CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 17. PLANNING AND DEVELOPMENT. V. PERMIT FEES is hereby amended by creating a new Section 17-91 in its entirety as follows:

1.

Section 17-91. Waiver of Fees.

The Mayor and City Council, may by resolution waive the fees for inspection required by Sections 17-77, 17-79, 17-80, and 17-82 for 501 (C) (3) entities constructing or remodeling low income housing through a City of Cartersville sponsored grant.

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: _____
SECOND READING: _____

Matthew Santini, MAYOR

ATTEST: _____
Connie Keeling, CITY CLERK



City of Cartersville

City Council Meeting

3/3/2011 7:00:00 PM

Z11-01 Rezoning application T-Shell Cartersville for property located at 9 Medical Drive from P-S to O-C

SubCategory:	Public Hearing - 2nd Reading of Zoning/Annexation Requests
Department Name:	Planning and Development
Department Summary Recommendation:	The subject tract is located on Medical Drive, just off State Route 20 in the Cloverleaf area near the Cartersville Medical Center. This property was one of a few tracts that were annexed into the City in 2001 and 2002. The subject tract, similar to surrounding lots, has an annexation condition placed on it that Medical Drive must be upgraded before this private drive can be accepted as a public street (it was never a publicly maintained street in Bartow County jurisdiction prior to annexation). Since that time, there has never been a request to accept the private drive as a City street, and staff is not aware of any current plans to request City maintenance. This property includes a medical building constructed in 2006, which has been vacant for at least several months. The applicants seek to rezone this property from P-S (Professional Services) to O-C (Office Commercial) to allow for a greater variety of medical uses in this building than P-S zoning allows. At this time, the applicant has not requested that the annexation condition be modified or eliminated, and it may remain in place with no changes. For rezoning case Z11-01, Planning Commission recommended approval of rezoning from P-S to O-C with the condition that only the following uses be allowed: - Clinics (excludes veterinary clinic) - Hospices - Hospitals - Laboratories (medical and dental) - Medical offices (excludes veterinary) - Nursing home facilities - Personal care homes (SU)* - Research laboratories
City Manager's Remarks:	This item is unchanged from last meeting. The Planning Commission recommends your approval of this item.
Financial/Budget Certification:	
Legal:	
Associated Information:	

ZONING & ANNEXATION SYNOPSIS

Petition Number(s): **Z11-01** (reference case AZ01-09)

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **T-Shell Cartersville LLC**

Representative: **Ben Bentley**

Property Owner: **Same as applicant**

Property Location: **9 Medical Drive**

Access to the Property: **Medical Drive off State Route 20, near US 41 and US 411**

Site Characteristics:

Tract Size: Acres: **1.3 acres** District: **4th** Section: **3rd** LL(S): **95**

Ward: **6** Council Member: **Lori Pruitt**

LAND USE INFORMATION

Current Zoning: **P-S (Professional Services)**
NOTE: Property has an annexation condition that Medical Dr not be accepted as a public street until deficiencies (potholes, cracks) are corrected. (reference case AZ01-09, February 2002)

Proposed Zoning: **O-C (Office Commercial)**

Proposed Use: **Rezone to allow for a variety of medical-related uses**

Current Zoning of Adjacent Property:

North:	<u>County C-1 (Commercial)</u>
South:	<u>P-S (Professional Services)</u> <u>(same annexation condition)</u>
East:	<u>P-S (Professional Services)</u> <u>(same annexation condition)</u>
West:	<u>P-S (Professional Services)</u> <u>(same annexation condition)</u>

The Future Development Plan designates the subject property as:
Parkway Corridor with recommended zoning districts G-C, O-C, P-D, RA-12, MF-14.

ZONING ANALYSIS

City Departments Reviews

Water and Sewer:

No comments.

Public Works:

No comments for the rezoning of this property.

Regarding the road condition, Public Works staff looked at Medical Drive from an infrastructure quality standpoint and found the following deficiencies:

- Severe pavement failures
- Scabbed on overlays with reflective cracking coming thru
- Silted up Corrugated Metal Pipes
- Driveway asphalt filling curb and gutter causing bird bath at Family Medical Center Driveway
- Curb and gutter is broken and crumbled in several locations
- Sanitary Sewer Manhole in cul-de-sac not to grade
- Rough utility patches
- General load/alligator cracking and block cracking throughout

For this roadway to meet current City Standards it would have to basically be totally reconstructed. Public Works recommends that the annexation condition remain with the property.

Gas:

No comments.

Electric:

No objections.

Fire:

No comments.

Police:

No comments.

The subject tract is located on Medical Drive, just off State Route 20 in the Cloverleaf area near the Cartersville Medical Center. This property was one of a few tracts that were annexed into the City in 2001 and 2002. The subject tract, similar to surrounding lots, has an annexation condition placed on it that Medical Drive must be upgraded before this private drive can be accepted as a public street (it was never a publicly maintained street in Bartow County jurisdiction prior to annexation). Since that time, there has never been a request to accept the private drive as a City street, and staff is not aware of any current plans to request City maintenance.

This property includes a medical building constructed in 2006, which has been vacant for at least several months. The applicants seek to rezone this property from P-S (Professional Services) to O-C (Office Commercial) to allow for a greater variety of medical uses in this building than P-S zoning allows. At this time, the applicant has not requested that the annexation condition be modified or eliminated, and it may remain in place with no changes.

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 proposed O-C zoning may permit a use that is suitable in view of the existing commercial development of adjacent properties.
- B. *Whether the zoning proposal will create an isolated district unrelated to adjacent and nearby districts.*
The proposed O-C zoning may not create an isolated district since there are adjacent and nearby properties that are zoned for a greater possibility of commercial uses than the existing P-S zoning in the City (G-C) and County (C-1).
- C. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The O-C 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 as P-S* for office use only, the property may have a reasonable economic use. Given the greater intensity of surrounding commercial zoning and use, however, O-C could be appropriate.
- 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 zoning proposal for O-C 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 industrial 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 adopted 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 O-C zoning 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 based on possible environmental factors.

- 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.

The Cloverleaf area of US 41, US 411, and State Route 20 continues to develop with a mix of medical, medium-to-heavy commercial, and institutional uses. Rezoning this property to allow for a greater variety of commercial / medical uses may be appropriate.

STAFF RECOMMENDATION

Planning & Development staff has no objections, as long as the annexation condition remains on the property with no changes.

PLANNING COMMISSION RECOMMENDATION:

NOTE: *The recommendations presented in this analysis are for reference purposes, and are not final. The analysis has been written without the benefit of public hearing and any additional information that may be added. Final determination is made by the Mayor and City Council only after Planning Commission recommendation and properly advertised public meeting as set forth by the City of Cartersville.*



City of Cartersville

City Council Meeting
3/3/2011 7:00:00 PM
Urban Redevelopment Plan Update

SubCategory:	Other
Department Name:	Planning & Development
Department Summary Recommendation:	As part of the Urban Redevelopment Plan (URP) adopted by the Mayor and Council in late 2010, the City Council has chosen to oversee implementation of the plan as the designated redevelopment entity. It is the responsibility of staff to study, investigate, and administer the URP and all appropriate implementation tools. The attached memo provides a status update to the URP, as required in the plan.
City Manager's Remarks:	This appears to be an informational item. Your approval is needed if that is what is requested.
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 and Council
FROM: Randy Mannino and Richard Osborne
DATE: February 18, 2011
SUBJECT: Urban Redevelopment Plan update

As part of the Urban Redevelopment Plan (URP) adopted by the Mayor and Council in late 2010, the City Council has chosen to oversee implementation of the plan as the designated redevelopment entity. It is the responsibility of staff to study, investigate, and administer the URP and all appropriate implementation tools. Please see below for a status update to the URP.

Drainage problems have been a longstanding concern for North Towne residents. In 2009, the City received a Community Development Block Grant (CDBG) for \$500,000 for the Wells Street Stormwater Project. This drainage improvement program will help residents in the MLK Jr Dr – Johnson St – Wells St – Gilmer St area. In addition, deteriorated water, sewer, and gas lines are being replaced. Project construction began in October 2010 and is scheduled for completion in May 2011.

Streets in North Towne are generally organized along a grid with modest homes, and a majority of the houses were built between 1930 and 1960. Based on surveys and discussions with residents, the community is concerned about the lack of home maintenance. Residents are concerned about low-income and elderly residents who cannot afford the upkeep or are physically unable to maintain their properties. Staff is reviewing possibilities for Community Development Block Grant (CDBG) funding for home improvement projects for owner-occupied single-family residences in North Towne.

The City has received federal Community Development Block Grant (CDBG) Supplemental Disaster Recovery funding for \$748,897. Single-family homes are proposed to be built in the North Towne area in partnership with Habitat for Humanity and the Etowah Housing Authority. Construction on the first structure is scheduled to begin in March at the corner of Porter Street and Courrant Street (118 Courrant St). Future homes are proposed to be built on Johnson Street and MLK Jr Drive.

In December 2010, staff was notified by Georgia Department of Community Affairs (DCA) officials that the City's application for the Opportunity Zones job tax credit program was approved.

- The Northwest Industrial and South Industrial areas qualify for the State's maximum state job tax credit of \$3,500 per job. This credit, available for new or existing companies which create two or more jobs, can be taken against the business's income tax liability and state payroll withholding.
- The Northwest Industrial area includes properties on and adjacent to Commerce Dr, Donn Dr, North Erwin St, Porter St, and Redcomb Dr. The South Industrial area includes properties on and adjacent to South Erwin St, Industrial Dr, Old Mill Rd, and River Dr.
- Staff has already worked with the first industry to take advantage of the job tax credits, Southern Yarn Dyers at 101 Conyers Industrial Dr, and looks forward to assisting other companies.

Staff is working with Tilley Properties representatives regarding their request to enlarge the Northwest Industrial Opportunity Zone boundaries to include the former Goodyear mill property. Based on conversations with State officials, boundaries can be amended, and staff has received similar requests.



City of Cartersville

**City Council Meeting
3/3/2011 7:00:00 PM
Amendment to Utilities Ordinance Relating to Refunds**

SubCategory:	First Reading of Ordinances
Department Name:	Administration
Department Summary Recommendation:	This change is needed to formalize and approve our ability to work with utility customers, particularly during these hard times, in cases of overpayment for services. Our customer service representatives do a great job in working with customers. This will allow them another tool to work with.
City Manager's Remarks:	Your approval of this ordinance is recommended.
Financial/Budget Certification:	
Legal:	
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 24. UTILITIES. ARTICLE II. RATES, CHARGES, BILLING AND COLLECTION PROCEDURES. Sections 22-26-24-40. Reserved** is hereby amended by deleting said sections in its entirety and replacing it as follows:

1.

Section 24-26 Overpayment, refund or credit.

In all cases of overpayment to the utilities department from whatever cause, the City Manager or designee is authorized to return the overpayment either by refund to the customer or credit to the customer's account.

Reasons for overpayment include but are not limited to meter malfunction, line breaks, meter tampering, lack of occupancy, clerical errors, and computer malfunctions.

Sections 24-27-24-40. Reserved.

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 March 2011.

Second Reading and Adoption this the _____ day of March 2011.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk



City of Cartersville

**City Council Meeting
3/3/2011 7:00:00 PM
Waiver of Building Permit Fees**

SubCategory:	Resolutions
Department Name:	Administration
Department Summary Recommendation:	Staff is requesting council permission to waive the building permit fees for the upcoming Habitat build at 118 Courrant Street. Habitat is partnering with the City to build six (6) affordable homes in the North Towne Area using funding from the CDBG Supplemental Disaster Recovery Grant. Should you adopt the ordinance proceeding this item, you have the authority to waive these fees with a resolution.
City Manager's Remarks:	Approval of ths waiver of permit fees for the Habitat house at 118 Courrant is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	

RESOLUTION NO. _____

WHEREAS, the Bartow Cartersville Habitat for Humanity, Inc., a 501(c)(3) organization, is constructing low income housing in conjunction with a City of Cartersville sponsored Grant (Community Development Block Grant Disaster Recovery Supplemental);

WHEREAS, the Mayor and City Council has determined that the constructing of low income housing is important to promote the public's health, safety and general welfare;

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council that for the low income construction project at 118 Courrant St. Cartersville, GA 30120, the City of Cartersville has determined that they meet the requirements of Section 17-91 of the City of Cartersville Code and authorizes the fee waiver for City of Cartersville Code Section 17-77, 17-79, 17-80 and 17-82.

BE IT AND IT IS HEREBY RESOLVED this _____ day of _____, 2011.

/s/ _____
Matthew J. Santini, Mayor
City of Cartersville, Georgia

ATTEST:

/s/ _____
Connie Keeling, City Clerk
City of Cartersville, Georgia



City of Cartersville

City Council Meeting
3/3/2011 7:00:00 PM
Collins Pointe Holdings - Electric Department

SubCategory:	Easements
Department Name:	Electric
Department Summary Recommendation:	The City of Cartersville Electric System will be serving the new AutoZone store at the Collins Pointe shopping center. This was a customer-choice win. In order to serve this store, we need an easement to cross the property of the shopping center. Attached is a City of Cartersville utility easement that has been signed by Collins Pointe and acknowledged by AutoZone. I recommend approval of this easement for the Mayor's signature.
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	N/A
Legal:	Reviewed by Keith Lovell.
Associated Information:	N/A

CITY OF CARTERSVILLE ELECTRIC SYSTEM
P. O. Box 1390
Cartersville, GA 30120
Title Examination Not Performed

EASEMENT

GEORGIA, BARTOW COUNTY

For and in consideration of the sum of ONE DOLLAR AND 00/100 (\$1.00), and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the undersigned Collins Pointe Holding LLC, as Grantor, does hereby grant and convey unto the City of Cartersville, as Grantee, a municipal corporation of the State of Georgia (hereinafter referred to as "City"), its successors and assigns, a non-exclusive utility easement ("Easement") for the construction, operation, maintenance and use of utilities, utility infrastructure and related appurtenances across and upon the land described on "Exhibit A" attached hereto and made a part hereof ("Easement Area") which forms a part of the land owned by the undersigned commonly known as the Collins Pointe Shopping Center ("Grantor's Land") located in Land Lot 121-122 of the 4th District, 3rd Section of Bartow County, Georgia.

This Easement shall include the right of ingress and egress, at all times, for the purpose of installation, inspection, operation, repairs, renewal, maintenance, alteration, extension, removal and replacement of said utility infrastructure and related appurtenances therefore, together with the right to use and operate the same continuously and in perpetuity.

Grantor reserves the right to use the Easement Area for purposes that will not interfere with City's full enjoyment of the rights granted by this instrument. Grantor, however, must not therein erect or construct any building or other structure, drill or operate any well, locate any other utility infrastructure (except as permitted in Exhibit B), plant any trees, construct any reservoir or other obstruction of the Easement, or diminish or add to the ground cover in the Easement Area.

The City shall promptly restore any damage which it causes to Grantor's Land and/or the improvements thereon which may be suffered by reason of installation, maintenance, repair, use, replacement, removal, or alteration of said utility infrastructure and related appurtenances thereto. If not mutually agreed upon, said damages are to be ascertained and determined by three disinterested persons, one thereof to be appointed by the owner of the premises, one by the City, and the third by the two so appointed as aforesaid, and the award of the two of such three persons shall be final and conclusive.

The granting of this Easement shall not operate to vest in Grantor any title or interest in the equipment or installation made by the City and any property installed by the City shall remain the sole property of the City.

SPECIAL STIPULATIONS: See "Exhibit B" attached hereto and made a part hereof.

TO HAVE AND TO HOLD all and singular the aforesaid rights, privileges, and easements hereinabove set out to the proper use and enjoyment by the City, its successors and assigns.

The said City shall not be liable for any statements, agreement, or understanding not herein expressed.

IN WITNESS WHEREOF, the said undersigned have hereunto set their hands and seals this ____ day of _____, 20__.

Signed, sealed and delivered
in the presence of:

Kathleen Hadd
Witness
Kelly A. Zeleak
Notary Public
June 15, 2013
My Commission Expires

KELLY A. ZELENAC
Notary Public, State of Michigan
County of Wayne
My Commission Expires Jun. 15, 2013
Acting in the County of Oakland

COLLINS POINTE HOLDING LLC,
a Delaware limited liability company

Thomas W. Litzler
By
THOMAS W. LITZLER
Name
EXECUTIVE VICE PRESIDENT DEVELOPMENT
AND NEW BUSINESS INITIATIVES
Title

Signed, sealed and delivered
in the presence of:

CITY OF CARTERSVILLE

Matthew J. Santini
Mayor

ATTEST:

Connie Keeling
City Clerk

The undersigned, the holder of a leasehold interest in a portion of Grantor's Land hereby acknowledges, consents to and agrees to recognize the foregoing Easement. The undersigned also agrees to indemnify and hold Grantor harmless from and against any and all claims related to such Easement during the term of such leasehold interest and agrees that the undersigned's leasehold interest in such land is subject to such Easement.

Signed, sealed and delivered
in the presence of:

AUTOZONE DEVELOPMENT
CORPORATION,
a Nevada corporation

Curtis E. L...
Witness

[Signature]
By

James C. Griffith

Name

Vice President

Title

Susan Love
Notary Public
4-26-2011
My Commission Expires

Curtis E. L...
WITNESS

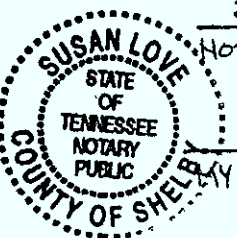
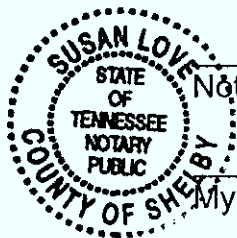
Brian L. Campbell
BY

Brian L. Campbell

NAME

Vice President

TITLE



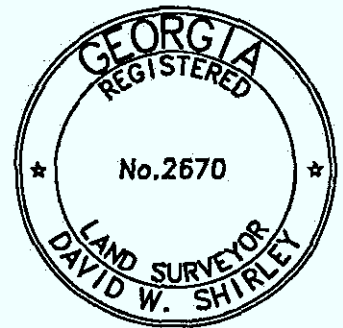
HWY 41 a.k.a. JOE FRANK HARRIS PARKWAY

S 50°51'30" W
18.38'855.28' along RW to the
intersection of the RW
lines of Hwy 41 and
Felton Road

S 20°51'30" W 155.88'

S 24°08'30" E
13.00'

S 69°08'30" E 70.00'

S 69°14'51" E
15.00'N 20°45'09" E
42.87'S 20°45'09" W
36.00'

LINE LEGEND

— P — PROPERTY LINE

- - - EASEMENT LINE

15' WIDE BURIED ELECTRIC LINE EASEMENT
S 28°25'37" E 208.38'
N 28°25'37" W 216.97'

EXISTING BUILDING FACE

S 56°21'18" E
24.03'POB
S 01°02'40" W
9.14'N 56°21'18" W
37.35'S 01°02'40" W
17.81'SCALE: 1" = 50'
GRAPHIC SCALE:
0' 50'PREPARED BY:
D&S LAND SURVEYING

313 RED FOX DR., PO BOX 4968, CANTON, GA 30114

770 720-4443 DWS@CANTONSURVEYOR.COM

PROJ. No. 11-006

UNDERGROUND ELECTRIC LINE EASEMENT DRAWING FOR:

CITY OF CARTERSVILLE

LAND LOT 122, 4TH DISTRICT, 2ND SECTION

Item # 8

DATE: JAN. 13, 2010 rev 01-23-2010

EXHIBIT A-2

**CARTERSVILLE AUTOZONE
15' WIDE ELECTRIC LINE EASEMENT DESCRIPTION**

To ascertain the Point of Beginning commence at the Northeast corner of the tract or parcel to be serviced by the herein described electric line easement, said Northeast corner lying on the southerly right of way of Hwy 41 and being found 855.28 feet westerly of the intersection of Hwy 41 and Felton Drive ; Thence leaving said point and right of way following the easterly property line of the subject tract the following courses and distances,

thence South 50 Degrees 51 Minutes 30 Seconds West a distance of 18.38 Feet to a point;
thence South 20 Degrees 51 Minutes 30 Seconds West a distance of 155.88 Feet to a point;
thence South 24 Degrees 08 Minutes 30 Seconds East a distance of 13.00 Feet to a point;
thence South 69 Degrees 08 Minutes 30 Seconds East a distance of 70.00 Feet to a point;
thence South 20 Degrees 51 Minutes 30 Seconds West a distance of 172.00 Feet to a;
thence South 01 Degrees 02 Minutes 40 Seconds West a distance of 9.14 Feet to the POINT of BEGINNING at a 15' wide easement for an underground electric line;
thence South 01 Degrees 02 Minutes 40 Seconds West a distance of 17.81 Feet to a point;
thence North 56 Degrees 21 Minutes 18 Seconds West a distance of 37.35 Feet to a point;
thence North 28 Degrees 25 Minutes 37 Seconds West a distance of 216.97 Feet to a point;
thence North 20 Degrees 45 Minutes 09 Seconds East a distance of 42.87 Feet to a point;
thence South 69 Degrees 14 Minutes 51 Seconds East a distance of 15.00 Feet to a point;
thence South 20 Degrees 45 Minutes 09 Seconds West a distance of 36.00 Feet to a point;
thence South 28 Degrees 25 Minutes 37 Seconds East a distance of 206.38 Feet to a point;
thence South 56 Degrees 21 Minutes 18 Seconds East a distance of 24.03 Feet to the POINT of BEGINNING.

EXHIBIT B

[Easement – City of Cartersville, Bartow County, Georgia]

1. Grantor shall have the right to use the Easement Area for parking, walkways, driveways, roadways, landscaping (including grasses and shrubs only) and signage purposes; and any items, systems or improvements existing in or on the Easement Area as of the date hereof shall be permitted (including the repair, restoration, redevelopment and/or replacement of same). Furthermore, Grantor may grant other easements within the Easement Area; provided, however, other parallel easements within the Easement Area shall not be permitted, but it is acknowledged and agreed that Grantor may cross the Easement Area with other easements and facilities provided proper clearances are maintained as determined by industry standard and applicable law.
2. Grantor may require City to relocate the Easement Area (and City's facilities) on Grantor's Land, at Grantor's sole cost and expense, on sixty (60) days advance written notice and delivery of payment; and upon such relocation, City shall execute and record a release of this Easement.
3. In exercising its rights under this Easement, City shall use best efforts to avoid interfering with commercial operations on Grantor's Land; and upon the completion of any work hereunder, the City shall promptly remove its debris from Grantor's Land.
4. In the event that the terms and conditions of this "Exhibit B" conflict with or are inconsistent with the terms and conditions of the form easement agreement to which this "Exhibit B" is attached, then the terms and conditions of this "Exhibit B" shall govern and control.
5. City shall not cause any lien to be filed against Grantor's Land. If such a lien is filed against Grantor's Land, City shall cause same to be discharged of record within 20 days of such filing.
6. City shall add Grantor as additional insured on its liability insurance policy while performing work in Easement Area. Grantor recognizes this provision will not be performed in cases of immediate need (such as emergency utility restoration or public safety).



City of Cartersville

**City Council Meeting
3/3/2011 7:00:00 PM
Electric Department**

SubCategory:	Surplus Equipment
Department Name:	Electric
Department Summary Recommendation:	The City of Cartersville Electric System needs to dispose of the following items and requests they be declared as surplus: 1 - Medium voltage substation oil breaker 8 - Medium voltage distribution oil switches 8 - Medium voltage distribution oil transformers These items will be disposed of via our certified oil disposal contractor, Florida Transformer Incorporated. They will not be sold on GovDeals. I recommend approval declaring these items surplus so that they may be disposed of.
City Manager's Remarks:	Your approval of these items as surplus is recommended.
Financial/Budget Certification:	N/A
Legal:	N/A
Associated Information:	We have employment verification documentation on file for FTI.



City of Cartersville

City Council Meeting
3/3/2011 7:00:00 PM
ATT Regarding Public Safety Headquarters

SubCategory:	Contracts/Agreements
Department Name:	Administration
Department Summary Recommendation:	This agreement is for relocation of aerial facilities owned by ATT from the corner of N. Erwin Street for approximately 1000' north past Harris Street. This work is necessary to remove the existing above ground utility, including poles, and replace with a underground utility. The costs of this work is estimated to be \$96,526.51 and can be funded from the 2007 SPLOST. We recommend approval of this agreement.
City Manager's Remarks:	This will relocate the ATT line at the site of the new public safety building. Your approval of this arrangement is recommended.
Financial/Budget Certification:	Funded from the 2007 SPLOST.
Legal:	
Associated Information:	ATT has E-verify information on file at Public Works.



February 10, 2011

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

RE: Cable and poles Removal along Cassville RD:

AT&T has received a request from you (or your company) to perform the following work:

Remove aerial cables and poles along Cassville RD in front of the new City of Cartersville Public Safety Headquarters Building.

Special construction charges apply. Charges of \$25,000 or greater are billed at actual cost. However, an advance payment based on the estimated cost of the special construction charges is required before work can begin. At the completion of the project additional payment may be required if costs exceed the estimated billed amount. Refunds will be executed if actual costs are less than the estimated billed amount.

Engineering and Construction will not begin until the attached contract is signed by you or your authorized agent and returned with the advance payment for the estimated amount of the bill. **This signed contract and advance payment must be received in the Manager Bill Center at the address shown below before AT&T will proceed with any work.**

This quote is only valid for 60 days from the date of this letter. If I can be of further assistance, please do not hesitate to contact me at 770-382-1020

Sincerely,

A handwritten signature in cursive script that reads "Mike Cornwell".

Mike Cornwell
770-382-1020
AT&T Southeast

Project # 7957411 Job Authority # 1RY21388A

NOTE: Please associate the Project # above with the check or other form of payment.

Return the original signed contract and estimated advance payment to:

AT&T CWO Coordinator
3535 Colonnade Parkway
Room North W3D
Attention: Sandy Tribble
Birmingham, AL 35243

Contact Number: (205) 977-7181



Additional payments for services rendered that exceed the advance payment received based on the estimated cost is due in full within thirty days after AT&T issues an invoice for the remaining balance.



SPECIAL CONSTRUCTION AGREEMENT

Project #: 7957411
Authority: 1RY21388A
AT&T Contact: Mike Cornwell
Telephone #: 770-382-1020

Customer Name: City of Cartersville
Customer Number: 770-387-5602
Work Site Address: Cassville Rd N of Erwin ST

This Special Construction Agreement ("Agreement") is entered into by and between BellSouth Telecommunications, Inc. d/b/a AT&T Southeast ("AT&T") and City of Cartersville ("Customer"). AT&T and Customer hereby agree to the following terms and conditions:

1. **Tariffs.** This Agreement is subject to and controlled by the provisions of AT&T's tariffs including but not limited to Section A5 of the General Subscriber Services Tariff and Section B5 of the Private Line Services Tariff and all such revisions to said tariffs as may be made from time to time.
2. **Special Construction.** This Agreement is for the special construction as further described on Exhibit 1, attached hereto and incorporated herein by this reference ("Special Construction"). As consideration for the Special Construction, Customer shall pay to AT&T \$96526.51 ("Special Construction Charges"). **Advance payment based on estimated cost is required before work will begin for any project estimated to cost \$25K or more. Payment in full for the remaining balance exceeding the advance payment based on actual costs is required within thirty days after AT&T issues an invoice to the Customer for the Special Construction Charges.** Payment shall be made by mail to AT&T's offices at *3535 Colonnade Parkway, Room North W3D, Birmingham, AL 35243*, or to such other address as AT&T may designate, in writing.
3. **Early Termination.** Should Customer terminate or cancel this Agreement prior to the completion of construction, Customer shall remain liable for the Special Construction Charges. Customer acknowledges and agrees AT&T shall incur substantial up-front costs in connection with its performance under this Agreement and that damages in the event of such early termination or cancellation are not readily ascertainable and that in such event of early termination payment of the Special Construction Charges is reasonable. Customer further acknowledges and agrees that it hereby waives any right to contest such payment of the Special Construction Charges for any reason, including, but not limited to reasonableness of the charges, quality of the work, or timeliness of the work.
4. **Limitation of Liability.** AT&T's maximum liability arising in, out of or in any way connected to this Agreement shall be as set forth in the tariffs and in no event shall exceed Special Construction Charges paid by Customer to AT&T.
5. **Severability.** Any provision of this Agreement held by a court of competent jurisdiction to be invalid or unenforceable shall not impair or invalidate the remainder of this Agreement and the effect thereof shall be confined to the provision so held to be invalid or unenforceable.
6. **Successors and Assigns.** This Agreement is binding upon and shall inure to the benefit of the parties and their respective successors and assigns.
7. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which when so executed shall be deemed to be an original, but all of which when taken together shall constitute one and the same instrument.
8. **Effect of Waiver.** No consent or waiver, express or implied shall be deemed a consent to or waiver of any other breach of the same or any other covenant, condition or duty.



-
9. **Headings.** The headings, captions, and arrangements used in this Agreement are for convenience only and shall not affect the interpretation of this Agreement.
 10. **Modification.** This Agreement constitutes the entire agreement between the parties and can only be changed in a writing or writings executed by both of the parties. Each of the parties forever waives all right to assert that this Agreement was the result of a mistake in law or fact.
 11. **Interpretation.** The parties agree that this Agreement shall not be interpreted in favor or against either any party. The parties further agree that they entered into this Agreement after conferring with legal counsel, or after having a reasonable opportunity to confer with legal counsel.
 12. **Applicable Law.** This Agreement shall be governed and interpreted in accordance with the laws of the State of Georgia, without regard to Georgia's conflict of law principles.
 13. **Attorneys' fees.** If either party materially breaches this Agreement and should the non-breaching party seek to enforce its rights through legal action, the prevailing party shall recover from the other party all costs and expenses incurred, including, but not limited to, reasonable attorneys' fees.
 14. **Authority.** The signatories to this Agreement represent and warrant that they are duly authorized to execute this Agreement.
 15. **No Precedent.** Except for the matters resolved and released herein, this Agreement is of no value and shall not be considered precedent for resolving any dispute that may arise in the future.
 16. **Final Agreement.** THIS AGREEMENT REPRESENTS THE ENTIRE AND FINAL EXPRESSION OF THE PARTIES WITH RESPECT TO THE SUBJECT MATTER HEREOF. THIS AGREEMENT MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES; THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES. NO MODIFICATION, RESCISSION, WAIVER, RELEASE OR AMENDMENT OF ANY PROVISION OF THIS AGREEMENT SHALL BE MADE, EXCEPT BY A WRITTEN AGREEMENT SIGNED BY BOTH PARTIES.



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representative on the dates set forth below. This quote is only valid for 60 days from the date of this letter.

CUSTOMER

By

Printed Name

By

Authorized Signature

Title

Date

AT&T Southeast

By

Mike Cornwell

Printed Name

By

A handwritten signature in cursive script that reads "Mike Cornwell".

Authorized Signature

Title

Mgr OSP Plng & Engrg Design

Date

02/10/2011



EXHIBIT 1
DESCRIPTION OF SPECIAL CONSTRUCTION

Remove 1,033 lin ft of 900-pair aerial copper cable, 1,045 lin ft of 600-pair aerial copper cable, 1,033 lin ft of 300-pair aerial copper cable, 1,202 lin ft of 200-pair aerial copper cable, and 1,202 lin ft of 75-pair aerial copper cable and 7 poles and place 1,023 lin ft of self-supporting 25-pair copper cable on the opposite side of Cassville Rd. This removal requires turning up a new carrier system and cutover of telephone services at various locations along Cassville Rd north of the actual City of Cartersville job site.



City of Cartersville

**City Council Meeting
3/3/2011 7:00:00 PM
Engineering for Etowah Pump Station**

SubCategory:	Change Order
Department Name:	Water Department
Department Summary Recomendation:	Memo To: Sam Grove From: Jim Stafford Date: 2-16-11 Subject: Change Order on Engineering On Emergency Pump Station City Council approved \$46,000.00 in engineering fees to JJG for the emergency pump station. We have evaluated several sites, completed the permit preparation with COE, EPD site approval and a renewed EPD withdrawal permit. The added cost for this work is \$20,440.00. I recommend increasing this contract to \$66,440.00. This will be paid from the budget and hopefully get reimbursed from a bond fund at a later date.
City Manager's Remarks:	Your approval of this change is recommended.
Financial/Budget Certification:	Paid for from budget and hope to get reimbursed from a bond at a later date.
Legal:	
Associated Information:	E-verify and SAVE documents are on file.



City of Cartersville

**City Council Meeting
3/3/2011 7:00:00 PM
Repair Bands - Water Department**

SubCategory:	Bid Award/Purchases
Department Name:	Water Department
Department Summary Recommendation:	Memo To: Sam Grove From: Jim Stafford Date: 2-15-11 Subject: Replace 2 Repair Bands Bids were received to replace two (2) emergency repair bands. The prices were as follows: • Consolidated Pipe & Supply Co, Inc. \$17,631.01HD • Supply Waterworks, Ltd \$19,394.75 This includes 1-36" X 4 ft bell pack and 1-24" X 4ft bell pack This will be paid from budget and I recommend approval so we can have them in inventory.
City Manager's Remarks:	Your approval of Jim's bid is recommended.
Financial/Budget Certification:	Paid for from budget.
Legal:	
Associated Information:	SAVE and Everify documents are complete.



City of Cartersville

City Council Meeting
3/3/2011 7:00:00 PM
Residential Gas Meters

SubCategory:	Bid Award/Purchases
Department Name:	Gas Department
Department Summary Recommendation:	We have received bids for the purchase of 200 residential meters. I recommend accepting the low bid of \$12,400.00 from Equipment Controls.
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	This is a budgeted item.
Legal:	N/A
Associated Information:	The E-Verify and Save are included in the attachment.

Memorandum

To: Gary Riggs

From: Rodney Reynolds

Date: February 18, 2011

Re: Residential Meters

We have received bids from two companies for 200 of our residential meters. Equipment Controls has quoted us on the 275 Sensus Meters and Ed Young Sales quoted the 250 American Meters. The bids are as follows:

Equipment Control Company, Inc.	\$62.00 each x 200 = \$12,400.00
Ed Young Sales	\$63.85 each x 200 = \$12,770.00

I recommend accepting the low bid from Equipment Control.



City of Cartersville

P.O. Box 1990 • 4 Cook Street • Cartersville, Georgia 30120
Telephone: 770-587-5641 • Fax: 770-587-5638 • www.cityofcartersville.org

TABULATION OF BIDS

CARTERSVILLE PROJECT NO.: Stock
BID DATE: 2/9/2011

				1		2		3	
				EquipmentControl		Ed Young Sales			
				BASE BID: \$12,400.00		BASE BID: \$12,764.00		BASE BID: \$0.00	
ITEM NO.	DESCRIPTION	EST. QTY.	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.	Sensus Residential 275 Meters	200	ea	\$62.00	\$12,400.00		\$0.00		\$0.00
2.	American Residential 250 Meters	200	ea		\$0.00	\$63.82	\$12,764.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
					\$0.00		\$0.00		\$0.00
BID PROPOSAL				Total:	\$12,400.00	Total:	\$12,764.00	Total:	\$0.00

MATERIAL BID PROPOSAL

All materials to be considered by this proposal shall be new, unused and manufactured in the United States and shall meet the applicable requirements of the Pipeline Safety Regulations, Code of Federal Regulations, Title 49, Latest Edition and any other applicable requirements and specifications listed in this proposal.

Each bid proposal must be submitted on this form. All blank spaces for bid prices must be filled in, by hand or typewritten, in both words and numerals for unit prices and numerals only for total amounts. In case of discrepancies, words will take precedence over numerals and unit prices will take precedence over totals.

Item Specification:

								<u>EXPECTED DELIVERY</u>
								<u>DATE (from time of</u>
<u>ITEM</u>	<u>NO.</u>	<u>Size</u>	<u>ITEM DESCRIPTION</u>	<u>QTY.</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL AMOUNT</u>	<u>order</u>
1.			Standard 250 American Meter or 275 Sensus Residential Meter with Odometer Index with 7" water column and 4 oz. pressure	200	each	\$ <u>\$62.00</u> Numerals	\$ <u>\$12,400.00</u> Numerals	Stock - 30 Days ARO Calendar Days
						<u>Sixty-Two Dollars</u> Words (Unit Price Only)		
						TOTAL BID	\$ <u>\$12,400.00</u> Numerals	
<i>**Please indicate specific meter you submit a bid on.</i>								
Specific meter indicated above in red.								

***Please indicate specific meter you submit a bid on.*

Specific meter indicated above in red.

BID PROPOSAL SUBMITTED BY:

<u>Equipment Controls Company</u>	<u>Tiffany Lonsberry</u>	<u>2/9/2011</u>
Name of Supplier	Name of Preparer	Date

All price quotes received by the City shall be for the item as called for in the specification for the item above. Any deviation in material, style, model, options, manufacturer, size, etc. of the item must have prior written approval of the City for the bid proposal to be considered. A request for such an approval request must be by submitting any and all applicable specifications of the item to be considered by mail, facsimile or email attachment to the City. All submittals shall include the manufacturer's specifications and clear indication of the item to be quoted. If the specification above does not state "or equal", a quote for only the item in the specification will be accepted. Any and all items delivered in response to this proposal that do not meet the specification as called for or was not approved as an "equal" will be returned to the Supplier at their expense.

All price quotes shall include any and all costs associated with providing the material to the City of Cartersville's storage facilities including but not limited to procurement, delivery, shipping and invoicing.

MATERIAL BID PROPOSAL

All materials to be considered by this proposal shall be new, unused and manufactured in the United States and shall meet the applicable requirements of the Pipeline Safety Regulations, Code of Federal Regulations, Title 49, Latest Edition and any other applicable requirements and specifications listed in this proposal.

Each bid proposal must be submitted on this form. All blank spaces for bid prices must be filled in, by hand or typewritten, in both words and numerals for unit prices and numerals only for total amounts. In case of discrepancies, words will take precedence over numerals and unit prices will take precedence over totals.

Item Specification:

						<u>EXPECTED DELIVERY</u>
						<u>DATE (from time of</u>
<u>ITEM</u>						<u>order)</u>
<u>NO.</u>	<u>Size</u>	<u>ITEM DESCRIPTION</u>	<u>QTY.</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL AMOUNT</u>
1.		Standard 250 American Meter or 275 Sensus Residential Meter with Odometer Index with 7" water column and 4 oz. pressure	200	each	\$ <u>\$63.85</u> Numerals	\$ <u>\$12,770.00</u> Numerals
					<u>Sixty three dollars and eighty five cents</u> Words (Unit Price Only)	<u>28-42</u> Calendar Days
		**Please indicate specific meter you submit a bid on.				
		AMERICAN METER AC250			TOTAL BID \$ <u>\$12,770.00</u> Numerals	

BID PROPOSAL SUBMITTED BY:

<u>Elster American Meter</u> Name of Supplier	<u>Jaye L. Soss</u> Name of Preparer	<u>2/9/2011</u> Date
--	---	-------------------------

All price quotes received by the City shall be for the item as called for in the specification for the item above. Any deviation in material, style, model, options, manufacturer, size, etc. of the item must have prior written approval of the City for the bid proposal to be considered. A request for such an approval request must be by submitting any and all applicable specifications of the item to be considered by mail, facsimile or email attachment to the City. All submittals shall include the manufacturer's specifications and clear indication of the item to be quoted. If the specification above does not state "or equal", a quote for only the item in the specification will be accepted. Any and all items delivered in response to this proposal that do not meet the specification as called for or was not approved as an "equal" will be returned to the Supplier at their expense.

All price quotes shall include any and all costs associated with providing the material to the City of Cartersville's storage facilities including but not limited to procurement, delivery, shipping and invoicing.

**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

Lawrence P. Brown

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

Equipment Controls Company

[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.

Lawrence P. Brown

Signature of Applicant:

2/14/11
Date

Lawrence P. Brown

Printed Name:

2/14/11

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

14 DAY OF February, 20 11

*

Alien Registration number for non-citizens

Michelle Davidson
Notary Public

My Commission Expires:

MICHELLE DAVIDSON
NOTARY PUBLIC
GWINNETT COUNTY
STATE OF GEORGIA

*Note: O.C.G.A. § 50-36-1(b)(1) requires that non-immigrants 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:

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.

Equipment Controls Company 367990
E:EV/Basic Pilot Program* User Identification Number

Tiffany Lonsberry
BY _____
(Authorized Officer or Agent
(Contractor Name)

02/14/2011
Date

Sales
Title of Authorized Officer or Agent of Contractor

Tiffany Lonsberry
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

14th DAY OF February, 20 11.

Michelle Davidson

Notary Public

My Commission Expires:

MICHELLE DAVIDSON
NOTARY PUBLIC
GWINNETT COUNTY
STATE OF GEORGIA

My Commission Expires June 22, 2013

* As of the effective date of this contract, the applicable federal work authorization program is the "E:EV/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).