



City of Cartersville

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

COUNCIL PERSONS:

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

AGENDA

Council Chamber, Third Floor of City Hall– 7:00
PM – 1/6/2011
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. December 16, 2010 (Page 3-23)

[Attachments](#)

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

1. File #AZ10-04 Annexation and zoning application by LAR Properties LLC for property located on Redcomb Drive near Porter Street (approximately 1.81 acres) from Bartow County C-1 to H-I. (Page 24-35)

[Attachments](#)

2. File #Z10-04: Rezoning application by LAR Properties LLC for property located on Redcomb Drive near Porter Street (approximately 0.74 acres) from MF-14 to H-I (Page 36-46)

[Attachments](#)

3. File #SU10-01: Special Use permit application by the Roman Catholic Archdiocese of Atlanta to allow the expansion of a religious institution in the R-20 zoning district. (Page 47-56)

[Attachments](#)

C. First Reading of Ordinances

1. Amendment to Motor Vehicle and Traffic Ordinance (Page 57-58)

[Attachments](#)

D. Change Order

1. Engineering Services on Main Street Gateway Project (Page 59-62)

[Attachments](#)

E. Contracts/Agreements

1. Phase II Environmental Study (Page 63-74)

[Attachments](#)

2. Buyback 1971 Kenworth T800 Wrecker (Page 75-77)

[Attachments](#)

F. Grant Application/Acceptance

1. USDA Rural Enterprise Grant (Page 78)

[Attachments](#)



City of Cartersville

City Council Meeting
1/6/2011 7:00:00 PM
December 16, 2010

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

City Council Special Called Meeting
10 N. Public Square
December 16, 2010
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member McDaniel

Pledge of Allegiance led by Recreation Dept. Football Team

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; Lindsey McDaniel Council Member Ward Four; Dianne Tate, Council Member Ward Five; Lori Pruitt, Council Member Ward Six; Sam Grove, City Manager; Renee Faunce, Assistant City Clerk and David Archer, City Attorney. Louis Tonsmeire, Sr., Council Member Ward Three, and Connie Keeling, City Clerk, were absent.

II. Regular Agenda

A. Council Meeting Minutes

1. December 2, 2010

A motion to approve the December 2, 2010 minutes as recorded was made by Council Member Tate and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0.

B. Second Reading of Ordinances

1. Ordinance Amending Fiscal Year 2009-10 Budget

Tom Rhinehart, Finance Director stated that after the completion of the fiscal year 2009-10 close, the general fund and the special revenue fund budgets need to be amended. By amending these budgets, the city's general and special revenue funds will be in compliance with Generally Accepted Accounting Principles. 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. Mr. Rhinehart stated that the actual general fund revenue was \$42.6 million while the actual expenses were only \$38.3 million. Mr. Rhinehart commended city staff for their efforts in keeping expenses within budget and recommended approval.

A motion to approve Ordinance No. 30-10 was made by Council Member Pruitt and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 30-10

NOW BE IT HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA that the Annual Budget of the City of Cartersville for the fiscal year 2009-2010 be amended as follows:

2009 - 2010 Budget Summary

<u>General Fund</u>	<u>Revenues</u>	<u>Expenditures</u>
Revenues	\$42,664,630.00	
Expenditures:		
Legislative		\$22,456,345.00
Administration		\$ 1,121,040.00
Finance Dept.		\$ 980,315.00
City Clerk Dept.		\$ 743,055.00
Police		\$ 5,052,935.00
Fire		\$ 4,984,755.00
Public Works		\$ 2,692,985.00
Recreation		\$ 3,397,450.00
Planning & Development		\$ 1,235,750.00

Special Revenue Funds

Police Forfeiture Assets – Federal Funds

<u>Revenues</u>		
210-2110-36-1001	Interest Income	\$4,185.00
210-2110-33-1111	Justice Department Grant	\$14,145.00
210-2110-35-1300	Confiscated/Forfeited Funds – Federal	\$531,430.00

<u>Expenditures</u>		
210-2110-53-1112	Minor Office Equip (DEA-Fed)	\$4,400.00
210-2110-53-1122	Computer Equipment	\$25,100.00
210-2110-53-1172	DEA Expenses (Federal)	\$263,000.00
210-2110-53-1181	Computer Hdwre & Sftwre (DEA-Fed)	\$4,375.00
210-2110-52-2341	Maint Bldgs & Grounds (DEA-Fed)	\$1,600.00
210-2110-52-3210	Communications – Phones & Internet	\$36,285.00
210-2110-52-3532	Employee Education-Highlands College	\$15,000.00
210-2110-54-2311	Computer Hdwre & Sftwre (DEA-Fed)	\$200,000.00

Police Forfeiture Assets – State Funds

Revenues

211-2120-36-1001	Interest Income	\$60.00
211-2120-35-1300	State Forfeitures	\$2,940.00

Expenditures

211-2120-53-1172	State Expenses	\$3,000.00
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Grant Funds

Revenues

250-1160-33-4115	DNR Grant	\$0.00
340-9200-33-1154	Fire Personnel Accountability Grant	\$16,750.00
340-9200-33-1160	Contribution from General Fund	\$915.00

Expenditures

340-9200-54-1307	Leake Mound Trail	\$0.00
340-200-54-1308	Pettit Creek Trail – Phase II	\$0.00
340-9200-54-2310	Fire Personnel Accountability Grant	\$17,665.00
250-1160-52-1201	Grant Funds (non-material)	\$0.00

Development Agreement

Revenues

270-2410-37-1000	Public Safety Development Agreement	\$2,500.00
270-5110-37-1000	Recreation Development Agreement	\$2,500.00

Expenditures

270-2410-52-1316	Public Safety Development Fee Expense	\$2,500.00
270-5110-52-1316	Development Agreement-Recreation Exp	\$2,500.00

Impact Fees

Revenues

271-6120-36-1020	Interest Income	\$380.00
271-6120-32-2912	Impact Fees-Library	\$7,620.00
271-6120-32-2913	Impact Fees-Fire Protection	\$8,000.00
271-6120-32-2914	Impact Fees-Police	\$8,000.00
271-6120-32-2915	Impact Fees-Parks & Recreation	\$8,000.00
271-6120-32-2916	Impact Fees-Roads	\$8,000.00
271-6120-32-2917	Impact Fees-Administration	\$2,500.00
271-6120-32-2918	Impact Fees-CIE Prep	\$2,500.00

Expenditures

271-6120-57-1020	Impact Fee Exp-Library	\$24,640.16
271-6120-52-1200	Impact Fee Exp-Administration	\$2,500.00
271-6120-52-1600	Impact Fee Exp-Miscellaneous	\$2,500.00
271-6120-54-2502	Impact Fee Exp-Parks & Recreation	\$7,359.84
271-6120-54-2503	Impact Fee Exp-Roads	\$8,000.00

Hotel/Motel Tax

Revenues

275-1140-31-4100	Hotel – Motel Tax	\$279,475.00
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Expenditures

275-1140-61-1100	Transfer Out to General Fund	\$167,685.00
275-1140-57-1060	Cartersville-Bartow Tourism Council	\$111,790.00

SPLOST 1997

Revenues

320-8100-36-1010	Interest Income	\$60.00
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Expenditures

320-8100-61-1100	Transfer to General Fund	\$60.00
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SPLOST 2003

Revenues

321-9100-36-1010	Interest Income	\$3,000.00
321-9100-36-1011	Interest-2003 SPLOST Bank Account	\$22,000.00
321-9100-36-1022	Interest-1st Union Investments	\$200.00
321-9100-33-4431	Road Revenue-DOT Reimbursements	\$150,000.00
321-9100-33-4443	Tellus Drive (Museum) Reimb	\$20,000.00
321-9100-33-7100	SPLOST 2003 Revenue	\$13,000.00
	Previous Year Carryover	\$1,659,440.00

Expenditures

321-9100-54-1601	Douthit Multi-Lane	\$70,640.00
321-9100-54-1603	Main Street Gateway	\$133,000.00
321-9100-54-1604	Street Milling and Resurfacing	\$10,000.00
321-9100-54-1607	Truck Route	\$0.00
321-9100-54-1608	Storm Water	\$222,000.00
321-9100-54-1610	Training Facility	\$851,000.00
321-9100-54-1612	GIS Installation	\$7,000.00
321-9100-54-1613	Mission Road Curve	\$350,000.00
321-9100-54-1615	Misc. Intersections	\$57,000.00
321-9100-54-1619	Tellus Drive	\$72,000.00
321-9100-54-1620	West Avenue Intersection Improve	\$0.00
321-9100-54-1621	Main St to Center Rd-16" Water Main	\$95,000.00

SPLOST 2007

Revenues

322-9300-36-1010	Interest Income	\$10,300.00
322-9300-33-7100	SPLOST 2007 Revenue	\$3,695,000.00

Expenditures

322-9300-54-1602	Center Road	\$6,450.00
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322-9300-54-1603	Misc Intersection/Safety Improvements	\$5,000.00
322-9300-54-1607	New Bridge-Nancy Creek & Sugar Valley	\$500,000.00
322-9300-54-1608	Sugar Valley & Burnt Hickory Rd	\$500,000.00
322-9300-54-1609	Grassdale Road	\$8,700.00
322-9300-54-1613	Industrial Park Road Improvements	\$1,000,000.00
322-9300-54-1616	Utility Relocate/Improvement-Water/Sewer	\$42,275.00
322-9300-54-1620	Raw Water Mains	\$200.00
322-9300-54-1627	Police/Fire Joint Station	\$1,542,575.00
322-9300-54-1629	Old Courthouse	\$100.00
322-9300-54-1630	Fire Station #2-MLK Drive	\$100,000.00

Cartersville Building Authority

Revenues

325-9500-37-1107	Contributed Capital-Bartow County	\$120,000.00
325-9500-37-1108	Contributed Capital-City of Cartersville	\$150,000.00
325-9500-37-1109	Contributed Capital-Other	\$755,480.00

Expenditures

325-9500-57-1017	Payments to/for Bartow County	\$380,770.00
325-9500-57-1019	Payments to Other Vendors	\$38,055.00
325-9500-58-1137	Bond Interest Expense 2004 Issue	\$207,205.00
325-9500-58-1138	Bond Interest Expense 2008 Issue	\$382,105.00
325-9500-56-2003	Issue Cost Amortization	\$17,345.00

SPECIAL REVENUE FUNDS BUDGET - \$7,498,380.00

First Reading this the 2nd day of December 2010.

ADOPTED this 16th day of December 2010. Second Reading.

/s/ **Matthew J. Santini**

Matthew J. Santini

Mayor

ATTEST:

/s/ **Renee Faunce**

Renee Faunce

Deputy City Clerk

C. Public Hearing – 1st Reading on Zoning/Annexation Requests

1. File AZ10-04: Annexation and Zoning application by LAR Properties LLC for property located on Redcomb Drive near Porter Street (approximately 1.8 acres) from Bartow County (C-1) to H-I (Heavy Industrial).

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 Redcomb Drive near Porter Street. The property includes a forestry timber business and the applicant is seeking to be annexed and rezoned to be similar to surrounding properties which leads to the industrial park that includes Commerce and Donn Drive. The City Departments have no objections to the annexation and zoning request and the Planning Commission has recommended approval.

Mayor Santini declared a Public Hearing for the zoning application open. Mr. Harry White, representing the applicant, was available for questions. After no further comments, Mayor Santini declared the Public Hearing closed.

Mayor Santini declared a Public Hearing for the annexation application open. After no comments, Mayor Santini declared the Public Hearing closed.

No Action Required

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. AZ10-04

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 LAR Properties LLC. Property is located on Redcomb Drive near Porter Street. Said property contains 1.45 acres located in the 4th District, 3rd Section, Land Lot(s) 340 as shown on the attached plat Exhibit "A". Property is hereby rezoned from County C-1 (Commercial) to H-I (Heavy Industrial). 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 16th day of December 2010.

ADOPTED this the day of. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

Ordinance
of the
City of Cartersville, Georgia

Ordinance No.

Petition No. AZ10-04

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 LAR Properties LLC. Property is located on Redcomb Drive near Porter Street. Said property contains 1.45 acres located in the 4th District, 3rd Section, Land Lot(s) 340 as shown on the attached plat Exhibit "A". Annexation 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 16th day of December 2010.
ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. File Z10-04: Rezoning application by LAR Properties LLC for property located on Redcomb Drive near Porter Street (approximately 0.74 acres) from MF-14 (Multi Family max 14 units per acre) to H-I (Heavy Industrial)

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 Redcomb Drive near Porter Street. The property includes a forestry timber business and the applicant is seeking to be annexed and rezoned to be similar to surrounding properties which leads to the industrial park that includes Commerce and Donn Drive. The City Departments have no objections to the zoning request and the Planning Commission has recommended approval.

Mayor Santini declared a Public Hearing for the zoning application open. After no comments, Mayor Santini declared the Public Hearing closed.

No Action Required

Ordinance
of the
City of Cartersville, Georgia
Ordinance No.
Petition No. Z10-04

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 LAR Properties LLC. Property is located on Redcomb Drive near Porter Street. Said property contains 1.1 acres located in the 4th District, 3rd Section, Land Lot(s) 340 as shown on the attached plat Exhibit "A". Property is hereby rezoned from MF-14 (Multi-family max 14 units per acre) to H-I (Heavy Industrial). 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 16th day of December 2010.
ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

3. File SU10-01: Special Use permit application by the Roman Catholic Archdiocese of Atlanta to allow the expansion of a religious institution in the R-20 zoning district.

Randy Mannino, Planning and Development Director, stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino stated that this tract is located at the intersection of Douthit Ferry Road and Pine Grove Road. The property includes the existing church building for the Catholic Church, constructed in 1993 and the applicant is seeking a special use permit to expand the existing building. The City Departments have no objections to the request and the Planning Commission has recommended approval.

Mayor Santini declared a Public Hearing for the permit application open. Mr. Carl Trevathan, representing the archbishop, was available for questions. 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. SU10-01

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 Roman Catholic Archdiocese of Atlanta. Property is located 850 Douthit Ferry Road (corner Pine Grove Road). Said property contains 10 acres located in the 4th District, 3rd Section, Land Lot(s) 775 as shown on the attached plat Exhibit "A". Property is hereby rezoned from R-10 (Single-Family Residential minimum 20,000 sq. ft. lot size) allow expansion of a religious institution on property zoned R-20. 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 16th day of December 2010.

ADOPTED this the day of. Second Reading.

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

ATTEST:

/s/ Connie Keeling

Connie Keeling
City Clerk

D. Discussion

1. Delinquent Excise Tax for Distilled Spirits License Holders

Mr. Pete Alday stated that while doing research on alcohol sales it was discovered that a few license holders have not been reporting and paying the 3% tax on mixed drinks. A copy of this form is included in each package for a distilled spirits pouring license application. In addition, each applicant signs an affidavit stating that they have received and understand the provisions of this ordinance. Letters were mailed by the City Attorney's Office and while most establishments have paid some have requested to pay in installments. Mr. Alday stated that he has made an arrangement for the applicants to pay their current months taxes plus pay two months of past due taxes until amount is paid in full. The applicants must also submit reports for the past due taxes so that staff can keep up with the amount due. Mr. Alday recommended the council approve the payment arrangements and authorize the Mayor to execute the agreements.

A motion to approve the recommendation of Mr. Alday was made by Council Member Pruitt and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0.

E. First Reading of Ordinances

1. Emergency Amendment to Utilities Ordinance Regarding Capacity Fees

City Manager Sam Grove stated that this ordinance is needed as an emergency to keep the water and sewer capacity fees at half of the former level. This is the level that they have been at for 2010. This ordinance will keep the fees at current levels through 2011. Mr. Grove recommended approval.

A motion to approve Ordinance No. 29-10 was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 29-10

WHEREAS, in light of the current economic conditions, the Mayor and City Council of the City of Cartersville to assist and encourage economic development, feels it is in the best interest of the general public and promotes its general, health, safety and welfare to temporarily reduce capacity fees for the water and sewer system.

WHEREAS, these fees are assessed pursuant to the schedule adopted by the Mayor and City Council which is in the Code of Ordinances, City of Cartersville, Georgia, Chapter 24. Utilities, Article IV. Water Service, Sec. 24-64 Water and Sewage Utility Rates (d) Capacity Fees.

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the capacity fees assessed pursuant to the Code of Ordinances, City of Cartersville, Georgia, Chapter 24. Utilities, Article IV. Water Service, Sec. 24-64 Water and Sewage Utility Rates (d) Capacity Fees, which were previously reduced by half of the amount thereof through December 31, 2010, and were to return to their prior existing rate on January 1, 2011, are now extended from the date of adoption of this ordinance until December 31, 2011. As of January 1, 2012, said capacity fees shall return to their prior existing rate.

BE IT AND IT IS HEREBY ORDAINED

ADOPTED this the 16th day of December 2010. Emergency Reading.

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

ATTEST:

**/s/ Renee Faunce
Renee Faunce
Assistant City Clerk**

F. Other

1. Amendment to TE Grant Budget – Pettit Creek Trail Phase III

Parks and Recreation Director Greg Anderson stated that after reviewing the budget portion of the Pettit Creek Trail Phase III – Downtown Sidewalk Connector for the TE Grant Application, which was approved at the last city council meeting, it was discovered that the expense for one of the two bridges was left off the project budget list. Mr. Anderson stated that this has been corrected to send to grant writer Valarie Gilreath. The bridge and transitioning boardwalk is \$144,400.00 making the corrected proposed budget \$1,180,400.00 and the city's match now \$236,080.00 instead of the previously reported \$207,000.00. Mr. Anderson stated that the deadline for the grant application is December 15, 2010 and recommended approval.

A motion to approve the TE Grant Budget amendment was made by Council Member McDaniel and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0.

G. Contracts/Agreements

1. Georgia Department of Corrections – Additional Contract

Public Works Director Bobby Elliott stated that presently the Public Works Department deploys two corrections crews for work associated with the department. The City has been forwarded an opportunity to add an additional crew due to the sudden availability of same. Although not currently budgeted, the City Manager has asked that we add this additional crew due to the cost effectiveness in getting a large amount of work completed. This contract is exactly the same as our current ones and the yearly cost for the guard salary is \$39,500.00. Mr. Elliott stated that the City is in the process of purchasing the van required to transport this crew at an approximate cost of \$24,000.00. Mr. Elliott recommended approval of the additional crew and purchase of an additional van.

A motion to approve the recommendation of Mr. Elliott was made by Council Member Tate and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0.

H. Certification

1. Off System Safety Project – Utility/Railroad Certification

Public Works Director Bobby Elliott explained as part of the grant approval process of the Off System Safety Projects, GDOT requires certifications that might address conflicts with utilities and railroad crossings. This particular certification insures that there are no conflicts with raised pavement markers and new roadway striping. Mr. Elliott recommended the Council give the Mayor authorization to execute the required documents.

A motion to approve the recommendation of Mr. Elliott was made by Council Member Hodge and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0.

I. Resolutions

1. School System Proposed Bond Issuance

City Manager Sam Grove explained a joint resolution between the City of Cartersville and the City School System is required for the refunding of the 2001 and 2002 general obligation bonds. Mr. Grove recommended approval of the resolution to allow the bond refinancing to take place.

A motion to approve Resolution No. 36-10 was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0.

Resolution No. 36-10

A JOINT RESOLUTION OF THE CITY COUNCIL AND THE CARTERSVILLE SCHOOL BOARD PROVIDING FOR (1) THE ISSUANCE OF NOT TO EXCEED \$16,000,000 CITY OF CARTERSVILLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011; (2) THE REFUNDING OF THE (i) \$10,000,000 CITY OF CARTERSVILLE GENERAL OBLIGATION BONDS, SERIES 2001; AND (ii) \$6,000,000

**CITY OF CARTERSVILLE GENERAL OBLIGATION BONDS, SERIES 2002; AND
(3) FOR OTHER RELATED PURPOSES:**

WHEREAS, at an election duly called and held in the City of Cartersville, Georgia (the “City”) on the 18th day of September, 2001, after notice thereof had been given of the time of the election in the manner required by law, a majority of the registered voters of the City voting in said election voted in favor of the issuance of the City of Cartersville general obligation debt in the aggregate principal amount of \$16,000,000 (the “Debt”) for the purpose of providing funds to pay or to be applied toward the cost of (a)(i) adding to, renovating, repairing, improving and equipping existing school buildings and other buildings and facilities useful or desirable in connection therewith, including, but not limited to, Cartersville High School, (ii) acquiring new school equipment, including, but not limited to, school buses and other vehicles, (iii) acquiring, constructing and equipping school buildings and other buildings and facilities useful or desirable in connection therewith, and (iv) acquiring any property necessary or desirable therefor, both real and personal, and sites for Cartersville High School expansion and future schools (the “Cartersville Projects”) and (b) issuing the Debt; and

WHEREAS, pursuant to a joint resolution duly adopted by the City Council of the City of Cartersville (the “City Council”) and the Cartersville School Board (the “School Board”) on November 15, 2001, the City Council and the School Board authorized the issuance of \$10,000,000 in aggregate principal amount of City of Cartersville (Georgia) General Obligation Bonds, Series 2001, dated November 1, 2001 (the “Series 2001 Bonds”); and

WHEREAS, pursuant to a joint resolution duly adopted by the City Council and the School Board on November 7, 2002, the City Council and the School Board authorized the issuance of \$6,000,000 in aggregate principal amount of City of Cartersville (Georgia) General Obligation Bonds, Series 2002, dated November 1, 2002 (the “Series 2002 Bonds”); and

WHEREAS, pursuant to Article IX, Section V, Paragraph III of the Constitution of the State of Georgia and O.C.G.A. Section 36-82-1(e), the City has the power to refund all or any part of its outstanding bonded indebtedness by the issuance of general obligation refunding bonds pursuant to a resolution adopted by the City Council and School Board without the necessity of conducting a referendum if certain conditions are satisfied; and

WHEREAS, the City and the School Board have received a recommendation from SunTrust Robinson Humphrey, Inc. (the “Underwriter”) that because of present market conditions it is advisable, feasible and in the best interest of the School Board that the outstanding Series 2001 Bonds and the outstanding 2002 Bonds (collectively, the “Refunded Bonds”), be advance refunded at this time in order to effect a savings in the debt service requirements on the City’s now outstanding bonded indebtedness; and

WHEREAS, upon provision having been duly and legally made for the payment of all of the Refunded Bonds, the same shall not constitute debt within the meaning of Article IX, Section V, Paragraph I of the Constitution; and

WHEREAS, the conditions of O.C.G.A. Section 36-82-1(e) will be satisfied in that (i) the term of the Bonds shall not extend beyond the final maturity date of the Refunded Bonds; (ii) the combined rate of interest borne by the Bonds shall not exceed the combined rate of interest borne by the Refunded Bonds; (iii) the principal amount of the Bonds will only exceed the principal amount of the Refunded Bonds to the extent necessary to effectuate the refunding and to allow the reduction of the total principal and interest requirements over the remaining terms of the Refunded Bonds; and (iv) the proceeds derived from the sale of the Bonds, together with the earnings and increments derived therefrom, will be sufficient to provide for payment of the principal of, interest, and premium, on the Refunded Bonds and shall be deposited in an irrevocable trust fund with the Escrow Agent created for that purpose; and

WHEREAS, the School Board herein authorizes the issuance of not to exceed \$16,000,000 in aggregate principal amount of City of Cartersville (Georgia) General Obligation Refunding Bonds, Series 2011 (the “Bonds”), dated their date of issuance, for the foregoing purpose; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. Authorization For Bonds. As more fully set forth in this Section 1, the City and the School District hereby agree in principle to issue the Bonds to refund all or a portion of the Refunded Bonds and authorizes the City, the School District and its counsel to proceed with the marketing and issuance of the Bonds. The Bonds shall be issued in the aggregate principal amount of not to exceed \$16,000,000. The Bonds shall be dated the date of issuance, and shall bear interest from that date at a rate not to exceed 7.0% per annum until paid. The Bonds shall mature no later than November 1, 2023. The maximum annual debt service on the Bonds shall not exceed \$2,000,000. A Supplemental Bond Resolution authorizing the specific terms of the Bonds shall be executed and delivered by the City and the School Board prior to the execution and delivery of the Bonds.

Section 2. Validation of Bonds. The Mayor or Mayor Pro-Term of the City and the Clerk or Assistant Clerk of the City and the President or Vice President of the School Board and the Secretary or Assistant Secretary of the School Board are hereby authorized to notify the District Attorney of the Cherokee Judicial Circuit of any action taken by the City to issue the Bonds, to request the District Attorney to institute a proceeding to confirm and validate the Bonds and to pass upon the security therefor, and the Mayor or Mayor Pro-tem of the City and the Clerk or Assistant Clerk of the City and the President or Vice President of the School Board and the Secretary or Assistant Secretary of the School Board are further authorized to acknowledge service and make answer in such proceeding.

Section 3. No Personal Liability. No stipulation, obligation or agreement herein contained or contained in the documents authorizing the issuance of the Bonds, shall be deemed to be a stipulation, obligation or agreement of any officer, director, agent or employee of the City or the School Board in his or her individual capacity, and no such officer, director, agent or employee shall be personally liable on the Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

Section 4. General Authority. From and after the adoption of this Resolution, the proper officers, directors, agents and employees of the City and the School District are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates and to take any and all further action as may be necessary to carry out and comply with the provisions of this Resolution relating to the marketing, issuance and validation of the Bonds as authorized herein prior to the sale of the Bonds and to document compliance with the provisions of the Act, the Internal Revenue Code of 1986, as amended, or other applicable law.

Section 5. Actions Approved and Confirmed. All acts and doings of the officers of the City and the School Board which are in conformity with the purposes and intents of this Resolution and in furtherance of the marketing and issuance of the Bonds shall be, and the same hereby are, in all respects approved and confirmed.

Section 6. Severability of Invalid Provisions. If any one or more of the agreements or provisions herein contained shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the Bonds authorized hereunder.

Section 7. Repealing Clause. All resolutions or parts thereof of the City and the School Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 8. Waiver of Performance Audit. The waiver of the performance audit or performance review by the School Board with respect to the Bonds as such terms are described in O.C.G.A Section 36-82-100 is hereby authorized and approved.

Section 9. Effective Date. This Resolution shall take effect immediately upon its adoption.

ADOPTED this 16th day of December, 2010.

CARTERSVILLE SCHOOL BOARD

(CORPORATE SEAL)

By: _____
President

Attest:

By: _____
Secretary

ADOPTED this 16th day of December, 2010.

CITY OF CARTERSVILLE, GEORGIA

(CORPORATE SEAL)

By: Matthew J. Santini
Matthew J. Santini
Mayor

Attest:

By: Renee Faunce
Renee Faunce
Deputy City Clerk

SECRETARY'S CERTIFICATE

STATE OF GEORGIA

COUNTY OF BARTOW

The undersigned, Secretary of the Cartersville School Board, DOES HEREBY CERTIFY that the foregoing pages of typewritten matter constitute a true and correct copy of a joint resolution adopted by the Cartersville School Board, in a meeting duly assembled and open to the public at which a quorum was present, on the ____ day of December, 2010, relating to the sale and form of \$16,000,000 City of Cartersville General Obligation Refunding Bonds, Series 2011, the original of which has been duly recorded in the Minute Book of said School Board, which is in my custody and control.

GIVEN this the ____ day of December, 2010.

Secretary

(CORPORATE SEAL)

CLERK'S CERTIFICATE

STATE OF GEORGIA

COUNTY OF BARTOW

The undersigned, Clerk of the City of Cartersville, Georgia, DOES HEREBY CERTIFY that the foregoing pages of typewritten matter constitute a true and correct copy of a joint resolution adopted by the City of Cartersville, Georgia, in a meeting duly assembled and open to the public at which a quorum was present, on the 16th day of December, 2010, relating to the sale and form of \$16,000,000 City of Cartersville General Obligation Refunding Bonds, Series 2011, the original of which has been duly recorded in the Minute Book of said City of Cartersville, Georgia, which is in my custody and control.

GIVEN this the 16th day of December, 2010.

Renee Faunce
Deputy City Clerk

(CORPORATE SEAL)

2. Anti Litem Notice

City Attorney David Archer explained the City received and Anti Litem Notice from attorneys Morgan & Morgan, LLC concerning an alleged claim from Truedisha Knight against the City relating to a broken wrist, medical damages, and permanent impairment. Mr. Archer recommended the Mayor and Council approve the resolution denying the anti litem notice claim.

A motion to approve Mr. Archer's recommendation was made by Council Member McDaniel and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0.

Resolution No. 37-10

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA

WHEREAS, on or about November 15, 2010, the City of Cartersville received an Ante Litem Notice from Morgan & Morgan, LLC concerning Truedisha Knight's alleged claim against the City relating to a broken wrist, medical damages, and permanent impairment at 215 Cherokee Avenue at 11:00 a.m. on September 18, 2010. The Assistant City Attorney via letter dated November 19, 2010 requested additional information to evaluate this claim. As of today's date, we have not received a response.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council that the City of Cartersville denies the Ante Litem Notice claim submitted as referenced above based on the information currently available to it, and directs the City Attorney's Office to inform Morgan & Morgan, LLC of said denial.

BE IT AND IT IS HEREBY RESOLVED this 16th day of December, 2010.

/s/ Matthew J. Santini
Matthew J. Santini
Mayor
ATTEST:

/s/ Renee Faunce
Renee Faunce
Assistant City Clerk

J. Appointments

1. Bartow/Cartersville Joint Development Authority

Melinda Lemmon, Bartow/Cartersville Joint Development Authority Director, stated the 4 year terms of board members James Jarrett, Tommy Strickland, and Ralph Miller will expire on 12/31/10. Mrs. Lemmon recommended approval of re-appointment to the Bartow-Cartersville Joint Development Authority Board of these 3 gentlemen for another 4 year term.

A motion to approve the re-appointment as recommended by Mrs. Lemmon was made by Council Member Pruitt and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0.

2. Joint Cartersville/Bartow County Regional Industrial Development Authority

Melinda Lemmon, Bartow/Cartersville Joint Development Authority Director, stated the 4 year terms of board members James Jarrett, Tommy Strickland, and Ralph Miller will expire on 12/31/10. Mrs. Lemmon recommended approval of re-appointment to the Joint Cartersville-Bartow County Regional Industrial Development Authority Board of these 3 gentlemen for another 4 year term.

A motion to approve the re-appointment as recommended by Mrs. Lemmon was made by Council Member Pruitt and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0.

K. Bid Award/Purchases

1. Vehicle Purchases

Finance Director Tom Rhinehart reported the City received bids on three vehicles. A Ford Expedition for the Fire Department, a Ford Passenger Van for the Public Works Department, and a Ford ½ ton Pickup for the Gas Department. Mr. Rhinehart recommended the second lowest bid from City Motors for a total cost of \$65,173.10.

A motion to approve the low bid was made by Council Member McDaniel. Mr. McDaniel then withdrew his motion.

A motion to approve the recommendation of the Finance Director was made by Council Member Stepp and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0.

2. Ten-8 Fire and Safety Equipment

Fire Chief Scott Carter explained that over the next 2 years the fire department must purchase two new response vehicles. The first is a replacement rescue/pumper and the second is a new fire engine/pumper for the new fire station #4. By ordering both at the same time, before December 31, 2010, and issuing a pre-pay contract, the City will save approximately \$59,513.00. The City will receive a performance bond from the vendor before payment insuring no monetary loss to the City. Funding will come from the GMA Lease Pool.

A motion to approve the recommendation of the Fire Chief was made by Council Member Tate and seconded by Council Member Stepp.

The motion was amended by Council Member Tate to include that the funding will come from the GMA Lease Pool and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0.

L. Monthly Financial Statement

1. October Financial Report

Finance Director Tom Rhinehart presented the Mayor and Council with the financial report through October, 2010. Mr. Rhinehart compared October 2010 with October 2009.

M. Added Agenda Item

1. Resolution Changing Portion of Commerce Drive to Aquafil Drive

A motion to add this item to the agenda was made by Council Member Hodge and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0.

City Manager Sam Grove explained that Aquafil, Inc. has requested that a section of Commerce Drive between Donn Drive and Quality Drive be renamed from Commerce Drive to Aquafil Drive. Mr. Grove reported there were no concerns from City departments.

A motion to approve Resolution No. 38-10 was made by Council Member Hodge and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0.

Resolution No. 38-10

WHEREAS, Aquafil, Inc. has made a request to rename a portion of Commerce Drive to Aquafil Drive; and

**WHEREAS, Aquafil, Inc. is the only address that will be affected by said renaming;
and**

**WHEREAS, in honor of Aquafil's contributions to the community, the Mayor and City Council have determined that said request is appropriate and should be approved;
and**

WHEREAS, the Mayor and City Council has determined that it is in the best interest of the citizens of the City of Cartersville and promotes the public's general health, safety and welfare to rename a portion of Commerce Drive to Aquafil Drive.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED, by the Mayor of Cartersville that Commerce Drive between its intersection with Donn Drive and Quality Drive be renamed from Commerce Drive to Aquafil Drive. The remaining section of Commerce Drive shall remain Commerce Drive.

BE IT AND IT IS HEREBY RESOLVED, this 16th day of December 2010.

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

ATTEST:

**/s/ Renee Faunce
Renee Faunce
Assistant City Clerk**

A motion to adjourn the meeting was made by Council Member Stepp and needing no second. Motion carried unanimously. Vote 5-0.

Meeting Adjourned

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

ATTEST:

**/s/ _____
Renee Faunce
Deputy City Clerk**



City of Cartersville

City Council Meeting

1/6/2011 7:00:00 PM

File #AZ10-04: Annexation and zoning application by LAR Properties LLC for property located on Redcomb Drive near Porter Street (approximately 1.81 acres) from Bartow County C-1 to H-I

SubCategory:	Public Hearing - 2nd Reading of Zoning/Annexation Requests
Department Name:	Planning and Development
Department Summary Recommendation:	The subject tract is located on Redcomb Drive near Porter Street. This property includes a forestry / timber business. The applicants seek to be annexed and rezoned to be similar to surrounding properties on Redcomb Drive, which leads to the industrial park that includes Commerce Drive and Donn Drive. The proposed zoning is H-I (Heavy Industrial). Planning Commission recommended approval of annexation and zoning.
City Manager's Remarks:	Your approval of this zoning/annexation is recommended for your approval by the Planning Commission.
Financial/Budget Certification:	
Legal:	
Associated Information:	

ZONING & ANNEXATION SYNOPSIS

Petition Number(s): **AZ10-04**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **LAR Properties LLC**
Representative: **Jeff Watkins**
Property Owner: **LAR Properties LLC**
Property Location: **Redcomb Drive near Porter Street**
Access to the Property: **Redcomb Drive**

Site Characteristics:

Tract Size: Acres: **1.45 acres** District: **4th** Section: **3rd** LL(S): **340**
Ward: **4** Council Member: **Lindsey McDaniel**

LAND USE INFORMATION

Current Zoning: **County C-1 (Commercial)**
Proposed Zoning: **H-I (Heavy Industrial)**
Proposed Use: **Annex and rezone to be similar to surrounding properties**
Current Zoning of Adjacent Property:
North: **County jurisdiction**
South: **MF-14 (Multi-family residential max 14 units per acre)**
East: **County jurisdiction**
West: **P-I (Public Institutional) (Oak Hill Cemetery)**

The Future Development Plan designates the subject property as: **Not designated – adjacent to Workplace Center (H-I, L-I, P-D).**

ZONING ANALYSIS

City Departments Reviews

Water and Sewer:

City serves the area with water, and Bartow County serves the area with sewer.

Public Works:

No objections.

Gas:

No objections.

Electric:

No objections.

Fire:

CFD will require that, for any future development, the developer follows all City Development Regulations including the decreased fire hydrant spacing to 300' for H-I zoning as well as the minimum flow of 1500 GPM for 45 minutes required for H-I zoning. Please note that the 1500 GPM requirement may increase due to building size and occupancy use as buildings greater than 10,000 sq/ft shall follow the minimum fire flow as required by the 2006 International Fire Code.

Police:

No comments.

Bartow County government has also received information regarding the annexation request and finds no objection to the application. The property is currently zoned C-1 (Commercial) and is identified on the County's Future Land Use Map as Mixed Use.

The subject tract is located on Redcomb Drive near Porter Street. This property includes a forestry / timber business. The applicants seek to be annexed and rezoned to be similar to surrounding properties on Redcomb Drive, which leads to the industrial park that includes Commerce Drive and Donn Drive. The proposed zoning is H-I (Heavy Industrial).

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 H-I zoning may permit a use that is suitable in view of the existing industrial development of adjacent properties.
- B. *Whether the zoning proposal will create an isolated district unrelated to adjacent and nearby districts.*
The proposed H-I zoning may not create an isolated district since there are adjacent and nearby properties that are zoned in a similar manner in the City.
- C. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The H-I 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 in unincorporated Bartow County for commercial use, the property may have a reasonable economic use.
- E. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The zoning 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 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 property is not designated on the adopted Future Development Map of the comprehensive plan, but is adjacent to properties designated as Workplace Center, with recommended zoning districts H-I, L-I, and P-D.

- 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 H-I 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 related to industrial use.
- 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.
Redcomb Drive and the adjacent industrial park which includes Commerce Dr, Donn Dr, and Quality Dr continue to be used for industrial purposes and are mostly in the City jurisdiction. Consequently, it may be appropriate for this property to be in the City and to have industrial zoning.

RECOMMENDATION

Staff has no objections.

PLANNING COMMISSION RECOMMENDATION:

ANNEXATION:	APPROVAL
ZONING:	APPROVAL

Application for Annexation/Rezoning
Planning and Development Department
10 North Public Square
City of Cartersville
(770) 387-5600

Attachment number 1
Page 5 of 11
Application Number AZ10-04

Hearing Date November 9, 2010

PAID 10-1-10
-RO

Applicant LAR PROPERTIES, LLC

Business Phone 770-382-9591

(Applicant's printed name)

Address 100 WEST CHEROKEE AVENUE City CARTERSVILLE, GA 30120 State GA Zip 30120

Jeffrey A. Watkins

Business Phone (770) 382-9591

Cell or Fax# (770) 382-9878

(Representative's printed name (if other than Applicant))

Representative's Signature

Applicant's Signature Harry B. White, Managing Member

Signed, sealed and delivered in presence of

My commission expires: _____

Notary Public

Titleholder LAR PROPERTIES, LLC

Business Phone 770-382-9591

Address 100 WEST MAIN STREET, CARTERSVILLE, GA 30120

Signature

Harry B. White, Managing Member

Signed, sealed and delivered in presence of

Notary Public

My commission expires: _____

Titleholder DEVAUGHN PETTIT

Address 544 WEST MAIN STREET, CARTERSVILLE, GA 30120

Signature

Signed, sealed and delivered in presence of

Notary Public

My commission expires: _____

County Zoning District C-1

Proposed Zoning District(s) H-I

Acreage 1.45 ac

Land Lot(s) 340

District(s) 4TH Section (s) 3RD

Location of Property RED COMB DRIVE

(Street address, nearest intersection, etc.)

Utility Providers:

Water City of Cartersville

Gas N/A

Sewer City of Cartersville

Electric City of Cartersville

Reason for annexation: To allow for the subject property to be annexed into the City and rezoned for

commercial development to be similar to surrounding properties

Attach a copy of a current boundary survey showing metes and bounds and indicating all existing site improvements.

Planning Commission Recommendation:

Approved: _____

Conditions: _____

Disapproved: _____

Date: _____

City Council Decision:

Approved: _____

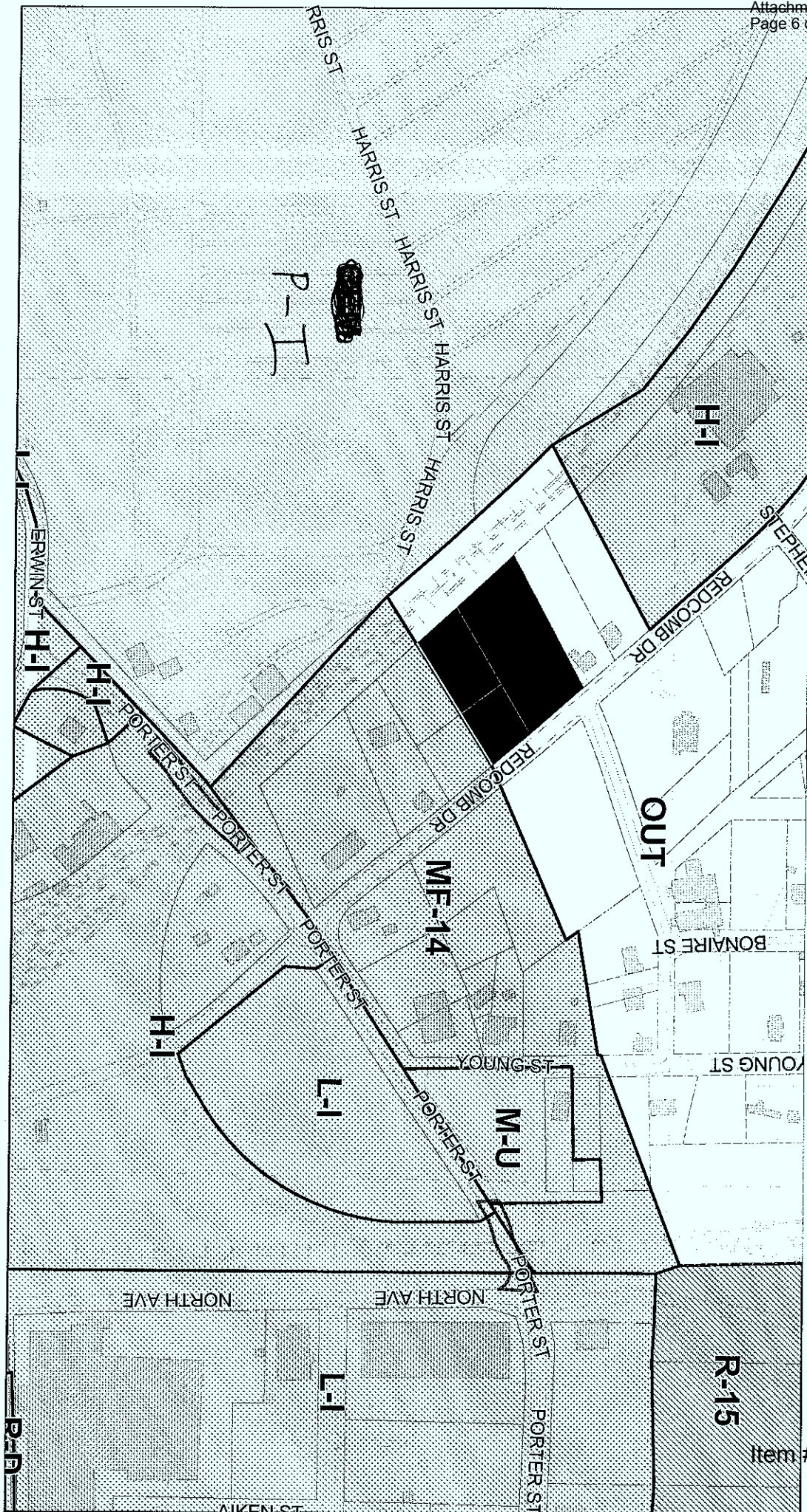
Conditions: _____

Disapproved: _____

Date: _____

Item # 2

Redcomb Dr near Porter St - annexation case AZ10-04

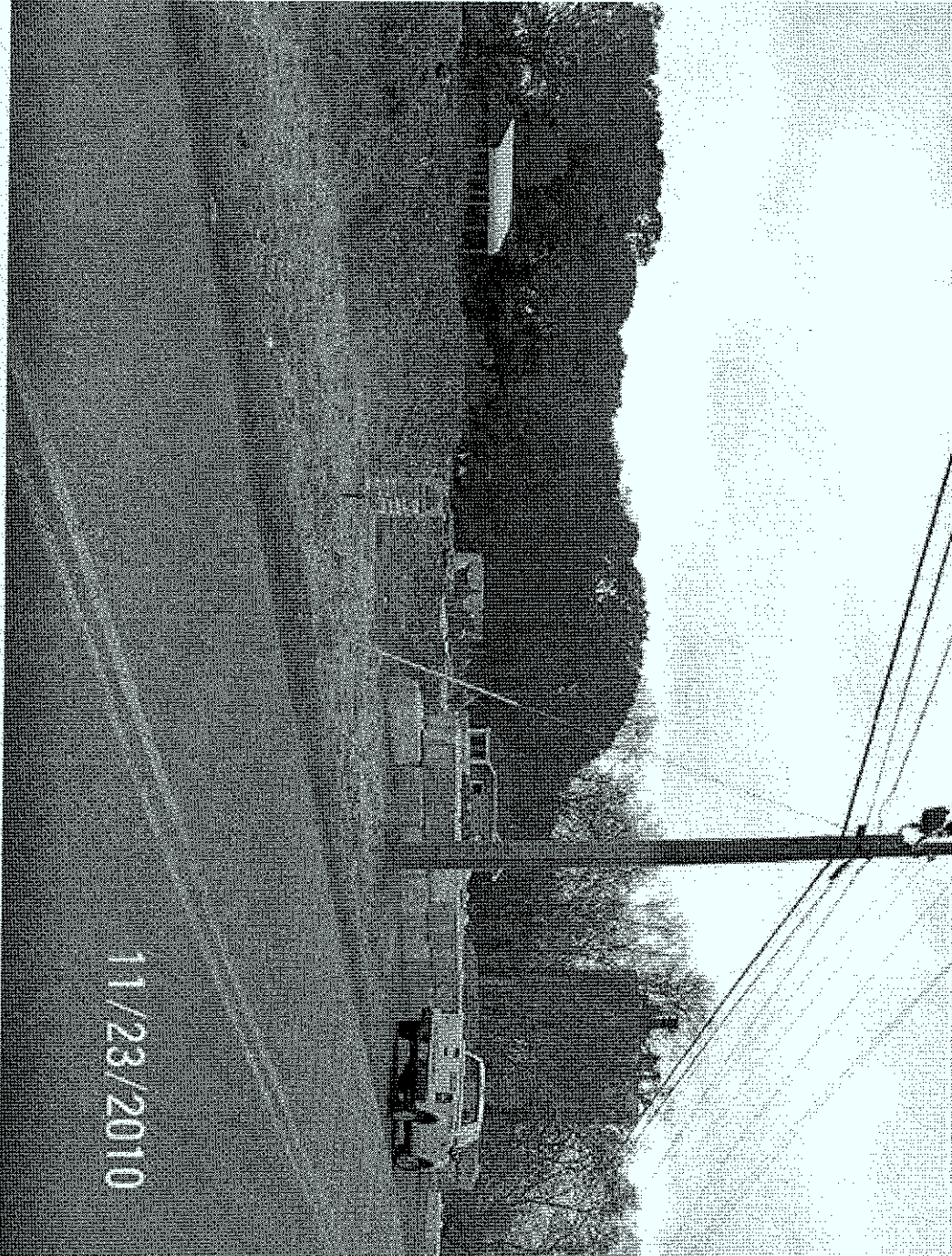


Redcomb Dr near Porter St - annexation AZ10-04





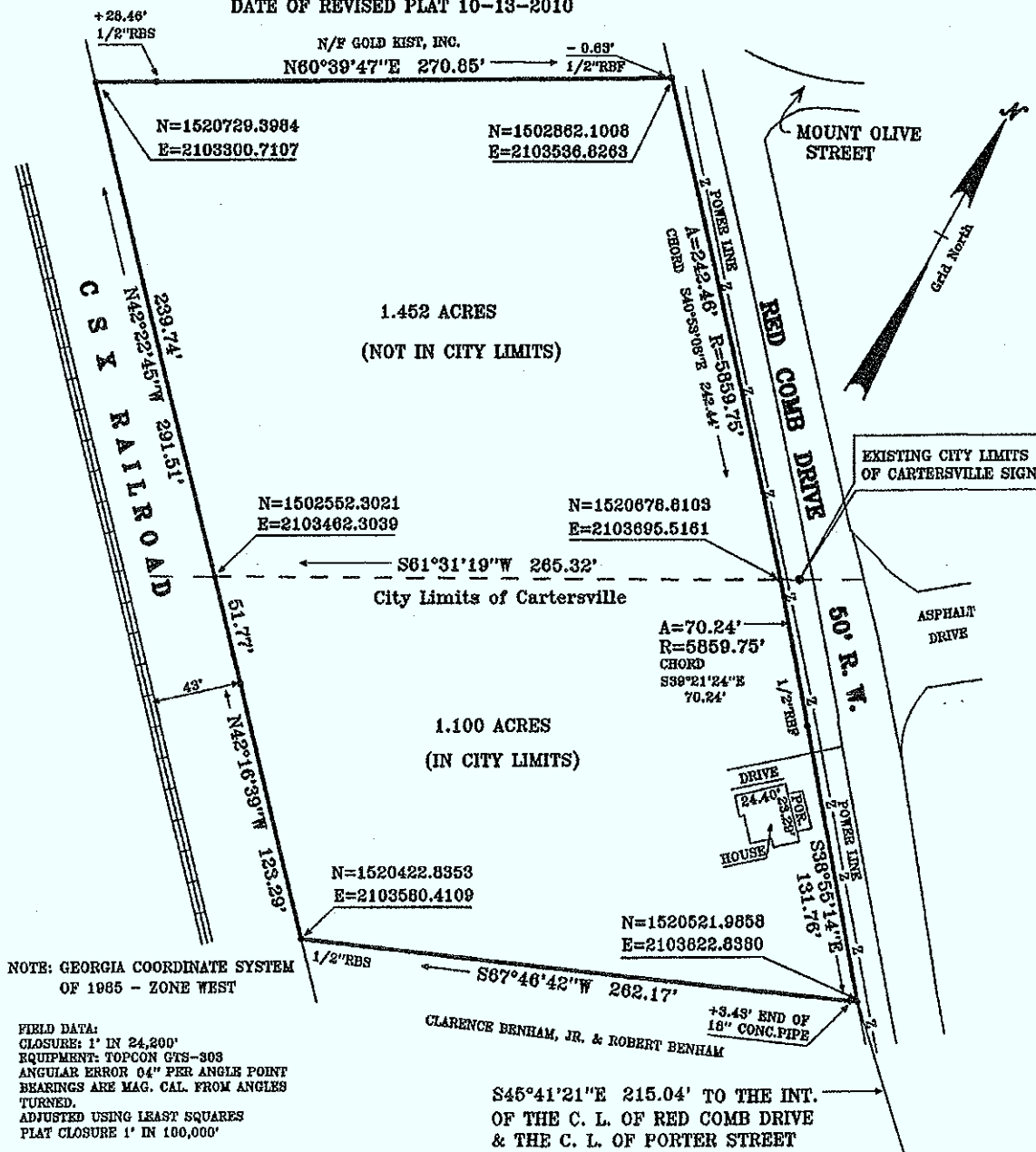
Redcomb Dr near Porter St case AZ10-04



11/23/2010

ANNEXATION SURVEY FOR
DEVAUGHN PETTIT
&
LAR PROPERTIES, LLC

IN LAND LOT 340, 4TH. DISTRICT, 3RD. SECTION,
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA
DATE OF PLAT 2-14-2007 & 7-17-2009 SCALE 1" = 50'
DATE OF FIELD WORK 2-12-2007, 2-13-2007, 7-16-2009, 10-12-2010
DATE OF REVISED PLAT 10-13-2010





Bartow County Commissioner's Office • Clarence Brown, Commissioner

CERTIFIED MAIL # 7006 3450 0001 5974 6328

October 14, 2010

Mr. Richard Osborne
City of Cartersville
P.O. Box 1390
Cartersville, GA 30120

RE: Request by LAR Properties, LLC
Red Comb Drive
1.813 acres

Dear Richard:

This office has reviewed the above referenced annexation request and finds no objection to the application. The property is currently zoned C-1 (Commercial) and is identified on the County's Future Land Use Map as Residential/Mixed.

Please be advised that, pursuant to O.C.G.A. §36-36-7, there may exist county water and/or sewer lines within the area proposed to be annexed.

Also, be advised that the City will be responsible for maintenance of that portion of the roadway, where as a result of this annexation, property on both sides of the road is now within the city limits.

Sincerely,

CLARENCE BROWN
Commissioner
Bartow County

CB/kg

- c. Ray Sullivan, Zoning Administrator, Bartow County
Randy Gray, Bartow County Road Superintendent
Mary Milam, Voter Registration
Jarrod Roberts, Tax Assessor

Item # 2



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 # **AZ10-04**

DISCLOSURE OF INTERESTS BY LOCAL OFFICIAL

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

LAR Properties LLC (Jeff Watkins, representative) has made an annexation and zoning request on the following property: Approximately 1.45 acres located on Redcomb Drive near Porter Street in the 4th District, 3rd Section, Land Lot 340.

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

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

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

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

TITLE: _____

DATE: _____



City of Cartersville

City Council Meeting

1/6/2011 7:00:00 PM

File #Z10-04: Rezoning application by LAR Properties LLC for property located on Redcomb Drive near Porter Street (approximately 0.74 acres) from MF-14 to H-I

SubCategory:	Public Hearing - 2nd Reading of Zoning/Annexation Requests
Department Name:	Planning & Development
Department Summary Recommendation:	The subject tract is located on Redcomb Drive near Porter Street. This property includes a single-family residence on the south end. This property is adjacent to property in unincorporated Bartow County also owned by this property owner that includes a forestry / timber business. The property owner also seeks to annex the adjacent tract for H-I zoning (case AZ10-04). The applicants seek to rezone this property from MF-14 (Multi-family) to H-I (Heavy Industrial) to be similar to surrounding properties. Planning Commission recommended approval.
City Manager's Remarks:	This item is a companion to the other item on the agenda near the same location. Your approval of this rezone is recommended by the Planning Commission.
Financial/Budget Certification:	
Legal:	
Associated Information:	

ZONING & ANNEXATION SYNOPSIS

Petition Number(s): **Z10-04**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **LAR Properties LLC**
Representative: **Jeff Watkins**
Property Owner: **LAR Properties LLC**
Property Location: **Redcomb Dr near Porter St**
Access to the Property: **Redcomb Dr**

Site Characteristics:

Tract Size: Acres: **1.1 acres** District: **4th** Section: **3rd** LL(S): **340**

Ward: **4** Council Member: **Lindsey McDaniel**

LAND USE INFORMATION

Current Zoning: **MF-14 (Multi-family max 14 units per acre)**
Proposed Zoning: **H-I (Heavy Industrial)**
Proposed Use: **Rezone to be similar to surrounding properties**

Current Zoning of Adjacent Property:

North: **County C-1 (Commercial)**
South: **MF-14 (Multi-family)**
East: **MF-14 (Multi-family)**
West: **P-I (Public Institutional) (Oak Hill Cemetery)**

The Future Development Plan designates the subject property as:
Workplace Center with recommended zoning districts H-I, L-I, and P-D.

ZONING ANALYSIS

City Departments Reviews

Water and Sewer:

City serves the area with water, and Bartow County serves the area with sewer.

Public Works:

No objections.

Gas:

No objections.

Electric:

No objections.

Fire:

CFD will require that, for any future development, the developer follows all City Development Regulations including the decreased fire hydrant spacing to 300' for H-I zoning as well as the minimum flow of 1500 GPM for 45 minutes required for H-I zoning. Please note that the 1500 GPM requirement may increase due to building size and occupancy use as buildings greater than 10,000 sq/ft shall follow the minimum fire flow as required by the 2006 International Fire Code.

Police:

No comments.

The subject tract is located on Redcomb Drive near Porter Street. This property includes a single-family residence on the south end. This property is adjacent to property in unincorporated Bartow County also owned by this property owner that includes a forestry / timber business. The property owner also seeks to annex the adjacent tract for H-I zoning (case AZ10-04). The applicants seek to rezone this property from MF-14 (Multi-family) to H-I (Heavy Industrial) to be similar to surrounding properties.

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 H-I zoning may permit a use that is suitable in view of the existing industrial development of adjacent properties.
- B. *Whether the zoning proposal will create an isolated district unrelated to adjacent and nearby districts.*
The proposed H-I zoning may not create an isolated district since there are adjacent and nearby properties that are zoned in a similar manner in the City.
- C. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The H-I 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 in unincorporated Bartow County for commercial use, the property may have a reasonable economic use.
- E. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The zoning 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 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 property is not designated on the adopted Future Development Map of the comprehensive plan, but is adjacent to properties designated as Workplace Center, with recommended zoning districts H-I, L-I, and P-D.

- 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 H-I 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 related to industrial use.
- 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.
Redcomb Drive and the adjacent industrial park which includes Commerce Dr, Donn Dr, and Quality Dr continue to be used for industrial purposes and are mostly in the City jurisdiction. Consequently, it may be appropriate for this property to be in the City and to have industrial zoning.

RECOMMENDATION

Staff has no objections.

PLANNING COMMISSION RECOMMENDATION:

APPROVAL

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

Application Number Z10-04

Hearing Date November 9, 2010

PAID 10-1-10
-RO

Applicant LAR PROPERTIES, LLC Business Phone 770-382-9591
(Applicant's printed name)
Address 100 WEST CHEROKEE AVENUE City CARTERSVILLE, GA 30120 State GA Zip 30120

Jeffrey A. Watkins Business Phone (770) 382-9591 Cell or Fax# (770) 382-3833
(Representative's Printed name (if other than Applicant))

Representative's Signature

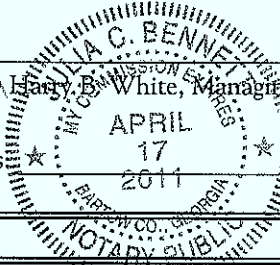
Signed, sealed and delivered in presence of:

Julia C. Bennett

Notary Public

Applicant's Signature Harry B. White, Managing Member

My commission expires:



Titleholder LAR PROPERTIES, LLC Business Phone 770-382-9591
Address 100 WEST MAIN STREET, CARTERSVILLE, GA 30120

Signature Harry B. White, Managing Member

Signed, sealed and delivered in presence of:

Julia C. Bennett
Notary Public

My commission expires:

Titleholder DEVAUGHN PETTIT
Address 544 WEST MAIN STREET, CARTERSVILLE, GA 30120

Signature Devaughn Pettit

Signed, sealed and delivered in presence of:

Julia C. Bennett
Notary Public

My commission expires:



Present Zoning District MF-14

Requested Zoning District(s) H-I

Acreage 1.1 ac Land Lot(s) 340 District(s) 4TH Section (s) 3RD

Location of Property RED COMB DRIVE, CARTERSVILLE, GA
(Street address, nearest intersection, etc.)

Reason for requesting rezoning and/or annexation: To allow for a commercial development.

(attach additional statement as necessary)

Attach a copy of a current boundary survey showing metes and bounds and indicating all existing site improvements.

Planning Commission Recommendation:

Approved: _____

Conditions: _____

Disapproved: _____

Date: _____

City Council Decision:

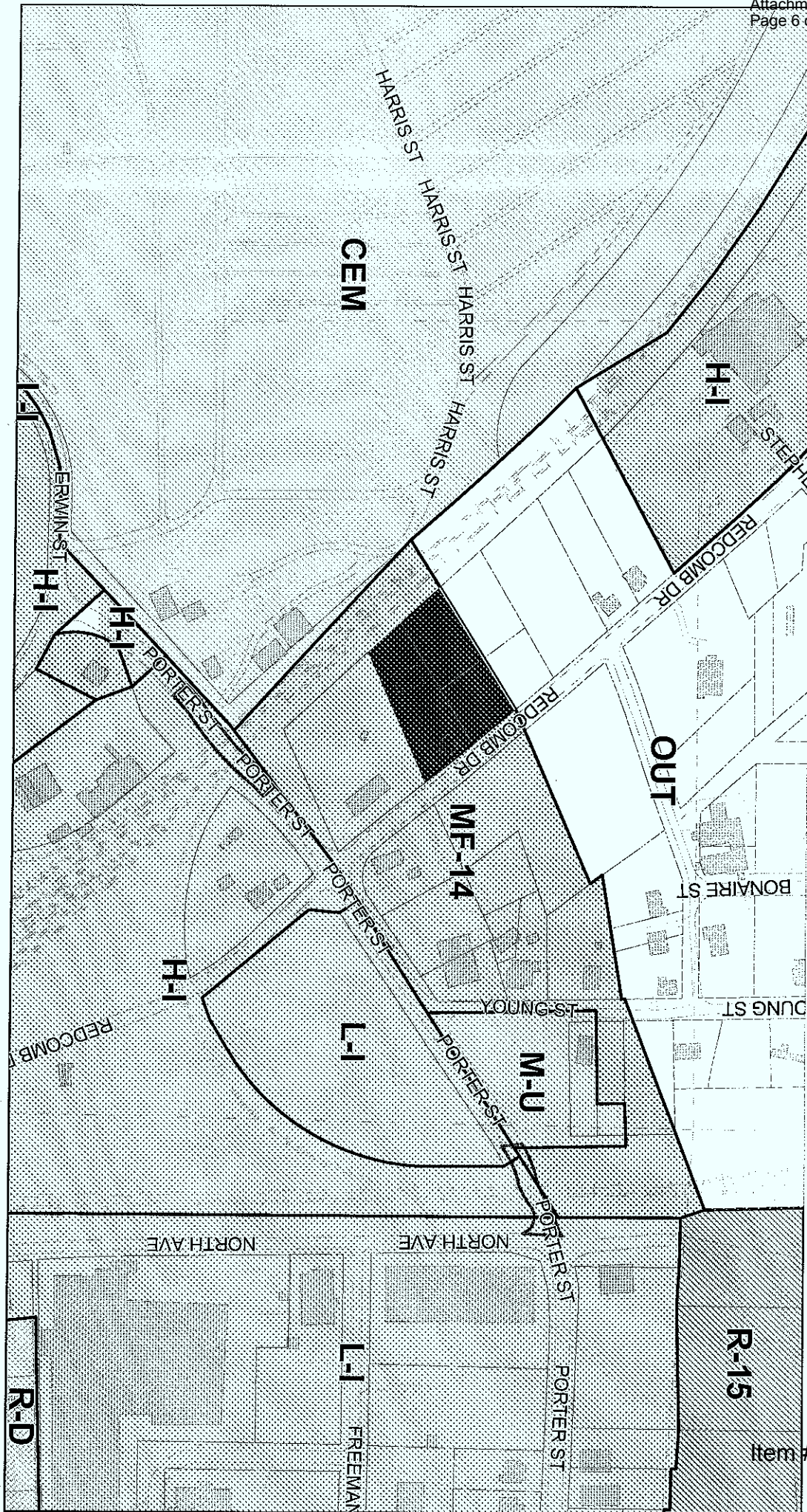
Approved: _____

Conditions: _____

Disapproved: _____

Date: _____

Redcomb Dr near Porter St - rezoning case Z10-04

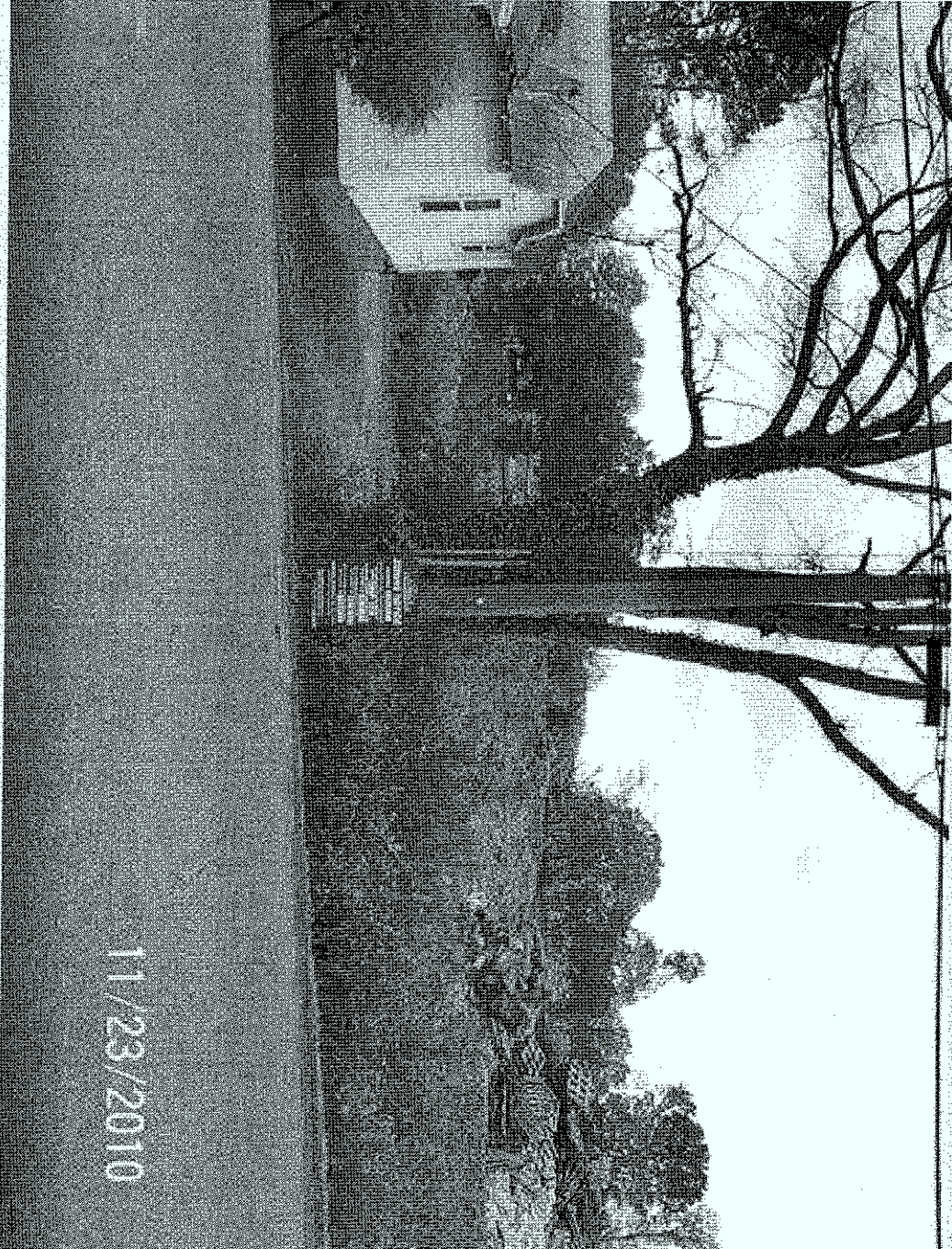


Redcomb Dr near Porter St - rezoning Z10-04



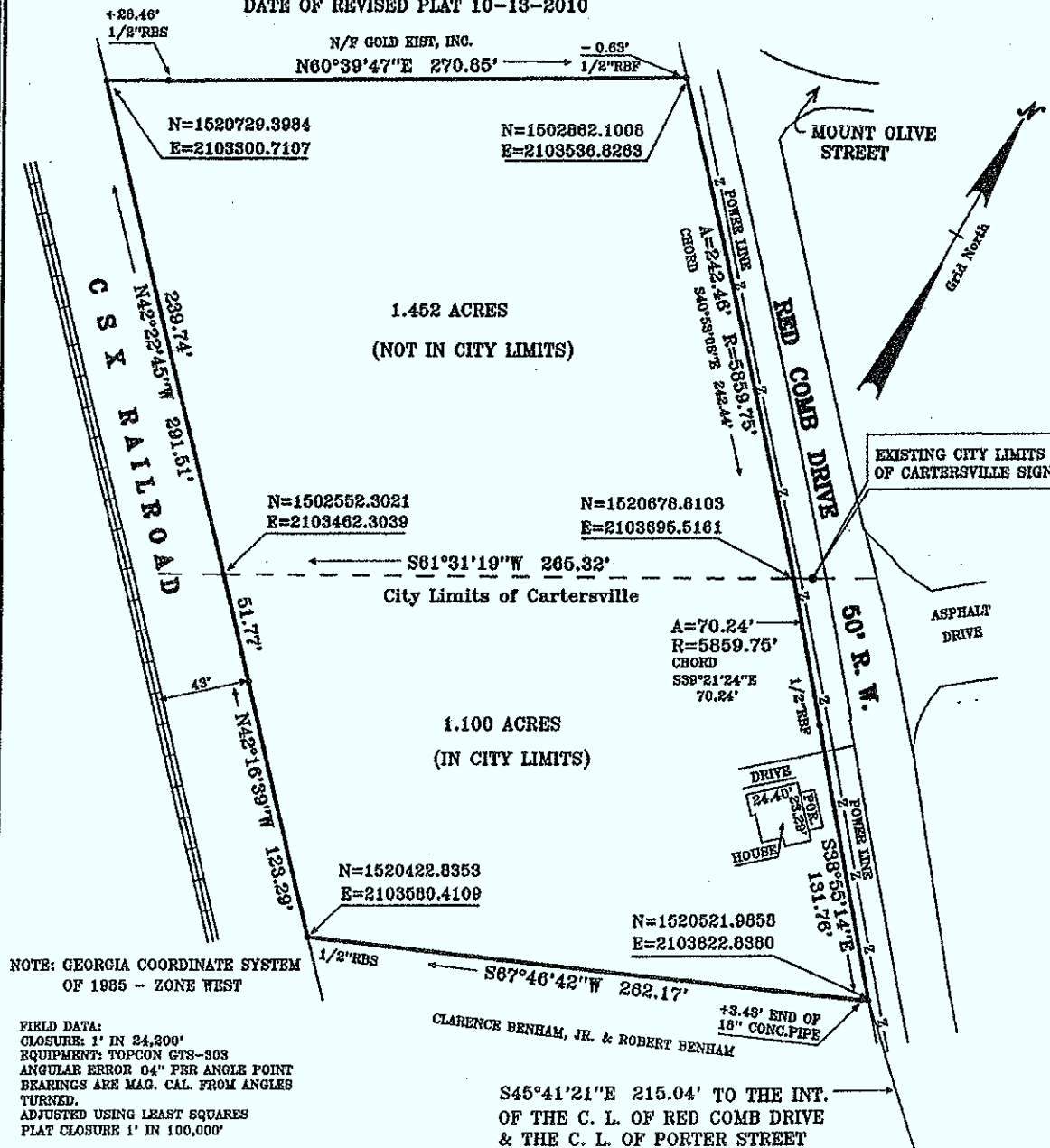


Redcomb Dr near Porter St case Z10-04



ANNEXATION SURVEY FOR
DEVAUGHN PETTIT
&
LAR PROPERTIES, LLC

IN LAND LOT 340, 4TH. DISTRICT, 3RD. SECTION,
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA
DATE OF PLAT 2-14-2007 & 7-17-2009 SCALE 1" = 50'
DATE OF FIELD WORK 2-12-2007, 2-13-2007, 7-16-2009, 10-12-2010
DATE OF REVISED PLAT 10-13-2010



NOTE: GEORGIA COORDINATE SYSTEM
OF 1985 - ZONE WEST

FIELD DATA:
CLOSURE: 1' IN 24,200'
EQUIPMENT: TOPCON GTS-303
ANGULAR ERROR 04" PER ANGLE POINT
BEARINGS ARE MAG. CAL. FROM ANGLES
TURNED.
ADJUSTED USING LEAST SQUARES
PLAT CLOSURE 1' IN 100,000'

"FEMA FLOOD HAZARD MAP" 13016C0266G
DATED SEPTEMBER 28, 2007, SHOWS THIS
PROPERTY OUT OF FLOOD ZONE.

KNIGHT & KNIGHT LAND SURVEYORS, LLC
110 CENTER ROAD
CARTERSVILLE, GEORGIA 30121
TELEPHONE (770) 382-7976
or (770) 382-6526

NOTE: THIS PLAT IS MADE FOR THE SOLE USE AND
BENEFIT OF THE PERSON OR PERSONS NAMED HEREON.
THIS FIRM ASSUMES NO LIABILITY TO PERSONS NOT
NAMED HEREON AND ANY USE BY UNNAMED PARTIES
WILL BE DONE AT THEIR OWN RISK.

S45°41'21"E 215.04' TO THE INT.
OF THE C. L. OF RED COMB DRIVE
& THE C. L. OF PORTER STREET





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 # **Z10-04**

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

LAR Properties LLC (Jeff Watkins, representative) has made a rezoning request on the following property: Approximately 1.1 acres located on Redcomb Drive near Porter Street in the 4th District, 3rd Section, Land Lot 340 from MF-14 to H-I.

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

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

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

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

TITLE: _____

DATE: _____



City of Cartersville

City Council Meeting

1/6/2011 7:00:00 PM

File #SU10-01: Special Use permit application by the Roman Catholic Archdiocese of Atlanta to allow the expansion of a religious institution in the R-20 zoning district.

SubCategory:	Public Hearing - 2nd Reading of Zoning/Annexation Requests
Department Name:	Planning & Development
Department Summary Recommendation:	The subject tract is located at the intersection of Douthit Ferry Road and Pine Grove Road. This property includes the existing church building for the Catholic church, constructed in approximately 1993. The applicant seeks a special use permit to expand the existing building. Planning Commission recommended approval.
City Manager's Remarks:	Your approval of his special use permit is recommended by the Planning Commission.
Financial/Budget Certification:	
Legal:	
Associated Information:	

SPECIAL USE APPLICATION SYNOPSIS

Petition Number(s): SU10-01

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: Roman Catholic Archdiocese of Atlanta

Representative: Carl Trevathan

Property Owner: Same as applicant

Property Location: 850 Douthit Ferry Road (corner Pine Grove Rd)

Access to the Property: Douthit Ferry Road

Site Characteristics:

Tract Size: Acres: 10 acres District: 4th Section: 3rd LL(S): 775

Ward: 3 Council Member: Louis Tonsmeire, Sr.

LAND USE INFORMATION

Current Zoning: R-20 (Single-family residential minimum 20,000 sqft lot size)

Proposed Special Use: Allow expansion of a religious institution on property zoned R-20

Current Zoning of Adjacent Property:

North: P-D (Planned Development) and O-C (Office Commercial)

South: P-D (Planned Development)

East: P-D (Planned Development)

West: P-I (Public Institutional)

The Future Development Plan designates the subject property as:
Neotraditional Neighborhood Village with recommended zoning district P-D.

ZONING ANALYSIS

City Departments Reviews

Water and Sewer:

No objections.

Public Works:

No objections.

Gas:

No objections.

Electric:

No objections.

Fire:

No objections.

Police:

No comments.

The subject tract is located at the intersection of Douthit Ferry Road and Pine Grove Road. This property includes the existing church building for the Catholic church, constructed in approximately 1993. The applicant seeks a special use permit to expand the existing building.

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

Sec. 16.1. Scope and intent.

This article specifies uses which are not classified as permitted uses as a matter of right in zoning districts, and are therefore only allowed through the approval of a Special use. The standards which apply to each use are enumerated and must be met in order for an application to be granted.

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

- A. The effect of the proposed activity on traffic flow along adjoining streets;
- B. The availability, number and location of off-street parking;
- C. Protective screening;
- D. Hours and manner of operation of the proposed use;
- E. Outdoor lighting;
- F. Ingress and egress to the property; and
- G. Compatibility with surrounding land use.

In granting a Special use, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors in order to assimilate the proposed development or use into the neighborhood with minimal impact.

Sec. 16.2. Application of regulations and approval.

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

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

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

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

Sec. 16.3. Additional restrictions.

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

Sec. 16.4. Minimum Special use standards.

16.4.12. Religious institution.

A. *Allowable districts:* AG, R-20, R-15, R-10, R-7, R-D, RA-12, MF-14, P-S, M-U, N-C, DBD, O-C, G-C, L-I, and P-I.

B. *Standards:*

1. In addition to required setbacks, a minimum fifteen (15) foot wide buffer shall be required along all property lines adjoining a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.

Staff review: Based on a review of proposed civil (construction) plans, a minimum 15 feet wide buffer is planned along the east property line adjacent to undeveloped property zoned P-D (Planned Development) which may be used for residential development in the future.

2. A cemetery use in conjunction with a religious institution in a residential district shall not be allowed.

Staff review: No cemetery currently exists on the property. The applicant has stated that no cemetery use is proposed as part of the expansion.

3. Noise levels in decibels measured at the property line adjacent to single-family residential uses shall not exceed 70 decibels. Noise levels are measured as constant, consistent sounds and not intermittent noise. All measurements shall be taken at property lines. It is the intent of this section to regulate noise in a manner to prohibit it from exceeding levels of sound that could become a nuisance to adjacent property under Georgia law.

Staff review: Staff is not aware of past concerns regarding excessive noise levels from this use. There are currently no single-family residential uses adjacent to the property.

RECOMMENDATION

Staff has no objections.

PLANNING COMMISSION RECOMMENDATION:

APPROVAL

Special Use

Application to the Board of Zoning Appeals

Planning and Development Department

10 North Public Square

City of Cartersville

(770) 387-5600

Most Reverend Wilton D. Gregory, S.L.D., as

Archbishop of the Roman Catholic Archdiocese

of Atlanta and/or His Successors in Office

Applicant (applicant's printed name)

Address 680 West Peachtree St

City Atlanta State Georgia

Representative's printed name (if other than applicant)
Carl Trevathan

Representative's signature
Carl Trevathan

Business Phone 404-494-4203 Cell or Fax # 404-353-8463

Applicant's signature
Wilton D. Gregory

Signed, sealed and delivered in presence of:

Notary Public
Jim Miller

My commission expires: 10/4/11

Titleholder Same as applicant Business Phone Home Phone

*attach additional notarized signatures as needed on separate application page

Signature
Wilton D. Gregory

Signed, sealed, delivered in presence of:

Notary Public
Jim Miller

My commission expires: 10/4/11

Present Zoning District(s) R-20

Acreage 10.001 Land Lot(s) 775

Location of Property 850 Douthitt Ferry Rd
(street address, nearest intersections, etc)

Proposed City Zoning District(s) / / /

District(s) 4th Section(s) 3rd

Application for: () Variance (X) Special Exception () Administrative Review

Description of request: To enlarge religious institution
(attach additional statement as necessary)

Attach a copy of a current boundary survey showing metes and bounds and indicating all existing site improvements and proposed changes. Attach a letter of justification, detailing reasons for making the request.

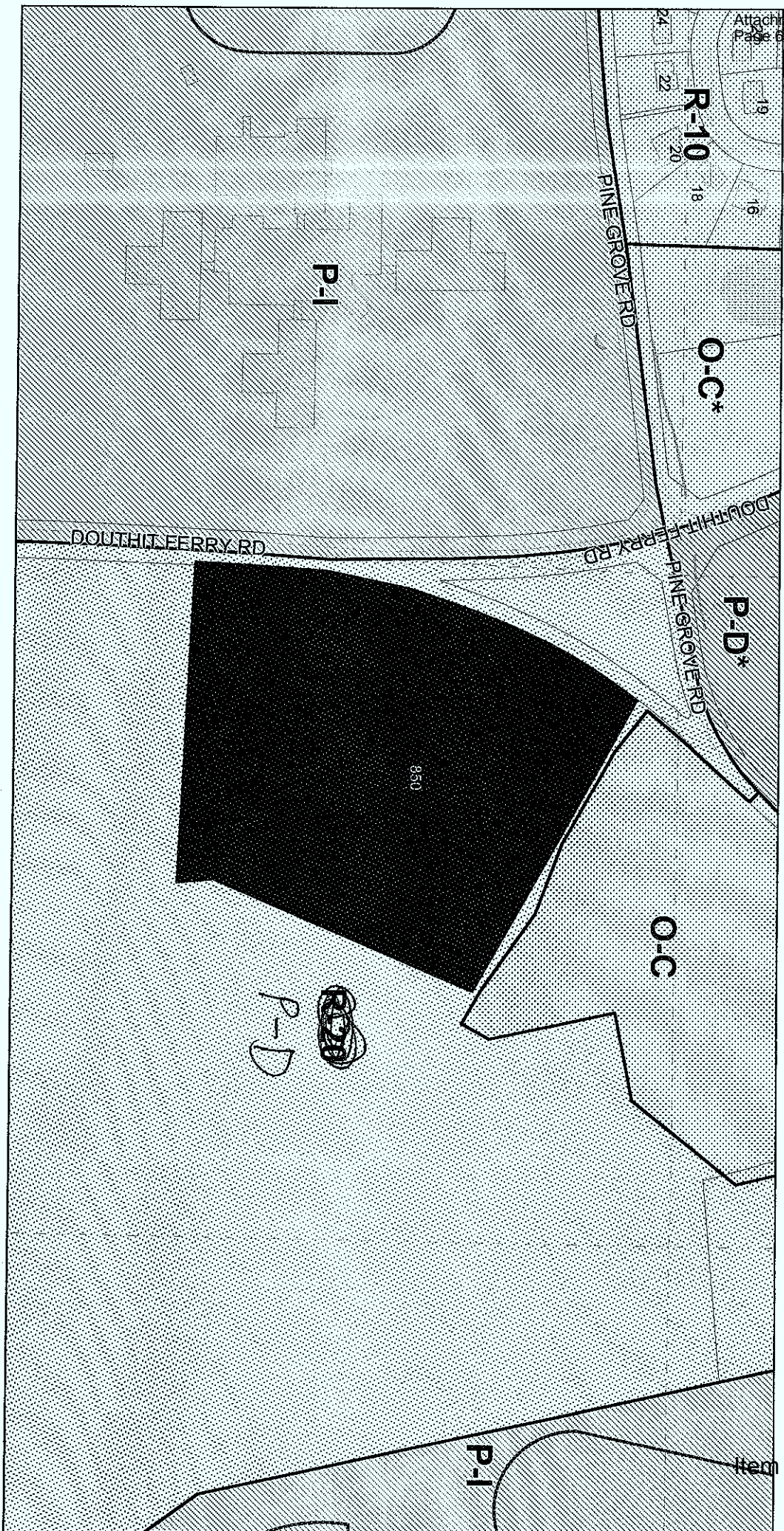
Board of Zoning Appeals Decision:

Approved: _____
Disapproved: _____

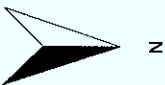
Conditions: _____
Date: _____

850 Douthit Ferry Rd - Special Use permit case SU10-01

Attachment number 1
Page 6 of 9



Item # 4



850 Douthit Ferry Rd - Special Use permit case SU10-01



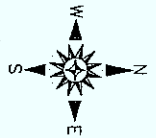


Douthit Ferry Rd & Pine Grove Rd

case SU10-01

Item # 4





[REDACTED]

1.A.F.	IRON HORN TROOP
2.A.F.	IRON HORSE TROOP
3.A.F.	IRON HAWK TROOP
4.A.F.	IRON HAWK TROOP
5.A.F.	IRON HORSE TROOP
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100.A.F.	IRON HORSE TROOP

Item # 4

ECONOMY & UPGRADE: SAVED! 10% OFF!	
THE ROMAN CATHOLIC ARCHDIOCESE OF ATLANTA	
STATE	SCALE
COAST	1" = 50'
FLORIDA	SECT. 1
ALABAMA	SECT. 2
	SECT. 3
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City of Cartersville

City Council Meeting
1/6/2011 7:00:00 PM
Amendment to Motor Vehicle and Traffic Ordinance

SubCategory:	First Reading of Ordinances
Department Name:	Public Works
Department Summary Recommendation:	Ordinance modification per citizen request to prevent trucks from running up on sidewalk hitting pedestrian controller and damaging building.
City Manager's Remarks:	This is an item that is needed due to damage to an adjacent business at the intersection of Erwin and Main St. The ordinance change is necessary for us to keep the trucks out of the intersection. Your approval of this item is recommended.
Financial/Budget Certification:	
Legal:	Submitted to Keith for review.
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 12. MOTOR VEHICLES AND TRAFFIC. ARTICLE IX. TRAFFIC SCHEDULES. CODE SECTION 12-1014. PROHIBITED TRUCK TRAFFIC is hereby amended by adding a new paragraph (h) to Section 12-1014 as follows:

1.

(h) "No trucks over six (6) wheels to make right turns onto North Erwin Street from W. Main Street West Bound(SR 113/61)"

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 that section 12-1014 is amended by adding the above provisions and that said section may be alphabetized as necessary to accomplish such intention. The remaining provisions of said section shall remain as is except for alphabetizing.

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
1/6/2011 7:00:00 PM
Engineering Services on Main Street Gateway Project**

SubCategory:	Change Order
Department Name:	Public Works
Department Summary Recommendation:	Additional design work is warranted due to the following: • Median Opening Design Variance Approval • Revisions of construction and right-of-way plans to accommodate affected property owners • Preparation of Landscape plans required by GDOT to obtain LOGO funding. GDOT cut state aid funding for project to \$500,000, but will fund up to \$400,000 for landscaping project. • Post Design Services such as "use on construction" plan revisions Public Works recommends approval of this change order.
City Manager's Remarks:	These changes are necessary to receive state funding on this project. The gateway is part of the Council's vision and priorities from years' past. This should help to enhance this entrance into the City. Your approval of the change order is recommended.
Financial/Budget Certification:	Funding for this work is from 2003 SPLOST.
Legal:	
Associated Information:	E-verify and SAVE are on file.

Cover Memo



Phone: 770.971.5407
Fax: 770.971.0620

www.croyengineering.com

December 17, 2010

Mr. Dan Porta
Assistant City Manager
One North Erwin St.
P.O. Box 1390
Cartersville, Ga. 30120-1390

Attn: Mr. Tommy Sanders

**RE: Main Street Gateway – Revised Scope of Services
TSAPO-S008-00(272), Bartow County
S.R. 113 (East Main Street) at I-75
P.I. S008271
Croy Engineering Project No.: 0853.00**

Dear Mr. Porta,

Please find attached our revised Scope of Services for the Main Street Gateway Project. This revised scope includes the addition of the following tasks:

- Prepare Median Opening Design Variance for Georgia DOT review and approval. Incorporate approved openings into plans.
- Revise construction plans due to ROW negotiations with property owners.
- Prepare Landscape Plans meeting GDOT and City of Cartersville Requirements.
- Post Design Construction Services.

Should you require any clarification or additional information, please contact me at your earliest convenience.

Respectfully,

Croy Engineering, LLC

Chris Rideout, P.E.
Transportation Engineering Manager

cc: Greg Teague, P.E., Croy Engineering
Project File (#0853.00)
Reading File

City of Cartersville
Main Street Gateway
Project No. TSAPO-S008-00(271)
Scope of Services and Budget
December 17, 2010

Prepare Median Design Variance for Georgia DOT review and approval.

Prepare median design variance to include the following items:

- Prepare conceptual drawing of proposed median openings and submit for review.
- Incorporate approved median openings into Final Construction plans.
- Modify proposed storm drainage due to median opening changes.

Budget: \$7,900.00

Revise plans due to ROW negotiations with Property Owners

Revise construction plans as requested by property owners. Changes included the following:

- Added auxiliary lane along Tilley property. (South side)
- Widen shoulder and relocated proposed storm drainage along south side of roadway to facilitate future widening. (Dellinger Parcels)
- Add driveway and storm drainage at Tilley property to access existing gas station.
- Revised sediment basin to minimize easement requirements. (Dellinger Parcels)
- Revised erosion control plans due to changes in construction limits.
- Revise ROW plans once plan revisions have been completed.
- Revise Construction Quantities to incorporate design changes.
- Prepare Cost Estimates for comparison to proposed easement values.

Budget: \$22,900.00

Prepare Landscape Plans

Croy Engineering will prepare Landscape Plans to include the following items:

- Prepare Landscape Plans per city requirements, including planting details and quantities. Meet with City to review plans and address comments.
- Submit landscape plans to GDOT for review and approval.
- Incorporate landscape plans into Final Construction Plans. Modify detail estimate and quantity sheets.

Budget: \$18,500.00

Post Design Construction Services

Provide post design construction services to assist with the construction phase of the project. These services may include the following:

- Assist city with project bidding and bid tabulation/evaluation.
- Assist city with RFI's during construction.
- Prepare "Use on Construction" revisions as directed by the city.

Budget: \$12,600.00



City of Cartersville

City Council Meeting
1/6/2011 7:00:00 PM
Phase II Environmental Study

SubCategory:	Contracts/Agreements
Department Name:	Public Works
Department Summary Recommendation:	After the Phase I Environmental Assessment was completed, it was determined that there was a moderate risk of possible groundwater and or subsurface contamination based on the surrounding industrial and factory facilities located up-gradient of the site on Old Mill Road. A Phase II Assessment will answer any questions as to whether contamination exists. The cost estimate for Geo-Hydro Engineers to complete this Assessment is between \$7500 and \$8000 dollars. It is our recommendation that this Phase II Assessment be performed
City Manager's Remarks:	This agreement is a means of assessing the potential for contamination of a piece of property that the City is considering purchasing.
Financial/Budget Certification:	
Legal:	
Associated Information:	E-verify and SAVE documents are attached

ARCHER & LOVELL, P.C.
ATTORNEYS AT LAW
336 S. TENNESSEE STREET
P. O. BOX 1024
CARTERSVILLE, GEORGIA 30120

DAVID G. ARCHER
E. KEITH LOVELL

(770) 386-1116
FAX (770) 382-7484

MEMO

To: Mayor and City Council
From: E. Keith Lovell
Date: January 3, 2011

Re: Old Mill Road Property

As you are aware, we recommended the Phase I environmental study which indicated a spill on the drive and a slight to moderate risk of contamination in the ground water due to surrounding uses. A copy of which was forwarded to you.

Based upon the uncertainty of the possible uses the City may have for the property down the road, it is my recommendation that a Phase II be performed (basically testing the groundwater to see if it is contaminated by drilling cores).

The bank has agreed to delay the closing pending the results of the Phase II. The cost of Phase I was approximately \$2,200.00. The Phase II cost is anticipated to be \$7,500.00 to \$8,000.00. Bobby Elliott will be presenting a contract for a Phase II for your approval.

Although the City could probably use the property as is without a Phase II, due to the possible expenses which could be incurred without it involving a site cleanup in worst case scenario and that per O.C.G.A. 36-80-18, if we acquire the property for recreational uses, we are required to have it tested and to have all disclosed contamination removed.

Therefore, it is my recommendation that if you do not authorize the Phase II, that the City should not purchase the property, as it could not be used for recreational purposes and there is a potential unknown risk of contamination and cleanup cost.

EKL/src

Mr. Bobby C. Elliott, P.E.
City of Cartersville, Public Works
330 South Erwin Street
P.O. Box 1390
Cartersville, Georgia 30120

January 3, 2011

**Proposal to Perform
Phase II Environmental Testing
21.695-Acre Old Mill Road Tract
Cartersville, Bartow County, Georgia
Geo-Hydro Proposal Number 13779**

Dear Mr. Elliott:

Geo-Hydro Engineers, Inc. is submitting this proposal to perform environmental testing services at the above referenced site. We understand that this proposal has been requested as part of your due diligence work with respect to the subject property which was formerly owned by Textile Supplies from 1980 to 1981. Based on a Phase I Environmental Site Assessment (Phase I ESA) dated December 23, 2010, Geo-Hydro Engineers Project number 1000502.00, an observed spill and pavement staining on the subject property is considered a recognized environmental condition. In addition, adjoining properties to the southeast and east constitute recognized environmental conditions as described in the Phase I ESA Executive Summary.

Analysis of site soil and groundwater is recommended to test for detectable hazardous or petroleum substances in subject property soils or groundwater that would require regulatory action related to the site or to identify contamination to site soil or groundwater from neighboring properties. The following sections outline the scope of services for the investigation.

SCOPE OF SERVICES

Four test probes will be advanced using direct push sampling techniques (DPT) within the subject property at locations in the vicinity of recognized environmental conditions (RECs) identified by the property's Phase I. The test borings will be converted into temporary monitoring wells through the installation of a (20') with (5'-10' of .010" slotted screen), 2" schedule 40 PVC screen riser.

The temporary wells will be used to collect groundwater samples for volatile organic compounds (VOCs) U.S. EPA Methods 8260B, and polynuclear aromatic hydrocarbons (PAHs) U.S. EPA Method 8270C. The investigation will include the following:

Soil Sample Collection

- Soil samples will be obtained at select intervals from each DPT probe extending to a depth of approximately 30 feet below the ground surface. The groundwater level is presumed to be no deeper than 30 feet below the ground surface.

- Soil samples will be placed in a plastic resealable bag. The headspace of the bag sample will be screened with a photoionization detector (PID). Headspace monitoring of fresh samples gives some indication of whether the soils are contaminated with volatile organics.
- The soil sample with the highest PID reading from each boring will be selected for laboratory analysis. If there are no significant PID readings within soil samples collected from the borings, soil samples from each boring just above the groundwater level, or absent of groundwater, from the bottom of the boring will be submitted for VOC and PAH laboratory analysis.

Groundwater Sample Collection

- One groundwater sample will be collected from each test boring that encounters groundwater. The groundwater sample will be collected using approved EPA methods.
- Groundwater samples will be analyzed for VOCs and PAHs.

Report Preparation

We will prepare a report documenting the findings of the environmental testing including the results of soil and groundwater analytical testing.

COST INFORMATION

Based upon the scope of work outlined above for this project, we estimate that the cost of our services will be between **\$7,500 and \$8,000**. A breakdown of our estimated costs is provided below.

Coordination, Data Evaluation, and Report Preparation	\$1,750.00
Field Sample Collection and Supplies	\$1,200.00
PID Rental, 1 day @ \$100/day	\$ 100.00
Mileage, 150 miles @ \$0.58/mile	\$ 87.00
Subcontract DPT Probe Services	\$3,100.00
Subcontract Analytical Testing	
VOCs (soil/groundwater): 8 @\$90/sample	\$ 720.00
PAHs (soil/groundwater): 8 @\$90/sample	\$ 720.00
TOTAL ESTIMATED COST	\$7,677.00

In submitting this cost proposal, Geo-Hydro has made the following assumptions.

- The presence of underground utilities will not interfere with drilling activities.
- Groundwater will be encountered between 25 and 30 feet below the ground surface.
- DPT can penetrate to acceptable depths.

As required by law, we will contact the Utilities Protection Center for location of underground utilities. In addition, we ask that the present owner provide clearly marked locations of all underground utilities in the work areas. Please review the attached *Underground Utilities Fact Sheet*. Geo-Hydro will not be responsible for damage to unmarked underground utilities.

In the event of any of these contingencies or others, additional costs may be incurred. We will notify you of any work that is required beyond the outlined workscope.

SCHEDULE

After receiving notice-to-proceed (NTP), we will mobilize within two weeks. We will provide a verbal summary once laboratory results are obtained. Our final report will be provided 3 to 4 weeks of NTP.

* * * *

We are pleased to submit this proposal and look forward to working on this project. If this proposal is acceptable, we ask that you execute the attached agreement and return the original to us. If you have any questions concerning this proposal or any of our services, please contact us.

Sincerely,

GEO-HYDRO ENGINEERS, INC.



Stephanie Hammond, LEED AP
Environmental Scientist
shammond@geohydro.com



Jimmy Thomas, III
Director of Environmental Services
jthomas@geohydro.com

SYH/JT3/sh/env/proposals/2010/13779/Old Mill Road Tract/Phase II Proposal.doc

Enclosure

AGREEMENT

Project Name: 21.695-Acre Old Mill Road Tract

Project Location: Cartersville, Bartow County, Georgia

Proposal Number: 13779 Date: January 3, 2011

The Client engages Geo-Hydro Engineers, Inc. to provide the services on the Project as detailed in the above referenced proposal, which becomes a part of this Agreement. The general terms and conditions on the following pages 2 through 3 are a part of this Agreement.

This Agreement is entered into this _____ day of _____, _____ between

Geo-Hydro Engineers, Inc. and _____ (Client).

GEO-HYDRO ENGINEERS, INC.


Signature of Authorized Agent

Client Firm Name

Signature of Authorized Agent

Mason F. Berryman, P.E. LEED AP
Print Name

Print Name

Principal Engineer
Title

Title

A. STANDARD OF CARE.

Services under this contract will be performed in accordance with that degree of care and skill ordinarily exercised under similar conditions by members of our profession practicing in the same locality. No other warranty, expressed or implied, is made or intended by the proposal for consulting services or by furnishing oral or written reports of the findings made.

B. EXISTING CONDITIONS.

Client agrees that subsurface explorations and geotechnical or environmental engineering evaluations are subject to naturally occurring soil and other conditions which cannot always be discovered and there is potential for natural phenomena to impact the Project for which we cannot be responsible. Client shall disclose the presence and location of all known man-made objects which could be affected by or affect field tests or borings to be performed by us. Client indemnifies our company against any and all claims, demands, actions, causes of action, damages, losses or expenses (including reasonable attorneys fees and costs of investigation) resulting from, relating or attributable to, subsurface conditions or damage to subsurface structures whether owned by Client or any third party the presence or location of which were not revealed to us by the Client in writing prior to the commencement of our performance. Client agrees that our company has neither created nor contributed to the creation or existence of any irritant, pollutant, or hazardous, radioactive, toxic, otherwise dangerous or harmful substance that may exist at the site, or dangerous conditions resulting there from. Client also confirms that our sole role is to provide a service intended to benefit Client and Client and that we are performing no function at or associated with the site that would classify our company as a generator, disposer, treater, storer, coordinator, handler, or transporter of hazardous materials.

C. SAMPLES, DATA AND RECORDS.

No data gathered or report prepared by us shall belong to anyone other than our company nor is any such data or report to be relied upon or used by anyone other than our representatives or our Client. Routine test specimens will be discarded immediately upon completion of tests. We shall retain drilling samples of soil or rock for a period of ninety (90) days following submission of our report. If Client requests a longer period of storage, we will retain test specimens or drilling samples for an agreed upon time period and fee. Records relating to services hereunder shall be maintained by us for at least three (3) years following completion of our services.

D. ENTRY.

Client shall provide our representatives and equipment with right of entry on to the Project site. We will endeavor to minimize damage to the land upon which the project is located, however we shall not be under any duty or responsibility whatsoever to restore the Project site to its condition prior to performance of any tests or borings unless a separate agreement to do so is made in writing with Client. Unless otherwise indicated, our scope of service contains no provision for backfilling boreholes, test pits, or other exploration holes created to facilitate testing. Client understands that, unless some other arrangement is made, our company cannot be held liable for any injuries or damages that may occur for our failure to perform services that were specifically excluded from our scope of service. In addition, Client is advised that testing operations may result in damage to certain landscaping or improvements, due to the tests themselves, disposal of cuttings or ground water, movement of equipment, or due to other cause(s) that can commonly occur. We will attempt to avoid causing damage, but Client understands and acknowledges that we cannot guarantee damage will not occur and, accordingly, Client agrees to waive any claim against our Company and to hold harmless, indemnify, and defend our Company for any claim alleging injury or damage as a consequence of unfilled

exploration holes on the site or any other disturbance to natural conditions or of any improvements on the site. Any costs of such restoration shall be added to our compensation.

E. PAYMENT.

Our company shall be paid in full for its services. Time is of the essence regarding payment of our invoices. Client's obligation to pay our company is not dependent upon Client's ability to obtain financing, approval of any governmental or regulatory agency, or upon Client's successful completion of the Project. We may submit progress invoices to Client on a monthly basis and a final invoice upon completion of our work. Each invoice is due and payable by Client upon presentation. All amounts due our company and not paid within thirty (30) days of the presentation of the invoice shall bear interest at the rate of eighteen percent (18%) per annum (or the maximum permissible rate allowed by law) until paid in full. If any obligation of Client hereunder is collected by law, as through an attorney-at-law, Client shall pay our company, in addition to the amount due, all costs of collection including fifteen percent (15%) thereof as attorney's fees and all costs of Court. "Costs of collection" shall be considered to include, but not be limited to, the hourly cost to our company for employee's time expended in collection efforts.

F. SAFETY.

During the provision of observations or monitoring services at the job site during construction, Client agrees that in accordance with the generally accepted construction practice, the contractor will be solely and completely responsible for working conditions on the job site, including safety of all persons and property during the performance of the work and compliance with OSHA regulations, and these requirements will apply continuously and will not be limited to normal working hours. Any monitoring of the contractor's procedures conducted by our company does not include review of the adequacy of the contractor's safety measures in, on, adjacent to, or near the construction site.

G. FIELD MONITORING AND TESTING.

Whenever our personnel make on-site observations, Client agrees that we are not responsible for the contractor's means, methods, techniques, sequences or procedures of construction, and it is understood that the field services provided by our company will not relieve the contractor of his responsibilities for performing the work in accordance with the plans and specifications. The words "monitoring", "supervision", "inspection", or "control" are used to mean periodic observation of the work and the conducting of tests by our personnel to verify substantial compliance with the plans, specifications, and design concepts. Continuous or full-time monitoring does not mean that our personnel are observing placement of all materials or that we assume any responsibility or liability for placing or directing placement of materials. Our company does not assume, nor shall its performance be considered to abridge or abrogate, any responsibilities, duties or obligations of any other party. Our company is not responsible for the design or construction of the project or the failure of any party to perform in accordance with the project plans and specifications or any recommendations or instructions of our personnel.

H. TERMINATION.

In the event that Client requests termination of the work prior to completion, we reserve the right to complete such analysis and records as are necessary to place our files in order and to complete a report on the work performed to date. A termination charge to cover the costs thereof in an amount not to exceed thirty (30) percent of all charges incurred to the date of the stoppage of work may, as determined by us, may be made.

I. CERTIFICATION.

Our personnel may employ sampling procedures during the course of the work. Client understands that such procedures indicate actual conditions only at the precise locations and elevations from which samples were taken, and that, as is customary, our personnel shall make certain inferences based on the results of sampling and any related testing to form a professional opinion of conditions in areas beyond those from which samples were

taken. Client recognizes that despite proper implementation of sampling and testing procedures, and despite proper interpretation of their results, we cannot assure the existence of conditions which we infer to exist. Client also agrees that Client shall not make resolution of any disputes with our company or payment of any amount due to us in any way contingent upon our certification of the existence of conditions whose existence we cannot assure.

J. SAMPLING OR TEST LOCATION.

Unless otherwise stated, the fees in this proposal do not include costs associated with surveying of the site for the accurate horizontal and vertical locations of tests. Field tests described in a report or shown on sketches are based upon information furnished by others or estimates made in the field by our representatives. Such dimensions, depths or elevations should be considered as approximations unless otherwise stated.

K. HAZARDOUS SUBSTANCES.

Client agrees to advise our company of any hazardous substances on or near the site. In the event that test samples obtained contain substances hazardous to health, safety, or the environment, these samples remain the property of the Client. Likewise, any equipment which becomes contaminated and cannot be reasonably decontaminated shall become the property and responsibility of Client. Such samples or equipment will be delivered to Client. Client agrees to pay transportation costs for samples and equipment and the fair market value of such contaminated equipment upon request. Exploratory activities may expose soil and/or ground water considered to be hazardous by local and/or state and/or federal agencies. Consultant agrees to contain such materials in an acceptable manner during and at the completion of Consultant's field activities. Client understands and agrees that Client - not Consultant - is responsible for the storage or disposal of hazardous materials or suspected hazardous materials brought to the surface during Consultant's exploratory activities.

L. AQUIFER CONTAMINATION.

Subsurface sampling may result in unavoidable contamination of certain subsurface areas, as when a probe or boring device moves through a contaminated area, linking it to an aquifer, underground stream, or other hydrous body not previously contaminated and capable of spreading hazardous materials off-site. Because nothing can be done to eliminate the risk of such an occurrence, and when subsurface sampling is a part of the work which our company will perform on Client's behalf, Client waives any claim against our company, and agrees to defend, indemnify and hold our company harmless from any claim or liability for injury or loss which may arise as a result of alleged cross-contamination caused by sampling. Client further agrees to compensate us for any time spent or expenses incurred by our company in defense of such claim, in accordance with our prevailing fee schedule and expense reimbursement policy.

M. DISCOVERY OF UNANTICIPATED HAZARDOUS MATERIALS.

Hazardous materials may exist at a site where there is no reason to believe they could or should be present. Client agrees that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the scope of work or termination of services. Client also agrees that the discovery of unanticipated hazardous materials could make it necessary for us to take immediate measures to protect human health, safety, or the environment. We agree to notify Client as soon as practically possible should unanticipated hazardous materials or suspected hazardous materials be encountered. Client encourages our company to take any and all measures that in our professional opinion are justified to preserve and protect the health and safety of our personnel, the public, or the environment, and Client agrees to compensate our company for the additional cost of such work. In

addition, Client waives any claim against our company, and agrees to indemnify, defend and hold our company harmless from any claim or liability for injury, loss or perceived loss arising from our encountering of unanticipated hazardous materials or suspected hazardous materials. Client understands that discovery of hazardous materials or suspected hazardous materials may lead to a temporary or permanent diminution of property value, and/or may cause delays in or otherwise affect completion of the real estate transaction Client now contemplates.

N. FREEDOM TO REPORT.

It is contemplated that, during the course of this engagement, we may be required to report on the past or current performance of others engaged or being considered for engagement directly or indirectly by Client and to render opinions and advice in that regard. Those about whom reports and opinions are rendered may, as a consequence, initiate claims of libel or slander against our company or its representatives. To help create an atmosphere in which our personnel feel free to express themselves candidly, Client agrees to waive any claim against our company or its representatives and to defend, indemnify and hold our company or its representatives harmless from any claim or liability for injury or loss allegedly arising from professional opinions rendered by us to Client or Client's agents, in our capacity as Client's professional advisor. Client further agrees to compensate our company for any time spent or expenses incurred by our company in defense of any such claim, in accordance with our prevailing fee schedule and expense reimbursement policy. Client understands that Client may be required by local and/or state and/or federal statute to report the discovery of hazardous materials to a government agency. Client also understands that Consultant may be required by local and/or state and/or federal statute to report the discovery of hazardous materials to a government agency, and that Consultant, when practical, will do so only after notifying Client. Client agrees to take no action of any kind against Consultant when Consultant makes a good-faith effort to fulfill its legal obligations.

O. PROFESSIONAL LIABILITY.

Client agrees that the liability of Geo-Hydro Engineers, Inc., including its principals, officers, employees, and agents, to Client due to any negligent professional acts, errors or omissions or breach of contract will be limited to an aggregate of \$50,000 or our total fee, whichever is greater. If Client prefers to have higher limits of professional liability, we agree to increase the limit up to a maximum of \$2,000,000 upon Client's written request at the time of accepting our proposal, providing that Client agrees to pay an additional consideration of ten percent of our total fee, or \$500, whichever is greater. The additional charge for the higher liability limit is because of the greater risk assumed by us and is not a charge for additional professional liability insurance.

P. MISCELLANEOUS.

This instrument constitutes the entire agreement of the parties. There are no terms or conditions except those set forth herein. This Agreement may not be modified, altered or amended except in a subsequent written instrument executed by each of the parties which refers to this Agreement and specifies the amendment made. No waiver of any breach of this Agreement shall be deemed or considered a waiver of any other or subsequent breach. Paragraph headings are used to facilitate reference to the various provisions and do not affect the meaning or construction of any provision. This Agreement is governed by the laws of the State of Georgia.

Fact Sheet Underground Utilities

Geo-Hydro's work often includes drilling below the ground surface to evaluate subsurface materials. One of our biggest concerns is that we may accidentally encounter underground utilities which may create a safety hazard for our personnel and others or result in a loss of service. Location of underground utilities prior to our work is important to all parties. Unfortunately, location of underground utilities is a difficult task, and accurate location of underground utilities is often not possible.

Geo-Hydro is required by Georgia law to contact the Utilities Protection Center (UPC) prior to drilling. The UPC requires at least 72 hours prior notification. The UPC contacts member utilities, and the member utilities dispatch utility locators. Normally the utility locators will not locate underground utilities on private property, and will only locate utilities from the main service line to the property owner's meter. It is not uncommon for utility locators to improperly locate underground utilities for a variety of reasons.

Geo-Hydro requires that the property owner provide clearly marked locations on the ground of any underground utilities in the work area. If necessary, Geo-Hydro can refer the owner to companies that provide underground utility location services. Alternatively, Geo-Hydro can hire the utility location company and pass this cost through to our client.

Private underground utility location companies do not guarantee that they have located all underground utilities or that underground utilities have been accurately located. In fact, some underground utilities (e.g., irrigation lines, non-metallic lines, etc.) simply cannot be located using non-destructive techniques.

Geo-Hydro will make reasonable efforts to avoid damaging underground utilities that are clearly marked in the field. Due to the uncertainties of locating underground utilities, Geo-Hydro cannot be responsible for damage to unmarked underground utilities. Since Geo-Hydro's work is being performed for the benefit of its client, the client must accept the risk that Geo-Hydro's work could result in damage to underground utilities. As such, it is ordinarily the responsibility of Geo-Hydro's client to accept the responsibility for repairing damage to unmarked underground utilities unless that responsibility has clearly been transferred to another party.

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.

JENG 7767

EEV/Basic Pilot Program* User Identification Number

Geo-Hydro Engineers, Inc.

BY: Authorized Officer or Agent
(Contractor Name)

1-3-11

Date

Administrative Manager

Title of Authorized Officer or Agent of Contractor

Jennifer Engelbert

Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN

BEFORE ME ON THIS THE

3rd DAY OF January, 2011

Sharon C. Holloman

Notary Public

My Commission Expires:

Notary Public

Cobb County, Georgia

~~My Commission Expires January 27, 2011~~

* 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).

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 _____ (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.

JENG7767

EEV/Basic Pilot Program* User Identification Number

Geo-Hydro Engineers, Inc.

BY: Authorized Officer or Agent
(Subcontractor Name)

1-3-11

Date

Administrative Manager

Title of Authorized Officer or Agent of Subcontractor

Jennifer Engelbert

Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN

BEFORE ME ON THIS THE

3rd DAY OF January, 2011

Sharon C. Holloman

Notary Public

My Commission Expires:

Notary Public

Cobb County, Georgia

My Commission Expires January 27, 2011

* 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).

**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

Milton Schreiber

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

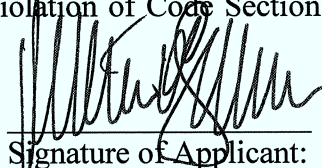
Geo-Hydro Engineers, Inc.

[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.

 1/3/11
Signature of Applicant: Date

Milton Schreiber
Printed Name:

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
3rd DAY OF January, 2011

*
Alien Registration number for non-citizens

Sharon C. Holloman

Notary Public

My Commission Expires:

Notary Public
Cobb County, Georgia

My Commission Expires January 27, 2011

*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:



City of Cartersville

City Council Meeting
1/6/2011 7:00:00 PM
Buyback 1971 Kenworth T800 Wrecker

SubCategory:	Contracts/Agreements
Department Name:	Administration
Department Summary Recommendation:	In September 2010 the City sold a surplused 1971 Kenworth T800 Wrecker to Mr. William Martin in Sumiton, AL for \$17,850. The city advertised the truck on GOVDEALS.com and included that the truck had previous damage and was repaired. Mr. Martin has tried several times to gain a clear title from the State of Alabama and has had no luck. He states that the only title Alabama will issue is a "salvaged" title and he wishes not to have a "salvaged" title. The city attorney has negotiated with Mr. Marin to buyback the 1971 Kenworth T800 wrecker in the amount of \$17,850, which is the original purchase price that Mr. Martin paid for the truck. A bill of sale along with a release will be prepared and signed by Mr. Martin at the time that the sale transaction takes place.
City Manager's Remarks:	I recommend your approval of this buy back.
Financial/Budget Certification:	
Legal:	Reviewed by City Attorney
Associated Information:	

ARCHER & LOVELL, P.C.
ATTORNEYS AT LAW
336 S. TENNESSEE STREET
P. O. BOX 1024
CARTERSVILLE, GEORGIA 30120

DAVID G. ARCHER
E. KEITH LOVELL

(770) 386-1116
FAX (770) 382-7484

December 20, 2010

Sam Grove, City Manager
City of Cartersville
P.O. Box 1390
Cartersville, GA 30120

Re: 1971 Kenworth T800 Tow Truck/Wrecker; Surplused and Sold
To Alabama Resident

Dear Sam:

On September 23, 2010, the city of Cartersville sold a surplused 1991 Kenworth T800 Tow Truck/Wrecker that it had advertised for bids on the website GovDeals to Mr. William Martin from Sumiton, Alabama, who made the high bid of \$17,000.00. Including costs, Mr. Martin paid \$17,850.00 for the vehicle.

The City advertisement on the website stated in relevant part: "Truck had accident damage to passenger side of cab sometime prior to 1997 and was expertly repaired."

In fact, the vehicle was "totaled" in an accident in Alabama prior to 1997, repaired by the insurance company and a "Salvage Title" was issued by the State of Alabama to the insurance company from which the City purchased the vehicle. The State of Georgia issued a title to the City without any reference to it having had an Alabama "Salvage Title".

Alabama and Georgia law are different as to titles for vehicles that have been "totaled" and repaired. There is no problem operating the vehicle in Georgia, but under Alabama law, to get a tag and operate the vehicle in Alabama, a new Alabama "Salvage Title" would be required. To get a new Alabama "Salvage Title", certifications from an Alabama certified repair shop as to the repair work and that no stolen parts were used in the repair would be required. Mr. Martin cannot get the certifications required for repair work done prior to 1997, by an unknown repair shop.

The problem is that Mr. Martin lives in Alabama and intended to operate the vehicle in Alabama, which he is prohibited from doing. If he lived in Georgia and operated the vehicle there would be no problem.

Therefore, I propose that the City purchase the vehicle back from Mr. Martin for the \$17,850.00 he paid for it; and, then resell it with an advertisement that clearly states that it had an Alabama "Salvage Title" in 1997 so that another Alabama resident does not buy it. Again, there would be no problem to operate the vehicle in Georgia.

Please advise if you have any questions.

Very Truly Yours,

Archer & Lovell, P.C.

A handwritten signature in blue ink, appearing to read "David G. Archer", written over the printed name.

David G. Archer
City Attorney
City of Cartersville

DGA/src



City of Cartersville

City Council Meeting
1/6/2011 7:00:00 PM
USDA Rural Enterprise Grant

SubCategory:	Grant Application/Acceptance
Department Name:	Cartersville DDA
Department Summary Recommendation:	Cartersville DDA requests endorsement of an application to USDA for a Rural Enterprise Grant in the amount of \$99,000 to create a mural of the Great Locomotive Chase, featuring a Cartersville scene, to be painted on metal and attached to a downtown building. This will be the second of an eventual seven murals in North Georgia cities along the Great Locomotive Chase route. The first mural funded through this program, in Adairsivlle, will be unveiled in April. Artists Skip McNutt and Ernest Neal are the artists for the series. Mr. McNutt will address council on the project. The DDA will work with county grantwriting to complete the grant application.
City Manager's Remarks:	Your approval of this item is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	