



# City of Cartersville

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

**COUNCILPERSONS:**

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

**AGENDA**

Council Chambers, Third Floor of City Hall– 7:00  
PM – 11/15/2012  
**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. November 1, 2012 (Page 3-14)

[Attachments](#)

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**B. Public Hearing - 1st Reading of Zoning/Annexation Requests**

1. File #T12-02: Text Amendment application by Cliff Acuff to add Automotive and light truck rental facility as a permitted use in the M-U (Multiple Use) zoning district. (Page 15-19)

[Attachments](#)

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2. File #SU12-03: Special Use application by Cliff Acuff for property located at 300 Walnut Grove Road (0.68 acres) to allow an apartment below and behind the office (Special Use required in the P-S zoning district). (Page 20-36)

[Attachments](#)

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**C. Resolutions**

1. Approval of Home Development Resources Contract Termination (Page 37-43)

[Attachments](#)

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**D. Contracts/Agreements**

1. Subordination Agreement for 14 Dove Court (Page 44-45)

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2. Purchase of 242 Lee St (Page 46)

[Attachments](#)

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3. Employee Health Insurance Coverage through Cigna Insurance (Page 47-53)

[Attachments](#)

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4. Termination of Prescription Drug Coverage Contract with Data Rx (Page 54)

[Attachments](#)

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#### **E. Bid Award/Purchases**

1. Meters for Distributions and Collections (Page 55)

[Attachments](#)

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#### **F. Monthly Financial Statement**

1. September 2012 (Page 56-60)

[Attachments](#)

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# City of Cartersville

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City Council Meeting  
11/15/2012 7:00:00 PM  
November 1, 2012

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<b>SubCategory:</b>	Council Meeting Minutes
<b>Department Name:</b>	Clerk
<b>Department Summary Recommendation:</b>	Attached are the minutes for your review and approval.
<b>City Manager's Remarks:</b>	Minutes for the November 1st meeting have been generated and reviewed by staff and are recommended for your approval.
<b>Financial/Budget Certification:</b>	
<b>Legal:</b>	
<b>Associated Information:</b>	

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City Council Meeting  
10 N. Public Square  
November 1, 2012  
6:00 P.M. – Work Session 7:00 P.M.

## **I. Opening Meeting**

Invocation by Council Member Hodge

Pledge of Allegiance led by Council Member Stepp

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

## **II. Regular Agenda**

### **A. Council Meeting Minutes**

#### **1. October 18, 2012**

A motion to approve the October 18, 2012 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0.

### **B. Second Reading of Ordinances**

#### **1. Amendment to Animal Control Ordinance**

City Manager Sam Grove stated this amendment provides for a greater guidance to Animal Control and Law Enforcement than the current ordinance. It defines animals based on their actions and behavior, not their breed. It also sets up an animal control board made up of five members. Three permanent members and two alternate members. These members will serve a three year term. No changes have been made to the ordinance amendment since the first reading. Mr. Grove recommended approval of this amendment including an effective date of the Council's choice as to allow enough time to appoint the board members.

A motion to approve the amendment to the Animal Control Ordinance No. 46-12 as recommended by Mr. Grove was made by Council Member Tonsmeire with an effective date of December 1, 2012 and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0.

**Ordinance No. 46-12 is on file at the office of the City Clerk**

## **2. Amendment to Electric Rate Ordinance**

Mr. David Myers, Electric Director, explained this is a 2<sup>nd</sup> revision of the original proposed electric rate ordinance. Mr. Myers stated these are rates based on a settlement with large industrial customers. Mr. Myers does not agree with some of the rates structured in this revision, therefore he does not recommend approval of this version.

After some discussion with council members, the council voted to approve the ordinance as amended in the 1<sup>st</sup> revision with a few changes. The wording Nuclear Construction Charge (NCC) will be changed to Future Construction Charge (FCC). ECC-1 and FCC-1 charges shall be reviewed annually and that said charges shall be reviewed and modified as necessary by the Electric Director.

A motion to approve the 1<sup>st</sup> revision of the Electric Rate Ordinance pending said changes was made by Council Member Stepp and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0.

**Ordinance No. 47-12 through 67-12 are on file at the office of the City Clerk**

## **3. Amendment to Budget Ordinance for Fiscal Year 2011-12**

Mr. Tom Rhinehart, Finance Director, explained this budget amendment is a necessary process to keep the funds at a zero based level for the fiscal year. This will ensure the budget is in compliance with GAAP (Generally Accepted Accounting Principles). No changes have been made to the ordinance since first reading. Mr. Rhinehart recommended approval of the amendment to the budget ordinance.

A motion to approve Ordinance No. 68-12 as recommended by Mr. Rhinehart was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0.

### **Ordinance**

**of the**

**City of Cartersville, Georgia**

**Ordinance No. 68-12**

**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 2011-2012 be amended as follows:**

### **2011 - 2012 Budget Summary**

**General Fund**

**Revenues**

**Expenditures**

**Revenues** **\$43,053,130.00**

**Expenditures:**

<b>Legislative</b>	<b>\$19,807,600.00</b>
<b>Administration</b>	<b>\$ 982,820.00</b>
<b>Finance Dept.</b>	<b>\$ 1,037,500.00</b>
<b>City Clerk Dept.</b>	<b>\$ 681,235.00</b>
<b>Police</b>	<b>\$ 5,132,655.00</b>
<b>Fire</b>	<b>\$ 5,922,735.00</b>
<b>Public Works</b>	<b>\$ 2,633,825.00</b>
<b>Recreation</b>	<b>\$ 3,041,200.00</b>
<b>Planning &amp; Development</b>	<b>\$ 813,560.00</b>

**Special Revenue Funds**

**Police Forfeiture Assets – Federal Funds**

**Revenues**

<b>210-2110-36-1001</b>	<b>Interest Income</b>	<b>\$1,000.00</b>
<b>210-2110-35-1300</b>	<b>Confiscated/Forfeited Funds – Federal</b>	<b>\$312,425.00</b>
	<b>Prior Years Carryover</b>	<b>\$1,000,000.00</b>

**Expenditures**

<b>210-2110-53-1122</b>	<b>Computer Equipment</b>	<b>\$8,245.00</b>
<b>210-2110-53-1172</b>	<b>DEA Expenses (Federal)</b>	<b>\$75,270.00</b>
<b>210-2110-53-1110</b>	<b>Office Equipment &amp; Supplies</b>	<b>\$4,330.00</b>
<b>210-2110-53-1112</b>	<b>Minor Office Equipment</b>	<b>\$430.00</b>
<b>210-2110-52-3210</b>	<b>Communications – Phones &amp; Internet</b>	<b>\$46,870.00</b>
<b>210-2110-52-3532</b>	<b>Employee Education-Highlands College</b>	<b>\$40 .00</b>
<b>210-2110-52-3531</b>	<b>Employee Training</b>	<b>\$2,740.00</b>
<b>210-2110-54-2201</b>	<b>Vehicles</b>	<b>\$175,500.00</b>
	<b>Transfer to SPLOST 2007 Fund</b>	<b>\$1,000,000.00</b>

**Police Forfeiture Assets – State Funds**

**Revenues**

<b>211-2120-35-1300</b>	<b>State Forfeitures</b>	<b>\$3,000.00</b>
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**Expenditures**

<b>211-2120-53-1172</b>	<b>State Expenses</b>	<b>\$3,000.00</b>
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**Grant Funds**

**Revenues**

<b>340-9200-39-1025</b>	<b>Transfer from General Fund</b>	<b>\$1,200.00</b>
<b>340-9200-33-4350</b>	<b>GDOT Grant-South Hangar Paving</b>	<b>\$14,275.00</b>
<b>340-9200-33-4413</b>	<b>Supplemental Disaster Recovery Grant</b>	<b>\$317,785.00</b>
<b>340-9200-33-4444</b>	<b>DNR Grant-Pettit Creek Trail Phase II</b>	<b>\$123,325.00</b>

340-9200-33-4445	Energy Efficiency Grant	\$288,740.00
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**Expenditures**

340-9200-54-1307	Pettit Creek Trail – Phase II	\$123,325.00
340-9200-54-2316	Supplemental Disaster Recovery Grant	\$317,785.00
340-9200-54-2318	Energy Efficiency Grant	\$288,735.00
340-9200-54-2323	Blue Trail Canoe/Kayak Launch	\$15,480.00

**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**

Prior Year Carryover-Library	\$29,395.00
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**Expenditures**

271-6120-57-1020	Impact Fee Exp-Library	\$29,395.00
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**Hotel/Motel Tax****Revenues**

275-1140-31-4100	Hotel – Motel Tax	\$420,025.00
275-1140-31-4110	Hotel/Motel Tax Penalties	\$140.00

**Expenditures**

275-1140-61-1100	Transfer Out to General Fund	\$175,035.00
275-1140-57-1060	Cartersville-Bartow Tourism Council	\$245,130.00

**Motor Vehicle Rental Tax****Revenues**

280-1150-31-4400	Motor Vehicle Rental Tax	\$49,585.00
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**Expenses**

280-1150-57-1070	Downtown Development Authority	\$29,585.00
280-1150-52-1303	Prof Services-Econ Dev Sal & Benefits	\$20,000.00

**SPLOST 2003****Revenues**

321-9100-33-7110	GA DOT Reimbursement	\$200,000.00
321-9100-36-1011	Interest-2003 SPLOST Bank Account	\$ 1,300.00
321-9100-36-1022	Interest-1 <sup>st</sup> Union Investments	\$61,330.00
	Prior Year Carryover	\$1,825,370.00

**Expenditures**

321-9100-54-1601	Douthit Multi-Lane	\$202,000.00
321-9100-54-1603	Main Street Gateway	\$1,082,000.00
321-9100-54-1604	Street Milling and Resurfacing	\$245,000.00
321-9100-54-1608	Storm Water	\$45,000.00
321-9100-54-1612	GIS Installation	\$8,400.00
321-9100-54-1615	Misc Intersections	\$195,000.00
321-9100-54-1620	West Ave Intersection Improvements	\$2,600.00
321-9100-54-1621	Main St to Center Rd-16" Water Main	\$308,000.00

**SPLOST 2007****Revenues**

322-9300-36-1010	Interest Income	\$36,710.00
322-9300-33-7100	SPLOST 2007 Revenue	\$4,000,000.00
322-9300-39-3708	Revenue Bond Precedes	\$3,807,090.00
	Transfer from DEA Fund	\$1,000,000.00

**Expenditures**

322-9300-54-1604	Street Milling & Resurfacing	\$31,000.00
322-9300-54-1607	New Bridge-Nancy Creek & Sugar Valley	\$3,000.00
322-9300-54-1608	Sugar Valley & Burnt Hickory Rd	\$12,000.00
322-9300-54-1613	Industrial Park Road Improvements	\$571,000.00
322-9300-54-1614	Utility Relocate/Improvement-Gas	\$31,000.00
322-9300-54-1616	Utility Relocate/Improvement-Water/Sewer	\$24,300.00
322-9300-54-1621	Public Wks New Equipment Barn	\$2,500.00
322-9300-54-1627	Police/Fire Joint Station	\$7,153,000.00
322-9300-54-1630	Fire Station #2-MLK Drive	\$1,016,000.00

**Cartersville Building Authority****Revenues**

325-9500-37-1107	Contributed Capital-Bartow County	\$256,825.00
325-9500-37-1108	Contributed Capital-City of Cartersville	\$335,815.00
325-9500-37-1109	Contributed Capital-Other	\$555,485.00
325-9500-36-4198	Interest Revenue	\$65.00

**Expenditures**

325-9500-58-1111	CBA 2004 Bond Principal Expense	\$475,000.00
325-9500-58-1112	CBA 2008 Bond Principal Expense	\$185,000.00
325-9500-58-1137	Bond Interest Expense 2004 Issue	\$296,065.00



325-9500-58-1138	Bond Interest Expense 2008 Issue	\$166,365.00
325-9500-58-1139	Bond Interest Expense 2012 Issue	\$6,010.00
325-9500-56-2003	Issue Cost Amortization	\$18,020.00
325-9500-58-1140	Amortization of Loss Expense	\$1,730.00

**SPECIAL REVENUE FUNDS BUDGET - \$14,645,885.00**

**BE IT AND IT IS HEREBY ORDAINED.**

**First Reading this the 18<sup>th</sup> day of October 2012.**

**ADOPTED this the 1<sup>st</sup> day of November 2012. Second Reading.**

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

**ATTEST:**

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

**C. Public Hearing**

**1. Approval of Capital Improvements Element Annual Update and Corresponding Transmittal Resolution**

Mr. Randy Mannino, Planning and Development Director, reported that due to the Impact Fees ordinance, the City is required by the state to file an annual update to the Capital Improvements Element (CIE) of the Comprehensive Plan. The City is required to hold a public hearing regarding the update and forward it with a transmittal resolution to the Northwest Georgia Regional Commission (RC) and the Department of Community Affairs (DCA) for their review. Once they have reviewed the draft resolution, it will be sent back to the City and brought back before the Council for final approval.

Mr. Mannino recommended approval of the Capital Improvements Element update and the transmittal resolution to allow it to be sent to the RC and DCA for their review.

Mayor Santini opened the Public Hearing. After no comments, Mayor Santini closed the public hearing.

A motion to approve Resolution No. 17-12 the Capital Improvements Element update and the transmittal resolution as recommended by Mr. Mannino was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0.

**Resolution No. 17-12**

**TRANSMITTAL RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, GEORGIA.**

**Capital Improvements Element**

**WHEREAS, The City of Cartersville adopted a Capital Improvements Element as an amendment to the *Cartersville Comprehensive Plan*; and**

**WHEREAS, The City of Cartersville has prepared an Annual Update to the adopted Capital Improvements Element; and**

**WHEREAS, the Capital Improvements Element Annual Update was prepared in accordance with the “Development Impact Fee Compliance Requirements” and the “Minimum Planning Standards and Procedures for Local Comprehensive Planning” adopted by the Board of Community Affairs pursuant to the Georgia Planning Act of 1989, and a duly advertised Public Hearing was held on November 1, 2012, at 7:00 P.M. in the City Council meeting room at Cartersville City Hall;**

**BE IT THEREFORE RESOLVED, that the City Council of the City of Cartersville does hereby submit the draft Capital Improvements Element Annual Update to the Northwest Georgia Regional Commission for Regional and State review, as per the requirements of the Development Impact Fee Compliance Requirements.**

**ADOPTED this the 1<sup>st</sup> day of November 2012.**

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

**ATTEST:**

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

**D. Resolutions**

**1. Metropolitan Planning Organization (MPO) for Transportation Planning Purposes**

Planning and Development Director, Randy Mannino, explained that based on the population numbers of the 2010 Census, Cartersville and surrounding areas have exceeded a population threshold which requires us to be part of a Metropolitan Planning Organization (MPO) for Transportation Planning Purposes. An MPO is a federally required transportation policy-making and planning body with representatives of local, state, and federal government and transportation authorities. The County’s boundary is adjacent to 2 other MPO’s, Rome and Atlanta. As opposed to being included in one of the adjacent MPO’s, the current objective is for the Cartersville-Bartow area to form its own MPO. This allows us to control the Transportation

Planning project lists and vision for our own region. Mr. Mannino recommended approval of the resolution.

A motion to approve the resolution as recommended by Mr. Mannino was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0.

**Resolution No. 18-12**

**TO DESIGNATE Bartow County AS THE METROPOLITAN PLANNING ORGANIZATION FOR THE Cartersville-Bartow County URBANIZED AREA as per 23 U.S.C. 134**

**WHEREAS, the unincorporated portions of Bartow County as well as the City of Cartersville continue to experience significant population growth; and**

**WHEREAS, this growth has been significant enough that in March of 2012 the U.S. Department of Commerce, Bureau of the Census officially designated the new Cartersville-Bartow Urbanized Area, and**

**WHEREAS, Federal law described in 23 U.S.C. 134 requires existing and newly-designated Urbanized Areas to have a “Continuing, Cooperative, and Comprehensive transportation planning process”, and that the Governor of the State officially designate a local Metropolitan Planning Organization to facilitate this process; and**

**WHEREAS, Metropolitan Planning Organizations are eligible for Federal transportation planning and transit funds; and**

**WHEREAS, Metropolitan Planning Organizations must be able to track and administer the Federal transportation planning and transit funds under generally accepted accounting principles and as allowed in the Federal Acquisition Regulations Subpart 31.2 and not prohibited by the Laws of the State of Georgia; and**

**WHEREAS, these funds will be used by the Metropolitan Planning Organization to conduct Federally-required transportation planning activities that will improve the transportation system and help coordinate the area’s future orderly growth within the area bounded, at a minimum, by the existing Urbanized Area plus the contiguous area expected to become urbanized within the next 20 years; and**

**WHEREAS, the *Bartow County* has ongoing planning programs and an experienced and professional technical staff that can continue and expand their transportation planning efforts and programs; and**

WHEREAS, all Metropolitan Planning Organizations are subject to all relevant current and future Federal laws and regulations including, but not limited to, 23 U.S.C. 134 (Metropolitan Planning), 23 C.F.R. 450 Subpart C (Metropolitan Transportation Planning and Programming), 23 C.F.R. 420 (Administration of PL funds), the Intermodal Surface Transportation Efficiency Act, and the Transportation Equity Act for the 21<sup>st</sup> Century; and

WHEREAS, the interests of the *City of Cartersville* will be adequately safeguarded in the area's transportation planning process through direct representation on the Metropolitan Planning Organization's policy-making board in accordance with 23 U.S.C. 134 (b)(2).

NOW, THEREFORE, LET IT BE RESOLVED, that the Cartersville City Council does hereby recommend the Bartow County Engineering Office as the local Metropolitan Planning Organization for the Cartersville-Bartow County Urbanized Area; and

FURTHER, that the City of Cartersville urges the Governor of the State of Georgia to officially designate the Bartow County Engineering Office as the local Metropolitan Planning Organization in accordance with 23 U.S.C. 134 (b).

ADOPTED this the 1<sup>st</sup> day of November 2012.

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

ATTEST:

/s/ Connie Keeling  
Connie Keeling  
City Clerk

**E. Contracts/Agreements**

**1. Purchase of 149 Etowah Drive**

Mr. Tom Quist, Assistant to the City Manager, explained this is one of three properties we have been planning to acquire and demolish through the Pre-Disaster Mitigation Grant Program. We are attempting to purchase the property through a short sale. Mr. Quist asked the council to give the Mayor authorization to make an offer to Wells Fargo Bank in the amount of \$80,000 dollars and also make a counter offer if needed, not to exceed the fair market value of \$97,300 dollars. Mr. Quist also asked the Council to authorize the Mayor and City Clerk to sign all related documentation.

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

## **2. Purchase of 22 and 24 Martin Luther King, Jr. Drive**

Mr. Tom Quist, Assistant to the City Manager, stated the City is interested in purchasing these two properties for the sites of the final two homes built in partnership with Habitat for Humanity. The purchase price of each location is \$7,500 dollars for a total of \$15,000 dollars plus closing costs. There are no structures to be removed on the properties. All expenses are reimbursable through the 2009 CDBG Disaster Recovery Grant. Mr. Quist recommended approval of the purchase of these two properties.

A motion to approve the purchase of these two properties as recommended by Mr. Quist was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0.

## **F. Bid Award/Purchases**

### **1. A New Dimension Graphic Design and Printing for Annual Calendar**

Mrs. Rebekah Bohlander, Communications/Public Relations Manager, stated she had received three bids for the printing of the 2013 calendar. All three bids were very close. Mrs. Bohlander recommended approval of the lowest bid from New Dimensions Printing for a total cost of \$8,778.61 which includes printing and postage.

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

### **2. Meter Reading Handheld Units**

Finance Director, Tom Rhinehart, explained that we will not be able to get support for the current meter reading hand held units after December, 2012. We also may not be able to get repairs done if needed. Mr. Rhinehart reported he had met with several vendors for the purchase of 7 new handheld units. He would like to purchase 4 units now and the other 3 over time as needed. This is an unbudgeted item, however, budgeted funds will be allocated to cover the cost. The vendor he recommends is HD Supply Power Solutions in the amount of \$37,210 dollars for all 7 units including 2 days of on-site training if needed. The price for 4 units is \$23,000 dollars. However, the \$37,210 dollars quote is a locked in dollar amount.

A motion to approve the purchase of the handheld units as recommended by Mr. Rhinehart was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0.

Mr. Ed Matheny, Director of Operations with Aqua Design Systems located at 207 Jeff Davis Place in Fayetteville Georgia, addressed the Mayor and Council regarding a bid his company placed for improvements to the pool at Dellinger Park. Mr. Matheny explained his company was more than qualified to do the job and asked the Council to consider Aqua Design Systems for the project.

Mayor Santini explained to Mr. Matheny that this particular project had not yet been presented to the Council, therefore they would not be able to make any comments at this time. The Mayor further thanked Mr. Matheny for attending the meeting.

Following a few announcements, a motion to adjourn the meeting was made by Council Member Stepp and needing no second, meeting adjourned. 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  
11/15/2012 7:00:00 PM

File #T12-02: Text Amendment application by Cliff Acuff to add Automotive and light truck rental facility as a permitted use in the M-U (Multiple Use) zoning district.

<b>SubCategory:</b>	Public Hearing - 1st Reading of Zoning/Annexation Requests
<b>Department Name:</b>	Planning and Development
<b>Department Summary Recommendation:</b>	<p>T12-02 is the proposal by Dr. Cliff Acuff to add Automotive and light truck rental facility to the list of allowed uses in the M-U zoning district. First adopted in 1996, the M-U zoning district of the Zoning Ordinance was intended at that time to serve as a transitional district that would allow for multi-family residential as well as a variety of mid-level commercial operations, but uses related to automotive were largely left out of this district. The only automotive-related use currently allowed in the M-U zoning district is Automotive specialty shops (allowed on properties fronting an arterial or major collector street only and shall be limited to four (4) bays). This use includes installation or repair of tires, car audio sales and installation, and minor tune-up shops. During the last 5 to 10 years, staff has received numerous requests to operate automotive-related businesses on Tennessee Street, a road which is mostly zoned M-U and now includes mostly commercial uses. Dr. Acuff has stated in his application that the proposed text amendment is needed to allow for a national vehicle rental company to operate on Tennessee Street. Planning Commission recommended approval to add the use as follows: Automotive and light truck rental facility (allowed on properties fronting an arterial or major collector street only).</p>
<b>City Manager's Remarks:</b>	Your approval of this text amendment is recommended.
<b>Financial/Budget Certification:</b>	
<b>Legal:</b>	
<b>Associated Information:</b>	

# MEMO

TO: Mayor & Council  
 FROM: Randy Mannino and Richard Osborne  
 DATE: November 7, 2012  
 SUBJECT: M-U zoning district text amendment case T12-02

T12-02 is the proposal by Dr. Cliff Acuff to add *Automotive and light truck rental facility* to the list of allowed uses in the M-U zoning district. First adopted in 1996, the M-U zoning district of the Zoning Ordinance was intended at that time to serve as a transitional district that would allow for multi-family residential as well as a variety of mid-level commercial operations.

When drafted in the mid-1990s, uses related to automotive were largely left out of this district. The only automotive-related use currently allowed in the M-U zoning district is *Automotive specialty shops (allowed on properties fronting an arterial or major collector street only and shall be limited to four (4) bays)*. This use includes installation or repair of tires, car audio sales and installation, and minor tune-up shops.

During the last 5 to 10 years, staff has received numerous requests to operate automotive-related businesses on Tennessee Street, a road which is mostly zoned M-U and now includes mostly commercial uses. If this additional permitted use is determined to be appropriate for the M-U district, it may be consistent to add the phrase *(allowed on properties fronting an arterial or major collector street only)* since this phrase is applied to automotive specialty shops in M-U.

Dr. Acuff has stated in his application that the proposed text amendment is needed to allow for a national vehicle rental company to operate on Tennessee Street. The following change has been proposed:

## **Automotive and light truck rental facility**

### CURRENT

Most auto-related uses are currently not allowed in light- and medium-intensity commercial districts – P-S, P-D, DBD, N-C, M-U.

A wide range of auto and truck uses (sales and repair) are allowed in G-C, and repair garages (with no outdoor storage of inoperable vehicles) are allowed in L-I.

### POTENTIAL

Add the following to the list of permitted uses in the M-U zoning district:

- *Automotive and light truck rental facility*

### PLANNING COMMISSION RECOMMENDATION:

**APPROVAL** with added permitted use in M-U to be the following:

***Automotive and light truck rental facility (allowed on properties fronting an arterial or major collector street only).***



**Ordinance**  
**of the**  
**City of Cartersville, Georgia**  
**Ordinance No.**

**Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 26 ZONING is hereby amended as follows:**

1.

**The Zoning Ordinance is hereby amended by adding the following:**

2.

**Article XXVI Zoning Ordinance Section 9.2.2.A**

**Automotive and light truck rental facility (allowed on properties fronting an arterial or major collector street only).**

**BE IT AND IT IS HEREBY ORDAINED.**

**First Reading this the day of 2012.**

**ADOPTED this the day of 2012. Second Reading.**

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

**ATTEST:**

/s/ \_\_\_\_\_  
**Connie Keeling**  
**City Clerk**



# 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

## APPLICATION FOR TEXT AMENDMENT OF THE CITY OF CARTERSVILLE ZONING ORDINANCE

Paid \$425 10-10-12 -RO

(PLEASE PRINT OR TYPE)

Application No. T 12-02 Date: 10-10-12

Name of the Applicant(s): CLIFF Acuff

Current Address of the Applicant(s): 300 Walnut Grove Rd

Applicant's Telephone Number: 678-234-1364

**Existing Text to be Amended:**

Article 9, Section 2, Subsection 2

Existing Text Reads as Follows:

Use of vehicle rental facility  
not allowed in M-U

**New Text:**

Proposed Text Reads as Follows: Add the following as a  
permitted use:

- Automotive and light truck rental facility



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PLANNING AND DEVELOPMENT

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Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

Application No. T12-02 Applicant: CLIFF A. WIFF

Reasons for the Amendment Request: \_\_\_\_\_

Allow For national vehicle rental  
company to have a facility at  
708 N. Tennessee St

**Public Notification** in the Cartersville newspaper of the Proposed Amendment(s) shall be required per the City of Cartersville Zoning Ordinance Article XXI.

A Filing Fee of **\$400** must accompany the completed application.

Application and Fee Received

By: [Signature] Date: 10-10-12

X [Signature]  
Signature of Applicant

Sworn to and subscribed before me  
this 10 day of OCT  
20 12.

Cathryn Hembree  
Notary Public  
6-20-12



# City of Cartersville

City Council Meeting  
11/15/2012 7:00:00 PM

File #SU12-03: Special Use application by Cliff Acuff for property located at 300 Walnut Grove Road (0.68 acres) to allow an apartment below and behind the office (Special Use required in the P-S zoning district).

<b>SubCategory:</b>	Public Hearing - 1st Reading of Zoning/Annexation Requests
<b>Department Name:</b>	Planning and Development
<b>Department Summary Recommendation:</b>	The subject tract is located at 300 Walnut Grove Road, near Douthit Ferry Road. The property includes an office building with a basement built in 2004. City staff was informed in 2007 that the property owner had finished out the basement without obtaining a building permit and was living there. Staff notified the owner that, for a property zoned P-S, the use of a structure for residential use was not allowed. After receiving this data, the property owner vacated the basement. Recently, staff has been informed that the owner has been renting the basement. Dr. Acuff proposes to correct the concern by applying for a special use to allow the basement to continue to be used as a residence, while maintaining a main floor office. The applicant has stated that he will agree to meet all applicable City codes, and other special use standards are met. Planning Commission recommended denial.
<b>City Manager's Remarks:</b>	Staff has no problem with this and the applicant has agreed to meet all applicable codes. Consequently, even though the Planning Commission recommends denial, I recommend your approval.
<b>Financial/Budget Certification:</b>	
<b>Legal:</b>	
<b>Associated Information:</b>	

***SPECIAL USE APPLICATION SYNOPSIS***Petition Number(s): SU12-03***APPLICANT INFORMATION AND PROPERTY DESCRIPTION***Applicant: Dr. Cliff AcuffRepresentative: NoneProperty Owner: Acuff Properties IncProperty Location: 300 Walnut Grove RdAccess to the Property: Walnut Grove Rd near intersection with Douthit Ferry Rd***Site Characteristics:***Tract Size: Acres: 0.68 acres District: 4<sup>th</sup> Section: 3<sup>rd</sup> LL(S): 777Ward: 3 Council Member: Louis Tonsmeire***LAND USE INFORMATION***Current Zoning: P-S with condition that there be only one access location.Proposed Special Use: Allow basement to be used as an apartment.

Current Zoning of Adjacent Property:

North: Bartow County jurisdictionSouth: P-S with condition that there be only one access location.East: P-IWest: P-S with condition that there be only one access location.

The Future Development Plan designates the subject property as:

**Community Village Center, with recommended zoning districts O-C, M-U, and P-S.**

## **ZONING ANALYSIS**

### **City Departments Reviews**

#### **Water and Sewer:**

No comments.

#### **Public Works:**

No comments.

#### **Gas:**

No comments.

#### **Electric:**

No comments.

#### **Fire:**

Earl Hightower brought me [Fire Marshall Mark Hathaway] a scaled as-built drawing of the basement. He informed me that he has been hired to do the necessary changes to the basement to change it to a residential occupancy. The main change is replacing the current storefront windows to functioning windows. I also spoke with Mr. Acuff today [Nov. 5] about a concern I had about some rooms with no secondary egress possibly being used for bedrooms (they have closets in them). One of the rooms listed as a bedroom does not have a closet in it. I fear the other rooms with closets may be used as bedrooms and are not safe for such use since they are below grade without a secondary means of egress. Mr. Acuff stated that he will put a condition in any leases that these rooms (without secondary egress) are not to be used as sleeping or living areas. Mr. Acuff has agreed to install functioning windows with at least 5.7 sqft of clear space as secondary egress in the kitchen, bedrooms, and living areas that do not have secondary egress already. Once these items are satisfied, CFD will accept the change of usage of the basement space to a residential occupancy.

Smoke detection that meets the residential code must be in place (in bedrooms, outside of sleeping areas, etc).

If Council approves this case per condition that code compliance per CFD be met, CFD recommends that a timeframe of 30 days from date of approval be placed on the approval as a condition since this is a reasonable timeframe for the applicant to bring the basement residence up to code.

#### **Police:**

No comments.

*The subject tract is located at 300 Walnut Grove Road, near Douthit Ferry Road. The property includes an office building with a basement built in approximately 2004. Five years ago, City staff was informed that the property owner had finished out the basement without obtaining a building permit and was living in the basement. Staff notified the owner that, for a property zoned P-S, the use of a structure for residential use was not allowed. After receiving this data, the property owner vacated the basement.*

*Recently, staff has been informed that the owner has been renting the basement. Staff met with Dr. Acuff to discuss the matter. Dr. Acuff proposes to correct the concern by applying for a special use to allow the basement to continue to be used as a residence, while maintaining a main floor office. The applicant has stated that he will agree to meet all applicable City codes, and other special use standards are met.*

*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 deemed necessary in the case for the protection or benefit of neighbors 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 planning and development staff and other City departments.

- C. A public hearing has been held for 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;
- 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. Whenever a standard contained in this section is in conflict with another provision, the more restrictive provision shall prevail.

**Sec. 16.4. Minimum Special use standards.**

16.4.2. Apartment, above or behind commercial and office uses in the same building.

**Standard #1:** The dwelling unit shall comply with all applicable City of Cartersville building and fire codes.

**How Standard #1 has / will be met:** The applicant has stated that he will agree to meet all applicable codes.

**Standard #2:** Minimum floor area requirements for a dwelling unit shall be the following:

- 3-bedroom, 900 sqft
- 2-bedroom, 750 sqft
- 1-bedroom, 600 sqft
- Studio/loft (in existing buildings), 450 sqft

**How Standard #2 has / will be met:** The apartment is over 1,000 sqft.

**Standard #3:** Minimum number of parking spaces: two (2) spaces for each dwelling unit plus three (3) spaces for each one thousand (1,000) square feet of commercial use

**How Standard #3 has / will be met:** This standard has been met.

**Standard #4:** Parking lot outdoor lighting shall be directed away and shielded from residential above or behind commercial use and from abutting residential districts or use. Freestanding street lighting fixtures shall have a maximum height of thirty-five (35) feet.

**How Standard #4 has / will be met:** This standard has been met.

**Standard #5:** Sound-deadening construction materials and techniques should be used and bedrooms should be oriented away from noise sources.

**How Standard #5 has / will be met:** This standard has been met.

**STAFF RECOMMENDATION:** No objections if the property owner meets code compliance per CFD.

**PLANNING COMMISSION RECOMMENDATION:** **DENIAL**



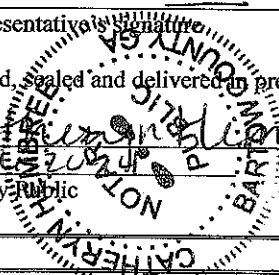
### Application for Special Use

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

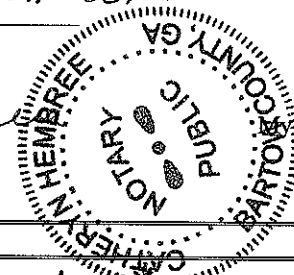
Application Number SU12-03  
11-6-12 @ 6:00 PM  
Hearing Dates 11-15-12 @ 7:00 PM 12-6-12 @ 9:00 AM

*Paid \$450 application plus legal fee*

Applicant CLIFF A ALUFF Business Phone 770-382-8556  
 (applicant's printed name)  
 Address 300 WALNUT GROVE RD Home Phone 678-234-1364  
 City CARTERSVILLE State GA Zip 30120  
 Phone \_\_\_\_\_ Fax # 770-382-8556  
 (Representative's printed name (if other than applicant))  
 Representative's signature \_\_\_\_\_ Applicant's signature Cliff Aluff  
 Signed, sealed and delivered in presence of:  
Catherine Hummer My commission expires:  
 Notary Public



Titleholder ALUFF PROPERTIES, INC Business 770-382-8556 Home 678-234-1364  
 (titleholder's printed name)  
 \*attach additional notarized signatures as needed on separate application page  
 Address 300 WALNUT GROVE RD  
 Signature CARTERSVILLE, GA 30120  
 Signed, sealed, delivered in presence of:  
Catherine Hummer My commission expires: 11-20-14  
 Notary Public



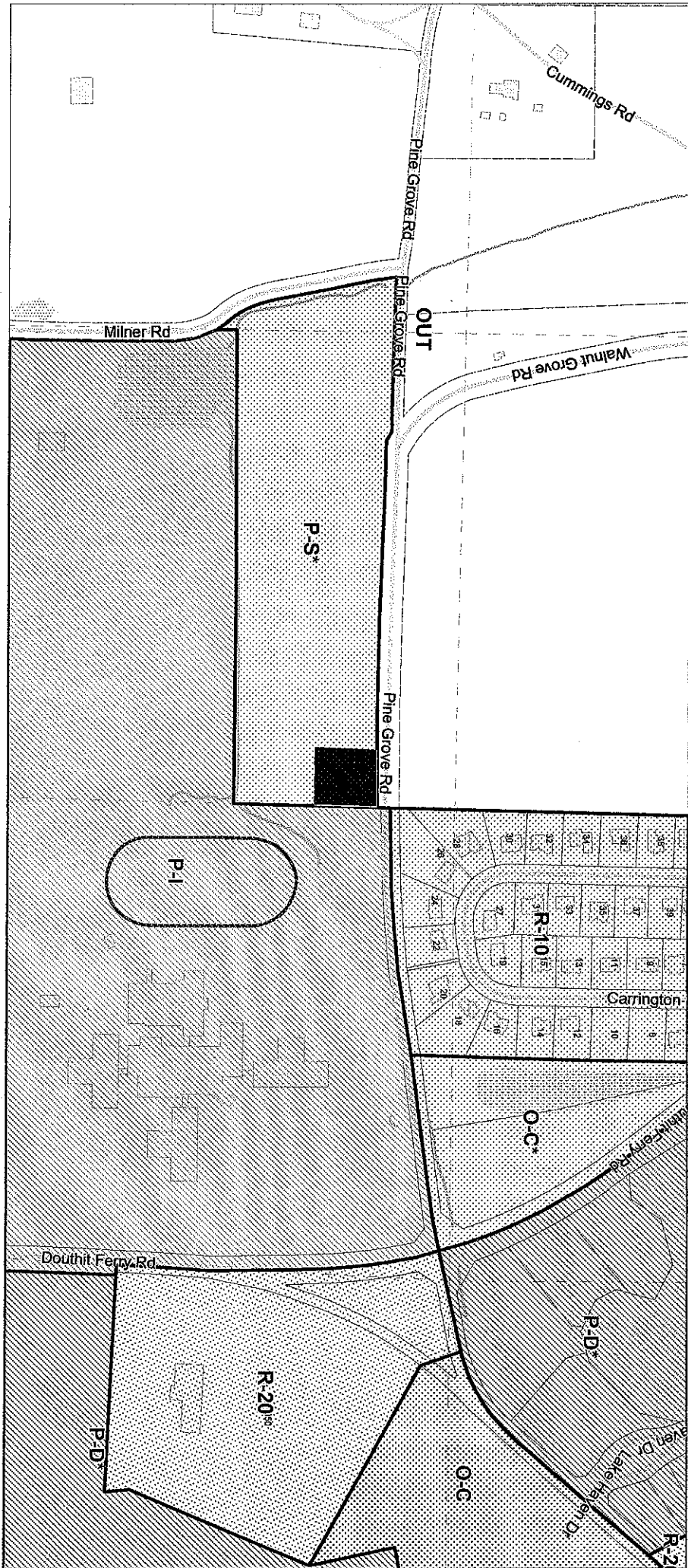
Present Zoning District(s) P-S w/condition Requested Special Use Apartment ~~office~~ use  
 Acreage 0.68 Land Lot(s) 777 District(s) 4 Section(s) 3  
 Location of Property 300 WALNUT GROVE RD, CIVILLE  
 (street address, nearest intersections, etc)  
 Reason for requested Special Use:  
TO ALLOW BASEMENT TO BE USED FOR RESIDENTIAL  
apartment  
 (attach additional statement as necessary)

*below and behind*

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

\* P-5 condition that there be only one access location.

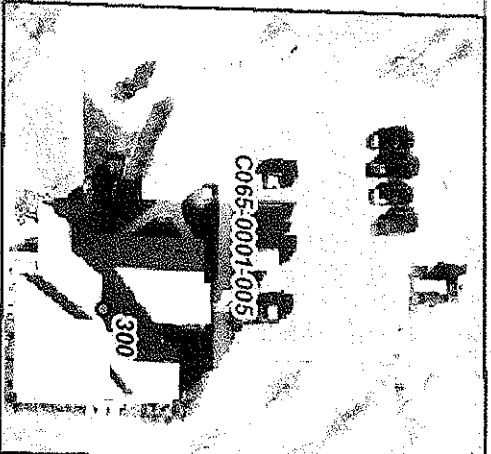
# Special Use case - 300 Walnut Grove Rd





C065-0001-004

Pine Grove Rd



C065-0001-005

300

C065-0001-004

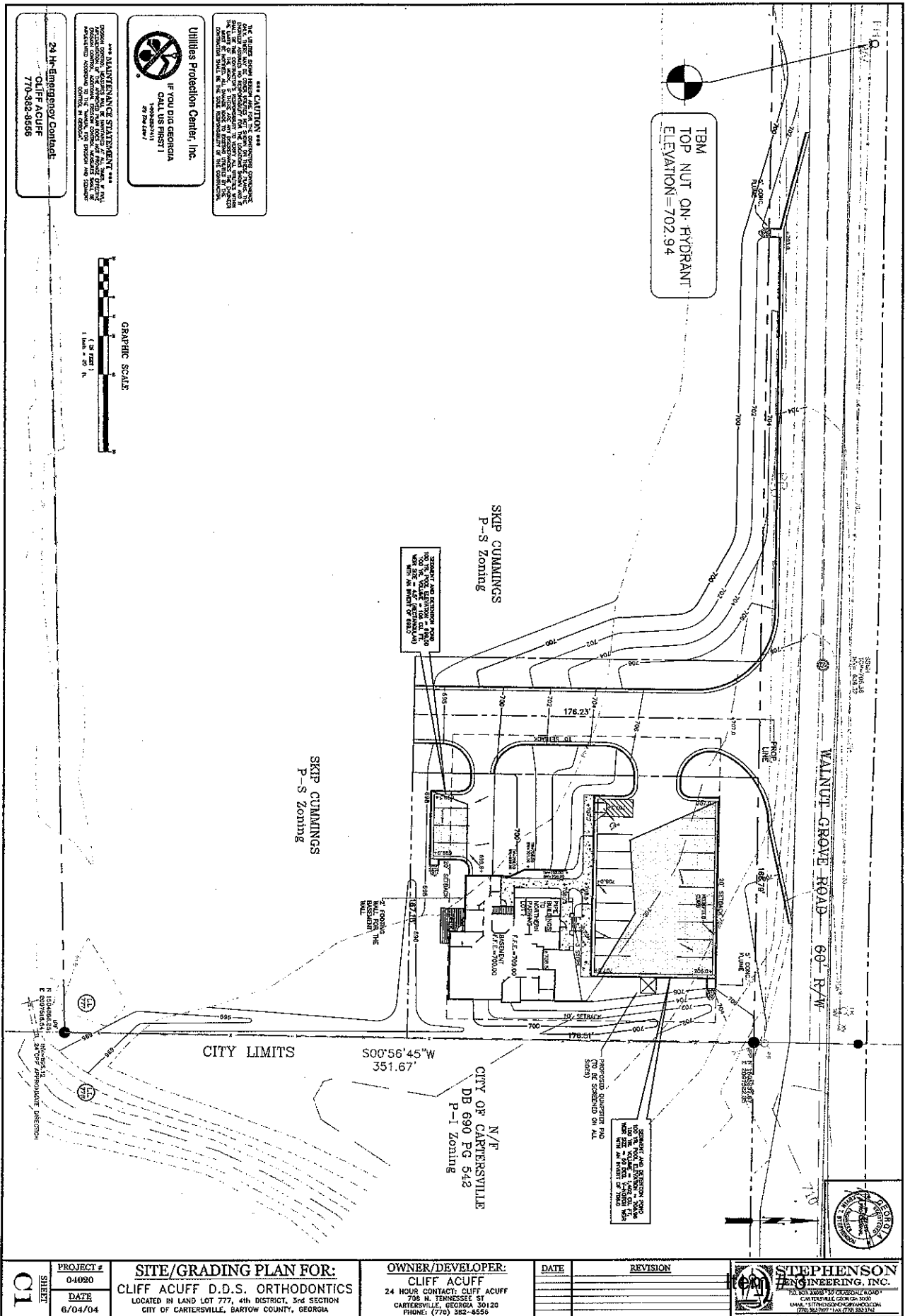
C065-0002-013


C065-0002-012

lter # 3

110ft

C065-0001-001



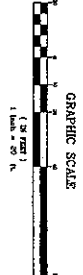
  
 TBM  
 TOP NUT ON HYDRANT  
 ELEVATION = 702.94

\*\*\* CAUTION \*\*\*  
 THE UNDERSIGNED HEREBY CERTIFY THAT THE CONTAINING DOCUMENTS  
 REPRESENT A TRUE AND CORRECT COPY OF THE RECORD DRAWING AND  
 THAT THE SAME HAVE BEEN PREPARED BY THE UNDERSIGNED OR UNDER  
 HIS CLOSE PERSONAL SUPERVISION AND THAT HE IS A LICENSED PROFESSIONAL  
 ENGINEER IN THE STATE OF GEORGIA.

  
 Utilities Protection Center, Inc.  
 IF YOU DIG GEORGIA  
 CALL US FIRST!  
 1-800-955-4771  
 404-252-4244

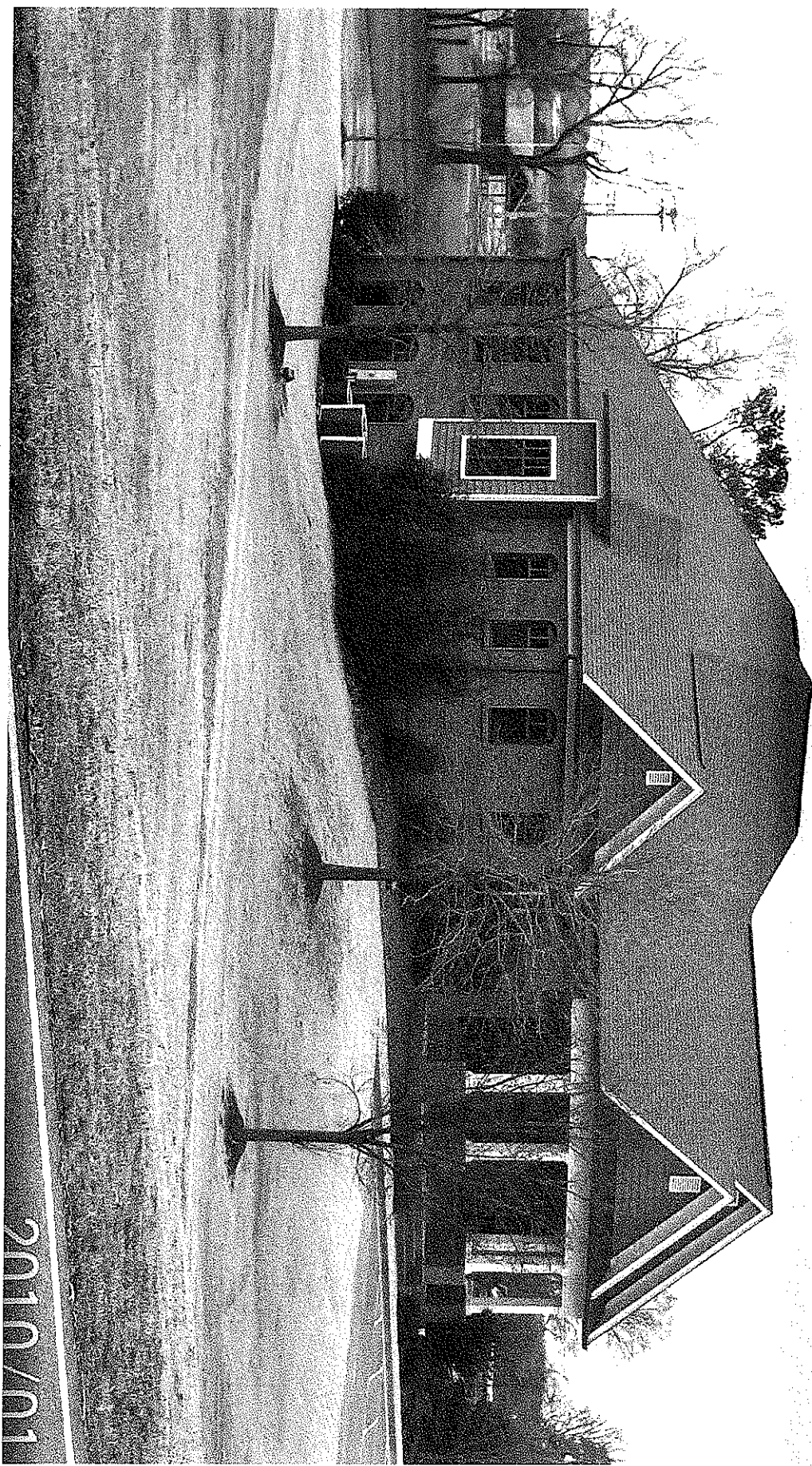
\*\*\* MAINTENANCE STATEMENT \*\*\*  
 DESIGN ENGINEER, ARCHITECT, PAID, IS WARRANTED AS THE DESIGNER OF THIS  
 PROJECT. ANY CHANGES TO THIS PROJECT MUST BE MADE BY THE DESIGNER  
 OR HIS AUTHORIZED REPRESENTATIVE. ANY CHANGES MADE BY OTHERS  
 WITHOUT THE DESIGNER'S KNOWLEDGE OR CONSENT ARE AT THE RISK OF THE  
 CONTRACTOR.

24-Hour Emergency Contact:  
 CLIFF ACUFF  
 770-362-8556



 STEPHENSON ENGINEERING, INC. 770-362-8556 770-362-8557 770-362-8558 770-362-8559	PROJECT # 04080	SITE/GRADING PLAN FOR: CLIFF ACUFF D.D.S. ORTHODONTICS LOCATED IN LAND LOT 777, 4th DISTRICT, 3rd SECTION CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA	OWNER/DEVELOPER: CLIFF ACUFF 24 HOUR CONTACT: CLIFF ACUFF 708 N. TENNESSEE ST CARTERSVILLE, GEORGIA 30120 PHONE: (770) 362-8556	DATE	REVISION
	DATE 6/04/04		SHEET 01		

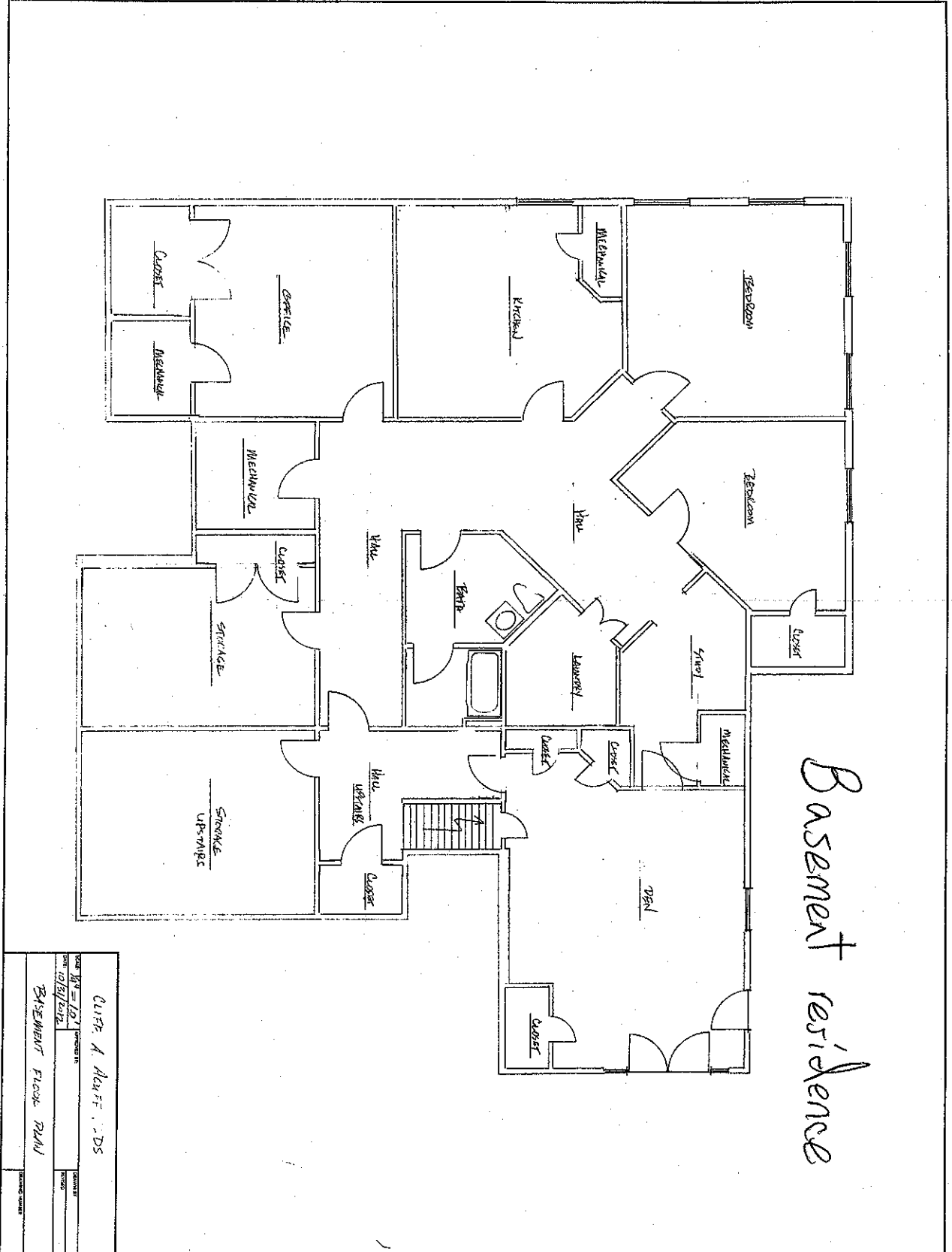
Item # 3



<http://www.bartowmaps.org/taxdata/image/36000/750001.jpg>

2010/01

10/9/2012



*Basement residence*

CURT A. MART, JDS	
SCALE: 1/4" = 1'-0"	DATE: 10/21/2012
BASEMENT FLOOR PLAN	



# SPECIAL USE JUSTIFICATION

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

For review of a Special Use case, an applicant must state the use applied for and demonstrate that the standards for such use have / will be met:

Use applied for:

RESIDENTIAL apartment below and behind office

Standard #1:

Dwelling unit shall comply with applicable City building and Fire codes

How Standard #1 has / will be met:

Applicant has stated that he will agree to bring apt up to all applicable City codes.

Standard #2:

2-bedroom unit must be a minimum of 750 sqft in area.

How Standard #2 has / will be met:

Unit is over 2,000 sqft in size.

Standard #3:

Minimum parking 2 spaces for each dwelling unit plus 3 spaces per 1,000 sqft commercial

How Standard #3 has / will be met:

Overly adequate parking at 23 spaces.

Standard #4:

Parking lot outdoor lighting shall be shielded from residential use and from adjacent residential districts. Maximum height 35 Ft for freestanding street light fixtures.

How Standard #4 has / will be met:

Lighting on the property meets the Standard.

Standard #5:

Sound-deadening construction techniques should be used and bedrooms should be oriented away from noise sources.

How Standard #5 has / will be met:

Property meets this standard.

Standard #6:

How Standard #6 has / will be met:

Standard #7:

How Standard #7 has / will be met:

ADDITIONAL COMMENTS BY APPLICANT:

Signed,

Cory [Signature] X  
Applicant's or representative's name

10-9-12  
Date



October 11, 2007

Cliff Acuff  
300 Walnut Grove Road  
Cartersville, Georgia 30120

Dear Mr. Acuff:

This office has received a report of a zoning violation occurring at your business located at 300 Walnut Grove Road.

The violation concerns the residential use of the building located at 300 Walnut Grove Road. The city has received a report that you are living and sleeping at this location. This property is zoned P-S Professional Services. The use of a dwelling for a residential use is not allowed in this zoning district.

I realize that you are most likely unaware of this regulation. Please comply with the City of Cartersville Zoning Ordinance by ensuring that you are not using the dwelling for a residential use. Failure to comply with the above noted ordinance could result in legal action being taken against you for a violation of the City of Cartersville Zoning Ordinance.

The City would appreciate your prompt cooperation in this matter. If you have questions about this request, please call me, at the office of Planning and Development. 770-387-5600.

Yours very truly,

Tim Jones  
Code Enforcement Officer

Dr. Hinesley, the following is how we found out that a student was living at a property zoned commercial:

On Monday, October 1, 2012, Carol Clowers, CES Bookkeeper, was entering our morning tardies into the system. She noticed that a student had 9 unexcused tardies and 1 unexcused absence. She decided to look at the student's address to see why she was tardy 9 days and not riding a bus to school. She looked at the parent's proof of residency, which was a lease for 300 Walnut Grove signed by her landlord, Cliff A. Acuff, President of Acuff Properties, Inc. Mrs. Clowers picked up the phone book to look for a telephone number for Acuff Properties. She wanted to speak with Mr. Acuff regarding his tenant to confirm that she was still residing at 300 Walnut Grove.

Mrs. Clowers discovered that the address to Mr. Acuff's dentist office and the parent were both listed as 300 Walnut Grove. She then called the Cartersville City Utilities to see if 300 Walnut Grove's utilities were listed in the parent's name. She was told that 300 Walnut Grove was classified as commercial property only. Then Mrs. Clowers was transferred upstairs to speak with David Dye. Mr. Dye confirmed the property was classified as commercial and it was illegal for anyone to be living in a basement of a commercial building.

Carol Clowers then spoke with Ken Paige. He told Carol to contact the parent regarding proof of city residency and she did. The parent promised she would contact her landlord, Mr. Acuff, regarding her residency and she promptly did.

I was out of town on Monday, October 1, and upon my return on Tuesday, October 2nd, Carol informed me of the events, circumstances from Monday, October 1. I have kept you abreast of all other circumstances since October 2.

Please contact me if you need any additional details.

Ken MacKenzie  
Principal, Cartersville Elementary

Dr. Hinesley, these are some details on the student's registration, dates of attendance at CES and parent's lease:

- 1) Parent enrolled her daughter on July 21, 2011. This was her first enrollment in Cartersville City Schools. She has been a student at CES for the entire 2011-12 school year (Grade 3), and all of our current year, August 8, 2012, through today, Wednesday, October 10, 2012 (Grade 4).
- 2) Parent signed a lease with Mr. Acuff on June 9, 2011, and it expired on June 9, 2011 (which is a typo and should reflect June 9, 2012, not 2011, per parent).
- 3) We found out that 300 Walnut Grove is zoned commercial not residential when researching the student's files in early October, 2012, due to an excessive number of tardies during the 2012-13 school year.
- 4) The property tax record for 300 Walnut Grove shows property being classified as medical office.
- 5) Parent has used the mailing address of her sister @ 13 Latimer Lane, not 300 Walnut Grove, since she enrolled student on July 21, 2011.
- 6) Parent's lease started on June 9, 2011 and expired on June 9, 2011 (which really meant 2012). She has been living at 300 Walnut Grove for one year, 4 months, and one day. She paid \$867.00 per month for the first 12 months (\$800.00 for Rent and \$67.00 for deposit), and \$800.00 a month for the next 4 months.
- 7) Parent's checks are still imprinted with Name, 241 Moss Creek Drive, NE, Calhoun, GA. 30701.
- 8) Parent's address still pulls up 241 Moss Creek Drive, NE on Whitepages.com.
- 9) Parent's name is still listed on property tax records for 241 Moss Creek Drive, NE. She informed me that her ex-husband still lives at 241 Moss Creek Drive, NE.

Please notify me if you need any additional information.

Ken MacKenzie  
Principal, Cartersville Elementary



# 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 # **SU12-03**

## **DISCLOSURE OF INTERESTS BY LOCAL OFFICIAL**

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

Cliff Acuff has made a special use request on the following property: Approximately 0.68 acres located at 300 Walnut Grove Rd in Land Lot 777, 4<sup>th</sup> District, 3<sup>rd</sup> Section.

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  
11/15/2012 7:00:00 PM

## Approval of Home Development Resources Contract Termination

<b>SubCategory:</b>	Resolutions
<b>Department Name:</b>	Planning and Development
<b>Department Summary Recommendation:</b>	<p>In 2011, Georgia DCA awarded the City \$199,802 in federal CDBG funds for an owner-occupied housing rehab project for North Towne. In November 2011, City staff put out an RFP for a project grant administrator. The best bidder, chosen in January 2012 considering qualifications and low bid of \$34,000, was Home Development Resources (Mary Ledbetter) out of Gainesville. The contract was approved by City Council in February 2012 and subsequently signed by Ms. Ledbetter. Throughout the year, Ms. Ledbetter notifies City staff and City-County grantwriters that she has submitted information to Georgia DCA and that State staff are reviewing the data. In October, DCA staff notifies City staff and grantwriters that required paperwork has not been fully completed and submitted to the State. After repeated failed attempts to communicate with Ms. Ledbetter, DCA staff states that it is possible to terminate this contract and re-bid the project. City staff subsequently sends Ms. Ledbetter a certified letter describing the deficiencies and stating that, if they are not corrected before November 15, on that date City Council will consider contract termination.</p>
<b>City Manager's Remarks:</b>	I recommend your approval of the termination of this contract.
<b>Financial/Budget Certification:</b>	
<b>Legal:</b>	
<b>Associated Information:</b>	

**Resolution No.**

**WHEREAS, on February 2, 2012 the City of Cartersville entered into a Contract for Program Administration with Home Development Resources, Inc. (“HDR”);**

**WHEREAS, to date HDR has not met its obligations under said Contract;**

**WHEREAS, on October 29, 2012, the City of Cartersville provided a notice of termination letter and chance to cure to HDR, attached hereto as Exhibit “A”;**

**WHEREAS, as of November 15, 2012 HDR has failed to cure its defaults as listed in said letter; and,**

**WHEREAS, the Staff of the City recommends termination of said Contract.**

**NOW THEREFORE BE IT HEREBY RESOLVED by the Mayor and City Council of the City of Cartersville that based on HDR’s failure to perform its obligations under the contract, and that effective immediately, said Contract with HDR is hereby terminated and the Mayor is directed to notify HDR of said termination.**

**BE IT AND IT IS HEREBY RESOLVED this \_\_\_\_\_ day of November, 2012**

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

**ATTEST:**

**/s/ \_\_\_\_\_  
Connie Keeling  
City Clerk**

October 29, 2012

Home Development Resources, Inc.  
430 Prior Street SE, Suite 500  
P.O. Box 642  
Gainesville, GA 30503

Re: Notice of Termination and Chance to Cure Contract For  
Program Administration Dated February 2, 2012 Between  
Home Development Resources, Inc. and the City of Cartersville

Dear Ms. Ledbetter:

This is to notify you and your firm that pursuant to Section 4 of the above referenced agreement the City of Cartersville is providing you a written notice to cure the defaults listed herein within ten (10) days of the receipt of this letter.

The following are the items in which your performance is deficient, and if not corrected as stated above will be a default of the contract:

- You have not submitted Special Condition # 3 the housing policies and procedures manual.
- You must complete Special Condition # 1 which is a complete assessment of all target area units with regard to occupancy, condition and activity as well as interior photos for all proposed units. (These are the notes from Tom Spinks of the DCA):
  - Banks will not let anyone inside to take pictures. (That makes him ineligible)
  - Odom/Mallard no financial information
  - #5 (no name or address) will not provide number of persons in households total income
  - Wilson no information on financial plan
  - Dean no information on financial plan

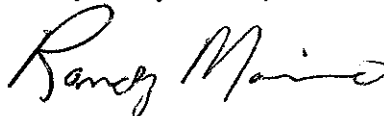
If the above items are not cured within the ten (10) days provided for herein, the Mayor and City Council will consider termination of this agreement pursuant to Section 4.1. at their regular scheduled meeting on November 15, 2012.

If the Mayor and City Council terminate this agreement, be advised that pursuant to Section 4.2, the City of Cartersville reserves its right to a claim of compensation as provided for therein and is only responsible for any payments that may be owed to you as provided therein.

Based upon information presently held by the city, there are no outstanding payments owed to you.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Very Truly Yours,



Randy Mannino, AICP  
Director of Planning & Development

Item # 4

7004 2890 0000 4364 5174

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14  
 CARROLLSVILLE, GA 30121

Sent To  
 CHA of Cartersville  
 Street, Apt. No., PO Box No. PO Box 1390  
 City, State, ZIP+4  
 Cartersville GA 30120

USPS

PS Form 3800, June 2002 See Reverse for Instructions



**City of Cartersville CDBG North Towne Residential Rehabilitation Project****CONTRACT FOR PROGRAM ADMINISTRATION**

This agreement made Feb 2, 2012 between Home Development Resources, Inc.

Home Development Resources, Inc.  
430 Prior Street, SE Suite 500  
P.O. Box 642  
Gainesville, GA 30503  
770-297-1800

Herein after called the "Administrator"

**And the City of Cartersville**

Herein after called the "Employer"

City of Cartersville  
1 North Erwin Street  
P.O. Box 1390  
Cartersville, GA 30120

Herewith enter into the following Contract

Reference to in all correspondence:

Contract No:

Project No:

## PURPOSE OF THE CONTRACT – SCOPE OF WORKS

Administrator shall provide or coordinate the following services and any other duties related to the project as stated in the RFP: application intake, pre-qualification of applicant, eligibility analysis, initial housing inspection, initial work write-up, lead based paint assessment, asbestos assessment, final work write-up, securing before and after proposal, preparing bid documents, project monitoring and partial payment inspections, contractors oversight, participate in final inspection, act as liaison between contractor and grant administrator, submit for review to DCA assessment of units, submit for review to DCA housing policies and procedures.

### 1. AUTHORIZED REPRESENTATIVE – SUPERVISION OF THE WORKS

The administrator shall be on site to provide inspections and oversight of contractors.

### 2. CONTRACT AMOUNT

The contract will have three payment components.

1. Administration amount \$12, 613.00
2. Project Delivery fee \$2,500.00 per unit up to 7 units
3. Lead Hazard control project delivery cost \$500 per unit if lead abatement is necessary.

### 3. PAYMENTS

The Administrator will submit invoices for payment as milestones are reached. The administration will be divided up over the course of the project. Only a percentage of the administration will be allowed for each house. The project delivery fee will only be allowed for request at the completion of the house. The lead hazard control project delivery costs payments will be available for request only if lead abatement is part of the rehabilitation. The invoices will be submitted to Richard Osborne, Project Administrator, he or other City of Cartersville staff, will inspect the work to insure that the quality and the stated milestones have been met, sign the Form and forward to Julie Haigler, grant administrator. A check will be issue by the City of Cartersville once the funds are received by the Department of Community Affairs. This process can take up to 30 days after request is made.

### 4. TERMINATION OF THE CONTRACT

- 4.1 In the event the Administrator is in breach or default in the performance of this Contract, the Employer or its Representative shall give written notice of such default to the Administrator. If such default is not corrected to the satisfaction of the Employer, the Employer may terminate this Contract at any time.
- 4.2 Should the Employer terminate the Contract for a reason for which the Contractor is answerable, the Employer shall be entitled to claim compensation for damages. In this case the Employer shall remunerate only the Works already completed, provided the Employer can use them. The Employer may offset the claim for damages against the remuneration. Any other legal rights of the Employer shall remain unaffected.
- 4.3 Should the Employer terminate the Contract for a reason for which the Contractor is not answerable, the Contractor shall be entitled to payment for work already

Home Development Resources, Inc – Program Administrator  
completed and reimbursement of unavoidable expenses incurred prior to the date of  
termination.

- 4.4 This Contract may be altered, amended or terminated at any time by either party upon  
30 days written sent by registered mail to the respective entity.

#### IMMIGRATION:

During the entire duration of this contract, Administrator must remain in compliance with Georgia  
Security and Immigration Compliance Act of 2007 and Georgia code §13-10-91 and §50-36-1.

#### INDEMNIFICATION TO THE CITY:

Administrator agrees to indemnify and save harmless Employer against all claims for damages to  
persons or premises for any reason, and all expenses incurred thereof, including but not limited to  
in addition all suits, damages, expenses, injuries, claims arising in any manner whatsoever  
attorney's fees and court costs.

#### INSURANCE REQUIREMENTS:

The minimum insurance requirements are \$1 million (\$2 million aggregate) for comprehensive  
general liability insurance, \$500,000 for workers compensation, \$1 million for comprehensive  
automobile liability insurance and \$1 million for professional liability insurance.

#### FINAL PROVISION

This Contract shall be modified or supplemented only by written agreement.

Cartersville, GA 2/15/12  
(Place, Date)

*Walter A. Davis*  
The Employer  
City of Cartersville  
Mayor

Gainesville, GA 2/29/12  
(Place, Date)

*Mary Seibetter*  
The Administrator  
(seal, if available)

*Connie Keeling*  
Attest: Signature

Connie Keeling, City Clerk  
Attest: Print & Title



# City of Cartersville

**City Council Meeting**  
**11/15/2012 7:00:00 PM**  
**Subordination Agreement for 14 Dove Court**

<b>SubCategory:</b>	Contracts/Agreements
<b>Department Name:</b>	Planning and Development
<b>Department Summary Recommendation:</b>	<p>This item is needed to allow Clara Ayers to refinance a single-family house located at 14 Dove Court (off Quail Run near N. Tennessee St), for which there is a \$10,000 Deed to Secure Debt and Promissory Note issued in 2008 to the City of Cartersville. Previously, the property owner had a security deed on the house that served as the primary debt and the deed to the City of Cartersville was secondary / subordinate. This agreement allows the property owner to maintain the primary and secondary / subordinate agreement with a new mortgage loan to serve as the primary debt, and the City will remain in the same security position as before the new agreement. The City Attorney's office has reviewed the document and recommended that it be forwarded to Council.</p>
<b>City Manager's Remarks:</b>	Your approval of this agreement is recommended.
<b>Financial/Budget Certification:</b>	
<b>Legal:</b>	Reviewed by City Attorney's office
<b>Associated Information:</b>	

Return to:  
McMichael & Gray, P.C.  
23 Lenox Pointe  
Atlanta, GA 30324  
678-373-0521  
File #: GWT-120769

STATE OF GEORGIA  
COUNTY OF BARTOW

SUBORDINATION AGREEMENT

The undersigned, **CITY OF CARTERSVILLE**, is the holder and owner of that certain Deed to Secure Debt dated 10/30/08, by and between **CLARA R. AYERS** (as Grantor) and **CITY OF CARTERSVILLE** (as Grantee), recorded 11/03/08, in **Deed Book 2327, Page 760, Bartow County**, Georgia records, in the original amount of \$10,000.00, affecting certain real property located in Bartow County, Georgia and being more particularly described therein.

Borrower has applied for a loan in the sum of **\$104,718.00**, secured by a security deed conveying said property to **SUNTRUST MORTGAGE, INC.**, (hereinafter designated as the "Lender"). The said Lender has declined to make such loan unless said outstanding security deed and promissory note shall be subordinated to said new loan and the deed securing same.

THEREFORE, in the consideration of TEN AND NO/100 (\$10.00) DOLLARS in hand paid by said Borrower to the undersigned, and in consideration of the consummation of said loan between Borrower and Lender in reliance upon this instrument, the undersigned hereby waives and subordinates all right, title or interest under said outstanding security deed above set forth if any, and said promissory note above set forth or otherwise, in or to the property therein described, as against the outstanding principal balance and accrued an unpaid interest of said loan to be so made by the said Lender, and any attorney fees and other costs for which the borrower is legally liable or which may be recovered per the property under law. To that the security deed to be executed by the said Borrower to the said Lender shall convey title to said Property superior to said outstanding security deed and promissory note of the undersigned and superior to the indebtedness thereby secured.

This subordination agreement shall be binding upon the heirs and assigns of the undersigned, and shall operate to the benefit of the Lender as grantee in said security deed, the successors and assigns of said grantee, and of any purchaser at any foreclosure sale thereunder, and shall apply with like force and effect to any renewal thereof.

The said outstanding security deed now held by the undersigned shall remain otherwise in full force and effect, the waiver and subordination herein provided being limited in application to the proposed loan herein set forth, or any renewal thereof.

By execution and delivery of this instrument; the undersigned makes no warranty, express or implied, to lender regarding the undersigned's title to the property.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Signed, sealed and delivered  
In the presence of:

**CITY OF CARTERSVILLE**

\_\_\_\_\_  
Unofficial Witness

BY: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

BY: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_



# City of Cartersville

**City Council Meeting  
11/15/2012 7:00:00 PM  
Purchase of 242 Lee St**

<b>SubCategory:</b>	Contracts/Agreements
<b>Department Name:</b>	Administration
<b>Department Summary Recommendation:</b>	This is one of the three flood-prone properties we have planned to purchase through the Pre-Disaster Mitigation Grant Program. The owner, Kathy Alexander, has agreed to sell the property for its fair market value of \$91,400. We are asking your approval to offer \$91,400 to Mrs. Alexander, as well as all reasonable closing costs, estimated to be below \$1,200. The cost of this acquisition is 75% reimbursable under the grant, leaving the total cost to the City at approximately \$23,150. This funding is available through the Stormwater Budget. Your approval is recommended.
<b>City Manager's Remarks:</b>	Your approval of the purchase outlined above is recommended.
<b>Financial/Budget Certification:</b>	75% of this will be paid from a grant and the remaining 25% will be paid from the Stormwater Fund.
<b>Legal:</b>	
<b>Associated Information:</b>	SAVE form acquired.



# City of Cartersville

**City Council Meeting  
11/15/2012 7:00:00 PM**

## **Employee Health Insurance Coverage through Cigna Insurance**

<b>SubCategory:</b>	Contracts/Agreements
<b>Department Name:</b>	Administration
<b>Department Summary Recommendation:</b>	<p>Since January 2011 we have been covered through United Health Care (UHC). At renewal last year we had a 7% rate increase under the standard 12/12 contract which covers claims incurred during the 12 month period (meaning all of 2012). Before finalizing the 2012 insurance renewal, the City Council approved a change in coverage from the 12/12 contract to a 15/12 contract which means claims incurred from October 1, 2011 through December 31, 2011 that were not paid in 2011 would be covered in the 2012 contract and the additional expense, if needed, would be paid from cash reserves. This change from the 12/12 insurance contract at \$3,624,470 increased the total annual maximum for the 15/12 insurance contract to \$4,439,237, a total of \$814,767.</p> <p>During 2012 we have experienced higher claims costs and the original UHC renewal for 2013 was 20.0% higher than the 2012 number. In addition, there are higher specific deductibles on a three covered individuals. Scott Hankins again shopped our insurance coverage and the two best options were from Blue Cross &amp; Blue Shield at a 15.6% increase over the current rates or moving to Cigna with a 0.9% rate decrease. The Cigna Insurance plan is not a self-insured product but is a minimum premium alternative, which is different than being self-insured. The coverage levels are the same under either company, with the same doctor co-pays and deductibles but the Cigna product has all city specific deductibles at \$100,000 pooling level. We have checked the provider networks and the Cigna networks have the top providers in them.</p> <p>As discussed at last year's renewal, the current UHC insurance plan covers claims incurred and paid by December 31, 2012, so no matter what company we go with, we will incur run-out claims expense, which are claims that occur in 2012 but are not paid by December 31, 2012. This cost in 2011 was \$216,259 and for 2012, we made the switch to a 15/12 contract but the approximate run-out claims cost was \$250,000.</p> <p>If the option is approved to move to the Cigna Insurance product, then for \$95,000 Cigna will cover any large insurance claims that are incurred after October 1, 2012 and are over \$100,000 in claims.</p>

Cover Memo  
Item # 7

on any covered individual. This product is called their Bridge Product and will protect the city from large catastrophic health care expenses. All insurance claims under the \$100,000 will have to be funded by the city. There is not any way to know what these costs will be until all insurance claims have been processed.

An added benefit of the Cigna Insurance product is their Cigna Wellness Fund. This is similar to the wellness product we previously had but the program will be administered by Cigna and they will work with the employee's doctor if the employee has some risk factors that need to be improved. A flyer is attached that briefly describes the wellness program.

In summary, the additional cost to fund the insurance coverage for 2013 is approximately \$450,000 over budget, plus 2012 run out claim costs and employee deductibles that are shared.

In closing, I recommend the change to Cigna Insurance for 2013 health insurance coverage for employees with the increased insurance costs being shared by the city and the employees.

**City Manager's  
Remarks:**

I recommend approval for this change.

**Financial/Budget  
Certification:**

**Legal:**

**Associated Information:**

E-verify and SAVE on file.





# City of Cartersville

## Health Plan Renewal

January 1, 2013

Renewal Quote as of October 30, 2012

	United Healthcare - Current	United Healthcare - Renewal	BlueCross BlueShield	Cigna Healthcare - Minimum Premium Alternative
Network	United Healthcare	United Healthcare	Open Access POS	Open Access Plus
Plan Design	Current	Current	Current	Current
Specific Deductible	\$125,000	\$125,000	\$125,000	\$100,000
Laser #1	\$200,000 (if condition requires treatment)	\$250,000	\$300,000	
Laser #2	\$125,000	\$200,000 (if chemotherapy is received)	\$200,000	
Laser #3	\$125,000	\$200,000 (if chemotherapy and/or radiation is received)	\$250,000	
Specific Contract Basis	15/12	15/12	15/12	12/15
Aggregate Contract Basis	15/12	15/12	15/12	12/15
Stop Loss Funding	Split Funded (\$40,000)	Split Funded (\$40,000)	Split Funding	
<b>FIXED COSTS</b>				
<b>Fixed Administrative Costs</b>				
<b>Medical Administration</b>				
Single Employee + 1	\$35.12	\$51.99	\$55.46	\$69.34
Employee + Child(ren)				\$133.43
Family	\$52.86	\$51.99	\$55.46	\$121.78
				\$185.87
Total Monthly	\$15,972	\$19,600	\$20,908	\$40,562
Total Annual	\$191,666	\$235,203	\$250,901	\$486,741
<b>Percentage Increase from Current (Admin Fees)</b>		<b>22.7%</b>	<b>8.2%</b>	<b>154.0%</b>
<b>Stop Loss Premium</b>				
<b>Specific Premium</b>				
Single Employee + 1	\$25.52	\$36.19	\$63.25	\$73.45
Employee + Child(ren)		\$67.45	\$63.25	\$154.24
Family	\$69.57	\$102.44		\$139.55
				\$220.34
<b>Aggregate Premium</b>				
Composite	\$2.69	\$3.69	\$3.25	
Aggregate Terminal Liability Option	\$1.18	Included		
<b>Total Stop Loss Premium</b>				
Total Monthly	\$17,863.73	\$23,698	\$25,071	\$45,868
Total Annual	\$214,365	\$284,372	\$300,846	\$550,420
<b>Percentage Increase from Current (Stoploss Premium)</b>		<b>32.7%</b>	<b>29.8%</b>	<b>156.8%</b>
<b>VARIABLE COSTS</b>				
<b>Claims Liability</b>				
<b>Expected Claims Cost</b>				
Includes Medical & Rx				
Single Employee + 1	\$459.22	\$519.71	\$829.74	
Family	\$1,081.01	\$968.75	\$829.74	
		\$1,471.30		
Total Monthly	\$268,882	\$320,364	\$221,541	
Total Annual	\$3,226,579	\$3,844,372	\$2,658,487	
<b>Aggregate Claims Cost</b>				
Single Employee + 1	\$574.02	\$649.64	\$1,037.18	\$443.99
Employee + Child(ren)		\$1,210.94	\$1,037.18	\$944.56
Family	\$1,351.26	\$1,839.13		\$853.55
				\$1,354.13
Total Monthly	\$336,101	\$400,455	\$391,017	\$280,014
Total Annual	\$4,033,206	\$4,805,465	\$4,692,202	\$3,360,164
<b>Additional Split Funded Liability</b>	<b>\$40,000</b>	<b>\$40,000</b>	<b>\$40,000</b>	
<b>Percentage Increase from Current (Liability Factors)</b>		<b>19.1%</b>	<b>14.9%</b>	<b>-16.7%</b>
<b>TOTAL FIXED AND VARIABLE COSTS</b>				
<b>Total Annual Expected Cost</b>				
Medical Administration	\$191,666	\$235,203	\$250,901	\$486,741
Stop Loss Premium	\$214,365	\$284,372	\$300,846	\$550,420
Expected Claims	\$3,226,579	\$3,844,372	\$2,658,487	\$0
<b>Total Annual Expected</b>	<b>\$3,632,610</b>	<b>\$4,363,947</b>	<b>\$3,210,234</b>	<b>\$1,037,160</b>
<b>Total First Year Maximum Cost</b>				
Medical Administration	\$191,666	\$235,203	\$250,901	\$486,741
Stop Loss Premium	\$214,365	\$284,372	\$300,846	\$550,420
Maximum Claims	\$4,033,206	\$4,805,465	\$4,692,202	\$3,360,164
<b>Total Annual Maximum</b>	<b>\$4,439,237</b>	<b>\$5,325,040</b>	<b>\$5,243,949</b>	<b>\$4,497,325</b>
<b>Percentage Increase from Current (Total Cost)</b>		<b>20.0%</b>	<b>15.6%</b>	<b>-0.9%</b>



## City of Cartersville

Minimum Premium Alternative

Cigna Healthcare

January 1, 2013

### Renewal Quote as of November 7, 2012

	Cigna Healthcare	Cigna Healthcare Revised (Concession for Rx Cost Difference)
Network	Open Access Plus	Open Access Plus
Plan Design	Current	Current
Pooling Level	\$100,000	\$100,000
Comments	N/A	Includes Concession on Admin Fees
<b>FIXED COSTS</b>		
<b>Fixed Expenses &amp; Network Access Fee</b>		
Single	\$69.34	\$68.98
Employee + Spouse	\$133.43	\$132.67
Employee + Child(ren)	\$121.78	\$121.09
Family	\$185.87	\$184.78
Total Monthly	\$40,562	\$40,336
Total Annual	\$486,741	\$484,029
<b>Percentage Increase from Current (Admin Fees)</b>	<b>133.15%</b>	<b>131.85%</b>
<b>Stop Loss Premium</b>		
Single	\$73.45	\$73.45
Employee + Spouse	\$154.24	\$154.24
Employee + Child(ren)	\$139.55	\$139.55
Family	\$220.34	\$220.34
Total Monthly	\$45,868	\$45,868
Total Annual	\$550,420	\$550,420
<b>Percentage Increase from Current (Stoploss Premium)</b>	<b>149.64%</b>	<b>149.64%</b>
<b>VARIABLE COSTS</b>		
<b>Claims Liability</b>		
Single	\$443.99	\$439.02
Employee + Spouse	\$944.56	\$934.06
Employee + Child(ren)	\$853.55	\$844.04
Family	\$1,354.13	\$1,339.09
Total Monthly	\$280,014	\$276,894
Total Annual	\$3,360,164	\$3,322,729
<b>Percentage Increase from Current (Liability Factors)</b>	<b>-17.71%</b>	<b>-18.62%</b>
<b>TOTAL FIXED AND VARIABLE COSTS</b>		
Medical Administration	\$486,741	\$484,029
Stop Loss Premium	\$550,420	\$550,420
Claims Liability	\$3,360,164	\$3,322,729
<b>Total Fixed &amp; Variable Costs</b>	<b>\$4,397,325</b>	<b>\$4,357,177</b>
<b>Percentage Increase from Current (Total Cost)</b>	<b>-2.55%</b>	<b>-3.44%</b>

# STOP LOSS

# BRIDGE PRODUCT FOR SHARED RETURNS

Cigna Stop Loss Insurance protects medical clients from the financial effects of costly catastrophic health care expenses. To support your specific financial objectives, we offer a range of flexible options that include the Stop Loss Bridge Product option designed to help protect clients from excessive claim liability during carrier and funding arrangement changes.

## What is it?

A product designed for new Cigna Shared Returns clients who were self-insured with their prior carrier and did not purchase Stop Loss Terminal Liability coverage. This product option will cover claims that were incurred while the plan was self-insured, but are paid during the active Cigna Shared Returns policy. The Stop Loss Bridge Product option is available in conjunction with either Minimum Premium or Traditional Shared Returns plans.

## How does it work?

The Stop Loss Bridge Product option is written as a separate Individual Stop Loss contract covering three months of claims incurred under the prior carrier, and paid during the first 12 months of the active Cigna policy. Claims will accumulate to the Bridge Product pooling point, which has a separate accumulation period from the Cigna Shared Returns Experience Protection Benefit (EPB) policy.

2013				2014			
Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec
Prior carrier Stop Loss policy				Cigna Shared Returns EPB policy			
Incurred				Incurred			
Paid				Paid			
				Cigna Individual Stop Loss Bridge option			
				Incurred			
				Paid			

## Advantage

Unless Terminal Liability coverage is purchased, clients leaving a self-funded arrangement with their prior carrier are generally fully liable for claims incurred with that carrier, but paid after the termination date. The Bridge Product option helps to protect clients against excessive claim volatility.

## Which clients may benefit most?

- Clients transitioning from a self-funded arrangement with their prior carrier to a Cigna Shared Returns plan (Minimum Premium or Traditional).
- Clients that did not purchase Terminal Liability coverage.

**GO YOU™**



**Offered by: Connecticut General Life Insurance Company or Cigna Health and Life Insurance Company.**

"Cigna" is a registered service mark, and "GO YOU" and the "Tree of Life" logo are service marks, of Cigna Intellectual Property, Inc., licensed for use by Cigna Corporation and its operating subsidiaries. All products and services are provided by or through such operating subsidiaries, including Connecticut General Life Insurance Company and Cigna Health and Life Insurance Company, and not by Cigna Corporation. All models are used for illustrative purposes only.

Item # 7

## CIGNA Wellness Fund

# Improving Health, Reducing Costs

*The Wellness Fund provided by CIGNA will help set the foundation for driving behavior change and empower employees to make better choices leading towards a culture of health improvement. The Wellness Fund will assist you in achieving your health management plan health improvement goals and will be utilized for:*

- Non-monetary awards for Wellness Program participation
- Activity and challenge programs related to wellness
- Health education related on-site classes
- Health awareness communications
- Health seminar speakers
- Onsite biometric screenings\*

CIGNA will assist you in developing a health management plan to:

- Improve health and productivity of your entire employee population
- Focus on behavior change and health status improvement
- Create a health promotion and wellness program

The Wellness Fund will be managed by CIGNA. CIGNA will track expenses and allocate the available dollars outlined by the health management plan. CIGNA will provide quarterly wellness fund expenditure reporting. CIGNA will reimburse you for expenses from the wellness fund, provided the expense is pre-approved by CIGNA.

### Expense Exclusions\*\*

- Travel
- Food (unless related to a healthy cooking demonstration)
- Health Assessment vendors
- Employer staff
- Routine classes (e.g. aerobics not payable; 1-time wellness seminars are payable)
- Gym memberships & subsidies (unless it is a reward for health advocacy program participation)
- Home gym equipment (e.g. stair climbers, treadmills, weight machines)
- Capital purchases
- Onsite clinic costs
- Paid time off
- Premium reductions, holidays or discounts
- F.S.A, H.R.A. or H.S.A. contributions
- Prescriptions
- Charitable donations

**Contact your CIGNA account manager for additional information.**

\*Conducted by CIGNA Onsite Health

\*\*This list provides examples of excluded expenses and is not an exhaustive list. All wellness fund expenditures will be made at the discretion of CIGNA.



836686 04/10

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Item # 7

## CITY OF CARTERSVILLE MEDICAL INSURANCE CLAIMS HISTORY

Insurance Provider:	Blue Cross & Blue Shield	Lifewell	Blue Cross & Blue Shield	United Health Care	United Health Care
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
January	\$117,625	\$128,254	\$293,527	\$307,400	\$221,186
February	\$237,981	\$222,248	\$381,556	\$117,703	\$233,620
March	\$143,946	\$266,584	\$295,398	\$202,296	\$231,236
April	\$225,755	\$259,759	\$327,885	\$141,378	\$256,683
May	\$300,620	\$298,591	\$168,964	\$179,022	\$520,371
June	\$316,289	\$270,417	\$240,375	\$257,281	\$328,571
July	\$195,101	\$320,395	\$242,227	\$292,131	\$315,495
August	\$269,681	\$271,098	\$276,218	\$377,478	\$212,227
September	\$162,654	\$380,839	\$203,427	\$422,983	\$254,164
October	\$242,937	\$197,128	\$325,195	\$233,352	<b>\$286,000</b>
November	\$192,246	\$254,744	\$136,939	\$228,700	<b>\$286,000</b>
December	\$230,247	\$296,927	\$188,777	\$345,902	<b>\$286,000</b>
<b>Total Claims</b>	<b>\$2,635,082</b>	<b>\$3,166,984</b>	<b>\$3,080,488</b>	<b>\$3,105,625</b>	<b>\$3,431,553</b>
Percentage Increase in Claims over the Previous Year		20.2%	-2.7%	0.8%	10.5%

*2012 - October through December claims are estimated based on the average for the first nine months of this year.*

The following chart provides some information regarding hospital inpatient totals for the current year compared to 2011.

Inpatient Total - paid basis by Contract	Current Year	Prior Year	Benchmark
Admits/1,000	92	50	67
Days/1,000	402	192	276
Average Length of Stay	4.4	3.9	4.4
Allowed/Day	\$5,301.86	\$5,372.81	\$3,828.51



# City of Cartersville

City Council Meeting  
11/15/2012 7:00:00 PM

## Termination of Prescription Drug Coverage Contract with Data Rx

<b>SubCategory:</b>	Contracts/Agreements
<b>Department Name:</b>	Administration
<b>Department Summary Recommendation:</b>	In August 2012 the city carved out our prescription drug coverage from United Health Care to Data Rx. This contract was for three years but included an early termination clause. Due to the change to Cigna Insurance and the negotiated \$40,000 savings that are comparable to what the city would have received from Data Rx, the coverage with Data Rx needs to be terminated. I recommend approval of this contract termination.
<b>City Manager's Remarks:</b>	This is required in conjunction with the insurance bid award elsewhere on the agenda. Your approval of the termination of the prescription drug coverage contract with Data Rx is recommended.
<b>Financial/Budget Certification:</b>	
<b>Legal:</b>	
<b>Associated Information:</b>	



# City of Cartersville

**City Council Meeting**  
**11/15/2012 7:00:00 PM**  
**Meters for Distributions and Collections**

<b>SubCategory:</b>	Bid Award/Purchases
<b>Department Name:</b>	Water Department
<b>Department Summary Recommendation:</b>	<p>Memo To: Sam Grove From: Jim Stafford Date: 11-6-12 Subject: Purchase of meters for D&amp;C</p> <p>Council Approval:</p> <p>We need to order meters for the next 6 months to assure shipment in a timely manner. This is soul source purchase from Delta Municipal Supply Co. Inc. in the amount of \$14,165.00. All E-verify and Save documentation in hand. This will be paid from the budget. I recommend approval of this purchase.</p>
<b>City Manager's Remarks:</b>	I recommend your approval of this meter purchase from Delta Municipal Supply Company in the amount of \$14,165.00.
<b>Financial/Budget Certification:</b>	This is a budgeted item to be charged from Maintenance - Meters and Settings account number 505-3320-52-2390.
<b>Legal:</b>	
<b>Associated Information:</b>	Everify and SAVE are on file.



# City of Cartersville

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**City Council Meeting**  
**11/15/2012 7:00:00 PM**  
**September 2012**

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<b>SubCategory:</b>	Monthly Financial Statement
<b>Department Name:</b>	Finance
<b>Department Summary Recommendation:</b>	Attached is the September 2012 financial report. Also included is the supplemental financial information and the cash position for the same time period.
<b>City Manager's Remarks:</b>	Tom R will present this information
<b>Financial/Budget Certification:</b>	
<b>Legal:</b>	
<b>Associated Information:</b>	

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**Cash Position**

	6/30/12	7/31/12	8/31/12	9/30/12	10/31/12	11/31/12	12/31/12
<b>Total Unrestricted Cash Balance</b>	\$11,218,073.23	\$11,325,067.00	\$11,019,070.04	\$10,470,895.36			
<b>Total Restricted Cash Balance</b>	\$56,044,692.13	\$55,431,121.36	\$54,179,565.40	\$52,909,942.48			

**Cash Position**

	1/31/13	2/28/13	3/31/13	4/30/13	5/31/13	6/30/13
<b>Total Unrestricted Cash Balance</b>						
<b>Total Restricted Cash Balance</b>						

**MONTHLY SUMMARY**

As of September 30, 2012

	FY 2011 - 12 MONTH OF September-11	FY 2012 - 13 MONTH OF September-12	FY 2011 - 12 Year to Date September-11	FY 2012 - 13 Year to Date September-12	100.00% OF BUDGET (Year to Date)
<b><u>GENERAL FUND</u></b> <i>excluding SPLOST, DDA &amp; School System Property Tax Revenue &amp; Expenditures</i>					
REVENUE	\$1,415,328	\$1,409,822	\$4,240,333	\$4,268,273	19.17%
EXPENDITURE	\$1,801,208	\$1,471,651	\$4,485,456	\$4,738,095	21.28%
<b>Gen. Fund Net Profit (Loss)</b>	<b>(\$385,880)</b>	<b>(\$61,829)</b>	<b>(\$245,123)</b>	<b>(\$469,822)</b>	
<b><u>WATER &amp; SEWER</u></b>					
REVENUE	\$1,307,196	\$1,236,501	\$3,743,867	\$3,837,506	18.53%
EXPENDITURE	\$924,338	\$1,276,875	\$2,813,643	\$3,671,991	17.73%
<b>Wtr. &amp; Swr. Fund Net Profit (Loss)</b>	<b>\$382,858</b>	<b>(\$40,374)</b>	<b>\$930,224</b>	<b>\$165,515</b>	
<b><u>GAS</u></b>					
REVENUE	\$1,473,338	\$1,335,077	\$4,207,684	\$3,652,699	15.80%
EXPENDITURES	\$1,573,698	\$1,355,247	\$4,894,151	\$3,977,227	17.20%
<b>Gas Fund Net Profit (Loss)</b>	<b>(\$100,360)</b>	<b>(\$20,170)</b>	<b>(\$686,467)</b>	<b>(\$324,528)</b>	
<b><u>ELECTRIC</u></b>					
REVENUE	\$4,202,752	\$4,022,459	\$13,088,961	\$12,345,407	27.69%
EXPENDITURES	\$3,793,155	\$3,761,969	\$11,639,379	\$11,829,408	26.53%
<b>Electric Fund Net Profit (Loss)</b>	<b>\$409,597</b>	<b>\$260,490</b>	<b>\$1,449,582</b>	<b>\$515,999</b>	
<b><u>STORMWATER</u></b>					
REVENUE	\$102,396	\$105,790	\$305,705	\$312,012	23.58%
EXPENDITURE	\$131,675	\$64,879	\$278,422	\$256,576	19.39%
<b>Stormwater Fund Net Profit (Loss)</b>	<b>(\$29,279)</b>	<b>\$40,911</b>	<b>\$27,283</b>	<b>\$55,436</b>	
<b><u>SOLID WASTE</u></b>					
REVENUE	\$163,362	\$172,030	\$487,250	\$522,219	21.78%
EXPENDITURE	\$143,652	\$147,921	\$384,481	\$433,288	18.07%
<b>Solid Waste Fund Net Profit (Loss)</b>	<b>\$19,710</b>	<b>\$24,109</b>	<b>\$102,769</b>	<b>\$88,931</b>	
<b><u>FIBER OPTICS</u></b>					
REVENUE	\$130,067	\$133,617	\$400,977	\$406,131	24.83%
EXPENDITURE	\$104,076	\$102,623	\$267,863	\$317,256	19.40%
<b>Fiber Fund Net Profit (Loss)</b>	<b>\$25,991</b>	<b>\$30,994</b>	<b>\$133,114</b>	<b>\$88,875</b>	

				<b>% of Monthly Totals to Budget</b>
<b>General Fund</b>	<b>Description</b>	<b>Through 9-30-12</b>	<b>FY 2013 Budget</b>	
	<b>Total Revenues</b>	<b>\$4,268,273</b>	<b>\$22,264,245</b>	<b>19.17%</b>
	GO Bond Proceeds from School	\$0	\$1,147,975	0.00%
	Property Taxes-City Portion Only	\$28,405	\$1,274,730	2.23%
	Local Option Sales Tax (LOST)	\$1,067,478	\$4,077,475	26.18%
	Other Taxes	\$1,127,140	\$7,123,145	15.82%
	Building Permit & Inspection Fees	\$16,737	\$45,000	37.19%
	Fines and Forfeitures	\$218,756	\$779,000	28.08%
	Operating Transfers In-City Utilities	\$1,034,819	\$4,139,275	25.00%
	Other Revenues	\$774,938	\$3,677,645	21.07%
	<b>Total Expenditures</b>	<b>\$4,738,095</b>	<b>\$22,264,245</b>	<b>21.28%</b>
	Personnel Expenses	\$3,364,240	\$14,395,200	23.37%
	Operating Expenses	\$1,238,345	\$5,426,675	22.82%
	Capital Expenses	\$21,585	\$464,540	4.65%
	GO Bond Proceeds from School	\$0	\$1,147,975	0.00%
Debt Pymt - JDA/CBA	\$0	\$374,155	0.00%	
Library Appropriations	\$113,925	\$455,700	25.00%	
<b>Water &amp; Sewer Fund</b>	<b>Total Revenues</b>	<b>\$3,837,506</b>	<b>\$20,710,175</b>	<b>18.53%</b>
	Water Sales	\$2,280,364	\$8,182,875	27.87%
	Sewer Sales	\$1,289,747	\$4,582,000	28.15%
	Bond Proceeds	\$0	\$0	#DIV/0!
	Prior Year Bond Proceeds	\$0	\$6,500,000	0.00%
	Prio Year Capacity Fees	\$0	\$800,000	0.00%
	Other Revenues	\$267,395	\$645,300	41.44%
	<b>Total Expenditures</b>	<b>\$3,671,991</b>	<b>\$20,710,175</b>	<b>17.73%</b>
	Personnel Expenses	\$691,944	\$3,065,725	22.57%
	Operating Expenses	\$681,060	\$3,104,175	21.94%
Capital Expenses	\$668,471	\$8,236,000	8.12%	
Transfer To General Fund	\$722,856	\$2,734,650	26.43%	
Debt Payments	\$907,660	\$3,569,625	25.43%	
<b>Gas Fund</b>	<b>Total Revenues</b>	<b>\$3,652,699</b>	<b>\$23,123,195</b>	<b>15.80%</b>
	Gas Sales	\$3,294,503	\$18,975,275	17.36%
	Gas Commodity Charge	\$290,306	\$1,245,000	23.32%
	Bond Proceeds	\$0	\$2,015,000	0.00%
	Proceeds from Capital Leases	\$0	\$227,920	0.00%
	Other Revenues	\$67,890	\$660,000	10.29%
	<b>Total Expenses</b>	<b>\$3,977,228</b>	<b>\$23,123,195</b>	<b>17.20%</b>
	Personnel Expenses	\$399,423	\$1,767,780	22.59%
	Operating Expenses	\$236,356	\$867,055	27.26%
	Purchase of Natural Gas	\$2,566,824	\$14,410,275	17.81%
Transfer to General Fund	\$778,285	\$3,380,540	-7277.00%	
Capital Expenses	(\$3,660)	\$2,697,545	-0.14%	

				% of Monthly Totals to Budget	
<b>Electric Fund</b>	<b>Description</b>	<b>Through 9-30-12</b>	<b>FY 2013 Budget</b>		
	<b>Total Revenues</b>	<b>\$12,345,407</b>	<b>\$44,591,295</b>	<b>27.69%</b>	
	Electric Sales	\$11,960,272	\$43,249,495	27.65%	
	Other Revenues	\$385,135	\$1,341,800	28.70%	
	<b>Total Expenses</b>	<b>\$11,829,408</b>	<b>\$44,591,295</b>	<b>26.53%</b>	
	Personnel Expenses	\$480,592	\$2,054,725	23.39%	
	Operating Expenses	\$341,863	\$1,292,730	26.45%	
	Purchase of Electricity	\$10,353,646	\$37,929,700	27.30%	
	Capital Expenses	\$46,717	\$1,069,270	4.37%	
	Transfer to General Fund	\$606,590	\$2,244,870	27.02%	
<b>Stormwater Fund</b>	<b>Total Revenues</b>	<b>\$312,012</b>	<b>\$1,323,050</b>	<b>23.58%</b>	
	Stormwater Revenues	\$308,806	\$1,236,450	24.98%	
	Other Revenues	\$3,206	\$11,600	27.64%	
	Proceeds from Capital Leases	\$0	\$75,000	0.00%	
	Prior Year Carryover	\$0	\$0	#DIV/0!	
	Stormwater Improvement Funds	\$0	\$0	#DIV/0!	
	<b>Total Expenses</b>	<b>\$256,576</b>	<b>\$1,323,050</b>	<b>19.39%</b>	
	Personnel Expenses	\$92,604	\$441,320	20.98%	
	Operating Expenses	\$106,110	\$601,240	17.65%	
	Capital Expenses	\$57,862	\$280,490	20.63%	
<b>Solid Waste Fund</b>	<b>Total Revenues</b>	<b>\$522,219</b>	<b>\$2,397,270</b>	<b>21.78%</b>	
	Refuse Collections Revenues	\$511,164	\$2,129,070	24.01%	
	Other Revenues	\$11,055	\$43,200	25.59%	
	Proceeds From Capital Leases	\$0	\$225,000	0.00%	
	<b>Total Expenses</b>	<b>\$433,288</b>	<b>\$2,397,270</b>	<b>18.07%</b>	
	Personnel Expenses	\$225,724	\$1,025,970	22.00%	
	Operating Expenses	\$207,564	\$1,146,300	18.11%	
	Capital Expenses	\$0	\$225,000	0.00%	
	<b>Fiber Optics Fund</b>	<b>Total Revenues</b>	<b>\$406,131</b>	<b>\$1,635,335</b>	<b>24.83%</b>
		Fiber Optics Revenues	\$367,486	\$1,482,665	24.79%
GIS Revenues		\$24,400	\$102,000	23.92%	
Other Revenues		\$14,245	\$50,670		
<b>Total Expenses</b>		<b>\$317,256</b>	<b>\$1,635,335</b>	<b>19.40%</b>	
Personnel Expenses		\$137,666	\$596,445	23.08%	
Operating Expenses		\$119,320	\$692,075	17.24%	
MEAG Telecom Statewide Pymt		\$58,512	\$278,980	0.00%	
Capital Expenses		\$1,758	\$67,835	2.59%	