



City of Cartersville

P.O Box 1390 – 10 Public Square – Cartersville, Georgia 30120
Telephone: 770-387-5616 – Fax 770-386-5841 – 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 Chamber, Third Floor of City Hall– 7:00
PM – 1/19/2012
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. January 5, 2012 (Page 4-18)

[Attachments](#)

B. Presentations

1. Police State Certification (Page 19)

[Attachments](#)

C. Second Reading of Ordinances

1. Amendment to Solid Waste Ordinance (Page 20-23)

[Attachments](#)

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

1. File #AZ12-01: Annexation and zoning application by AI Cartersville 1 LLC (Jeff Watkins, representative) for property located at 23 Redcomb Drive (approximately 1.6 acres) from Bartow County to City MF-14 (Multi-family 14 units per acre). (Page 24-38)

[Attachments](#)

2. File #AZ12-02: Annexation and zoning application by Lara Jeanneret for property located at 40 Natchi Trail (approximately 1.7 acres) from Bartow County to City R-20 (Single-family residential). (Page 39-52)

[Attachments](#)

E. Resolutions

1. Annual Update of CIE in Accordance with the Impact Fee Requirements (Page 53-55)

[Attachments](#)

F. First Reading of Ordinances

1. Amendment to Planning and Development Ordinance Regarding Planning Commission (Page 56-57)

[Attachments](#)

2. Amendment to Utilities Ordinance Regarding Electric Distributed Generation Energy Rider (Page 58-60)

[Attachments](#)

3. Amendment to Utilities Ordinance Regarding Electric Time of Use Rates (Page 61-65)

[Attachments](#)

4. Amendment of Licenses, Taxation and Miscellaneous Business Regulations Ordinance Regarding "Pill Mills". (Page 66-82)

[Attachments](#)

5. Amendment to Motor Vehicle and Traffic Ordinance Regarding All-Way Stop at Pointe North Drive and Pointe Way (Page 83-84)

[Attachments](#)

G. Contracts/Agreements

1. Georgia Department of Transportation: MOA and Mowing and Maintenance Agreement for Main Street Gateway Landscaping (Page 85-100)

[Attachments](#)

2. Georgia Department of Transportation: Indication of Roundabout Support on Douhit Ferry Road Project (Page 101-103)

[Attachments](#)

3. First Time Homebuyer: Satisfaction of Subordinate Deed (Page 104-105)

[Attachments](#)

4. Blackboard Connect CTY (Page 106-109)

[Attachments](#)

H. Engineering Services

1. Center Road Sewer (Page 110-112)

[Attachments](#)

I. Bid Award/Purchases

1. Inventory Replacement for the Water Department: Distribution and Collections (Page 113-115)

[Attachments](#)

2. Indian Mounds Road Water Main Extension Phase 2 (Page 116-117)

[Attachments](#)

J. Appointments

1. Recreation Advisory Board (Page 118)

[Attachments](#)

K. Monthly Financial Statement

1. November 2011 (Page 119-123)

[Attachments](#)



City of Cartersville

City Council Meeting
1/19/2012 7:00:00 PM
January 5, 2012

SubCategory:	Council Meeting Minutes
Department Name:	Clerk
Department Summary Recommendation:	Attached are the minutes for your review and approval.
City Manager's Remarks:	Minutes for the January 5th, City Council Meeting have been generated and compiled by staff. Those minutes are recommended for your approval.
Financial/Budget Certification:	
Legal:	
Associated Information:	

City Council Meeting
10 N. Public Square
January 5, 2012
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Tonsmeire

Pledge of Allegiance led by Council Member Hodge

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

II. Regular Agenda

A. Swearing in of Elected Officials

Connie Keeling, City Clerk administered the oaths of office to Mayor Matthew J. Santini, Council Members Jayce Stepp, Lindsey McDaniel Jr. and Lori Pruitt.

B. Council Meeting Minutes

1. December 15, 2011

A motion to approve the December 15, 2011 City Council Minutes as presented was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

Mayor Santini stated that there was an item that needed to be added to the agenda. A motion to add an item to the agenda was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

C. Presentations

1. Police Officer of the Year (Added Item)

Tommy Culpepper, Police Chief stated that each year his department presented the officer of the year award to an outstanding officer. Chief Culpepper stated that it was particularly hard to choose this year because of the caliber of officers in his department; however there was one officer that stood out from the rest due to his constant devotion to the community and the fact that he always gives 100% every day. Chief Culpepper stated that he was proud to award the Officer of the Year for 2011 to Michael E. Bettikofer.

2. Fiscal Year 2011 Audit Presentation

Lloyd Williamson, from Williamson and Company, the city's external audit firm presented the council with the FY2011 Audit to include the Comprehensive Annual Financial Report for the year ended June 30, 2011. Mr. Williamson stated that the city had received the GFOA award for excellence in financial reporting for the fiscal year ending June 30, 2010. The city received an unqualified opinion for the audit report – which is the best opinion given to an audit.

D. Public Hearing – 2nd Reading Zoning/Annexation Requests

1. File Z11-06: Rezoning application by Tiffany Payne for property located at 254 S. Dixie Avenue from M-U (Multi Use) to G-C (General Commercial).

Richard Osborne, City Planner stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Osborne requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Osborne stated that this tract is located at 254 South Dixie Avenue near the intersection with South Bridge Drive. The property includes a structure originally built as a single-family residence in approximately 1950. The applicant seeks to rezone the property from M-U (Multiple Use) to G-C (General Commercial) to allow for the structure to be used as an auto broker office. Mr. Osborne stated that the Planning Commission recommended approval with the following conditions:

- 1: No storage of vehicles on site
- 2: No auto repair on site.

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

A motion to approve the application with the conditions set forth by the Planning Commission was made by Council Member Hodge and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 01-12

Petition No. Z11-06

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Rose Brown. Property is located at 254 S. Dixie Avenue. Said property contains 0.21 acres located in the 4th District, 3rd Section, Land Lot(s) 529 as shown on the attached plat Exhibit "A". Property is hereby rezoned from M-U (Multiple Use) to G-C (General Commercial with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

- 1: No storage of vehicles on site
- 2: No auto repair on site.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 15th day of December 2011.

ADOPTED this the 5th day of January 2012. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

E. Resolutions

1. Historic Preservation Grant Application

Pete Alday, Director of Community Services stated that the Georgia Historic Preservation Division is accepting applications for a Historic Preservation grant. The grant is for 60% with a 40% local match. Mr. Alday stated that the HPC would like to apply for historic resource surveys for the 104 properties in our residential areas that are without the individual surveys. These surveys document to the property's building type, architectural features, type of construction, and other related items. The total project cost is \$5,000.00 and the City's share is \$2,000.00 (not to exceed \$2,500.00, if necessary) and Mr. Alday recommended approval.

A motion to approve the Grant Application and Resolution No. 01-12 was made by Council Member Hodge and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

Resolution No. 01-12

**A RESOLUTION FOR SUBMITTAL OF A HISTORIC PRESERVATION FUND
GRANT**

WHEREAS, the Historic Preservation Division of the Georgia Department of Natural Resources (HPD) is accepting applications for HPF Grant Funds to assist local historic preservation projects; and

WHEREAS, the City of Cartersville is seeking grant funds for historic resources surveys.

NOW, THEREFORE, BE IT RESOLVED that the City of Cartersville pledges that it will provide at least a 40 percent local cash match for the total project cost not to exceed \$2,500.00 and authorizes the filing of the grant application including all assurances contained therein, naming Pete Alday as the official representative to act in conjunction with the application, and to provide such additional information as may be required.

ADOPTED this the 5th day of January 2012.

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

ATTEST:

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

F. First Reading of Ordinances

1. Amendment to Solid Waste Ordinance

Bobby Elliott, Public Works Director stated that this amendment to the Solid Waste Ordinance increases the cost of solid waste to city customers by \$2.00 per month to help cover the cost of recycling that will begin in February 2010. The new residential monthly rate will be \$19.00 per month for garbage collection, which includes the cost of collection, curbside recycling, recycling yard waste and disposal. The monthly fee shall be \$17.00 for a residential household with a homestead exemption for elderly, if the proper form has been filed. Mr. Elliott stated that the new rate will take effect February 1, 2012 and recommended approval.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that the Code of Ordinances City of Cartersville, Georgia CHAPTER 21. SOLID WASTE, Sec. 21-34. Billing and Sec. 21-35 Commercial and multi-dwelling units (having more than six units) collection charges are hereby amended by deleting said sections in their entirety and replacing them as follows:

Sec. 21-34

- (a) Each residential household will be billed a monthly charge of nineteen dollars (\$19.00) minimum for garbage collection; said fee includes the cost of collection, curbside recycling, recycling yard waste, and disposal. The monthly fee shall be seventeen dollars (\$17.00) for a residential household with a homestead exemption for elderly, if the proper form has been filed. Furthermore, there shall be an additional fee of ten dollars (\$10.00) per month per additional cart per residence.**
- (b) Said fee may be adjusted automatically by the department to cover the increase in landfill disposal costs.**
- (c) All bills for garbage service shall be sent to customers on the billing date for utilities. These bills are due and payable at the city clerk's office on the specified date on the bills. After that date, service may be ceased until all amounts due are paid.**
- (d) A penalty of ten (10) percent shall be added to all bills for garbage service where bills are not paid on the due date as specified on the bill. If a customer is in arrears for a previous month or months, payment shall first be applied to previous bills.**
- (e) A fee of ten dollars (\$10.00) per sticker shall be charged to the customers and stickers may only be purchased in person at city hall or by mail order from the city clerk's office for the collection of the waste material referred to in section 21-33(f) of this chapter. Two stickers (\$20.00) are required for all appliances with refrigerant.**
- (f) Fees for bulk tree limbs and branch collections are described as follows and must be paid for by the customer prior to service being delivered:**
 - (1) Zero (0) to five (5) cubic yards per week is free pickup.**
 - (2) From greater than five (5) cubic yards to seven (7) cubic yards per week is fifteen dollars (\$15.00).**
 - (3) From greater than seven (7) cubic yards to ten (10) cubic yards per week is thirty dollars (\$30.00).**
 - (4) From greater than ten (10) cubic yards to twelve (12) cubic yards per week is forty-five dollars (\$45.00).**
 - (5) From greater than twelve (12) cubic yards to fourteen (14) (truck load) cubic yards per week is sixty dollars (\$60.00).**
 - (6) Greater than fourteen (14) cubic yards will be estimated by the public works director or by his/her designee.**

(Code 1976, § 6-4005(c); Ord. No. 38-96, § 1, 8-29-96; Ord. No. 26-97, 7-17-97; Ord. No. 23-28, 7-2-98; Ord. No. 25-99, 6-17-99; Ord. No. 24-00, §§ 5, 6, 6-15-00; Ord. No. 33-06, 6-15-06; Ord. No. 12-10, 5-20-10)

Sec. 21-35

(a) Multi-dwelling units having more than six (6) units will be required to have a container and will be charged the following rates:

Container Size	Dumps Per Week	Monthly Rate
2 Yard	1	\$68.00
	2	\$96.00
	3	\$118.00
4 Yard	1	\$88.00
	2	\$133.00
	3	\$167.00
	4	\$212.00
	5	\$257.00
	6	\$336.00
6 Yard	1	\$110.00
	2	\$155.00
	3	\$200.00
	4	\$245.00
	5	\$290.00
	6	\$403.00
8 Yard	1	\$131.00
	2	\$187.00
	3	\$244.00
	4	\$300.00
	5	\$357.00
	6	\$470.00

Extra dumps for dumpsters/containers **\$50.00**
All small downtown containers **\$28.00**

(b) The collection charges for commercial curbies is as follows:

Commercial Curbies	Once Per Week Pickup	Twice Per Week Pickup
1 Curbie	\$30.00	\$42.00
2 Curbies	\$35.00	\$52.00
3 Curbies	\$42.00	\$62.00
4 Curbies	\$49.00	\$72.00
5 Curbies	\$56.00	\$82.00

- (c) Said fee may be adjusted automatically by the department to cover the increase in landfill disposal costs.
- (d) All bills for garbage service shall be sent to customers on the billing date for utilities. These bills are due and payable at the city clerk's office on the specified date on the bills. After that date, service may be ceased until all amounts due are paid.
- (e) A penalty of ten (10) percent shall be added to all bills for garbage service where bills are not paid on the due date as specified on the bill. If a customer is in arrears for a previous month or months, payment shall first be applied to previous bills.

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

This Ordinance shall become effective on February 1, 2012.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 5th day of January 2012.

ADOPTED this the day of January 2012. Second Reading.

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

G. Appointments

1. Convention and Visitors Bureau
2. Recreation Advisory Board

Sam Grove, City Manager stated that the terms of Kathy Lyles and Jeff Watkins to the Cartersville-Bartow County Convention & Visitors Bureau are up and they have agreed to continue service on the board. Mr. Grove stated that their contributions are very important to the continued efficient operations of the organization and recommended approval of the appointments to expire on December 13, 2013.

Mr. Grove stated that the terms of four members to the Recreation Advisory Board had

expired and two members Calvin Cooley and Wesley Dean had served the maximum number of terms allowable per the current ordinance. Both Patrick Jones and Howard Smith have stated that they are willing to continue serving on the board. Mr. Grove stated that there are three appointees at this time:

Council Member McDaniel's Appointee - Joy Hill, Ward 4
Council Member Stepp's appointee - Patrick Jones, Ward 2
Mayor Santini's appointee - Howard Smith,
(Council Member Pruitt stated that she would name her appointee at a later date.)

Mr. Grove and Greg Anderson, Recreation Superintendent expressed their thanks to Calvin Cooley and Wesley Dean for their service to this board.

A motion to approve all appointments as recommended was made by Council Member Tonsmeire and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

H. Easements

Gary Riggs, Gas Superintendent stated that this easement is for the natural gas service line to the Georgia Highlands College Student Center. Because this easement is with the Board of Regents is must be signed by Governor Nathan Deal. Mr. Riggs recommended approval.

A motion to approve the easement with Georgia Highlands College was made by Council Member Stepp and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

I. Change Order

1. Phase I – Indian Mounds Road Water Main Replacement

Ed Mullinax, Assistant Water Superintendent stated that previously council had approved the Phase I – Indian Mounds Road Water Main Replacement contract. Additional piping and connections installed resulted in a \$3,143.50 increase to the originally approved contract. The final adjusted contract amount for this phase of the project is \$29,244.50. Mr. Mullinax stated that the unit prices were set in the original contract; however, they had to add additional items and recommended approval.

A motion to approve the change order to Phase I – Indian Mounds Road Water Main Replacement was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

J. Contracts/Agreements

1. Lab Services with Environmental Protection Division (This item was removed from the agenda.)

K. Bid Award/Purchases

1. Brass for Indian Mounds Trailer Park Meter Settings

Ed Mullinax, Assistant Water Superintendent stated that part of the Indian Mounds Road Water Project is to lay a new water line through Indian Mounds Trailer Park and install individual water meters at each trailer. Bids were requested for materials for the brass for these meter settings and Mr. Mullinax recommended approval of the low bid from HD Supply Waterworks, LDT in the amount of \$12,063.60.

A motion to approve the purchase from HD Supply Waterworks, LDT was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

2. Water Treatment Plant Elevator Modernization

Ed Mullinax, Assistant Water Superintendent stated that the Georgia State Inspector has notified the city that the freight elevator at the water plant has to be overhauled in order to continue usage. Three proposals were received to rehab the elevator and bring it up to code and Mr. Mullinax recommended the low bid from Thyssen Krupp Elevator in the amount of \$99,843.00.

A motion to approve the agreement with Thyssen Krupp Elevator was made by Council Member McDaniel and seconded by Council Member Pruitt. Motion carried unanimously. Vote 6-0

3. All-Terrain Utility Vehicle for Parks and Recreation Department

Greg Anderson, Recreation Superintendent stated that three bids were received from local vendors for an All-Terrain Utility Vehicle. This vehicle will be used primarily by the Park Attendants for patrolling the parks and trails and by Recreation Staff during programs and special events. Mr. Anderson stated that the lowest bid did not meet all the specifications therefore he is recommending approval of the lowest qualified bid from Taylor Farm Supply in the amount of \$10,399.32.

A motion to approve the lowest qualified bid from Taylor Farm Supply was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

4. Main Street Gateway Project Electric Material

David Myers, Electric Superintendent presented a tentative list of material required by the City of Cartersville Electric System for the Main Street Gateway project. Mr. Myers stated that the total price for these items will be approximately \$613,075.78; however some quantities or pricing may change slightly but due to the long lead times on some items. Mr. Myers stated that this would be paid from SPLOST Funds and requested approval to order this material with large ticket items being competitively bid as required.

A motion to approve the purchases for the Main Street Gateway was made by Council Member Tate and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

Mayor Santini stated that there were two additional items to be added to the agenda. A motion to add the items to the agenda was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

L. Added Items

1. Resolution

Sam Grove, City Manager stated that this resolution is a denial to the Paulding County Reservoir stating the following reasons:

- a. There is no proposal for returning flow to the Etowah River Basin.
- b. There is no study done or date submitted to determine the effect on existing communities in the Etowah River Basin's current or future water supplies
- c. There are no provisions related to the impact of another severe drought on the communities currently served by the Etowah Basin.
- d. No proposals indicating a plan for recycling water, other than consumptive use.

Mr. Grove stated that this resolution along with a letter would be sent to the Corps of Engineers and the EPD upon approval.

A motion to approve Resolution No. 02-12 was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

Resolution No. 02-12

WHEREAS, the Mayor and City Council of the City of Cartersville believe that it is necessary to protect and promote the public's health, safety and general welfare to either request denial of or that essential requirements on the proposed Paulding County Reservoir put in place; and

WHEREAS, the Mayor and City Council of the City of Cartersville believe that surface and ground waters of the State should continue to be managed in the public interest and in a sustainable manner to protect natural systems and meet human economic needs; and

WHEREAS, protection and restoration of water resources requires regional water planning based on assessments of watersheds, river basins, and aquifers, that is tied to implementation, including a comprehensive management process; and

WHEREAS, decisions on new water supplies for growing communities should recognize that efficiency and the wise use of current resources are the best course for taxpayers; and

WHEREAS, transferring water from one basin to another does adversely affect upstream and downstream communities and unfairly redistribute economic growth; and

WHEREAS, there is increased pressure on existing surface and ground water resources within the State of Georgia, and particularly the Etowah Basin; and

WHEREAS, besides being the primary source of water for local governments within said basin, it additionally is strained by the provision of water via inter basin transfer to the Atlanta Region; and

WHEREAS, protections and restrictions should be put in place to limit any and all activities which create new or additional inter basin transfers; and

WHEREAS, the failure to do so imposes adverse effects on local governments, communities, residents, industries, and businesses within said basin; and

WHEREAS, communities in Georgia and Alabama rely on certain flow levels in river basins for current and future economic development, recreation, and environmental quality; and

WHEREAS, due to the current minimum flow requirements imposed on the Etowah Basin, in regards to Alabama, such a large inter basin transfer does immediately impact the availability of water resources to all existing communities and imposes limitations on their future growth; and

WHEREAS, over fifty-percent (50%) of Paulding County's Drainage Basin goes to the Chattahoochee River, and most of the growth in Paulding County is within said basin and outside of the Etowah River Basin; and

WHEREAS, the proposed Paulding County Plan for a reservoir lacks many essentials to determine if an inter basin transfer as being proposed is in the best interest of the region and state, including but not limited to the following:

- (1) There is no proposal for returning flow to the Etowah River Basin.**
- (2) There is no study or data submitted to determine the effect on existing communities in the Etowah River Basin's current or future water supplies.**
- (3) There are no provisions related to the impact of another severe drought on the communities currently served by the Etowah Basin.**
- (4) No proposals indicating a plan for recycling water, other than consumptive use.**

WHEREAS, if this inter basin transfer is authorized, it should only be allowed if all of the issues included herein are addressed, and at a minimum, if 70% of the wastewater is highly treated and returned to the Etowah River above the intake point, or to the proposed reservoir itself.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council that the City of Cartersville opposes the proposed Paulding County Reservoir and respectfully requests that it be denied.

AND, BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Cartersville that if said reservoir is further considered or eventually approved, that at a minimum the following conditions be imposed:

- (1) A study showing the impact on future growth to communities being served in the Etowah Basin.**
- (2) A restriction on future inter basin transfers, if merited based on said study.**
- (3) A plan be presented for returning flow to the Etowah Basin.**
- (4) A drought plan be presented allowing other prior existing Etowah Basin users the right to share withdrawals in the reservoir.**
- (5) A recycling of water plan to be presented.**
- (6) A minimum of 70% of the water withdrawn should be returned to the Etowah Basin, which could include recycling water to the reservoir.**
- (7) Recycling for irrigation is a consumptive use and should not be considered in the minimum 70% return to the Etowah Basin.**

This Resolution is to be transmitted upon adoption to the Georgia Environmental Protection Division Director and U.S. Army Corps of Engineers.

This resolution is effective upon adoption.

BE IT AND IT IS HEREBY RESOLVED this 5th day of January, 2012.

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

ATTEST:

/s/ Connie Keeling

Connie Keeling
City Clerk

2. Capacity Fee Ordinance

Sam Grove, City Manager stated that previously council had approved to lower the capacity fees to 50% in order to encourage economic growth; however the previous ordinance has expired. This ordinance will allow the capacity fees to remain at 50% as previously set for 2012. Mr. Grove stated that an effective date and an ending date will need to be set on this ordinance. Tom Rhinehart, Finance Director came forward and gave the current balances on these accounts – Water - \$632,898.00 and Sewer \$930,832.00. Ed Mullinax, Assistant Water Superintendent stated that most projects use in excess of \$100,000.00 and projects scheduled in the near future will be approximately \$250,000.00 to \$300,000.00.

Council Member Tate stated that she didn't feel that this is the time to go back to 100% on the capacity fees but she did want to keep this on a year to year basis and look at this again in December 2012. Council Member Stepp stated that he would like to discuss this further in the visioning session later this month.

A motion to approve the Ordinance on an emergency basis to roll back the Capacity Fees to 50% effective January 5, 2012 and ending December 31, 2012 was made by Council Member Stepp and seconded by Council Member Tate. Motion carried. Vote 5-0-1 with Council Member Pruitt Abstaining.

Ordinance
of the
City of Cartersville, Georgia
Ordinance No. 02-12

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

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

1.

Now be it and it is hereby **ORDAINED** by the Mayor and City Council of the City of Cartersville, that the capacity fees assessed pursuant to the Code of Ordinances, City of Cartersville, Georgia, Chapter 24. Utilities, Article IV. Water Service, Sec. 24-64 Water and Sewage Utility Rates (d) Capacity Fees, which were previously reduced by half of the amount thereof through December 31, 2011, and were to return to their prior existing rate on January 1, 2012, are now extended from the date of adoption of this ordinance until December 31, 2012. As of January 5, 2012 said capacity fees shall return to their prior existing rate.

2.

Additionally, this ordinance is deemed to be emergency in nature as the time for extension of the previous reduction in rates has expired and due to the current economic conditions, it is in the best interest of the general public and to promote economic development in the City, the Council has declared this ordinance to be emergency in nature requiring only one (1) reading.

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED this the 5th day of January 2012. **Emergency Reading.**

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

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

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk



City of Cartersville

**City Council Meeting
1/19/2012 7:00:00 PM
Police Certification**

SubCategory:	Presentations
Department Name:	Police Department
Department Summary Recommendation:	<p>The Cartersville Police Department has renewed its State Certification for another three years. The State Certification program is administered through the Georgia Association of Chief's of Police. Renewal confirms compliance with 100 national accreditation standards and 18 state specific standards. These standards insure the department operates under the best practices, policies and procedures in law enforcement. They increase professionalism, efficiency, and overall effectiveness.</p> <p>Chief Mansure from the Villarica Police Department is the representative for the Georgia Chief's Association for this area. He will be here January 19, 2012 at the City Council Meeting to present our renewal plaque to the police department.</p>
City Manager's Remarks:	This is a presentation by the Georgia Chief's Association.
Financial/Budget Certification:	
Legal:	
Associated Information:	



City of Cartersville

**City Council Meeting
1/19/2012 7:00:00 PM
Amendment to Solid Waste Ordinance**

SubCategory:	Second Reading of Ordinances
Department Name:	Solid Waste
Department Summary Recommendation:	<p>This amendment to the Solid Waste ordinance increases the cost of solid waste to city customers by \$2.00 per month to help cover the cost of recycling that will begin in February 2012. The new residential monthly rate will be \$19.00 per month for garbage collection, which includes the cost of collection, curbside recycling, recycling yard waste, and disposal. The monthly fee shall be \$17.00 for a residential household with a homestead exemption for elderly, if the proper form has been filed. The new rate will take effect February 1, 2012.</p> <p>For the second reading modifications have been made to include the \$2 increase for residential backyard service and commercial curbie charges have been corrected from previous version of the ordinance. The revised ordinance is attached. Details of these changes will be explained at Council meeting. Staff request your approval of the revised ordinance.</p>
City Manager's Remarks:	This item increases the residential garbage rate by \$2 a month. It will pay for our new recycling program and is recommended for your approval.
Financial/Budget Certification:	
Legal:	Ordinance has been reviewed by City Attorney.
Associated Information:	N/A

Ordinance
of the
City of Cartersville, Georgia

Ordinance No. -11

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that the Code of Ordinances City of Cartersville, Georgia CHAPTER 21. SOLID WASTE, Sec. 21-34. Billing and Sec. 21-35 Commercial and multi-dwelling units (having more than six units) collection charges are hereby amended by deleting said sections in their entirety and replacing them as follows:

Sec. 21-34

- (a) Each residential household will be billed a monthly charge of nineteen dollars (\$19.00) minimum for garbage collection; said fee includes the cost of collection, curbside recycling, recycling yard waste, and disposal. The monthly fee shall be seventeen dollars (\$17.00) for a residential household with a homestead exemption for elderly, if the proper form has been filed. For those desiring backyard pickup shall provide their own containers and shall be charged a fee of twenty-three dollars (\$23.00) per month for this service if approved by the Public Works Director. Furthermore, there shall be an additional fee of ten dollars (\$10.00) per month per additional cart per residence.
- (b) Said fee may be adjusted automatically by the department to cover the increase in landfill disposal costs.
- (c) All bills for garbage service shall be sent to customers on the billing date for utilities. These bills are due and payable at the city clerk's office on the specified date on the bills. After that date, service may be ceased until all amounts due are paid.
- (d) A penalty of ten (10) percent shall be added to all bills for garbage service where bills are not paid on the due date as specified on the bill. If a customer is in arrears for a previous month or months, payment shall first be applied to previous bills.
- (e) A fee of ten dollars (\$10.00) per sticker shall be charged to the customers and stickers may only be purchased in person at city hall or by mail order from the city clerk's office for the collection of the waste material referred to in section 21-33(f) of this chapter. Two stickers (\$20.00) are required for all appliances with refrigerant.
- (f) Fees for bulk tree limbs and branch collections are described as follows and must be paid for by the customer prior to service being delivered:
 - (1) Zero (0) to five (5) cubic yards per week is free pickup.
 - (2) From greater than five (5) cubic yards to seven (7) cubic yards per week is fifteen dollars (\$15.00).

(3) From greater than seven (7) cubic yards to ten (10) cubic yards per week is thirty dollars (\$30.00).

(4) From greater than ten (10) cubic yards to twelve (12) cubic yards per week is forty-five dollars (\$45.00).

(5) From greater than twelve (12) cubic yards to fourteen (14) (truck load) cubic yards per week is sixty dollars (\$60.00).

(6) Greater than fourteen (14) cubic yards will be estimated by the public works director or by his/her designee.

(Code 1976, § 6-4005(c); Ord. No. 38-96, § 1, 8-29-96; Ord. No. 26-97, 7-17-97; Ord. No. 23-28, 7-2-98; Ord. No. 25-99, 6-17-99; Ord. No. 24-00, §§ 5, 6, 6-15-00; Ord. No. 33-06, 6-15-06; Ord. No. 12-10, 5-20-10)

Sec. 21-35

(a) Multi-dwelling units having more than six (6) units will be required to have a container and will be charged the following rates:

Container Size	Dumps Per Week	Monthly Rate
2 Yard	1	\$68.00
	2	\$96.00
	3	\$118.00
4 Yard	1	\$88.00
	2	\$133.00
	3	\$167.00
	4	\$212.00
	5	\$257.00
	6	\$336.00
6 Yard	1	\$110.00
	2	\$155.00
	3	\$200.00
	4	\$245.00
	5	\$290.00
	6	\$403.00
8 Yard	1	\$131.00
	2	\$187.00
	3	\$244.00
	4	\$300.00
	5	\$357.00
	6	\$470.00

Extra dumps for dumpsters/containers

\$50.00

All small downtown containers

\$28.00

(b) The collection charges for commercial curbies is as follows:

Commercial Curbies	Once Per Week Pickup	Twice Per Week Pickup
1 Curbie	\$31.00	\$43.00
2 Curbies	\$39.00	\$54.00
3 Curbies	\$47.00	\$65.00
4 Curbies	\$55.00	\$76.00
5 Curbies	\$63.00	\$87.00

- (c) Said fee may be adjusted automatically by the department to cover the increase in landfill disposal costs.
- (d) All bills for garbage service shall be sent to customers on the billing date for utilities. These bills are due and payable at the city clerk's office on the specified date on the bills. After that date, service may be ceased until all amounts due are paid.
- (e) A penalty of ten (10) percent shall be added to all bills for garbage service where bills are not paid on the due date as specified on the bill. If a customer is in arrears for a previous month or months, payment shall first be applied to previous bills.

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

This Ordinance shall become effective on February 1, 2012.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 5th day of January 2012.

ADOPTED this the 19th day of January 2012. Second Reading.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk



City of Cartersville

**City Council Meeting
1/19/2012 7:00:00 PM**

File #AZ12-01: Annexation and zoning application by Al Cartersville 1 LLC (Jeff Watkins, representative) for property located at 23 Redcomb Drive (approximately 1.6 acres) from Bartow County to City MF-14 (Multi-family 14 units per acre).

SubCategory:	Public Hearing - 1st Reading of Zoning/Annexation Requests
Department Name:	Planning and Development
Department Summary Recommendation:	The subject tract is located on Redcomb Drive at the intersection with Mount Olive Street, and is the northern half of The Gazebos Apartment Complex. This property is adjacent to the industrial park that includes industries on Commerce Drive and Donn Drive, and includes an apartment complex built in approximately 2000. The applicants seek to annex the property and to have MF-14 (Multi-family Residential) zoning to be consistent with the southern half of the complex, which has been in the City limits since the complex was constructed. Planning Commission recommended approval of the annexation and MF-14 zoning.
City Manager's Remarks:	This property is part in the County and part in the City. The owner wishes to annex it all into the City. The Planning Commission recommends your approval of the annexation and zoning.
Financial/Budget Certification:	
Legal:	
Associated Information:	

Application for Annexation / Zoning

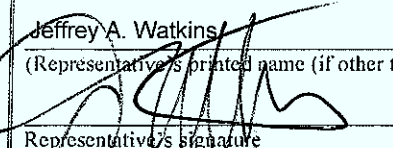
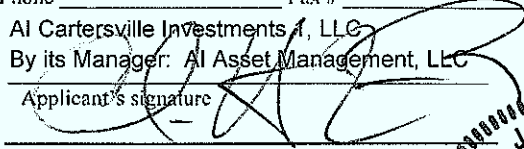
Planning and Development Department
10 North Public Square
City of Cartersville
(770) 387-5600

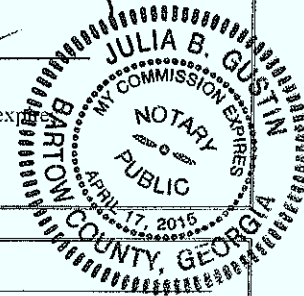
Application Number

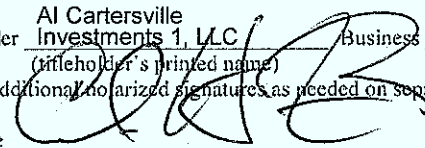
AZ12-01
~~051003~~

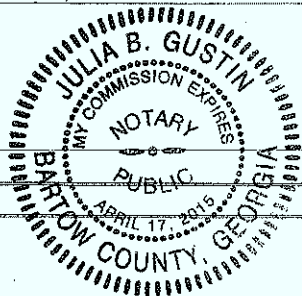
Paid \$400
12-1-11 -RO

Hearing Dates 1-10-12, 1-19-12, 2-2-12

Applicant <u>AI Cartersville Investments 1, LLC</u> (applicant's printed name)	Business/Cell Phone <u>Calvin Evans (770) 606-7685</u>
Address <u>P.O. Box 1505</u>	Home Phone <u>N/A</u>
City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u> Email <u>jwatkins@wcwattorneys.com</u>	
Jeffrey A. Watkins (Representative's printed name (if other than applicant))	Phone <u>770-382-9591</u> Fax # <u>770-382-3833</u>
Representative's signature 	By its Manager: <u>AI Asset Management, LLC</u> Applicant's signature 
Signed, sealed and delivered in presence of: <u>Julia B. Gustin</u> Notary Public	By: <u>Calvin H. Evans, Manager</u> My commission expires



Titleholder <u>AI Cartersville Investments 1, LLC</u> (titleholder's printed name)	Business <u>(770) 606-7685</u> Home <u>N/A</u>
*attach additional notarized signatures as needed on separate application page	Address <u>P.O. Box 1505</u>
Signature 	<u>Cartersville, GA 30120</u>
Signed, sealed, delivered in presence of: <u>Julia B. Gustin</u> Notary Public	My commission expires:



Requested City Zoning <u>MF-14</u>
Acreage <u>7.16</u> Land Lot(s) <u>340</u> District(s) <u>4th</u> Section(s) <u>3rd</u>
Location of Property <u>23 Red Comb Drive, Cartersville, GA 30120</u> (The Gazebos Apartment Complex) (street address, nearest intersections, etc)
Reason for requested Annexation / Zoning: <u>To allow the entire Gazebos Apartment Complex to be annexed into the City. A portion of the complex, known as 21 Red Comb Dr, is currently in the City limits, zoned MF-14.</u> (attach additional statement as necessary)

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

ZONING & ANNEXATION SYNOPSIS

Petition Number(s): AZ12-01

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: Al Cartersville Investments 1 LLC
Representative: Jeff Watkins
Property Owner: Same as applicant
Property Location: 23 Redcomb Drive
Access to the Property: Redcomb Drive (off Porter Street)

Site Characteristics:

Tract Size: Acres: 1.6 acres District: 4th Section: 3rd LL(S): 340
Ward: 4 Council Member: Lindsey McDaniel

LAND USE INFORMATION

Current Zoning: County R-3 (Multi-family)
Proposed Zoning: MF-14 (Multi-family)
Proposed Use: Annex to allow entire Gazebos Apartment Complex to be in City
Current Zoning of Adjacent Property:
North: County jurisdiction
South: MF-14 (Multi-family)
East: County jurisdiction
West: H-I (Heavy Industrial)

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

ZONING ANALYSIS

City Departments Reviews

Water and Sewer:

No objections.

Public Works:

No objections.

Gas:

No objections.

Electric:

No objections.

Fire:

No objections.

Police:

No comments.

Bartow County government has also received information regarding the annexation request and finds no objection to the application. The property is currently zoned R-3 (Multi-family) and is identified on the County's Future Land Use Map as Multi-family Residential.

The subject tract is located at on Redcomb Drive at the intersection with Mount Olive Street, and is the northern half of The Gazebos Apartment Complex. This property is adjacent to the industrial park that includes industries on Commerce Drive and Donn Drive, and includes an apartment complex built in approximately 2000. The applicants seek annex the property and have MF-14 (Multi-family Residential) zoning to be consistent with the southern half of the complex, which has been in the City limits since the complex was constructed.

STANDARDS FOR EXERCISE OF ZONING POWERS.

- A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed MF-14 zoning may permit a use that is suitable in view of the existing MF-14 zoned southern half of the complex adjacent to this northern portion of the development.
- B. *Whether the zoning proposal will create an isolated district unrelated to adjacent and nearby districts.*
The proposed MF-14 zoning may not create an isolated district since there are adjacent and nearby properties that are zoned in a similar manner.
- C. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The MF-14 zoning proposal may not adversely affect the existing use of adjacent properties.
- D. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*
As currently zoned in unincorporated Bartow County for multi-family residential use, the property may have a reasonable economic use. The proposed MF-14 zoning in the City would be similar.
- E. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The zoning proposal may not cause an excessive use of existing streets and facilities. Utility, Public Works, and Planning & Development staff would review any future development based on possible industrial use on roads, utilities, and other factors.
- F. *Whether the zoning proposal is in conformity with the adopted local Comprehensive Land Use Plan.*
The property is not designated on the adopted Future Development Map of the comprehensive plan.

- G. Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.
The MF-14 zoning proposal may not result in a use which could adversely affect the environment. Utility, Public Works, and Planning & Development staff would review any future development based on possible environmental factors related to industrial use.
- H. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
For improved public safety service, it may be appropriate for this property to be in the City with multi-family residential (MF-14) zoning similar to the adjacent southern half of this apartment complex.

RECOMMENDATION

Staff has no objections.

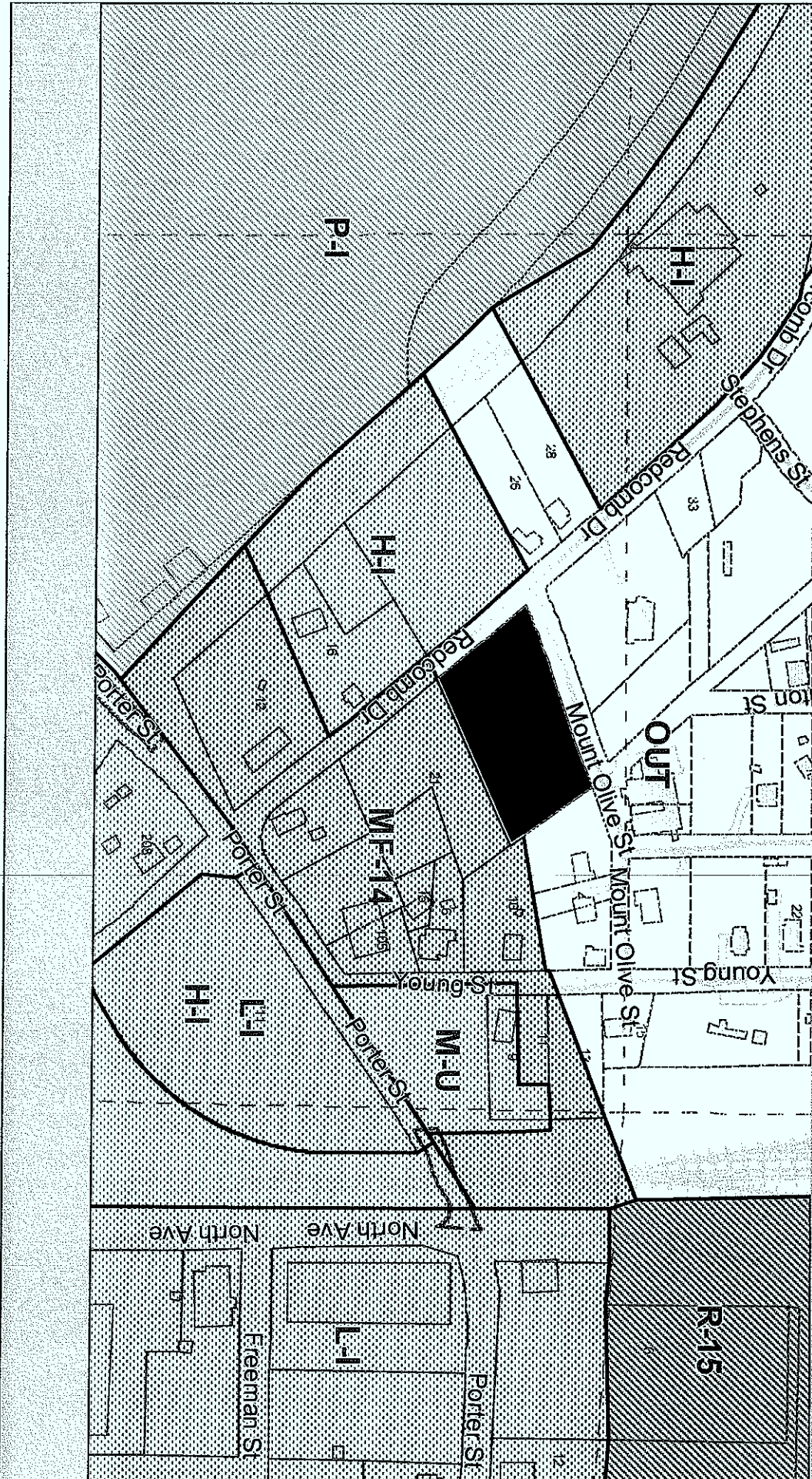
PLANNING COMMISSION RECOMMENDATION:

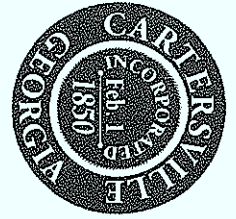
ANNEXATION:	APPROVAL
ZONING:	APPROVAL



23 Redcomb Dr case AZ12-01

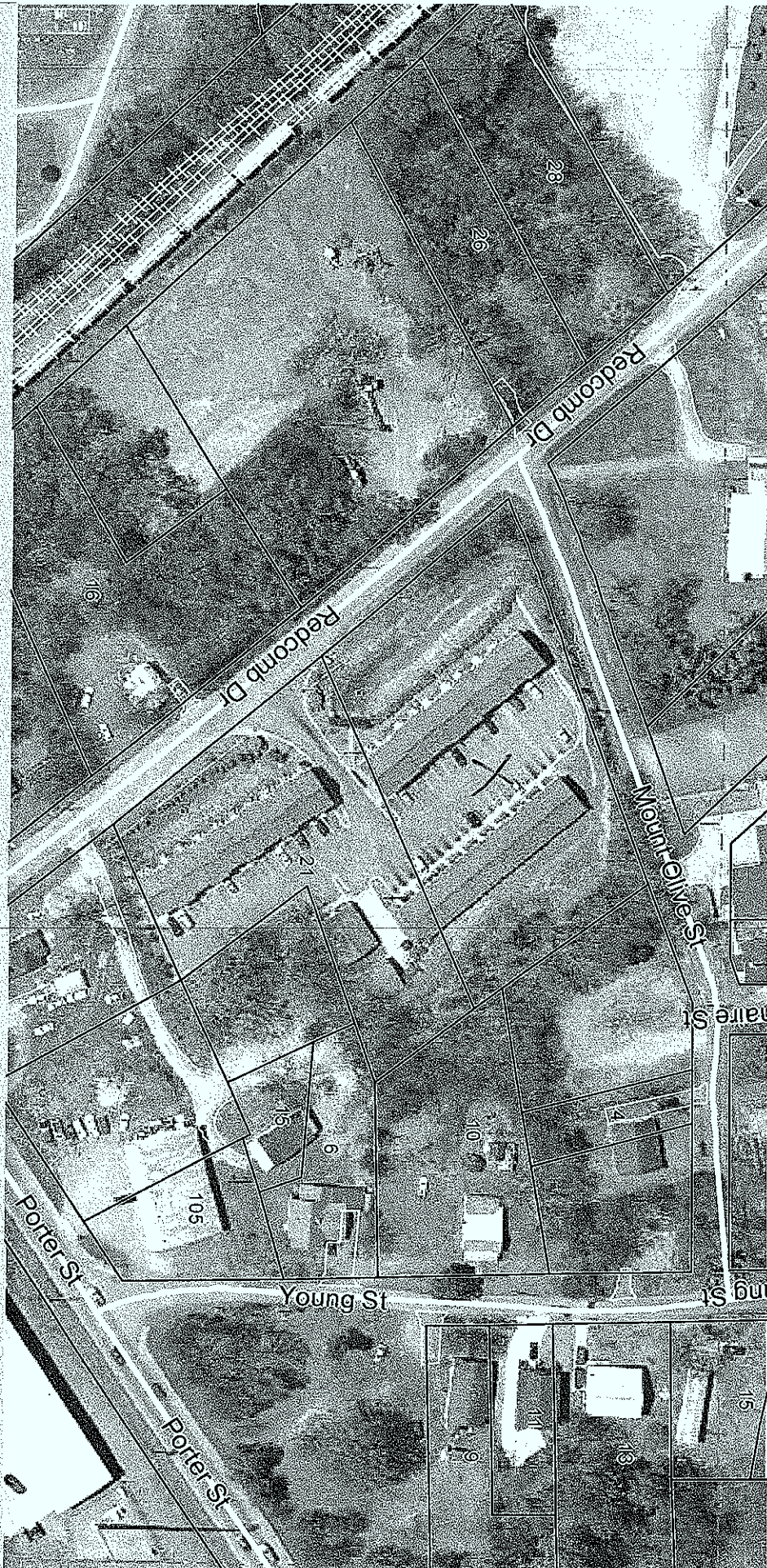
Item # 4





23 Redcomb Dr case AZ12-01

Item # 4



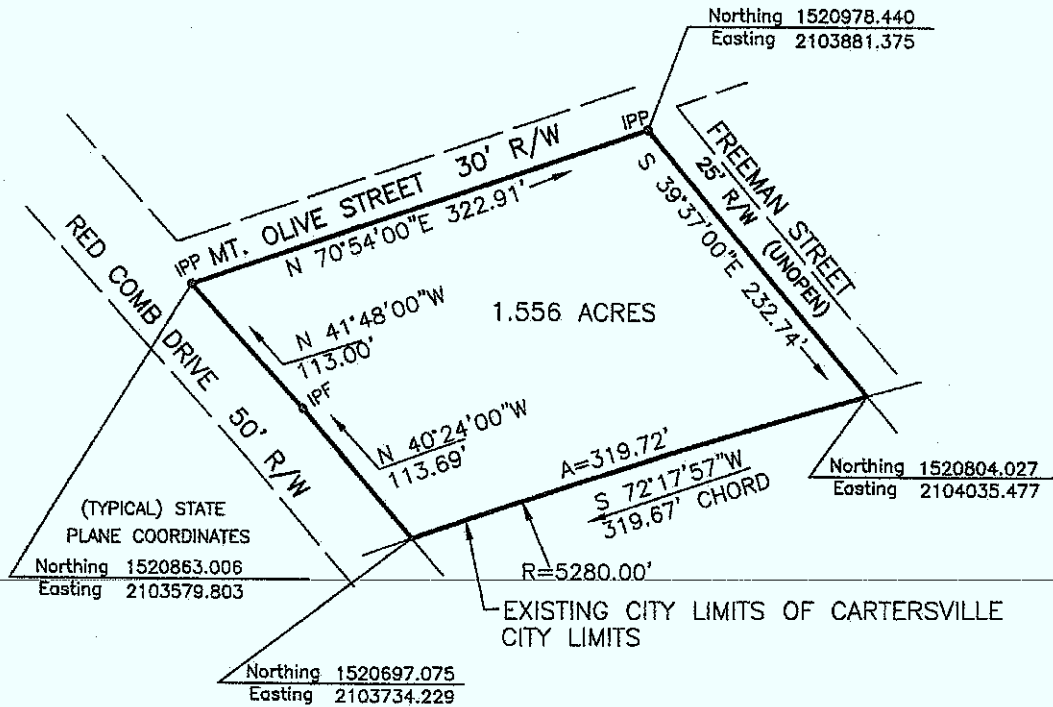


23 Redcomb Dr
case AZ12-01

Item # 4



SURVEY FOR
ANNEXATION TO THE CITY OF CARTERSVILLE
AI CARTERSVILLE INVESTMENTS 1, LLC
PROPERTY IN LAND LOT 340
4th DISTRICT, 3rd SECTION
BARTOW COUNTY, GEORGIA



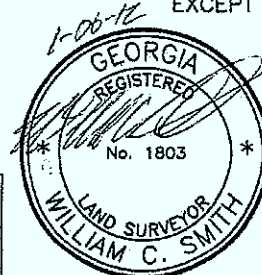
NOTE: THIS PLAT WAS DRAWN FROM SURVEYS MADE BY US ON
JULY 23, 1976 & MAY 12, 1998
REVISED JANUARY 6, 2012 STATE PLANE COORDINATES
ADDED AND NAME CHANGE ONLY

FIELD TRAVERSE:
CLOSURE; ONE FOOT IN 10,000 FEET
USING A LIETZ SET 3.
ANGULAR ERROR; 0°00'06" PER ANGLE
POINT USING A LIETZ SET 3.
ADJUSTED; USING THE COMPASS RULE.

1456.CRD 1456-2.DWG
FLOOD INSURANCE RATE MAP 13015C0086F
DATED SEPT.29,1989 SHOWS THIS PROPERTY
IS NOT IN THE 100 YEAR FLOOD ZONE.

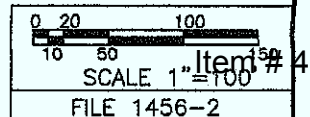
NOTE: IRON PINS ARE (1/2"RE-BAR)
EXCEPT AS SHOWN.

SMITH & SMITH LAND SURVEYORS, P.C.
2 SOUTH AVENUE, CARTERSVILLE, GA. 30120
PHONE 770-382-0457
REGISTERED LAND SURVEYOR No. 1803



PLAT CLOSURE;
ONE FOOT IN
956,000 FEET.
MAY 12, 1998
REVISED 1-6-2012

R/W — RIGHT OF WAY	R — RADIUS LP — LIGHT POLE
IPP — IRON PIN PLACED	-X-X- FENCE
IPF — IRON PIN FOUND	—— LAND LOT LINE
CM — CONCRETE MARKER	⊙ — CENTER LINE
CH — CHORD	— — POWER LINE
L OR A — LENGTH OF CURVE	PP — POWER POLE



MAC. NORTH

SURVEYOR'S CERTIFICATE

That the undersigned a Georgia Registered Land Surveyor on behalf of the above annexation applicant do certify the following:

- (1) That the attached survey contains no fewer than four surveyed map regulation points and recorded with the Georgia Coordinate System of 1985.
- (2) That the attached survey shows the boundaries of the area being annexed and the existing boundaries of the area being annexed and the existing boundaries of the annexing municipality between the points at which these boundaries close, if applicable.
- (3) That the attached survey meets the requirements of O.C.G.A. 15-6-67 and Section 180-7-01 Technical Standards for Property Survey, Rules and Regulations of the State of Georgia.
- (4) That the map demarcation of the map registration points are well distributed along, within, or near the boundary of the annexed area.
- (5) That at least one-eighth of the aggregate external boundary or fifty (50) feet of the area to be annexed, whichever is less, either abuts directly on the municipal boundary or would directly abut on the municipal boundary if it were not.

This 6TH day of JANUARY, 2012, 2004.



Georgia Registered Land Surveyor (Seal)

WILLIAM C. SMITH

FILE 1456-2

ZONING ADMINISTRATOR

- 1. Annexation No.: AZ12-01
- 2. Yes No The above property complies with the City of Cartersville minimum size requirements to construct a building or structure occupiable by persons or property under the policies, ordinance, or regulations of the City of Cartersville.
- 3. Survey attached.

This 9th day of January, 2012.



Zoning Administrator

LEGAL DESCRIPTION
For
AI Cartersville Investments 1, LLC

All that tract or parcel of land lying and being in Land Lot 340, 4th District, 3rd Section, Bartow County as shown on survey by William Smith, registered land surveyor, dated May 12, 1998 and revised January 6, 2012, reference being made to said survey for a more perfect description. Said property contains 1.556 acres.

CITY OF CARTERSVILLE

ZONING / ANNEXATION ANALYSIS

PETITION NUMBER AZ12-01

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

PROPERTY OWNER (S) Al Cartersville Investments I, LLC PHONE NUMBER 770-382-9591

PETITIONER same (Jeff Watkins, rep.) OWNER'S ADDRESS PO Box 1505
Cartersville, GA 30120

PROPERTY LOCATION 23 Redcomb Dr. TRACT SIZE 0.8 ac

DISTRICT 4 SECTION 3 LL(S) 340

TAX MAP # 0078F0011006 PARCEL (S) 1 WARD (S) 4

CURRENT LAND USE apt. complex PROPOSED LAND USE same

CURRENT ZONING Bartow County R-3 PROPOSED ZONING MF-14

SPECIFICS OF PROPOSED USE

NUMBER OF DWELLING UNITS 10 NUMBER OF OCCUPANTS 13

RACIAL COMPOSITION 7 white, 3 hispanic, 3 black

NUMBER OF SCHOOL AGED CHILDREN 2

GRADE LEVEL (S) OF SCHOOL AGE CHILDREN 1st, 7th

SCHOOL SYSTEM TO BE ATTENDED Cartersville

OWNER OCCUPIED: YES _____ NO X

UTILITY SERVICE (CITY, COUNTY, GEORGIA POWER, ATLANTA GAS)

- 1. WATER City
- 2. SEWER City
- 3. GAS City
- 4. ELECTRICITY City



Bartow County Commissioner's Office · Clarence Brown, Commissioner

CERTIFIED MAIL # 7006 3450 0001 5974 6373

December 12, 2011

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

RE: Request by A-1 Cartersville Investments 1 LLC
to annex approximately 0.8 acres
located at 23 Redcomb Drive, Cartersville

Dear Richard:

This office has reviewed the above referenced annexation request and finds no objection to the application. The property is currently zoned R-3 (Multi-Family) and is identified on the County's Future Land Use Map as Residential Mixed use.

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

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

Sincerely,

A handwritten signature in black ink that reads "Clarence Brown". The signature is written in a cursive style and is followed by a horizontal line.

CLARENCE BROWN
Commissioner
Bartow County

CB/kg

- c. Brandon Johnson, Zoning Department
- Randy Gray, Bartow County Road Department
- Mary Milam, Voter Registration
- Jarrod Roberts, Tax Assessor
- Tim Poe, GIS Department

Item # 4



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 # **AZ12-01**

DISCLOSURE OF INTERESTS BY LOCAL OFFICIAL

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

Al Cartersville Investments 1 LLC (Jeff Watkins, representative) has made an annexation/zoning request on the following property: Approximately 0.8 acres located at 23 Redcomb Drive in the 4th District, 3rd Section, Land Lot 340 Bartow County jurisdiction to City MF-14 (Multi-family Residential).

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

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

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

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

TITLE: _____

DATE: _____



City of Cartersville

City Council Meeting
1/19/2012 7:00:00 PM

File #AZ12-02: Annexation and zoning application by Lara Jeanneret for property located at 40 Natchi Trail (approximately 1.7 acres) from Bartow County to City R-20 (Single-family residential).

SubCategory:	Public Hearing - 1st Reading of Zoning/Annexation Requests
Department Name:	
Department Summary Recommendation:	The subject tract is located at 40 Natchi Trail off Indian Mounds Road. This property backs up to Dellinger Park and includes a single-family house built in approximately 2004. If annexed, this property would include the last house on the north side of Natchi Trail to be incorporated into the City limits. This property is part of the City Annexation Initiative to incorporate “donut hole” tracts into the City limits for improved public safety coverage. The applicants, working with City staff through the City Annexation Initiative, seek to be annexed for City schools. The property would, if annexed, be zoned R-20 (Single-family Residential). Planning Commission recommended approval of the annexation and R-20 zoning.
City Manager's Remarks:	This is the last of the Natchi Trail properties to be annexed into the City. The Planning Commission recommends annexation and zoning of this property.
Financial/Budget Certification:	
Legal:	
Associated Information:	

AZ12-02

Application for Annexation / Zoning

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

city Annexation initiative

Application Number

~~001-00~~

Hearing Dates

6:00pm 7:00pm 7:00pm
1/10/12, 1/19/12, 2/2/12

Applicant Lara Jeanneret Business/Cell Phone 678-873-2126
 (applicant's printed name)
 Address 40 Natchi Trail Home Phone 770-386-5886
 City Cartersville State GA Zip 30120 Email lara@larajdesigns.com
 Phone _____ Fax # _____
 (Representative's printed name (if other than applicant))
 Representative's Signature _____ Applicant's signature [Signature]
 Signed, sealed and delivered in presence of:
[Signature] My commission expires: 6-20-14
 Notary Public (City Annexation Initiative)


Titleholder _____ Business _____ Home _____
 (titleholder's printed name)
 *attach additional notarized signatures as needed on separate application page Address _____
 Signature _____
 Signed, sealed, delivered in presence of: same as applicant
 My commission expires: _____
 Notary Public _____

Requested City Zoning City of Cartersville
 Acreage 1.697 Land Lot(s) 812 District(s) 4 Section(s) 3
 Location of Property 40 Natchi Trail
 (street address, nearest intersections, etc)
 Reason for requested Annexation / Zoning: city school system
 (attach additional statement as necessary)
property is surrounded by city of Cartersville zoning

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.

ZONING & ANNEXATION SYNOPSIS

Petition Number(s): **AZ12-02**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Lara Jeanneret (City Annexation Initiative)**
Representative: **None**
Property Owner: **Same as applicant**
Property Location: **40 Natchi Trail**
Access to the Property: **Natchi Trail, off Indian Mounds Road**

Site Characteristics:

Tract Size: Acres: **1.7 acres** District: **4th** Section: **3rd** LL(S): **812**
Ward: **3** Council Member: **Louis Tonsmeire**

LAND USE INFORMATION

Current Zoning: **County A-1 (Agricultural)**
Proposed Zoning: **R-20 (Single-family Residential)**
Proposed Use: **Annex for City school system**
Current Zoning of Adjacent Property:
North: **P-I (Public Institutional)**
South: **County jurisdiction (R-3)**
East: **R-20 (Single-family Residential)**
West: **R-20 (Single-family Residential)**

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

ZONING ANALYSIS

City Departments Reviews

Water and Sewer:

No objections.

Public Works:

No objections.

Gas:

No objections.

Electric:

No objections.

Fire:

No objections.

Police:

No comments.

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

The subject tract is located at 40 Natchi Trail off Indian Mounds Road. This property backs up to Dellinger Park and includes a single-family house built in approximately 2004. If annexed, this property would include the last house on the north side of Natchi Trail to be incorporated into the City limits. This property is part of the City Annexation Initiative to incorporate "donut hole" tracts into the City limits for improved public safety coverage. The applicants, working with City staff through the City Annexation Initiative, seek to be annexed for City schools. The property would, if annexed, be zoned R-20 (Single-family Residential).

STANDARDS FOR EXERCISE OF ZONING POWERS.

- A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed R-20 zoning may permit a use that is suitable in view of the existing residential development of adjacent properties.

- B. *Whether the zoning proposal will create an isolated district unrelated to adjacent and nearby districts.*
The proposed R-20 zoning may not create an isolated district since there are adjacent and nearby properties that are zoned in a similar manner in the City.

- C. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The R-20 zoning proposal may not adversely affect the existing use of adjacent properties.

- D. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*
As currently zoned in unincorporated Bartow County for agricultural use, the property may not be appropriately zoned based on the size of the tract (less than two acres) and adjacent zonings (City R-20 residential and County R-3 multi-family). As proposed in the City for R-20 zoning, this proposal may be more appropriate than agricultural.

- E. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The zoning proposal may not cause an excessive use of existing streets and facilities. Utility, Public Works, and Planning & Development staff would review any future development based on possible industrial use on roads, utilities, and other factors.

- F. *Whether the zoning proposal is in conformity with the adopted local Comprehensive Land Use Plan.*
The property is in conformity with the Future Development Map.

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

The R-20 zoning proposal may not result in a use which could adversely affect the environment. Utility, Public Works, and Planning & Development staff would review any future development based on possible environmental factors related to industrial use.

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

This property would be the last tract of land on the north side of Natchi Trail to be annexed into the City limits. For improved public safety service, it may be appropriate for this property to be in the City with low-density residential (R-20) zoning.

RECOMMENDATION

Staff has no objections.

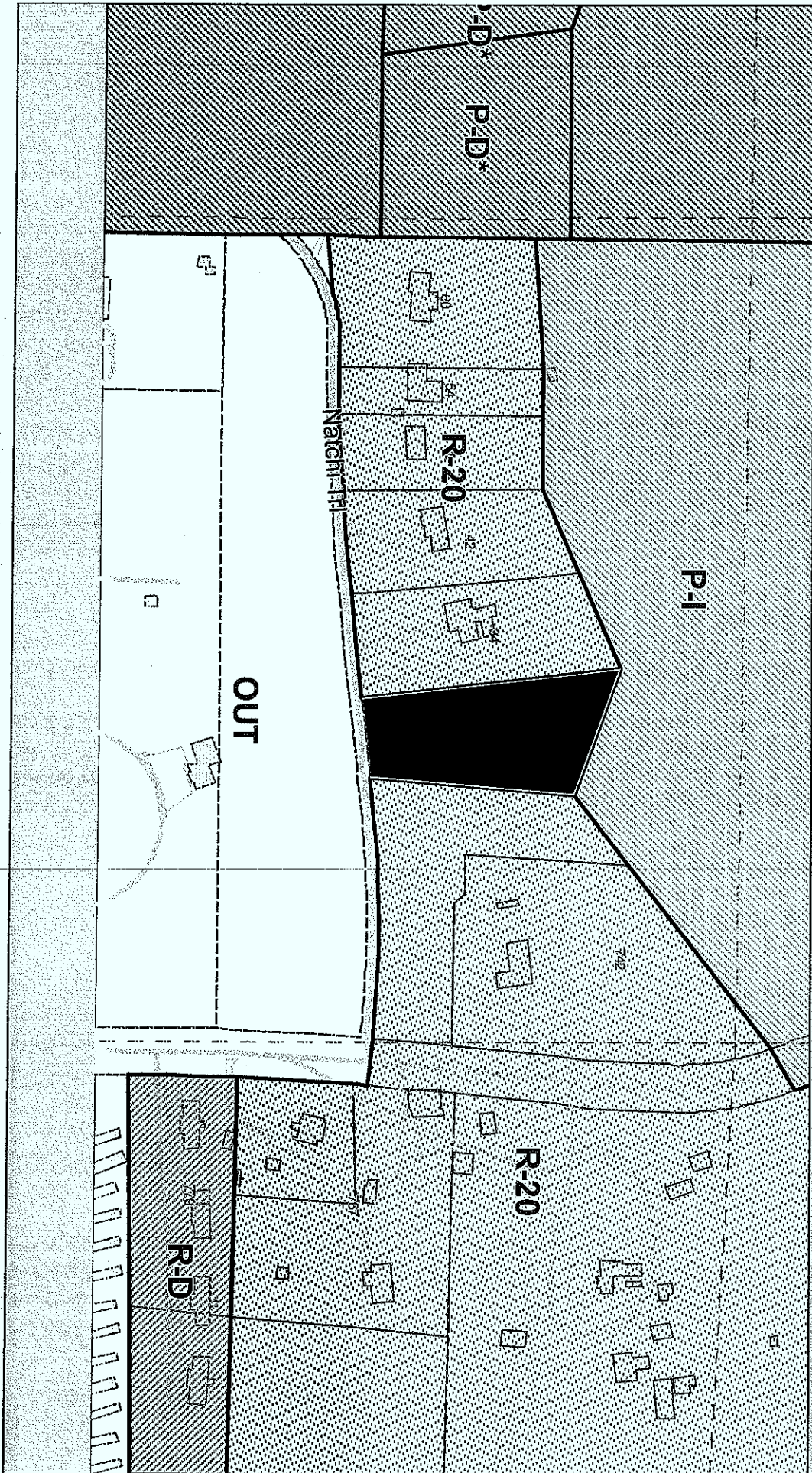
PLANNING COMMISSION RECOMMENDATION:

ANNEXATION:	APPROVAL
ZONING:	APPROVAL



40 Natchi Trail case AZ12-02

Item # 5

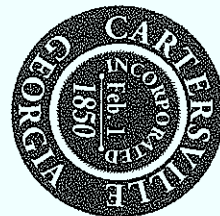




40 Natchi Trail case AZ12-02

Item # 5

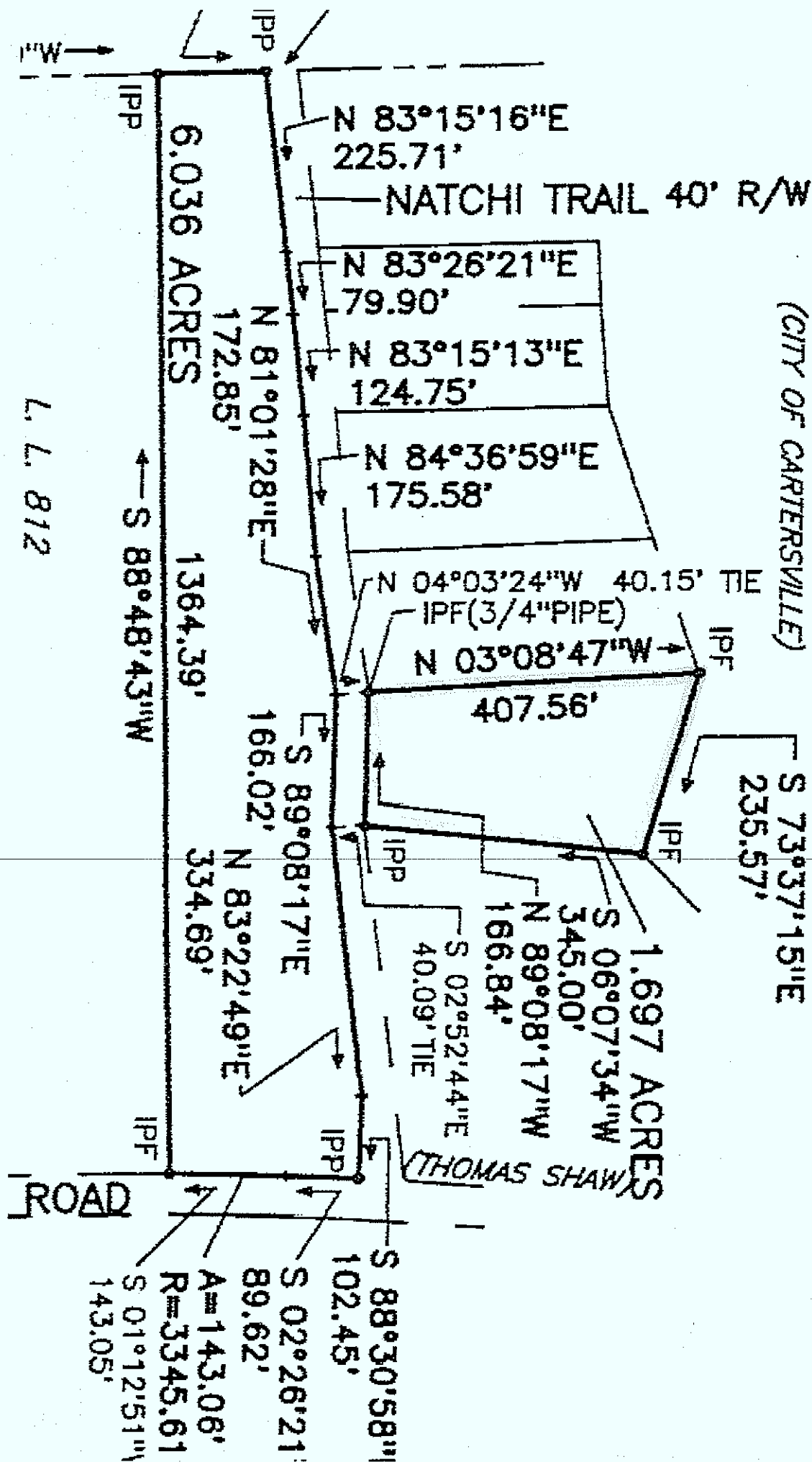




40 Natchi Trail case AZ12-02

Item # 5



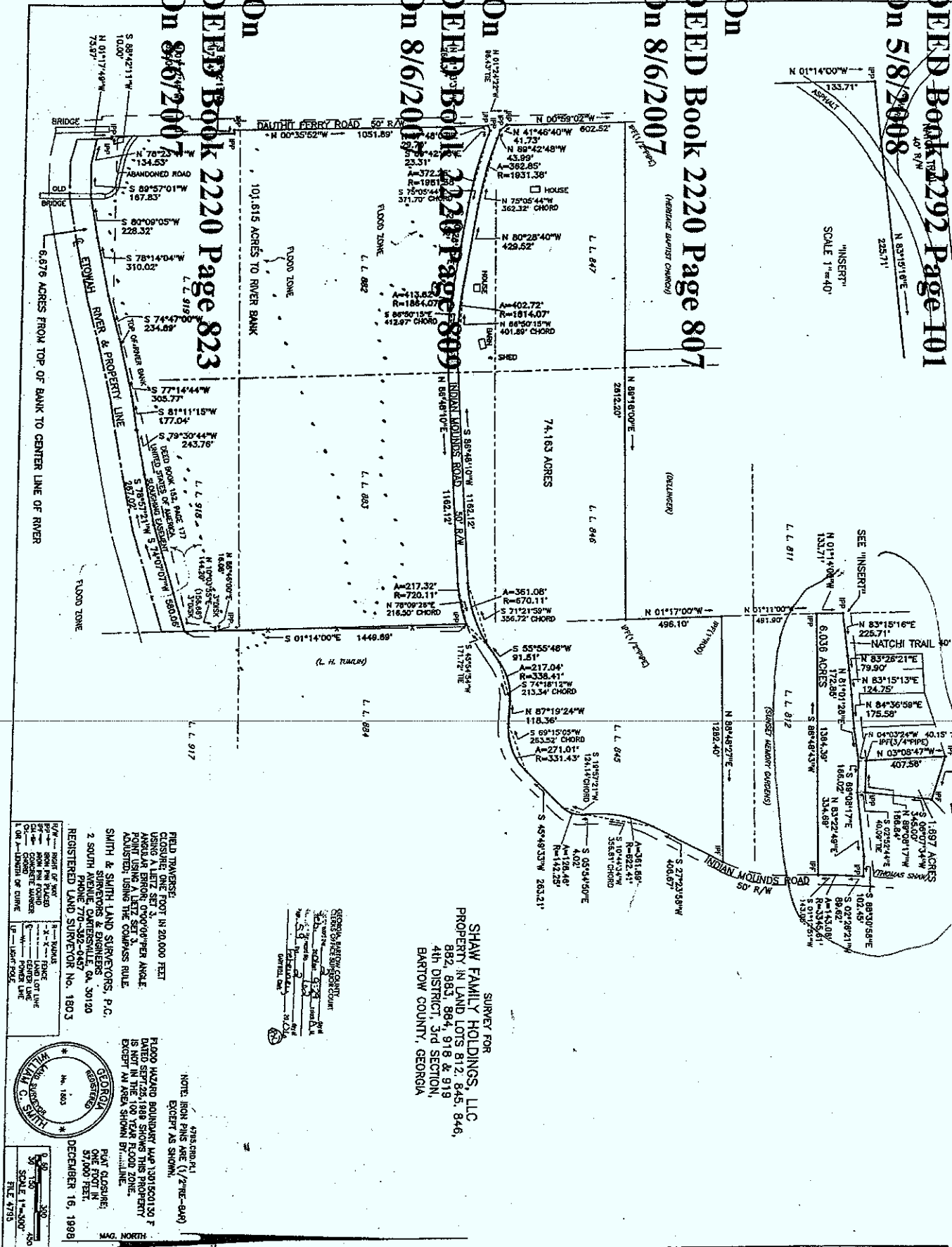


DEED Book 2292 Page 101
On 5/8/2008

DEED Book 2220 Page 807
On 8/6/2007

DEED Book 2220 Page 809
On 8/6/2007

DEED Book 2220 Page 823
On 8/6/2007



SCALE 1"=40'

SURVEY FOR
SHAW FAMILY HOLDINGS, LLC
PROPERTY IN LAND LOTS 812, 845, 846,
882, 883, 884, 918 & 919
4th DISTRICT, 3rd SECTION,
BARTOW COUNTY, GEORGIA

FIELD TRAVERSE
CLOSURE ONE FOOT IN 20,000 FEET
MAGNETIC DEVIATION 10.00° W
MAGNETIC ANGLE
POINT USING A LETZ SET 3
ADJUSTED USING THE COMPASS RULE

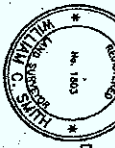
SMITH & SMITH LAND SURVEYORS, P.C.
SURVEYORS & ENGINEERS
2 SOUTH AVENUE, DARTMOUTH, GA. 30120
PHONE 770-342-0457
REGISTERED LAND SURVEYOR No. 1803

NOTE: IRON PINS ARE (1/2" DIA - 84")
EXCEPT AS SHOWN.

4785 CRD, P.1
MAG. NORTH

DECEMBER 16, 1988

SCALE 1"=400'
FILE 4788



CITY OF CARTERSVILLE

ZONING / ANNEXATION ANALYSIS

PETITION NUMBER AZ12-02

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

PROPERTY OWNER (S) Lara Jeanneret PHONE NUMBER 770-386-5886

PETITIONER same OWNER'S ADDRESS 40 Natchi Trail

Cartersville, GA 30120

PROPERTY LOCATION 40 Natchi Trail TRACT SIZE 1.697

DISTRICT 4 SECTION 3 LL(S) _____

TAX MAP # 0073-0812-010 PARCEL (S) 1 WARD (S) 3

CURRENT LAND USE residential PROPOSED LAND USE residential

CURRENT ZONING County R-1 PROPOSED ZONING City R-20

SPECIFICS OF PROPOSED USE

NUMBER OF DWELLING UNITS 1 NUMBER OF OCCUPANTS 4

RACIAL COMPOSITION white

NUMBER OF SCHOOL AGED CHILDREN 0 (age 2 and age 4)

GRADE LEVEL (S) OF SCHOOL AGE CHILDREN n/a

SCHOOL SYSTEM TO BE ATTENDED City schools ~~and 20 years~~

OWNER OCCUPIED: YES NO _____

UTILITY SERVICE (CITY, COUNTY, GEORGIA POWER, ATLANTA GAS)

1. WATER well

2. SEWER septic

3. GAS City

4. ELECTRICITY GA Power



Bartow County Commissioner's Office • Clarence Brown, Commissioner

CERTIFIED MAIL # 7006 3450 0001 5974 6380

December 12, 2011

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

RE: Request by Lara Jeanneret
to annex approximately 1.70 acres
located at 40 Natchi Trail, Cartersville

Dear Richard:

This office has reviewed the above referenced annexation request and finds no objection to the application. The property is currently zoned A-1 (Agricultural) and is identified on the County's Future Land Use Map as Rural Estate.

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

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

Sincerely,

CLARENCE BROWN
Commissioner
Bartow County

CB/kg

- c. Brandon Johnson, Zoning Department
- Randy Gray, Bartow County Road Department
- Mary Milam, Voter Registration
- Jarrod Roberts, Tax Assessor
- Tim Poe, GIS Department

Item # 5



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 # **AZ12-02**

DISCLOSURE OF INTERESTS BY LOCAL OFFICIAL

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

Lara Jeanneret has made an annexation/zoning request on the following property: Approximately 1.7 acres located at 40 Natchi Trail in the 4th District, 3rd Section, Land Lot 812 Bartow County jurisdiction to City R-20 (Single-family Residential).

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

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

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

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

 TITLE: _____
 DATE: _____



City of Cartersville

City Council Meeting
1/19/2012 7:00:00 PM

Annual Update of CIE in Accordance with the Impact Fee Requirements

SubCategory:	Resolutions
Department Name:	Planning and Development
Department Summary Recommendation:	<p>Cartersville adopted Impact Fees in the last quarter of 2006. Said fees became effective starting in January of 2007. In accordance with the Development Impact Fee Regulations as outlined by the State, we are required to file an annual update to the Capital Improvements Element (CIE) of the Comprehensive Plan because we collect said impact fees and/or have an adopted impact fee ordinance. As you are aware, we held the required public hearing for the updated information on November 3, 2011, and Council also approved a resolution allowing this item to be transmitted to the Northwest Georgia Regional Commission (NWGRC) and the Department of Community Affairs (DCA) for their review and approval. They have approved the document, and we are required to formally adopt it.</p> <p>RECOMMENDATION: Staff recommends that Council approve this resolution adopting the Annual Update.</p>
City Manager's Remarks:	<p>This is an ongoing update of our impact fee program, even though related rates are presently at zero. This is required by state law. Your approval of this item is recommended.</p>
Financial/Budget Certification:	
Legal:	
Associated Information:	

Resolution No.

ADOPTION RESOLUTION

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, submitted, and reviewed 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 an advertised Public Hearing was held on November 3, 2011 at 7:00 P.M. in the City Council meeting room at Cartersville City Hall; and

BE IT THEREFORE RESOLVED, that the City Council of the City of Cartersville does hereby approve and adopt the Capital Improvements Element Annual Update attached hereto and incorporated herein as Exhibit “A” as per the requirements of the Development Impact Fee Compliance Requirements.

Adopted this the 19th day of January, 2012.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk

Nathan Deal
Governor



Mike Beatty
Commissioner

November 15, 2011

Mr. William R. Steiner
Executive Director
Northwest Georgia RC
Post Office Box 1798
Rome, Georgia 30162-1798

Dear Mr. Steiner:

Our staff has reviewed the Annual Update of the Capital Improvement Element (CIE Update) for the City of Cartersville and finds that it adequately addresses applicable requirements. The next step is for the local government to adopt the CIE Update. Based upon the date that your staff certified the submittal as complete, the earliest acceptable adoption date is January 6, 2011. As soon as your office provides written notice that the CIE Update has been adopted and provides DCA with a digital copy of the final adopted version of this document, we will notify the City that its Qualified Local Government status has been extended.

Sincerely,

A handwritten signature in black ink that reads "James R. Frederick".

James R. Frederick, Director
Office of Planning and Environmental Management

JF/nah

cc: David Howerin, Northwest Georgia RC Planning Director
Barnett Chitwood, Northwest Georgia RC Assistant Director of Regional Planning/Manager, Dalton Office





City of Cartersville

City Council Meeting
1/19/2012 7:00:00 PM

Amendment to Planning and Development Ordinance Regarding Planning Commission

SubCategory:	First Reading of Ordinances
Department Name:	Planning and Development
Department Summary Recommendation:	<p>Back in 2010, the Zoning Ordinance was amended. The Zoning Ordinance allows Planning Commission appointments to be at large. However, it was brought to our attention that the Code of Ordinances, under the Planning and Development Section, requires appointment by ward, which actually conflicts with the 2010 adopted zoning standard. We do have a current Planning Commission member appointed using the Zoning Ordinance standard who does not reside in the ward of the appointing council member. This amendment will correct this conflict. Additionally, back around 2005, the meeting compensation amount for Planning Commission members was increased to \$50. The Planning and Development Ordinance still reflects the original \$35 amount. This amendment also corrects this conflict.</p> <p>STAFF RECOMMENDATION: Staff recommends approval of this amendment.</p>
City Manager's Remarks:	<p>This ordinance amends the Code of Ordinances to reflect changes made by an ordinance in 2010 effecting Planning and Zoning Commission member appointments and compenstaion. Your approval of this ordinance is recommended.</p>
Financial/Budget Certification:	
Legal:	
Associated Information:	

Ordinance
of the
City of Cartersville, Georgia

Ordinance No.

Now be it and it is hereby **ORDAINED** by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 17. PLANNING AND DEVELOPMENT. ARTICLE II. PLANNING COMMISSION. Section 17-27 is hereby amended by deleting said section in its entirety and replacing it as follows:

Attachment number 1
Page 1 of 1

1.

Section 17-27. Members.

(a) The planning commission shall be composed of seven (7) members, to be appointed as follows:

(1) All seven (7) members to be appointed by the mayor and city council from the city at large and to serve until a successor is duly appointed.

(b) In addition to the seven (7) members referred to in subsection the City Clerk may be appointed as secretary of the commission.

(c) Members of the commission shall be paid thirty-five dollars (\$35.00) for each meeting attended.

2.

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

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 19th day of January 2012.

Second Reading and Adoption this the ____ day of February, 2012.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk



City of Cartersville

City Council Meeting
1/19/2012 7:00:00 PM

Amendment to Utilities Ordinance Regarding Electric Distributed Generation Energy Rider

SubCategory:	First Reading of Ordinances
Department Name:	Electric
Department Summary Recommendation:	<p>The City of Cartersville Electric System has had interest from residential and commercial customers who want to install distributed generation at their home or business such as solar photovoltaics, wind turbines, and fuel cells. By state law, we are obligated to purchase excess energy generated by these systems within certain guidelines. Attached is our Distributed Generation Energy Rider, DGE-1 in which we will purchase excess energy from qualified customers at a cost 1.5 cents per kWh above what is required by law.</p> <p>We currently have an industrial customer installing such a system. I recommend approval of this rate rider.</p>
City Manager's Remarks:	<p>This item effects only the way that the City purchases energy that is generated by residences and businesses and then sold back to the City. It isn't a part of the larger discussion of electric rates that is currently ongoing with some of our industrial customers. This ordinance is recommended for your approval.</p>
Financial/Budget Certification:	N/A
Legal:	Rate and ordinance under review by Keith Lovell.
Associated Information:	



DISTRIBUTED GENERATION ENERGY RIDER, DGE-1

<u>PAGE</u>	<u>EFFECTIVE DATE</u>	<u>PAGE</u>
1 of 2	Bills Rendered on or after February 16, 2012	25.00

AVAILABILITY:

Available in all areas served by the City of Cartersville Electric System (CES) and subject to CES's service rules and regulations.

APPLICABILITY:

Customers desiring to interconnect and/or sell electrical energy to CES produced by a distributed generation facility must be eligible for participation.

A distributed generation facility must:

- 1) Be owned and operated by an electrical customer of CES for production of electric energy; and,
- 2) Be located on the customer's premises; and,
- 3) Be connected to and operate in parallel with CES's distribution facilities; and,
- 4) Be intended primarily to offset part or all of the customer's requirement for electricity; and,
- 5) Be a "Renewable Energy Source" as defined by the State of Georgia such that energy supplied is from a technology approved in the Georgia Green Pricing Accreditation Program.

TYPE OF SERVICE:

Power accepted under this rider shall conform to power quality requirements as outlined in the distributed generation agreement between the customer and the City of Cartersville.

METERING:

CES will install single directional metering or bi-directional metering for an approved distributed generation facility depending on the customer's method of installation. All installed costs for metering and associated equipment will be paid by the customer prior to distributed generation service being initiated. Net metering is not employed by CES.

Bi-directional metering uses one (1) meter to separately measure both the flow of electricity from the utility to the customer and the flow of electricity from the customer to the utility. Bi-directional metering shall be used where distributed generation facilities are connected on the customer's side of the utility meter.

Single directional metering uses two (2) meters and is used where the generation facilities are not located on the customer's side of the utility meter. One meter measures the flow of electricity from the utility to the customer for the non-generating facility and the other meter measures the flow of electricity from the customer to the utility for the generating facility.

PAYMENT FOR ENERGY:

When electricity supplied by CES exceeds that generated by the customer, the customer shall be billed in accordance with the standard rate. When electricity generated by the customer exceeds that supplied by CES, the customer shall be credited in accordance with the distributed generation energy rider.

DISTRIBUTED GENERATION ENERGY RIDER, DGE-1 (cont'd)

<u>PAGE</u> 2 of 2		<u>PAGE</u> 25.10
-----------------------	--	----------------------

Bi-directional metering:

- CES shall own the bi-directional meter. CES shall measure electricity provided to customer and electricity received from customer during the billing period.
- Electricity provided to customer shall be billed in accordance with the standard tariff.
- Customer shall be credited for energy delivered to CES in accordance with the distributed generation energy rider.

Single directional metering:

- CES shall own both single directional meters. CES shall measure electricity provided to customer and electricity received from customer during the billing period.
- Electricity provided to customer shall be billed in accordance with the standard tariff.
- Customer shall be billed an administration charge each billing period and credited for energy delivered to CES in accordance with the distributed generation energy rider.

MONTHLY RATE:

Residential single directional metering Administrative Charge \$10.00

Nonresidential single directional metering Administrative Charge \$15.00

Distributed Generation energy credit Avoided Energy Cost plus 1.5¢ per kWh

AVOIDED ENERGY COST:

CES's avoided energy cost is the wholesale market cost provided by MEAG. The Avoided Energy Cost will change each year with January's consumption and extend through December's consumption at the average hourly price of the previous calendar year.

TERMS AND CONDITIONS:

- 1) CES is not obligated to permit interconnection or to purchase energy from a distributed generation facility that does not meet the requirements above or that has a peak generating capacity exceeding 10 kW per residential installation or 100 kW per nonresidential installation.
- 2) CES will only be required to purchase energy from eligible distributed generation facilities on a first-come, first-served basis until the cumulative generating capacity of all renewable energy sources from all customers equals 0.2% of the City's annual peak demand in the previous year. CES may purchase, but is not obligated to purchase, additional energy at a cost agreed to by it and the customer.
- 3) CES reserves the right to inspect and test customer's equipment at any time to ensure proper operation, compliance with safety requirements, or compliance with power quality requirements. CES may separate customer generation from utility system when, as determined by CES, customer system is unsafe or not in compliance.
- 4) CES reserves the right to separate customer generation from utility system when, as determined by CES, continued parallel operation with distribution system is unsafe or may cause damage to persons or property or when working on de-energized lines to isolate all sources of generation.
- 5) If utility service to customer is disconnected for any reason, distributed generation service will also be disconnected.
- 6) CES shall not be liable to any person, directly or indirectly, for loss of property, injury, or death resulting from the interconnection of a cogenerator or distributed generation facility to its electrical system.



City of Cartersville

City Council Meeting
1/19/2012 7:00:00 PM

Amendment to Utilities Ordinance Regarding Electric Time of Use Rates

SubCategory:	First Reading of Ordinances
Department Name:	Electric
Department Summary Recommendation:	<p>The City of Cartersville Electric System has had interest from industrial customers for Time of Use rates. In these type rates, the price varies depending on what time the energy is used. Time of Use rates are not beneficial to all customers but are of benefit to customers that can control their manufacturing process and beneficial to the City in reducing demand costs and peak times. Attached are Time of Use rates for Large and Extra Large Power customers which are optional for those customers electing to use them.</p> <p>We currently have five customers interested in these rates. I recommend approval of the Large Power and the Extra Large Power Time of Use rates.</p>
City Manager's Remarks:	Again, as with the other electric item on the agenda, this isn't part of the discussion ongoing with some of our industrial customers regarding electric rates. It involves the "time of use" rates. Your approval of this item is recommended.
Financial/Budget Certification:	N/A
Legal:	Rates and ordinances are under review by Keith Lovell.
Associated Information:	



LARGE POWER TIME OF USE, LP-TOU-1

<u>PAGE</u> 1 of 2	<u>EFFECTIVE DATE</u> Bills Rendered on or after February 16, 2012	<u>PAGE</u> 18.00
------------------------------	--	-----------------------------

AVAILABILITY:

Available in all areas served by the City of Cartersville Electric System (CES) and subject to CES's service rules and regulations.

APPLICABILITY:

Optional to all commercial or industrial electric service which is delivered or compensated to one standard voltage and where the following criteria are met:

- 1) Billing demand for the current month and the preceding 11 months must be greater than or equal to 1,000 kW and less than 3,500 kW as defined in the Billing Demand section of this tariff.
- 2) In the event that Billing Demand becomes permanently less than 1,000 kW, the customer may switch to the appropriate tariff following 12 months of service on this tariff.
- 3) Customer must request this rate in writing.

TYPE OF SERVICE:

Single or three-phase, sixty (60) hertz, at a standard voltage.

MONTHLY RATE:

Administrative Charge \$400.00
 Delivery Charge \$1.50 per kW of billing demand
 Power Supply Charge:

SUMMER – April through October consumption (kWh):

Peak 1 41.28¢ per kWh
 Four-hour period from 1:00 P.M. through 5:00 P.M. for July and August only

Peak 2 9.95¢ per kWh
 Eight-hour period from 11:00 A.M. through 7:00 P.M. not including Peak 1 hours

Off-Peak 4.81¢ per kWh
 All other hours

WINTER – November through March consumption (kWh):

Peak 3 8.92¢ per kWh
 Four-hour period from 6:00 A.M. through 10:00 A.M.

Off-Peak 4.85¢ per kWh
 All other hours

LARGE POWER TIME OF USE, LP-TOU-1 (continued)

PAGE 2 of 2			PAGE 18.10
-----------------------	--	--	----------------------

MINIMUM MONTHLY BILL:

Administrative Charge, plus Delivery Charge, plus Power Supply Charge, plus Reactive Demand Charge, plus Power Cost Adjustment as applied to the current month metered energy in kWh, plus charges in any applicable rider.

POWER COST ADJUSTMENTS:

The amount calculated in this tariff is subject to increase or decrease under the provisions of the effective Power Cost Adjustment Rider.

RIDERS:

The amount calculated in this tariff is subject to increase or decrease under the provisions of any applicable rider that may be approved by the City Council of the City of Cartersville.

PEAK RATING PERIODS:

Peak rating periods occur on weekdays only and do not apply on national holidays of the United States of America. Peak periods are stated in Eastern Standard or Daylight Times, whichever is currently in effect.

BILLING DEMAND:

The maximum billing demand shall be based on the highest thirty-minute kW measurement during the current month and the preceding eleven (11) months.

The Billing Demand shall be the greater of:

- 1) The current actual demand; or
- 2) Ninety-Five percent (95%) of the highest actual demand occurring in any previous applicable month.

However, in no case shall the Billing Demand be less than the greater of:

- 1) The Contract Minimum Demand; or
- 2) Fifty-percent (50%) of the contract capacity; or
- 3) 950 kW (95% of 1,000 kW).

REACTIVE DEMAND:

Where there is an indication of a power factor of less than 95% lagging, CES may at its' option install metering equipment to measure Reactive Demand. The Reactive Demand is the highest 30-minute kVAR measured during the month. The Excess Reactive Demand is the kVAR which is in excess of one-third of the measured actual kW in the current month. CES will bill Excess Reactive Demand at the rate of \$0.33 per excess kVAR.



EXTRA LARGE POWER TIME OF USE, XLP-TOU-1

PAGE 1 of 2	EFFECTIVE DATE Bills Rendered on or after February 16, 2012	PAGE 19.00
-----------------------	---	----------------------

AVAILABILITY:

Available in all areas served by the City of Cartersville Electric System (CES) and subject to CES's service rules and regulations.

APPLICABILITY:

Optional to all commercial or industrial electric service which is delivered or compensated to one standard voltage and where the following criteria are met:

- 1) Billing demand for the current month and the preceding 11 months must be greater than or equal to 3,500 kW as defined in the Billing Demand section of this tariff.
- 2) In the event that Billing Demand becomes permanently less than 3,500 kW, the customer may switch to the appropriate tariff following 12 months of service on this tariff.
- 3) Customer must request this rate in writing.

TYPE OF SERVICE:

Three-phase, sixty (60) hertz, at a standard voltage.

MONTHLY RATE:

Administrative Charge \$400.00
 Delivery Charge \$1.50 per kW of billing demand
 Power Supply Charge:

SUMMER – April through October consumption (kWh):

Peak 1 38.21¢ per kWh
 Four-hour period from 1:00 P.M. through 5:00 P.M. for July and August only

Peak 2 9.21¢ per kWh
 Eight-hour period from 11:00 A.M. through 7:00 P.M. not including Peak 1 hours

Off-Peak 4.45¢ per kWh
 All other hours

WINTER – November through March consumption (kWh):

Peak 3 8.25¢ per kWh
 Four-hour period from 6:00 A.M. through 10:00 A.M.

Off-Peak 4.49¢ per kWh
 All other hours

EXTRA LARGE POWER TIME OF USE, XLP-TOU-1 (continued)

<u>PAGE</u> 2 of 2			<u>PAGE</u> 19.10
-----------------------	--	--	----------------------

MINIMUM MONTHLY BILL:

Administrative Charge, plus Delivery Charge, plus Power Supply Charge, plus Reactive Demand Charges, plus Power Cost Adjustment as applied to the current month metered energy in kWh, plus charges in any applicable rider.

POWER COST ADJUSTMENTS:

The amount calculated in this tariff is subject to increase or decrease under the provisions of the effective Power Cost Adjustment Rider.

RIDERS:

The amount calculated in this tariff is subject to increase or decrease under the provisions of any applicable rider that may be approved by the City Council of the City of Cartersville.

PEAK RATING PERIODS:

Peak rating periods occur on weekdays only and do not apply on national holidays of the United States of America. Peak periods are stated in Eastern Standard or Daylight Times, whichever is currently in effect.

BILLING DEMAND:

The maximum billing demand shall be based on the highest thirty-minute kW measurement during the current month and the preceding eleven (11) months.

The Billing Demand shall be the greater of:

- 1) The current actual demand; or
- 2) Ninety-Five percent (95%) of the highest actual demand occurring in any previous applicable month.

However, in no case shall the Billing Demand be less than the greater of:

- 1) The Contract Minimum Demand; or
- 2) Fifty-percent (50%) of the contract capacity; or
- 3) 3,325 kW (95% of 3,500 kW).

REACTIVE DEMAND:

Where there is an indication of a power factor of less than 95% lagging, CES may at its' option install metering equipment to measure Reactive Demand. The Reactive Demand is the highest 30-minute kVAR measured during the month. The Excess Reactive Demand is the kVAR which is in excess of one-third of the measured actual kW in the current month. CES will bill Excess Reactive Demand at the rate of \$0.33 per excess kVAR.



City of Cartersville

City Council Meeting
1/19/2012 7:00:00 PM

Amendment of Licenses, Taxation and Miscellaneous Business Regulations Ordinance Regarding "Pill Mills"

SubCategory:	First Reading of Ordinances
Department Name:	Police Department
Department Summary Recommendation:	<p>TO : Sam Grove, City Manager FROM : Thomas N. Culpepper, Chief of Police DATE : January 3, 2012 SUBJECT : "Pill Mill" Ordinance</p> <p>In response to the national outcry of the abuse of pain medication through so-called "pill mills", the Cartersville Police Department is recommending that the attached ordinance be enacted.</p> <p>Having researched the issue and having discovered that these types of non-beneficial businesses are located within the vicinity of Cartersville, Georgia, it is my opinion that such an ordinance should be in place. As proof of the damage that these businesses can do to a community, the Bartow Cartersville Drug Task Force was engaged in what many are calling a landmark case involving "pill mills".</p> <p>This ordinance, having been drafted by the City Attorney's Office, will be a major enhancement to ensuring that future generations have the quality of life that has become the hallmark of Cartersville. My obligation and commitment to this community requires that I recommend this ordinance to help protect the community. Your support and recommendation is eagerly sought.</p>
City Manager's Remarks:	This ordinance is the result of much work and research as outlined above. This ordinance prohibits these types of illegitimate pill mills in our community. Your approval of this ordinance is recommended.
Financial/Budget Certification:	
Legal:	Ordinance prepared by City Attorneys office.
Associated Information:	

Ordinance
of the
City of Cartersville, Georgia

Ordinance No.

WHEREAS, the Mayor and City Council of the City of Cartersville are charged with the protection of the public health, safety, and welfare of the citizens of Cartersville;

WHEREAS, the State of Georgia authorizes the City of Cartersville to exercise its regulations where it sees fit to maintain the safety and welfare of the citizens;

WHEREAS, the City of Cartersville Police Department Drug Task Force has conducted a study and accumulated information regarding Pain Clinics and Pain Medication;

WHEREAS, the Marietta-Cobb-Smyrna Prescription Drug Task Force issued a “Final Recommendation Report” recommending that action be taken regarding the licensing of certain entities;

WHEREAS, information received from law enforcement officials in several States indicate that criminal activity increases in areas where Pain Management Clinics operating as no more than “pill mills” are located;

WHEREAS, the Grand Jury in Broward County, Florida, heard testimony and considered evidence concerning the proliferation of such pain clinics in Broward County and South Florida;

WHEREAS, the Broward County, Florida, Grand Jury issued its Interim Report on November 19, 2009, concerning The Proliferation of Pain Clinics in South Florida (“Broward County Grand Jury Report”);

WHEREAS, the Broward County Grand Jury Report found that, “In 2007 there were 4 pain clinics operating in Broward County. From those 4 pain clinics in Broward County the number swelled to 66 pain clinics operating in South Florida in 2008. From August 2008 to November 2009 the number of pain clinics opening and operating in South Florida exploded in number from 66 to 176, and the number of pain clinics opening and operating in Broward County increased from 47 to 115. Pain clinics, which dispense prescription drugs on site, dispensed almost 9 million does units of Oxycodone in South Florida during the last months of 2008. 6.5 million dose units of the 9 million does units were dispensed in Broward County alone.” Broward County Grand Jury Report at page 6;

WHEREAS, the Broward County Grand Jury Report reported that the Florida Medical Examiners Commission reported as follows:

Calendar Year	Number of Deaths Detected that were Caused by Lethal Doses of Prescription Drugs	Average Number of Deaths Detected that were Caused by Lethal Doses of Prescription Drugs
2006	2,780	7 deaths/day
2007	3,317	9 deaths/day
2008	3,750	10 deaths/day

Broward County Grand Jury Report at pages 9-10;

WHEREAS, the Broward County Grand Jury Report reported as follows: “The National Survey on Drug Use and Health conducted annually by the Substance Abuse Mental Health Services Administration estimates that in the last 30 days over 5 million Americans used non-medical prescription opioids or narcotic analgesics or pain relievers. In 2005, 11,300,000 Americans age 12 and above had used prescription pain medication in a non-medical use. In 2007, the number increased almost 50% to 16,280,000 Americans. One of the age groups that have shown the highest levels of prescription non-medical use has been young adults age 18 to 25. In 2007, 2,147,000 Americans were first time non-medical users of prescription pain medication.” Broward County Grand Jury Report, at pages 11-12;

WHEREAS, the City of Cartersville has great respect for reputable medical practitioners who are attempting to diagnose and treat pain being experienced by their patients;

WHEREAS, the typical pain clinic which is operating as no more than a “pill mill” has little or no interest in treating pain or the symptom of the pain but is interested in only dispensing prescription pain medication with little or no diagnosis of the “patient”. See Broward County Grand Jury Report at pages 19-20;

WHEREAS, the Broward County Grand Jury Report found that “[a] couple of cities in Broward County have attempted to restrict the growing number of clinics in their cities by enacting ordinances to prohibit the location of pain management clinics that dispense narcotic drugs on site.” Broward County Grand Jury Report at page 33;

WHEREAS, the typical “pill mill” prescribes and dispenses the Pain Medications on-site;

WHEREAS, the City of Cartersville has been made aware of numerous news reports describing a “pipeline” of trafficking drugs from pain management clinics in South Florida to users in States such as Georgia, Kentucky, West Virginia and Ohio;

WHEREAS, prescription drug abuse is becoming a major problem in Georgia and according to the Georgia Drug and Narcotics Agency deaths due to prescription drug overdoses have surpassed those of all other illicit drugs;

WHEREAS, some pain clinics have no interest in the diagnosis and treatment of medical issues or problems that are resulting in pain being experienced by the patients, but are operated solely to write prescriptions for highly addictive pain medications which are then sold by the clinic to the “patient” making such a clinic as no more than a “pill mill”;

NOW BE IT AND IT IS HEREBY ORDERED by the Mayor and City Council of the city of Cartersville that the City of Cartersville Code of Ordinances Chapter 10. LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATION is hereby amended by adding a new Article IV. Medical, Pharmacy, Pain Management Establishments as follows:

“ARTICLE XIV. Medical, Pharmacy, Pain Management Establishments

Sec. 10-505. Purpose and findings.

Since the 1990’s, the abuse of prescription opioids has risen dramatically, due in large part to the increase in the use of these analgesics to manage pain. Opioids are prescribed to alleviate pain ranging from moderate to severe, as described by the patient. These analgesics principally affect the nervous system, suppressing the signals of pain sent to the brain; examples of these medications can include, but not be limited to morphine, codeine, oxycodone (e.g., OxyContin, Percodan, Percocet), and related drugs. As opioids “block the perception of pain” they also have the affect of creating a state of euphoria, which may be heightened when abused. Side effects can include drowsiness, nausea, constipation, and respiratory constraint.

Opioids are recognized as very effective when taken as prescribed for legitimate purposes, post surgery, for example. As the National Institute on Drug Abuse states, “Many studies have shown that the properly managed, short-term medical use of opioid analgesic drugs is safe and rarely causes addiction – defined as the compulsive and uncontrollable use of drugs despite adverse consequences – or dependence, which occurs when the body adapts to the presence of a drug, and often results in withdrawal symptoms when that drug is reduced or stopped.” Unfortunately, opioids taken long-term can create physical dependency in some patients, producing withdrawal symptoms when the medication is not taken. Cessation side effects can include bone pain, insomnia, and vomiting, to name a few.

Since the tragic events of September 11, 2001, the rise in the diversion of legal prescription drugs has grown exponentially, due to increased security at the borders and ports. Amplified security has effectively reduced the supply of illegal drugs, traditional smuggled by the drug trade, necessitating the need to find alternative methods of supplying drugs to users; consequently, legal prescription drugs are now being diverted to

illegal uses – “Diversion.” These diverted drugs are Schedule II, III, and IV drugs, which principally include opioids as well as complementary drugs.

In recent years, South Florida, including Miami-Dade, Broward, and Palm Counties, have witnessed tremendous growth in the number of “pain clinics” that have opened in addition to the rapid increase of the diversion of prescription drugs. Broward County has been termed “The Painkiller Capital of the United States,” and “The Columbia for Pharmaceutically Diverted Drugs.” Broward County had four pain clinics in 2007, jumping to 115 by November 2009, of a total of 176 such clinics in all of South Florida. The majority of these pain clinics are nothing more than pill mills, diverting these scheduled drugs to illegal uses. As “clinics” have multiplied, the deaths due to overdoses of prescription drug medications, specifically opioids, have skyrocketed.

With Broward County on the forefront of this epidemic, a grand jury was empanelled to investigate, issuing a report on November 19, 2009, after hearing testimony from prescription drug abusers and their families, federal and state law enforcement officials, physicians, prosecutors, and many more stakeholders. The report provides valuable information regarding the current state of this epidemic as well as recommendations to curtail this rapidly growing public safety concern.

As Broward County and other South Florida jurisdictions struggle to eliminate “pill mills”, this outbreak of illicit pain clinics crossed into other states, notably Georgia and Texas. In fact, the *Cobb County Prescription Drug Task Force* reports that in 2007, 82.46% overdose deaths statewide involved pharmaceuticals, going to 85.11% in 2008. Alprazolam, Hydrocodone, and Oxycodone were found to constitute the top five substances involved in all of these overdose deaths. Alprazolam, commonly known by the trade name *Xanax*, an anxiety medication, is often combined and distributed with opioids at illegal pain clinics.

Illegal pain clinics commonly known as “pill mills” dispense large quantities of Schedule II, III and IV drugs for cash, with little examination of the patient conducted. Scheduled drugs are dispensed at these establishments or prescriptions are written to be filled at a legitimate pharmacy. Often, out of jurisdiction and out-of-state license plates are in the parking lots of these clinics, with individuals driving great distances to receive these “prescriptions.” Pill mills often hire security guards to handle unruly patients and perhaps even scout for law enforcement. Individuals seeking these services will often fake an ailment, forging an MRI or providing falsified medical documentation to receive prescriptions. In turn, the physicians conduct lackadaisical examinations of these individuals, simply asking them “what they want” with regard to medication.

The City of Cartersville City Council adopted a 12-month moratorium on the issuance of business licenses to “pain management clinics” on April 21, 2011, to conduct the proper research and vetting to create a new ordinance and municipal code addressing “pill mills.” After thorough research, the City Council has prepared this ordinance to eliminate this rapidly emerging epidemic, creating a new section in the code of the City of Cartersville.

Not all pain clinics are “pill mills,” thus the challenge of regulating this epidemic is daunting. Pill mills could easily be found in establishments that provide physical therapy, chiropractics, or general medicine, through the “pain clinic” title is most commonly associated with such operation. Therefore, the City Council finds that “pill mills,” pose a current and real threat to the health, safety, and welfare of the people of the City of Cartersville, and therefore make the following declarations:

- 1.) The “pill mill” has become a store front for the new illegal drug trade, as legitimate prescription medication is diverted for illicit purposes.
- 2.) “Pill mills” must be regulated and differentiated from legitimate healthcare providers, as they attempt to enter the Georgia market from Florida and other neighboring states which are beginning to adopt regulatory legislation.
- 3.) “Pill mills” are often owned, operated, and staffed by unlicensed proprietors, with little or no medical training.
- 4.) “Pill mills” masquerade as legitimate pain management establishments or medical providers, but instead perform few, if any, medical examinations with often sparsely furnished offices and no typical medical equipment.
- 5.) “Pill mills” operate on a cash basis, usually not accepting checks, credit cards, or health insurance, creating an environment that poses a security threat in light of the clientele seeking these illicit services.
- 6.) Individuals seeking “pill mill” services often falsify symptoms or provide bogus documentation of an ailment to receive powerful Schedule II, III and IV drugs. Alternative methods of treatment – physical therapy, surgery, etc. – are rarely ever proposed to a patient seeking services from a “pill mill”.
- 7.) Individuals will often “shop” various “pill mills” receiving multiple prescriptions on the same day or during a short period of time, thereafter reselling the pills to generate a profit to fund their own addiction and purchase additional supplies.
- 8.) “Dealers” or groups of dealers often sponsor individuals who obtain Schedule II, III and IV drugs repeatedly over multiple “pill mills”, during a short period of time. These large quantities may then be resold at a much higher value to fund the purchase of larger quantities as well as to continue the abuse of these powerful drugs by the individuals involved.
- 9.) Individuals seeking “pill mill” services will often be consuming these scheduled drugs as they search for the next pill mill. These individuals may be under the influence of one or more of these powerful drugs or suffering

from withdrawal symptoms. Pill mills can usually supply scheduled drugs on site for individuals to consume immediately, as well. Both the influence of the scheduled drug as well as the debilitating withdrawal symptoms affecting a driver operating a motor vehicle in City of Cartersville while seeking a “pill mill” is of grave concern.

10.) Legitimate pain clinics should be owned, operated, and staffed by licensed physicians, boarded in a pain management-related field recognized by the American Board of Medical Specialists.

Sec. 10-506. Definitions.

Dispense means to issue one or more doses of any drug in a suitable container with appropriate labeling for subsequent administration to or use by a patient. This excludes hospitals, surgery centers, inpatient care facilities, assisted living facilities, outpatient facilities operated or owned by a hospital system or pharmacy, and pharmacies.

Dispenser shall mean any person licensed or authorized by the State of Georgia and any board thereof to dispense drugs.

Dispensing Physician is a state licensed physician who has notified the Georgia Composite Medical Board in writing of their intent to act as a dispensing physician. This notification may be made by letter to the Board, or may be noted on the state license renewal form.

Medical Establishment means, for the purpose of this chapter, any person, sole proprietor, corporation, or entity proposing to offer services to include: general and family medicine, specialists, chiropractic services, physical therapy, physical rehabilitation, urgent care, clinics, or any other similar healthcare services offered to the general public, excluding pain clinics. Shall not include facilities owned and operated by a hospital system.

Medical Treatment means the primary services expected and received from a medical establishment.

Opioids are narcotic drugs typically prescribed to manage pain. For the purposes of this ordinance, included under Schedule II, III and IV drugs.

Pain Clinic means a medical establishment, often multidisciplinary, devoted to the diagnosis and treatment of patients with acute and chronic pain. Also known as “pain management clinics,” “pain relief centers,” and similar variations.

Patient means an individual receiving medical care from a medical establishment and the intended end user of prescribed medication(s).

Person includes sole proprietors, corporations, partnerships, nonprofits or any other form of business organization.

Pharmacy is a commercial establishment with a physical location, where the practice of pharmacy occurs, as defined in O.C.G.A. § 26-4-4, now and as amended.

Physician means a person licensed to practice medicine under O.C.G.A. § 43-34-21, now and as amended.

Practice of pharmacy means the interpretation, evaluation, or dispensing of prescription drug orders in the patient's best interest; participation in drug and device selection, drug administration, drug regimen reviews, and drug or drug related research; provision of patient counseling and the provision of those acts or services necessary to provide pharmacy care; performing capillary blood tests and interpreting the results as a means to screen for or monitor disease risk factors and facilitate patient education, and a pharmacist performing such functions shall report the results obtained from such blood tests to the patient's physician of choice; and the responsibility for compounding and labeling of drugs and devices, as defined in O.C.G.A. § 26-4-4, now and as amended. Individuals engaged in the practice of pharmacy shall be properly licensed and in good standing with the State of Georgia (O.C.G.A. 26-4-40 et seq., now and as amended).

Practicing Medicine means holding oneself out to the public as being engaged in the diagnosis or treatment of disease, defects, or injuries of human beings; or the suggestion, recommendation, or prescribing of any form of treatment for the intended palliation, relief, or cure of any physical, mental, or functional ailment or defect of any person with the intention of receiving therefore, either directly or indirectly, any fee, gift, or compensation whatsoever; or the maintenance of an office for the reception, examination, and treatment of person suffering from disease, defect, or injury of body or mind; or attaching the title "M.D.", "Oph.", "D.", "Dop.", "Surgeon", "Doctor", "D.O.", "Doctor of Osteopathy", "Allopathic Physician", "Osteopathic Physician", or "Physician", either alone or in connection with other words, or any other words or abbreviations to one's name, indicating that such person is engaged in the treatment or diagnosis of disease, defects, or injuries to human beings, provided that the terms "doctors of medicine", "doctors of osteopathic medicine", "doctors of medicine licensed to practice in the state", and similar terms wherever used or appearing in O.C.G.A. § 43-34-21 et seq., now and as amended.

Schedule I, III or IV drugs shall mean the drugs defined in O.C.G.A. § 16-13-26 through 16-13-29, now and as amended as well as those so defined and regulated by the Controlled Substances Act adopted by the U.S. Congress in 1970, now and as amended.

Sec. 10-507. Compliance required.

It shall be unlawful for any person to operate a medical establishment or pharmacy without having first complied with the provisions of this chapter.

Sec. 10-508. Preliminary information; questionnaire; classification.

While studies and research illustrate that “pill mills” more often than not pose as “pain clinics”, this perception can be inaccurate. Many legitimate pain clinics operate daily throughout the state and nation, faithfully treating their patients with the highest ethical standards. Pill mills are capable of posing as urgent care clinics, family medical practices, and neighborhood pharmacies, for example. In fact, any medical “store front” could operate as a pill mill.

The reality, however, is that the vast majority of medical establishments and pharmacies are absolutely legitimate. Preliminary information will be gathered from proposed medical establishments and pharmacies to properly route the business through the applicable regulatory and zoning reviews, prior to the issuance of a business license (occupation tax permit). A questionnaire shall be provided to persons seeking to operate a medical establishment or pharmacy in the City of Cartersville (“applicant”), in conjunction with the completion of occupation tax/business license and zoning preclearance forms.

The Planning and Development Department and the Police Department are hereby directed to create a questionnaire for those seeking to operate a medical establishment or pharmacy in the City of Cartersville. Included with relevant contact and corporate information as required by the Planning and Development Director and Police Chief, the following questions shall be included:

- 1.) Detail services offered at the proposed medical establishment or pharmacy.
- 2.) If opening a pain clinic, please detail the methods of evaluation, treatment, and rehabilitation offered at the proposed establishment.
- 3.) If not opening a pain clinic, what percentage of your practice will be devoted to the treatment and diagnosis of acute and chronic pain?
- 4.) If opening a pharmacy, do you intend to provide medical treatment services at the location?
- 5.) Do you intend to prescribe Schedule II, III or IV drugs at your proposed location?
- 6.) Do you intend to dispense Schedule II, III or IV drugs at your proposed location or on the premises?
- 7.) Do you plan to accept healthcare insurance form your patients?

Each applicant, representing a proposed medical establishment or pharmacy, shall in good faith complete this questionnaire, answering the questions to the best of their ability. Signatures of the applicant and establishment owner or corporate officer (if not the same as applicant) shall be required on the questionnaire, attesting that all answers and information provided are true and correct to the best of their knowledge. Deception, false statements, and misrepresentations on the questionnaire shall cause enforcement action and penalties against the entity as detailed under Sec. 10-519 and Sec. 10-521.

The Planning and Development Department shall review each completed questionnaire to determine if a pain clinic’s license, as mandates by this article, is required for the proposed establishment. The City Manager, Police Chief, or Planning and

Development Director may review each questionnaire to determine if a proposed business shall be classified as a medical establishment, pharmacy, or pain clinic. The decision to classify a proposed business as a pain clinic is at the discretion of the City Manager, Police Chief, or Planning and Development Director, appealable to City Council, as detailed under Sec. 10-520.

Sec. 10-509. Pharmacy Regulations.

A proposed business classified as a pharmacy under Section 10-508, shall adhere to the following regulations:

(a) *Supervision.* A pharmacy shall only be operated under the supervision of a state licensed pharmacist.

(b) *State Licensure Required.* A pharmacy or those seeking to practice pharmacy in the City of Cartersville are required to apply for and receive a business license in accordance with Chapter 10. Additionally, prior to the issuance of a business license, the proposed pharmacy establishment and all employed pharmacists shall provide all current and proper facility and staff licensure in accordance with the laws of the State of Georgia, O.C.G.A. § 26-4-4; O.C.G.A. 26-4-40 et seq., now and as amended). The most recent state licensure for each pharmacist is due each year with annual occupation tax renewals with the City.

(c) *Clinic Services.* Pharmacies may elect to provide clinic services on site, offered to customers as a convenient ancillary service. These clinics shall not prescribe Schedule II, III and IV drugs.

Sec. 10-510. Medical establishment regulations.

A proposed business classified as a medical establishment under Section 10-508, shall adhere to the following regulations:

(a) *Ownership/manager.* The owner or manager of a medical establishment shall be licensed by the State of Georgia, in the respective field corresponding to the provision of services proposed, in good standing.

(b) *State Licensure Required.* All medical establishments, as defined by this article, are required to apply for and receive a business license in accordance with Chapter 22, Article II. Additionally, prior to the issuance of a business license, the proposed medical establishment shall provide licensure for all practitioners in the respective field corresponding to the services proposed in accordance with the laws of the State of Georgia (O.C.G.A. Title 43, now and as amended). Respective state licenses shall remain in good standing and are due each year with annual occupation tax renewals with the City.

(c) ***Dispensing.*** If the medical establishment proposes to dispense Schedule II, III, or IV drugs to patients on site, the dispenser shall be dispensing physician, as required by the Georgia Composite Medical Board and State of Georgia. All dispensing physicians at the medical establishment shall provide to the City a copy of the notification sent to the board, seeking to dispense.

(d) ***Pharmacy.*** Should a medical establishment seek to provide pharmacy services on site, compliance with O.C.G.A. § 26-4-4; O.C.G.A 26-4-40 et seq., now and as amended is required. A state licensed pharmacist, in good standing, shall be on site and responsible for the pharmacy operation.

Sec. 10-511. Pain management establishments and pain clinic requirements.

A proposed business classified as a pain clinic under Section 10-508, shall adhere to the following regulations:

(a) ***Municipal License Required.*** Clinics that specialize in the diagnosis and treatment of patients with acute and chronic pain (“pain clinics”) are required to apply for and receive a license from the City of Cartersville. These establishments are often termed “pain clinics”, “pain relief clinics”, “pain management”, or similar title. Procedures are detailed under Section 10-512 et. seq.

(b) ***State License Required.*** The owner, physicians, and any managers of a pain clinic shall be state licensed physicians, in good standing. Proof of licensure shall be submitted with each annual renewal. The manager or owner shall maintain an office on site at the establishment. All physicians writing prescriptions shall be on site when the patient is issued said prescription, also maintaining an office at the establishment location.

(c) ***Board Certification.*** The owner and all staff physicians of a pain clinic shall be board certified by the American Board of Physical Medicine and Rehabilitation or the American Board of Anesthesiology and in good standing. Certification by the American Board of Pain Management or other organizations not recognized by the American Board of Medical Specialists is not accepted. Proof of said board certification shall be submitted with each annual renewal.

(d) ***Dispensing.*** No dispensing of Schedule II, III or IV drugs shall occur or be permitted on the premises of a pain clinic, unless dispensed by a licensed pharmacist. This restriction includes “Dispensing Physicians.” A pharmacy on the premises is permitted, if constructed and licensed separately as a pharmacy, as mandated by the laws of the State of Georgia. Nothing herein, however, shall preclude licensed surgeons and physicians so qualified from

administering injections and medications associated with surgeries and procedures occurring at the establishment.

(e) *Facilities.* The owner or clinic manager and physicians shall maintain separate offices in the structure proposed for the establishment. Physicians may share offices; however, exam rooms shall remain separate from any office space.

Sec. 10-512. Pain clinics license required.

Regardless of business name, if a proposed establishment seeks to operate or holds itself out to be devoted to the diagnosis and treatment of patients with acute and chronic pain, the City of Cartersville considers said establishment to be a “pain clinic” and a Pain Clinics License “license” from the City of Cartersville is required. The City Manager, Police Chief, or Planning and Development Director, shall be authorized to classify a proposed establishment as a pain clinic, if so determined.

Sec. 10-513. License application; process.

Business establishments determined to be pain clinics shall apply for the pain clinics license, completing the application and process as follows:

- 1.) Detail all services to be provided on site at the proposed location.**
- 2.) Provide corporate name, d/b/a name, corporate address, owner or principal corporate officer name(s), proposed location address for the proposed establishment.**
- 3.) Provide physician names, principal address and contact information for each.**
- 4.) Demonstrate compliance with Section 10-511, submitting all licensure and certifications.**
- 5.) All staff and employee names, addresses, and positions held at the establishment.**
- 6.) All staff members and employees requiring a state license shall submit the respective licensure, which must be good standing.**
- 7.) List of health insurance carriers accepted and evidence of such acceptance.**

8.) Proof of malpractice insurance for the physicians must be provided, in the amount as prescribed by state law. Said malpractice insurance shall remain current, submitted with each annual renewal.

9.) Provide all additional information on the license application form, as determined by the City Manager, Police Chief, or Planning and Development Director. The completed application along with all attachments shall be submitted to the Planning and Development Department for review.

10.) Submit the review fee, established with resolution by City Council from time to time.

Sec. 10-514. License application review.

The Planning and Development Director or designee shall review the documentation and information provided under Section 10-513. A copy of the application file shall also be forwarded to the Police Chief or designee for concurrent review. The review shall conclude in no less than thirty (30) days from the date the completed application is submitted to the Planning and Development Department. If the application review is not completed within thirty (30) days, the application shall be void and the applicant may seek review by the City Council in accordance with Section 10-520.

A checklist shall be produced by the Planning and Development Department to complete the application review, verifying compliance with this article. Said checklist shall include the following procedures:

- 1.) Verify the application form is completed.**
- 2.) Verify compliance with Section 10-511 and all other requirements of this article.**
- 3.) License verification of each practitioner with Office of the Secretary of State and/or Georgia Composite Medical Board**
- 4.) Board certification verification for each practitioner, as required.**
- 5.) The Chief Building Official or designee shall conduct a preliminary inspection of the premises for compliance with the provisions of this article as well as adopted building and zoning codes. A final inspection will also occur prior to the issuance of a certificate of occupancy.**
- 6.) All additional information as required by the Planning and Development or Police Departments.**

Once the review is completed, the Planning and Development Department will confirm findings with the Police Chief or designee for final verification. Upon confirmation of the information and final verification, the Planning and Development Department may then notify the applicant in accordance with Section 10-516.

Sec. 10-515. Conditions for disqualifying application.

No license under this chapter shall be granted where the following conditions are found to exist:

- 1.) Failure to complete the application form and/or submit the filing fee.
- 2.) Failure to comply with any provision of this article.
- 3.) Failure to provide the requisite state licensure and board certifications in good standing for all applicable owners and employees, as detailed in this article.
- 4.) Evidence that the applicant failed to answer any question on the application form accurately or failed to provide accurate information to Planning and Development staff.
- 5.) Failure of the applicant to comply with any other adopted codes of the City.

Sec. 10-516. Compliance notification.

(a) *Approval.* At the conclusion of the license application review, the Planning and Development Director or designee shall notify the applicant by telephone or email, once compliance is verified. Along with occupation taxes due, the applicant must also submit the pain clinics license fee and receive a certificate of occupancy prior to the issuance of the business license. The pain clinics license fee is established with resolution by City Council from time to time.

(b) *Disqualification.* Should the license application be deficient as detailed under Section 10-514, the City Manager, Police Chief, or Planning and Development Director is hereby authorized to disqualify the application, notifying the applicant in writing, U.S. Certified Mail or equivalent commercial carrier, of compliance deficiency(s). Disqualification is appealable directly to the City Council in accordance with Section 10-520.

Sec. 10-517. Annual renewals; termination; transfers.

(a) *Renewals, Termination, Suspension.* The pain clinics license expires annually on December 31st, requiring renewal. All state licensure and board

certifications shall be submitted with each annual pain clinics license renewal. Failure to renew by February 15th or the failure to submit state license and board certifications in good standing shall result in the termination of the pain clinics license, requiring the establishment to begin the process anew. Concurrently, the occupation tax permit (business license) shall be suspended by the Police Chief in accordance with Section 10-519.

(b) *Transfers*. Licenses are non-transferable. Each separate location shall apply for and receive a license as prescribed by this article.

Sec. 10-518. False information in application.

Any material omission or untrue or misleading information contained in or left out of an original license application or renewal issued under this chapter, shall be unlawful and shall be the cause for the denial thereof, and if any such license or permit has previously been granted under these circumstances, such shall constitute due cause for the suspension of such license, in accordance with Sec.10-519.

Sec. 10-519. Enforcement; suspension.

In the judgment of the police chief and egregiousness of the violations of this article, the police chief shall be authorized to suspend a pain clinics license and/or occupation tax permit previously granted herein. In the event the police chief seeks to suspend an occupation tax permit, the police chief shall give written notification to the applicant of such action and such notice shall contain a specification of the violation or violations and shall be served upon the applicant/licensee. A review hearing of the suspension shall be docketed on the agenda of the next regularly scheduled City Council meeting by the City Clerk, or within thirty (30) days from the date the suspension is issued. The applicant shall be given written notice of the time and place of the hearing, upon notification of the suspension.

(a) The police chief shall be authorized to suspend a pain clinics license and/or occupational tax permit in the vent that any one or more of the following conditions exist:

- 1.) An applicant provided false or misleading information in the original application;
- 2.) An applicant has allowed the illegal possession, use, sale, or distribution of controlled substances and Schedule II, III and IV drugs on the premises; or
- 3.) An applicant has knowingly allowed the violation of an ordinance of the city or a violation of any criminal law of the State of Georgia to occur on the premises; or

4.) An applicant has violated any provision of this article; or

5.) An applicant fails to pay any fee, occupation tax, fine or other amount of money due to the City of Cartersville under this chapter or any other taxing ordinance of the City of Cartersville.

(b) In the event the police chief shall suspend any occupational tax permit or pain clinics license hereunder, the suspension shall remain in effect until the City Council removes the suspension. The applicant, however, shall not be authorized to continue business operations until the suspension is lifted by the City Council.

(c) Should the applicant continue business operations, the Police Chief is hereby authorized to physically close the establishment without notice. The establishment shall remain closed until a decision to lift the suspension is rendered by the City Council.

Sec. 10-520. Appeals; City Council review hearing.

(a) Any party aggrieved by a staff decision under this article shall have the right of appeal directly to City Council. The aggrieved party shall file a request for appeal with the City Clerk to be docketed on the next regularly scheduled City Council meeting, or within thirty (30) days from filing the appeal.

(b) If the police chief suspends a pain clinics license or occupation tax permit, a review hearing before the City Council shall be schedule in accordance with Section 10-518.

(c) The City Council shall not be bound by the traditional rules of evidence in hearings conducted under this article. Rules of evidence as applied in an administrative hearing shall apply. The City Council may release the suspension of the pain clinics license and/or an occupation tax permit issued under this article; and/or may assess penalties as detailed under Section 10-521. Decisions of the City Council are final and binding.

Sec. 10-521. Penalties; revocation.

(a) At the conclusion of the review hearing, the City Council may continue or lift the suspension of a pain clinics license and/or occupation tax permit pending the applicant complying with the provisions of this article; or

(b) Revoke the pain clinics license and/or occupation tax permit, at which time all business operations shall cease and desist indefinitely. Should the applicant fail to comply, the business operation shall be closed by the Police Chief and the establishment shall vacate the premises.

(c) Any person violating the provisions of this article shall be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation per day and/or by imprisonment for a period to exceed six months, or by both such fine and imprisonment.

Section 2. If any Section, sub-section, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid. It is hereby declared to be the intent of the City Council to provide separable and divisible parts and does hereby adopt any and all parts hereof as may not be held invalid for any reason.

Section 3. This Ordinance shall become effective immediately upon approval by the Mayor and City Council.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the _____ day of November, 2011.

Second Reading and Adoption this the ____ day of December, 2011.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk



City of Cartersville

City Council Meeting
1/19/2012 7:00:00 PM

Amendment to Motor Vehicle and Traffic Ordinance Regarding All Way Stop at Pointe North

SubCategory:	First Reading of Ordinances
Department Name:	Public Works
Department Summary Recommendation:	<p>Public Works and Chief Culpepper met with representatives from the North Pointe Subdivision Homeowners Association concerning the traffic in thier subdivision. The HOA requested that a three-way stop be put in at the intersection of Pointe North Drive and Pointe Way.</p> <p>Public Works and the City Police Department concur with this request and recommend approval.</p>
City Manager's Remarks:	<p>As outlined above, this all way stop is the result of meeting with representatives of the Pointe North area. It should help make for safer travel in this area. Your approval of this ordinance is recommended.</p>
Financial/Budget Certification:	
Legal:	Ordinance reviewed by City Attorney's office
Associated Information:	

Ordinance no. _____

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES, CHAPTER 12. MOTOR VEHICLES AND TRAFFIC ARTICLE IX. TRAFFIC SCHEDULES CODE SECTION 12-1003. STOP STREETS is hereby amended by inserting the following in Section 12-1003:

1.

Pointe North Drive at Pointe Way, all directions.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and that section 12-1003 is amended by adding the above provisions and that said section may be alphabetized as necessary to accomplish such intention. The remaining provisions of said section shall remain as is except for alphabetizing.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
CONNIE KEELING, CITY CLERK



City of Cartersville

City Council Meeting
1/19/2012 7:00:00 PM

Georgia Department of Transportation: MOA and Mowing and Maintenance Agreement for Main Street Gateway Landscaping

SubCategory:	Contracts/Agreements
Department Name:	Public Works
Department Summary Recommendation:	<p>The Memorandum of Agreement along with the Mowing and Maintenance Agreement (Appendix A) are for the \$400,000 landscaping grant along the Main Street Gateway Project. GDOT has submitted these documents for signature by the City in order to process the grant and proceed with assembling a contract for this work between the City and GDOT. The MOA says we will abide by their landscaping guidelines and the approved landscaping plans, and the Mowing and Maintenance Agreement says that we will maintain the landscaping that is installed as part of this project.</p> <p>Public Works recommends approval.</p>
City Manager's Remarks:	<p>In order to receive the \$400k for the Main St. Gateway project the City has to agree to abide by GDOT standards on landscape maintenance. The agreement is attached and recommended for your approval.</p>
Financial/Budget Certification:	
Legal:	
Associated Information:	

Georgia Department of Transportation
And
The City of Cartersville, Grantee,
Memorandum of Agreement

PI# - 0010314

THIS AGREEMENT is entered into the ____ day of _____, 201_, by and between the GEORGIA DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia, (hereinafter referred to as the "Department"), and The City of Cartersville (hereinafter referred to as the "Grantee"). All obligations of The Grantee under this Agreement will be performed by the Grantee or the subcontractor of the Grantee.

WITNESSETH:

WHEREAS, The Grantee desires to obtain grant funding to Landscape State Route 113 from I-75 to Main Street Shopping Center, (hereinafter sometimes referred to as the "Project"); and

WHEREAS, the DEPARTMENT desires to Landscape State Route 113 from I-75 to Main Street Shopping Center. NOW, THEREFORE, in consideration of these premises and the mutual promises and agreements hereinafter set forth, the parties hereby agree as follows:

1. : The Grantee agrees to provide, install and maintain the landscape Project as approved by the Department. A Scope of Project included in the Mowing and Maintenance Agreement is attached as Appendix A and incorporated herein by reference.

The GRANTEE agrees to accept and abide by the following guidelines as it relates to the Project:

- USDOT/FHWA, A Manual on Uniform Traffic Control Devices – current edition;
- GDOT Standard Specifications for Construction of Transportation Systems;
- GDOT Special Provision Sections 202, 700 and 702;
- ANSI Z 60.1 American Standard for Nursery Stock – current edition;
- GDOT Scenic Byway Program and Corridor Management Plan Guidelines and Requirements
- The American with Disabilities Act

Landscape Guidelines for the Project shall follow the policy established for *Landscaping on the DOT Right of Way* (TOPPS 6755-9), excluding the District Access Management Engineer and Special Encroachment Permit, and/or as established by the Landscape Architecture unit of Georgia Department of Transportation Maintenance.

The undersigned, hereby certifies that all requirements of the grant program are understood, and that all information provided in this grant application is true and correct, and represents the desires of the local government entity where the project will be installed.

2. Term of Agreement: This project must be completed by the Grantee within thirty (30) months from the date of the signed Agreement. Failure to meet this deadline will subject these funds to reallocation.
3. Compensation: The Department agrees to pay The Grantee a maximum amount of \$400,000 (four hundred thousand dollars) as a one-time grant in order to facilitate this work. Payment will be made to assist The Grantee in costs incurred for landscaping on the Project on a reimbursement basis. In addition, The Grantee agrees that no part of these funds will be used to pay indirect costs. The intent of this grant is to pay for plant material and associated installation costs. If The Grantee completes the work for less than the maximum amount established in the grant, the Department is only obligated to reimburse the actual amount expended for the project, but in no instance shall the Department be obligated to pay in excess of the maximum amount.

4. Usage: The Grantee agrees the Department may photograph the project, display or use any information submitted by The Grantee without the payment of any other fees except for what is set forth in paragraph 3 herein.

5. Notices: Any notice under this Agreement shall be deemed duly given if delivered by hand (against receipt) or if sent by registered or certified mail – return receipt requested, to a party hereto at the address set forth below or to such other address as the parties may designate by notice from time to time in accordance with this Agreement.

If to the Department	Georgia Department of Transportation 600 West Peachtree Street Atlanta, GA 30308 Att: Terry Gable, Local Grants Administrator
If to	The City of Cartersville P. O. Box 1390 Cartersville, Georgia 30120
Contact Person for the Grantee	Mr. Matt Santini, Mayor

6. Indemnification: The Grantee shall be responsible for any and all damages to property or persons and shall save harmless the DEPARTMENT, its officers, agents, and employees from all suits, claims, actions or damages of any nature whatsoever resulting from the negligence of the undersigned in the performance of work under this Grant Application.

The Grantee hereby indemnifies and hold harmless the DEPARTMENT, its officers, agents, and employees from and against any and all claims, damages, losses and expenses arising out of the undersigned's negligent acts, errors or omissions in the performance of this Agreement.

These indemnities shall not be limited by reason of the listing of any insurance coverage.

7. Entire Agreement: This Agreement constitutes the entire agreement and understanding between the parties hereto and replaces, cancels, and supersedes any prior agreements, understandings relating to the subject matter hereof; and all prior representations, agreements, understandings, and undertakings between the parties hereto with respect to the subject matter hereof are merged herein.

8. Amendment: The parties recognize and agree that it may be necessary or convenient for the parties to amend this Agreement so as to provide for the orderly implementation of all the undertakings described herein, and the parties agree to cooperate fully in connection with such amendments if and as necessary. However, no change, modification or amendment to this Agreement shall be effective unless the same is reduced to writing and signed by the parties hereto.

9. Governing Law: This Agreement is executed in the State of Georgia, and all matters pertaining to the validity, construction, interpretation and effect of this Agreement shall be governed by the laws of the State of Georgia.

IN WITNESS WHEREOF, said parties have hereunto set their seals the day and year above first written.

GEORGIA DEPARTMENT OF TRANSPORTATION	ON BEHALF OF THE CITY OF CARTERSVILLE:
By: _____ COMMISSIONER	By: _____ Title
Date: _____	
ATTEST	ATTEST: _____ Title
_____	FEI #: _____
Treasurer	



APPENDIX A

RIGHT OF WAY MOWING AND MAINTENANCE AGREEMENT

By and Between

THE

GEORGIA DEPARTMENT OF TRANSPORTATION

AND

THE CITY OF CARTERSVILLE

The City of Cartersville, SR 113 from I-75 to Main Street Shopping Ctr., 1.275 miles

THIS AGREEMENT made and entered into this ____ day of _____, 20____ by and between the **DEPARTMENT** of Transportation, an agency of the State of Georgia, hereinafter alternately referred to as “**DEPARTMENT**” or “**LICENSOR**”, and **THE CITY OF CARTERSVILLE**, hereinafter referred to as “**LICENSEE**”.

WHEREAS, the **DEPARTMENT** desires to enter into a public/private partnership to perform certain services relating to mowing and maintenance within **DEPARTMENT’S** right of way, hereinafter called the “**PROJECT**”, and

WHEREAS, the **LICENSEE** has represented to the **DEPARTMENT** that, if such permission is granted to the **LICENSEE**, **LICENSEE** shall bear all costs and liability associated with the **PROJECT**; and

WHEREAS, the **LICENSEE** has represented to the **DEPARTMENT** that they are qualified and experienced to provide such services and the **DEPARTMENT** has relied upon such representations;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants as herein contained, it is agreed by and between the parties hereto that:

ARTICLE I SCOPE OF PROJECT

The **DEPARTMENT** shall permit the **LICENSEE** to perform or cause to be performed, the **PROJECT** consisting of certain services related to maintaining an identified section of the **DEPARTMENT'S** rights of way.

This permission shall be granted by the means of this Agreement for the entire scope of the **PROJECT**, as set forth herein.

The maintenance duties and responsibilities of the **LICENSEE** are defined and set forth in Article XI – **MAINTENANCE WORK PLAN** of this Agreement, and further enumerated and described in Exhibit 'A' – Approved drawings or final working drawings for a Department-approved construction **PROJECT**. Exhibit 'A' is attached hereto and incorporated by reference as if fully set out herein. The **PROJECT** location shall be defined or delineated as part of Exhibit 'A'. The required construction **PROJECT** final working drawings are to be approved or issued by the **DEPARTMENT**.

Should the **LICENSEE** desire that these maintenance services be performed by a third party, **LICENSEE** and the third party shall enter into subsequent agreement, whereby the **LICENSEE** shall assume all responsibility of repayment to the third party for those services to be rendered as set forth in Article XI - **MAINTENANCE WORK PLAN**. The Agreement between **LICENSEE** and any third parties to this Agreement, shall meet all operational and administrative requirements, including the provisions of liability insurance, set forth by the **DEPARTMENT**, and all liability associated with the **PROJECT** shall be borne by **LICENSEE** and any third parties, as set forth in Article VIII, herein.

ARTICLE II
EXECUTION OF CONTRACT AND AUTHORIZATION
TIME OF PERFORMANCE

Time is of the essence in this agreement. The **LICENSEE** shall execute this Agreement and return it to the **DEPARTMENT** within thirty (30) days after receipt of contract forms from the **DEPARTMENT**.

The **LICENSEE** shall begin work on the **PROJECT** under this Agreement immediately after receiving a signed and executed copy of the Agreement (unless noted otherwise in Exhibit A or upon **PROJECT** construction completion).

Subject to the terms and conditions set forth in this Agreement, and upon execution of this Agreement, the **DEPARTMENT** grants the right to the **LICENSEE** to mow, edge, and maintain, as set forth in Article XI- **MAINTENANCE WORK PLAN**, that specific section of right-of-way identified in this Agreement, and herein defined as the **PROJECT**.

The duration of this Agreement shall not exceed fifty years from the date above first written unless terminated sooner by the **DEPARTMENT** or **LICENSEE**.

ARTICLE III
SUBSTANTIAL CHANGES

If, prior to the satisfactory completion of the services under this Agreement, any party materially alters the scope, character or complexity of the services from those required under the Agreement, a Supplemental Agreement shall be executed between the parties. It is understood, however, that **LICENSEE** shall not engage in any activities or conduct any work which would be considered to be outside the scope of the permission granted to **LICENSEE** by the **DEPARTMENT**. Minor changes in the work which do not involve increased compensation, extensions of time or changes in the goals and objectives of the work may be made by written notification of such change by any party with written approval by the other parties.

**ARTICLE IV
ASSIGNMENT**

It is understood by the **LICENSEE** that the work is considered personal and, except as provided for in Article I, **LICENSEE** agrees not to assign, sublet or transfer any or all of their interest in this Agreement without prior written approval of the **DEPARTMENT**.

**ARTICLE V
CONTRACT DISPUTES**

This Agreement shall be deemed to have been executed in Fulton County, Georgia, without reference to its choice of law doctrine, and all questions of interpretation and construction shall be governed by the laws of the State of Georgia. Any litigation arising out of this contract shall be commenced within the State of Georgia. The foregoing provisions shall not be construed as waiving any immunity to suit or liability, including without limitation, sovereign immunity which may be available to the Department.

**ARTICLE VI
INSURANCE**

Prior to beginning work, the **LICENSEE** shall obtain and certify to the **DEPARTMENT** that it has the following minimum amounts of insurance coverage for anyone that will be working on the right of way:

- (a) Workmen's Compensation Insurance in accordance with the laws of the State of Georgia.
- (b) Public Liability Insurance in an amount of not less than one hundred thousand dollars (\$100,000) for injuries, including those resulting in death to any one person, and in an amount of not less than three hundred thousand dollars (\$300,000) on an account of any one occurrence, or proof of self insurance.

(c) Property Damage Insurance in an amount of not less than fifty thousand dollars (\$50,000) from damages on account of any occurrence, with an aggregate limit of one hundred thousand dollars (\$100,000), or proof of self insurance.

(d) Valuable Papers Insurance in an amount sufficient to assure the restoration of any plans, drawings, field notes, or other similar data relating to the work covered by the **PROJECT**.

(e) Insurance shall be maintained in full force and effect during the life of the **PROJECT**.

The **LICENSEE** shall furnish upon request to the **DEPARTMENT**, certificates of insurance evidencing such coverage. These certificates **shall** also provide that the insurance will not be modified or canceled without a 30 day prior written notice to the **DEPARTMENT**. Failure by the **LICENSEE** to procure and maintain the insurance as set forth above shall be considered a default and cause for termination of this Agreement and forfeiture of the Performance and Payment Bonds. The **LICENSEE** shall, at least fifteen (15) days prior to the expiration date or dates of expiring policies, deposit certified copies of renewal, or new policies, or other acceptable evidence of insurance with the **DEPARTMENT**.

ARTICLE VII COMPENSATION

It is agreed that **LICENSEE** shall conduct all work at no cost to the **DEPARTMENT**, and without compensation from the **DEPARTMENT**. It is further agreed that any **and all** issues relating to compensation and payment shall be resolved by and between **LICENSEE** and any successors, subcontractors, or assigns thereto.

The **DEPARTMENT** and **LICENSEE** further agree that, should the **DEPARTMENT** be required to conduct any inspections and/or supervision of the **PROJECT** beyond that which would normally occur in the ordinary course of the **DEPARTMENT'S** maintenance activities, **LICENSEE** shall reimburse the **DEPARTMENT** for such inspection and supervision. The rate of reimbursement for the **DEPARTMENT'S** inspection and supervision shall in no case exceed a rate determined to be reasonable by the parties.

Should **LICENSEE** and the **DEPARTMENT** desire to change this agreement at a later date to provide for compensation to **LICENSEE**, or any successors or assigns thereto, such

change shall only be permitted by a supplemental agreement as set forth in Article III herein. Any supplemental agreements involving compensation shall be subject to the **DEPARTMENT** review and approval.

ARTICLE VIII
RESPONSIBILITY FOR CLAIMS AND LIABILITY
LICENSEE NOT AGENT OF DEPARTMENT

LICENSEE, and all successors and assigns thereto, shall save harmless the **DEPARTMENT**, its officers, agents, and employees from all suits, claims, actions or damages of any nature whatsoever resulting from the performance of work assigned to **LICENSEE** under this Agreement. **LICENSEE** further agrees that they shall be fully responsible for injury or damage to landscaping, landscape related items, and any other non-standard and decorative elements installed by or for the **LICENSEE** within the right of way, and for any damage to the **DEPARTMENT'S** signs, structures, or roadway fixtures, if **LICENSEE** causes the damage. These indemnities shall not be limited by reason of the listing of any insurance coverage.

It is further understood and agreed that **LICENSEE**, or any successor or assigns thereto, in the conduct of any work involved in the **PROJECT**, shall not be considered the agent of the **DEPARTMENT** or of the State of Georgia.

ARTICLE IX
TERMINATION OF CONTRACT

The **DEPARTMENT** may terminate this contract for just cause at any time by giving of thirty (30) days written notice of such termination. Upon receipt of such notice of termination, **LICENSEE** shall discontinue and cause all work under this contract to terminate upon the date specified in the said notice. In the event of such termination, the **DEPARTMENT** shall be paid for any amounts as may be due it as specified in Article VII up to and including the specified date of termination. **LICENSEE** shall have the right to terminate this contract at any time, provided that such termination is first approved by the **DEPARTMENT**, and that the **DEPARTMENT** is reimbursed in full for all services rendered pursuant to Article VII.

The **DEPARTMENT** and **LICENSEE** further agree that, should the **DEPARTMENT** allow the **LICENSEE** to terminate the agreement, the termination, unless determined otherwise in writing by the **DEPARTMENT**, shall be contingent upon the following:

- A. The **LICENSEE**, at the discretion of the **DEPARTMENT**, removing the planted landscaping, landscape related items, and any other non-standard and decorative elements that were installed by or for the **LICENSEE** at no cost to the **DEPARTMENT**.
- B. The **LICENSEE** restoring the removed landscape areas to their original condition or a condition that meets federal standards and is acceptable to the **DEPARTMENT**.
- C. The **LICENSEE** restoring the removed non-standard and decorative elements with standard **DEPARTMENT** elements that meet federal and state requirements.
- D. The **LICENSEE** reimbursing the **DEPARTMENT** in full any state and/or federal funds used to purchase and install the landscaping, landscape related items, and other non-standard and decorative elements that are no longer to be maintained by the **LICENSEE**.
- E. No reimbursement is required for termination of agreements for Mowing Only.

The **DEPARTMENT** and the **LICENSEE** agree that, should the **LICENSEE** fail to perform the maintenance, as set forth in Article XI - **MAINTENANCE WORK PLAN**, the **DEPARTMENT** may require the **LICENSEE** to remove, restore, and reimburse according to items "A", "B", "C", and "D" above, as applicable, and then terminate the agreement.

ARTICLE X

COMPLIANCE WITH APPLICABLE LAW

The undersigned certify that:

- A. This Agreement is subject to applicable state and federal laws, standards, and rules and regulations.
- B. The provisions of Sections 45-10-20 through 45-10-28 of the Official Code of Georgia Annotated relating to Conflict of Interest and State Employees and Officials Trading with the State have been complied with in full.
- C. The provisions of Section 50-24-1 through 50-24-6 of the Official Code of Georgia Annotated, relating to the "Drug-Free Workplace Act" have been complied with in full.

ARTICLE XI

MAINTENANCE WORK PLAN

The City of Cartersville, SR 113 from I-75 to Main Street Shopping Ctr., 1.275 miles

For all maintenance activities, at a minimum, abide by the Federal Manual of Uniform Traffic Control Devices (MUTCD) standards, current edition, for temporary traffic control. Move equipment or materials on or across a traveled way in a manner as not to unduly interfere with traffic.

Watering

- Provide adequate water to maintain healthy plant material
- Water in a manner that it does not endanger pedestrian or vehicular traffic
- Water according to the state or local government restrictions

Ornamental Grasses

- Trim away dead foliage from ornamental grass clumps in February.

Pruning

- Remove dead or diseased planted vegetation.
- Prune trees, shrubs and ground covers to maintain the health of the plants and to maintain in the intended design character of the plant (no stump pruning or lollipop/ball shapes)
- Prune trees, shrubs, and ground covers as needed to remove damage by storm or accident events and to prevent safety hazards. Prune to maintain open sight distances, clear zone areas and traffic sign visibility. Provide clearance for pedestrian and vehicular traffic mobility.
- Prune according to American National Standards Institute, latest edition, A300 Part 1 pruning standards
- Keep rose plants pruned low and with a neat appearance.
- Threadleaf False Cypress 'Gold Mop' can grow to a large tree with time, but is very slow growing. Keep the plants prune to a low and neat appearance.
- Crapemyrtles shall not be stump-pruned, but are to be trained in a neat tree-formed habit with suckers removed.

Plant Replacement

- Replacement of dead or diseased vegetation of planted material within the project limits is the responsibility of the LICENSEE
- Replacement plant material must be according to the Department's landscaping policy 6755-9 and Special Provision Section 702.

Weeding

- Maintain right of way free of weeds, exotic and invasive pest plants, undesired vegetation and other noxious weeds
- All Pesticide/Herbicide use shall be under the direct supervision of someone with the appropriate Commercial Category 27 (right of way use) license.
- When pesticides/herbicides are being applied the person applying shall have in their possession all labeling associated with the pesticide/herbicide and their license/certification.
- Post warning signs for pesticide/herbicide use as required by state code.

Mowing and trimming of grass

- Maintain a neat appearance and clear sight lines for pedestrian and vehicular traffic.

Mulching

- Replace mulch in plant beds as needed to maintain an attractive, fresh look at a 2-3" depth
- Maintain mulch so that it will not spread or wash on to pedestrian paths or traveled lanes

Litter

- Completely remove all litter and debris and other objectionable material on site.
- Do not deposit or blow litter, debris and vegetation into gutters or drainage structures.
- Make disposal in accordance with local and state laws.
- Remove all graffiti within project limits

Installed Sidewalks

- Maintain and repair sidewalks according to the Americans With Disabilities Act (ADA)

NOTE:

All major maintenance repair activities and activities that may interfere with traffic or pedestrian flow within the right of way project limits, such as travel lane/walkway closures, require the LICENSEE notify the Department at least 48 hours prior to the activity to coordinate and gain Department approval.

The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

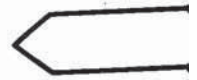
IN WITNESS WHEREOF, said parties have hereunto set their seals the day and year above first written.

GEORGIA DEPARTMENT OF TRANSPORTATION

Commissioner or designee

ATTEST:

Treasurer



LICENSEE:

(Title)

Witness

Date

EXHIBIT 'A'

PROJECT PLANS

The City of Cartersville, SR 113 from I-75 to Main Street Shopping Ctr., 1.275 miles



City of Cartersville

City Council Meeting
1/19/2012 7:00:00 PM

Georgia Department of Transportation: Indication of Roundabout Support on Douhit Ferry Road Project

SubCategory:	Contracts/Agreements
Department Name:	Public Works
Department Summary Recommendation:	<p>GDOT has requested the City sign this “Indication of Roundabout Support” on the Douthit Ferry Road project for the intersection of Douthit Ferry Road and Pine Grove Road/Walnut Grove Road. As part of the engineering for the project GDOT policy requires that a traffic study be done that looks at alternatives to traffic signalization at all intersections. Preliminary considerations indicate that a roundabout may be a favorable design at this location according to traffic engineering analysis. This letter states that the City will bear the cost of electricity for any lighting installed and will maintain any landscaping associated with a roundabout in the event that a roundabout is selected as the preferred concept alternative.</p> <p>Public Works recommends that you approve for the Mayor to sign this letter.</p> <p>Roundabouts are considered for the following reasons:</p> <p>Safer than signalized intersections</p> <p>In a traditional four-way traffic intersection, there are 32 points of conflict in which two vehicles may collide. Modern roundabouts have only eight conflict areas, greatly reducing the potential for crashes. On the other hand, the circulating movement of modern roundabouts nearly eliminates the potential for high-speed, right angle and left turn/head-on collisions. Rear-end collisions are also often reduced in roundabouts.</p> <p>Reduces frequency and severity of crashes</p> <p>As speeds in modern roundabouts are often much slower than in intersections, any potential roundabout crashes are usually at lower speeds, and at less-dangerous angles (such as sideswipe). This translates into less severe injuries and property damage, if any. A study printed in the Transportation Research Record reported that converting 23 test intersections throughout the U.S. from traffic signals to roundabouts reduced injury crashes by 80 percent, and reduced all crashes by 40 percent, in those areas. Results were much the same for similar studies throughout the U.S. and Europe.</p> <p>Reduces Traffic Delays / Increases Traffic Capacity</p> <p>Traditional traffic signals usually stop two or more directions of traffic at one time. In roundabouts, all directions of traffic are often kept open and safely flowing.</p>

Cover Memo

Item # 14

	<p>Several Insurance Institute for Highway Safety studies report significantly-improved traffic flow when traditional intersections are converted to roundabouts. A study of three such intersections in Nevada, Kansas and Maryland found that traffic delays were reduced 13-23 percent using roundabouts. Similar studies have shown a reduction of up to 89 percent in vehicle delays in roundabouts.</p> <p>Can slow excessive traffic speeds while still improving traffic flow</p> <p>Roundabouts can effectively and safely slow traffic and improve traffic flow.</p> <p>Reduced long-term operational costs</p> <p>With limited or no electrical costs and lower maintenance costs, operational savings from roundabouts have been estimated at an average of \$5,000 per year. In addition, the service life of a roundabout is approximately 25 years, versus approximately 10-20 years of service life for traffic signals.</p> <p>More environmentally-friendly than traditional intersections due to less vehicle emissions, fuel use and noise</p> <p>Many vehicles must wait for the light to turn green in a signalized intersection. While stopped, the vehicle's exhaust emits more undesirable pollutants and gases into the atmosphere. Because roundabouts often eliminate such stops and improve traffic flow, they also reduce vehicle emissions and fuel consumption. In one study, replacing traffic signals and signs with roundabouts reduced carbon monoxide emissions by 32 percent, nitrous oxide emissions by 34 percent, carbon dioxide emissions by 37 percent and hydrocarbon emissions by 42 percent. Gasoline use is also reduced as traffic moves more efficiently through roundabouts, without the start and stop found at traditional intersections. Studies have shown that fuel savings can be up to 30 percent in roundabouts. At 10 intersections studied in Virginia, this savings amounted to more than 200,000 gallons of fuel per year. Without the stop and start of traditional traffic intersections, roundabouts can also reduce vehicle noise pollution.</p> <p>More aesthetically-pleasing than traditional traffic intersections</p> <p>Paris' famous Arc De Triomphe monument stands in the middle of what is perhaps the world's most famous traffic circle. While modern roundabouts are smaller and often easier to navigate than this Paris example, the center circle of many U.S. roundabouts still provide opportunities for unique community gateways and landscaping/aesthetics. As opposed to traffic lights, roundabouts provide an opportunity for landscape and aesthetic improvements that can enhance and define corridors, cities, and tourism.</p>
City Manager's Remarks:	This is recommended by GDOT.
Financial/Budget Certification:	
Legal:	
Associated Information:	

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA

INDICATION OF ROUNDABOUT SUPPORT

To the Georgia Department of Transportation:

Attn: State Traffic Engineer
935 E. Confederate Ave, Building 24
Atlanta, GA 30316

Location

The City of Cartersville in Bartow County supports the consideration of a roundabout at the location specified below.

Local Street Names: Douthit Ferry Road at Pine Grove Road/Walnut Grove Road

County Route/City Street Numbers: CR 343 at CS 96103/CR 347

Associated Conditions

The undersigned agrees to participate in the following maintenance of the intersection in the event that the roundabout is selected as the preferred concept alternative:

- The full and entire cost of the electric energy used for any lighting installed and the maintenance thereof (if needed)
- Any maintenance costs associated with the landscaping as approved by the local government and the Georgia Department of Transportation (after construction is complete)

We agree to participate in a formal Local Government Lighting Project Agreement during the preliminary design phase. This indication of support is submitted and all of the conditions are hereby agreed to. The undersigned are duly authorized to execute this agreement.

This is the ____ day of January, 2012

Attest:

Clerk

By: _____

Title: _____



City of Cartersville

City Council Meeting
1/19/2012 7:00:00 PM

First Time Homebuyer: Satisfaction of Subordinante Deed

SubCategory:	Contracts/Agreements
Department Name:	Planning and Development
Department Summary Recommendation:	One of our first time home buyers has completed her obligation for down payment assistance by maintaining residence in her home for five (5) years. The forgivable loan on this property is satisfied. The attached Satisfaction of Subordination Deed needs to be approved in order for her to clear the title to her home. Your approval of this agreement is requested.
City Manager's Remarks:	This property owner has met the obligations under our grant program. Your approval of this agreement is recommended.
Financial/Budget Certification:	
Legal:	Document prepared by City Attorney's office
Associated Information:	

Prepared by and return to:

Archer & Lovell, P.C.
336 S. Tennessee Street
P.O. Box 1024
Cartersville, GA 30120

**SATISFACTION OF SUBORDINATE DEED TO
SECURE DEBT, RESTRICTIVE COVENANT,
AND SECURITY AGREEMENT**

KNOW ALL MEN BY THESE PRESENTS, that CITY OF CARTERSVILLE (hereinafter "Lender"), whose post office address is P.O. Box 1390, CARTERSVILLE, GA 30120, is the owners(s) and holder(s) of a certain Subordinate Deed to Secure Debt, Restrictive Covenant and Security Agreement given by ALEXIS SAKMAR in the amount of \$10,000.00, and recorded on January 29, 2007 in Deed Book 2154, Pages 510-517 of the Office of the Clerk of Bartow County, Georgia. Said Subordinate Deed to Secure Debt, Restrictive Covenant and Security Agreement is an encumbrance upon the real property located at 7 Boatner Avenue, Cartersville, Georgia 30120 and more particularly described as follows, to wit:

All that tract or parcel of land lying and being in Land Lot 555, of the 4th District, 3rd Section, Bartow County, Georgia and being Lot 7, Cook Street Subdivision, Section One, as shown on Plat Recorded in Plat Book 33, Page 6 of the Bartow County, Georgia records, which Plat by reference is incorporated herein.

A/K/A 7 Boatner Avenue, Cartersville, GA 30120

and Lender by this instrument, hereby acknowledges full payment and satisfaction of the Subordinate Deed to Secure Debt, Restrictive Covenant and Security Agreement and directs Bartow County, Georgia to release same of record.

IN WITNESS THEREOF, the undersigned has hereunto set their hand and Seal this ____ day of January, 2012.

Signed, sealed and delivered
in the presence of:

CITY OF CARTERSVILLE

Witness

Matthew J. Santini, Mayor

Notary Public

ATTEST:

My Commission Expires

Connie Keeling, Clerk



City of Cartersville

**City Council Meeting
1/19/2012 7:00:00 PM
Blackboard Connect CTY**

SubCategory:	Contracts/Agreements
Department Name:	City Manager's Office
Department Summary Recommendation:	This is the annual renewal for Blackboard Connect CTY.
City Manager's Remarks:	This is renewal of the Connect CTY phone service in the amount of \$14,486. Your approval of the renewal is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	Everify and SAVE documents are attached.

INVOICE



Blackboard Connect Inc.
4020 Westchase Blvd.
Suite 400
Raleigh, NC 27607
USA
Phone: 1-800-424-9299 ext. 2347 Fax: 919/841-0285
FEIN (USA): 56-1992598
BillingOps_Connect@blackboard.com

Invoice Date:	12/29/2011
Invoice:	1087153
Customer No:	315822
Payment Terms:	Net 30
Due Date:	01/28/2012

Town of Cartersville
Accounts Payable
PO Box 1390
1 North Erwin Street
Cartersville GA 30120
United States

Please Remit Payments To:

CHECKS: Blackboard Connect Inc. Dept LA 23628 Pasadena CA 91185-3628 United States	WIRES: Silicon Valley Bank 3003 Tasman Drive, Santa Clara, CA 95054 ABA # 121140399 For Credit to: Blackboard Connect Inc. Account No.3300710630(Swift Code:SVBKUS6S)
---	---



Quantity	UOM	Product Code PO Number	Description	Net Amount
1.00	EA	BC-STND-CYNA	CONNECT SERVICE CTY Jan 1,2012 - Dec 31,2012	14,486.00

Subtotal: 14,486.00
Sales Tax: 0.00
AMOUNT DUE: 14,486.00 USD

APPROVED	DATE APPROVED 1/15/12
	DEPT HEAD:
	CITY MGR:
CHARGE ACCOUNT (S)	AMOUNT
100-1300-52-1300	14,486.00
TOTAL	14,486.00

JAN - 4 2012
Q. Starn

Blackboard Connect Inc. and Saf-T-Net, Inc. have merged and are now collectively named Blackboard Connect Inc.; all future correspondence and payments should be sent to Blackboard Connect Inc. per the contact and remittance information on this invoice.

Please ensure checks are made payable to Blackboard Connect Inc. and list entire invoice number on remittance to ensure proper application of payment. Failure to comply with this request may result in returned payment.

CONTRACTOR AFFIDAVIT AND AGREEMENT

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

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

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

111326

EEV/Basic Pilot Program* User Identification Number

BY: [Signature]
Authorized Officer or Agent
(Contractor Name)

1/11/12
Date

MP-CONTRACTS
Title of Authorized Officer or Agent of Contractor

Tess Frazier
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
11th DAY OF February, 2012

[Signature]
Notary Public
My Commission Expires:
10/31/2015

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

**AFFIDAVIT VERIFYING STATUS FOR
CITY OF CARTERSVILLE BENEFIT APPLICATION**

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

Tess Frazier

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

Blackboard Connect Inc.

[Name of business, corporation, partnership]

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

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

Tess Frazier 4/11/12
 Signature of Applicant: Date

Tess Frazier 4/11/12
 Printed Name: Date

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
14th DAY OF JUNY, 2012

Donald Thomas
Notary Public
My Commission Expires:

* _____
Alien Registration number for non-citizens

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



City of Cartersville

City Council Meeting
1/19/2012 7:00:00 PM
Center Road Sewer

SubCategory:	Engineering Services
Department Name:	Water Department
Department Summary Recommendation:	<p>Memo To: Sam Grove From: Jim Stafford Date: 1-11-12 Subject: Engineering for Center Rd Sewer</p> <p>Council Approved:</p> <p>A section of old sewer on Center Rd. has to be upgraded. This section is 10 inch and the rest of the line is 16 inch. This will complete the line which will serve east of Hwy 41. The engineering contract includes document preparation, wetlands permitting, advertising and bidding the project, and construction administration.</p> <p>The engineering proposal is not to exceed \$58,800.00. E-Verify and SAVE are in hand. The completion of this project will upsize the line, so it can be paid for from Capacity Fees. I recommend approval of this contract.</p>
City Manager's Remarks:	<p>This project enlarges the sewer line East of US 41 on Center Rd. so that all segments are at least 16" in diameter... doing away with any potential 'bottlenecks' because of size. This is the first step... the engineering contract. Your approval of this item is recommended.</p>
Financial/Budget Certification:	Paid for from Capacity Fees
Legal:	
Associated Information:	Everify and SAVE documentation are attached

**AFFIDAVIT VERIFYING STATUS FOR
CITY OF CARTERSVILLE BENEFIT APPLICATION**

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

B. Wayne Haynie

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

Jordan, Jones and Goulding, Inc.

[Name of business, corporation, partnership]

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

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

B. Wayne Haynie 1-11-12
Signature of Applicant: Date

B WAYNE HAYNIE, P.E. 1-11-12
Printed Name: Date

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
11th DAY OF JAN., 2012

Debbie Curtis

Notary Public
My Commission Expires:



Alien Registration number for non-citizens

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

CONTRACTOR AFFIDAVIT AND AGREEMENT

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

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

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

212531

EEV/Basic Pilot Program* User Identification Number

B. Wayne Haynie

BY: Authorized Officer or Agent
(Contractor Name)

1.11.12

Date

Vice President

Title of Authorized Officer or Agent of Contractor

B. Wayne Haynie

Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

11th DAY OF January, 2012

Debbie Curtis

Notary Public

My Commission Expires:



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



City of Cartersville

City Council Meeting
1/19/2012 7:00:00 PM

Inventory Replacement for the Water Department: Distribution and Collections

SubCategory:	Bid Award/Purchases
Department Name:	Water
Department Summary Recommendation:	<p>Memo To: Sam Grove From: Jim Stafford Date: 1-12-12 Subject: Inventory Replacement for Distribution and Collections Council Approved:</p> <p>The lead time for brass materials is about eight weeks and our inventory is getting low. We took bids for inventory replacement and the following bids were received:</p> <ul style="list-style-type: none">• Ferguson \$20,701.54• Kendall \$20,942.10• HD Supply \$21,174.97• Consolidated \$31,614.90 <p>I recommend low bidder Ferguson for this purchase which is to be paid from budget. All E-verify and SAVE are attached.</p>
City Manager's Remarks:	This item replaces the inventory that was used on the Indian Mounds Rd. project. Your approval of the low bid to Ferguson is recommended.
Financial/Budget Certification:	Paid from budget
Legal:	
Associated Information:	E-verify and SAVE documents are attached.

**AFFIDAVIT VERIFYING STATUS FOR
CITY OF CARTERSVILLE BENEFIT APPLICATION**

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

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

Ferguson Enterprises
[Name of business, corporation, partnership]

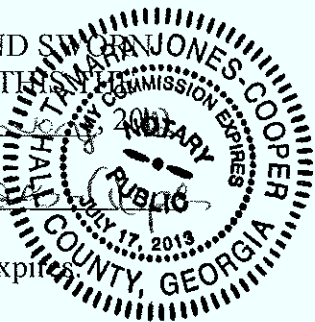
- 1) I am a United States citizen
- 2) I am a legal permanent resident 18 years of age or older or I am an otherwise qualified alien or non-immigrant under the Federal Immigration and Nationality Act 18 years of age or older and lawfully present in the United States.*

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

David Bryan 1-11-12
Signature of Applicant Date

David Bryan 1-11-12
Printed Name: Date

SUBSCRIBED AND SWORN TO
BEFORE ME ON THIS
11 DAY OF Jan
Tamara Jones-Cooper
Notary Public
My Commission Expires



* _____
Alien Registration number for non-citizens

*Note: O.C.G.A. § 50-36-1(e)(2) requires that aliens under the federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the federal definition of "alien", legal permanent residents must also provide their alien

CONTRACTOR AFFIDAVIT AND AGREEMENT

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

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

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

261662
EEV/Basic Pilot Program* User Identification Number

David Bryan
BY: Authorized Officer or Agent
(Contractor Name)

1-11-2012
Date

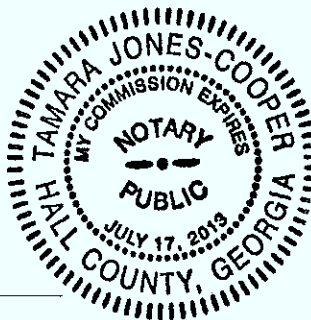
Sales Associate
Title of Authorized Officer or Agent of Contractor

David Bryan
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
11 DAY OF January, 2012

Tamara Jones-Cooper
Notary Public

My Commission Expires:
July 17, 2013



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



City of Cartersville

**City Council Meeting
1/19/2012 7:00:00 PM
Indian Mounds Road Water Main Extension Phase 2**

SubCategory:	Bid Award/Purchases
Department Name:	Water Department
Department Summary Recommendation:	<p>MEMO TO: Sam Grove FROM: Jim Stafford DATE: January 12, 2012 SUBJECT: Indian Mounds Road Water Main Extension Phase 2 – Installation Contract</p> <p>The Indian Mounds Road Water Main Extension Project was designed to correct low flow and low pressure conditions at the south end of Indian Mounds Road. This phase of the project consists of installation water meters for each of the individual units in the Bow and Arrow Mobile Home Park and the installation of an 8-inch water main through the park to allow for an eventual dual feed to the system. This project will have the added benefit of providing fire hydrants to the area. Bids received from three contractors for installation to construct this water line extension are listed below:</p> <ul style="list-style-type: none"> • C.H. Kirkpatrick & Sons, Inc. \$ 66,913.01 • T.J. Lyle & Company, Inc. \$ 68,921.50 • C&L Contractors, Inc. \$ 69,650.00 <p>The Water Department recommends award of the contract to C. H. Kirkpatrick & Sons, Inc. of Cartersville, Georgia in the amount of \$66,913.01. This work will be paid for with the budget and reimbursed with a Bond issue at a later date.</p> <p>E-Verify and SAVE Documentation is on hand.</p> <p>Council Approved Date: _____</p>
City Manager's Remarks:	This is the meter installation contract for the mobile home project that we have been working on regarding Indian Mounds Rd. Your Item # 10

	approval of the low bid to CH Kirkpatrick is recommended.
Financial/Budget Certification:	This work will be paid for with the budget and reimbursed with a Bond issue at a later date.
Legal:	
Associated Information:	Everify and SAVE are attached.



City of Cartersville

**City Council Meeting
1/19/2012 7:00:00 PM
Recreation Advisory Board**

SubCategory:	Appointments
Department Name:	Recreation
Department Summary Recommendation:	<p>Memo</p> <p>DATE: January 10, 2012 TO: Mayor and Council FROM: Greg Anderson RE Recreation Advisory Board</p> <p>Wesley Dean, Lori Pruitt's appointee to the Recreational Advisory Board has served the maximum number of terms allowed. Rick Kollhoff is being recommended for his replacement. His term would expire on 12/31/15.</p>
City Manager's Remarks:	Your approval of Rick Kollhoff as Lori's appointee is recommended.
Financial/Budget Certification:	
Legal:	
Associated Information:	



City of Cartersville

City Council Meeting
1/19/2012 7:00:00 PM
November 2011

SubCategory:	Monthly Financial Statement
Department Name:	Finance
Department Summary Recommendation:	Attached is the November 2011 financial report. Also attached is the supplemental financial information and the cash position report for the same time period.
City Manager's Remarks:	Tom R. will present this information at the meeting.
Financial/Budget Certification:	
Legal:	
Associated Information:	

MONTHLY SUMMARY
As of November 30, 2011

	FY 2010 - 11 MONTH OF November-10	FY 2011 - 12 MONTH OF November-11	FY 2010 - 11 Year to Date November-10	FY 2011 - 12 Year to Date November-11	100.00% OF BUDGET (Year to Date)
<i>GENERAL FUND - excluding SPLIT, DDA & School System Property Tax Revenue & Expenditures</i>					
REVENUE	\$2,087,148	\$1,926,625	\$9,894,836	\$9,576,838	39.66%
EXPENDITURE	\$2,456,508	\$2,616,905	\$8,932,881	\$9,290,189	38.47%
Gen. Fund Net Profit (Loss)	(\$369,360)	(\$690,280)	\$961,955	\$286,649	
<i>WATER & SEWER</i>					
REVENUE	\$954,418	\$970,432	\$5,855,337	\$5,798,754	30.44%
EXPENDITURE	\$1,182,220	\$1,030,814	\$5,195,829	\$4,835,704	25.38%
Wtr. & Swr. Fund Net Profit (Loss)	(\$227,802)	(\$60,382)	\$659,508	\$963,050	
<i>GAS</i>					
REVENUE	\$1,502,128	\$1,711,938	\$6,765,589	\$7,261,820	25.17%
EXPENDITURES	\$1,703,654	\$2,028,059	\$8,594,372	\$8,679,258	30.09%
Gas Fund Net Profit (Loss)	(\$201,526)	(\$316,121)	(\$1,828,783)	(\$1,417,438)	
<i>ELECTRIC</i>					
REVENUE	\$2,917,227	\$3,345,620	\$18,077,781	\$19,971,894	45.81%
EXPENDITURES	\$3,136,486	\$3,279,257	\$16,951,374	\$18,417,969	42.24%
Electric Fund Net Profit (Loss)	(\$219,259)	\$66,363	\$1,126,407	\$1,553,925	
<i>STORMWATER</i>					
REVENUE	\$96,999	\$101,436	\$491,610	\$508,248	43.04%
EXPENDITURE	\$162,928	\$75,510	\$520,962	\$456,238	38.63%
Stormwater Fund Net Profit (Loss)	(\$65,929)	\$25,926	(\$29,352)	\$52,010	
<i>SOLID WASTE</i>					
REVENUE	\$163,163	\$159,418	\$823,914	\$806,422	31.16%
EXPENDITURE	\$268,611	\$141,405	\$808,992	\$660,869	25.54%
Solid Waste Fund Net Profit (Loss)	(\$105,448)	\$18,013	\$14,922	\$145,553	
<i>FIBER OPTICS</i>					
REVENUE	\$166,182	\$130,003	\$824,236	\$660,174	40.80%
EXPENDITURE	\$102,417	\$94,237	\$505,866	\$461,994	28.55%
Fiber Fund Net Profit (Loss)	\$63,765	\$35,766	\$318,370	\$198,180	

	Description	Through 11-30-11	FY 2012 Budget	% of Monthly Totals to Budget
General Fund	Total Revenues	\$9,576,839	\$24,146,955	39.66%
	GO Bond Proceeds from School	\$1,076,547	\$2,568,890	41.91%
	Property Taxes-City Portion Only	\$693,409	\$1,289,320	53.78%
	Local Option Sales Tax (LOST)	\$1,877,510	\$4,818,625	38.96%
	Other Taxes	\$2,897,813	\$6,950,240	41.69%
	Building Permit & Inspection Fees	\$32,736	\$45,000	72.75%
	Fines and Forfeitures	\$235,495	\$590,000	39.91%
	Operating Transfers In-City Utilities	\$1,573,546	\$3,776,510	41.67%
	Other Revenues	\$1,189,783	\$4,108,370	28.96%
	Total Expenditures	\$9,290,188	\$24,146,955	38.47%
	Personnel Expenses	\$5,303,182	\$14,377,795	36.88%
	Operating Expenses	\$1,893,904	\$6,139,870	30.85%
	Capital Expenses	\$287,924	\$604,700	47.61%
	GO Bond Proceeds from School	\$1,111,052	\$2,568,890	43.25%
	Debt Pymt - JDA/CBA	\$466,276	\$0	#DIV/0!
Library Appropriations	\$227,850	\$455,700	50.00%	
Water & Sewer Fund	Total Revenues	\$5,798,754	\$19,051,945	30.44%
	Water Sales	\$3,524,439	\$8,132,500	43.34%
	Sewer Sales	\$1,969,435	\$4,292,000	45.89%
	Bond Proceeds	\$0	\$5,000,000	0.00%
	Other Revenues	\$304,880	\$1,627,445	18.73%
	Total Expenditures	\$4,835,705	\$19,051,795	25.38%
	Personnel Expenses	\$1,126,076	\$3,067,295	36.71%
	Operating Expenses	\$1,090,878	\$2,897,170	37.65%
Capital Expenses	\$147,470	\$6,816,010	2.16%	
Transfer To General Fund	\$1,140,455	\$2,667,940	42.75%	
Debt Payments	\$1,330,826	\$3,603,380	36.93%	
Gas Fund	Total Revenues	\$7,261,820	\$28,845,855	25.17%
	Gas Sales	\$6,653,569	\$24,807,545	26.82%
	Gas Commodity Charge	\$475,314	\$1,245,000	38.18%
	Bond Proceeds	\$0	\$2,055,000	0.00%
	Proceeds from Capital Leases	\$0	\$32,500	0.00%
	Other Revenues	\$132,937	\$705,810	18.83%
	Total Expenses	\$8,679,259	\$28,845,855	30.09%
	Personnel Expenses	\$631,203	\$1,758,845	35.89%
	Operating Expenses	\$180,708	\$816,120	22.14%
Purchase of Natural Gas	\$6,574,314	\$20,365,910	32.28%	
Transfer to General Fund	\$1,221,069	\$3,295,150	37.06%	
Capital Expenses	\$71,965	\$2,609,830	2.76%	

	Description	Through 11-30-11	FY 2012 Budget	% of Monthly Totals to Budget	
Electric Fund	Total Revenues	\$19,971,894	\$43,600,295	45.81%	
	Electric Sales	\$19,441,061	\$42,254,840	46.01%	
	Other Revenues	\$530,833	\$1,345,455	39.45%	
	Total Expenses	\$18,417,969	\$43,600,295	42.24%	
	Personnel Expenses	\$771,282	\$2,087,265	36.95%	
	Operating Expenses	\$517,580	\$1,223,745	42.29%	
	Purchase of Electricity	\$16,001,790	\$37,588,300	42.57%	
	Capital Expenses	\$136,389	\$499,095	27.33%	
	Transfer to General Fund	\$990,928	\$2,201,890	45.00%	
	Stormwater Fund	Total Revenues	\$508,248	\$1,181,000	43.04%
Stormwater Revenues		\$503,346	\$1,170,000	43.02%	
Other Revenues		\$4,902	\$11,000	44.56%	
Prior Year Carryover		\$0	\$0	#DIV/0!	
Stormwater Improvement Funds		\$0	\$0	#DIV/0!	
Total Expenses		\$456,238	\$1,181,000	38.63%	
Personnel Expenses		\$153,781	\$449,680	34.20%	
Operating Expenses		\$166,881	\$519,690	32.11%	
Capital Expenses		\$135,576	\$211,630	64.06%	
Solid Waste Fund		Total Revenues	\$806,422	\$2,587,900	31.16%
	Refuse Collections Revenues	\$788,964	\$2,060,290	38.29%	
	Other Revenues	\$17,458	\$48,200	36.22%	
	Proceeds From Capital Leases	\$0	\$479,410	0.00%	
	Total Expenses	\$660,869	\$2,587,900	25.54%	
	Personnel Expenses	\$377,700	\$1,059,505	35.65%	
	Operating Expenses	\$283,169	\$1,048,985	26.99%	
	Capital Expenses	\$0	\$479,410	0.00%	
	Fiber Optics Fund	Total Revenues	\$660,174	\$1,646,900	40.09%
		Fiber Optics Revenues	\$604,972	\$1,539,800	39.29%
GIS Revenues		\$39,475	\$102,500	38.51%	
Other Revenues		\$15,727	\$4,600		
Total Expenses		\$461,994	\$1,646,900	28.05%	
Personnel Expenses		\$214,307	\$531,810	40.30%	
Operating Expenses		\$146,912	\$675,675	21.74%	
MEAG Telecom Statewide Pymt		\$95,585	\$229,415	41.66%	
Capital Expenses		\$5,190	\$210,000	2.47%	

Cash Position	6/30/11	7/31/11	8/31/11	9/30/11	10/31/11	11/30/11	12/31/11
Total Unrestricted Cash Balance	\$9,926,033.63	\$10,145,726.90	\$10,173,855.99	\$10,402,752.04	\$11,490,532.04	\$10,430,103.23	
Total Restricted Cash Balance	\$54,303,771.24	\$52,874,718.85	\$51,914,429.58	\$50,486,885.85	\$52,381,427.98	\$52,251,491.50	
Cash Position		1/31/12	2/28/12	3/31/12	4/30/12	5/31/12	6/30/12

Total Unrestricted Cash Balance
Total Restricted Cash Balance