



**CARTERSVILLE
CITY COUNCIL MEETING**
Council Chambers, Third Floor of City Hall
Thursday, October 06, 2022 at 7:00 PM

AGENDA

COUNCILPERSONS:

Matt Santini – Mayor
Calvin Cooley – Mayor Pro Tem
Gary Fox
Kari Hodge
Cary Roth
Jayce Stepp
Taff Wren

CITY MANAGER:

Dan Porta

CITY ATTORNEY:

David Archer

CITY CLERK:

Julia Drake

Work Session - 6:00 PM

Regular Meeting - 7:00 PM

OPENING OF MEETING

Invocation

Pledge of Allegiance

Roll Call

COUNCIL MEETING MINUTES

1. September 15, 2022

APPOINTMENTS

2. City of Cartersville Ethics Committee

3. Historic Preservation Commission

4. Recreation Advisory Board

COMMENDATION/RECOGNITION

5. Rookie Firefighter of the Year Awarded to Sean Pruitt

PUBLIC HEARING - 2ND READING OF ZONING/ANNEXATION REQUESTS

6. Z22-04. Bates Rd. Applicant: Highlands Park of GA, LLC.

PUBLIC HEARING - 1ST READING OF ZONING/ANNEXATION REQUESTS

- [7.](#) Z22-03. Carter Grove Blvd. Applicant: The Wasserman Group, LLC

OTHER

- [8.](#) COP22-17: HPC Appeal – 32 Cassville Rd

SECOND READING OF ORDINANCES

- [9.](#) T22-02. Mt. Zion Mission Baptist Church Sign Amendment
- [10.](#) T22-03. Tilley Holdings LLC. Electronic Billboard Amendment

FIRST READING OF ORDINANCES

- [11.](#) Distilled Spirits: Specialty Shop
- [12.](#) Annual Leave Amendment
- [13.](#) Parental Leave
- [14.](#) Educational Assistance Program

RESOLUTIONS

- [15.](#) Time Change for December 1, 2022 Council Meeting

EASEMENTS

- [16.](#) Distribution Tree Trim / Clearing Easement

CONTRACTS/AGREEMENTS

- [17.](#) Bermex Meter Reading Services Agreement

CERTIFICATION

- [18.](#) Inspection/Certification of Class B Fuel Training System
- [19.](#) CRS Recertification

ENGINEERING SERVICES

- [20.](#) Leake St and Erwin St Engineering Services Sanitary Sewer Design

BID AWARD/PURCHASES

- [21.](#) Residential Garbage Carts
- [22.](#) Front End Loader Dumpsters

[23.](#) Resurfacing Bid Award

[24.](#) MV-90 Renewal

[25.](#) Transformer Purchases

[26.](#) Primary Metering Package

[27.](#) 2023 City Calendar Bids

ADJOURNMENT

Persons with disabilities needing assistance to participate in any of these proceedings should contact the human resources office, ADA coordinator, 48 hours in advance of the meeting at 770-387-5616.

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



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Council Meeting Minutes
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	September 15, 2022
DEPARTMENT SUMMARY RECOMMENDATION:	The Council Minutes from September 15, 2022 are uploaded for your review and approval.
LEGAL:	NA

City Council Meeting
10 N. Public Square
September 15, 2022
6:00 P.M. – Work Session
7:00 P.M. – Council Meeting

WORK SESSION

Mayor Matthew Santini opened Work Session at 6 P.M. Council Members discussed each item from the agenda with corresponding Staff Members.

Frank McCann, Police Chief, announced that Major Terry Ellis has been promoted to Deputy Chief.

Council Member Hodge made a motion to enter into an Executive Session for the purposes of personnel. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 4-0.

Mayor Santini closed Work Session at 6:45 P.M.

OPENING MEETING

Mayor Santini called the Council Meeting to order at 7 P.M.

Invocation by Council Member Roth.

Pledge of Allegiance led by Council Member Hodge.

The City Council met in Regular Session with Matthew Santini, Mayor presiding, and the following present: Kari Hodge, Council Member Ward One; Cary Roth, Council Member Ward Three; Calvin Cooley, Council Member Ward Four; Gary Fox, Council Member Ward Five; Taff Wren, Council Member Ward Six; Dan Porta, City Manager; Samantha Fincher, Deputy City Clerk; and David Archer, City Attorney.

Absent: Jayce Stepp, Council Member Ward Two

REGULAR AGENDA

COUNCIL MEETING MINUTES

1. September 1, 2022 Council Meeting Minutes

Council Member Fox made a motion to approve the September 1, 2022 Meeting Minutes. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 5-0.

PUBLIC HEARING – 2nd Reading of Zoning/Annexation Request

2. Z22-02 Rezone 1.145 acres from R-15 to M-U Applicant: Jenny Smith

Randy Mannino, Planning and Development Director, stated the applicant is looking to Rezone 1.145 acres from R-15 to M-U to allow an existing structure to be used as an office rental space. Planning Commission recommended approval with conditions of the application, 6-0. The number of conditions has reduced from three to two since the first reading.

The conditions are:

- Land uses are limited to single-family residential, office, or retail.
- Future redevelopment of the site is limited to a single structure not to exceed the approximate area and height of the existing structure.

The public hearing opened and with no one to come forward, the public hearing was closed.

Council Member Hodge made a motion to approve the Z22-02. Council Member Fox seconded the motion. Motion carried unanimously.

Vote: 5-0.

qPublic.net Bartow County, GA



Parcel ID	C029-0011-002	Alternate ID	35588	Owner Address	SMITH WEBB ALEXANDER
Sec/Twp/Rng	n/a	Class	Residential		6 SMITH RD
Property Address	6 SMITH RD	Acreage	5.47		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL194,239 LD4				

(Note: Not to be used on legal documents)

Ordinance
of the
City of Cartersville, Georgia
Ordinance No. 23-22
Petition No. Z22-02

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 Webb Alexander Smith. Property is located at 7 Smith Rd (insert parcel number). Said property contains 1.145 acres located in the 4th District, 3rd Section, Land Lot 194 as shown on the attached plat Exhibit "A". Property is hereby rezoned from R-15 (Single Family Residential) to M-U (Multiple Use) with the following conditions.

- Land uses are limited to single family residential, office or retail.
- Future redevelopment of the site is limited to a single structure not to exceed the approximate area and height of the existing structure.

Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this 1st day of September, 2022.
ADOPTED this the 15th day of September, 2022. Second Reading.

/s/ Matthew J. Sanfina
Matthew J. Sanfina
Mayor

ATTEST:

/s/ Samantha Fincher
Samantha Fincher
Deputy City Clerk



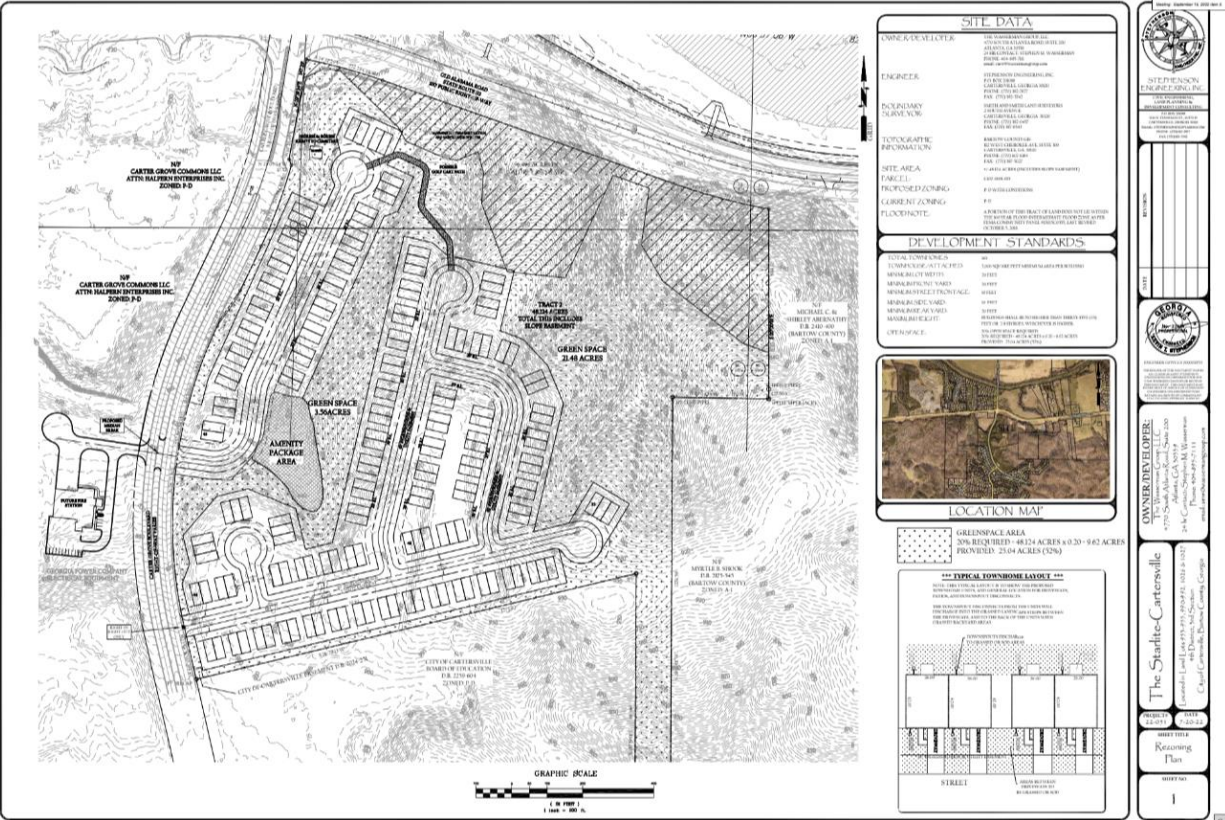
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PUBLIC HEARING – 2nd Reading of Zoning/Annexation Request

3. Z22-03: Carter Grove Blvd. Applicant: The Wasserman Group

Mr. Mannino stated this is an application to rezone, 48.124 +/- acres from Carter Grove P-D (Planned Development) with conditions to P-D (Planned-Development) with new conditions.

This item has been moved at the request of the applicant. The first reading will be on October 6, 2022, and the second reading will be on October 20, 2022.



4. Z22-04: Bates Rd. Applicant: Highlands Park of GA., LLC.

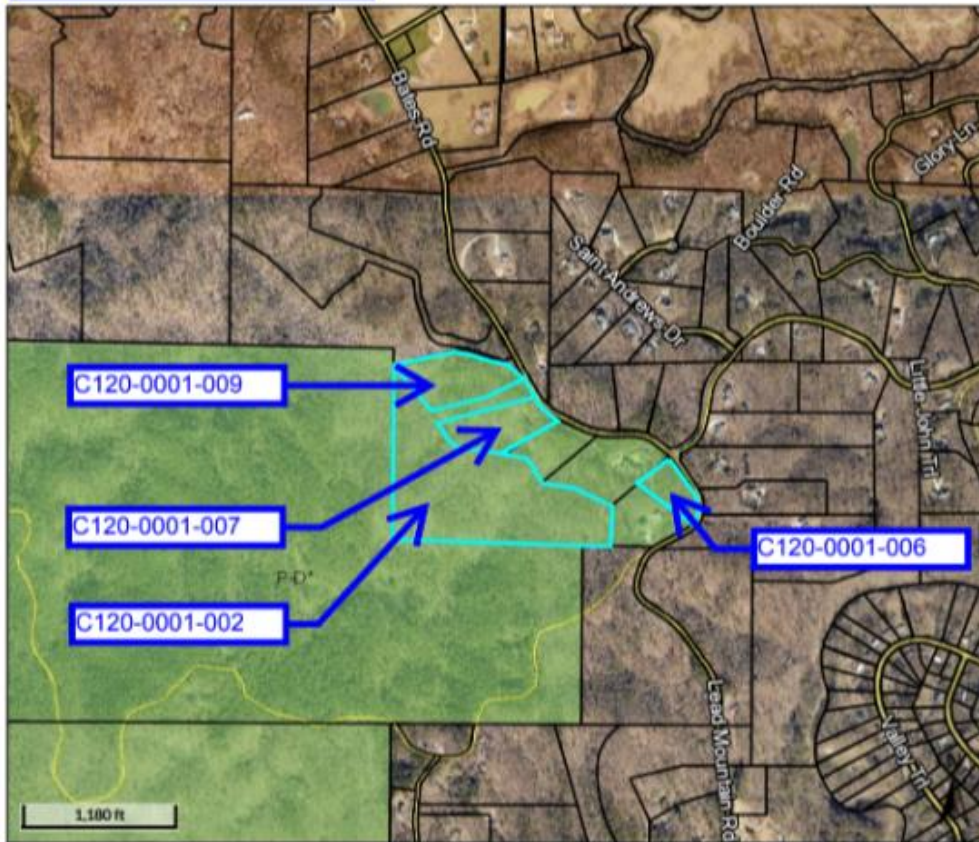
Mr. Mannino stated this zoning application is to rezone (4) properties, totaling 46.12 +/- acres, from Carter Grove P-D (Planned Development) to R-20 (Single Family Residential). The rezoning removes the Carter Grove P-D zoning conditions and insures limited access to Bates Rd. The proposed development following a zoning approval will include the subdivision of 33.71 +/- ac into nine (9) lots.

City staff supports the zoning application. Planning Commission recommends approval 6-0.

The public hearing opened and with no one to come forward, the public hearing was closed.

This was the first reading and will be voted on at the October 6, 2022, City Council Meeting.

LOTS TO BE REZONED



FIRST READING OF ORDINANCES

5. T22-02: Mt. Zion Mission Baptist Church Sign Amendment

Mr. Mannino stated this Text Amendment to Chapter 20, Signs and Outdoor Advertising, Article II, Section 20-25 (2)(b) is to allow electronic signs on Jones St. within 320ft. of Aubrey St. Planning Commission recommended approval with a vote of 6-0.

This was the first reading and will be voted on at the October 6, 2022, City Council Meeting.

6. T22-03: Tilley Holdings LLC Electronic Billboard Amendment

Mr. Mannino stated this text amendment to Chapter 20, Signs and Outdoor Advertising, Article II, Section 20-29 (B)(2)(a) is to allow electronic billboards on Old Mill Rd. (beginning at the centerline of the Old Mill Rd right-of-way intersection with the Erwin St. center line and continuing west a distance of 1000 ft.). Applicable to existing billboard signs as of July 26, 2022. Planning Commission recommends approval 5-0-1.

Robert Walker, 15 S. Public Square, came forward to represent the applicant.

This was the first reading and will be voted on at the October 6, 2022, City Council Meeting.

CONTRACTS/AGREEMENTS

7. Transfer of Land for Station 5

Scott Carter, Fire Chief, stated approval was recommended for the City of Cartersville to accept the transfer of approximately 8.5 acres of land that is located on Carter Grove Blvd. from Carter Grove (ATLANTA) and Avanti Properties Group. Transfer of ownership will be used for the construction of Cartersville Fire Department Station #5.

This station will provide fire protection for Cartersville Primary School, Carter Grove Subdivision, and River Shoals subdivision and beyond.

Council Member Cooley made a motion to approve the transfer of land for Station 5. Council Member Wren seconded the motion. Motion carried unanimously. Vote: 5-0.

RESOLUTIONS

8. Actual Cost Utility Agreement with GDOT

Michael Dickson, Gas Department Director, stated portions of a road construction project will require the Gas System to relocate existing natural gas facilities within a prescribed easement in conflict with road construction. The Gas System recommended Council approval for the City to enter an Actual Cost Utility Agreement with the Georgia Department of Transportation in the reimbursable amount of 9.82% of the total construction cost associated with the relocation of these existing natural gas facilities estimated to be approximately \$28,614.99.

Council Member Fox made a motion to approve the Actual Cost Utility Agreement with GDOT. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 5-0.

STANDARD UTILITY AGREEMENT
ACTUAL COST UTILITY AGREEMENT – NATURAL GAS FACILITIES

RESOLUTION NO. 26-22

STATE OF GEORGIA
CITY OF CARTERSVILLE

BE IT RESOLVED by the MAYOR of the CITY OF CARTERSVILLE, and it is hereby resolved, that the foregoing attached Agreement, relative to project N/A, FLOYD COUNTY, P.I. No. 0015544, to replace the bridge on State Route 293 over Dykes Creek in Floyd County and that the Honorable Matt Santini as Mayor of the City of Cartersville and Samantha Fincher, as Deputy City Clerk, be and they are, thereby authorized and directed to execute the same for and in behalf of said by the MAYOR of THE CITY OF CARTERSVILLE.

Passed and adopted, this the 15th day of September, 2022.

ATTEST: S. Fincher
DEPUTY CITY CLERK


BY: M. Santini
MAYOR



STATE OF GEORGIA,
CITY OF CARTERSVILLE GAS SYSTEM

I, Samantha Fincher, as Deputy City Clerk, do hereby certify that I am custodian of the books and records of the same, and that the above and foregoing copy of the original is now on file in my office, and was passed by the Mayor of the CITY OF CARTERSVILLE GAS.
WITNESS my hand and official signature, this the 15th day of September, 2022.

BY: S. Fincher
DEPUTY CITY CLERK



BID AWARD/PURCHASES

9. Mimecast Renewal

Steven Grier, Fibercom Department Director, stated this item is a budgeted annual support renewal for our Mimecast email security solution. This service provides cloud-based email threat protection for the City of Cartersville. The total amount is \$24,001.26 from CDWG.

Council Member Hodge made a motion to approve the Mimecast Renewal. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0.

10. 45' Bucket Truck Replacement

Mr. Grier stated The FiberCom Department is requesting authorization to purchase a 45' Service Bucket truck on a Dodge chassis from Terex purchase cost of \$153,821. This purchase is to replace Truck #195, which is a 40' 21-year-old Service Bucket Truck. This purchase will be budgeted in FY23-24.

Council Member Fox made a motion to approve the 45' Bucket Truck Replacement. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 5-0.

11. Oak Street Sewer Additional Work

Sidney Forsyth, Water Department Director, stated on March 17, 2022 Council approved the replacement of 364 feet of sanitary sewer line on Oak Street. The line replacement has been completed. During the course of work, three (3) abandoned concrete storm drain lines encased in a substantial amount of concrete were encountered which had to be removed to complete the project. Approval was recommended for payment of the additional \$8,000.00 to Lanning Contracting, LLC for this work. This is a budgeted maintenance item to be paid from account #505.3320.52.2341.

Council Member Fox made a motion to approve the Oak Street Sewer Additional Work. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 5-0.

12. Oak Street Repaving

Mr. Forsyth stated due to the open-cut replacement of the City sewer main down the entire length of Oak Street (~360 linear feet), it is necessary to replace the pavement overlay on this street.

The Water Department received three quotes from paving contractors for this work. It is recommended to award this project to the low bidder, Bartow Paving Company, Inc. for \$16,233.75. This is a budgeted expense to be paid from account #505.3320.52.2341.

Council Member Cooley made a motion to approve the Oak Street Repaving. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0.

Council Member Fox made a motion to add an item to the Agenda. Council Member Cooley seconded the motion. Motion carried unanimously. Vote: 5-0.

13. Fifth Payment

Frank McCann, Police Chief, stated on August 8, 2018, the Police Department purchased 50 Tasers, model #X26P (electronic control weapons). This purchase was for the replacement of our current Tasers at the time which were not supported by Tasers any longer.

Taser is the sole source item and the price is as follows:

50 Tasers, holsters, cartridges, and down load kit - \$70,800.00

Taser has a payment plan for five years and it is as follows:

Year 1 (2018/2019)	\$14,800.00
Year 2 (2019/2020)	\$14,000.00
Year 3 (2020/2021)	\$14,000.00
Year 4 (2021/2022)	\$14,000.00
Year 5 (2022/2023)	\$14,000.00
Total	\$70,800.00

The Police Department is using a payment plan and approval was requested to pay Taser (Axon) \$14,000.00 this fiscal year. This will be paid by federal asset forfeiture funds. The E-Verify and E-Save documents are on file with the Police Department.

Council Member Fox made a motion to approve the Fifth Payment. Council Member Roth seconded the motion. Motion carried unanimously. Vote: 5-0.

14. Utility Associates Inc. Replacement Camera System

Mr. McCann stated all patrol vehicles have an in-car and body video/audio recording system and are currently operating on two different systems (Watch Guard and Digital Ally). The older system, Digital Ally, needs to be replaced because many of the systems are failing and we do not need to have two different systems. Watch Guard was recently acquired by Motorola and their customer service and support have become nonexistent. Fibercom and the Police Department have looked at other systems and decided that Utility Associate Inc. is the best system available for the Police Department’s needs. The total cost to replace in-car body-worn cameras is \$698,935.00.

The following is the payment plan for the next five years:

Year 1	\$317,675.00
Year 2	\$95,315.00
Year 3	\$95,315.00
Year 4	\$95,315.00
Year 5	\$95,315.00

This purchase will be made using S.P.L.O.S.T funds and the E-Verify and E-save documents are on file.

Council Member Wren made a motion to approve the Utility Associates Inc. Replacement Camera System. Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0.

15. Purchase of Replacement Vehicles

Chief McCann stated he is requesting approval to purchase five patrol vehicles, and one administrative vehicle. He recommended approval of the best bid, based on the delivery time of the vehicles, from Brannen Motor Company in the amount of \$219,800. The purchase of the vehicles and the equipment (Lights, siren, cage, computer, in-car camera, etc.) will not exceed \$320,000.00. The vehicles are budgeted items and will be paid for out of federal asset forfeiture funds.

Council Member Fox made a motion to approve the best bid from Brannen Motor Company. Purchase amount not to exceed 320,000.00. Council Member Wren seconded the motion. Motion carried unanimously. Vote: 5-0.

16. Programming & Concept Design (Electric Department)

Freddy Morgan, Assistant City Manager, stated Croft & Associates has provided a cost proposal for design services to develop a program of space needs and a conceptual floor plan for the Electric department building. The building was constructed in 1983 and needs significant updates. This is a budgeted item and is recommended for approval to pay the invoice in the amount of up to \$22,500.

Council Member Cooley made a motion to approve the Programming & Concept Design (Electric Department). Council Member Fox seconded the motion. Motion carried unanimously. Vote: 5-0.

MONTHLY FINANCIAL STATEMENT

17. July 2022 Financial Report

Tom Rhinehart, Finance Department Director, reviewed the July 2022 Financial Report and compared the numbers to July 2021.

ADJOURNMENT

In closing, Mayor Santini announced that the Kiddie Day Parade, Sip and Stroll, and the Roselawn Art Festival will be held on Saturday, and the International Culture Festival will be held on Sunday.

With no other business to discuss, Council Member Wren made a motion to adjourn.

Meeting Adjourned at 7:40 P.M.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:
/s/ _____
Samantha Fincher
Deputy City Clerk



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Appointments
DEPARTMENT NAME:	Administration
AGENDA ITEM TITLE:	City of Cartersville Ethics Committee
DEPARTMENT SUMMARY RECOMMENDATION:	The terms of the three members of the Ethics Committee expired in September 2022. All three members, Bobby Walker, Maurice Wilson and Jessica Mitcham, would like to continue serving. If reappointed, Mr. Walker's and Dr. Wilson's new terms would expire September 3, 2024 and Ms. Mitcham's term would expire on September 21, 2024.
LEGAL:	N/A



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Appointments
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	Historic Preservation Commission
DEPARTMENT SUMMARY RECOMMENDATION:	David Elder submitted his application to serve on the Historic Preservation Commission. If appointed, his term will expire on September 7, 2025.
LEGAL:	N/A

CITY OF CARTERSVILLE

City Board/Commission Application Form

Applicant Information

Name David Elder A
(last) (first) (middle initial)

Address 12 Green Street, Cartersville, GA 30120
(street)

Email Address _____

Home Phone N/A Cell Phone _____

City Resident Yes x No _____ Ward 1 2 3 4 5 6
(if applicable)

Related Experience: Civic/Business/Other

Although I've not served previously on a civic board, I do have the personal experience of renovating/building nine homes.
Most recently I have purchased and I'm currently renovating a house in the Cherokee Cassville historic district.

Personal References (list at least 3)

Kelley Dial Tim Morrison
Barry Henderson _____
Dee Bishop _____

Position Information

Board/Commission applying for: Historic Preservation Commission

Reason interested in position (please explain in space provided)
I moved back to Cartersville 3 years ago after being away for 35+ years. Moving into the historic district and going through the renovation process has peaked my interest and given me an appreciation for the role of the historic preservation commission. I would welcome the opportunity to learn while serving and giving back to my hometown community.

DAVID ELDER August 21, 2022
Applicant Signature Date

Thank you for your interest in serving our community



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Appointments
DEPARTMENT NAME:	Administration
AGENDA ITEM TITLE:	Recreation Advisory Board
DEPARTMENT SUMMARY RECOMMENDATION:	Casey Villarreal submitted her application to serve on the Recreation Advisory Board. If appointed, her term will expire on December 31, 2025.
LEGAL:	N/A

CITY OF CARTERSVILLE

City Board/Commission Application Form

Applicant Information

Name Villarreal Casey A
(last) (first) (middle initial)

Address 40 Wellington Drive Cartersville GA 30120
(street)

Email Address [REDACTED]

Home Phone _____ Cell Phone [REDACTED]

City Resident Yes No _____ Ward
(if applicable)

Related Experience: Civic/Business/Other

served 6 years in Cartersville ~~with~~ Service League including 1 year as first vice president. Have served many years on CEBC kids ministry team. Served on the district calendar committee for the city school system and currently on Cartersville Little League board.

Personal References (list at least 3)

Matthew Gambill [REDACTED] _____
Marc Feuerbach _____
Lisa Lovett [REDACTED] _____

Position Information

Board/Commission applying for: Parks and Rec. Advisory Board

Reason interested in position (please explain in space provided)
My family and I are active in participating in many different programs within our recreation department. We are frequent visitors to our parks. I feel like our parks & recreation department are a wonderful part of our community.

Casey Villarreal _____ 9/23/22 _____
Applicant Signature Date

Thank you for your interest in serving our community



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Commendation/Recognition
DEPARTMENT NAME:	Fire
AGENDA ITEM TITLE:	Rookie Firefighter of the Year Awarded to Sean Pruitt
DEPARTMENT SUMMARY RECOMMENDATION:	<p>One of our Cartersville Firefighters received a statewide award. FF Sean Pruitt was selected by the Georgia State Firefighters Association as the 2022 Rookie Firefighter of the Year. This is a great honor and was presented to him at the State Fire Conference on October 1, 2022. In addition, he will be recognized by our Governor at the Annual Firefighter Day in February 2023.</p> <p>Sean began his career with the City on July 12, 2021. His performance has been top notch, he is committed to serving the public and has a deep passion for our profession. He is driven to take care of this community and his crew with preparation and sacrifice. He is a strong representative of our City. It is an honor to present Firefighter Sean Pruitt, Georgia’s 2022 Rookie Firefighter of the Year.</p>
LEGAL:	N/A



Georgia State Firefighters Association

521 First Street, PO Box 10, Milford, NE 68405

770.914.7774

www.gsffa.org / info@gsffa.org

August 25, 2022

Firefighter Sean Pruitt
Cartersville Fire Department
195 Cassville Road
Cartersville GA, 30120

Dear Mr. Sean Pruitt:

On behalf of the Georgia State Firefighters Association (GSFA), I'd like to formally congratulate you for being selected as the recipient of a 2022 Rookie of the Year Award.

As an award recipient, you will be recognized at the 2022 Georgia Fire Service Conference and also at the 2023 Firefighter's Recognition Day at the State Capitol held February 7, 2023.

GSFA takes great pride in recognizing our award recipients at an awards presentation held in conjunction with the Georgia Fire Service Conference. This year's closing conference reception will occur on Saturday, October 1st at 5:30 p.m. and the awards presentation will follow at 6:00 p.m. at the Columbus Georgia Convention & Trade Center (801 Front Ave, Columbus, GA 31902). Dress Uniform is the appropriate attire.

You are invited to attend the awards presentation and are welcome to bring guests to the awards presentation. Should you be unable to attend the conference, we would be happy to present your award to you in Cartersville.

Please contact Taylor Moore by email at taylor@gsffa.org or by phone at 770-914-7774 to let us know that you will be able to attend the banquet to accept this award.

Again, congratulations!

Sincerely,

David Bullard
President, Georgia State Firefighters Association
Lieutenant, Columbia County Fire Rescue





CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Public Hearing – 2 nd Reading of Zoning/Annexation Requests
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	Z22-04. Bates Rd. Applicant: Highlands Park of GA, LLC.
DEPARTMENT SUMMARY RECOMMENDATION:	<p>Zoning application to rezone (4) properties, totaling 46.12 +/- acres, from Carter Grove P-D (Planned Development) to R-20 (Single Family Residential). The rezoning removes the Carter Grove P-D zoning conditions and insures limited access to Bates Rd. Proposed development following a zoning approval will include the subdivision of 33.71 +/- ac into nine (9) lots.</p> <p>Staff supports the zoning application. Planning Commission recommends approval 6-0.</p>
LEGAL:	N/A

ZONING SYNOPSIS

Petition Number(s): **Z22-04**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Highlands Park of Georgia, LLC**

Representative: **Bill Byrne, Byrne Design Group**

Property Owner: **Highlands Park of Georgia, LLC**

Property Location: **Bates Rd. C120-0001-002, C120-0001-006, C120-0001-007, and C120-0001-009**

Access to the Property: **Bates Rd.**

Site Characteristics:

Tract Size: Acres: **46.12** District: **4th** Section: **3rd** LL(S): **1180 1181 1195 1196**
Ward: **2** Council Member: **Jayce Stepp**

LAND USE INFORMATION

Current Zoning: **P-D (Carter Grove Planned Development)**

Proposed Zoning: **R-20 (Single Family Residential)**

Proposed Use: **Single Family Residential**

Current Zoning of Adjacent Property:

North: **County A-1**

South: **P-D and County A-1**

East: **County A-1**

West: **P-D**

The Future Development Plan designates the subject property as: **Neotraditional Neighborhood**

The Future Land Use Map designates the subject property as: **Low/Medium Density Residential**

Z22-04

ZONING ANALYSIS

Project Summary:

The applicant is requesting the rezoning of four (4) properties located on Bates Rd near Greenridge Rd from P-D (Carter Grove Planned Development) to R-20 (Single Family Residential) in order to remove the Carter Grove P-D development conditions and insure limited access to Bates Rd. This was a request from the Planning and Development staff in order to subdivide the property for the construction of large estate lots.

The development intent of the zoning application is to subdivide the largest remaining parcel, 33.71 acres, into nine (9) lots. The (9) lots will share one private street connection to Bates Rd per the “Bartow County letter”. Three tracts of the 50 acre tract were previously subdivided and sold- C120-0001-007(Berry), C120-0001-008(Arveson) and C120-0001-009(Kent)

The (3) remaining lots with P-D zoning will be addressed at a later date.

Access to Bates Rd was approved with conditions by the County Commissioner, Steve Taylor, in 2019 and in conjunction with the 2020 de-annexation of 50+/- acres of the 100 acre Al Meek property (AZ20-02). The driveway cuts specified in the Letter applied to the entire 100ac. tract regardless if any portion of the 100 acres is de-annexed or subdivided. See attached “Bartow County Letter” and AZ20-02 approval letter. The remaining 50 +/- acre tract that was not de-annexed was sold to the applicant for development.

Per the Carter Grove Development Agreement, Bates Rd access from Carter Grove required City and County approval. No access points were ever identified. The rezoning and the Bartow County letter help insure that no access will occur to Carter Grove.

Per the Carter Grove Development Agreement, item 1(c):

- (c) The Developer agrees not to utilize Bates Road as an access point to the Project without prior approval of the City and Bartow County.

The private street serving the proposed nine (9) lot subdivision, the (3) driveways planned for the de-annexed Meek property, and the (3) driveways serving or planned to serve properties C120-0001-007(Berry), C120-0001-008(Arveson) and C120-0001-009(Kent) will exhaust all but one driveway cut allowed per the Bartow County Letter.

Z22-04

City Department Comments

Electric: Takes no exception.

Fibercom: Takes no exception.

Fire: No comments received.

Gas: The above referenced project is outside the service area of the City of Cartersville Gas System.

Public Works: No comments received.

Water and Sewer: Not in service area. Water provided by Bartow County. No sewer service.

City of Cartersville School District: We take no exception to this rezoning request.

Public Comments:

None received as of 8-31-22.

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned for large estate lots or agriculture with the exception of the remaining Carter Grove P-D property. The adjacent land is either undeveloped or developed with single family detached homes on large lots.
2. *The suitability of the subject property for the zoned purposes.*
The property is suitable for the zoned purposes, but has Carter Grove development conditions assigned to it.
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
The public gain would be minimal. Rezoning removes the conditions that could affect development and the cost of development.
4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned.
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

Z22-04

The zoning proposal would permit a use that is suitable in view of the use of the adjacent residential use properties.

- 6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*
The zoning proposal should not have an adverse effect on adjacent property.

- 7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*
The zoning proposal does conform to the Future Development Map and Future Land Use Map.

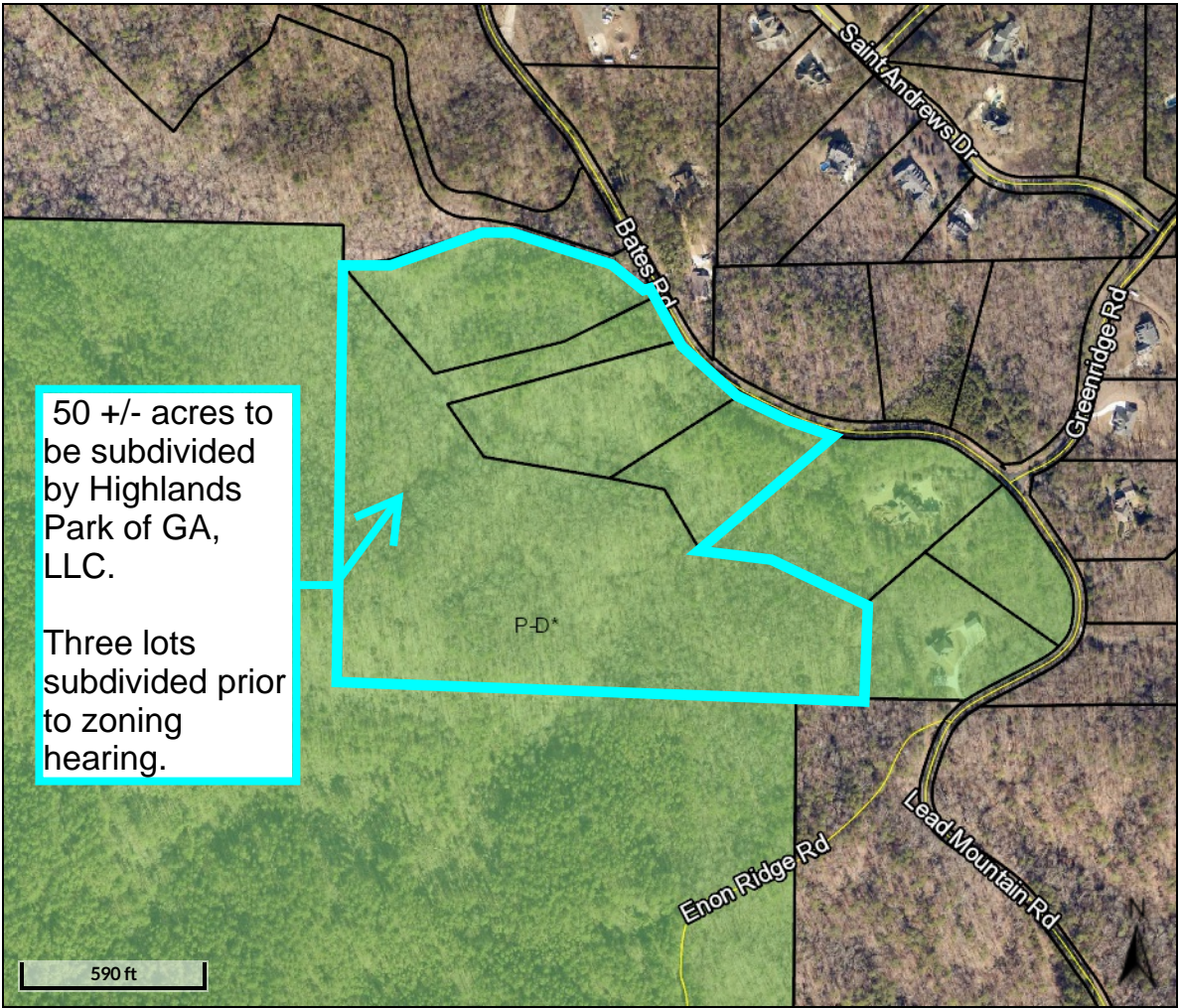
- 8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*
Development of the site would result in a creek crossing that will require additional plan review steps for approval. The creek crossing could also occur if the zoning does not change.

- 9. *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 should not increase the burden to streets, transportation, utilities or schools. The proposed subdivision complies with the County’s letter to limit access to Bates Rd.

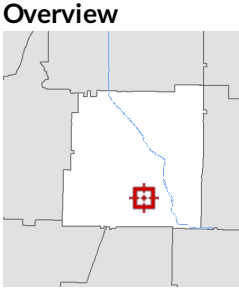
- 10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*
There are no known conditions.

STAFF RECOMMENDATION:

Staff supports the rezoning.



50 +/- acres to be subdivided by Highlands Park of GA, LLC.
 Three lots subdivided prior to zoning hearing.



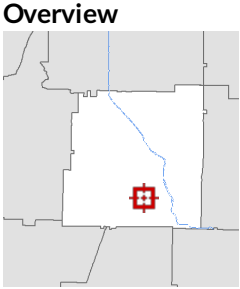
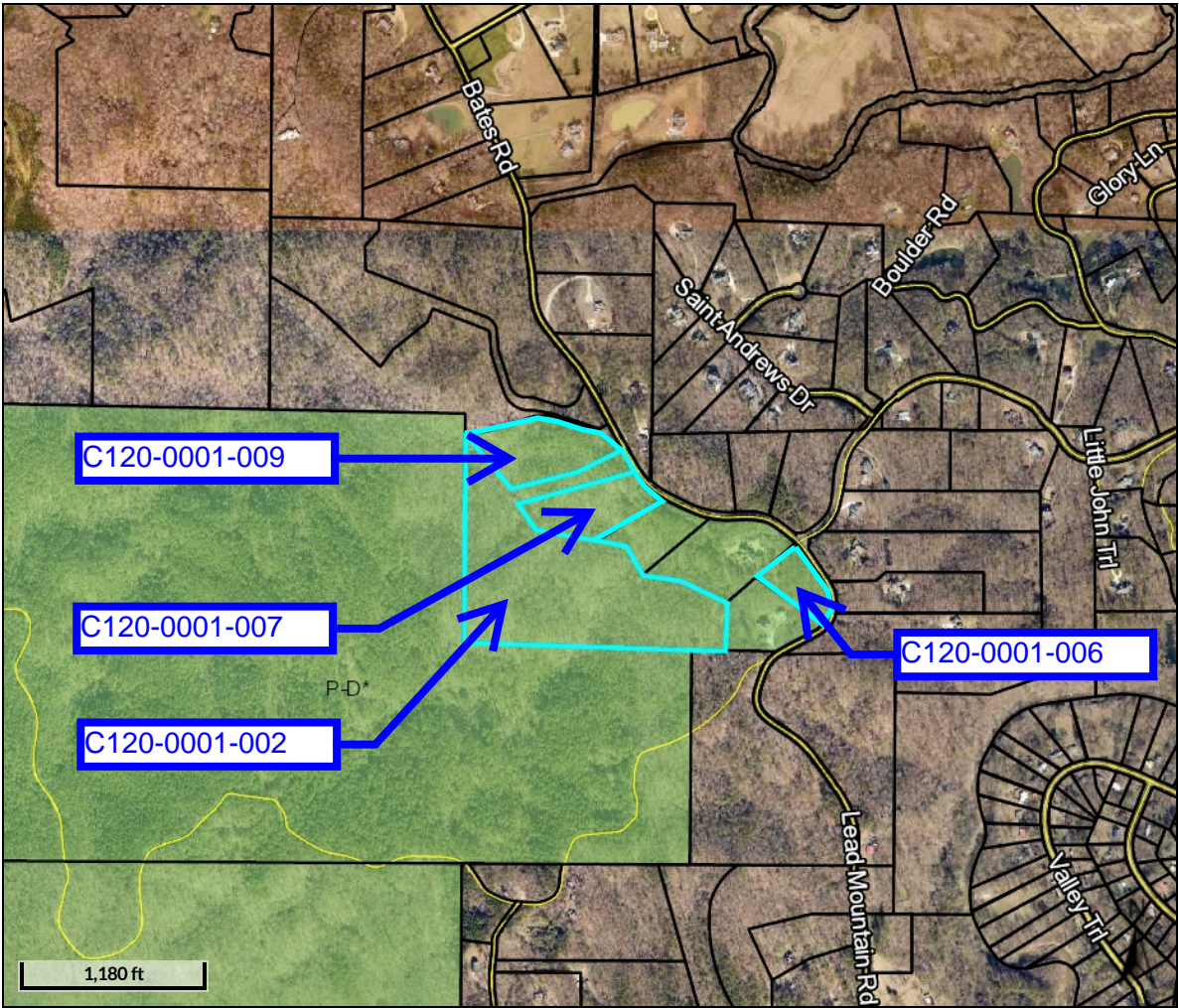
- Legend**
- Parcels
 - Roads
- Cartersville Zoning**
- AG
 - DBD
 - G-C
 - G-C*
 - H-I
 - H-I*
 - L-I
 - L-I*
 - M-U
 - M-U*
 - MF-14
 - MF-14*
 - MN
 - O-C
 - O-C*
 - P-D
 - P-D*
 - P-I
 - P-S
 - P-S*
 - R-10
 - R-10*
 - R-15
 - R-15*
 - R-20
 - R-20*
 - R-7
 - R-7*
 - R-D
 - RA-12
 - RA-12*
 - RSL

Parcel ID 0095-1124-002
 Sec/Twp/Rng n/a

Alternate ID 23096
 Class Residential

Owner Address PRICE JIMMY & CHERYL SUE
 448 BATED RD SE

LOTS TO BE REZONED



- Legend**
- Parcels
 - Roads
- Cartersville Zoning**
- AG
 - DBD
 - G-C
 - G-C*
 - H-I
 - H-I*
 - L-I
 - L-I*
 - M-U
 - M-U*
 - MF-14
 - MF-14*
 - MN
 - O-C
 - O-C*
 - P-D
 - P-D*
 - P-I
 - P-S
 - P-S*
 - R-10
 - R-10*
 - R-15
 - R-15*
 - R-20
 - R-20*
 - R-7
 - R-7*
 - R-D
 - RA-12
 - RA-12*
 - RSL

Parcel ID	C120-0001-002	Alternate ID	38636	Owner Address	HIGHLANDS PARK OF GEORGIA LLC
Sec/Twp/Rng	n/a	Class	Agricultural		905 BLACKWELL RD STE 511

Property Address BATES RD **Acreage** 33.71

District Cartersville

Brief Tax Description LL1180 1181 1195 1196 D4

(Note: Not to be used on legal documents)

MARIETTA, GA 300

Meeting: October 6, 2022 Item 6.

Date created: 8/24/2022

Last Data Uploaded: 8/23/2022 10:20:28 PM

Developed by  Schneider
GEO SPATIAL

Property Address 448 BATES RD **Acreage** 3.2
District Bartow County
Brief Tax Description LL1124 1125 1180 1181 LD4
(Note: Not to be used on legal documents)

CARTERSVILLE *Meeting: October 6, 2022 Item 6.*

Date created: 9/1/2022
Last Data Uploaded: 8/31/2022 10:35:43 PM

Developed by  Schneider
GEOSPATIAL

Application for Rezoning

City of Cartersville

Case Number: 22204

Date Received: 4/20/22

Public Hearing Dates:

Planning Commission 9/6/22 5:30pm 1st City Council 9/15/22 7:00pm 2nd City Council 10/6/22 7:00pm

Applicant Highlands Park of GA Office Phone 404-643-0505
(printed name)
 Address 18 Green Valley Trail, LLC Mobile/ Other Phone _____
 City Cartersville State GA Zip 30120 Email boblterrell@bellsouth.net
Bob Terrell Phone (Rep) 404-643-0505
 Representative's printed name (if other than applicant) Email (Rep) boblterrell@bellsouth.net
Bob Terrell Applicant Signature
 Representative Signature
 Signed, sealed and delivered in presence of: _____ My commission expires: _____
 Notary Public

* Titleholder Highlands Park of GA, LLC Phone 404-643-0505
(titleholder's printed name)
 Address 18 Green Valley Trail Email boblterrell@bellsouth.net
 Signature Bob Terrell
 Signed, sealed, delivered in presence of: _____ My commission expires: _____
 Notary Public

Present Zoning District Carter Grove PUD Requested Zoning R20
 Acreage 33.46 Land Lot(s) 1181, 1195 District(s) 4th Section(s) 3rd
 Location of Property: 1196 Bates Road
(street address, nearest intersections, etc.)
 Reason for Rezoning Request: To rezone from site plan specific Carter Grove PUD to R20 for 8 tracts for building 8 residential houses.
(attach additional statement as necessary)

* Attach additional notarized signatures as needed on separate application pages.

400 app
50 adv

Application for Rezoning
City of Cartersville

BATES RD.

Case Number: 72204
Date Received: 7/17/22

Public Hearing Dates:

Planning Commission _____ 1st City Council _____ 2nd City Council _____
5:30pm 7:00pm 7:00pm

Applicant _____ Office Phone _____
(printed name)

Address _____ Mobile/ Other Phone _____

City _____ State _____ Zip _____ Email _____

Representative's printed name (if other than applicant) _____ Phone (Rep) _____
Email (Rep) _____

Representative Signature _____ Applicant Signature _____

Signed, sealed and delivered in presence of: _____ My commission expires: _____

Notary Public _____

* Titleholder Kentand Lisa Carter Phone 678-315-1992
(titleholder's printed name)

Address 460 BATES RD SE Email KentandLisa1016@gmail.com

Signature [Signature]

Signed, sealed, delivered in presence of: _____ My commission expires: 11/23/23

Notary Public [Signature]



Present Zoning District _____ Requested Zoning _____

Acreage _____ Land Lot(s) _____ District(s) _____ Section(s) _____

Location of Property: _____
(street address, nearest intersections, etc.)

Reason for Rezoning Request: _____

(attach additional statement as necessary)

*** Attach additional notarized signatures as needed on separate application pages.**

Application for Rezoning

City of Cartersville

Case Number: 72204

Date Received: 7/28/22

Public Hearing Dates:

Planning Commission _____ 1st City Council _____ 2nd City Council _____
5:30pm 7:00pm 7:00pm

Applicant _____ Office Phone _____
(printed name)

Address _____ Mobile/ Other Phone _____

City _____ State _____ Zip _____ Email _____

Representative's printed name (if other than applicant) _____ Phone (Rep) _____
Email (Rep) _____

Representative Signature Applicant Signature

Signed, sealed and delivered in presence of: _____ My commission expires: _____

Notary Public

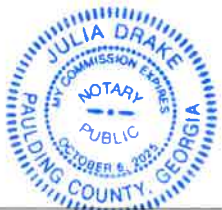
* Titleholder ROBERT BERRY Phone _____
(titleholder's printed name)

Address _____ Email _____

Signature [Signature]

Signed, sealed, delivered in presence of: _____ My commission expires: _____
[Signature] 10/6/2025

Notary Public



Present Zoning District _____ Requested Zoning _____

Acreage _____ Land Lot(s) _____ District(s) _____ Section(s) _____

Location of Property: _____
(street address, nearest intersections, etc.)

Reason for Rezoning Request: _____

(attach additional statement as necessary)

* Attach additional notarized signatures as needed on separate application pages.

following disclosures:

Date of Application: 4/7/22

Date Two Years Prior to Application: 4/7/20

Date Five Years Prior to Application: 4/7/17

1. Has the applicant within the five (5) years preceding the filing of the rezoning action made campaign contributions aggregating \$250.00 or more to any of the following:

	YES	NO
Mayor: Matt Santini	_____	_____
Council Member:		
Ward 1- Kari Hodge	_____	_____
Ward 2- Jayce Stepp	_____	_____
Ward 3- Cary Roth	_____	_____
Ward 4- Calvin Cooley	_____	_____
Ward 5- Gary Fox	_____	_____
Ward 6- Taff Wren	_____	_____
Planning Commission		
Greg Culverhouse	_____	_____
Harrison Dean	_____	_____
Lamar Pendley	_____	_____
Open	_____	_____
Travis Popham	_____	_____
Jeffery Ross	_____	_____
Stephen Smith	_____	_____

N/A

2. If the answer to any of the above is **Yes**, please indicate below to whom, the dollar amount, date, and description of each campaign contribution, during the past five (5) years.

Bob Terrell 4/7/22
 Signature Date

Bob Terrell II
 Print Name



Review 2/22
Meeting: October 6, 2022 Item 6.

Bill
Landscape Architect
Project Management

**Land Planners
Landscape Architecture**

May 20, 2022

Mr. Brian J. Reed
ETOWAH CONTROLS
Systems and Services
875 Rowland Springs Road
Suite "A"
Cartersville, Georgia 30121



City of Cartersville
PLANNING & DEVELOPMENT

David Hardegree, AICP
City Planner

10 N. Public Square
P.O. Box 1390
Cartersville, GA 30120
Phone (770) 387-5614
Fax (770) 387-5605
dhardegree@cityofcartersville.org

"Providing dependable service while preserving an exceptional quality of life."

Re: Bates Road Residential Development
"Highlands Park of Georgia"
Zoning Request

Dear Mr. Reed:

Mr. David Hardegree, AICP of the City of Cartersville, Planning and Development department has requested that Bob Terrell of Cherokee Properties rezone the above project from Planned Development (PD) to R-20 Residential and Mr. Terrell has agreed to do so.

Mr. Hardegree has requested that adjacent property be included in the zoning request on a voluntary basis and they all have agreed to do so.

On behalf of Cherokee Properties and the City of Cartersville, I am asking you if you would join the re-zoning request on a voluntary basis as requested by the City of Cartersville. Please answer below.

YES I will join the re-zoning request as proposed.

NO I will not join the re-zoning request as proposed.

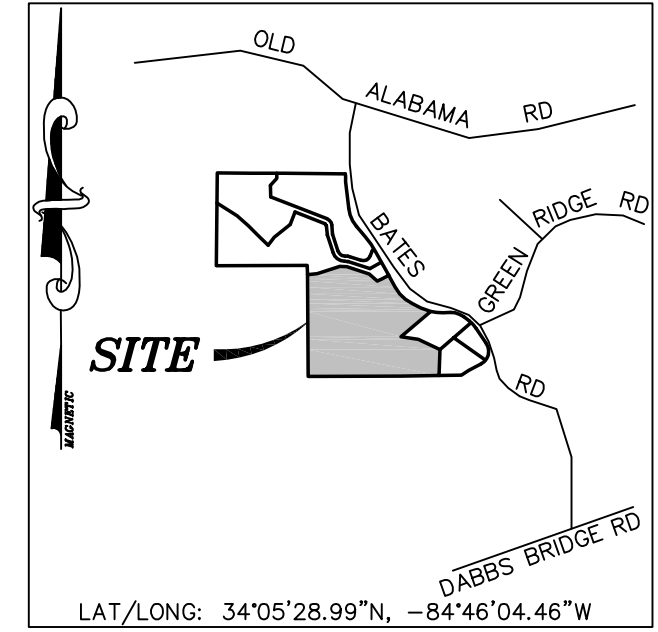
Thank you for your time and consideration.

Sincerely,
BYRNE DESIGN GROUP

William J. Byrne
Project Manager

THE PURPOSE OF THIS PLAN IS FOR REZONING FROM SITE PLAN SPECIFIC, CARTER GROVE PUD TO R-20.

RE-ZONING PLAT: HIGHLANDS PARK OF GA, LLC



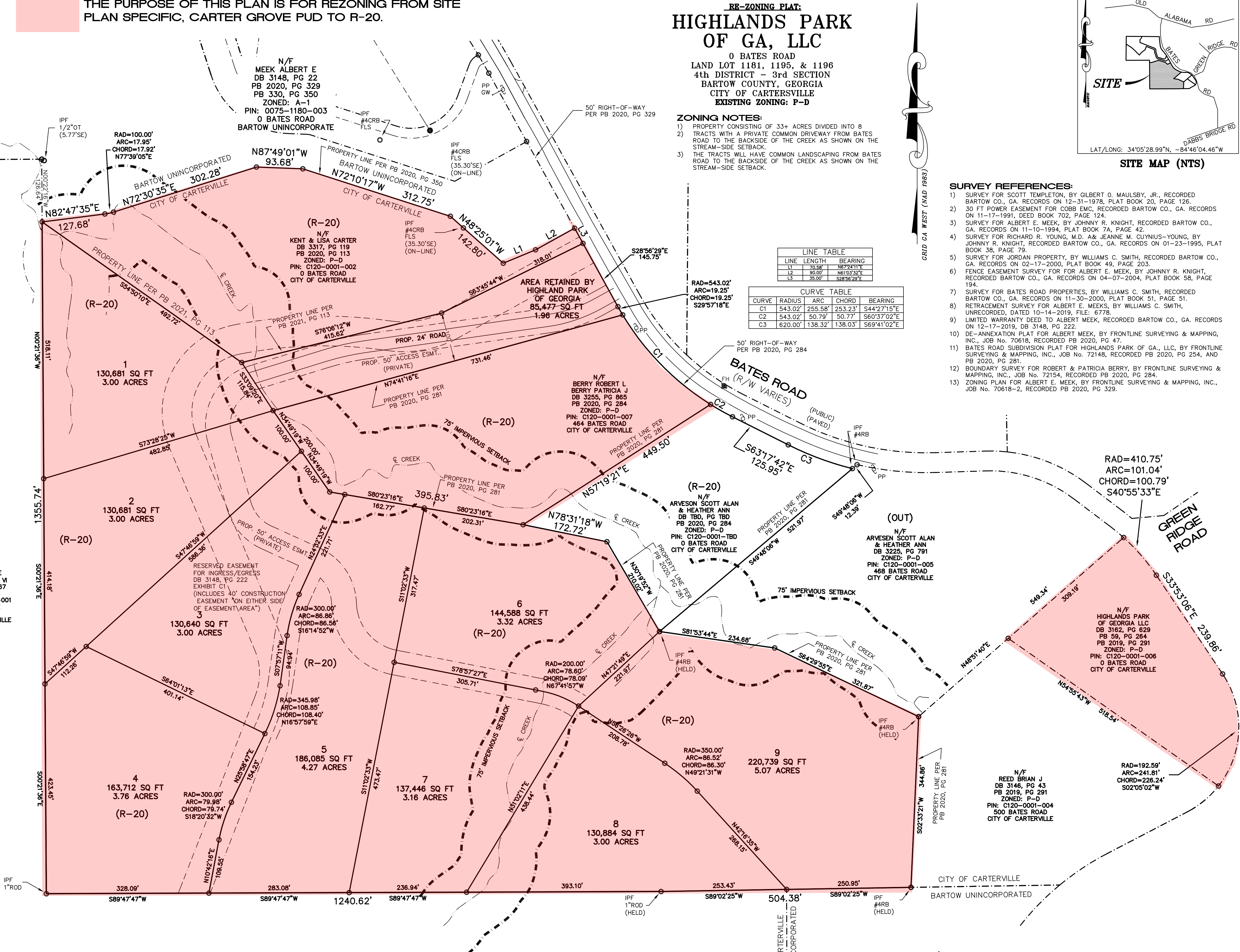
ZONING NOTES: 1) PROPERTY CONSISTING OF 33+ ACRES DIVIDED INTO 8 TRACTS WITH A PRIVATE COMMON DRIVEWAY FROM BATES ROAD TO THE BACKSIDE OF THE CREEK AS SHOWN ON THE STREAM-SIDE SETBACK.

- SURVEY REFERENCES: 1) SURVEY FOR SCOTT TEMPLETON, BY GILBERT O. MAULSBY, JR., RECORDED BARTOW CO., GA. RECORDS ON 12-31-1978, PLAT BOOK 20, PAGE 126.

LINE TABLE and CURVE TABLE. LINE TABLE lists line lengths and bearings for lines L1 through L3. CURVE TABLE lists curve data for curves C1, C2, and C3.

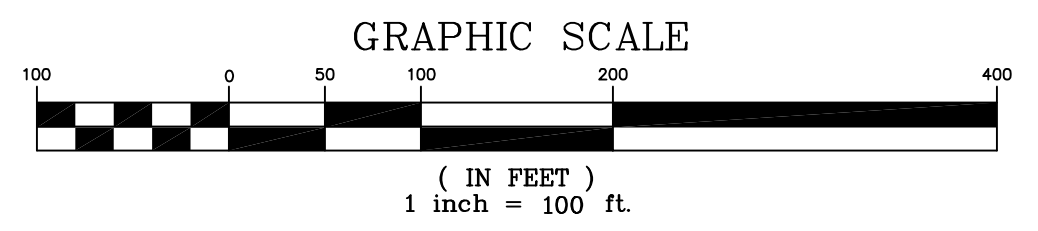
LEGEND: Symbols for various survey features including iron pins, monuments, utility lines, fences, and easements.

- SURVEY NOTES: 1) HORIZONTAL DATUM IS GEORGIA STATE PLANE WEST ZONE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (NAD83).



OWNER'S CERTIFICATE: THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY...

SURVEYOR'S CERTIFICATION: AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON...

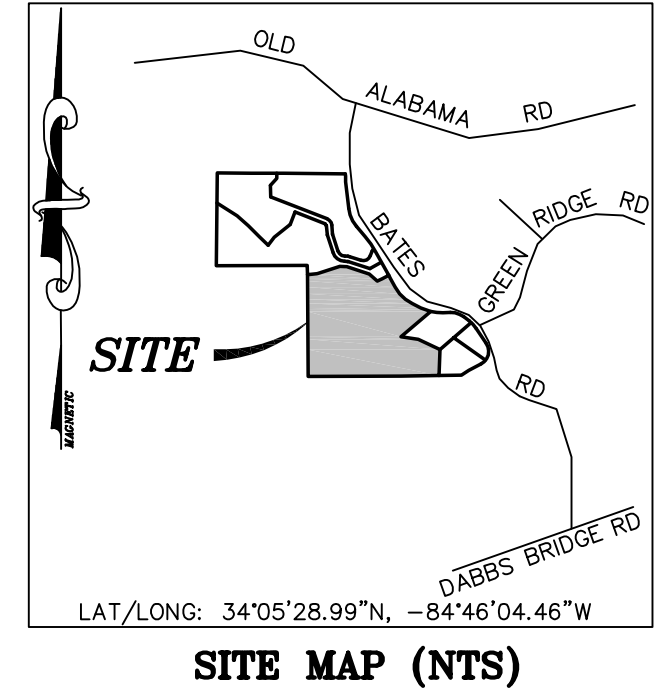


PRELIMINARY PLAT APPROVAL CERTIFICATE: ALL REQUIREMENTS OF THE CITY OF CARTERSVILLE DEVELOPMENT REGULATIONS RELATIVE TO THE PREPARATION AND SUBMISSION OF A PRELIMINARY PLAT HAVING BEEN FULFILLED, APPROVAL OF THIS PLAT IS HEREBY GRANTED SUBJECT TO FURTHER PROVISIONS OF SAID REGULATIONS...

Vertical title block containing project information: HIGHLANDS PARK OF GA, LLC, 0 BATES ROAD, 4th DISTRICT, 3rd SECTION, BARTOW COUNTY, GEORGIA. Includes date (07/15/22), scale (1" = 100'), and contact information for Frontline Surveying & Mapping, Inc.

THE PURPOSE OF THIS PLAN IS FOR REZONING FROM SITE PLAN SPECIFIC, CARTER GROVE PUD TO R-20.

RE-ZONING PLAT: HIGHLANDS PARK OF GA, LLC



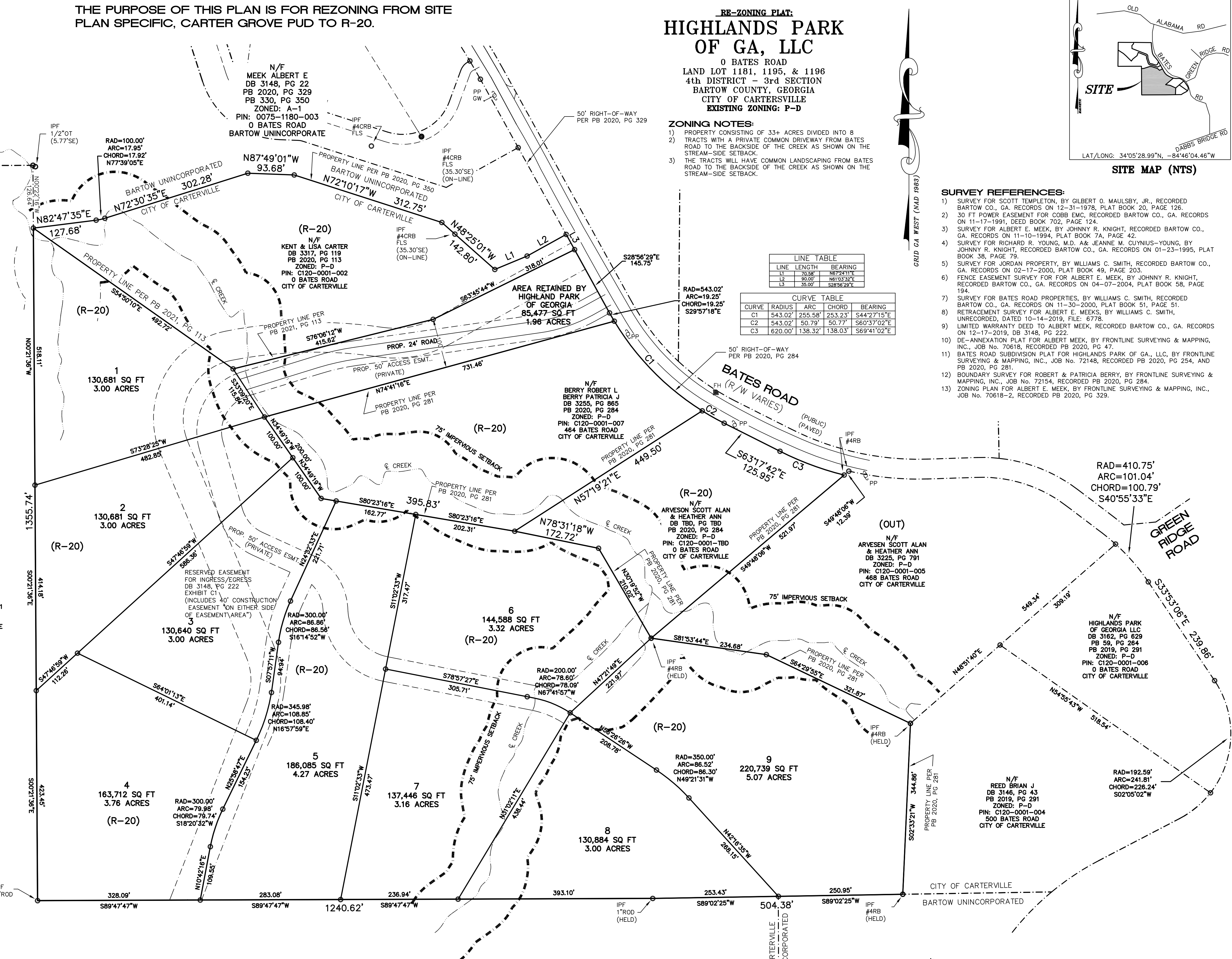
ZONING NOTES: 1) PROPERTY CONSISTING OF 33+ ACRES DIVIDED INTO 8 TRACTS WITH A PRIVATE COMMON DRIVEWAY FROM BATES ROAD TO THE BACKSIDE OF THE CREEK AS SHOWN ON THE STREAM-SIDE SETBACK.

- SURVEY REFERENCES: 1) SURVEY FOR SCOTT TEMPLETON, BY GILBERT O. MAULSBY, JR., RECORDED BARTOW CO., GA. RECORDS ON 12-31-1978, PLAT BOOK 20, PAGE 126.

LINE TABLE and CURVE TABLE. LINE TABLE columns: LINE LENGTH, BEARING. CURVE TABLE columns: CURVE, RADIUS, ARC CHORD, BEARING.

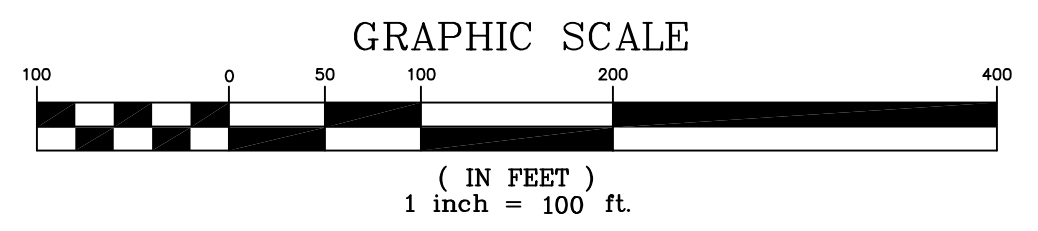
LEGEND: Symbols for various survey features including iron pins, concrete monuments, utility lines, fences, and easements.

SURVEY NOTES: 1) HORIZONTAL DATUM IS GEORGIA STATE PLANE WEST ZONE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (NAD83).



OWNER'S CERTIFICATE: THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY...

SURVEYOR'S CERTIFICATION: AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS...



PRELIMINARY PLAT APPROVAL CERTIFICATE: ALL REQUIREMENTS OF THE CITY OF CARTERSVILLE DEVELOPMENT REGULATIONS RELATIVE TO THE PREPARATION AND SUBMISSION OF A PRELIMINARY PLAT HAVING BEEN FULFILLED...

FRONTLINE SURVEYING & MAPPING, INC. 3595 Canton Road, Suite 116, Marietta, GA 30066. Phone: (678) 355-9805. Website: www.frontlinesurveying.com

HIGHLANDS PARK OF GA, LLC. 0 BATES ROAD, 4th DISTRICT, 3rd SECTION, BARTOW COUNTY, GEORGIA. DATE: 07/15/22. SCALE: 1" = 100'. JOB # 76233



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

July 10, 2020

Mr. Albert Meek
412 Bates Rd.
Cartersville, GA 30120

Mr. Meek,

This letter serves as verification of the outcome of the de-annexation application for 55.23 +/- acres of a total of 101.85 acre tract identified as Tax Parcel C120-0001-002 located along Bates Rd. The de-annexation application, AZ20-02, was **APPROVED** by City Council on July 2nd, 2020.

See attached Ordinance No. 17-20 for language specific to the de-annexation case. No further action is required regarding this application.

If you have any questions, please do not hesitate to contact me.

Sincerely,

David Hardegree, AICP
City Planner
O: 770-387-5614
dhardegree@cityofcartersville.org

Cc: RTerrell

Ordinance
of the
City of Cartersville, Georgia

Ordinance No. 17-20


Petition No. AZ20-02

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 Albert E Meeks. Property is located on Bates Road. Said property contains 55.23 acres located in the 4th District, 3rd Section, Land Lot(s) 1180,1181,1196 as shown on the attached plat Exhibit "A". De-annexation will be duly noted on the official zoning map of the City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

First Reading 18th day of June 2020

ADOPTED 2nd day of July 2020 Second Reading.

/s/ 
Matthew J. Santini
Mayor

ATTEST:

/s/ 
Samantha Fincher
Deputy City Clerk

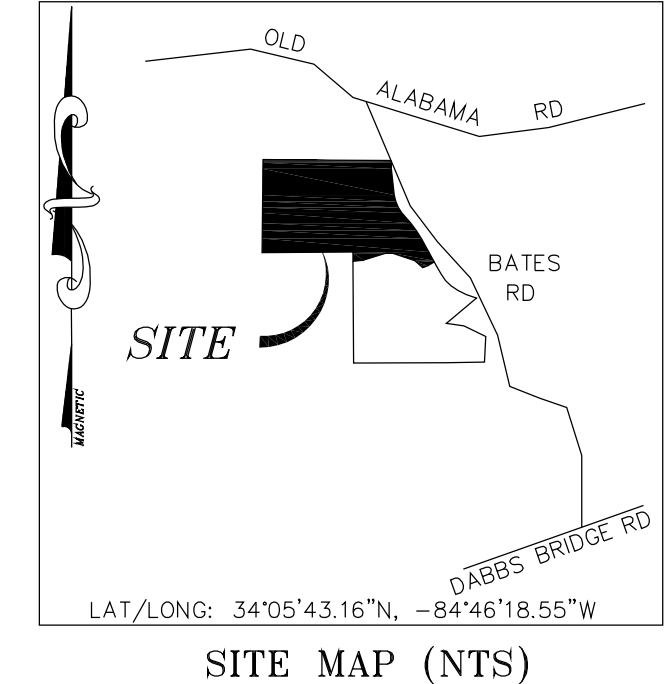


DE-ANNEXATION PLAT FOR: ALBERT E. MEEK 0 BATES ROAD LAND LOT 1180, 1181, & 1196 4th DISTRICT - 3rd SECTION BARTOW COUNTY, GEORGIA CITY OF CARTERSVILLE EXISTING ZONING: P-D PIN: C120-0001-002

THE PURPOSE OF THIS PLAN IS TO SHOW THE AREA FOR DE-ANNEXATION FROM THE INCORPORATED CITY OF CARTERSVILLE TO UNINCORPORATED BARTOW COUNTY.

EXISTING ZONING: P-D PROPOSED ZONING: A-1

CURVE TABLE with columns: CURVE, RADIUS, ARC, CHORD, BEARING. Rows C1-C4.

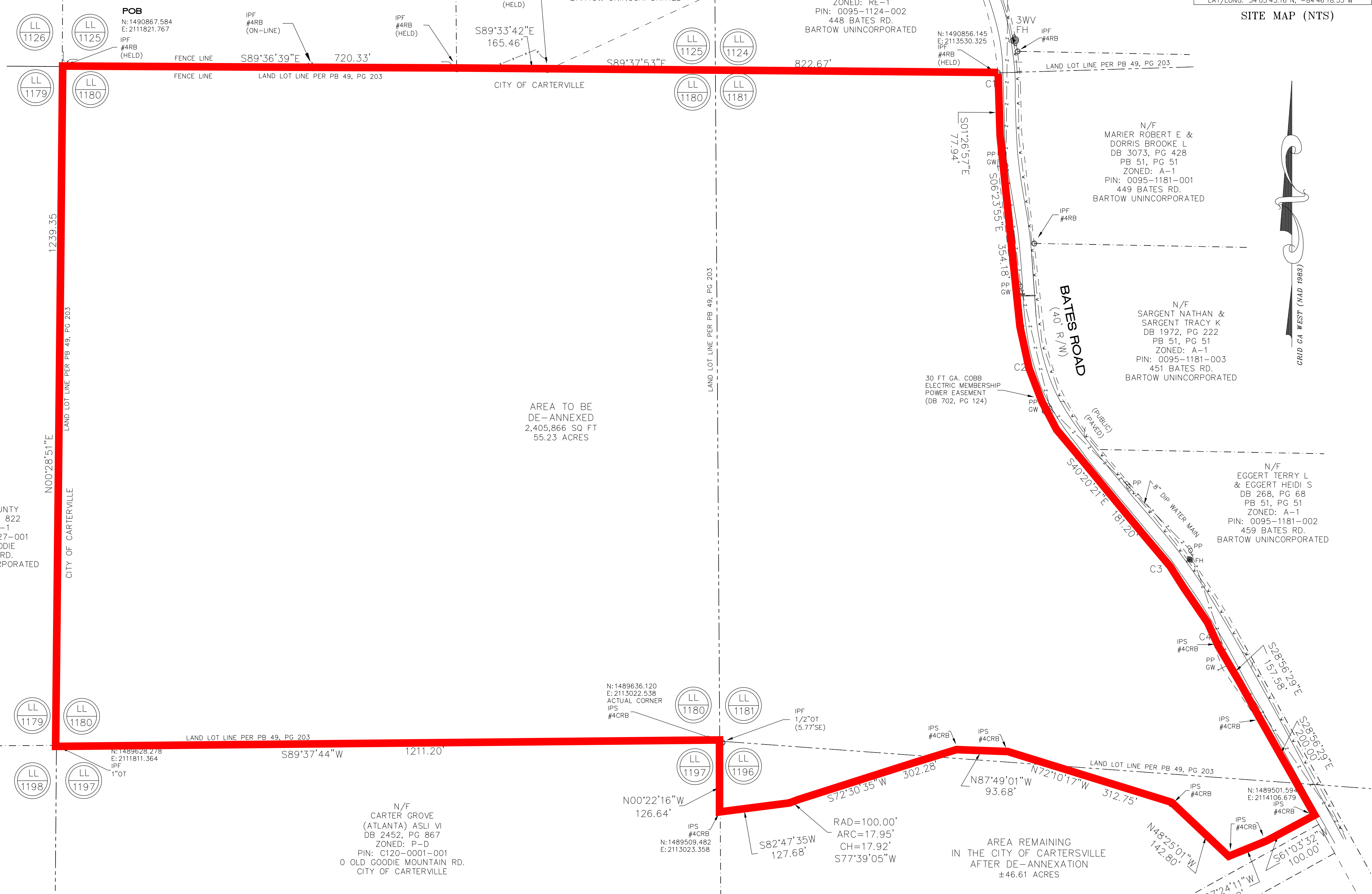


THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

LEGEND table listing symbols for various features like iron pin set, fence, easements, and utilities.

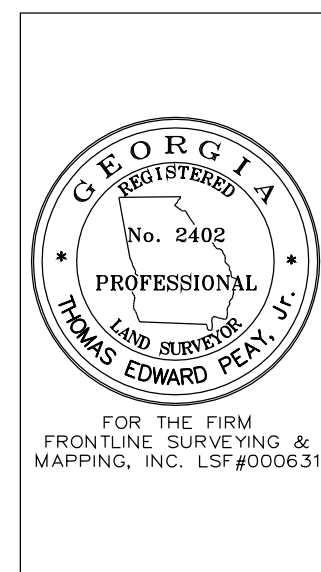
SURVEY NOTES:

- 1) HORIZONTAL DATUM IS GEORGIA STATE PLANE WEST ZONE COORDINATE SYSTEM... 2) VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM OF 1988... 3) ALL DEED BOOK REFERENCES SHOWN HEREON ARE RECORDED IN THE CLERK OF SUPERIOR COURT'S OFFICE OF BARTOW COUNTY, GEORGIA...

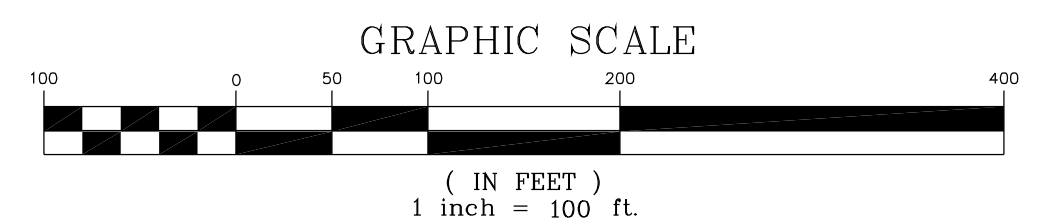


AREA TO BE DE-ANNEXED 2,405,866 SQ FT 55.23 ACRES

AREA REMAINING IN THE CITY OF CARTERSVILLE AFTER DE-ANNEXATION ±46.61 ACRES



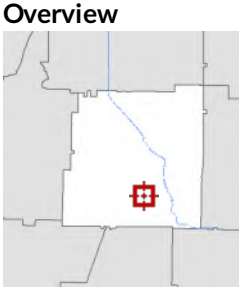
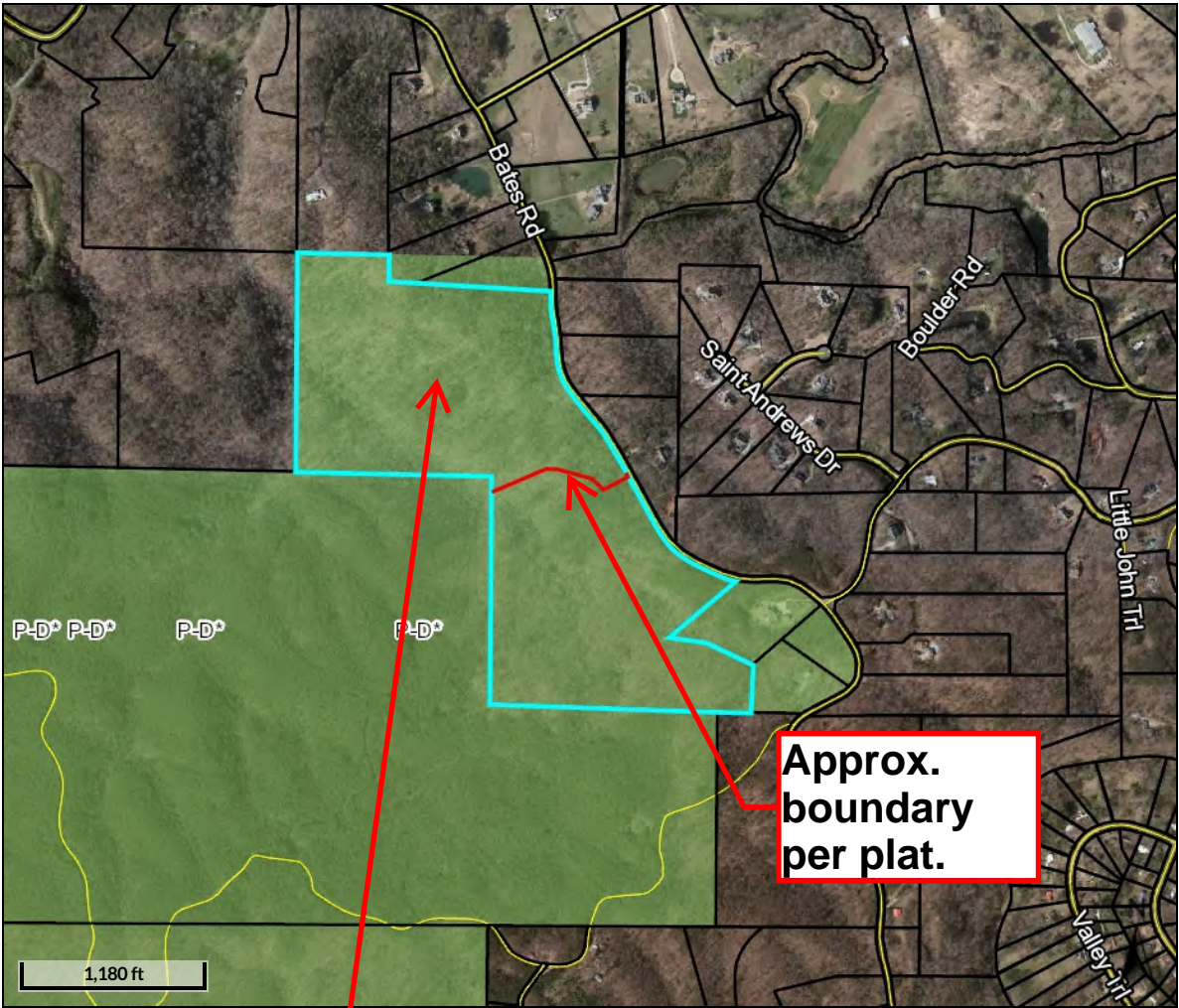
SURVEYOR'S CERTIFICATION: AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAN HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON...




OWNER'S CERTIFICATE: THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, THAT ALL STATE, CITY AND COUNTY TAXES OR OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID...

Frontline Surveying & Mapping, Inc. contact information: 3595 Canton Road, Suite 116, Marietta, GA 30066. Phone: (678) 355-9905. Website: www.frontlinesurveying.com

DE-ANNEXATION PLAT FOR: ALBERT E. MEEK. Includes recording information: DATE 01/25/20, SCALE 1" = 100', BARTOW COUNTY, GEORGIA, 3rd SECTION, 4th DISTRICT, LAND LOT 1180, 1181, & 1196.



- Legend**
-  Parcels
 -  Roads
- Cartersville Zoning**

-  AG
-  DBD
-  G-C
-  G-C*
-  H-I
-  H-I*
-  L-I
-  L-I*
-  M-U
-  M-U*
-  MF-14
-  MF-14*
-  MN
-  O-C
-  O-C*
-  P-D
-  P-D*
-  P-I
-  P-S
-  P-S*
-  R-10
-  R-10*
-  R-15
-  R-15*
-  R-20
-  R-20*
-  R-7
-  R-7*
-  R-D
-  RA-12
-  RA-12*

**Approx.
boundary
per plat.**

**LOT TO BE
DE-ANNEXED**

Parcel ID C 120-0001-002
 Sec/Twp/Rng n/a
 Property Address BATES RD
 Cartersville

Alternate ID 38636
 Class Agricultural
 Acreage 101.85

Owner Address CARTER GROVE (ATLANTA) ASLI VI
 923 N PENNSYLVANIA AVE
 WINTER PARK FL 32789



BARTOW COUNTY

Steve Taylor, Sole Commissioner

CERTIFIED MAIL # 7006 3450 0001 5974 6687

June 2, 2020

Mr. David Hardegree
Planning Department
City of Cartersville
P.O. Box 1390
Cartersville, GA 30120

RE: Request to de-annex approximately 55.236 acres
located on Bates Road (Tax Parcel # C120-0001-002)

David:

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

Sincerely,

STEVE TAYLOR
Sole Commissioner
Bartow County

CB/kg

- c. Brandon Johnson, Zoning Department
- Joe Sutton, Bartow County Road Department
- Cheryl Billard, Voter Registration
- Jarrold Roberts, Tax Assessor
- Melissa Lasebikan, GIS Department



BARTOW COUNTY

Steve Taylor, Sole Commissioner

October 14, 2019

Mr. Randy Mannino, AICP
P.O. Box 13904
10 N. Public Square
Cartersville, GA 30120

Dear Randy,

Bartow County will allow a development fronting on Bates Road in Land Lots 1180, 1181, 1196 and 1195. Under the following conditions:

1. Only one public or private street into a residential development.
2. Public water to be serviced by Bartow County Water System and will be installed at developer's expense.
3. A total maximum of 7 individual curb cuts in addition to the one street.
4. Minimum lot size of 2 acre with an average lot size of 3 acres.
5. Minimum house size for a single-story house will be 3,000 square feet livable area, plus garage area. Minimum house size for a 2-story house will be 4,500 square feet livable area with a minimum of 2,000 square feet footprint plus garage.
6. Architectural plans to be approved by the developer.
7. Restrictive Covenants to be developed by a committee consisting of Bobby L. Terrell, the City of Cartersville Planning Department and a representative chosen by the neighbors along Bates Road.
8. A restrictive Covenant providing that there will be no road access connection to the present or extended Carter Grove Subdivision so that there can be no future connection between the large lot development and the Carter Grove development which is accessed from Dothit Ferry Road.

Sincerely,

A handwritten signature in blue ink that reads "Steve Taylor".

Steve Taylor
Sole Bartow County Commissioner

Cc: Albert Meek
Cc: Bobby L. Terrell



Ordinance
of the
City of Cartersville, Georgia
Ordinance No. 22-22
Petition No. Z22-04

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Highlands Park of Georgia, LLC. Property is located Bates Rd (C120-0001-002, C120-0001-1006, C120-0001-007, and C120-0001-009). Said property contains 46.12 acres located in the 4th District, 3rd Section, Land Lots 1180, 1181, 1195, and 1196 as shown on the attached plat Exhibit “A”. Property is hereby rezoned from P-D (Carter Grove Planned Development) to R020 (Single Family Residential) with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this 15th day of September, 2022.
ADOPTED this the 6th day of October, 2022. Second Reading.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Julia Drake
City Clerk



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Public Hearing – 1 st Reading of Zoning/Annexation Requests
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	Z22-03. Carter Grove Blvd. Applicant: The Wasserman Group, LLC
DEPARTMENT SUMMARY RECOMMENDATION:	<p>Zoning application to rezone, 48.124 +/- acres from Carter Grove P-D (Planned Development) to P-D (Planned-Development) for the construction of an age targeted, rental community. The rezoning removes the Carter Grove P-D zoning conditions and implements zoning conditions specific to the proposed development.</p> <p>The proposed development would construct (165) duplex and triplex homes with two and three bedroom configurations.</p> <p>Staff does not oppose the zoning proposal with conditions.</p> <p>Planning Commission recommended denial with a vote 5-1.</p>
LEGAL:	N/A

Application for Rezoning

City of Cartersville

Case Number Meeting 222-03 October 6, 2022 Item 7.

Date Received: 7-22-22

Public Hearing Dates:

Planning Commission 9-6-22 5:30pm 1st City Council 9-15-22 7:00pm 2nd City Council 10-6-22 7:00pm

Applicant The Wasserman Group, LLC Office Phone 770-874-8800
(printed name)

Address 4770SAtlantaRd. Suite200 Mobile/ Other Phone 404-895-7111

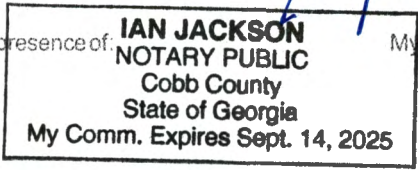
City Atlanta State GA Zip 30339 Email smw@wassermangroup.com

Stephen M. Wasserman Phone (Rep) 404-895-7111

Representative's printed name (if other than applicant) Email (Rep) smw@wassermangroup.com

[Signature] Representative Signature [Signature] Applicant Signature

Signed, sealed and delivered in presence of: IAN JACKSON My commission expires: 9/14/2025



Notary Public

* Titleholder Carter Grove (Atlanta) ASL I VI L L P. Phone 407-628-8488
(titleholder's printed name)

Address 923 N. Pennsylvania Avenue

Address Winter Park, FL 32789 Email adubill@avantprop.com

Signature [Signature]

Signed, sealed, delivered in presence of: My commission expires: 3/21/2026

Margaret Hill
Notary Public



P-D w/ Conditions (220 Max Units with Commercial) Requested Zoning Ne Commercial P-D w/ Conditions (167 Units Max Commercial)

Acreage 51.268 Land/Lot(s) 954-955-991 District(s) 4th Section(s) 3rd

Location of Property: Carter Grove Blvd at Old Alabama Rd.
(street address, nearest intersections, etc.)

Reason for Rezoning Request: Requesting down-zoning due to difficult topography

(attach additional statement as necessary)

* Attach additional notarized signatures as needed on separate application pages.

VIA: EMAIL

July 22, 2022

Mr. Randy Mannino
Planning and Development Director
City of Cartersville, Georgia
10 N Public Square
Cartersville, Georgia 30120

RE: Application for Rezoning - Application No.: _____
Applicant: THE WASSERMAN GROUP, LLC
Property Owner: CARTER GROVE (ATLANTA) ASLI VI, L.L.L.P.
Property: Approximately 48.124 acres, more or less, located in the 4th District, 3rd Section, Land Lots 991, 992, 954 as shown on the attached plat Exhibit "A", Parcel Number C107-0001-015, located at the southeast corner of Carter Grove Boulevard and Old Alabama Road in the Carter Grove Community, in the City of Cartersville, in the County of Bartow, Georgia

Dear Mr. Mannino

The Wasserman Group, LLC, (the "Applicant"), and the Property Owner set forth above (the "Owner"), in the referenced Application for Rezoning with regard to property located at the southeast corner of Carter Grove Boulevard and Old Alabama Road in the Carter Grove Community, in the City of Cartersville, Bartow County, Georgia (the "Property"), hereby submit this Application for Rezoning (the "Application") which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Property.

This Application for Rezoning is requested because the existing P-D zoning ordinance governing the Property (Ordinance No. 23-06 in Petition Z06-07, adopted May 4, 2006), allowed multiple uses pursuant to the rules and regulations for zoning district M-U as then shown in the City of Cartersville Zoning Ordinance, Article IX, Section 9.1., including up to 220 residential units and an unspecified amount of commercial space in an unspecified number of buildings, and the Applicant is significantly reducing the number of housing units and eliminating the commercial component.

It is our intent to develop the Property as follows:

- (1) Applicant seeks rezoning of the Property from the existing zoning category "P-D with Conditions" to "P-D with NEW Conditions", generally in accordance with the site plan submitted herewith prepared for the Applicant by Stephensen Engineering, Inc. dated July 20, 2022. A reduced copy of the Site Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (2) The Property consists of a total of 48.124 acres, and is proposed as a high-quality residential community containing a maximum of one hundred sixty-seven (167) units in the P-D designation/category. The Applicant does not intend to include any commercial structures or commercial space.
- (3) The maximum density shall be no more than 3.5 units per acre.
- (4) All setbacks and building standards shall be in compliance with the P-D ("Planned Development") zoning requirements.
- (5) All residential buildings shall have a maximum building height of no more than 35 feet.
- (6) All residences shall have a minimum of 1,000 square feet of heated and cooled living space and shall be either one-bedroom, two-bedroom, or three-bedroom units. Applicant agrees that no

VIA: EMAIL

Mr. Randy Mannino
Planning and Development Director
City of Cartersville, Georgia
Zoning Application
July 22, 2022
Page 2

garage area within any of the units will be converted to heated or cooled living space.

- (7) All other requirements of the P-D Zoning Category shall be met.
- (8) The Project shall consist of single, duplex and tri-plex buildings and shall be “Traditional”, “Coastal”, and “Craftsman” in style and architecture, with exterior materials consisting of brick, stone, stacked stone, cedar shake, hardly-plank, board and batten, and combinations thereof and shall be substantially similar to the homes depicted in the elevations attached collectively as Exhibit "B" and incorporated herein by reference.
- (9) Street lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residences, as offered by the power provider.
- (10) Amenities for the community shall be both active and passive consisting of a clubhouse/community center, a swimming pool, multiple pickle-ball courts, gathering areas, pocket parks and green space areas, community gardens, and extensive walking trails.
- (11) All streets and alleyways within the proposed residential community shall be private with the construction complying in all respects as to materials, base, and other requirements to the Cartersville and Bartow County Building Codes; and, at Applicant's option, the community may be gated in compliance with all applicable Cartersville and Bartow County Codes, Standards, and Ordinances.
- (12) All setbacks, landscape, and buffer areas may be penetrated for purposes of fencing, access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities, utilities, and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings, in accordance with the approved and submitted Landscape Plan, and as allowed by the City of Cartersville or any utility provider.
- (13) Applicant agrees to the creation of a mandatory homeowners’ association which shall be responsible for architectural controls of the residences within the proposed community; as well as the upkeep and maintenance of the entrance area, signage, all common areas, amenity area, pocket parks, mail kiosk, and private streets contained within the proposed residential community .

We believe the requested zoning is an appropriate use of the Property while taking into consideration the existing conditions of the Property, the area surrounding the proposed development, and the need in the City of Cartersville for the proposed development. The community will be a high-quality development and shall provide a much-needed and highly sought-after type of living environment within the City.

Thank you for your consideration in this request.

THE WASSERMAN GROUP, LLC

Stephen M. Wasserman
Chief Executive Officer

REQUIREMENTS FOR FILING AN APPLICATION FOR REZONING CITY OF CARTERSVILLE, GA

Completed applications must be submitted to the City of Cartersville Planning & Development Department, located at 10 N. Public Square, 2nd Floor. Cartersville, GA 30120.

Requirements

1. **Completed Application:** Include all signatures. If multiple owners are involved in the rezoning petition, each owner must fill out an individual application, though only a single filing fee is required per property. The application and all associated documents must be submitted no later than the established filing deadline date. Associated documents should include or demonstrate:

- a. **Existing conditions**

THE SITE IS CURRENTLY WOODED AND GENERALLY UNDISTURBED.

- b. **Proposed conditions or project:**

THE PROPOSED PROJECT IS A DOWN-ZONE FROM THE EXISTING IN-PLACE ZONING. THE ORIGINAL DEVELOPER OF THE CARTER GROVE PROJECT OBTAINED A ZONING DESIGNATION FOR THIS TRACT OF "PD WITH CONDITIONS." UNFORTUNATELY, THE SITE'S CONDITIONS WILL NOT ALLOW THE APPROVED "CONDITIONS" (220 DWELLING UNITS AND A LIMITED AMOUNT OF COMMERCIAL SPACE) TO BE BUILT.

THE SITE HAS EXTREMELY GRADES, EX., IN SOME AREAS WITH 2:1 THROUGH 1:1 SLOPES, WITH A GENERAL LOW-POINT OF THE SITE AT APPROXIMATELY 700' TO A HIGH POINT OF APPROXIMATELY 930'. ACCORDINGLY, THE APPLICANT IS ASKING THAT THE EXISTING "CONDITIONS" BE CHANGED TO THE FOLLOWING: INSTEAD OF A MAXIMUM OF 220 UNITS, WE ARE REQUESTING A MAXIMUM OF 167 UNITS. IN ADDITION, WE DO NOT INTEND TO BUILD ANY COMMERCIAL OR OFFICE STRUCTURES. THUS, OUR PROPOSED ZONING REQUEST IS PD WITH "NEW CONDITIONS" WHICH ARE LESS DENSE AND IMPACTFUL THAN THE EXISTING ZONING AND CONDITIONS.

- c. **Confirmation of availability of all public utilities –**

AVAILABILITY LETTERS ATTACHED

- d. **Project meets the proposed zoning district development standards:**

THE PROPOSED PROJECT MEETS OR EXCEEDS ALL P-D ZONING DISTRICT DEVELOPMENT STANDARDS

- e. **Project meets the access requirements of the City's development regulations.**

THE PROPOSED PROJECT MEETS THE ACCESS REQUIREMENTS OF THE CITY'S DEVELOPMENT REGULATIONS.

- 2. Boundary Survey/Plat:** Include a copy of the boundary survey/plat which shall include the metes and bounds description. Please indicate property lines with dimensions, location of buildings and other structures, north arrow, scale, street numbers, lot and/or parcel numbers, and locations of setback lines or other dimensional requirements.

BOUNDARY SURVEY/PLAT ARE ATTACHED AS "EXHIBIT A".

- 3. Campaign Disclosure:** The Campaign Disclosure Report For Rezoning Actions (attached) must be included with the application.

COMPLETED CAMPAIGN DISCLOSURE REPORT ATTACHED.

- 4. Adjacent Property Owners:** Provide a list of all current owners of record for properties located immediately adjacent to or directly across a public street or railroad right-of-way from the subject property. (Form attached). See also Item 6 below.

- 5. Filing Fee:** A non-refundable filing fee of \$400.00 must accompany the completed application.

- 6. Public Notice Fee (Optional):** The applicant may choose to have city staff prepare and manage the public notification process outlined in **item 7** below. If this option is requested, there is an additional, non-refundable fee of \$50.00 which covers the cost of the newspaper ad, and the costs of printing, printing supplies, postage and proof of mailing.

THE APPLICANT ELECTS TO HAVE CITY STAFF PREPARE AND MANAGE THE PUBLIC NOTIFICATION PROCESS OUTLINED IN ITEM 7 BELOW. A CHECK FOR \$50.00 IS ATTACHED.

- 7. Public Notification:** The applicant is responsible for the following **public notification** process unless the applicant has requested that staff manage this process as outlined in **item 6** above:

- a. Not less than fifteen (15) days and not more than forty-five (45) days prior to the scheduled date of the public hearing being the final action by the City Council and not less than ten (10) days prior to the Planning Commission meeting, a **notice of public hearing** shall be published in the legal notice section of the Daily Tribune newspaper within the City of Cartersville. Such notice shall state the application file number, and shall contain the location of the property, its area, owner, current zoning classification, and the proposed zoning classification. Such notice shall include both the Planning Commission and the City Council meeting dates. (See attached Notice of Public Hearing).

- b. The applicant, either in person or by first class mail, shall notify **each owner**

of property adjoining and directly across a street from the property requesting rezoning. A copy of the notice and proof of mailing shall be provided to the Zoning Administrator. If mailing via USPS, it is recommended to use a Certificate of Mailing form or send via Certified Mail. The Certificate of Mailing form is PS3877 and can be found on the U.S. Post Office website.

If notice of said application and hearing is given in person, the applicant shall furnish to the Zoning Administrator, prior to the scheduled hearing, an acknowledgment of the notice, signed and dated by the person receiving notice and witnessed by an individual other than the applicant. Said notice shall be given no later than ten (10) days prior to the date of the scheduled Planning Commission meeting.

**CAMPAIGN DISCLOSURE REPORT
FOR REZONING ACTIONS**

Pursuant to O.C.G.A. 36-67A-3 any and all applicants to a rezoning action must make the following disclosures:

Date of Application: JULY 22, 2022

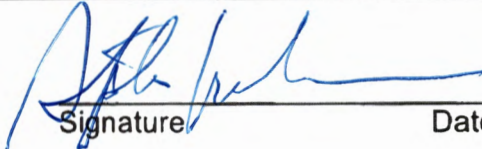
Date Two Years Prior to Application: JULY 22, 2020

Date Five Years Prior to Application: JULY 22, 2017

1. Has the applicant within the five (5) years preceding the filing of the rezoning action made campaign contributions aggregating \$250.00 or more to any of the following:

	YES	NO
Mayor: Matt Santini	_____	X _____
Council Member:		
Ward 1- Kari Hodge	_____	X _____
Ward 2- Jayce Stepp	_____	X _____
Ward 3- Cary Roth	_____	X _____
Ward 4- Calvin Cooley	_____	X _____
Ward 5- Gary Fox	_____	X _____
Ward 6- Taff Wren	_____	X _____
Planning Commission		
Greg Culverhouse	_____	X _____
Harrison Dean	_____	X _____
Lamar Pendley	_____	X _____
Open		
Travis Popham	_____	X _____
Jeffery Ross	_____	X _____
Stephen Smith	_____	X _____

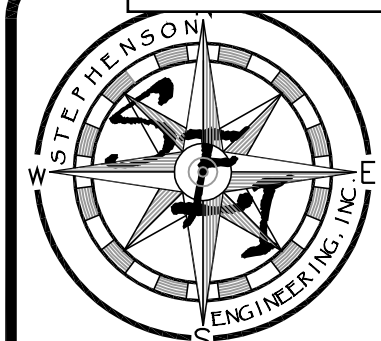
2. If the answer to any of the above is Yes, please indicate below to whom, the dollar amount, date, and description of each campaign contribution, during the past five (5) years.


7/22/2022
 Signature Date

Stephen M. Wasserman
Print Name

CONSTITUTIONAL OBJECTION TO FAILURE TO GRANT APPLICATION

For the record, the Applicant, as required by law, sets forth its constitutional objection to any failure to grant this application. Failure to grant the requested rezoning would constitute a taking of property without just and adequate compensation and without due process of law in violation of the Fourteenth Amendment to the United States Constitution and Article 1, Section 1, Paragraph 1 and Article 1, Section III, Paragraph 1 of the Constitution of Georgia. A denial of the requested rezoning would be unconstitutional and discriminate in an arbitrary and capricious manner between the Applicant and owners of similarly situated property in violation of Article 1, Section III, Paragraph III of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Such would deprive the Applicant of its liberty and property rights. Such a denial would not subsequently advance legitimate state interests, but would cause the Applicant significant detriment.

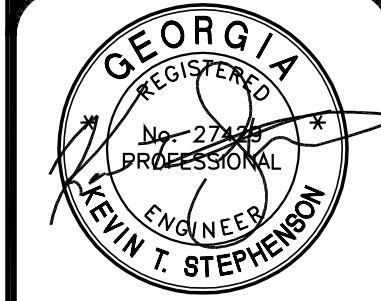


STEPHENSON ENGINEERING, INC.

CIVIL ENGINEERING,
LAND PLANNING &
DEVELOPMENT CONSULTING
P.O. BOX 3088
110 N. TENNESSEE ST., SUITE D
CARTERSVILLE, GEORGIA 30120
PHONE: (770) 382-0457
FAX: (770) 387-0543
EMAIL: STEPHENSONENG@YAHOO.COM

REVISION	DATE

REVISION	DATE



ENGINEER GSWCC# 0000020715
THE HOLDER OF THIS DOCUMENT WAIVES ALL CLAIMS AGAINST STEPHENSON ENGINEERING, INC. REGARDING ANY UNAUTHORIZED CHANGES OR REUSE OF THIS DOCUMENT. THE DOCUMENT IS AN INSTRUMENT OF SERVICE OF STEPHENSON ENGINEERING, INC. (OR SUBTENDANT) AND RETAINS ALL RIGHTS OF COPYRIGHT LAW, STATUTE AND COMMON LAW THEREIN.

OWNER/DEVELOPER:
The Wasserman Group, LLC
4770 South Atlanta Road, Suite 200
Atlanta, GA 30339
24-hr Contact: Stephen M. Wasserman
Phone: 404-895-7111
email: smw@wassermangroup.com

The Starlite-Cartersville
Located in Lots 952, 953, 990, 992, 1026 & 1027
4th District, 3rd Section
City of Cartersville, Bartow County, Georgia

PROJECT# 22-051 DATE 7-20-22

SHEET TITLE
Rezoning Plan

SHEET NO.
1

SITE DATA:

OWNER/DEVELOPER: THE WASSERMAN GROUP, LLC
4770 SOUTH ATLANTA ROAD, SUITE 200
ATLANTA, GA 30339
24 HR CONTACT: STEPHEN M. WASSERMAN
PHONE: 404-895-7111
email: smw@wassermangroup.com

ENGINEER: STEPHENSON ENGINEERING, INC.
P.O. BOX 20088
CARTERSVILLE, GEORGIA 30120
PHONE: (770) 382-7877
FAX: (770) 382-3742

BOUNDARY SURVEYOR: SMITH AND SMITH LAND SURVEYORS
2 SOUTH AVENUE
CARTERSVILLE, GEORGIA 30120
PHONE: (770) 382-0457
FAX: (770) 387-0543

TOPOGRAPHIC INFORMATION: BARTOW COUNTY GIS
112 WEST CHEROKEE AVE, SUITE 300
CARTERSVILLE, GA 30120
PHONE: (770) 607-6184
FAX: (770) 387-5027

SITE AREA: +/- 48.124 ACRES (INCLUDES SLOPE EASEMENT)

PARCEL: C107-0001-015

PROPOSED ZONING: P-D WITH CONDITIONS

CURRENT ZONING: P-D

FLOOD NOTE: A PORTION OF THIS TRACT OF LAND DOES NOT LIE WITHIN THE 100 YEAR FLOOD INTERMEDIATE FLOOD ZONE AS PER FEMA COMMUNITY PANEL #13015C0355, LAST REVISED OCTOBER 5, 2018.

DEVELOPMENT STANDARDS:

TOTAL TOWNHOMES	165
TOWNHOUSE/ ATTACHED	2,000 SQUARE FEET MINIMUM AREA PER BUILDING
MINIMUM LOT WIDTH	20 FEET
MINIMUM FRONT YARD	20 FEET
MINIMUM STREET FRONTAGE	10 FEET
MINIMUM SIDE YARD	10 FEET
MINIMUM REAR YARD	20 FEET
MAXIMUM HEIGHT	BUILDINGS SHALL BE NO HIGHER THAN THIRTY-FIVE (35) FEET OR 2.4 STORIES, WHICHEVER IS HIGHER.
OPEN SPACE	20% OPEN SPACE REQUIRED 20% REQUIRED - 48.124 ACRES x 0.20 = 9.62 ACRES PROVIDED: 25.04 ACRES (52%)

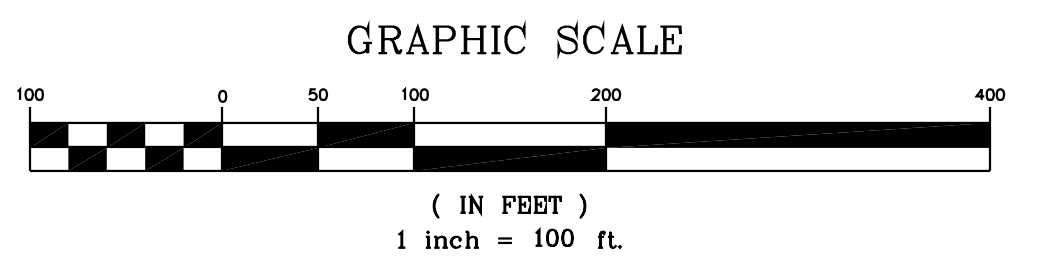
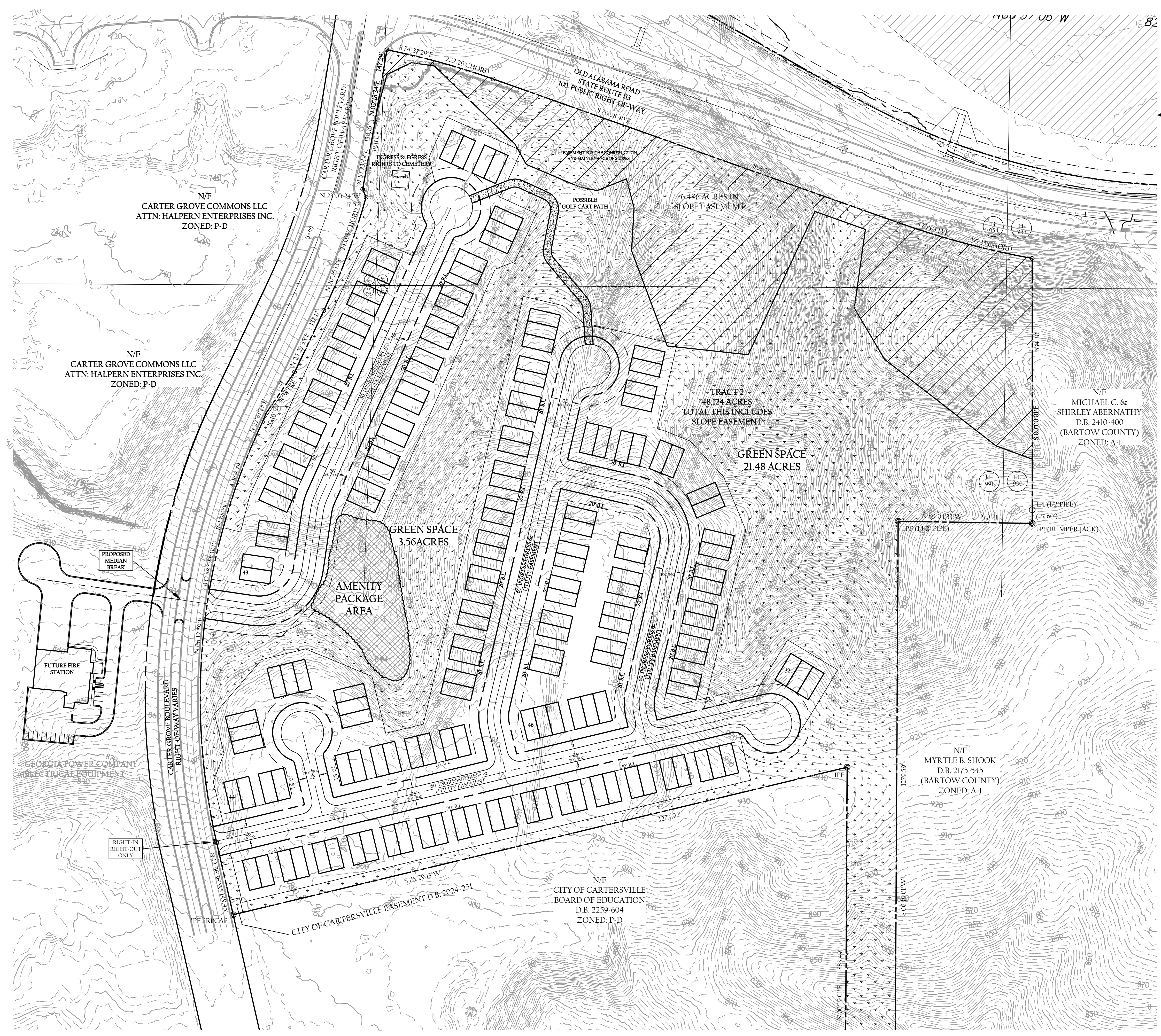
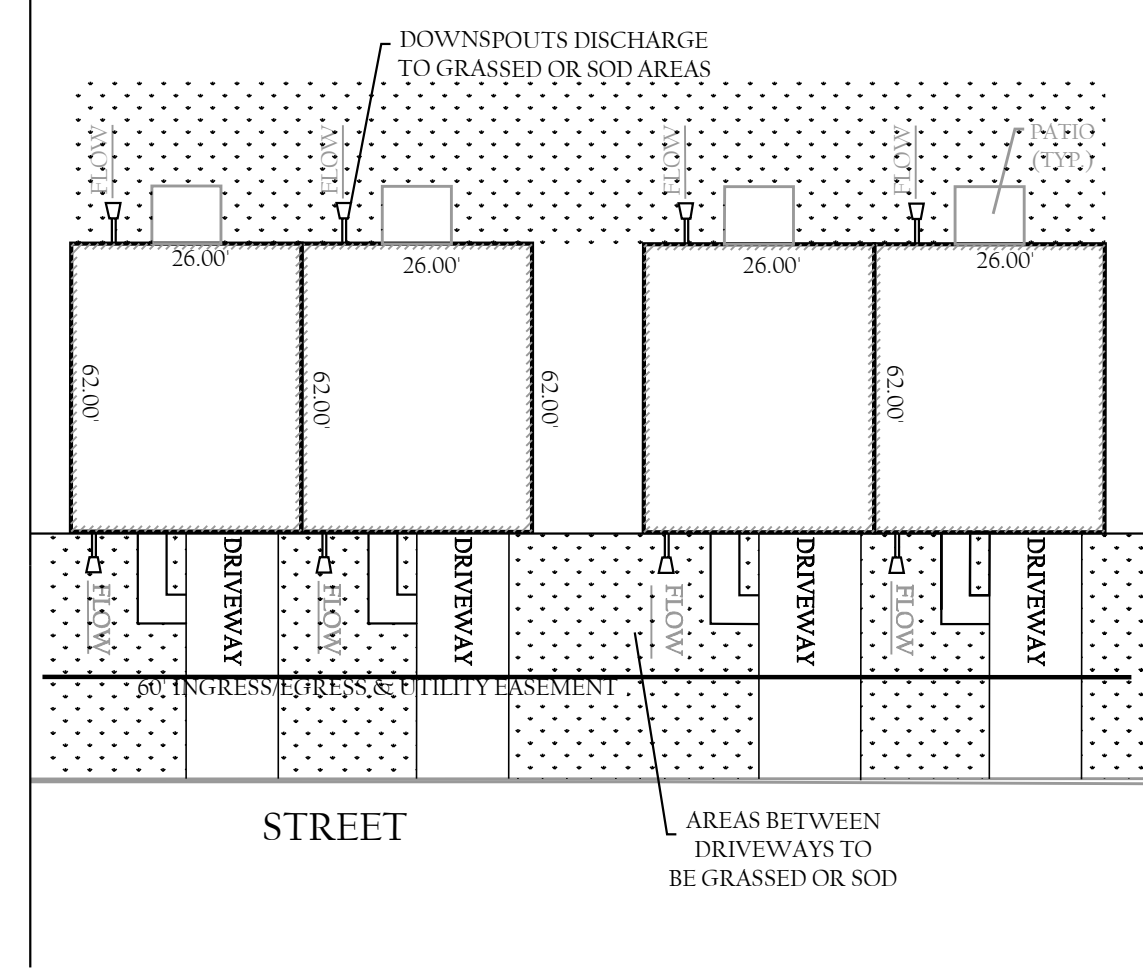


LOCATION MAP

GREENSPACE AREA
20% REQUIRED = 48.124 ACRES x 0.20 = 9.62 ACRES
PROVIDED: 25.04 ACRES (52%)

***** TYPICAL TOWNHOME LAYOUT *****
NOTE: THIS TYPICAL LAYOUT IS TO SHOW THE PROPOSED TOWNHOME UNITS, AND GENERAL LOCATION FOR DRIVEWAYS, PATIOS, AND DOWNSPOUT DISCONNECTS.

THE DOWNSPOUT DISCONNECTS FROM THE UNITS WILL DISCHARGE INTO THE GRASSED LANDSCAPE STRIPS BETWEEN THE DRIVEWAYS, AND TO THE BACK OF THE UNITS WITH GRASSED BACKYARD AREAS.



Z06-07

EXHIBIT A

**SURVEYOR'S CERTIFICA

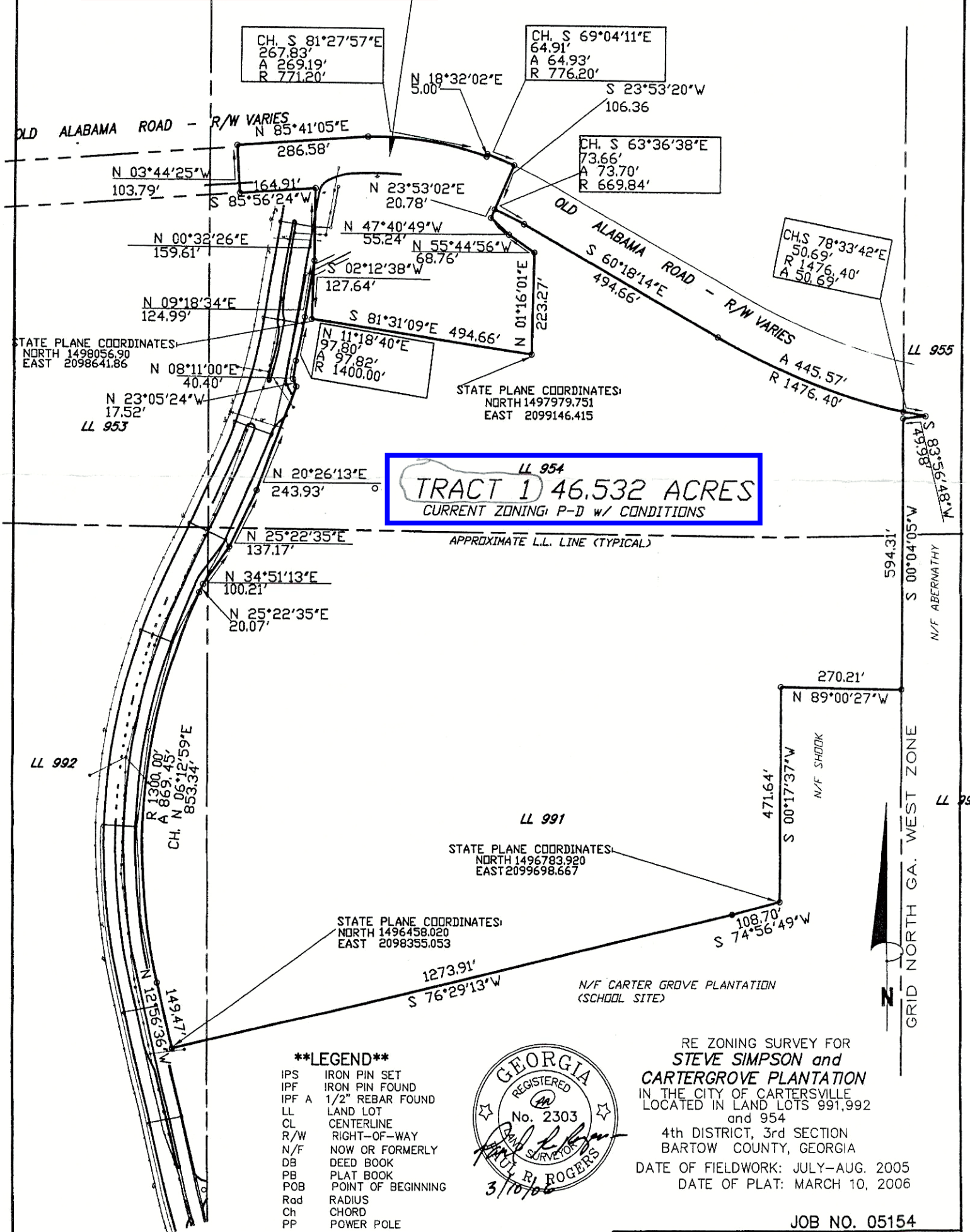
Meeting: October 6, 2022 Item 7.

Ord. 23-06

It is hereby certified that this plat is true and correct and was prepared from an actual survey by me or under my supervision; that all monuments shown thereon actually exist and their size, type, and shape are correctly shown. The field data upon which this plat is based was collected using a 5 second electronic total station theodolite and has a closure precision of one foot in +18,800 feet and an angular closure of 09 seconds per angle point, and was not adjusted. This plat has been calculated for closure and found to be accurate within one foot in +300,000 feet.

1/2 INCH REBAR TO BE SET AT ALL CORNERS UPON APPROVAL OF THIS PLAT

TRACT 2 4.813 ACRES
CURRENT ZONING: D-C w/ CONDITIONS



TRACT 1 46.532 ACRES
CURRENT ZONING: P-D w/ CONDITIONS

LEGEND

- IPS IRON PIN SET
- IPF IRON PIN FOUND
- IPF A 1/2" REBAR FOUND
- LL LAND LOT
- CL CENTERLINE
- R/W RIGHT-OF-WAY
- N/F NOW OR FORMERLY
- DB DEED BOOK
- PB PLAT BOOK
- POB POINT OF BEGINNING
- Rad RADIUS
- Ch CHORD
- PP POWER POLE



RE ZONING SURVEY FOR
**STEVE SIMPSON and
CARTERGROVE PLANTATION**
IN THE CITY OF CARTERSVILLE
LOCATED IN LAND LOTS 991, 992
and 954
4th DISTRICT, 3rd SECTION
BARTOW COUNTY, GEORGIA
DATE OF FIELDWORK: JULY-AUG. 2005
DATE OF PLAT: MARCH 10, 2006

JOB NO. 05154

RHODES ENGINEERING SERVICES, INC
CIVIL ENGINEERS AND LAND SURVEYORS
645 HENDERSON DRIVE, SUITE 2
CARTERSVILLE, GA 30120
PHONE 770-386-7616 FAX 770-386-7617

EXHIBIT - 51.345 ACRES



July 20, 2022

Kevin Stephenson
Stephenson Engineering, Inc.
P.O. Box 201088
Cartersville, GA 30120

Re: The Starlite – Cartersville Water & Sewer Availability

Dear Mr. Stephenson:

The Bartow County Water Department (BCWD) has prepared this correspondence at your request regarding the Starlite – Cartersville residential development located within the Carter Grove Subdivision within the City of Cartersville and serviced by the BCWD for both water and sewer services.

BCWD currently has an existing 14-inch DIP water main available within the right-of-way of Carter Grove Boulevard to connect to; however, until BCWD completes the waterline upgrade project along Old Alabama Road, the water demands necessary to meet the development’s needs may not be achieved.

Phase 3 of this waterline project, which will continue the installation of the waterline from Bates Road to Douthit Ferry, is currently out for bid. The current estimated completion date for Phase 3 is estimated to be 15 months from the date of this letter. This is an approximate time for completion, and this could change, for better or worse, based on GDOT’s road work schedule and supply chain issues associated with the materials.

Based upon the expectation of this completion date, the BCWD is willing to review and approve development plans for the Starlite – Cartersville project. Final Plats will only be approved by BCWD for lots that are within maximum allowed service distances from hydrants that achieve the City of Cartersville’s fire flow requirements of 1,000-GPM during “As-Built” 24-hour fire flow tests. The “As-Built” flow tests shall be required to be submitted to BCWD and the City of Cartersville Fire Department at the time of any final plat submission for review and consideration.

Additionally, there is an existing 15-inch PVC sanitary sewer line within the right-of-way of Carter Grove Boulevard available from the Bartow County Water Department. Adequacy of capacity must be confirmed and approved based upon submission of development drawings along with anticipated design usage and flows from the developer and the information in this letter is valid for a term no greater than 180 days from the above indicated date of this service availability statement. The information provided is renewable provided said project is moving forward and renewal request is submitted in writing prior to expiration. This request must also include the status of the project and expected construction schedule of the required infrastructure. Furthermore, this letter is not a statement of capacity reservation. Capacity reservation is provided upon plan approval by the Bartow County Water Department.

I hope this correspondence outlines the ability to obtain a development permit for the property while the BCWD water main project is completed along Old Alabama Road. Should you have any questions following your review of this correspondence, please contact me at (770) 387-5169.

Sincerely,

Daniel Manny

Daniel B. Manny, P.E.
Assistant Director - Bartow County Water

Cc: Lamont Kiser, P.E. – Director
Gerardo Becerra, P.E. – Project Engineer
Project File – Starlite - Cartersville

General Specifications and Renderings

Property Name: THE STARLITE - CARTERSVILLE
 Address: Parcel C107-0001-015, Carter Grove Community, LL 951, 952, 954
 Maximum Number of Units Requested: 167
 Parcel #: Condominium with Individual Parcels
 Minimum Area Per Building: 2,000 sq. ft. (Two Unit Building)
 Total Number of Buildings: 85 (includes clubhouse)
 Metering: Individual
 HVAC: Individual (Ground Mounted)
 Hot Water: Individual
 Exterior: Variety of Painted Brick, Stone, Smooth Hardie Plank Siding
 Roof: Pitched with Asphalt Shingles
 Flooring: Vinyl or Wood Laminate
 Windows: Wood frame, double hung (divided lites)
 Siding: All front elevations to be brick painted in white or light colors
 Doors: Wood 8' entry door.
 Steel Garage door with Lites.
 Decorative interior six panel or similar doors
 Kitchens: Granite, Quartz or similar countertops
 Stainless steel appliances
 Laminated or similar flooring
 Large island with high-top seating
 Decorator cabinets
 Other Features: Fenced Backyard Where Possible
 Roll-in Shower with Tile Surrounds
 Washer | Dryer Provided

COMMUNITY FEATURES

Amenities: 1 Clubhouse
 Pickleball Courts (at least 2)
 Zero entry pool
 Indoor and Outdoor Entertainment Areas
 Business Center with Wi-Fi
 Lawn Service
 Optional Concierge Services
 Gated Access with Neighborhood Surveillance Cameras
 Dog Park
 Parking: All units with minimum 1 car garage and 1 space on apron
 Average SF: 1,400 S.F.
 Gross Acreage: 48.124 acres
 Density: 3.47/acre
 Greenspace required: 9.62 Acres

The Starlite – Cartersville
General Specifications

Meeting: October 6, 2022 Item 7.

Greenspace provided: 25.44 Acres

DEVELOPMENT TEAM:

Developer: The Wasserman Group, LLC, Atlanta, GA

Contractor: David Sinclair, Marietta, GA

Architect: Jeffrey Wren, Earthstation Architecture, Decatur, GA

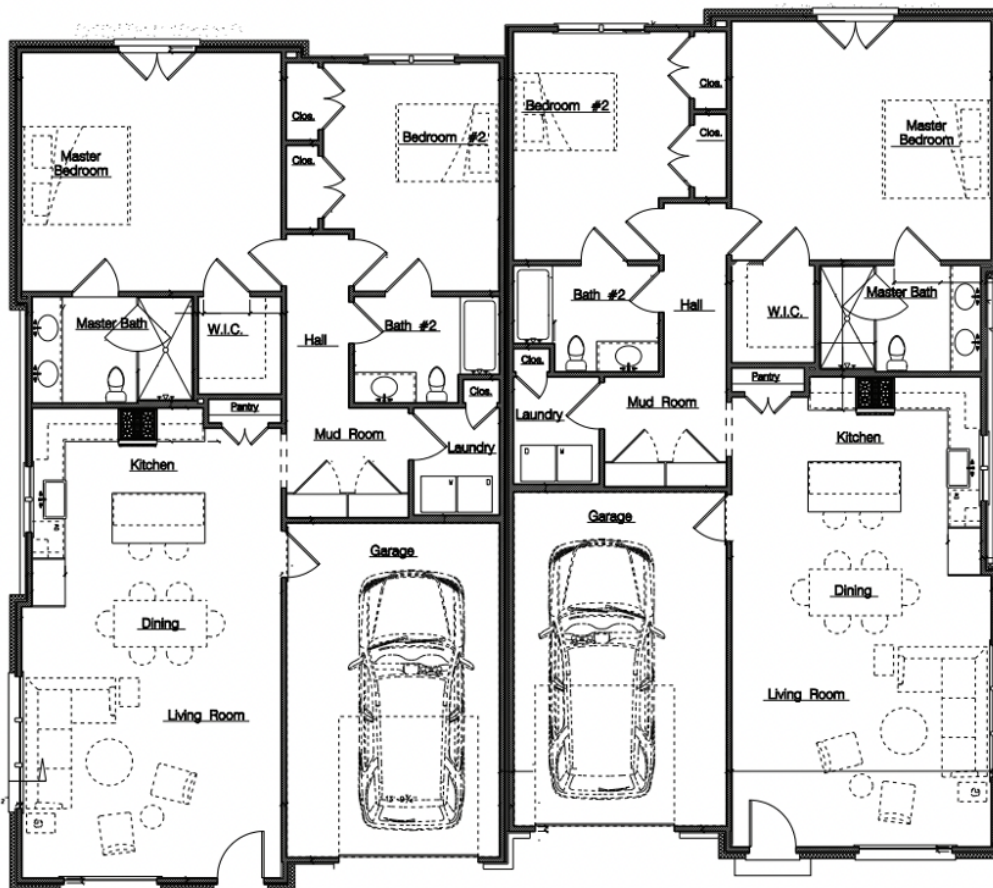
Architect: Lane Rick, Office of Things, Brooklyn, NY

Civil Engineer – Kevin Stephenson, Stephenson Engineering, Inc., Cartersville, GA

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PROTOTYPICAL ELEVATIONS

THE VICEROY



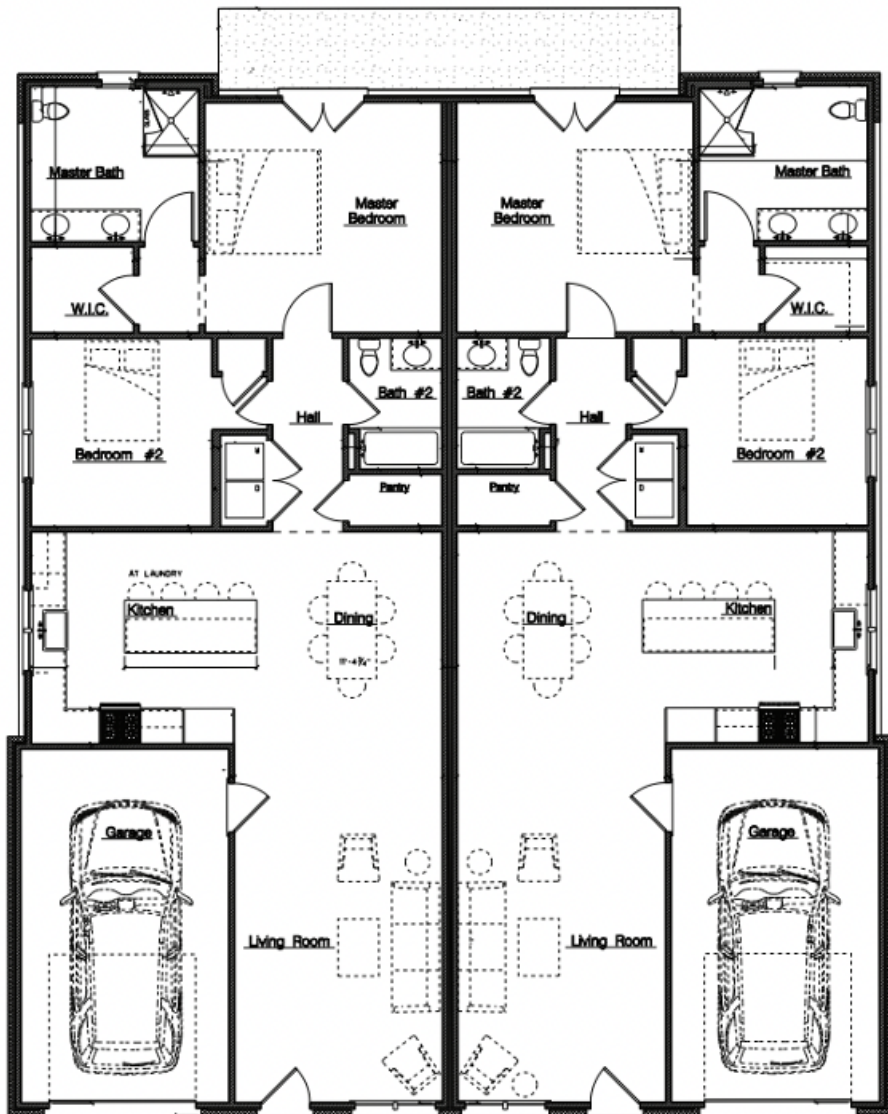
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LEFT SIDE "VICEROY" UNIT

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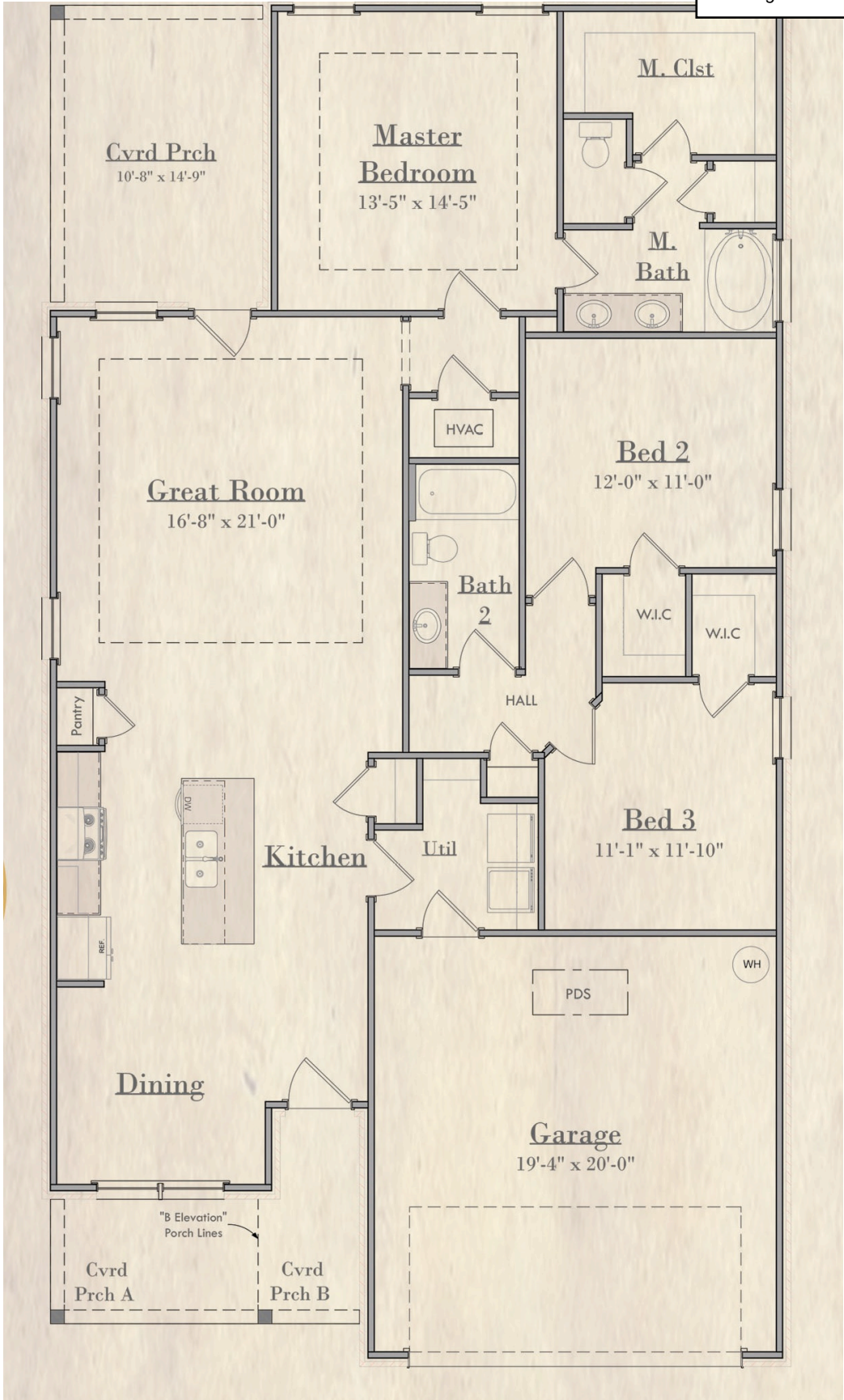
The Evergreen



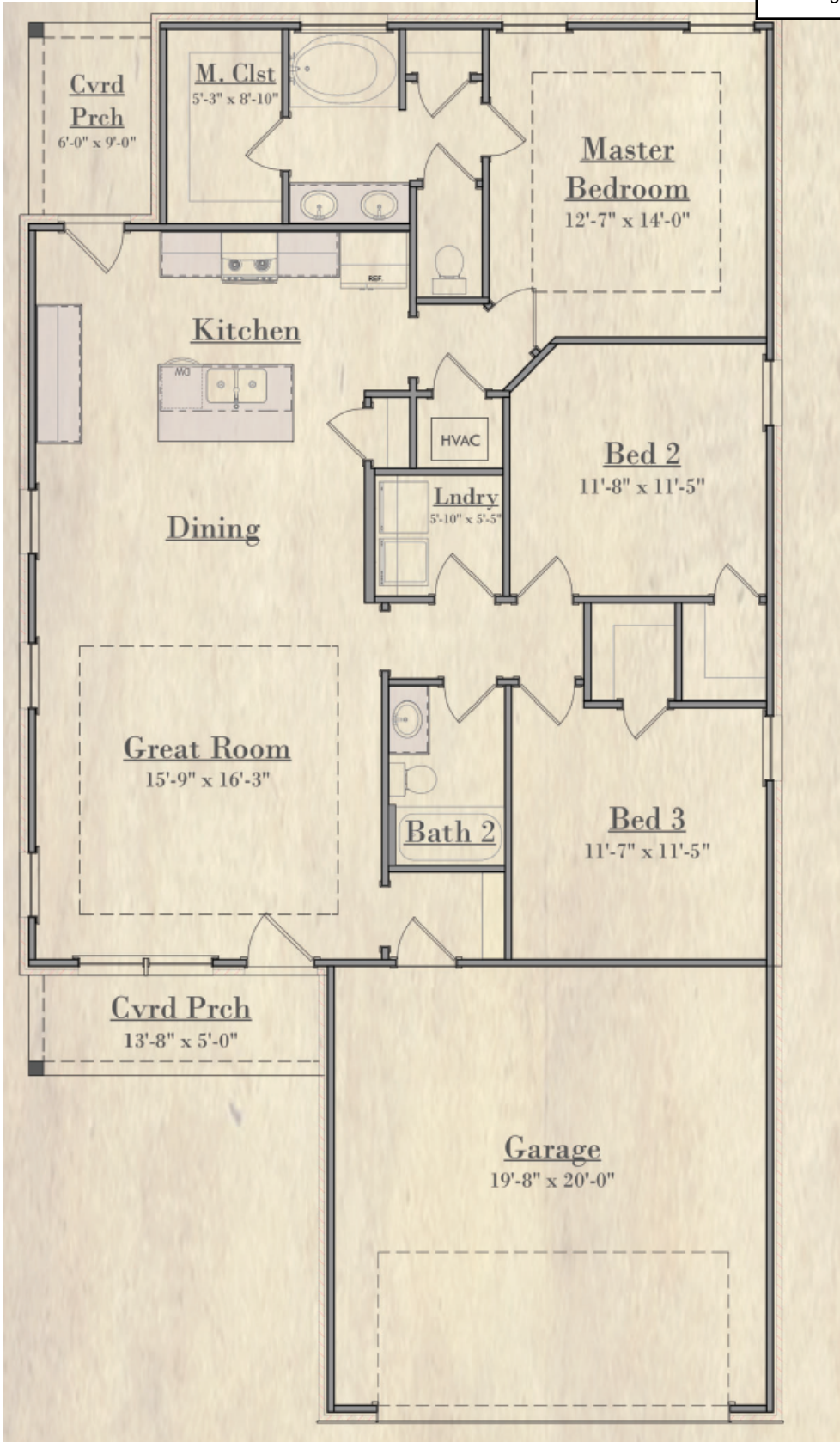


RIGHT SIDE OF "EVERGREEN" UNIT

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1660 S.F.



1452 S.F.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 21-22

Petition No. Z22-03

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 Carter Grove (Atlanta) ASLI VI. Property is located at Carter Grove Blvd. @ Old Alabama Rd. Tqax ID C107-0001-015. Said property contains 48.124 acres located in the 4th District, 3rd Section, Land Lots 953, 954, 991, and 992 as shown on the attached plat Exhibit "A". Property is hereby rezoned from P-D (Carter Grove P-D per Z06-07) to P-D (Planned Development). Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this 15th day of September, 2022.

ADOPTED this the 6th day of October, 2022. Second Reading.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Julia Drake
City Clerk



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Other
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	COP22-17: HPC Appeal – 32 Cassville Rd
DEPARTMENT SUMMARY RECOMMENDATION:	Customer appeal of HPC decision denying perimeter fencing.
LEGAL:	NA



**Appeal of
Decision by the
Historic Preservation Commission
to City Council**

MEMO

To: City Council
From: Randy Mannino/David Hardegree
CC: David Archer
Date: October 3rd, 2022
City Council meeting: October 6, 2022
Re: COP22-17. 32 Cassville Road. Appeal of Historic Preservation Commission (HPC) decision denying perimeter fencing

On December 15th, 2020, the HPC reviewed an application with associated plans, COP20-32, by Hudson and Co, Inc. (John B. Hudson), for the demolition of several existing structures and the construction of a new house and amenities. The HPC held a public hearing in which many residents addressed the HPC and raised support and concerns over the application as noted in the meeting minutes. Mr. Hudson stated that the perimeter fencing was withdrawn from the application.

After consideration, the HPC voted to permit the demolition of the identified structures and to allow the house and associated amenities to be constructed with (2) conditions: 1) There be no fencing around the perimeter [of the property] and, 2) the approval is site plan specific.

Though Mr. Hudson stated the fence was withdrawn from the original application, the submitted site plan was not revised and did show a decorative perimeter fencing that was 6ft in height with brick columns that were also 6ft in height. Since the 2nd condition stated the approval is “site plan specific,” the fence could have been an approved item by default without the added condition.

By ordinance, all front yard fences are to be no taller than 4ft in height and must be non-opaque (Zoning ord. Sec. 4.16). The 6ft. fence did not comply with the zoning ordinance; therefore, a variance was required to allow a 6ft. fence in the front yard. The variance requirement was not mentioned in the case file or meeting minutes. The variance review requirement would have been grounds for denial, at least temporarily.

On September 20, 2022, the HPC reviewed an application, COP22-17, by Hudson and Co, Inc. for 1) the addition of a privacy fence along the western property line that encroached into the front yard along Charles Street, and 2) the removal of the perimeter fence condition on COP20-32. The site plan submitted with COP22-17 showed a reduction in height of the proposed perimeter fence and columns from 6ft. to 4ft. The fence would be non-opaque as demonstrated by the example submitted with the application. The perimeter fence would be compliant with the zoning ordinance, therefore, no variance would be required.

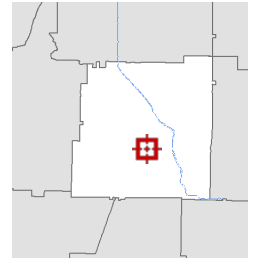
The HPC held a public hearing in which several residents addressed the HPC and raised concern over removal of the perimeter fence condition.

After consideration, the HPC voted to deny the removal of the perimeter fence condition established on COP20-32.

The privacy fence was approved pending approval by the BZA on October 13th. Case No., V22-19.



Overview



Legend

-  Parcels
-  Roads

Parcel ID	C002-0016-007	Alternate ID	32251	Owner Address	EVANS CALVIN H & TAMMY
Sec/Twp/Rng	n/a	Class	Residential		PO BOX 1505
Property Address	32 CASSVILLE RD	Acreeage	4.25		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL452-3 LD4				

(Note: Not to be used on legal documents)

Date created: 9/16/2022
 Last Data Uploaded: 9/15/2022 10:41:01 PM

Developed by 



Cartersville Historic Preservation Commission CERTIFICATE OF PRESERVATION APPLICATION

*Applicant: Hudson & Company, Inc
Project Address: 32 CASSVILLE ROAD
Mailing Address (if different than project address):
PO Box 367 Cartersville, GA 30120
Phone: 770-480-1598
Email: john@hudsoncompanyga.com

*NOTE: If applicant is not the owner, as listed on the property deed, a letter from the owner authorizing the proposed work must be included along with the owners phone number and address.

PROCEDURE

Application Requirements
All Applications must be complete and include support materials listed on the reverse of this form and a \$25 non-refundable application fee.

Application Deadlines
See 3rd page of application for application submittal deadlines.

Application Representation
The applicant or authorized representative of the applicant should attend the public hearing to support the application.

Building Permits Requirements
In Addition to a COP application, building permits must be acquired from the Community Development Department. Building permits will not be issued without proof of a COP.

Deadline for Project Completion
After approval, the COP is valid for 18 months and void if construction does not begin within 6 months of approval.

Office Use Only	
Case Number	22-17
Date Received	8/29/22
Contributing	N. - 2021
Zoning	R-20
Legal Advertisement	9/13/22
Notified Adjacent	
HPC Hearing	9/20/22
HPC Decision	
COP Expiration	
Project Completion	
Tax Parcel	C002-006-007

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Existing Building Type:
 Residential One, Two or Multi-family
Garage, Storage _____
 Commercial
 Other _____

Brief Project Description (example: addition of sunroom, installation of fence):

Type of Project (check all that apply)
 New building
 Addition to building
 Relocation of building(s)
 Demolition
 Fence(s), wall(s), landscaping
 Minor exterior change
 Major restoration, rehabilitation, or remodeling
 Other _____

Start Date: 11/2022
Anticipated Completion: 1/2023

Contractor/Consultant/Architect: Hudson & Company, Inc

AUTHORIZATION
In consideration for the City of Cartersville's review of this application for a proposed change to a locally designated property, the applicant agrees to hereby indemnify and hold harmless the City and its' agents and employees from and against any and all claims, damages, and/or liability arising from or related to this application or any issuance of a permit hereunder.
Date 8/29/2022 Signature [Signature]

APPLICATION CHECKLIST

The following list includes the support material necessary for review of a particular project.

New Buildings and New Additions

- site plan
- architectural elevations
- floor plan
- landscape plan (vegetation not required)
- description of construction materials
- photographs of proposed site and adjoining properties

Major Restoration, Rehabilitation, or Remodeling

- architectural elevations or sketches
- description of proposed changes
- description of construction materials
- photographs of existing building
- documentation of earlier historic appearances (restoration only)

Minor Exterior Changes

- description of proposed changes
- description of construction materials
- photographs of existing building

Site Changes – Parking areas, Drives, Walks

- site plan or sketch of site
- description of construction materials
- photographs of site

Site Changes – Fences, Walls, Systems

- site plan or sketch of site
- architectural elevations or sketches
- description of construction materials
- photographs of site

Site Changes – Signs

- specifications
- description of construction materials and illumination

Demolition

Must include a complete plan for the new development.

- timetable
- demolition budget
- new construction budget
- evidence of adequate financing

NOTE: Only complete applications will be placed on the agenda for design review. Submit to:

City of Cartersville
Planning and Development Department
P.O. Box 1390
Cartersville, GA 30120

PROJECT DESCRIPTION

Include support materials and attach additional sheets if needed. If the proposed scope of work will involve more than one type of project, please divide the description.

[Example: (1) Addition to rear (2) New roof]

We are asking to allow a 6' wooden privacy fence to encroach into the front yard.

Fence would stop short of Charles St. property corner by approx. 60'. This point would near the the rear corner of the carriage house.

9/16/22: Install decorative iron fence and masonry columns around perimeter of property.

PRECEDENCE OF DECISIONS

Each application will be considered on it's own merit with reference to the Secretary of the Interior's Standards and the Commission's published Design Standards. While the Historic Preservation Commission may consider past actions when making decisions on an Application for a Certificate of Preservation, it is not held by those decisions when considering new application that may appear similar in character.



EXAMPLE OF DECORATIVE PERIMETER FENCING. SUBMITTED 9/16/22.
DISTRIBUTED TO HPC AT MEETING.

SEE NEXT PAGE FOR INFORMATION THE COLUMNS.

David Hardegree

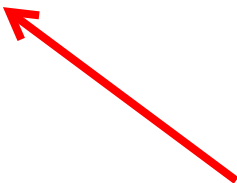
From: John Hudson <john@hudsoncompanyga.com>
Sent: Tuesday, September 20, 2022 2:45 PM
To: David Hardegree
Subject: [EXTERNAL] Re: 4' Ornamental Fence 32 Cassville

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION! : This email originated from outside the City of Cartersville network. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Sender: john@hudsoncompanyga.com

Painted brick. Approx 2'x2- 4' tall. Site plan shows them approx 40' apart along Cassville Road

John Hudson (JB), President
Hudson & Company, Inc
770-480-1598 - cell
john@hudsoncompanyga.com



On Sep 19, 2022, at 11:48 AM, David Hardegree <dhardegree@cityofcartersville.org> wrote:

Do you have an example of these? I didn't see a detail in the 2020 submittals. Are they stone? brick? other? Dimensions- 2'x2'x4' ?

From: John Hudson <john@hudsoncompanyga.com>
Sent: Monday, September 19, 2022 11:34 AM
To: David Hardegree <dhardegree@cityofcartersville.org>
Subject: [EXTERNAL] Re: 4' Ornamental Fence 32 Cassville

CAUTION! : This email originated from outside the City of Cartersville network. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Sender: john@hudsoncompanyga.com

Yes

John Hudson (JB), President
Hudson & Company, Inc
770-480-1598 - cell
john@hudsoncompanyga.com

Historic Preservation Commission Meeting
10 N. Public Square
September 20, 2022
5:30 P.M.

I. Opening Meeting

Call to order by Chairman Frisbee at 5:30 PM

Present: Greg Frisbee, Becky Carr, Vandi White, Brad Galland, and Larry Gregory
Staff Present: David Hardegree, Samantha Fincher, Zack Arnold, and David Archer
Absent:

1. Approval of Minutes

Chairman Frisbee called for a motion to approve the minutes of the last meeting. Board Member Carr made a motion to approve the meeting minutes from August 16, 2022. Board Member White seconded the motion. Motion carried unanimously. Vote: 4-0.

2. COP22-16. 429 W Main St. Applicant: Bartow County Library System

Chairman Frisbee called for the next item on the agenda. David Hardegree, Planning and Development Assistant Director, stated that in coordination with Art in Bartow, the Bartow County Library System is proposing a new amphitheater adjacent to School Street on the library property. The small performing arts and lecture space- a Performance Patio- will occupy approximately 30ft x 35ft. and will utilize the large library lawn as a seating area for performances and lectures. The structure will have a masonry floor with an approximate 8ft. wall enclosing the rear of the stage area along School St. The structure will be made of brick and concrete. Landscaping will enhance the structure. Steel beams are proposed for the roof structure to support the addition of audio/visual enhancements. A variance will be required for this project as the structure is proposed in the front yard along School Street. The variance will be heard at the Oct. 13 BZA meeting. (Case No. V22-20.)

Chairman Frisbee opened the floor for discussion.

Carmen Sims, Library Director, came forward to represent the application. Mrs. Sims stated they do not wish to have a roof on the structure as shown on the site and architectural plans. The performance patio anticipates having one event a month. All events are wrapped up by 9 PM.

Chairman Frisbee opened the public hearing.

Julia Jones, a resident of Fite/Tabernacle Street, came forward to oppose the performance patio.

Mr. Hardegree stated that he received a letter from Ed Kinsel, 115 Tabernacle St, with

reservations about the proposal.

With no one else to come forward, the public hearing was closed for discussion.

The Board Members were concerned with the design, placement, and impact of the surrounding residential area.

Mrs. Sims stated she would like to have a neighborhood meeting to address concerns with neighboring residents.

Mr. Hardegree made the suggestion of withdrawing the application and returning to the Historic Preservation Board after the neighborhood meeting.

Mrs. Sims withdrew the application without prejudice.

No action was taken by the Board.

→ 3. COP22-17. 32 Cassville Rd. Applicant: Hudson & Co. LLC

Chairman Frisbee called for the next item on the agenda. Mr. Hardegree stated he wished to break this item into two parts. The first request is a 6ft. wooden, privacy fence proposed to the left side and rear of the new house along the property line. The fence does extend approximately 100ft. past the front building façade along Charles Street creating a front yard encroachment of the privacy fence. The encroachment is well behind the 20ft. building setback as required by the zoning ordinance. A variance is also required for this encroachment and will be reviewed by the BZA on Oct. 13. (Case No. V22-19.)

Chairman Frisbee opened the floor for discussion.

JB Hudson, the Contractor, came forward to represent the application and answer questions from the Board. Mr. Hudson stated the proposed privacy fence would be double-faced.

Chairman Frisbee opened the floor for a public hearing; with no one to come forward, the public hearing was closed.

Board Member Gregory made a motion to approve the double-faced privacy fence. Board Member White seconded the motion. Vote: 4-0.

→ Mr. Hardegree returned to the Board and stated the second part of this request is to connect to a 4ft. decorative iron fence around the perimeter of the property. Masonry columns will be constructed approx. 40ft apart to anchor and support the decorative iron fencing. A 6 ft. decorative iron fence with masonry columns was proposed on COP20-32 but was eventually removed from consideration, as there was opposition to the fence. If the fence and masonry columns are not more than 4ft in height, as allowed by the zoning ordinance, the fence could be approved administratively. However, the motion to approve the site plan was made with a condition that there be no perimeter fencing. There are no guidelines for new fences and columns in the HPC design standards.

Chairman Frisbee opened the floor for discussion.

David Archer, City Attorney, stated the only thing forbidding the 4ft. decorative iron fence is the condition placed by the Historic Preservation Board.

Mr. Hudson came forward to represent the application and answer questions from the Board. Mr. Hudson stated brick piers are only proposed on the Cassville frontage, the original proposal was for a 6 ft. iron fence, and the new proposal is for a 4 ft. iron fence, and landscaping will be added.

Michael Tidwell, 23 Cassville Road, came forward to oppose the 4ft. iron fence.

Anne Warren came forward to oppose the 4ft. iron fence.

Becky Champion came forward to oppose the 4ft. iron fence.

With no one else to come forward, the public hearing was closed for discussion.

The Board Members agreed that the fence was out of character for the district.

Board Member Galland made a motion to deny the removal of the condition. Board Member Carr seconded the motion. Vote:4-0.

STAFF OR COMMITTEE COMMENTS

Mr. Hardegree stated that Stephanie Gargiulo and Justin Colt Kelley, located at 341 W Cherokee Ave (COP 22-09) have run into hardships, such as material delays. This has caused setbacks and changes to the approved plans. A formal application submittal will be provided at the next Historic Preservation Meeting; the applicants are encroaching on the end of their current lease and are requesting feedback on the proposed changes so they may continue to work towards obtaining the Certificate of Completion for this project.

Stephanie Gargiulo & Justin Colt Kelley, owners of 341 W Cherokee Ave, came forward to answer questions from the Board and provided an overview of the proposed changes.

The Board Members requested drawings and detailed descriptions of the changes. Mr. Frisbee urged the applicants to continue to work with Mr. Hardegree on a formal submittal.

Mr. Hardegree stated 32 Cassville Road has the right to appeal the Historic Preservation Board's decision to City Council.

Board Member Carr made a motion to nominate Board Member Galland as Vice-Chairman of the Historic Preservation Board. Board Member White seconded the motion. Vote: 4-0.

Mr. Hardegree announced he has received two applications for the Historic Preservation Board. Applications will be forwarded to the City Manager's Office for review.

Chairman Frisbee adjourned the meeting at 6:55 PM.

/s/ _____
Greg Frisbee
Chairman

DRAFT



Cartersville Historic Preservation Commission
10 N. Public Square
P.O. Box 1390
Cartersville, Georgia 30120

September 23, 2022

Hudson & Company, Inc.
PO Box 367
Cartersville, GA 30120

RE: COP22-17. 32 Cassville Rd. Hearing Results Letter.

Mr. Hudson,

This letter confirms the outcome of your Certificate of Preservation (COP) application to the Cartersville Historic Preservation Commission (HPC) for property located at 32 Cassville Rd. On September 20th, 2022 the HPC **approved with a condition** the following task item per the HPC Application:

1. Allow a 6ft privacy fence, approximately 100ft. in length, to extend into the front yard near Charles St with a condition that the privacy fence have pickets on both sides.

If you modify or make additions to the approved scope of work, you must reapply to the Historic Preservation Commission and receive approval before continuing the project.

A variance is also required for the privacy fence. The variance, V22-19, will be reviewed by the Board of Zoning Appeals on Oct. 13th at 5:30pm.

On September 20th, 2022 the HPC **denied** the following per the HPC Application:

1. Remove the existing condition on the property originating from COP20-32 that prohibits the addition of a fence around the perimeter of the property.

You may appeal this decision to City Council within 30 days of the hearing date. Contact me for instructions.

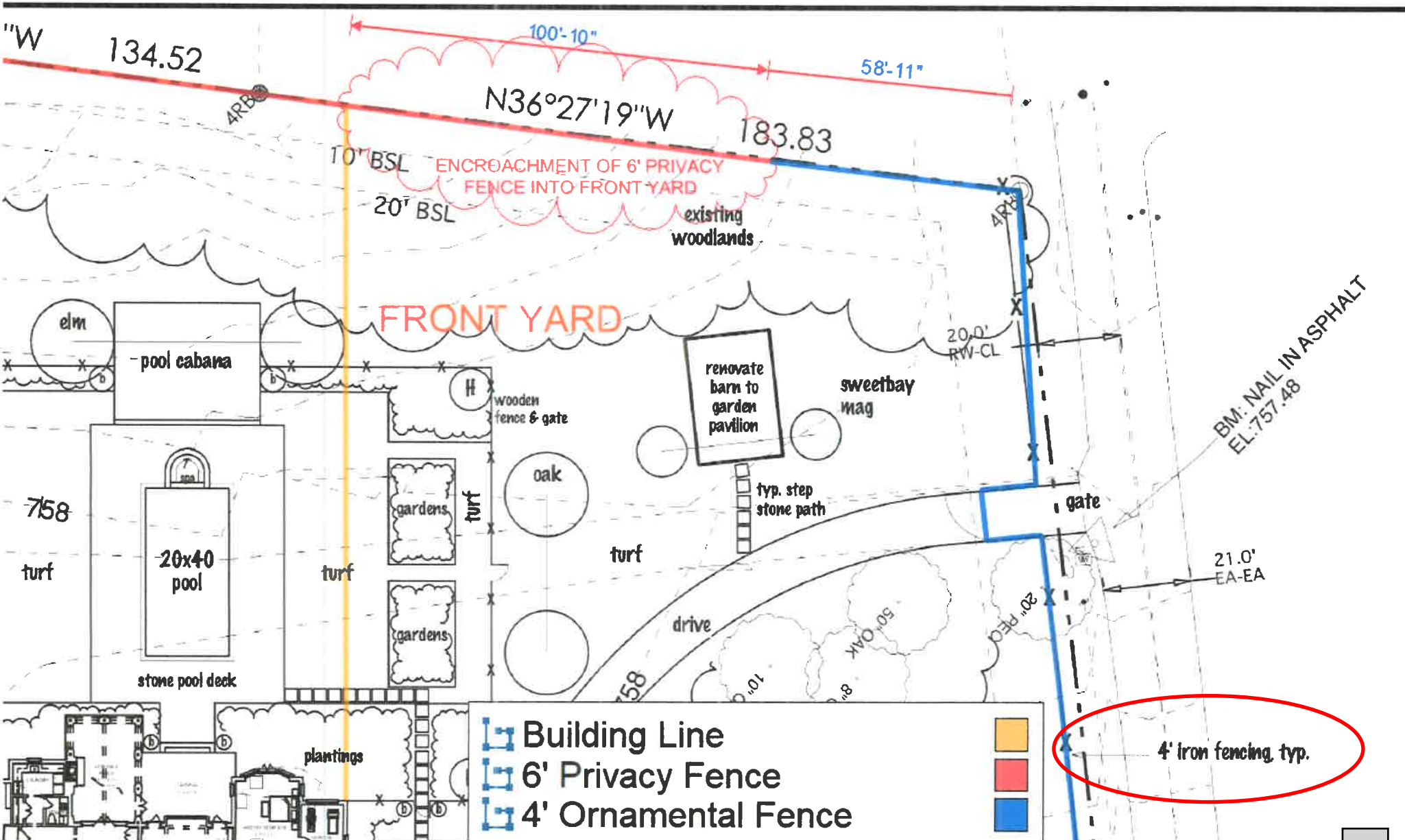
If you have any questions, please contact me directly or by calling the City of Cartersville Planning Department at 770-387-5600.

Sincerely,

David Hardegree, AICP
City Planner
O: 770-387-5614


dhdegree@cityofcartersville.org




36.00 x 24.00



A. In all zoning districts:

1. No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic.
2. No fence or wall, including retaining walls, shall be constructed of exposed concrete block, tires, junk or other discarded materials.
3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.
4. The wall standards as stated in this section shall not apply to retaining walls approved by the plan review process for planned developments.

 B. In all residential and commercial zoning districts:

-  1. Any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator.
-  2. Fences and walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard.
3. Chain-link fencing material may be used in the front yard with prior approval of a variance by the board of zoning appeals. No variance is required if chain link fencing material is used in a side or rear yard.
-  4. For a corner lot or double frontage lot, a screening or opaque fence may be installed to the rear of the principal structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.
5. Razor wire (ribbon) shall be prohibited.

C. In all industrial zoning districts:

1. Fences or walls shall not exceed (8) feet in height in front, side and rear yards.

(Ord. No. 20-21, § 1, 4-1-2021)

Historic Preservation Commission Meeting
10 N. Public Square
December 15, 2020
5:30 P.M.

I. Opening Meeting

Call to order by Chairman Frisbee

Present: Greg Frisbee, Becky Carr, Jeff Glover, Vandi White, Brad Galland, Lynne Pritchett

Staff Present: Randy Mannino, Samantha Fincher, Meredith Ulmer, and Keith Lovell

Absent: Larry Gregory

1. Call to Order

2. Approval of Minutes

Chairman Frisbee called for a motion to approve the minutes of the last meeting. A motion to approve the meeting minutes from November 17, 2020 with the correction of the meeting date and the vote count was made by Board Member Glover and seconded by Board Member Carr. Motion carried unanimously. Vote: 5-0. Board Member Galland was absent during this time.

3. New Business:

A. COP20-32: 32 Cassville Rd Scope: Approval/denial of demolition and new construction plans

Chairman Frisbee called for the next item on the agenda. Meredith Ulmer, Assistant City Planner gave an overview of the application. The applicant wishes to demolish the existing home, carport, smokehouse, and guest quarters. An effort will be made to save the carriage house. A new neoclassical style home, with Italianate and Palladian influences is proposed to be constructed on the site of the existing home.

John B. Hudson, owner of Hudson & Company, Inc. and applicant on behalf on Calvin and Tammy Evans came forward in favor of the application. Mr. Hudson explained that the home and accessory structures have been severely neglected. The home suffers from water problems, foundation, and structural issues. The entire mechanical system would need to be replaced. Mr. Hudson and Mr. Evans agreed that the cost to rehabilitate outweighed what could be ever be recouped. Therefore, felt the home and accessory structures needed to be demolished. Pictures of the homes existing condition were provided to the board. The proposed home will fit the neighborhood, size and scale. If unable to save the carriage house, a replica will be constructed in its place.

Chairman Frisbee opened the floor for discussion.

Preston Holloway, 223 W Cherokee Ave came forward against the application. Mr. Preston stated it would be shameful to demolish a home that has been in the neighborhood over 100 years feared if approved it would set a precedent. Homeowners of historic homes should anticipate spending more money to upkeep their property. An inspection of the home prior to purchase would have determined the need for repairs. It is the duty of the residents and Historic Preservation Board to preserve and protect the historic charm of the district.

Chip Shropshire, 39 Cassville Road came forward and stated he has lived in the area for 20 years and felt torn about the application. Mr. Shropshire was pleased with the new home proposal, but also feared a demolition would set a precedent.

Boyd Pettit, 37 Green Street came forward and stated he would love to believe that the home could be restored, but appreciates that the applicant has proposed to build a home that fits the neighborhood. Mr. Pettit thanked the Board for their service.

Becky Champion, 55 Cassville Road came forward against the demolition. She would like to see the home restored. Mrs. Champion thanked the Board for their service.

Calvin Evans, owner of 32 Cassville Road came forward in favor of his application. Mr. Evans stated he does not take lightly of the demolition request as he respects the historic value of the home. His original intent was to restore, but plans have shifted. The proposed home will be very similar to the current home and will keep the historic integrity. Mr. Evans thanked the board and his neighbors.

Chairman Frisbee stated demolition requests are the most difficult to consider and the Board is tasked with a difficult decision. Hardships, and the current condition of the home will be taken into consideration.

Chairman Frisbee opened the floor for the Commission.

Board Member Glover stated he is not thrilled with the demolition request. He would like to see more details of what it would take to restore.

Board Member Pritchett asked Mr. Evans if he has had a second opinion or a cost estimate of the repairs. Mr. Hudson stated he has not provided a cost estimate because it is impossible to predict all the variables that could be uncovered during a restoration.

Board Member Galland stated he walked through the property in the past and confirmed it was in rough shape.

Board Member White stated the once beloved home had lost its integrity over the years after all the additions and became a burden. The proposed home fits and doesn't take away from the historic charm.

The Board discussed that they would handle the application as two requests. The demolition, and whether the proposed home is compatible.

Keith Lovell, City Attorney reminded the Board they have 45 days to take action upon receiving application. The application was accepted November 20, 2020 so it may not be practical to hold another meeting within the 45 days due to the approaching holidays. If they feel as if they do not have enough information, they will need to deny the application and ask for a re-submittal.

Board Member White made a motion to approve the demolition of all structures on the property. Motion was seconded by Board Member Galland. Motion carried. Vote: 4-2. Board Member Carr and Glover opposed.

Mr. Hudson came forward and stated the proposed home will be influenced by the original time period. Not much dirt will be disturbed, as the new home will be in the same location. The current home is 5,700 square foot and the proposed home is 6,200.

→ Michael Tidwell, 23 Cassville Road came forward and stated it was a beautiful plan but was concerned with the proposed fence around the perimeter. Mr. Hudson said the fence was withdrawn from the original application submittal. The only fence on the property will be around the pool, because it is required. ←

Becky Champion came forward and asked if there was any language that could be added to the approval that would condition the approval to be site-plan specific.

→ Board Member Carr made a motion to approve the application as submitted with the condition that there will be no fencing around the perimeter and the approval is site plan specific. Motion carried. Vote:5-1. Board Member Glover opposed. ←

Mr. Lovell stated the applicant will need to make sure the site plan complies with zoning standards.

4. Staff or Commission Comments

Mrs. Ulmer stated Lillie Read, Downtown Development Director will attend the next Historic Preservation Meeting to discuss an upcoming art project.

Mr. Mannino stated David Hardegree, City Planner is doing exceptionally well for the circumstances and hopes to return to work in January.

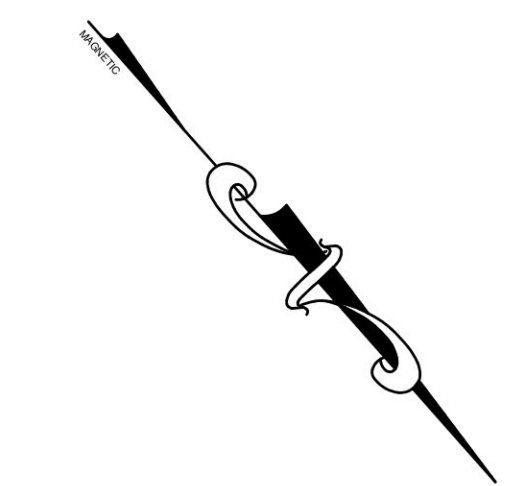
5. Adjourn

Chairman Frisbee adjourned the meeting.at 7:15 p.m. The next scheduled Historic Preservation meeting is Tuesday, January 19, 2020 at 5:30 PM.

/s/ 
Greg Frisbee
Chairman

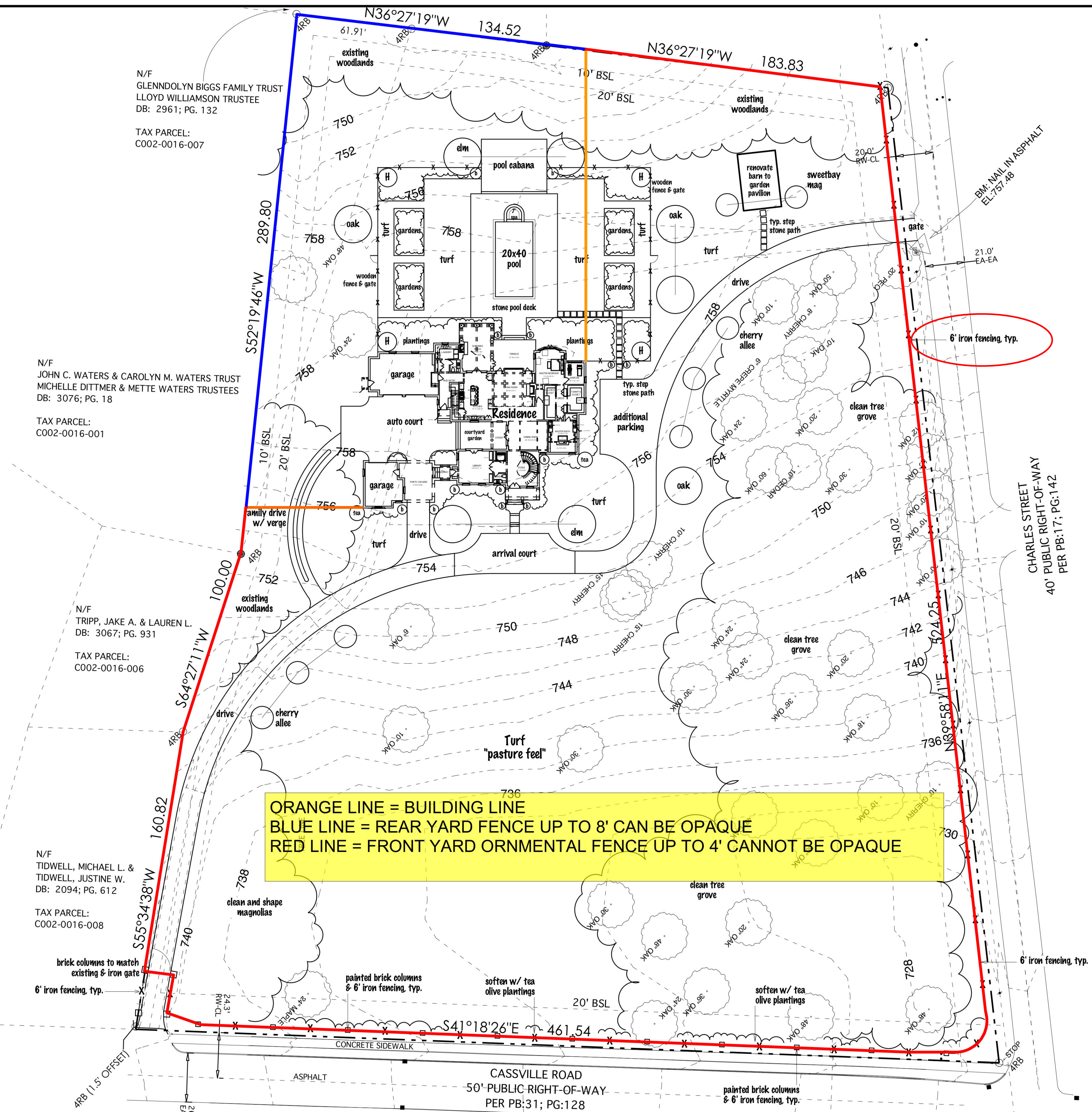


GRAPHIC SCALE - 1 : 30



General Notes:
 b = American boxwood
 H = Holly
 Tea = Tea olive

Driveway: to be concrete
 Columns: painted brick to match house



N36°27'19"W 134.52
 N36°27'19"W 183.83
 10' BSL
 20' BSL

N/F
 GLENNOLYN BIGGS FAMILY TRUST
 LLOYD WILLIAMSON TRUSTEE
 DB: 2961; PG. 132
 TAX PARCEL:
 C002-0016-007

N/F
 JOHN C. WATERS & CAROLYN M. WATERS TRUST
 MICHELLE DITTMER & METTE WATERS TRUSTEES
 DB: 3076; PG. 18
 TAX PARCEL:
 C002-0016-001

N/F
 TRIPP, JAKE A. & LAUREN L.
 DB: 3067; PG. 931
 TAX PARCEL:
 C002-0016-006

N/F
 TIDWELL, MICHAEL L. &
 TIDWELL, JUSTINE W.
 DB: 2094; PG. 612
 TAX PARCEL:
 C002-0016-008

ORANGE LINE = BUILDING LINE
BLUE LINE = REAR YARD FENCE UP TO 8' CAN BE OPAQUE
RED LINE = FRONT YARD ORNMENTAL FENCE UP TO 4' CANNOT BE OPAQUE

CAUTION
 THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE LANDSCAPE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE LOCATION, DEPTH AND TYPE OF UTILITIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITH THE UTILITY COMPANIES BEFORE ANY CONSTRUCTION. ALL DAMAGE TO UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



GSWCC
 #0000053152

* Permits are the responsibility of the Owner.
 * Projects within stream buffers must acquire the appropriate variance/permit. (by Owner)
 * Contractor responsible for locating all utilities before start of any construction. (CALL SAFE DIG - CALL: 811)

Status:
 Preliminary Design (Not for construction) X
 Approved Design
 Construction Document

This drawing, as a guide for service, is and will remain the property of the Landscape Architect. This document shall not be reproduced, published or used without the permission of the Landscape Architect. The Contractor is responsible for verification of all dimensions and existing conditions at this site before proceeding with all phases of his work. E. Graham Pittman is not responsible for any structure or hydrology, this plan is for conceptual purposes, only. It is the Contractor's responsibility to verify structure & hydrology with an Engineer or Consultant.

All Federal, State, Local Codes, Ordinances, Regulations, Etc. shall be considered as part of specifications for this drawing and shall take preference over anything shown, described or implied where same are a variance.

Drawing Dates:

11.18.2020			

Scale: 1 : 30



E. Graham Pittman

Georgia #1102

E. Graham Pittman, BLA, RLA

Landscape Architect

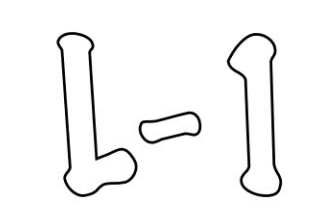
email: graham.pittman@gmail.com

1217 John Douglass Drive, SW - Marietta, Georgia 30064 - Office/Mb: 770.480.9814

Calvin & Tammy Evans Residence

32 Cassville Road
Cartersville, Georgia
30120

Overall Site Plan



Evans - 32 Cassville Road, Cartersville Ga.



Cartersville Historic Preservation Commission
10 N. Public Square
P.O. Box 1390
Cartersville, Georgia 30120

December 17, 2020

JB Hudson
32 Cassville RD
Cartersville, GA 30120

RE: COP20-32 – 32 Cassville RD

Mr. Hudson:

This letter confirms the outcome of your Certificate of Preservation (COP) application to the Cartersville Historic Preservation Commission (HPC) for property located at 32 Cassville RD. On Tuesday, December 15, 2020 the HPC **approved** the following items listed in the HPC Application:

- 1. Demolition of house, carport, smokehouse, and guest quarters.
- 2. Approval of proposed construction and landscape plans to be site plan specific.

Please make sure to apply for demolition and building permits prior to any demolition or construction.

If you modify or make additions to the approved scope of work, you must reapply to the Historic Preservation Commission and receive approval before continuing the project.

If you have any questions please contact me directly or by calling the City of Cartersville Planning Department at 770-387-5600.

Sincerely,

Meredith Ulmer
770-607-3947
mulmer@cityofcartersville.org



General
 b = American Holly
 H = Holly
 T = Tea olive
 Driveway: ft
 Columns: palm
 match house

the responsibility of the Owner. The stream buffers must acquire the variance/permit. (by Owner) responsible for locating all the start of any construction. PW - CALL: \$111

lary Design (Not for construction) and Designation Document

guide for service, it and will remain the property architect. This document shall not be reproduced, without the permission of the Landscape Architect responsible for verification of all dimensions and at this site before proceeding with all phases of his/it/their is not responsible for any structures or in for conceptual purposes, only. It is the ability to verify structures & hydrology with an wet.

ocal Codes, Ordinances, Regulations, Etc. shall be of specifications for this drawing and shall take rthing shown, described or implied where same

811
 Have signs installed. Call them you dig.

65W00
 0000051152

Drawing Dates:

11.18.2020				
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Scale: 1:30



E. Graham Pittman, BLA, RLA
 Landscape Architect
 email: graham.pittman@gmail.com
 1217 John Douglas Drive, SW - Marietta, Georgia 30064 - Office/MB: 770.480.9814

Calvin & Tammy Evans Residence
 32 Cassville Road
 Cartersville, Georgia
 30120

Overall Site Plan

89

Evans - 32 Cassville Road, G.

On corner lots within all zoning districts (except the DBD district) no fence, shrubbery or other obstruction to the traffic sight vision, except utility poles or light or sign standards, shall exceed a height of three (3) feet within a triangular area formed by the intersection of the right-of-way lines of two (2) streets or a street intersection with a railroad right-of-way line, and a diagonal line which intersects the right-of-way lines at two (2) points, each twenty (20) feet distance from the intersection of the right-of-way lines, or, in the case of a rounded corner, from the point of intersection of their tangents; provided, however, signs, lights, or similar objects which are totally located at least ten (10) feet above the finished grade shall be permitted.

Sec. 4.13. - Uses prohibited.

If either a use or class of use is not specifically indicated as being permitted in a district, either as a matter of right, or as a special use, then such use, class of use, or structures for such uses, shall be prohibited in such district.

Sec. 4.14. - Zoning of annexed areas.

Areas annexed to the City of Cartersville subsequent to the adoption of this chapter shall be zoned R-20, unless other zoning is formally requested and approved with the annexation petition. Initial zoning of annexed property shall be charged the required fee for zoning amendments as stated herein.

Sec. 4.15. - Emergency shelters.

Emergency shelters for the purpose of protecting individuals from life-threatening weather storms or other emergencies shall be permitted as an accessory structure in all zoning districts and shall meet the setback requirements of such structures in the district.

Sec. 4.16. - Fences and walls.

No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic. In all residential zoning districts, fences and/or walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard. In all commercial zoning districts, fences and/or walls shall not exceed eight (8) feet in height in a side or rear yard.

In all residential and commercial zoning districts, any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator; provided that no fence or wall shall be constructed of exposed concrete block, tires, junk or other discarded materials, with the following exceptions:


1. Chain-link fencing material may be used with prior approval of a variance by the board of zoning appeals.
2. For a corner lot or double frontage lot in a residential zoning district, a screening or opaque fence may be installed to the rear of the principal structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.
3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.

In all residential and commercial districts, razor wire (ribbon) shall be prohibited. In all residential and commercial districts, no retaining wall shall be constructed of exposed concrete block.

Sec. 4.17. - Buffer and screening requirements.

Buffers or screening as required by this chapter are subject to review and approval by the zoning administrator. The following are required standards for buffers and shall be utilized by the zoning administrator in reviewing development plans:

1. Buffers shall be designated on the site plan and required plats as permanent buffer strip or area.

- (a) *Approval of alterations in historic districts or involving historic properties.* After the designation by ordinance of a historic property or of a historic district, no demolition or material change in the exterior appearance of such historic property, or of a structure, site, object, or work of art within such historic district, shall be made or permitted to be made by the owner or occupant thereof, until a certificate of preservation has been granted by the commission.
- (b) *Approval of new construction within designated districts.* After the designation by ordinance of a historic district, all new structures constructed within a designated historic district shall require a certificate of preservation which the commission shall issue if these structures conform in design, scale, building materials, setback, and landscaping features to the character of the district specified in the design criteria developed by the commission.
- (c) *Guidelines and criteria for certificates of preservation.* When considering application for certificates of preservation for historic districts and historic properties, the commission will develop design guidelines specifically for the City of Cartersville to use in evaluating applications for certificates of preservation. See section 9.25-34 for developing design guidelines.
- (d) *Submission of plans to commission.* An application for a certificate of preservation shall be accompanied by such drawings, photographs, plans, or other documentation as may be required by the commission. Applications involving demolition or relocation shall be accompanied by post-demolition or relocation plans for the site. An application for a certificate of preservation shall be accompanied by a non-refundable fee in the amount of twenty-five dollars (\$25.00).
- (e) *Commission reaction to application for certificates of preservation.*
 - (1) The commission shall approve or approve with conditions the application and issue a certificate of preservation if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the historic, or architectural significance of the historic property or historic district. In making this determination, the historic preservation commission shall consider, in addition to other pertinent factors, the historical and architectural significance, architectural style, general design arrangements, texture, and material of the architectural features involved, and the relationship thereof to the exterior architectural style, and pertinent features of the other structures, buildings, objects, or works of art in the immediate neighborhood.
 -  (2) The commission shall deny a certificate of preservation if it finds that the proposed new construction or material change(s) in the appearance of an existing structure(s) would have substantial adverse effects on the historic, or architectural significance of the historic property or the historic district. A certificate of preservation may not be denied on the basis of exterior paint color.
- (f) *Necessary action to be taken by commission upon rejection of application for certificate of*

- (1) In the event the commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
- (2) In cases where the application covers a material change in the appearance of a structure, building, object, or work of art which would require the issuance of a building permit, the rejection of the application for a certificate of preservation by the commission shall be binding upon the building official or other administrative officer charged with issuing building permits, and in such a case, no building permit shall be issued.
- (g) *Public hearings on applications for certificates of preservation, notices, and right to be heard.* At least seven (7) days prior to review of an application for certificate of preservation, the commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected by reason of the application, and shall give applicant and such owners an opportunity to be heard. In cases where the commission deems it necessary, it may hold a public hearing concerning the application.
- (h) *Interior alterations.* In its review of applications for certificates of preservation, the commission shall not consider interior arrangements, use, or finish having no effect on exterior architectural features.
- (i) *Technical advice.* The commission shall have the power to seek technical advice from outside its members on any application.
- (j) *Deadline for approval or rejection of application for certificate of preservation.*
- (1) The commission shall approve, approve with conditions, or deny an application for certificate of preservation within forty-five (45) days after the filing of a complete application by the owner or authorized agent of a historic property, or of a structure, site, object, or work of art located within a historic district. An application will not be considered filed until all required information is submitted with the application. Evidence of approval shall be a certificate of preservation issued by the commission. Failure of the commission to act with such forty-five (45) days shall constitute approval and no other evidence of approval shall be needed.
- (k) *Undue hardship.* Where, by reason of unusual circumstance, the strict application of any provision of this chapter would result in the exceptional practical difficulty or undue hardship upon any owner of a specific property, the commission, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of such provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of

said provisions, so that the architectural or historical integrity, or character, shall be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this chapter. An undue hardship shall not be a situation of the person's own making.

(l) *Requirements of conformance with certificates of preservation.*

- (1) All work performed pursuant to an issued certificate of preservation shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the building official shall issue a cease and desist order and all work shall cease.
- (2) The city council shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district except those changes made in compliance with the provisions of this chapter or to prevent any illegal act or conduct with respect to such historic property or historic district.

(m) *Certificate of preservation void if construction not commenced.* A certificate of preservation shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of preservation shall be issued for a period of eighteen (18) months and are renewable.

(n) *Recording of applications for certificates of preservation.* The commission shall keep a public record of all applications for certificates of preservation, and all of the commission's proceedings in connection with said application.

(o) *Acquisition of property.* The commission may, where such action is authorized by the city council and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, of the property or any interest therein.

(p) *Appeals.* Any person adversely affected by any determination made by the commission relative to the issuance or denial of a certificate of preservation may appeal such determination to the city council. Any such appeal must be filed with the city council within thirty (30) days after the issuance of the determination pursuant to section 9.25-34(j)(1) of this chapter. The city council may approve, modify, or reject the determination made by the commission, if the governing body finds that the commission abused its discretion in reaching its decision. Appeals from decision of the city council may be taken to the Superior Court of Bartow County in the manner provided by law for appeals from conviction for city ordinance violations.

(Ord. No. 19-01, § IV, 5-17-01; Ord. No. 47-04, § 6, 6-17-04)

FRANK E. JENKINS, III
BRANDON L. BOWEN
ROBERT L. WALKER
ERIK J. PIROZZI
ELLIOT T. NOLL
C. KIMBERLY PRINE
MARK J. BLOUNT

15 SOUTH PUBLIC SQUARE
CARTERSVILLE, GEORGIA 30120-3350

TELEPHONE
(770) 387-1373

FACSIMILE
(770) 387-2396

www.jbwpc.com

September 30, 2022

VIA HAND DELIVERY and
E-MAIL: dhardegree@cityofcartersville.org

Honorable Mayor and Councilmembers
c/o Mr. David Hardegree, AICP
City Planner
City of Cartersville, Georgia

Re: Calvin and Tammy Evans, Appeal of HPC denial of perimeter fence

NOTICE OF APPEAL

Dear Mayor Santini and Councilmembers,

This is to appeal the decision of the Historic Preservation Commission referenced in Mr. Hardegree’s letter attached as Exhibit A, particularly the decision to prohibit the addition of a perimeter fence around a residential property. This matter was presented by JB Hudson on behalf of the property owners, Calvin and Tammy Evans, for the property at 32 Cassville Road. This appeal is brought to the Mayor and City Council pursuant to Section 9.25-34(p) of the City’s Code. We ask that this matter be placed on the earliest available calendar of the Mayor and Council.

The Historic Preservation Commission erred in reaching its decision on September 20th for several reasons.

1. **The HPC failed to state reasons for its denial.** Section 9.25-34(f) requires that “in the event the commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant.” In this case, the HPC did not state any reason for denial, and necessarily the hearing results letter does not state the reason for such action. This failure to state a decision is a denial of due process and a violation of the mandatory requirements of the City’s Code. Without a stated or articulable reason, the decision was arbitrary, capricious and without substantial justification.
2. **The HPC failed to follow its own design guidelines.** My clients’ proposed fence would be permissible as a matter of right in any other residential district in the City pursuant to the unambiguous language of Section 4.16 of the City Code (pertaining to fences and walls). The

only reason a permit was not issued as a matter of course was that this property is in Cherokee Cassville Historic District. The City's Code provides that the HPC "shall approve or approve with condition the application and issue a certificate of preservation if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the historic, or architectural significance of the historic property or historic district. In making this determination, the historic preservation commission shall consider, in addition to other pertinent factors, the historical and architectural significance, architectural style, general design arrangements, texture, and material of the architectural features involved, and the relationship thereof to the exterior architectural style, and pertinent features of the other structures, buildings, objects, or works of art in the immediate neighborhood."¹

Likewise, "the commission shall deny a certificate of preservation if it finds that the proposed new construction or material change(s) in the appearance of an existing structure(s) would have substantial adverse effect on the historic, or architectural significant of the historic property or the historic district."² Thus, the HPC does not have carte blanche to approve or deny structures based upon their popularity; it must determine the application based on the proposed construction's similarity to and impact on the architectural style in the neighborhood. In making that decision, the HPC was required to and did adopt Design Standards, which I attach to this notice of appeal.³ Specifically, the Code tells us "[w]hen considering application for certificates of preservation for historic districts and historic properties, the commission will develop design guidelines specifically for the City of Cartersville to use in evaluating applications for certificates of preservation."⁴ "[A]ll new structures constructed within a designated historic district shall require a certificate of preservation which the commission shall issue if these structures conform in design, scale, building materials, setback, and landscaping features to the character of the district specified in the design criteria developed by the commission."⁵ Note that the requirement that the decision of the HPC shall be guided by the architectural character of the neighborhood comes directly from Georgia law and the Historic Preservation Act.⁶

The design guidelines adopted by the City expressly contemplate fences comparable to the Evans' desired fence. My clients have proposed a wrought iron fence with masonry

¹ Section 9.25-34(e)(1).

² Section 9.25-34(e)(2).

³ Exhibit B, Design Standards for Structures Contributing to the Residential Historic Districts.

⁴ Section 9.25-34(c).

⁵ Section 9.25-34(b).

⁶ See O.C.G.A. §44-10-28(b) ("The commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change in appearance would not have a substantial adverse effect on the esthetic, historical, or architectural significance and value of the historic property or the historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance; architectural style; general design, arrangement, texture, and material of the architectural features involved; and the relationship thereof to the exterior architectural style and pertinent features of other structures in the immediate neighborhood.")

columns. The design guidelines expressly discuss masonry and architectural metals as appropriate materials.⁷ Moreover, the design guidelines include a picture of an appropriate fence, which is the front-yard fence of Rose Lawn, and it is architecturally comparable to my clients' proposed fence.⁸ And Rose Lawn is just one of many homes in the Cherokee Cassville Historic District that have perimeter and front yard fences. Here are a few nearby examples:

208 W Cherokee Ave Wood fence that runs across the FRONT yard:



18 Wofford St Wood fence that runs across the FRONT yard:



⁷ See Design Guidelines, pages 3-5.

⁸ See Design Guidelines, page 6.

23 Cassville Rd CHAINLINK fence across the side and back that fronts Wofford St. This is a corner lot:



39 Cassville Rd CHAINLINK fence across the back that fronts Wofford St:



45 Cassville Rd Black Aluminum (wrought iron) that fronts Wofford St.



49 Cassville Rd CHAINLINK fence across the back that fronts Wofford St:



68 Cassville Rd. Masonry and wrought iron gated entry.



100 Cassville Rd. White wood perimeter fence.



24 Cassville Road. Perimeter Masonry Wall



I have attached as Exhibit C a drawing of this Historic District identifying the subject property and other properties with comparable fences. My clients' proposed fence is both unambiguously consistent with the City's design guidelines and the fences and walls that are present throughout this Cherokee Cassville Historic District. The HPC's decision was therefore unconstitutionally arbitrary, capricious, lacking substantial justification, and contrary to both the City Code and State law.

Therefore, we respectfully request that the Mayor and Council place this matter on the next available calendar, reverse the HPC's denial, and protect my clients' ability to enjoy the same property rights as their neighbors.

Respectfully,

JENKINS, BOWEN & WALKER, P.C.

Brandon L. Bowen

Enclosures

cc: Mr. David Archer



**Cartersville Historic Preservation Commission
10 N. Public Square
P.O. Box 1390
Cartersville, Georgia 30120**

September 23, 2022

Hudson & Company, Inc.
PO Box 367
Cartersville, GA 30120

RE: COP22-17. 32 Cassville Rd. Hearing Results Letter.

Mr. Hudson,

This letter confirms the outcome of your Certificate of Preservation (COP) application to the Cartersville Historic Preservation Commission (HPC) for property located at 32 Cassville Rd. On September 20th, 2022 the HPC **approved with a condition** the following task item per the HPC Application:

1. Allow a 6ft privacy fence, approximately 100ft. in length, to extend into the front yard near Charles St with a condition that the privacy fence have pickets on both sides.

If you modify or make additions to the approved scope of work, you must reapply to the Historic Preservation Commission and receive approval before continuing the project.

A variance is also required for the privacy fence. The variance, V22-19, will be reviewed by the Board of Zoning Appeals on Oct. 13th at 5:30pm.

On September 20th, 2022 the HPC **denied** the following per the HPC Application:

1. Remove the existing condition on the property originating from COP20-32 that prohibits the addition of a fence around the perimeter of the property.

You may appeal this decision to City Council within 30 days of the hearing date. Contact me for instructions.

If you have any questions, please contact me directly or by calling the City of Cartersville Planning Department at 770-387-5600.

Sincerely,

A handwritten signature in blue ink that reads 'David Hardegree'.

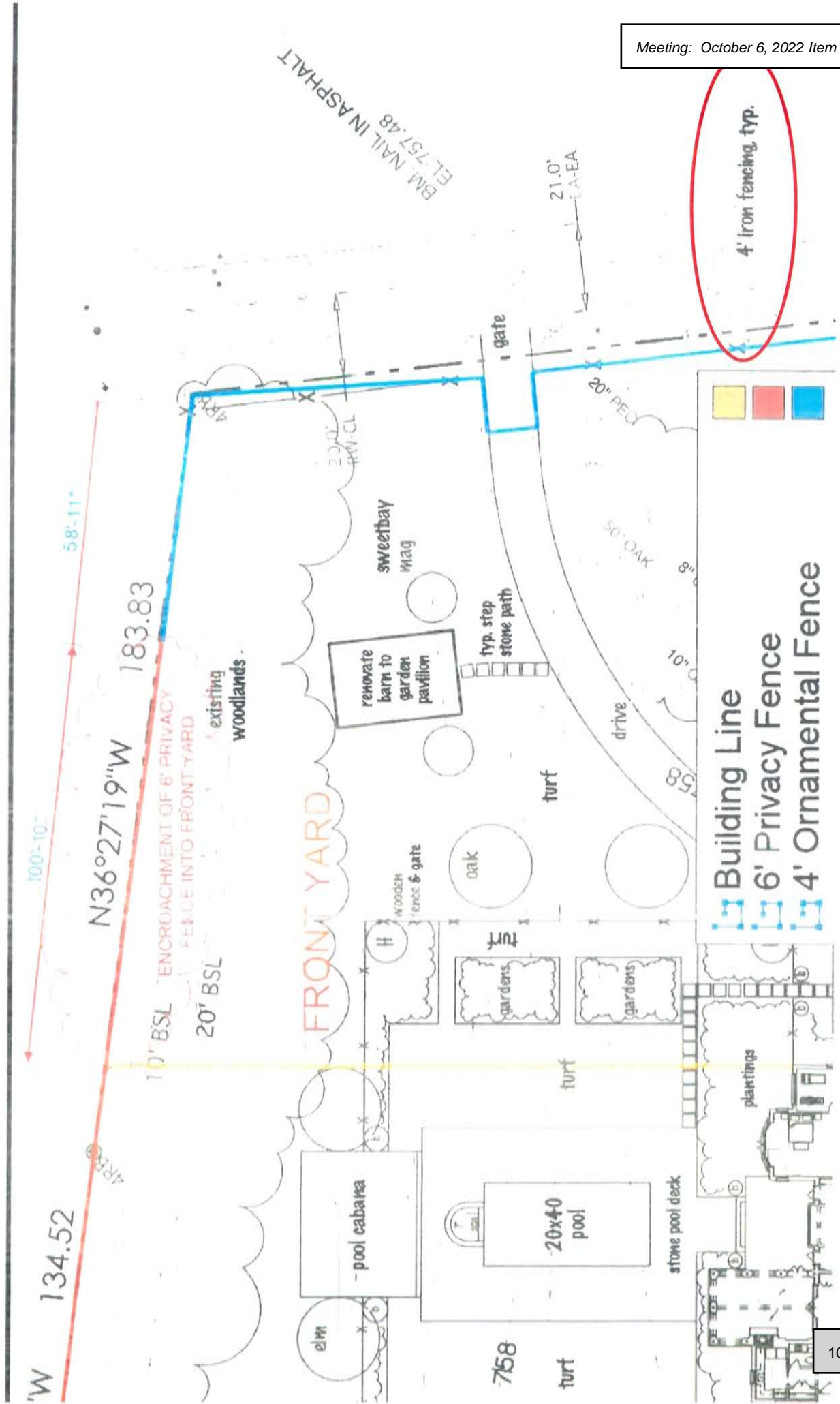
David Hardegree, AICP
City Planner
O: 770-387-5614

dhardegree@cityofcartersville.org

4' Iron fencing, typ.



Building Line
6' Privacy Fence
4' Ornamental Fence



36.00 x 24.00



← 24 Charles St Cartersville, Georgia

STOP 6' PRIVACY FENCE



Google Earth

© 2022 Google







STOP 6' PRIVACY FENCE



A. In all zoning districts:

1. No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic.
2. No fence or wall, including retaining walls, shall be constructed of exposed concrete block, tires, junk or other discarded materials.
3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.
4. The wall standards as stated in this section shall not apply to retaining walls approved by the plan review process for planned developments.

 B. In all residential and commercial zoning districts:

-  1. Any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator.
-  2. Fences and walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard.
3. Chain-link fencing material may be used in the front yard with prior approval of a variance by the board of zoning appeals. No variance is required if chain link fencing material is used in a side or rear yard.
-  4. For a corner lot or double frontage lot, a screening or opaque fence may be installed to the rear of the principal structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.
5. Razor wire (ribbon) shall be prohibited.

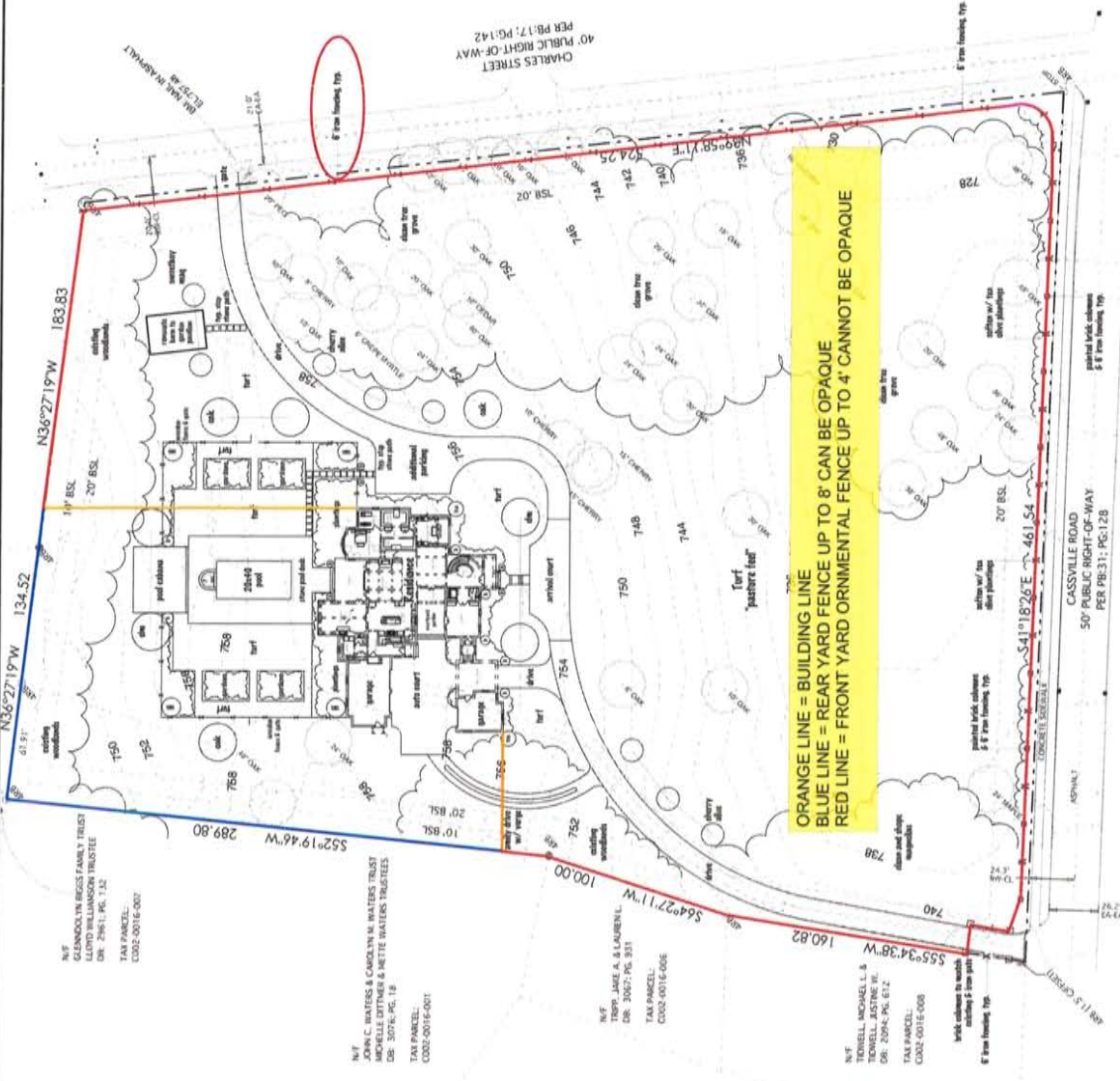
C. In all industrial zoning districts:

1. Fences or walls shall not exceed (8) feet in height in front, side and rear yards.

(Ord. No. 20-21, § 1, 4-1-2021)



General Notes:
 b - American hollywood
 h - Holly
 T - Tax olive
 P - Primrose - to be concrete
 C - Concrete - painted brick to match house



ORANGE LINE = BUILDING LINE
BLUE LINE = REAR YARD FENCE UP TO 8' CAN BE OPAQUE
RED LINE = FRONT YARD ORNAMENTAL FENCE UP TO 4' CANNOT BE OPAQUE

Overall Site Plan
 Evans - 32 Cassville Road, Carr

Calvin & Tammy Evans Residence
 32 Cassville Road
 Cartersville, Georgia
 30120

E. Graham Pittman, P.L.A., R.L.A.
 Landscape Architect
 email: graham.pittman@gmail.com
 1217 John Pugham Pkwy, SW - Marietta, Georgia 30064 - Office/Mo: 770-448-8814



Scale: 1:50
 Drawing Date: 11.18.2020
 68906
 000005152



Permits are the responsibility of the Owner.
 • Permits within stream waters must acquire the appropriate variance/permit. (by Owner)
 • Contractor responsible for obtaining all utilities before start of any construction.
CALL 800-SAFE-WR - CALL 811!

NOTES:
 Preliminary Design for construction
 Construction Document

This drawing is a guide for services to be used and does not constitute a contract. The Contractor is responsible for verification of all dimensions and existing conditions at this site before proceeding with all phases of his work. The Contractor shall be responsible for obtaining all necessary permits and approvals. The Contractor's responsibility to verify structures & topography with an Engineer or Consultant. The Contractor shall be responsible for obtaining all necessary permits and approvals. The Contractor shall be responsible for obtaining all necessary permits and approvals. The Contractor shall be responsible for obtaining all necessary permits and approvals.

Historic Preservation Commission Meeting
10 N. Public Square
December 15, 2020
5:30 P.M.

I. Opening Meeting

Call to order by Chairman Frisbee

Present: Greg Frisbee, Becky Carr, Jeff Glover, Vandi White, Brad Galland, Lynne Pritchett
Staff Present: Randy Mannino, Samantha Fincher, Meredith Ulmer, and Keith Lovell
Absent: Larry Gregory

1. Call to Order

2. Approval of Minutes

Chairman Frisbee called for a motion to approve the minutes of the last meeting. A motion to approve the meeting minutes from November 17, 2020 with the correction of the meeting date and the vote count was made by Board Member Glover and seconded by Board Member Carr. Motion carried unanimously. Vote: 5-0. Board Member Galland was absent during this time.

3. New Business:

A. COP20-32: 32 Cassville Rd Scope: Approval/denial of demolition and new construction plans

Chairman Frisbee called for the next item on the agenda. Meredith Ulmer, Assistant City Planner gave an overview of the application. The applicant wishes to demolish the existing home, carport, smokehouse, and guest quarters. An effort will be made to save the carriage house. A new neoclassical style home, with Italianate and Palladian influences is proposed to be constructed on the site of the existing home.

John B. Hudson, owner of Hudson & Company, Inc. and applicant on behalf on Calvin and Tammy Evans came forward in favor of the application. Mr. Hudson explained that the home and accessory structures have been severely neglected. The home suffers from water problems, foundation, and structural issues. The entire mechanical system would need to be replaced. Mr. Hudson and Mr. Evans agreed that the cost to rehabilitate outweighed what could be ever be recouped. Therefore, felt the home and accessory structures needed to be demolished. Pictures of the homes existing condition were provided to the board. The proposed home will fit the neighborhood, size and scale. If unable to save the carriage house, a replica will be constructed in its place.

Chairman Frisbee opened the floor for discussion.

Preston Holloway, 223 W Cherokee Ave came forward against the application. Mr. Preston stated it would be shameful to demolish a home that has been in the neighborhood over 100 years feared if approved it would set a precedent. Homeowners of historic homes should anticipate spending more money to upkeep their property. An inspection of the home prior to purchase would have determined the need for repairs. It is the duty of the residents and Historic Preservation Board to preserve and protect the historic charm of the district.

Chip Shropshire, 39 Cassville Road came forward and stated he has lived in the area for 20 years and felt torn about the application. Mr. Shropshire was pleased with the new home proposal, but also feared a demolition would set a precedent.

Boyd Pettit, 37 Green Street came forward and stated he would love to believe that the home could be restored, but appreciates that the applicant has proposed to build a home that fits the neighborhood. Mr. Pettit thanked the Board for their service.

Becky Champion, 55 Cassville Road came forward against the demolition. She would like to see the home restored. Mrs. Champion thanked the Board for their service.

Calvin Evans, owner of 32 Cassville Road came forward in favor of his application. Mr. Evans stated he does not take lightly of the demolition request as he respects the historic value of the home. His original intent was to restore, but plans have shifted. The proposed home will be very similar to the current home and will keep the historic integrity. Mr. Evans thanked the board and his neighbors.

Chairman Frisbee stated demolition requests are the most difficult to consider and the Board is tasked with a difficult decision. Hardships, and the current condition of the home will be taken into consideration.

Chairman Frisbee opened the floor for the Commission.

Board Member Glover stated he is not thrilled with the demolition request. He would like to see more details of what it would take to restore.

Board Member Pritchett asked Mr. Evans if he has had a second opinion or a cost estimate of the repairs. Mr. Hudson stated he has not provided a cost estimate because it is impossible to predict all the variables that could be uncovered during a restoration.

Board Member Galland stated he walked through the property in the past and confirmed it was in rough shape.

Board Member White stated the once beloved home had lost its integrity over the years after all the additions and became a burden. The proposed home fits and doesn't take away from the historic charm.

The Board discussed that they would handle the application as two requests. The demolition, and whether the proposed home is compatible.

Keith Lovell, City Attorney reminded the Board they have 45 days to take action upon receiving application. The application was accepted November 20, 2020 so it may not be practical to hold another meeting within the 45 days due to the approaching holidays. If they feel as if they do not have enough information, they will need to deny the application and ask for a re-submittal.

Board Member White made a motion to approve the demolition of all structures on the property. Motion was seconded by Board Member Galland. Motion carried. Vote: 4-2. Board Member Carr and Glover opposed.

Mr. Hudson came forward and stated the proposed home will be influenced by the original time period. Not much dirt will be disturbed, as the new home will be in the same location. The current home is 5,700 square foot and the proposed home is 6,200.

→ Michael Tidwell, 23 Cassville Road came forward and stated it was a beautiful ← plan but was concerned with the proposed fence around the perimeter. Mr. Hudson said the fence was withdrawn from the original application submittal. The only fence on the property will be around the pool, because it is required.

Becky Champion came forward and asked if there was any language that could be added to the approval that would condition the approval to be site-plan specific.

→ Board Member Carr made a motion to approve the application as submitted with ← the condition that there will be no fencing around the perimeter and the approval is site plan specific. Motion carried. Vote:5-1. Board Member Glover opposed.

Mr. Lovell stated the applicant will need to make sure the site plan complies with zoning standards.

4. Staff or Commission Comments

Mrs. Ulmer stated Lillie Read, Downtown Development Director will attend the next Historic Preservation Meeting to discuss an upcoming art project.

Mr. Mannino stated David Hardegree, City Planner is doing exceptionally well for the circumstances and hopes to return to work in January.

5. Adjourn

Chairman Frisbee adjourned the meeting at 7:15 p.m. The next scheduled Historic Preservation meeting is Tuesday, January 19, 2020 at 5:30 PM.

/s/ 
Greg Frisbee
Chairman



**Cartersville Historic Preservation Commission
10 N. Public Square
P.O. Box 1390
Cartersville, Georgia 30120**

December 17, 2020

JB Hudson
32 Cassville RD
Cartersville, GA 30120

RE: COP20-32 – 32 Cassville RD

Mr. Hudson:

This letter confirms the outcome of your Certificate of Preservation (COP) application to the Cartersville Historic Preservation Commission (HPC) for property located at 32 Cassville RD. On Tuesday, December 15, 2020 the HPC **approved** the following items listed in the HPC Application:

- 1. Demolition of house, carport, smokehouse, and guest quarters.
- 2. Approval of proposed construction and landscape plans to be site plan specific.

Please make sure to apply for demolition and building permits prior to any demolition or construction.

If you modify or make additions to the approved scope of work, you must reapply to the Historic Preservation Commission and receive approval before continuing the project.

If you have any questions please contact me directly or by calling the City of Cartersville Planning Department at 770-387-5600.

Sincerely,

Meredith Ulmer
770-607-3947
mulmer@cityofcartersville.org



General
 1. A. Areas
 B. Utility
 1a - 1m

Primary:
 C. Concrete
 D. Asphalt
 E. Gravel
 F. Earth

Meeting: October 6, 2022 Item 8.

Evans - 32 Cassville Road



Calvin & Tammy Evans Residence
 32 Cassville Road
 Cassville, Oregon
 97120

E. Graham Pittman, B.L.A., R.L.A.
 Landscape Architect

email: graham.pittman@gmail.com

1117 John Taylor Drive SW, Macon, Georgia 31206 - (706) 855-2333



82002
 +90820257152

Drawing Date:
 11/18/2020

Scale: 1" = 30'

responsibility of the Owner
 for the service water accept the
 same) per the City of
 contract for the location of
 - CALL 811!

ry Page (Not for construction)
 Plans
 See Enclosure

The architect is not responsible for the
 accuracy of the information provided
 on the part of the client or the
 utility or construction of the
 work. The architect is not
 responsible for the accuracy of
 the information provided on the
 part of the client or the utility
 or construction of the work.

- (a) *Approval of alterations in historic districts or involving historic properties.* After the designation by ordinance of a historic property or of a historic district, no demolition or material change in the exterior appearance of such historic property, or of a structure, site, object, or work of art within such historic district, shall be made or permitted to be made by the owner or occupant thereof, until a certificate of preservation has been granted by the commission.
- (b) *Approval of new construction within designated districts.* After the designation by ordinance of a historic district, all new structures constructed within a designated historic district shall require a certificate of preservation which the commission shall issue if these structures conform in design, scale, building materials, setback, and landscaping features to the character of the district specified in the design criteria developed by the commission.
- (c) *Guidelines and criteria for certificates of preservation.* When considering application for certificates of preservation for historic districts and historic properties, the commission will develop design guidelines specifically for the City of Cartersville to use in evaluating applications for certificates of preservation. See section 9.25-34 for developing design guidelines.
- (d) *Submission of plans to commission.* An application for a certificate of preservation shall be accompanied by such drawings, photographs, plans, or other documentation as may be required by the commission. Applications involving demolition or relocation shall be accompanied by post-demolition or relocation plans for the site. An application for a certificate of preservation shall be accompanied by a non-refundable fee in the amount of twenty-five dollars (\$25.00).
- (e) *Commission reaction to application for certificates of preservation.*
 - (1) The commission shall approve or approve with conditions the application and issue a certificate of preservation if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the historic, or architectural significance of the historic property or historic district. In making this determination, the historic preservation commission shall consider, in addition to other pertinent factors, the historical and architectural significance, architectural style, general design arrangements, texture, and material of the architectural features involved, and the relationship thereof to the exterior architectural style, and pertinent features of the other structures, buildings, objects, or works of art in the immediate neighborhood.
 - (2) The commission shall deny a certificate of preservation if it finds that the proposed new construction or material change(s) in the appearance of an existing structure(s) would have substantial adverse effects on the historic, or architectural significance of the historic property or the historic district. A certificate of preservation may not be denied on the basis of exterior paint color.
- (f) *Necessary action to be taken by commission upon rejection of application for certificate of*

preservation.

- (1) In the event the commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
 - (2) In cases where the application covers a material change in the appearance of a structure, building, object, or work of art which would require the issuance of a building permit, the rejection of the application for a certificate of preservation by the commission shall be binding upon the building official or other administrative officer charged with issuing building permits, and in such a case, no building permit shall be issued.
- (g) *Public hearings on applications for certificates of preservation, notices, and right to be heard.* At least seven (7) days prior to review of an application for certificate of preservation, the commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected by reason of the application, and shall give applicant and such owners an opportunity to be heard. In cases where the commission deems it necessary, it may hold a public hearing concerning the application.
- (h) *Interior alterations.* In its review of applications for certificates of preservation, the commission shall not consider interior arrangements, use, or finish having no effect on exterior architectural features.
- (i) *Technical advice.* The commission shall have the power to seek technical advice from outside its members on any application.
- (j) *Deadline for approval or rejection of application for certificate of preservation.*
- (1) The commission shall approve, approve with conditions, or deny an application for certificate of preservation within forty-five (45) days after the filing of a complete application by the owner or authorized agent of a historic property, or of a structure, site, object, or work of art located within a historic district. An application will not be considered filed until all required information is submitted with the application. Evidence of approval shall be a certificate of preservation issued by the commission. Failure of the commission to act with such forty-five (45) days shall constitute approval and no other evidence of approval shall be needed.
- (k) *Undue hardship.* Where, by reason of unusual circumstance, the strict application of any provision of this chapter would result in the exceptional practical difficulty or undue hardship upon any owner of a specific property, the commission, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of such provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of

said provisions, so that the architectural or historical integrity, or character, be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this chapter. An undue hardship shall not be a situation of the person's own making.

(l) *Requirements of conformance with certificates of preservation.*

- (1) All work performed pursuant to an issued certificate of preservation shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the building official shall issue a cease and desist order and all work shall cease.
- (2) The city council shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district except those changes made in compliance with the provisions of this chapter or to prevent any illegal act or conduct with respect to such historic property or historic district.

(m) *Certificate of preservation void if construction not commenced.* A certificate of preservation shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of preservation shall be issued for a period of eighteen (18) months and are renewable.

(n) *Recording of applications for certificates of preservation.* The commission shall keep a public record of all applications for certificates of preservation, and all of the commission's proceedings in connection with said application.

(o) *Acquisition of property.* The commission may, where such action is authorized by the city council and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, of the property or any interest therein.

(p) *Appeals.* Any person adversely affected by any determination made by the commission relative to the issuance or denial of a certificate of preservation may appeal such determination to the city council. Any such appeal must be filed with the city council within thirty (30) days after the issuance of the determination pursuant to section 9.25-34(j)(1) of this chapter. The city council may approve, modify, or reject the determination made by the commission, if the governing body finds that the commission abused its discretion in reaching its decision. Appeals from decision of the city council may be taken to the Superior Court of Bartow County in the manner provided by law for appeals from conviction for city ordinance violations.

(Ord. No. 19-01, § IV, 5-17-01; Ord. No. 47-04, § 6, 6-17-04)



DESIGN STANDARDS FOR STRUCTURES CONTRIBUTING TO THE RESIDENTIAL HISTORIC DISTRICTS

Effective Date: April 1, 2004
Revised March 5, 2020

INTRODUCTION

The following Residential Design Standards are intended to identify the character-defining features of a site or structure used in determining the compatibility of the proposed alteration, repair, renovation, rehabilitation or restoration of an existing structure or the construction of a new structure regarding the appropriateness of the size, location, materials, style, rhythm, and any other quality deemed as contributing to the character of a historic property or structure as determined by the Historic Preservation Commission (Commission).

For items not addressed by the following standards or guidelines, the Commission will refer to the U.S. Department of the Interior, Secretary of the Interior Standards for the Treatment of Historic Properties, latest edition, for guidance.

In filing for a Certificate of Preservation all standards shall be complied with and so demonstrated on said application and supporting documentation. Guidelines, as indicated herein, may or may not be demonstrated in the application or supporting documentation for a Certificate of Preservation. Maintenance recommendations, if any, are included for informational purposes only and are not required to be included in an application for a Certificate of Preservation and, as such, shall not be considered by the Commission in reviewing said applications.

Generally:

1. It is not appropriate to introduce structures or contemporary equipment such as satellite dishes, solar collectors, playground equipment, heating and air units, storage units, and swimming pools, in locations that compromise the historic character of the building or site. Locate such features unobtrusively, and screen them from view.
2. When planning to alter the topography of a site substantially through grading, filling, or excavation, one shall contact the Cartersville Planning and Development Department to confirm that the proposed changes comply with the city building code and development regulations.
3. When remodeling historic structures or constructing new structures in historic districts, care shall be taken in retaining and preserving the historic relationship between buildings and related features of the district, to include but not be limited to, site topography, retaining walls, foundation plantings, hedges, walkways, driveways, parking lots, trees, gardens, yards, arbors, ground cover, fences, accessory buildings, patios, terraces, and significant vistas and views.

PART ONE—MAINTAINING, REPAIRING, AND REPLACING EXISTING STRUCTURES

A. Wood:

1. Repair historic wooden features using the recognized preservation methods for patching, consolidating, splicing, and reinforcing.
2. If replacement of a deteriorated detail or element of a wooden feature is necessary, replace only the deteriorated detail or element in kind rather than the entire feature. Match the original detail or element in design, dimension, texture, and material. Use compatible substitute materials only if using the original material is not feasible.
3. If replacement of an entire wooden feature is necessary, replace it in kind, matching the original in design, dimension, detail, and texture. Use compatible substitute materials only if using the original material is not feasible.
4. If a wooden feature is completely missing, replace it with a new feature based on accurate documentation of the original feature or a new design compatible in scale, size, material, and texture with the historic building and district.
5. One shall not clean wooden features and surfaces with destructive methods such as sandblasting, power washing, and using propane or butane torches. Clean using gentle methods such as low-pressure washing with detergents and natural bristle brushes. Chemical strippers can be used only if gentler methods are ineffective.
6. One shall not strip historically painted surfaces down to bare wood and apply clean stains or finishes to create a natural wood appearance.
7. One shall not replace painted wooden siding that is sound with new siding to achieve a uniformly smooth wooden surface.
8. One shall not replace or cover wooden siding, trim, or window sashes with contemporary substitute materials such as aluminum, masonite or vinyl without approval from the Commission. However, in order to maintain continuity, material for additions, as well as out buildings, shall closely match the house.
9. One shall not introduce wooden features or details to a historic building to create a false historic appearance.
10. Preserve wooden features that contribute to the overall historic character of a building and site, including such functional and decorative elements as siding, shingles, cornices, architrave, brackets, pediments, columns, balustrades, and architectural trim.
11. During rehabilitation and/or repair which requires a Certificate of Preservation, the following standards shall be observed.
 - a. When retaining and cleaning painted surfaces, it is required that the gentlest means possible be used. It is further required that historic structures be painted only when the paint film is damaged or deteriorated.
 - b. Protect and maintain wooden surfaces and features through appropriate methods. Inspect for and repair signs of moisture damage, mildew, and fungal or insect infestation. Keep wooden joints properly sealed or caulked to prevent moisture infiltration.
 - c. Treat traditionally unpainted, exposed wooden features with chemical preservatives to prevent or slow their decay and deterioration.
 - d. Retain protective surface coatings, such as paint, to prevent damage from ultraviolet light and moisture.

Examples of appropriate wooden structures:



These examples of wooden brackets, column capitals, dentils and bargeboard have been well maintained and are appropriate for the historical district.



B. Masonry:

1. Retain and preserve masonry features that contribute to the overall historic character of a building and a site, including walls, foundations, roofing materials, chimneys, cornices, quoins, steps, buttresses, piers, columns, lintels, arches, and sills.
2. Protect and maintain historic masonry materials, such as brick, terra cotta, limestone, granite, stucco, slate, concrete, cement block, and clay tile, and their constructive features, including bond patterns, corbels, water tables, and unpainted surfaces.
3. Repair historic masonry surfaces and features using recognized preservation methods for piecing-in, consolidating, patching damaged or deteriorated masonry. One shall not apply a waterproof coating to exposed masonry.
4. Repoint masonry mortar joints if the mortar is cracked, crumbling, or missing or if damp walls or damaged plaster indicate moisture penetration.

5. Before repointing, carefully remove deteriorated mortar using hand tools. Replace the mortar with new mortar that duplicates the original in strength, texture, and composition. Match the original mortar joints in width and profile.
6. If replacement of a deteriorated detail, module, or element of a masonry feature or surface is necessary, replace only the deteriorated portion in kind rather than the entire surface or feature. Use compatible substitute materials only if using the original material is not technically feasible.
7. If replacement of a large masonry surface or entire feature is necessary, replace it in kind, with matching, substitute materials only if using the original material is not technically feasible.
8. If a masonry feature is completely missing, replace it with a new feature based on accurate documentation of the original feature or a new design compatible with the scale, size, and material of the historic building and district.
9. One shall not paint, coat, or waterproof unpainted masonry surfaces. Do not sandblast exterior surfaces. Use the gentlest means possible to clean exterior materials.
10. During rehabilitation and/or repair which requires a Certificate of Preservation, the following standards shall be observed:
 - a. Inspect surfaces and features for signs of moisture damage, vegetation, structural cracks or settlement, deteriorated mortar, and loose or missing masonry units.
 - b. Provide adequate drainage to prevent water from standing on flat, horizontal surfaces, collecting on decorative elements or along foundations and piers, and rising through capillary action.
 - c. Clean masonry only when necessary to remove heavy soiling or prevent deterioration. Use the gentlest means possible.
 - d. Repaint painted masonry surfaces when needed.
 - e. Test any cleaning technique, including chemical solutions, on an inconspicuous sample area well in advance of the proposed cleaning to evaluate its effects. One shall not clean masonry features and surfaces with destructive methods, including sandblasting, high-pressure water blasting, and power washing.

Examples of masonry:



C. Architectural Metals

1. Retain and preserve architectural metal features that contribute to the overall historic character of a building and a site, including such functional and decorative elements as roofing, flashing, cornices, railings, hardware, casement windows, and fences.
2. Retain and preserve architectural metals, such as copper, tin, brass, cast iron, wrought iron, lead, and terneplate, which contribute to the overall historic character of the district.
3. If replacement of deteriorated detail or element of an architectural metal feature is necessary, replace only the deteriorated portion in kind rather than the entire feature. Match the original detail or element in design, dimension, texture, and material. Use compatible substitute materials as determined by the Commission only if using original materials is not technically feasible.
4. If replacement of an entire architectural feature is necessary, replace it in kind, matching the original feature in design, dimension, detail, texture, and material. Use compatible substitute materials as determined by the Commission only if using original materials is not technically feasible.
5. If an architectural metal feature is completely missing, replace it with a new feature based on accurate documentation of the original design or a new design compatible in scale, size, and material with the historic building and district.
6. Repair deteriorating architectural metal features and surfaces using recognized preservation methods for splicing, patching, and reinforcing.
7. One shall not introduce architectural metal features or details to a historic building in an attempt to create a false historical appearance.
8. One shall not patch metal roofs or flashing with tar or asphalt products.
9. During rehabilitation and/or repair which requires a Certificate of Preservation, the following standards shall be observed:
 - a. Protect and maintain architectural metal surfaces and features through appropriate methods:
 1. Inspect for signs of moisture damage, corrosion, structural failure or fatigue, galvanic action, and paint film failure.
 2. Provide adequate drainage to prevent water from standing on flat, horizontal surfaces and collecting on decorative elements.
 3. Clear metal roofs and gutters of leaves and debris.
 - b. Retain protective surface coatings, such as paint and lacquers, to prevent corrosion.
 - c. Clean when necessary to remove corrosion or to prepare for recoating. Use the gentlest effective method.
 - d. Repaint promptly when paint film deteriorates.
 - e. Clean soft metals, including lead, tin, terneplate, and copper, with chemical solutions after pretesting them to ensure that they do not damage the metal surface. It is not appropriate to clean soft metal surfaces with destructive methods like grit blasting.
 - f. Clean hard metals such as cast iron, wrought iron, and steel using the gentlest means possible. Consider low-pressure glass bead blasting only if hand scraping and wire brushing have been ineffective.



Architectural metals were historically utilized for several building features, including roof materials, fences, and porches.



D. Paint:

1. Preserve and protect original exterior building surfaces and site features that were painted by maintaining a sound paint film on them.
2. One shall not paint brick, stone, copper, bronze, concrete, or cement block surfaces that were historically unpainted. Do not sandblast exterior surfaces. Use the gentlest means possible to clean exterior materials.
3. One shall not replace painted wooden siding that is sound with new siding to achieve a uniformly smooth wooden surface.
4. One shall not remove paint films through destructive methods such as sandblasting, water blasting, power washing, or the use of propane or butane torches.
5. During rehabilitation and/or repair which requires a Certificate of Preservation, the following standards shall be observed:
 - a. Protect and maintain previously painted exterior surfaces in appropriate ways:
 1. Inspect painted surfaces for signs of discoloration, moisture damage, mildew, and dirt buildup.
 2. Clean painted surfaces to avoid unnecessary repainting. Use the gentlest means possible.
 3. Remove deteriorated and peeling paint films to the first sound paint layer before repainting. Use the gentlest means possible, such as hand scraping and hand sanding. Use electric heat guns and plates with caution and only if gentler methods are ineffective.
 4. Ensure that surfaces to be repainted are clean and dry, and that any exposed wood or metal surface has been primed so that new paint will bond properly.
 - b. Repaint previously painted surfaces with compatible paint.

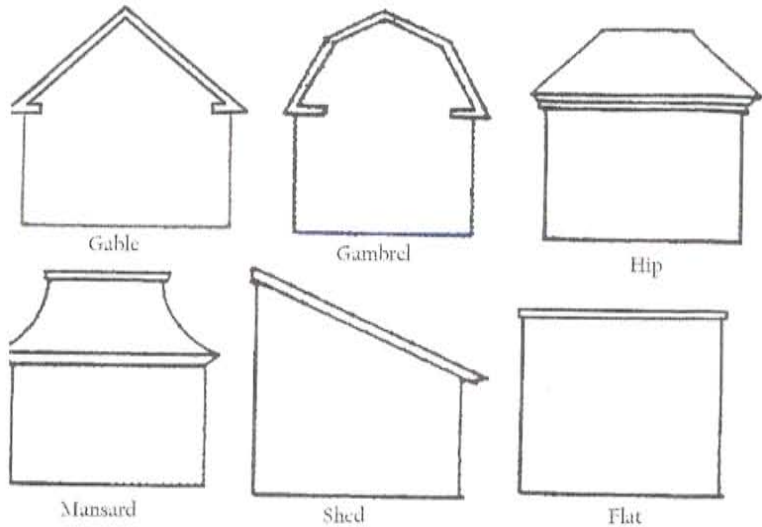
E. Roofs:

1. Retain and preserve roofs and roof forms that contribute to the overall historic character of a building, including their functional and decorative features, such as roofing materials, cresting, dormers, chimneys, cupolas, and cornices, unless approved by the Commission. 17
- 17
2. If replacement of a partially deteriorated roof feature is necessary, replace only the deteriorated portion in kind to match the original feature in design, dimension, detail, and material. Use compatible substitute materials as determined by the Commission only if using original materials is not technically feasible.
3. If full replacement of a deteriorated historic roofing material or feature is necessary, replace it in kind, matching the original in scale, detail, pattern, design, and material. Use compatible substitute materials as determined by the Commission only if using original materials is not technically feasible.
4. If a roof feature is completely missing, replace it with a new feature based on accurate documentation of the original feature or a new design compatible in scale, size, and material, with the historic building and district.

5. One shall not remove a roof feature that is important in defining the overall historic character of a building rather than repair and replace it.
6. If new gutters and downspouts are needed, install them so that no architectural features are lost or damaged. Retain the shape of traditional half-round gutters and downspouts if replacing them.
7. One shall not replace concealed, built-in gutter systems with exposed gutters.
8. One shall not introduce new roof features such as skylights, dormers, or vents if they will compromise the historic roof design, or damage character-defining roof materials or the character of the historic district.
9. One shall not install ventilators, solar collectors, antenna, skylights, or mechanical equipment in locations that compromise character defining roofs or on roof slopes prominently visible from the street.
10. One shall not install exposed tarpaper rolls as a finished roofing material or roofing tar as a replacement for valley flashing.
11. One shall not patch any roofing or flashing with tar or asphalt product.
12. During rehabilitation and/or repair which requires a Certificate of Preservation, the following standards shall be observed:
 - a. Protect and maintain the metal, wooden, and masonry elements of historic roofs through appropriate methods:
 1. Inspect for signs of deterioration and moisture penetration.
 2. Clean gutters and downspouts to ensure proper drainage.
 3. Replace deteriorated flashing as necessary.
 4. Reapply appropriate protective coats to metal roofs as necessary.
 5. Maintain adequate ventilation of roof sheathing to prevent moisture damage.
 6. Ensure that roofing materials are adequately anchored to resist wind and water.
 7. Re-fasten loose (or replace damaged) shingles, slates, or tiles.
 - b. Repair historic roofs and their distinctive features through recognized preservation methods for resetting or reinforcing.



Principal Roof Types



F. Exterior Walls:

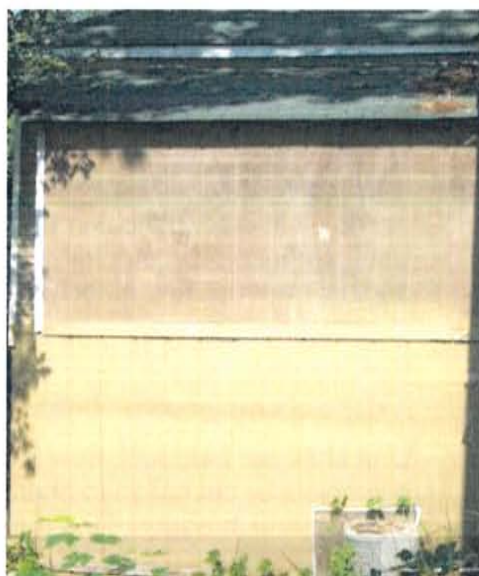
1. Retain and preserve exterior walls that contribute to the overall historic form and character of a building, including their functional and decorative features, such as cornices, foundations, bays, quoins, arches, water tables, brackets, and entablatures.
2. Retain and preserve exterior wall materials that contribute to the overall historic character of a building, including brickwork, stucco, stone, wooden shingles, wooden siding, asbestos siding, and metal, wooden, or masonry trim work.
3. Repair exterior wall surfaces, details, and features using recognized preservation repair methods for the surface material or coating.
4. If the replacement of a deteriorated detail or element of an exterior wall is necessary, replace only the deteriorated portion in kind rather than the entire feature. Match the original in design, dimension, detail, texture, pattern, and material. Use compatible substitute materials as determined by the Commission only if using original materials is not technically feasible.
5. If replacement of an entire exterior wall or feature is necessary because of deterioration, replace it in kind, matching the original in design, dimension, detail, texture, and material. Use compatible substitute materials as determined by the Commission only if using original materials is not technically feasible.
6. If an exterior wall or feature is completely missing, replace it with a new wall or feature based on accurate documentation of the original or new design compatible with the historic character of the building and the district.
7. One shall not introduce new features such as window or door openings, bays, vents, balconies, or chimneys to character-defining exterior walls if this will compromise the architectural integrity of the building.

8. One shall not remove or cover any material detail associated with exterior walls, including decorative shingles, panels, brackets, bargeboards, and corner boards unless supported by historic documentation.
9. One shall not cover historic wall material, including wooden siding, wooden shingles, stucco, brick, and stonework, with coatings or contemporary substitute materials.
10. It is not appropriate to introduce features or details to an exterior wall that would create a false historical appearance.

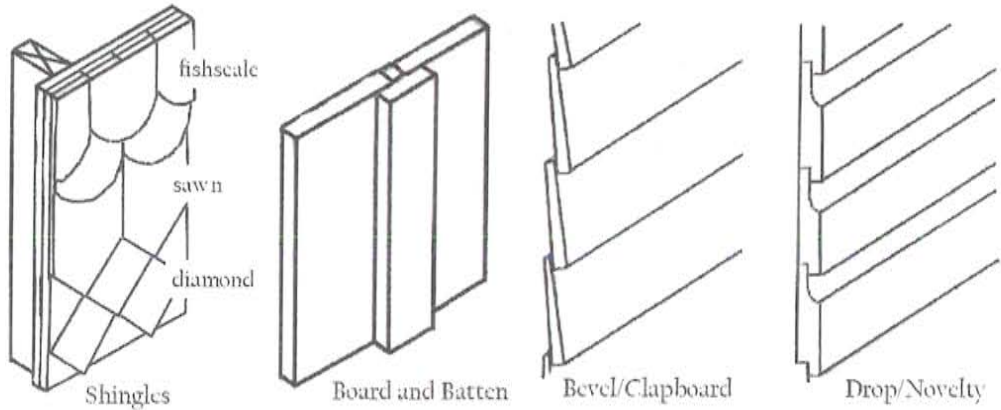
Examples of appropriate exterior walls



Examples of inappropriate exterior walls



Wood Exterior Cladding Types



G. Driveways, Walkways, and Off-Street Parking:

During rehabilitation and/or repair which requires a Certificate of Preservation the following standards shall be observed:

- a. Driveways, walkways and off-street parking should be gravel, brick, concrete, or paved with appropriate textured asphalt.
- b. Care should be taken not to injure nearby trees by intruding on the root areas.
- c. Design new driveways, walkways to be compatible in location, spacing, configuration, and dimension with existing walkways and driveways that contribute to the overall historic character of the district.
- d. One shall not locate new parking areas where they are visible from the street, or to significantly alter the proportion of built area to yard area.
- e. One shall not locate parking where it will obstruct the principal structure.





H. Lighting:

During rehabilitation and/or repair which requires a Certificate of Preservation, the following standards shall be observed:

- a. Lighting of walkways, driveways and off-street parking shall retain and preserve mechanically sound exterior fixtures that contribute to the overall historic character of a building, site or streetscape.
- b. If replacing missing or deteriorated historical exterior fixtures, replace with fixtures that are similar in appearance, scale, and material to the original.
- c. The introduction of indiscriminate permanent area lighting, illuminating facades of houses with harsh floodlight, or creating a runaway effect with multiple footlights along front walks is not allowed unless approved by the Commission.

Appropriate residential lighting



I. Windows and Doors:

1. Retain and preserve windows that contribute to the overall historic character of a building, including their functional and decorative features, such as frames, sash, muntins, sills, heads, moldings, surrounds, hardware, shutters, and blinds.
2. Retain and preserve doors that contribute to the overall historic character of a building, including their functional and decorative features, such as frames, glazing, panels, sidelights, fanlights, surrounds, thresholds, and hardware.
3. If replacement of a deteriorated window or door feature or detail is necessary, replace only the deteriorated feature in kind rather than the entire unit. Match the original in design, dimension, and material. Use compatible substitute materials as determined by the Commission only if using original materials is not technically feasible.
4. If replacement of a deteriorated window or door unit is necessary, replace the unit in kind, matching the design and dimension of the original sash or panels, pane configuration, architectural trim, detailing, and materials. Use compatible substitute materials as determined by the Commission only if using original materials is not technically feasible.
5. If a window or a door is completely missing, replace it with a new unit based on accurate documentation of the original or a new design compatible with the original opening and the historic character of the building.
6. Replace deteriorated or missing wooden shutters with historically appropriate wooden shutters sized to fit the opening. Do not introduce shutters on a historic building if no evidence of earlier shutters exists.
7. If additional windows and doors are necessary for a new use, install them on a rear or non-character-defining facade of the building, but only if they do not compromise the architectural integrity of the building. Design such units to be compatible with the overall design of the building, but not to duplicate the original.
8. One shall not remove original doors, windows, shutters, hardware, and without approval from the Commission.
9. One shall not remove any detail material associated with windows and doors, such as stained glass, beveled glass, textured glass, or tracery, unless supported by historic documentation.
10. One shall not use snap-in muntins to create false divided-light appearance.
11. One shall not replace clear glazing with tinted or opaque glazing.
12. During rehabilitation and/or repair which requires a Certificate of Preservation, the following standards shall be observed:
 - a. Protect and maintain the wood and metal elements of historic windows and doors through appropriate methods:
 1. Inspect regularly for deterioration, moisture damage, air infiltration, paint failure, and corrosion.
 2. Clean the surface using the gentlest means possible.
 3. Limit paint removal and reapply protective coatings as necessary.
 4. Reglaze sash as necessary to prevent moisture infiltration.
 5. Weather-strip windows and doors to reduce air infiltration and increase energy efficiency.
 - b. Repair historic windows and doors and their distinctive features through recognized preservation methods for patching, consolidating, splicing, and reinforcing.

- c. If desired, introduce narrow-profile exterior or interior storm windows so that they do not obscure or damage the existing sash and frame. Select exterior storm windows with a painted or baked-enamel finish that is compatible with the sash. For double-hung windows, operable storm window dividers should align with the existing meeting rail.
- d. If desired, introduce full-light storm doors constructed of wood or aluminum that do not obscure or damage the existing door and frame. Select storm doors with a painted, stained, or baked-enamel finish that is compatible with the existing door. Bare aluminum storm doors are not appropriate.
- e. If desired and where historically appropriate, install fabric awnings over window, door or porch openings with care to ensure that historic features are not damaged or obscured..

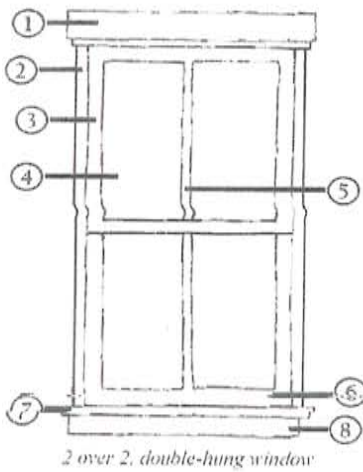
Example of appropriate doors:



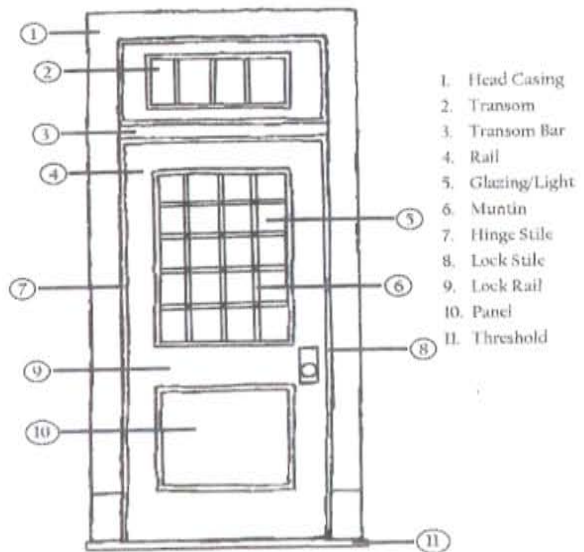
Example of appropriate windows:



Window Components



- | | |
|------------------|-----------|
| 1. Head | 5. Muntin |
| 2. Casing | 6. Rail |
| 3. Stile | 7. Stool |
| 4. Glazing/Light | 8. Sill |



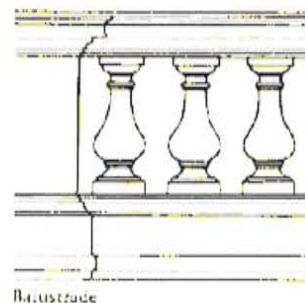
- | |
|------------------|
| 1. Head Casing |
| 2. Transom |
| 3. Transom Bar |
| 4. Rail |
| 5. Glazing/Light |
| 6. Muntin |
| 7. Hinge Stile |
| 8. Lock Stile |
| 9. Lock Rail |
| 10. Panel |
| 11. Threshold |

J. Entrances, Porches, and Balconies:

1. Retain and preserve entrances, porches, and balconies that contribute to the overall historic character of a building, including such functional and decorative elements as columns, pilasters, piers, entablatures, balustrades, sidelights, fanlights, transoms, steps, railings, floors, and ceilings.
2. When repairing historic entrances, porches, balconies and their distinctive features and materials, use recognized preservation methods for patching, consolidating, splicing, and reinforcing.
3. If replacement of a deteriorated detail or element of an entrance, porch or balcony feature is necessary, replace only the deteriorated detail or element in kind rather than the entire feature. Match the original in design, dimension, and material. Use compatible substitute materials as determined by the Commission only if using original materials is not technically feasible.
4. If replacement of an entire entrance, porch or balcony feature is necessary because of deterioration, replace in kind, matching the original in design, dimension, detail, texture, and material. Use compatible substitute materials as determined by the Commission only if using original materials is not technically feasible.
5. If a feature or an entire entrance, porch or balcony is missing, replace it with a feature based on accurate historic documentation or a new design compatible with the historic character of the building and the district.
6. One shall not enclose a front porch or balcony without approval from the Commission.
7. One shall not remove any detail material associated with entrances and porches, such as graining, spindle-work, beveled glass, or beaded board, unless supported by historic documentation.
8. One shall not remove an original entrance or porch or add a new entrance or porch on a primary facade.
9. One shall not introduce features or details to a historic entrance, porch or balcony that would create a false historical appearance.



- | | |
|-------------------|----------------|
| 1. Rafter | 7. Top Rail |
| 2. Cornice | 8. Bottom Rail |
| 3. Column Capital | 9. Pier |
| 4. Column | 10. Newel |
| 5. Column Base | 11. Riser |
| 6. Baluster | 12. Tread |



Examples of appropriate entrances, porches and balconies



Examples of inappropriate entrances, porches, and balconies



These front steps need to be replaced.



This porch has been enclosed which takes away from the historic character of the house.

K. UTILITIES AND ENERGY RETROFIT:

1. If a new mechanical system is needed, install it so that it causes the least amount of alteration to the building's exterior facades, historic building fabric, and site features.
2. Increase the thermal efficiency of historic buildings by observing appropriate traditional practices, such as weather stripping and caulking, and by introducing energy-efficient features, such as awnings, operable shutters, and storm windows and doors, where appropriate.
3. Retain and preserve the inherent energy-conserving features of historic buildings and their sites, including shade trees, porches, awnings, and operable windows, transoms, shutters, and blinds.
4. Locate portable window air-conditioning units on rear facades or inconspicuous side facades.
5. During rehabilitation and/or repair which requires a Certificate of Preservation, the following standards shall be observed:
 - a. If desired, introduce narrow-profile exterior or interior storm windows so that they do not obscure or damage the existing sash and frame. Select exterior storm windows with a painted or baked-enamel finish that is compatible with the sash. For double-hung windows, operable storm window dividers should align with existing meeting rails.
 - b. If desired, introduce full-light storm doors constructed of wood or aluminum that do not obscure or damage the existing door or frame. Select storm doors with a painted, stained, or baked-enamel finished that is compatible with the existing door. Bare aluminum storm doors and storm windows are not appropriate.
 - c. If desired and where historically appropriate, install fabric awnings over window, door or porch openings with care to ensure that historic features are not damaged or obscured.
 - d. In general, the introduction of underground utility lines to reduce the intrusion of additional overhead lines and poles is encouraged. However, in trenching, take care to avoid archaeological resources and the roots of trees.

Inconspicuous utility units



View from road



View from side

Inappropriate Examples:



L. ACCESSIBILITY, HEALTH, AND SAFETY CONSIDERATIONS:

1. In considering changes to a historic building, review accessibility and life safety code implications to determine if the proposed change is compatible with the building's historic character and setting or will compromise them.
2. Meet accessibility and life-safety building code requirements in such a way that the historic building's character-defining facades, features, and finishes are preserved.
3. Determine appropriate solutions to accessibility with input from the Commission, historic preservation specialists and local disability groups.
4. Introduce new or additional means of access that are reversible and that do not compromise the original design of a historic entrance or porch.
5. Work with code officials to explore alternative methods of equal or superior effectiveness in meeting safety code requirements while preserving significant historic features.
6. Locate fire doors, exterior fire stairs, or elevator additions on side or rear facades. Design such elements to be compatible in character, materials, scale, proportion, and finish with the historic building.

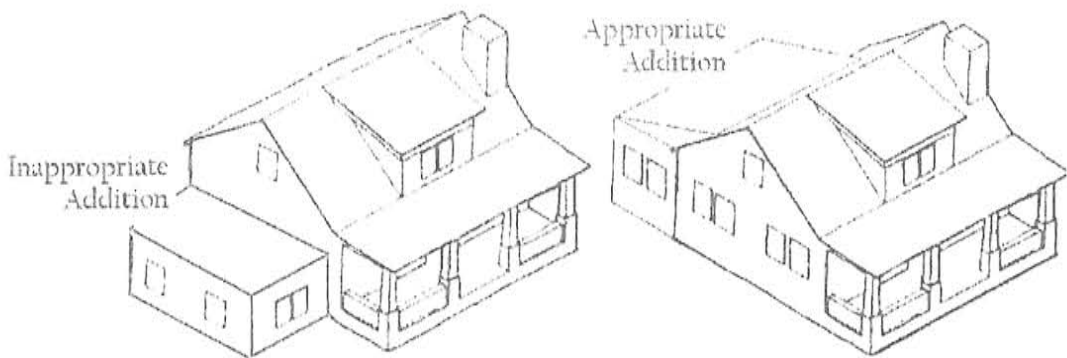


Locate accessibility and safety features in areas that do not compromise the architectural

M. Aesthetic recommendations:

1. Survey in advance and limit any disturbance to the site's terrain during construction to minimize the possibility of destroying unknown archaeological resources.
2. Protect large trees and other significant site features from immediate damage during construction and from delayed damage due to construction activities, such as loss of root area or compaction of the soil by equipment. It is especially critical to avoid compaction of the soil within the drip lines of trees.
3. Limit the size and scale of an addition in relationship to the historic building so that it does not diminish or visually overpower the building.

Addition Location:



Even though this addition is an appropriate location, it does not match the historic character of the house. To improve this, the new addition would need to be covered with rock, rather than siding.

PART TWO—ADDITIONS AND NEW BUILDING CONSTRUCTION

A. Additions to historic buildings:

1. Design an addition to be compatible with the historic building in mass, materials, and relationship of solids to windows and doors in the exterior walls, yet make the addition discernible from the original.
2. One shall not construct an addition if it will detract from the overall historic character of the principal building and the site, or if it will require the removal of a significant building element or site feature.
3. One shall not construct an addition that significantly changes the proportion of built mass to open space on the individual site.
4. Construct new additions so that there is the least possible loss of historic fabric and so that the character-defining features of the historic building are not destroyed, damaged, or obscured.
5. Design new additions so that the overall character of the site, site topography, character-defining site features, trees, and significant district vistas and view are retained.
6. Locate a new addition on an inconspicuous elevation of the historic building, usually the rear one.



New home that blends in well with the historic district.

B. New building construction:

1. New site construction shall be compatible with surrounding buildings that contribute to the overall character of the historic district in terms of orientation, and distance from adjacent buildings.
2. Design new construction so that the overall character of the site, site topography, character-defining site features, trees, and significant district vistas and views are retained.
3. Evaluate in advance and limit any disturbance to the site's terrain during construction to minimize the possibility of destroying unknown archaeological resources.
4. Design new buildings to be compatible with surrounding buildings that contribute to the overall character of the historic district in terms of height, form, size, scale, massing, proportion, and roof shape.

5. Design the proportion of the proposed new building's front facade to be compatible with the front facade proportion of surrounding buildings.
6. Design the spacing, placement, scale, orientation, proportion, and size of window and door openings in proposed new construction to be compatible with surrounding buildings that contribute to the special character of the historic district.
7. Select windows and doors for proposed new building that are compatible in material, subdivision, proportion, pattern, and detail with the windows and the doors of surrounding buildings that contribute to the special character of the historic district.
8. Select materials and finishes for proposed new buildings that are compatible with historic materials and finishes found in surrounding buildings that contribute to the special character of the historic district in terms of composition, scale, module, pattern, detail, texture, finish and sheen.
9. Design new buildings so that they are compatible with, but discernible from, historic buildings in the district.

Recommendations:

1. Protect large trees and other significant site features from immediate damage during construction and from delayed damage due to construction activities, such as loss of root area or compaction of the soil by equipment. It is especially critical to avoid compaction of the soil within the drip line of trees.

PART THREE—RELOCATION OF STRUCTURES

1. Before moving a historic structure, document its original setting and context. Use photographs, site plans, or other graphic or written statements to record existing site conditions.
2. Enlist contractors experienced in moving historic buildings to do the following:
 - a. Determine the structural condition of the property before the move.
 - b. Coordinate the move with the utility companies and appropriate city departments.
 - c. Protect the structure from vandalism or weather damage before, during and after the move.
 - d. Minimize structural damage during the move.
3. Relocate a structure within the historic district only if it is determined to be architecturally compatible with the adjacent buildings according to the guidelines for new construction.
4. Relocate a structure on a site within a historic district according to new construction guidelines for siting, orientation, plantings, and other pertinent aspects of site and setting.
5. Ensure that the relocation of a structure will not diminish or damage existing historic district buildings or the overall character of the district. Pay particular attention to the tree canopy along the route of the move.
6. Provide the HPC with site plan information for the proposed site features and plantings of the new setting, including information on accessory buildings, driveways, site lighting, and parking areas.
7. If the original site of the structure to be relocated is within a historic district, before the move, submit to the Commission a site plan for proposed site features and plantings of the original site after the relocation.

8. Protect significant site features of the original site, the new site, and the route of the move during relocation.

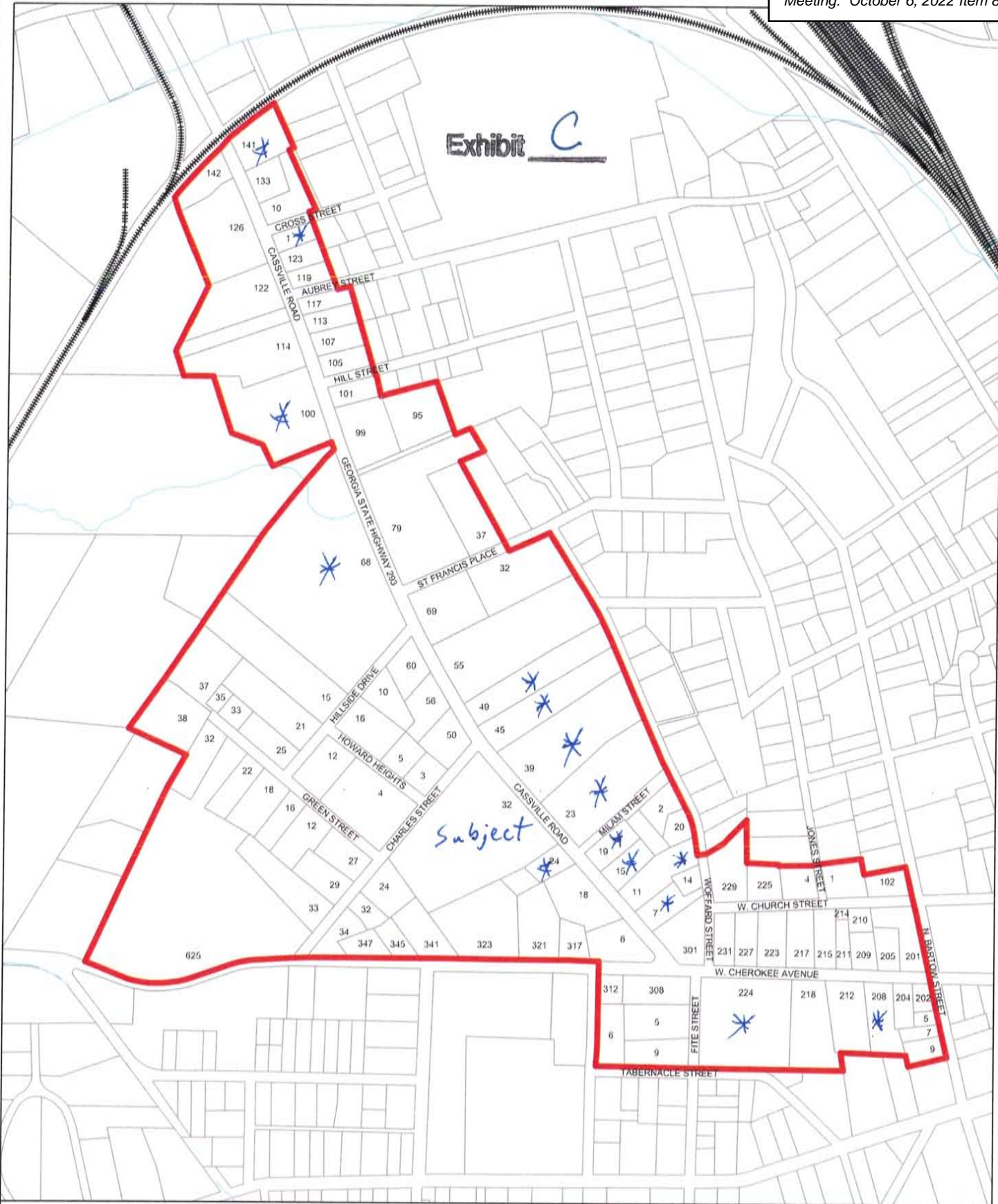
PART FOUR—DEMOLITION

1. Before demolition, submit a site plan to the Commission illustrating proposed site development or plantings to follow demolition.
2. During demolition, ensure the safety of any adjacent properties and historic resources. Also, during and after demolition, protect the trees on the site from damage due to compaction of the soil by equipment or materials.
3. After demolition, clear the site promptly and thoroughly.
4. After demolition, plant or develop the site promptly as approved in the proposed site plan.



Exhibit C

Subject



City of Cartersville

Cherokee - Cassville Historic District





CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Second Reading of Ordinances
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	T22-02. Mt. Zion Mission Baptist Church Sign Amendment
DEPARTMENT SUMMARY RECOMMENDATION:	Text Amendment to Chapter 20, Signs and Outdoor Advertising, Article II, Section 20-25 (2)(b) to allow electronic signs on Jones St. within 320ft. of Aubrey St. Planning Commission recommended approval with a vote of 6-0.
LEGAL:	N/A

MEMO

To: Planning Commission, Mayor Santini & City Council

From: Randy Mannino and David Hardegree

Date: August 29, 2022

Re: *Text Amendment T22-02. Adding a portion of Jones St. to the allowed streets for electronic freestanding signs.*

Mt. Zion Mission Baptist Church, 167 Jones St., proposes a revision to the Sign Ordinance, *Section 20-25(2)(b), Electronic Freestanding Signs*, to add “Jones St. (within 320ft. of the intersection with Aubrey St.)” as an allowed street for electronic freestanding signs on non-residential use properties. The proposed distance is the approximate distance from Aubrey St. to the southern-most property line. The approx. distance from Aubrey St. to the existing sign is 229ft.

Mt. Zion Mission Baptist Church is proposing this change in order to allow for an updated and more visible sign for their property. The church intends to utilize the existing sign footprint to house the electronic sign. The electronic sign dimensions are proposed at 2ft. x 4ft.

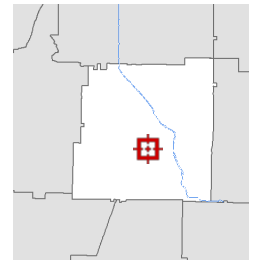
The current sign requirements for a non-residential sign on Jones St. are: a maximum height of 10ft, a maximum total sign area of 32 sq. ft., and a maximum electronic sign area of 50% of the total sign area.

The proposed electronic sign is also required to be at least 100ft. from a residential dwelling. The distance from the existing sign to the closest house on Jones St. is approx. 100ft.


At the time this memo was prepared a survey showing the exact distances had been requested, but not submitted.



Overview



Legend

-  Parcels
-  Roads

Parcel ID	C003-0009-004	Alternate ID	32482	Owner Address	MT ZION BAPTIST CHURCH
Sec/Twp/Rng	n/a	Class	Exempt		147 JONES ST
Property Address	167 JONES ST	Acreage	1.85		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 381-412 D 4 & P/O LOT 1 SUMMERHILL				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 8/29/2022
 Last Data Uploaded: 8/26/2022 10:31:21 PM

Developed by  **Schneider**
 GEOSPATIAL


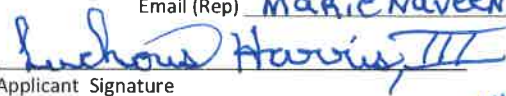


**Application for Text Amendment(s)
To Zoning Ordinance
City of Cartersville**

Case Number: T22-02
Date Received: 7-14-2022

Public Hearing Dates:

Planning Commission 9/6/22 5:30pm 1st City Council 9/15/22 7:00pm 2nd City Council 10/6/22 7:00pm

APPLICANT INFORMATION

Applicant (printed name)	<u>Y.M.T. Zion Missionary Baptist Church</u>		
Address	<u>147 Jones St (167 per tax record)</u>	Office Phone	<u>770-386-4425</u>
City	<u>Cartersville</u>	State	<u>GA</u>
Zip	<u>30120</u>	Mobile/ Other Phone	<u>678-464-7514</u>
Representative's printed name (if other than applicant)	<u>William F. Swanson III</u>	Email	<u>maricnaveen@yahoo.com</u>
Representative Signature		Phone (Rep)	<u>678-464-7514</u>
Applicant Signature		Email (Rep)	<u>maricnaveen@yahoo.com</u>
Signed, sealed and delivered in presence of:		My commission expires:	<u>10/6/2025</u>
Notary Public			

1. Existing Text to be Amended:

Article 11, Section 20-25, Subsection (2)B

Existing Text Reads as Follows:

See Attached

2. Proposed Text:

Proposed Text Reads as Follows:

Allow 2x4 electronic message sign along Jones st. within 320 ft of the intersection of Aubrey St.

(Continue on additional sheets as needed)

All signs under this section require a permit.

(1) *Location.* If a lot has more than one (1) street frontage and a freestanding sign is proposed on each street, then the freestanding sign allowed on each frontage can be no closer to the intersection of said streets than half the distance of the frontage on each street.

(2) *Electronic freestanding signs.*

- a. Electronic freestanding signs which are directly illuminated; exhibit animation; blink; change copy; display moving pictures or images; flash; contain light emitting diode (LED); and/or contain liquid crystal display (LCD) shall be prohibited for residential use properties and the downtown business district (DBD).
- b. Electronic freestanding signs on nonresidential use properties shall be prohibited except when located adjacent to one (1) of the following roads:
 1. Burnt Hickory Rd. (beginning at, and including, the intersection with West Ave. and running north).
 2. Cassville Rd. (beginning at, and including, the intersection with North Erwin St. and running northwest).
 3. Church St. (beginning at, and including the intersection with North Tennessee St. and running east).
 4. Collins Dr.
 5. Douthit Ferry Rd. (beginning at, and including, the intersection with West Ave. and running south until, and including, intersection with Indian Mounds Rd.).
 6. E. Main Street, stationary electronic sign only (beginning at US 41 and running east to the east side of the I-75 interchange).
 7. Felton Rd. (beginning at, and including, the intersection with Tennessee St. and running east until, and including, the intersection with US 41).
 8. Gently Blvd.
 9. Grassdale Rd. (beginning at, and including, the intersection with US 41 and running north).
 10. Henderson Dr.
 11. Martin Luther King Jr, Drive (Between Roosevelt St. and Felton St.).
 12. Old Mill Rd. (beginning at, and including, the intersection with Henderson Dr. and running west).
 13. State Route 20.
 14. Tennessee St.

15. US 41 and corresponding frontage roads.
 16. US 411 and corresponding frontage roads.
 17. West Ave. (beginning five hundred (500) feet northeast of the intersection with Henderson Dr. as measured from the centerline of Henderson Dr. at West Ave., and running southwest).
- c. Electronic freestanding signs, including animated illumination or effects; electronic sign; electronic sign, stationary; and/or flashing as defined herein, shall in no case exceed fifty (50) percent of total sign face.
 - d. No more than one (1) electronic freestanding sign may exist on a single lot.
 - e. No electronic freestanding sign may be located within one hundred (100) feet of a single-family residential dwelling.
 - f. Any permit for an electronic freestanding sign shall include a maximum number of displays per cycle for the structure. No more than six (6) displays per minute shall be allowed, and each display shall not change more frequently than once every ten (10) seconds.
 - g. Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of moving text or images. In any event, such signs may not have movement, or the appearance of or illusion of movement, of any part of the sign structure, design or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.
 - h. All such signs shall be programmed to automatically freeze in a single display in the event of a malfunction or computer/system error.
 - i. The planning and development department shall be provided with an on-call contact person and phone number for each permitted electronic freestanding sign. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise. In the event the contact person is unobtainable or unresponsive, the permit holder grants to the planning and development department the authority to access and disable the sign in cases of emergency or when the sign poses a threat to public safety.
 - j. All new electronic freestanding sign installations are required to submit to the city a report certifying that the daytime and nighttime light levels are compliant with the brightness level requirements stated in item (k) below.
 - k. Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change to ensure the brightness is decreased in low light situations. Brightness levels may not exceed more than two-tenths (0.20) foot

candles above ambient light levels (at measurement conditions) a distance of one hundred twenty-five (125) feet.

- l. If the sign is located in the line of sight of a residential dwelling, such sign shall not operate at brightness levels of more than one-tenth (0.1) foot candles above ambient light levels (at measurement conditions) as measured to the nearest property line of the residential dwelling from the electronic sign.
 - m. In the course of investigating a brightness complaint, the planning and development department may request a certification of the brightness (under measurement conditions) by an independent contractor, if the sign has not been certified within the preceding twelve (12) months. If the investigation and certification indicate that the sign exceeds the brightness levels specified in this chapter, the owner of the sign shall turn off the sign until the brightness of the sign is brought into compliance with this chapter within twenty-four (24) hours of a request. Compliance with these requirements will be at the owner's expense.
- (3) *Nonresidential use properties.* Freestanding signs in all nonresidential use properties except DBD shall comply with the following table of regulations:

FREESTANDING SIGN REGULATIONS FOR NONRESIDENTIAL USE PROPERTIES

Location of Property Frontage	Maximum Number and Size of Sign	Maximum Height of Sign
<ul style="list-style-type: none"> - East Main St./State Route 113 (beginning at, and including, U.S. 41 and running east) - State Route 20 - U.S. 41 and corresponding frontage roads - U.S. 411 and corresponding frontage roads - West Ave. (beginning at, and including, the intersection with Henderson Dr. and running southwest) 	<p>One (1) sign on each property frontage with maximum 120 square feet sign area.</p> <p>Freestanding signs on all outparcel lots shall be a maximum of fifty (50) square feet in area and a maximum fifteen (15) feet in height.</p>	<p>20 feet</p>

- Burnt Hickory Rd. (beginning at, and including, the intersection with West Ave. and running north)
- Cassville Rd. (beginning at, and including, the intersection with North Erwin St. and running northwest)
- Church St. (beginning at, and including the intersection with North Tennessee St. and running east)
- Collins Dr.
- Douthit Ferry Rd. (beginning at, and including, the intersection with West Ave. and running south until, and including, the intersection with Pine Grove Rd.)
- East Main St. (beginning at, and including, the intersection with Tennessee St. and running east to the intersection with U.S. 41)
- Felton Rd. (beginning at, and including, the intersection with Tennessee St. and running east until, and including, the intersection with Roving Rd.)
- Gentilly Blvd.
- Grassdale Rd. (beginning at, and including, the intersection with U.S. 41 and running north)
- Henderson Dr.
- Old Mill Rd. (beginning at, and including, the intersection with Henderson Dr. and running west)
- Tennessee St.

One (1) sign on each property frontage with maximum fifty (50) square feet sign area.

Freestanding signs on all outparcel lots shall be a maximum of fifty (50) square feet in area and a maximum ten (10) feet in height.

15 feet

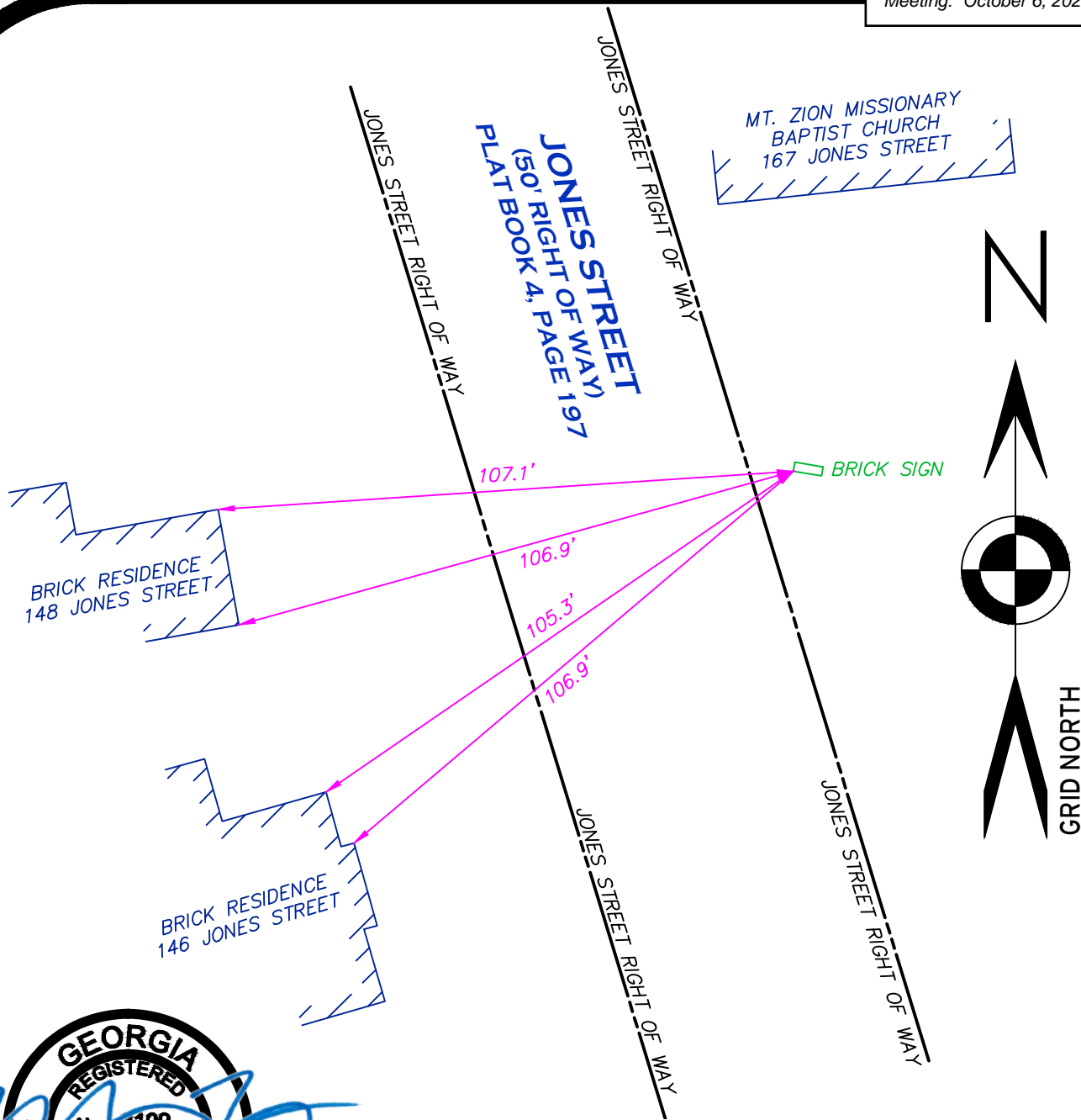
<p>All other streets not listed above</p>	<p>One (1) freestanding sign shall be allowed on each property frontage and shall have a maximum sign area of thirty-two (32) square feet.</p>	<p>10 feet</p>
-------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------	----------------

(4) *Residential use properties.* Freestanding signs for all residential use properties shall not be directly illuminated, and shall comply with the following tables of regulations:

FREESTANDING SIGN REGULATIONS FOR RESIDENTIAL USE PROPERTIES

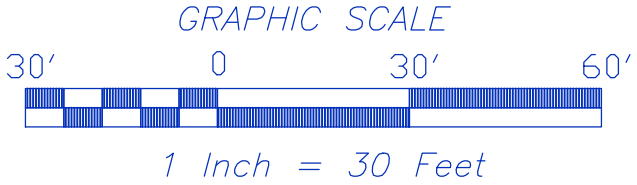
<p>Property Frontage Location and Development Type</p>	<p>Maximum Number and Size of Sign</p>	<p>Maximum Height of Sign</p>
<p>Individual lots on all streets</p>	<p>One (1) freestanding sign shall be allowed on each property frontage and shall have a maximum sign area of six (6) square feet</p>	<p>4 feet</p>
<p>Residential subdivisions and/or developments on all streets</p>	<p>Two (2) subdivision or entrance signs per entrance shall be allowed into any subdivision or development and shall have a maximum sign area of thirty-two (32) square feet</p>	<p>6 feet</p>

(Ord. No. 26-12, 5-3-12; Ord. No. 01-15, § 6, 3-5-15; Ord. No. 10-18, §§ 1, 2, 4-19-18; Ord. No. 12-18, § 1, 6-7-18; Ord. No. 34-19, § 1, 9-5-19)



**SIGN DISTANCE VERIFICATION SURVEY
 MT. ZION MISSIONARY BAPTIST CHURCH
 167 JONES STREET
 CARTERSVILLE, GA 30120**

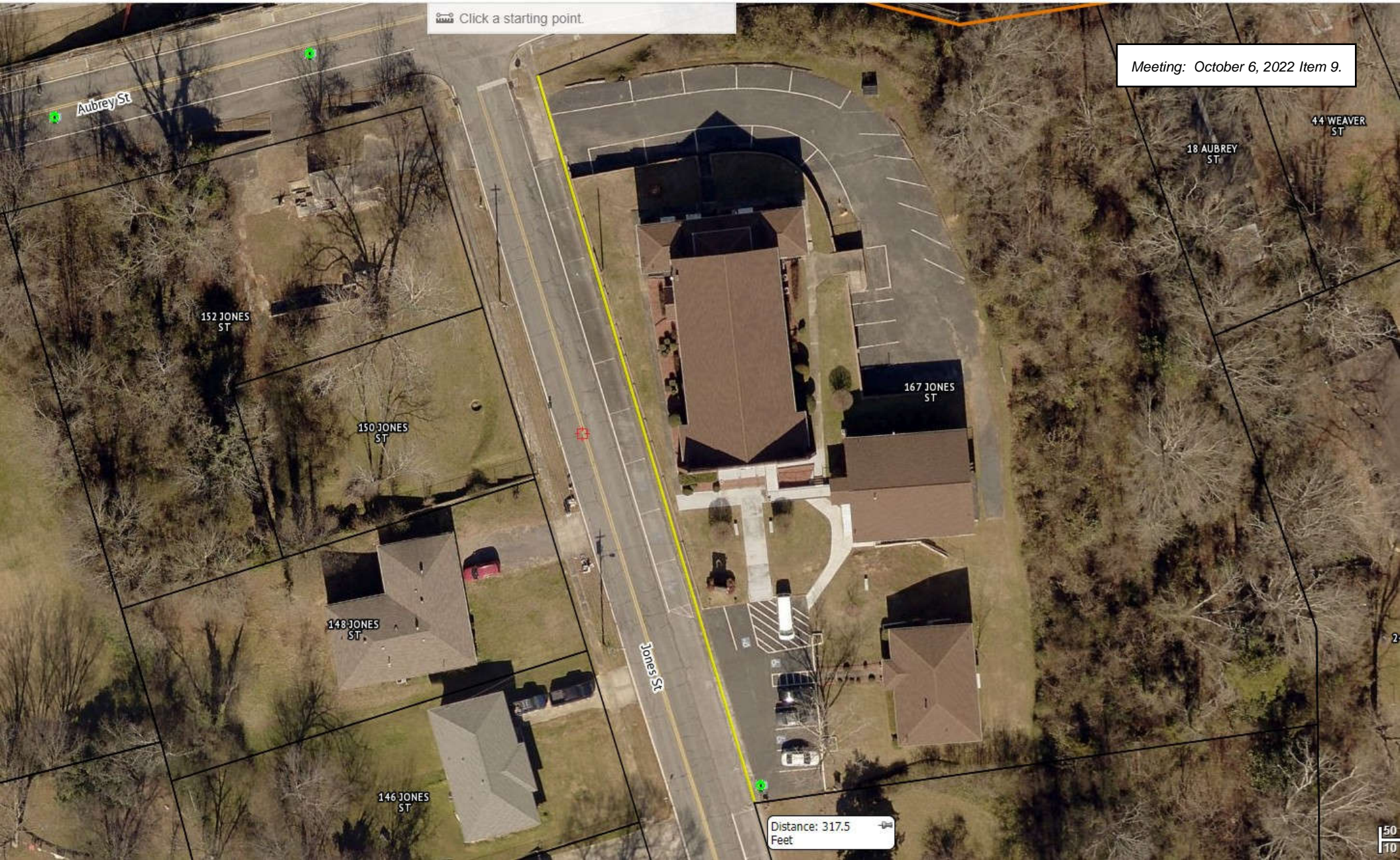
LAND LOTS 381 & 412, 4TH DISTRICT, BARTOW COUNTY
 JOB #: 223982 DATE: SEPTEMBER 1, 2022

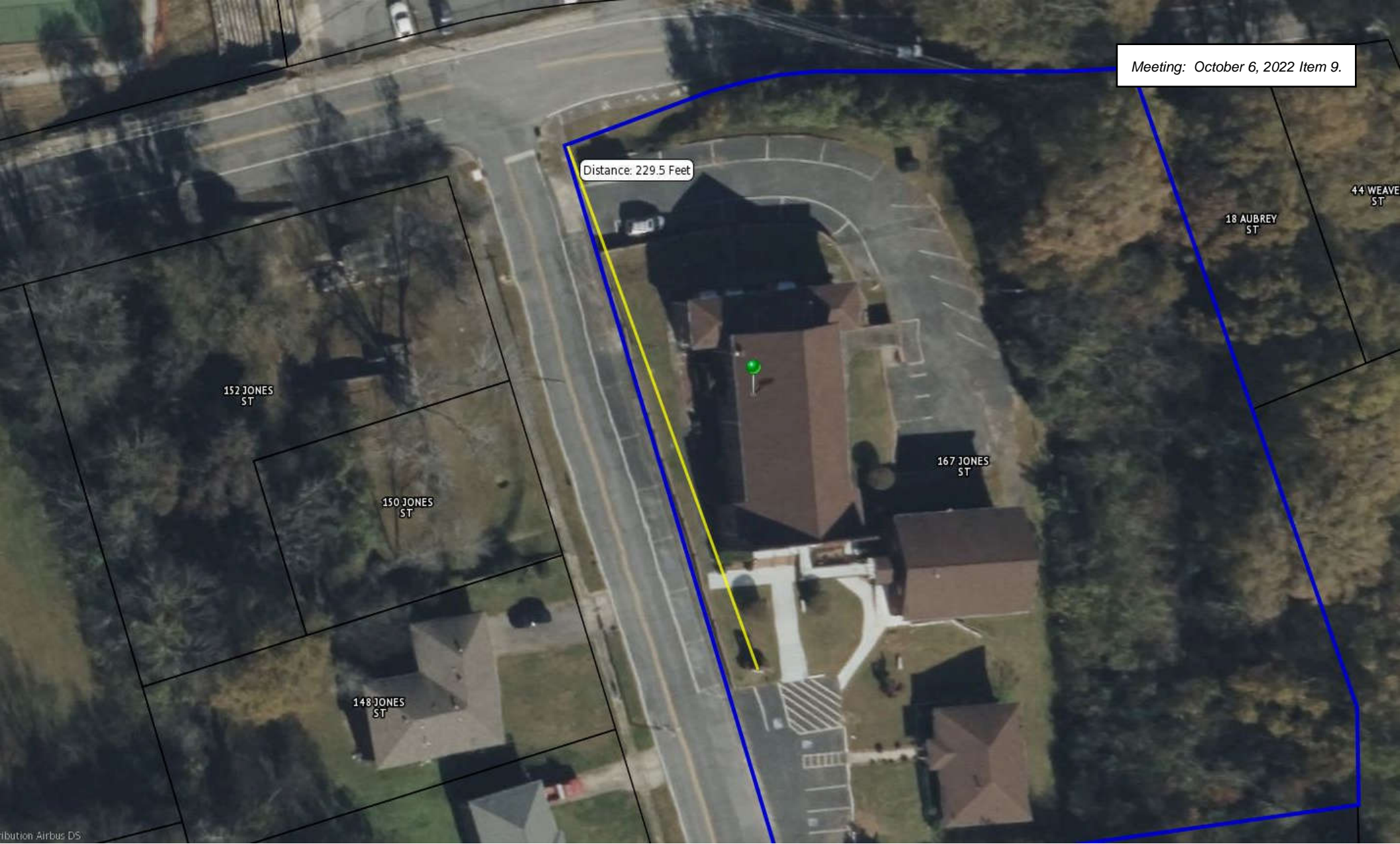


Lowery & Associates
 LAND SURVEYING, LLC
 317 GRASSDALE ROAD
 CARTERSVILLE, GA 30121
 770-334-8186
 WWW.LOWERYLANDSURVEYS.COM
 INFO@LOWERYLANDSURVEYS.COM
 GEORGIA C.O.A.: LSF-001102

Click a starting point.

Meeting: October 6, 2022 Item 9.





Distance: 229.5 Feet

152 JONES ST

150 JONES ST

148 JONES ST

167 JONES ST

18 AUBREY ST

44 WEAVER ST

152 JONES ST

150 JONES ST

167 JONES ST

148 JONES ST

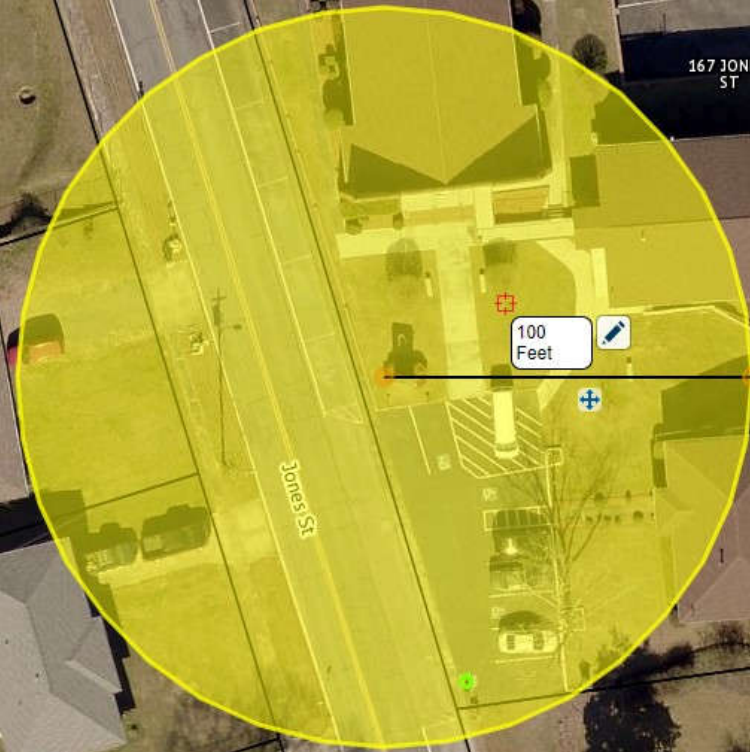
Jones St

146 JONES ST

24-6 WILLIAMS ST

143 JONES

50 ft
10 m







Ordinance No. xx-22

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 20, SIGNS AND OUTDOOR ADVERTISING, ARTICLE II- SIGN ORDINANCE, SECTION 20-25, FREESTANDING SIGNS, SUBSECTION (2), ELECTRONIC FREESANDING SIGNS, is hereby amended by deleting the section (b) in its entirety and replacing it as follows:

- b. Electronic freestanding signs on nonresidential use properties shall be prohibited except when located adjacent to one (1) of the following roads:
 1. Burnt Hickory Rd. (beginning at, and including, the intersection with West Ave. and running north).
 2. Cassville Rd. (beginning at, and including, the intersection with North Erwin St. and running northwest).
 3. Church St. (beginning at, and including the intersection with North Tennessee St. and running east).
 4. Collins Dr.
 5. Douthit Ferry Rd. (beginning at, and including, the intersection with West Ave. and running south until, and including, intersection with Indian Mounds Rd.).
 6. E. Main Street, stationary electronic sign only (beginning at US 41 and running east to the east side of the I-75 interchange).
 7. Felton Rd. (beginning at, and including, the intersection with Tennessee St. and running east until, and including, the intersection with US 41).
 8. Gentilly Blvd.
 9. Grassdale Rd. (beginning at, and including, the intersection with US 41 and running north).
 10. Henderson Dr.
 11. Jones St. (within 320ft. of the intersection with Aubrey St.)
 12. Martin Luther King Jr, Drive (Between Roosevelt St. and Felton St.).
 13. Old Mill Rd. (beginning at, and including, the intersection with Henderson Dr. and running west).
 14. State Route 20.
 15. Tennessee St.
 16. US 41 and corresponding frontage roads.
 17. US 411 and corresponding frontage roads.
 18. West Ave. (beginning five hundred (500) feet northeast of the intersection with Henderson Dr. as measured from the centerline of Henderson Dr. at West Ave., and running southwest).

2.

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

BE IT AND IT IS HEREBY ORDAINED

FIRST READING:	September 15, 2022
SECOND READING:	October 6, 2022

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Second Reading of Ordinances
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	T22-03. Tilley Holdings LLC. Electronic Billboard Amendment
DEPARTMENT SUMMARY RECOMMENDATION:	Text Amendment to Chapter 20, Signs and Outdoor Advertising, Article II, Section 20-29 (B)(2)(a) to allow electronic billboards on Old Mill Rd. (beginning at the centerline of the Old Mill Rd right-of-way intersection with the Erwin St. center line and continuing west a distance of 1000 ft.). Applicable to billboards signs existing as of July 26, 2022. Planning Commission recommends approval 5-0-1.
LEGAL:	N/A

MEMO

To: Planning Commission, Mayor Santini & City Council

From: Randy Mannino and David Hardegree

Date: August 29, 2022

Re: *Text Amendment T22-03. Adding a portion of Old Mill Rd. to the list of allowed streets for electronic billboard signs.*

Tilley Holdings, LLC owns and operates an existing, two-sided, static billboard on property identified as 124 Old Mill Rd. This billboard and the associated property is approx. 700ft. from the intersection of Old Mill Rd and S. Erwin St. The billboard was erected prior to adoption of the sign ordinance (2012) and is considered legal, non-conforming. Variance, V06-22, approved 7/17/06, allowed the billboard to be installed with reduced setbacks.

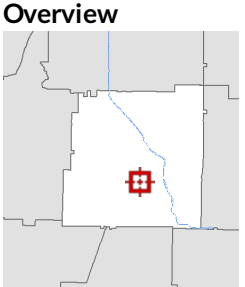
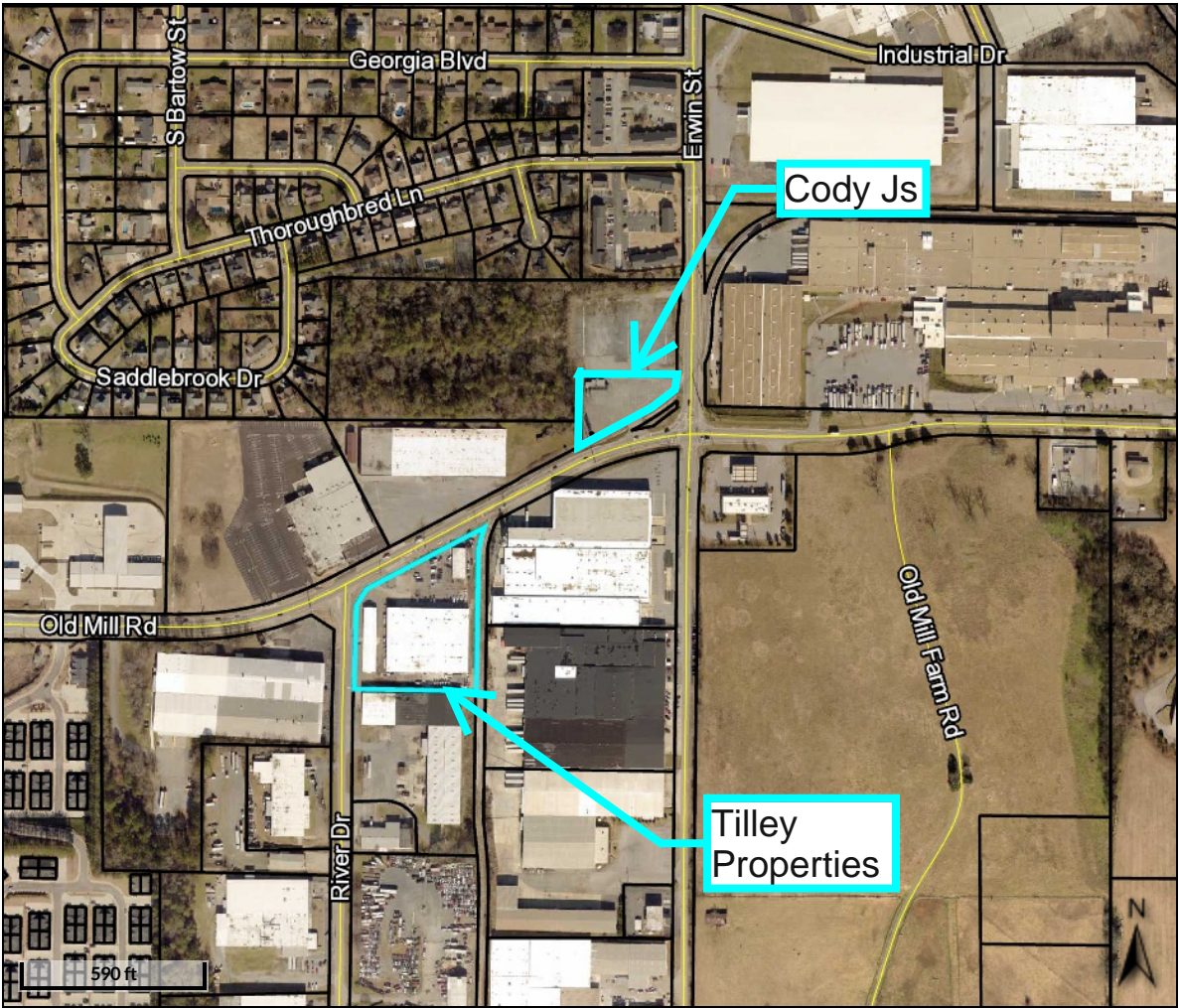
There is also an existing two-sided, double stacked, static billboard on the Cody Js restaurant site located at 675 S. Erwin St. This billboard is legal, non-conforming, located adjacent to Old Mill Rd and approx. 300 ft. from the intersection of Old Mill Rd and S. Erwin St. The separation distance between the Tilley Holdings, LLC billboard and the Cody Js billboards is approx. 500ft.

Tilley Holdings, LLC, proposes an amendment to the Sign Ordinance, Section 20-29, Billboards, (b)(2), Electronic Billboards, to add the following as an allowed street for electronic billboard signs:

“Old Mill Rd. (beginning at the centerline of the Old Mill Rd right-of-way intersection with the Erwin St. center line and continuing west a distance of 1000 ft. Applicable to billboards signs existing as of July 26, 2022).”

Currently, electronic billboards are only allowed along state highways and must be 5,000 ft. from other electronic billboards.

The existing billboard is more than the required 500ft. separation distance from residential zoning districts. The billboard is generally surrounded by Industrial zoning and uses.



Legend
 □ Parcels
 — Roads

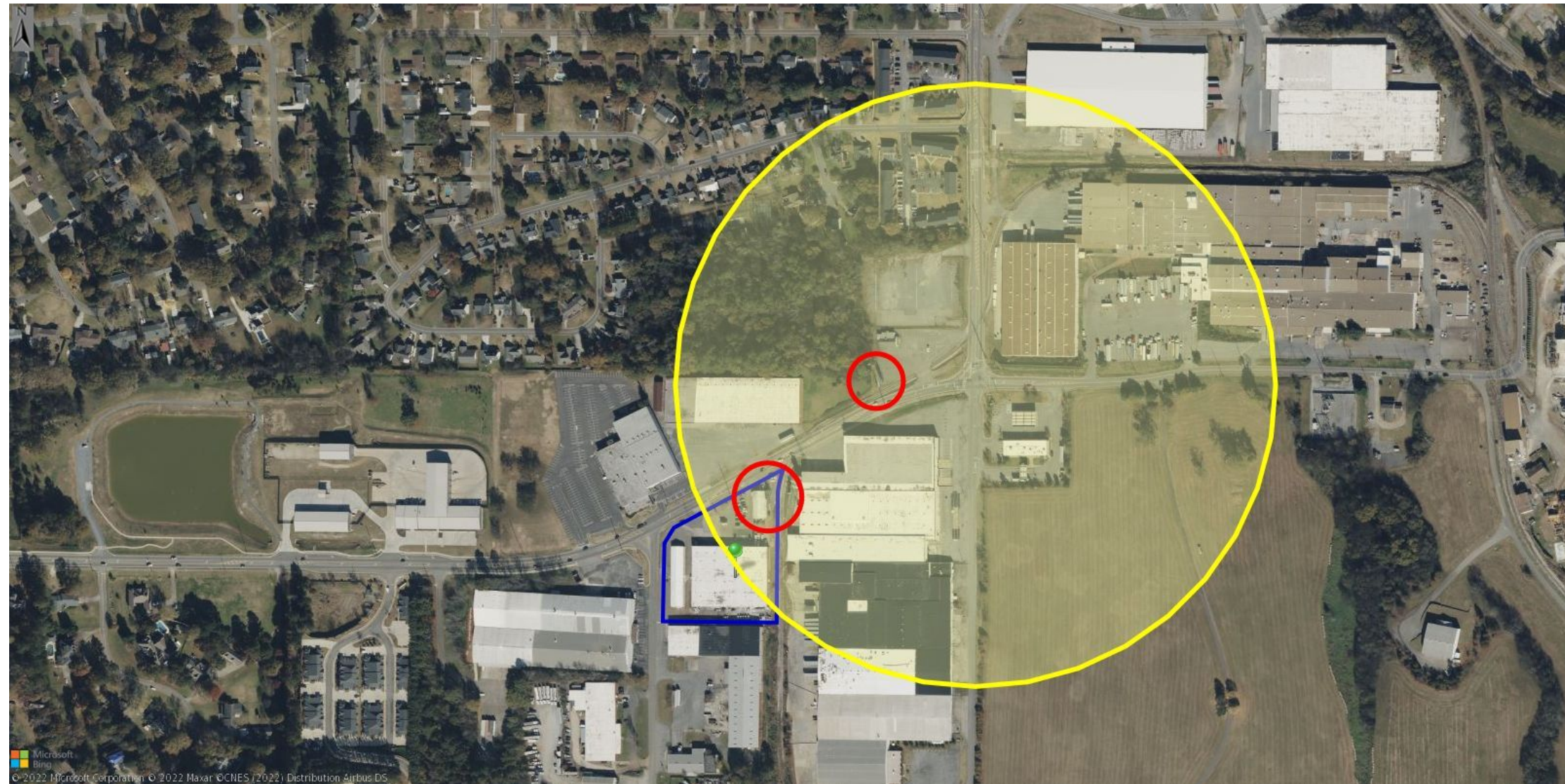
Parcel ID	C019-0005-001	Alternate ID	34555	Owner Address	TILLEY HOLDINGS LLC
Sec/Twp/Rng	n/a	Class	Industrial		EVANS KEVIN CARL
Property Address	124 OLD MILL RD	Acreage	3.12		917 N TENNESSEE ST
					CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	124 OLD MILL RD				
	<i>(Note: Not to be used on legal documents)</i>				

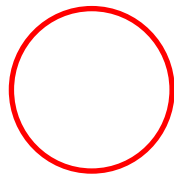
Date created: 8/30/2022
 Last Data Uploaded: 8/29/2022 10:00:32 PM

Developed by Schneider GEOSPATIAL

T22-03_1000ft. radius

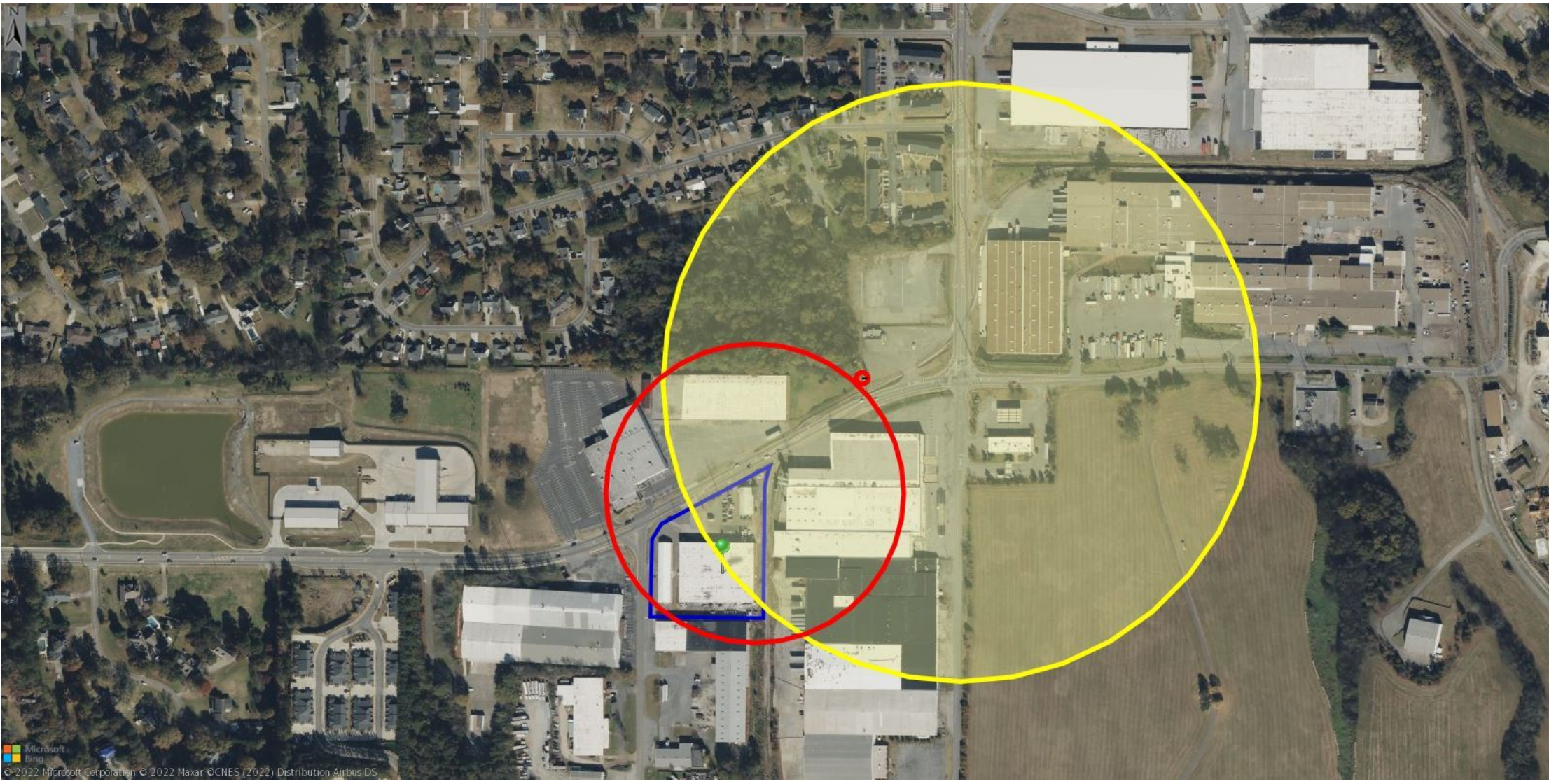
Meeting: October 6, 2022 Item 10.





500ft radius_Tilley Billboard Residential Setback

Meeting: October 6, 2022 Item 10.



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**Application for Text Amendment(s)
To Zoning Ordinance
City of Cartersville**

Case Number: 122-03
Date Received: 7/26/22

Public Hearing Dates:

Planning Commission 9/6/22 5:30pm 1st City Council 9/15/22 7:00pm or 9am 2nd City Council 10/6/22 7:00pm

APPLICANT INFORMATION

Applicant Tilley Holdings, LLC (printed name) Office Phone 770 386 0040
 Address 917 N. Tennessee St Mobile/ Other Phone _____
 City Cartersville State GA Zip 30120 Email bethtilley@bellsouth.net
 Representative's printed name (if other than applicant) Robert Walker Phone (Rep) (770) 387-1373
 Representative Signature [Signature] Email (Rep) rwalker@jbcwpc.com
 Applicant Signature [Signature]
 Signed, sealed and delivered in presence of: [Signature] My commission expires: _____
 Notary Public Bonnie J. Ellis


1. Existing Text to be Amended:

Code of Ordinances
Article Chapter 20, Section 20-29, Subsection (b)(2.)a.
Article II.

Existing Text Reads as Follows: _____

2. Proposed Text: Add the following text:

Proposed Text Reads as Follows: Co. Old Mill Road (beginning at the center line of the Old Mill Road right-of-way intersection with the Erwin Street center line and continuing west a distance of 1000 feet.) Applicable to billboard signs existing (Continue on additional sheets as needed) as of July 26, 2022.

**Application for Text Amendment(s)
To Zoning Ordinance
City of Cartersville**

Case Number: _____
Date Received: _____

3. Reason(s) for the Amendment Request: To allow an existing billboard sign located 126 Old Mill Road to be converted to an electronic (digital) billboard sign.

(Continue on additional sheets as needed)

**REQUIREMENTS FOR FILING
AN APPLICATION FOR TEXT AMENDMENT(S)
CITY OF CARTERSVILLE, GA**

Completed applications must be submitted to the City of Cartersville Planning & Development Department, located at 10 N. Public Square, 2nd Floor. Cartersville, GA 30120.

Requirements

1. **Completed Application:** Include all signatures. Complete items 1, 2 and 3.
2. **Filing Fee:** A non-refundable filing fee of \$400.00 must accompany the completed application.
3. **Public Notice Fee (Optional):** The applicant may choose to have city staff prepare and manage the public notification process outlined in **Requirement 4** below. If this option is requested, there is an additional, non-refundable fee of \$30.00 which covers the cost of the newspaper ad.
4. **Public Notification:** The applicant is responsible for the following **public notification** process unless the applicant has requested that staff manage this process as outlined in **item 4** above:
 - a. Not less than fifteen (15) days and not more than forty-five (45) days prior to the scheduled date of the public hearing being the final action by the City Council and not less than ten (10) days prior to the Planning Commission meeting, a **notice of public hearing** shall be published in the legal notice section of the Daily Tribune newspaper within the City of Cartersville. Such notice shall state the application file number, and shall contain the location of the property, its area, owner, current zoning classification, and the proposed zoning classification. Such notice shall include both the Planning Commission and the City Council meeting dates. (See attached Notice of Public Hearing).

V04-23 - Jeff.

V06-22

Meeting: October 6, 2022 Item 10.

David Hardegree

From: David Hardegree
Sent: Friday, July 22, 2022 9:02 AM
To: 'Greg Frisbee'
Subject: RE: [EXTERNAL] Sign Ordinance Text Amendment

The language is fine.

From: Greg Frisbee <gregfrisbee1960@gmail.com>
Sent: Tuesday, July 19, 2022 12:19 PM
To: David Hardegree <dhardegree@cityofcartersville.org>
Subject: [EXTERNAL] Sign Ordinance Text Amendment

CAUTION! : This email originated from outside the City of Cartersville network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sender: gregfrisbee1960@gmail.com

Hello David,
 Tilley Properties, Applicant, would like to submit an application for a text amendment to the City of Cartersville Sign Ordinance.


existing = legal

We would like to propose the following text amendment:
 City of Cartersville Sign Ordinance, Section 20-29 BillBoards
 Paragraph (a.)

Add a number (6.) to read as follows:
 "Old Mill Road (beginning at the centerline of the Old Mill Road right -of-way intersection with the Erwin Street centerline and continuing west a distance of 1000 feet."

Also Section (b.) (2.) Electronic Billboards
 Add a number (6.) to read as follows:
 "Old Mill Road (beginning at the centerline of the Old Mill Road right-of-way intersection with the Erwin Street centerline and continuing west a distance of 1000 feet."

Thanks David.
 Greg

- (a) Billboards shall be allowed, in addition to freestanding signs, on nonresidential use properties adjacent to only the following roads:
 - (1) State Route 20.
 - (2) U.S. 41 and corresponding frontage roads.
 - (3) U.S. 411 and corresponding frontage roads.
 - (4) West Ave. (beginning at, and including, the intersection with Henderson Dr. and running southwest).
 - (5) State Route 113 (beginning at the centerline of the I-75 Right-of-Way intersection with the GA Hwy 113 centerline and continuing west a distance of 2,700 feet radially; provided however, that this section shall supersede any conditions placed on billboards in this geographic location).
- (b) Billboards require a permit to be erected, and shall comply with the following regulations:
 - (1) *General standards.*
 - a. Shall be allowed a maximum sign area of three hundred (300) square feet.
 - b. Shall not exceed a height of thirty (30) feet. Height shall be measured from the nearest road grade elevation.
 - c. Shall be set back at least fifty (50) feet from the right-of-way of a public street or highway and twenty-five (25) feet from all property lines and buildings on the site.
 - d. Shall be a minimum of five hundred (500) feet from a residential zoning district.
 - e. Shall be a minimum of one thousand five hundred (1,500) feet from all other billboards. Distance shall be measured from one (1) billboard to another on the same road.
 - f. Shall not be visible from or located along Interstate Highway 75.
 - g. Shall not be attached to or painted directly on any building or any other natural or manmade structure or object other than the supporting structure specifically built for said sign.
 -  (2) *Electronic billboards.*
 - a. Billboard which are directly illuminated, exhibit animation; blink, change copy, display moving pictures or images, flash, contain light emitting diode (LED), and/or contain liquid crystal display (LCD) shall be prohibited except when located adjacent to one of the following roads:
 - 1. State Route 20.
 - 2. U.S. 41 and corresponding frontage roads.
 - 3. U.S. 411 and corresponding frontage roads.
 - 4. West Ave. (beginning at, and including, the intersection with Henderson Dr. and running southwest).
 - 5. State Route 113 (beginning at the centerline of the I-75 Right-of-Way intersection with the GA Hwy 113 centerline and continuing west a distance of 2,700 feet radially; provided however, that this section shall supersede any conditions placed on billboards in this geographic location).
 - b. Shall be a minimum of five thousand (5,000) feet from all other electronic billboards and a minimum of one thousand five hundred (1,500) feet from nonelectronic billboards.

- c. Any permit for an electronic billboard shall include a maximum number of displays per minute shall be allowed, and each display shall not change more frequently than ten (10) seconds.
 - d. Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of moving text or images. In any event, such billboards may not have movement, or the appearance of or illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.
 - e. All such billboards shall be programmed to automatically freeze in a single display in the event of a malfunction or computer/system error.
 - f. The planning and development department shall be provided with an on-call contact person and phone number for each permitted electronic billboard. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise. In the event the contact person is unobtainable or unresponsive, the permit holder grants to the planning and development department the authority to access and disable the sign in cases of emergency or when the sign poses a threat to public safety.
- (3) *Nonconforming billboards.* Billboard signs legally existing on the date of adoption of this article may be continued even though such signs do not conform to this provision. Such nonconforming signs shall not be expanded, relocated or replaced by another nonconforming sign, except that the substitution of interchangeable poster panels, painted boards or demountable material on nonconforming signs shall be allowed. No such nonconforming sign shall continue after the discontinuance of the nonconforming use for a period of six (6) months.

(Ord. No. 26-12, 5-3-12; Ord. No. 29-18, § 1, 11-1-18)

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Image capture: Jun 2022 © 2022 Google

Google

Street View - Jun 2022

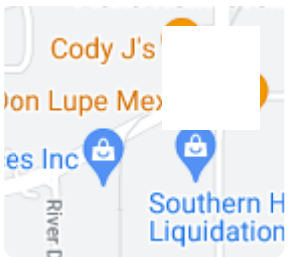


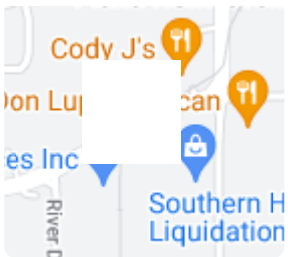


Image capture: Jun 2022 © 2022 Google

Cartersville, Georgia

Google

Street View - Jun 2022



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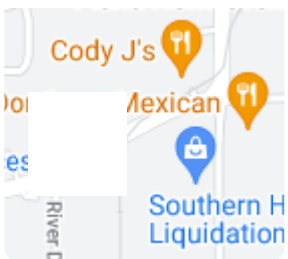


Image capture: Jun 2022 © 2022 Google

Cartersville, Georgia

Google

Street View - Jun 2022



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 20, SIGNS AND OUTDOOR ADVERTISING, ARTICLE II- SIGN ORDINANCE, SECTION 20-29, BILLBOARDS, SUBSECTION (B) (2), ELECTRONIC BILLBOARDS, is hereby amended by deleting section (a) in its entirety and replacing it as follows:

a. Billboard which are directly illuminated, exhibit animation; blink, change copy, display moving pictures or images, flash, contain light emitting diode (LED), and/or contain liquid crystal display (LCD) shall be prohibited except when located adjacent to one of the following roads:

1. State Route 20.
2. U.S. 41 and corresponding frontage roads.
3. U.S. 411 and corresponding frontage roads.
4. West Ave. (beginning at, and including, the intersection with Henderson Dr. and running southwest).
5. State Route 113 (beginning at the centerline of the I-75 Right-of-Way intersection with the GA Hwy 113 centerline and continuing west a distance of 2,700 feet radially; provided however, that this section shall supersede any conditions placed on billboards in this geographic location).
6. "Old Mill Rd. (beginning at the centerline of the Old Mill Rd right-of-way intersection with the Erwin St. center line and continuing west a distance of 1000 ft. Applicable to billboards signs existing as of July 26, 2022)."

2.

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

BE IT AND IT IS HEREBY ORDAINED

FIRST READING:	September 15, 2022
SECOND READING:	October 6, 2022

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	First Reading of Ordinances
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	Distilled Spirits: Specialty Shop
DEPARTMENT SUMMARY RECOMMENDATION:	Customer driven proposal for distilled spirits in a specialty shop. The previous request was to also change the percentage requirements for alcohol sales. Alcohol Control Board denied recommendation 4-1.
LEGAL:	N/A

Specialty shop as defined in the Code, may be issued an on-premises consumption and package license for the sale of malt beverages and wine without meeting the requirements that forty-five (45) percent of its gross annual sales be derived from the sale of prepared meals or food, pursuant to the following:

- a. No less than sixty-five (65) percent of the annual gross revenue shall be derived from the sale of non-alcoholic retail goods and merchandise, and no more than thirty-five (35) percent of its annual gross revenues shall be derived from the sale of malt beverage and wine for on-premises consumption and off-premises package sales.**
- b. Said establishment shall not be required to meet the requirement that forty-five (45) percent of its annual gross sales shall be derived from the sale of prepared meals or food.**
- c. Free samples of wine shall not exceed one and one half (1½) ounces nor shall any individual be offered more than three (3) samples within a calendar day.**
- d. Sampling or tasting of wine is only permitted within a designated area of the establishment, as indicated on their application.**
- e. Craft beer is defined as beer produced by the following: 1. Beer having an annual production of six million (6,000,000) barrels of beer or less; or 2. If less than twenty-five (25) percent of the craft brewery is owned or controlled (or equivalent economic interest) by a beverage alcohol industry member that is not itself a craft brewer.**
- f. Said establishments are only allowed in the downtown business district and the area enclosed by North Tennessee Street, Main Street, Stonewall Street, and Church Street.**

(b) Reporting requirements. (1) All establishments licensed under this chapter shall be required by November 1 of each calendar year to turn in third quarter reports which at a minimum indicate the percentage of alcohol sales on-premises and off-premises, including food, retail, and other required categories of its gross revenues. (2) The director of planning and development or his designee shall review the gross income figures from each establishment which shall provide such information at the end of the third quarter of each calendar year, or at any other time requested to do so by the director of planning and development or his designee, and determine if the annual sales meet the required ratio and make appropriate recommendations to the alcohol control board.

Retail cigar shops as specifically defined in this Code, may be issued an on-premises consumption license for sales of beer, malt beverages, wine, and distilled spirits, without meeting the requirement that forty-five (45) percent of its gross annual sales be derived from the sale of prepared meals or food, provided that at least fifty-one (51) percent of its gross annual sales be derived from the sale of full-sized hand-rolled cigars, pipe tobaccos, briar wood pipes, humidors, lighters, cutters, and expressly excluding from the calculation of gross annual sales the sale of cigarettes, bongs, bubblers, glass pipes, water pipes, Turkish pipes, pipe screens, pipe filters, dug-outs, stash boxes, rolling papers, rolling devices, rolling trays, grinders, incense, pipe cleaners, and other smoking paraphernalia if at all allowed to be sold pursuant to this chapter. The total amount of alcohol sales for consumption on the premises shall not exceed forty-nine (49) percent. The director of planning and development or his designee shall review the gross income figures from each establishment which shall provide such information, at the end of the third quarter of each calendar year, and at any other time requested to do so by the director of planning and development or his designee, and determine if the annual sales meet the required ratio and make appropriate recommendations to the alcohol control board.

- a. In regards to seating, parking and occupancy requirements, those applicable to the cigar store shall supersede those listed in chapter 4.**

Specialty Shop Distilled Spirits Revision

Specialty shop as defined in the Code, may be issued an *on-premises consumption license for sales of craft and non-craft beer, malt beverages, wine, and distilled spirits* and package license for the sale of malt beverages and wine without meeting the requirements that forty-five (45) percent of its gross annual sales be derived from the sale of prepared meals or food, pursuant to the following:

- a. No less than sixty-five (65) percent of the annual gross revenue shall be derived from the sale of non-alcoholic retail goods and merchandise, *and no more than thirty-five (35) percent of its annual gross revenues shall be derived from the sale of malt beverage, wine and distilled spirits* for on-premises consumption and off-premises package sales.
- b. Said establishment shall not be required to meet the requirement that forty-five (45) percent of its annual gross sales shall be derived from the sale of prepared meals or food.
- c. Free samples of wine shall not exceed one and one half (1½) ounces nor shall any individual be offered more than three (3) samples within a calendar day.
- d. Sampling or tasting of wine is only permitted within a designated area of the establishment, as indicated on their application.
- e. Craft beer is defined as beer produced by the following: 1. Beer having an annual production of six million (6,000,000) barrels of beer or less; or 2. If less than twenty-five (25) percent of the craft brewery is owned or controlled (or equivalent economic interest) by a beverage alcohol industry member that is not itself a craft brewer.
- f. Said establishments are only allowed in the downtown business district and the area enclosed by North Tennessee Street, Main Street, Stonewall Street, and Church Street.

(b) Reporting requirements. (1) All establishments licensed under this chapter shall be required by November 1 of each calendar year to turn in third quarter reports which at a minimum indicate the percentage of alcohol sales on-premises and off-premises, including food, retail, and other required categories of its gross revenues. (2) The director of planning and development or his designee shall review the gross income figures from each establishment which shall provide such information at the end of the third quarter of each calendar year, or at any other time requested to do so by the director of planning and development or his designee, and determine if the annual sales meet the required ratio and make appropriate recommendations to the alcohol control board.

*Distilled spirits means all beverages containing alcohol, obtained by distillation or containing more than twenty-one (21) percent alcohol by volume, including fortified wines.

Alcohol Control Board,

Southern Cove is requesting an amendment to the Specialty Shop Alcoholic Beverage Rules and Regulations outlined on page 25-26 section 7 to include Distilled Spirits as part of our on premise consumption license.

When reviewing the existing ordinance afforded to the Cigar Bar page 24-25 section 3 and their ability to sell for consumption distilled spirits, we find no plausible reasoning that allows them to sell and serve distilled spirits and not us, (Southern Cove).

We are able to remain within the % guidelines of 65% non-alcohol sales as our location currently operates 89.2% non-alcohol goods sold as reported to the city during Q3 of 2022.

Thank you for your consideration and we look forward to your fair consideration.

Co-founder
Jayson Frederick
Southern Cove
Small Business of the year 2022

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 4 – ALCOHOLIC BEVERAGES. ARTICLE II. – LICENSING REQUIREMENTS. DIVISION 2. – APPLICATION AND ISSUANCE. SECTION 4-59. – POURING LICENSES LIMITED TO CERTAIN ESTABLISHMENTS, paragraph (a)(7) and (a)(7)a. are hereby amended by deleting said paragraphs in their entirety and replacing it as follows:

1.

Sec. 4-59. - Pouring licenses limited to certain establishments.

(7) *Specialty shop* as defined in the Code, may be issued an on-premises consumption license for sales of malt beverages, wine and distilled spirits, and package license for the sale of malt beverages, wine and distilled spirits without meeting the requirements that forty-five (45%) percent of its gross annual sales be derived from the sale of prepared meals or food, pursuant to the following:

a. No less than fifty-one (51%) percent of the annual gross revenue shall be derived from the sale of non-alcoholic retail goods and merchandise, and no more than forty-nine (49%) percent of its annual gross revenues shall be derived from the sale of malt beverage, wine and distilled spirits on-premises consumption and off-premises package sales.

2.

All other existing provisions of Sec. 4-59 not changed herein, shall remain as is.

3.

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

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____

SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	First Reading of Ordinances
DEPARTMENT NAME:	Administration
AGENDA ITEM TITLE:	Annual Leave Amendment
DEPARTMENT SUMMARY RECOMMENDATION:	After reviewing our current employee leave accruals compared to other adjacent municipalities and counties, I recommend approval that employee annual leave accruals be modified to allow employee to earn 3, 4- and 5-week vacation accruals sooner than under our current annual leave ordinance. This change will make us more competitive, help us retain our current talent and recruit new employees.
LEGAL:	Reviewed by Archer & Lovell

**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 16 PERSONNEL. ARTICLE II. Employee Benefits. Section 16.29 Annual Leave is hereby amended by deleting said section in its entirety and replacing it as follows:

1.

Section 16-29. Annual Leave.

- (a.) Regular full-time employees shall accrue annual leave based on actual hours worked beginning on the first day of employment. Note that new full-time employees accrue annual leave from their first date of employment but are not eligible for annual leave until they have completed their new hire probationary period of ninety (90) days. Actual hours worked is defined as vacation and sick time hours previously earned and taken by the employee and regular hours worked up to the normal 40-hour work week for a 2,080 employee and adjusted accordingly for police and fire personnel based on annual hours worked.
- (b.) All regular full-time employees shall accrue annual leave based on the following schedule:

Annual Hours Earned based on Hours Worked				
Annual Hours Worked	Beginning On Date Of Hire	Beginning with Sixth Year Of Employment	Beginning with Eleventh Year Of Employment	Beginning with Fifteenth Year Of Employment
2,080	80	120	160	200
2,223	94.05	136.8	179.55	222.3
2,912	123.2	179.2	235.2	291.2

- (c.) Employees are urged to take annual leave within the calendar year in which they are earned; however, employees are allowed to carry over up to up to five (5) weeks of annual leave into the next calendar year.
- (d.) No employee shall receive pay in lieu of annual leave, unless approved by the city manager.
- (e.) When an employee is separated from their city employment, such employee shall be paid for all unused annual leave (maximum of 5 weeks) at their current hourly rate of pay.

2.

The effective date for this ordinance is October 29, 2022.

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED this the 6th day of October 2022. First Reading.

ADOPTED this the 20th day of October 2022. Second Reading.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Julia Drake
City Clerk



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	First Reading of Ordinances
DEPARTMENT NAME:	Administration
AGENDA ITEM TITLE:	Parental Leave
DEPARTMENT SUMMARY RECOMMENDATION:	In reviewing employee benefit packages for other adjacent municipalities and counties, parental leave is an area that we can add without much cost and will make Cartersville a more attractive employer. I recommend approval of the parental leave ordinance which will allow female employees up to four weeks of paid leave and male employees up to two weeks of paid leave upon the birth or adoption of their child.
LEGAL:	Reviewed by Archer & Lovell

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 16 PERSONNEL. ARTICLE II. Employee Benefits. Section 16-38 Parental Leave is hereby added in its entirety as follows:

1.

Section 16-38. Parental Leave.

- (a.) Regular full-time female employees who have been employed full-time with the City for at least one year and give birth to a child/children or adopt a child age 17 or younger shall be entitled to paid maternity leave at 100 percent of the employee's regular, straight-time weekly pay, to be paid on City of Cartersville's regularly scheduled pay dates for up to four weeks.
- (b.) Regular full-time male employees who have been employed full-time with the City for at least one year and their spouse gives birth to a child/children or adopt a child age 17 or younger shall be entitled to paid paternity leave at 100 percent of the employee's regular, straight-time weekly pay, to be paid on City of Cartersville's regularly scheduled pay dates for up to two weeks.
- (c.) Employees shall provide documentation of the basis for any leave requested under this section.
- (d.) Parental leave provided in this section shall run concurrently with the Family and Medical Leave Act and must be concluded within 6 months of the birth or placement of a child.

2.

The effective date for this ordinance is October 29, 2022.

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED this the 6th day of October 2022. First Reading.

ADOPTED this the 20th day of October 2022. Second Reading.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Julia Drake
City Clerk



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	First Reading of Ordinances
DEPARTMENT NAME:	Administration
AGENDA ITEM TITLE:	Educational Assistance Program
DEPARTMENT SUMMARY RECOMMENDATION:	This ordinance will give our employees an opportunity to take classes to improve their skills and allow them to grow and hopefully advance within our organization. The benefit of adding this ordinance shows our employees we are invested in their educational growth as they seek to advance their career with Cartersville. I recommend approval of this ordinance.
LEGAL:	Reviewed by Archer & Lovell

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 16 PERSONNEL. ARTICLE II. Employee Benefits. Section 16-39 Education Assistance Program is hereby added in its entirety as follows:

1.

Section 16-39. Educational Assistance Program.

- (a.) To develop a better educated and more highly skilled city workforce employees who have been employed in a regular full-time capacity for at least 12 consecutive months are eligible to receive tuition assistance benefits to help employees pay for the cost of courses related to the employee's current job or future advancement opportunities within the city upon the availability of annually budgeted funds. Executive MBA and PHD programs are not covered under this policy.
- (b.) The following courses are reimbursable depending upon the availability of city funds and approval by the respective department head and city manager:
 - a. Courses that are part of a structured program to assist the employee in attaining his or her high school diploma or equivalent (GED);
 - b. Technical or skills courses offered through accredited technical schools if an employee's department head and the city manager determine that the courses relate to the employee's current work assignment or potential promotional opportunities;
 - c. Undergraduate and graduate courses offered through accredited colleges or universities approved by the city if an employee's department head and the city manager determine that the courses relate to the employee's current work assignments or potential promotional opportunities;
 - d. Courses that are part of an approved degree-related program which is related to the employee's current job or future advancement opportunities within the city.
- (c.) Tuition reimbursement will be provided for no more than two courses per academic term per eligible employee and tuition, registration fees and required lab fees will be reimbursed according to the following schedule:

Grade Received	Reimbursement Percentage
A or P (for "Pass/Fail" courses)	100%
B	80%
C	60%
D, F, W (withdraw), W/F (withdraw failing) or Incomplete	0%

The city will not reimburse employees for books, activity fees, parking, meals or other related expenses. Employees who receive other forms of financial aid, such as private scholarships or grants, assistance from a government agency, and/or veterans' benefits will be reimbursed only for the difference between reimbursable expenses and the aid received from elsewhere (times the applicable percentage above).

- (d) If an employee who has received funds through the city's educational assistance program for tuition reimbursement leaves the city's employ within two years of receiving these funds, he/she will be required to reimburse the entire amount to the city. The city will be authorized by the employee to collect from him or her, either directly or by payroll deduction, the amount received within the previous two years by the employee for educational assistance.

2.

The effective date for this ordinance is October 29, 2022.

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED this the 6th day of October 2022. First Reading.

ADOPTED this the 20th day of October 2022. Second Reading.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Julia Drake
City Clerk



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Resolutions
DEPARTMENT NAME:	Administration
AGENDA ITEM TITLE:	Time Change for December 1, 2022 Council Meeting
DEPARTMENT SUMMARY RECOMMENDATION:	The first Council Meeting in December conflicts with the annual Christmas parade. The Council has traditionally opted to change the evening meeting to a morning meeting. The resolution to make this change is attached.
LEGAL:	N/A

Resolution No.

WHEREAS, The Mayor and City Council have determined that it is in the best interest of the City of Cartersville and its inhabitants and their general health, safety and welfare to reschedule the below referenced meeting of the Mayor and City Council pursuant to the authority provided by the CODE OF ORDINANCES, CITY OF CARTERSVILLE, GEORGIA; and

THEREFORE, NOW BE IT RESOLVED, by the Mayor and City Council of the City of Cartersville that the meeting of the Mayor and City Council scheduled on the 1st day of December, 2022 at 7 PM in pursuant to Section 2-17 of the City of Cartersville Code of Ordinances is hereby rescheduled to the 1st day of December, 2022 at 9 AM.

NOW BE IT AND IT IS HEREBY RESOLVED.

ADOPTED this 6th day of October, 2022.

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

ATTEST:

**/s/ _____
Julia Drake
City Clerk**



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Easements
DEPARTMENT NAME:	Administration
AGENDA ITEM TITLE:	Distribution Tree Trim / Clearing Easement
DEPARTMENT SUMMARY RECOMMENDATION:	Georgia Power has requested an easement to cut, trim and/or remove any trees which may endanger their transmission, distribution, and/or communication lines in the specified areas of Highway 294.
LEGAL:	N/A

After recording, return to:
Georgia Power Company
Attn: Land Acquisition (Recording)
241 Ralph McGill Blvd NE
Bin 10151
Atlanta, GA 30308-3374

PROJECT 2022060238 LETTER FILE DEED FILE MAP FILE
ACCOUNT NUMBER 10585396-GPC9596-0-12.02.01
NAME OF LINE/PROJECT: CLOVERLEAF - TREE TRIM - C3112-KMZ SECTION 4 (2023 BIL) (BARTOW COUNTY) DL

PARCEL NUMBER 007

STATE OF GEORGIA
BARTOW COUNTY

DISTRIBUTION TREE TRIM / CLEARING EASEMENT

For and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid by GEORGIA POWER COMPANY, a Georgia corporation (the "Company"), the receipt and sufficiency of which are hereby acknowledged, CITY OF CARTERSVILLE (the "Undersigned", which term shall include heirs, successors and/or assigns), whose mailing Address is PO Box 1390, Cartersville, GA 30120-1390, does hereby grant and convey to the Company, its successors and assigns, the right, privilege and easement to cut, trim, remove, clear and keep clear any and all trees and other obstructions located on the Easement Area (as defined below), as well as the right, privilege and easement to cut, trim and/or remove any trees which now or may hereafter endanger the electric transmission and/or distribution lines and/or communication lines of the Company, its successors and assigns now constructed or which may hereafter be constructed on or adjacent to the Property (as defined below) and the right of ingress and egress over the Property to and from the Easement Area in connection therewith.

The "Property" is defined as that certain tract of land owned by the Undersigned at HWY 294, CARTERSVILLE, GA 30121 (Tax Parcel ID No. C108-0002-011) in Land Lot 253, 254, 321-328, 393-396, Section 3; 289, 360, Section 3 of the 21, 4 District of Bartow County, Georgia.

The "Easement Area" is defined as the portion of the Property located within twenty (20) feet of the centerline of the existing overhead of the existing electric transmission, distribution and/or communication lines of the Company, such Easement area being more particularly shown on "Exhibit A" attached hereto and made a part hereof.

[Signature(s) on Following Page(s)]

PARCEL 007 NAME OF CLOVERLEAF - TREE TRIM - C3112-KMZ SECTION 4
 LINE/PROJECT: (2023 BIL) (BARTOW COUNTY) DL

IN WITNESS WHEREOF, the Undersigned has/have hereunto set his/her/their hand(s) and seal(s), this _____ day of _____, _____.

Signed, sealed and delivered in the CITY OF CARTERSVILLE
presence of:

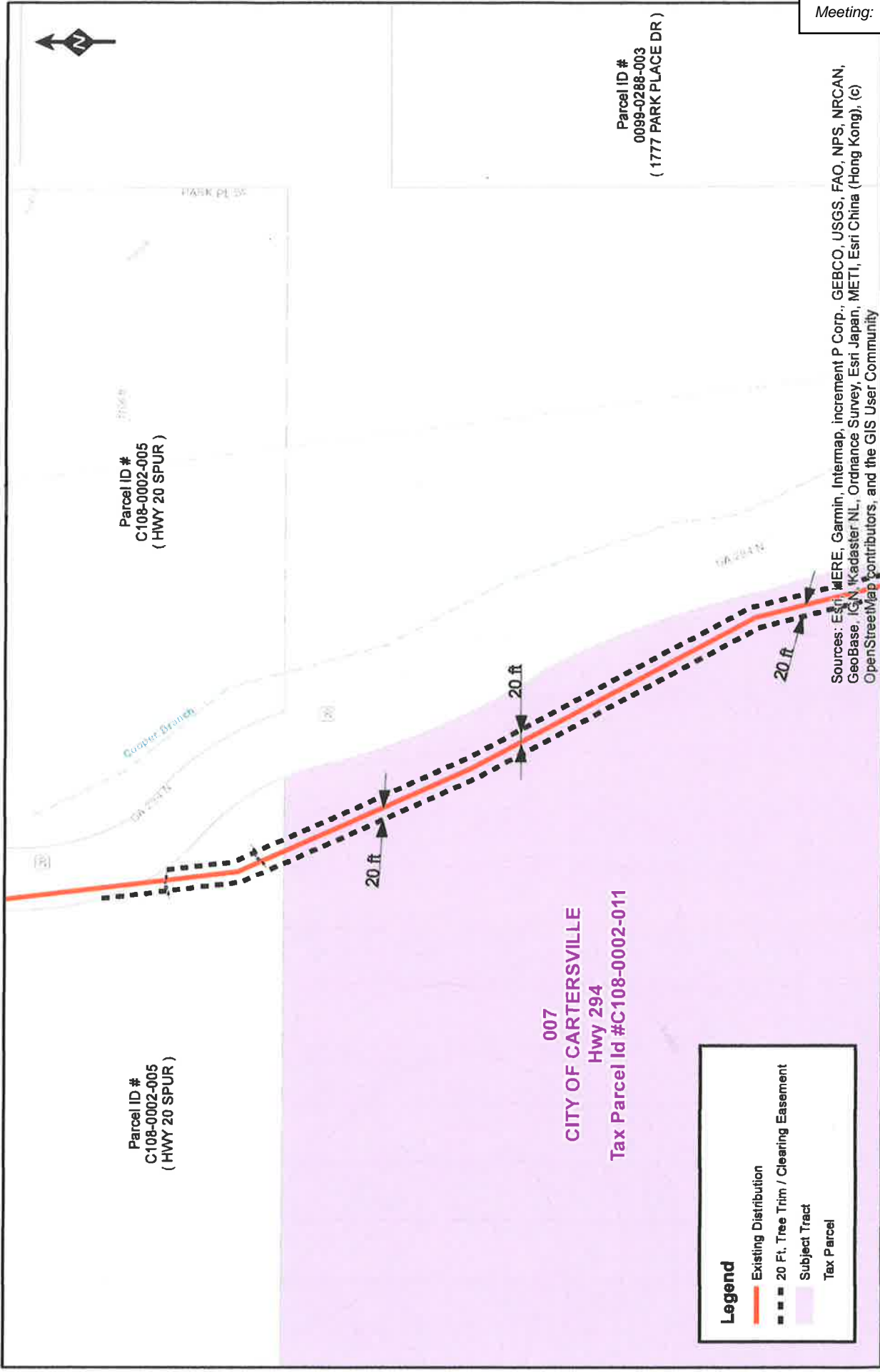
Witness

By: _____ (SEAL)
Name:
Title:

Notary Public

Attest: _____ (SEAL)
Name:
Title:

[CORPORATE SEAL]



Parcel ID #
0099-0288-003
(1777 PARK PLACE DR)

Parcel ID #
C108-0002-005
(HWY 20 SPUR)

Parcel ID #
C108-0002-005
(HWY 20 SPUR)

007
CITY OF CARTERSVILLE
Hwy 294
Tax Parcel Id #C108-0002-011

Legend

- Existing Distribution
- 20 Ft. Tree Trim / Clearing Easement
- Subject Tract
- Tax Parcel

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

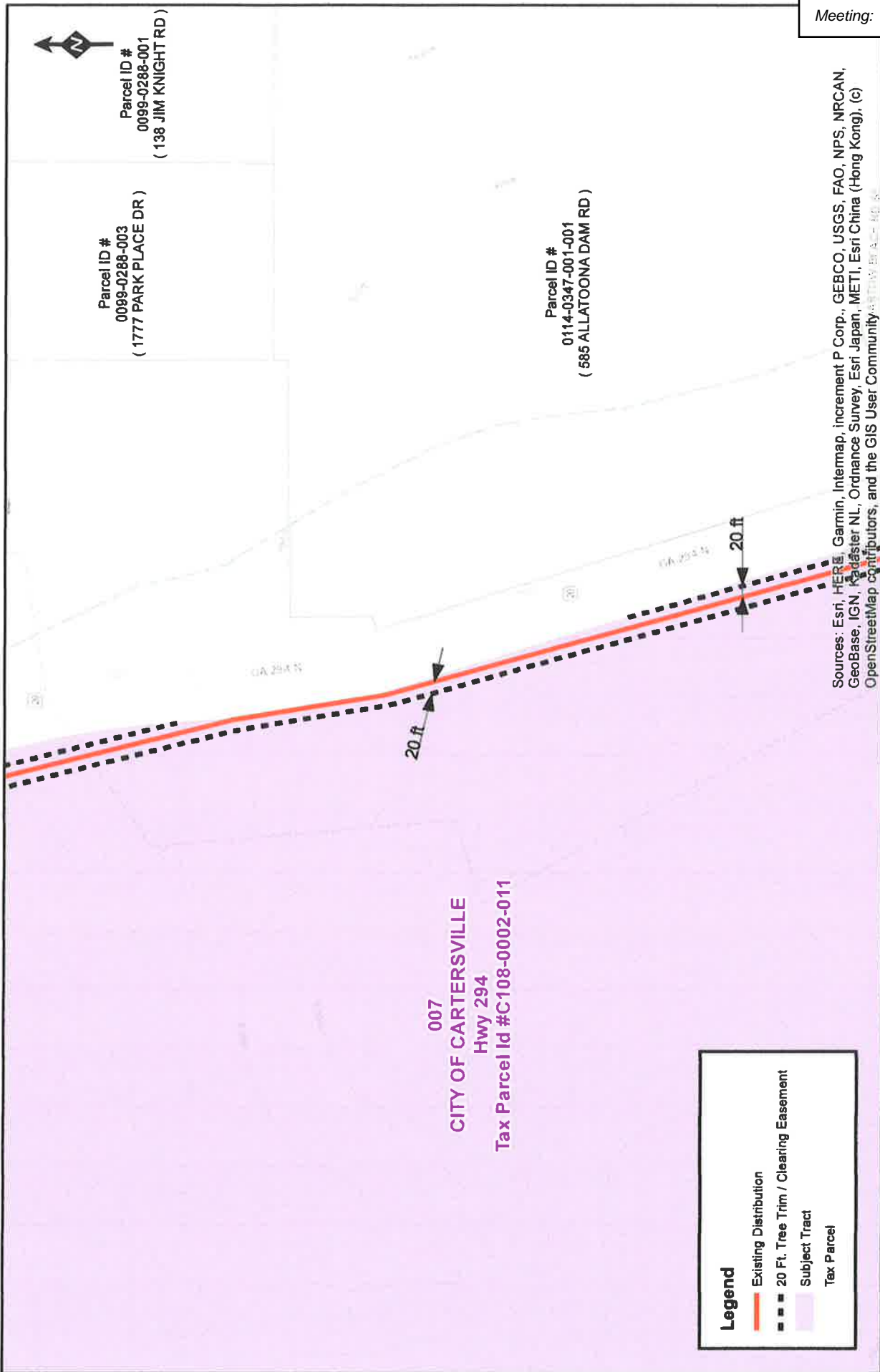
**CLOVERLEAF - TREE TRIM -
C3112-KMZ SECTION 4 (2023 BIL.)
DISTRIBUTION LINE
LIMS: 2022060238**

**Exhibit A
PARCEL 007 (1 of 3)**

MAP NOT BASED ON SURVEY DATA
Structure and line locations based on Pre-Engineering data and subject to change.



Georgia Power
Land Engineering
Prepare Date: 8/9/2022



Legend

- Existing Distribution
- 20 Ft. Tree Trim / Clearing Easement
- Subject Tract
- Tax Parcel

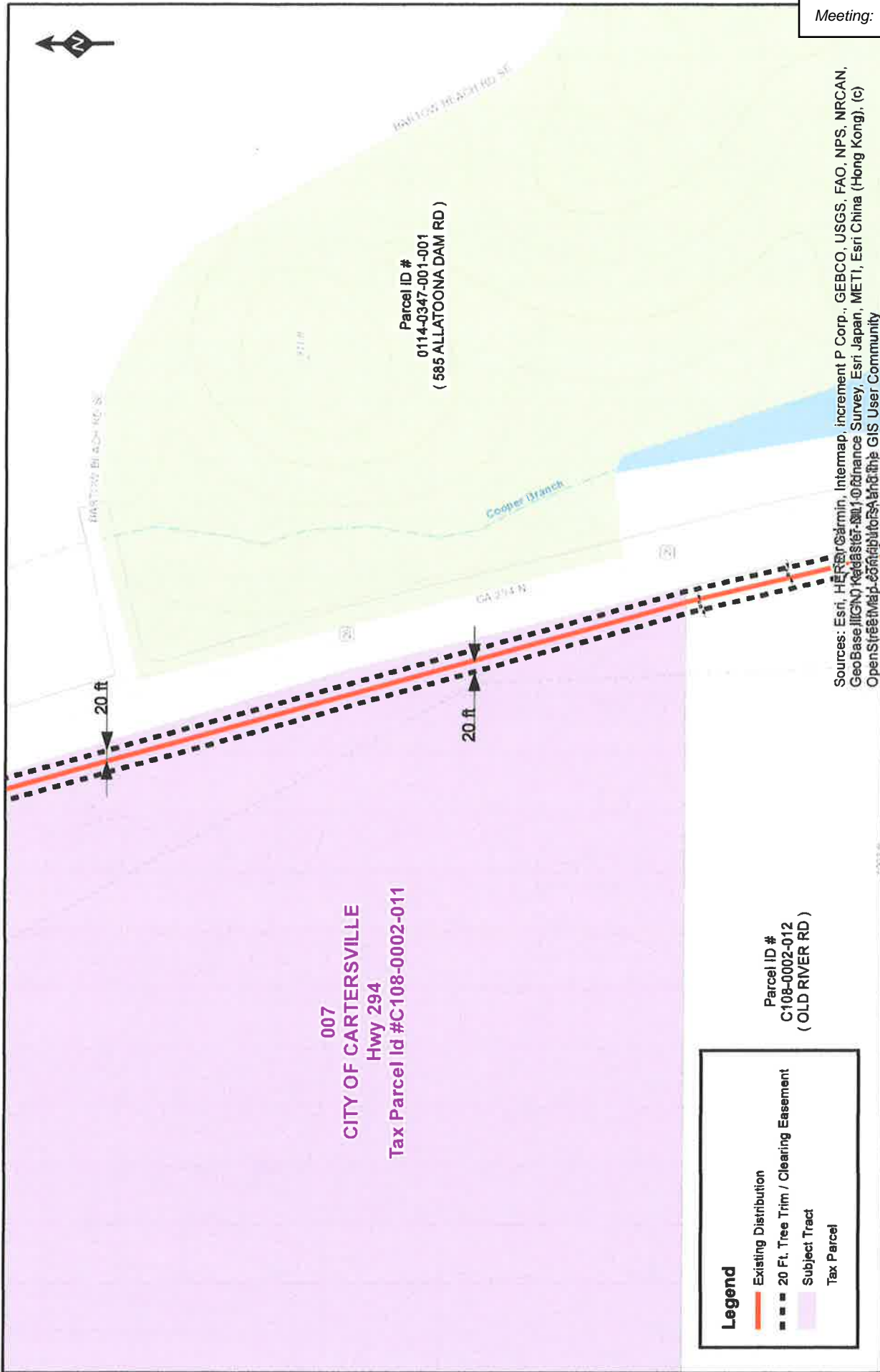
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Exhibit A
PARCEL 007 (2 of 3)
CLOVERLEAF - TREE TRIM -
C3112-KMZ SECTION 4 (2023 BIL)
(BARTOW COUNTY)
DISTRIBUTION LINE
LIMS: 2022060238

MAP NOT BASED ON SURVEY DATA
 Structure and line locations based on Pre-Engineering data and subject to change.

0 100 200 400
 Feet

Georgia Power
 Land Engineering
 Prepare Date: 8/9/2022



Legend

- Existing Distribution
- 20 Ft. Tree Trim / Clearing Easement
- Subject Tract
- Tax Parcel

Parcel ID #
C108-0002-012
(OLD RIVER RD)

007
CITY OF CARTERSVILLE
Hwy 294
Tax Parcel Id #C108-0002-011

Parcel ID #
0114-0347-001-001
(585 ALLATOONA DAM RD)

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster, Swis, UTM, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Georgia Power
Land Engineering
Prepare Date: 8/9/2022

Exhibit A
PARCEL 007 (3 of 3)
MAP NOT BASED ON SURVEY DATA
Structure and line locations based on Pre-Engineering data and subject to change.

**CLOVERLEAF - TREE TRIM -
C3112-KMZ SECTION 4 (2023 BIL)
DISTRIBUTION LINE
LIMS: 2022060238**

Project Number: 2022060238

Parcel Number: 07

County: Bartow

Closing Agent: X2EHODGS

Tax APN: C108-0002-011 Gross Proceeds: \$23,590

Instructions for U.S. Tax Persons: As a business, federal income tax law requires us to report certain payments we make to you if you are not exempted from this reporting responsibility. In order for us to properly meet the federal law requirements, we need certain information from you. Please complete the information requested below and return the form to the Georgia Power Land Acquisition Agent or to the address shown above. If you do not provide us with your correct taxpayer identification number, you may be subject to a \$50 penalty imposed by the Internal Revenue Service. In addition, you may be subject to 28% backup withholding on reportable payments we make to you.

Part 1 Tax Status

Instructions: Check ONE box only and provide your complete name and Taxpayer Identification Number

<input type="checkbox"/>	U.S. Resident Individual:	Individual's Name	Individual's Social Security Number
--------------------------	----------------------------------	-------------------	-------------------------------------

A sole proprietorship may have a "doing business as" trade name, but the legal name is the name of the business owner.

<input type="checkbox"/>	U.S. Sole Proprietor:	Business Owner's Name	Owner's Social Security Number
		Business or Trade Name:	Or Employer's Identification Number

A partnership may have a "doing business as" trade name, but the legal name is the list of the names of the partners.

<input type="checkbox"/>	U.S. Partnership, Limited Liability Co. (LLC), Trust or Estate:	Name of Partnership/ LLC/ Trust/Estate (As shown on your tax forms)	Employer Identification Number
		Partnership's Legal Name (Name of first partner):	

A corporation may use an abbreviated name or its initials, but its legal name is the name on the articles of incorporation.

If an LLC electing corporate status for U.S. tax purposes, please attach a copy of you U.S. tax election on IRS Form 8832, Entity Classification Election

<input type="checkbox"/>	U.S. Corporation, Tax Exempt Org, Federal, State or Local Gov't. Agency:	Name of Corporation or Entity	Employer identification Number
--------------------------	---------------------------------------------------------------------------------	-------------------------------	--------------------------------

Part 2 Exemption If exempt from 1099 reporting, circle your qualifying exemption reason below.

1. Corporation
2. Tax Exempt Charity under 501(a), or IRA
3. The United States or any of its agencies or instrumentalities
4. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions
5. A foreign government or any of its political subdivisions
6. Other _____

Under penalties of perjury, my signature certifies that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me).
2. I am not subject to backup withholding because a) I am exempt from backup withholding, or b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or c) the IRS has notified me that I am no longer subject to backup withholding.
3. I am a U.S. person (including a U.S. resident alien). The IRS defines a U.S. person as a) U.S. citizen, b) an entity (company, corporation, trust, partnership, estate, etc.) created or organized in, or under the laws of, the United States; a state; or the District of Columbia, or c) a U.S. resident (someone who has a "green card" or has passed the IRS "substantial-presence test." For an explanation of the substantial-presence test, please see IRS Pub. 515 or 519, available at www.irs.gov.)

If you are a foreign person, do not complete this Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Signature	Name (Typed or Printed)	Title
Date	Home Phone Number	Cell/Work Phone Number
Address	City	State ZIP



Payment Request Form

Owner Name: City of Cartersville

LIMS Project & Parcel: 2022060238-07

Agent Name: Eric Hodgson

Payment Amount: \$ 23,590

Verified By: _____

Payment Options (Select one – Check or Zelle)

Check

Payable To: _____

Street Address: _____

City, State & Zip: _____

Phone No: _____

E-mail Address: _____

Zelle Electronic Payment (In addition to above items, owner must select one of the following.)

E-mail Address: _____

Or

U.S. Mobile No: _____

By selecting one of the above options, I hereby authorize payment by the chosen method.

- By selecting the first option, I understand that a paper check will be processed and delivered by Federal Express to me at the street address provided within 2-4 weeks.
- By selecting the second option, I understand that a notification message will be sent via e-mail or text message to my e-mail address or U. S. mobile phone number with instructions for completing the electronic payment process from Bank of America to my bank account. This should be processed within 2-4 business days. Further, if my e-mail address or U.S. mobile number is not currently enrolled with the Zelle payment system, I understand that I am responsible for associating the provided notification method with my bank account by following the instructions in the notification message and/or contacting my bank for assistance.

Prior to processing payments of \$600.00 or more, I also understand that I must complete an IRS-required Form W-9 to collect information which Southern Company will report according to law.

Owner's Signature: _____

Date: _____



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Contracts/Agreements
DEPARTMENT NAME:	Administration
AGENDA ITEM TITLE:	Bermex Meter Reading Services Agreement
DEPARTMENT SUMMARY RECOMMENDATION:	It is requested that the City of Cartersville enter into this agreement with Bermex for meter reading and contract services for one (1) year, effective November 1, 2022 through October 30, 2023. The specific details are available in the following agreement.
LEGAL:	Reviewed by Archer & Lovell

AGREEMENT FOR METER READING SERVICES

Bermex Inc. ("Contractor") herewith engages with City of Cartersville, Ga (Utility) to perform meter reading and contract services.

Appendix "A" METER READING SERVICE, is hereby attached and made a part of this Agreement.

Appendix "B" COMPENSATION, is hereby attached and made part of this Agreement.

The terms of this agreement will be for a period of One (1) year, effective 01-November-2022 through 30 October 2023. This contract can be renewed annually for up to two additional years if agreed upon by both parties.

Written notice concerning this Agreement will be directed to the Contractor at:

Bermex, Inc.
4500 Courthouse Blvd Suite #150
Stow, Ohio 44224
Attn: Kenny Murphy, President

Or to the Utility at:

City of Cartersville
10 N. Public Square
Cartersville, GA 30120
Attn: Freddy Morgan

Contractor agrees to notify the Utility in writing of any change in address or telephone number within ten (10) days of such change. Further, Contractor is to provide the Utility with a certificate of insurance as set forth in Appendix A, Section 3, INSURANCE.

It is expressly understood that the Contractor and its' employees are serving as an independent contractor with the City of Cartersville, GA, in conformance with the scope of service described herein.

-SIGNATURES ON THE NEXT PAGE-

APPROVED THIS ____ DAY OF _____, 2022.

CONTRACTOR:

Bermex, Inc.

Signature_____

Printed_____

Title_____

Dated_____

UTILITY:

CITY OF CARTERSVILLE, GEORGIA

By: _____
Matthew J. Santini, Mayor

Attested to by:

Julia Drake, City Clerk

[AFFIX SEAL]

Dated: _____

APPENDIX "A"

METER READING SERVICES

1. SCOPE OF SERVICES

Contractor's meter reader(s) shall be responsible for obtaining complete, accurate meter reading and recording them in hand-held meter reading devices to be provided by the Utility in accordance with the schedule established. The Utility shall be responsible for providing electronic meter reading devices which are properly functioning and calibrated for Contractor's use. The electronic meter reading devices shall be programmed daily by the Utility and available to Contractor at the beginning of each day. The Utility will be responsible for providing all necessary communications equipment and have all routes loaded daily by 8:00am per the schedule agreed by Contractor and Utility. The individual(s) shall be responsible daily to report damaged and/or broken meter and meter boxes and unreadable meters, etc., observed during the performance of their duties. Employee may be requested to complete service orders at the direction of the Utility. The employee will be required to be properly trained and have sufficient knowledge to complete the tasks assigned. Specialty training will be provided to the Contractor by the Utility as to ensure that Contractor is performing all tasks to the Utilities standards. Additionally, if during the course of their duties an employee comes across abnormal operating conditions, the meter reader will advise the Utility promptly. In no case shall Contractor be liable for not reading a meter due to unforeseen circumstances or circumstances beyond its control.

Readings shall be taken no earlier than 8:00 am and no later than 5:00 pm from Monday thru Friday. The meter reader must complete the reading of the entire route within its scheduled window. Reading the meters on Saturday will be allowed if circumstances require and prior approval is obtained from the Utility. Readings on Sunday and special Holidays shall be prohibited. Exceptions to these hours must have prior approval by the Utility, Weather conditions must not prevent the accomplishment of services under this contract unless otherwise agreed by the Utility. All extreme weather events that cause a delay in reading schedule will be communicated to the Utility and a change in schedule will be approved.

Utility observes the following yearly holiday schedule, and no services from Contractor will be required on the dates so listed below:

New Year's Day	January 1 st
Martin Luther King Day	As designated by the state
Good Friday	
Memorial Day	Last Monday in May
Fourth of July	
Labor Day	First Monday in September
Veteran's Day	November 11 th
Thanksgiving holiday	Fourth Thursday & Friday in November
Christmas holiday	Christmas Eve & Christmas day

***If a holiday falls on Sunday, you will receive the Monday immediately following the holiday off. If a holiday falls on Saturday you will receive the Friday immediately preceding the holiday off.**

2. **PERSONNEL**

The individual(s) performing the service shall, at all times, be properly attired including use of hard sole shoes. Shirts which will clearly identify Contractor's as "meter readers" must be always worn. Contractor's vehicles must also clearly identify that they are a Contract Meter Reader. Signage for contractors' vehicles will be approved by the utility. Contractor will promptly return all Utility handheld devices upon termination or non-renewal of this Agreement before payment of any sums due Contractor will be made by the Utility.

3. **INSURANCE**

Contractor shall provide the following insurance:

- a) Workers Compensation/Employers liability as required by state law.
- b) Commercial general liability insurance with limits of not less than \$1,000,000 each occurrence and aggregate of \$2,000,000.
- c) Commercial automobile liability insurance with a limit for bodily injury and property damage of not less than \$1,000,000 each accident.

The Utility shall not be liable for any injuries or accidents to Contractor or individuals in its employ, which may occur during the course of performing services to the Utility. The Utility shall not be held liable for third party bodily injury or property damage claims to the extent caused by Contractor or its employees.

4. **MISCELLANEOUS**

4.1 FORCE MAJEURE

Performance of this Agreement by each party shall be pursued with due diligence in all requirements hereof; however, neither party shall be liable for any loss or damage for delay or for nonperformance due to the causes not reasonably within its control, such as acts of civil, or military authority (including courts or administrative agencies) acts of God, war, riot or insurrection, inability, to obtain required permits or licenses, blockades, embargoes, sabotage, epidemics, fires, unusually severe floods, strikes, lockouts or other labor disputes or difficulties; and provide the party affected shall promptly notify the other in writing of the nature, cause, date of commencement thereof, the anticipated extent of such delay. In the event of any delay resulting from such causes, the time of performance of each the parties hereunder shall be extended for a time period equal to the period of such delay.

4.2 TERMINATION

This Agreement may be terminated at will by either party upon giving the other party sixty (60) days written notice.

4.3 COMPLETE AGREEMENT

This Agreement is intended as the complete and exclusive statement of the agreement between the parties. This Agreement shall not be amended or modified, and no waiver of any provision hereof shall be effective, unless set forth in a written instrument authorized and executed with the same formality as the Agreement and agreed to by both parties.

APPENDIX "B"

COMPENSATION

1. **PRICE OF SERVICES**

The price to perform the services set forth in the Agreement will be **\$49.00 US per hour**. Bermex will perform the defined scope of work and all other service orders requested by the Utility during normal business hours of 8:00 am to 5:00 pm Monday through Friday.

Overtime Rate of \$68.00 per hour- Overtime will be paid for all hours worked greater than 40 hours, or anytime the city requests work to be performed on Saturday or Sunday.

Contractor reserves the right to increase the hourly rate of the service. Notice of rate change will be provided to the Utility no less than 60 days prior to annual renewal and will be agreed upon by both parties.

2. **INVOICING**

Contractor will invoice the Utility monthly. Payment shall be made within 30 days following the receipt of a correct invoice. Invoices that are not paid within 60 days will incur a 1.5% late penalty.



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Certification
DEPARTMENT NAME:	Fire
AGENDA ITEM TITLE:	Inspection/Certification of Class B Fuel Training System
DEPARTMENT SUMMARY RECOMMENDATION:	<p>Respectfully request approval of a project to inspect and certify our Class B Fuel training system located within the burn building at the joint training complex on Paga Mine Rd. This will include an onsite inspection, maintenance, repair and training and will certify our instructors on the use of this live fire training prop. It will be a joint project with the Bartow County Fire Department.</p> <p>This is a single source with Fireblast Global with a total project cost of \$21,094.24. The project is budgeted and 50% of the cost will be reimbursed by Bartow County leaving us with a net impact of \$10,547.21.</p> <p>As a side note, we will present the inspection, repair and engineer certification of the burn building at a later date. It is a different project than the one before you tonight.</p>
LEGAL:	N/A



545 Monica Circle
Corona, CA 92878
Phone: (951) 277-8319

SALES QUOTE

Quote Number: SQ003263
Quote Date: 7/25/2022
SalesPerson
Terms Due on Receipt
Page: 1

Bill To: C000340
Cartersville Fire Department
Scott Carter
19 North Erwin Street
PO Box 1390
Cartersville, GA 30120
USA

Ship To:
Cartersville Fire Department
Scott Carter
19 North Erwin Street
PO Box 1390
Cartersville, GA 30120
USA

Item No.	Description	Unit	Quantity	Unit Price	Total Price
	INSPECTION	EACH	1	7,261.80	7,261.80

Subtotal: 7,261.80

Total: 7,261.80

Terms and Conditions

All amounts are in US Dollars

1. Sales quote good for 90 Days.
2. Excludes taxes, duties, shipping, permits, bonds and special requirements (unless listed as line items above).
3. For fixed facilities, quote excludes thermal lining, infrastructure and electrical/fuel source to facility (unless listed as line item above).
4. Any previous sales quotes are no longer valid.



545 Monica Circle
Corona, CA 92878
Phone: (951) 277-8319

SALES QUOTE

Quote Number: SQ003263
Quote Date: 7/25/2022
SalesPerson
Terms Due on Receipt
Page: 1

COPY

Bill To: C000340
Cartersville Fire Department
Scott Carter
19 North Erwin Street
PO Box 1390
Cartersville, GA 30120
USA

Ship To:
Cartersville Fire Department
Scott Carter
19 North Erwin Street
PO Box 1390
Cartersville, GA 30120
USA

Item No.	Description	Unit	Quantity	Unit Price	Total Price
	INSPECTION	EACH	1	7,261.80	7,261.80

Subtotal: 7,261.80

Total: 7,261.80

Terms and Conditions

All amounts are in US Dollars

1. Sales quote good for 90 Days.
2. Excludes taxes, duties, shipping, permits, bonds and special requirements (unless listed as line items above).
3. For fixed facilities, quote excludes thermal lining, infrastructure and electrical/fuel source to facility (unless listed as line item above).
4. Any previous sales quotes are no longer valid.



545 Monica Circle
Corona, CA 92878
Phone: (951) 277-8319

SALES QUOTE

Quote Number: SQ003262
Quote Date: 7/25/2022
SalesPerson
Terms Due on Receipt
Page: 1

Bill To: C000340
Cartersville Fire Department
Scott Carter
19 North Erwin Street
PO Box 1390
Cartersville, GA 30120
USA

Ship To:
Cartersville Fire Department
Scott Carter
19 North Erwin Street
PO Box 1390
Cartersville, GA 30120
USA

Item No.	Description	Unit	Quantity	Unit Price	Total Price
	Maintenance Contracts	EACH	1	11,654.98	11,654.98
	Training- up to 10 students.	EACH	1	2,177.46	2,177.46
	Price is only valid if training and maintenance is done at the same time.				

Subtotal: 13,832.44

Total: 13,832.44

Terms and Conditions

All amounts are in US Dollars

1. Sales quote good for 90 Days.
2. Excludes taxes, duties, shipping, permits, bonds and special requirements (unless listed as line items above).
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CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Certification
DEPARTMENT NAME:	Public Works
AGENDA ITEM TITLE:	CRS Recertification
DEPARTMENT SUMMARY RECOMMENDATION:	The City of Cartersville continues to participate in the Community Rating System (CRS) in order to qualify for reduced flood insurance rates from the National Flood Insurance Program for properties within the city limits. Public Works is requesting the Mayor's signature on the attached annual recertification application with CRS to continue participation in this on-going program.
LEGAL:	N/A

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency

Meeting: October 6, 2022 Item 19.

OMB Control Number: 1660-0022
Expiration: 10/31/2023

CRS COMMUNITY CERTIFICATIONS

Community Cartersville, City of State GA CID 130209
(6-digit NFIP Community Identification Number)

Note: Please cross out any incorrect items, below, as needed, and insert the updated information.

CC-213 Recertification

Recertification due date	October 15, 2022	
	Chief Executive Officer	CRS Coordinator
Name	The Honorable Matthew Santini	Wade Wilson
Title	Mayor	City Engineer
Address	1 North Erwin Street P.O. Box 1390 Cartersville, GA 30120	330 South Erwin St. Cartersville, GA 30120
Phone number	(770) 387-5616	(770) 383-7432
E-mail address	cartersvillemayor@yahoo.com	wwilson@cityofcartersville.org

I hereby certify that Cartersville, City of [community name] is implementing the following activities on the attached pages as credited under the Community Rating System and described in our original application to the CRS and subsequent modifications.

I hereby certify that, to the best of my knowledge and belief, we are in full compliance with the minimum requirements of the NFIP and we understand that we must remain in full compliance with the minimum requirements of the NFIP. We understand that at any time we are not to be in full compliance, we will retrograde to a CRS Class 10.

I hereby certify that we will continue to maintain FEMA Elevation Certificates on all new buildings and substantial improvements constructed in the Special Flood Hazard Area following the date at which we joined the CRS.

I hereby certify that if there are one or more repetitive loss properties in our community that we must take certain actions that include reviewing and updating the list of repetitive loss properties, mapping repetitive loss areas, describing the cause of the losses, and sending an outreach project to those areas each year, and if we have fifty (50) or more unmitigated repetitive loss properties we must earn credit under Activity 510 (Floodplain Management Planning) for either a repetitive loss area analysis (RLAA) or a floodplain management plan (FMP).

I hereby certify that, to the best of my knowledge and belief, we are maintaining in force flood insurance policies for insurable buildings owned by us and located in the Special Flood Hazard Area (SFHA) shown on our Flood Insurance Rate Map. I further understand that disaster assistance for any community-owned building located in the SFHA is reduced by the amount of National Flood Insurance Program (NFIP) flood insurance coverage (structure and contents) that a community should be carrying on the building, regardless of whether the community is carrying a policy.

Signature _____ (Chief Executive Officer)

Date _____

CC-213-1

[continued on next page]

Community Cartersville, City of State GA CID 130209
 (6-digit NFIP Community Identification Number)

CRS Program Data Table	A. In the SFHA	B. In a regulated floodplain outside the SFHA	C. In the rest of the community
1. Last report's number of buildings in the SFHA (bSF) (line 6, last report)			
2. Number of new buildings constructed since last report	+		
3. Number of buildings removed/demolished since last report	-		
4. Number of buildings affected by map revisions since last report (+ or -)			
5. Number of buildings affected by corporate limits changes (+ or -)			
6. Current total number of buildings in the SFHA (bSF) (total lines 1-5)			
7. Number of substantial improvement/damage projects since last report			
8. Number of repetitive loss properties mitigated since last report			
9. Number of LOMRs and map revisions (not LOMAs) since last report			
10. Acreage of the SFHA (aSFHA) as of the last report (line 13, last report)			
11. Acreage of area(s) affected by map revisions since last report (+ or -)			
12. Acreage of area(s) affected by corporate limits changes (+ or -)			
13. Current acreage of the SFHA (total lines 10-12)			
14. Primary source for building data:			
15. Primary source for area data:			
16. Period covered:		Current FIRM date	
<i>If available, the following data would be useful:</i>			
17. Number of new manufactured homes installed since last report			
18. Number of other new 1-4 family buildings constructed since last report			
19. Number of all other buildings constructed/installed since last report			

Comments:
 (Please note the number of the line to which the comment refers.)

Community Cartersville, City of State GA CID 130209
 (6-digit NFIP Community Identification Number)

Instructions

At the first verification visit after the effective date of the 2013 *CRS Coordinator's Manual*, ONLY LINES 6 AND 13 NEED TO BE COMPLETED. These lines form the baseline data about the number of buildings and area of the SFHA for when the table is completed as part of the next annual recertification. The "period covered" entered in line 16 is the date that lines 6 and 13 are first completed. At all subsequent annual recertifications and cycle verification visits, the entire table is completed. The information in lines 6 and 13 from the last report is transferred to lines 1 and 10 in the next report.

Instructions for the Columns

Column A numbers are for the SFHA (the A and V Zones shown on the Flood Insurance Rate Map) (FIRM)). Use the FIRM currently in effect, not a draft or pending revision.

Column B is completed only if the community receives CRS credit for regulating floodplain development outside the SFHA under Activity 410 (Floodplain Mapping) or Activity 430 (Higher Regulatory Standards).

Column C numbers help relate what happens in the floodplain to what is happening in the rest of the community. Enter "0" if there are no numbers to report for this period. Do not leave a cell blank. Do not fill in the shaded boxes.

Instructions for the Lines

Lines 1-7 deal with buildings.

- o Section 301.a of the *CRS Coordinator's Manual* defines what constitutes a "building" and lists examples of structures that are not counted as "buildings" by the CRS.
- o Section 302.a of the *CRS Coordinator's Manual* describes how the CRS counts buildings. For example, accessory structures are not counted.
- o As noted in Section 302.a, to determine building counts, communities may use any method that yields reasonably good estimates of the number of buildings. Examples of acceptable methods are listed in Section 302.a. Precision is less important for large numbers. For example, the impact of the numbers will not change much if there are 10,000 buildings or 10,100 buildings.
- o If a building is out of the SFHA, but in a parcel that is partly in the SFHA, it is not counted in column A --In the SFHA.
- o In line 14, note how the building counts were obtained or estimated. Use the comments area, if needed.

Line 4 refers to map revisions. These include physical map revisions, Letters of Map Revision (LOMR), and Letters of Map Amendment (LOMA). If a building is removed from the SFHA by FEMA through a LOMA, but the community still administers its floodplain management regulations on the property, the building should not be included in the line 4 count in column A --In the SFHA. However, communities that still regulate areas removed by LOMAs can receive credit under Activities 410 or 430. If the community is receiving such credit, the building should be counted under column B --In a regulated floodplain outside the SFHA.

Line 7 is for the total number of buildings that were substantially improved plus the number of buildings that were substantially damaged during the period covered.

Lines 10 -13 deal with areas.

- o These areas are based on the areas shown on the community's FIRM including LOMRs or LOMAs. Section 403.b discusses those portions of the SFHA that are subtracted from the area of the SFHA to calculate the community's aSFHA used in credit calculations.
- o Section 403.e of the *CRS Coordinator's Manual* discusses calculating areas for CRS purposes.
- o Section 403.e notes that communities "should not spend an inordinate amount of time measuring areas." As with buildings, communities may use any method that yields reasonably good estimates. Examples of acceptable approaches are listed in Section 403.e.
- o Line 13 asks for the current acreage of the SFHA. The best source for this number is a GIS layer that shows the SFHA. If the community does not have GIS, the county, regional agency, or state NFIP mapping office may have SFHA layers and may be able to provide the data. If the community has a relatively recent FIRM, the study contractor or consulting engineer may have the data.
- o In line 15, note how the area calculations were obtained or estimated. Use the comments area, if needed.

Lines 17 -19 are voluntary, if the numbers are readily available.

- o Line 17 includes replacing an existing manufactured home with a new one. The newly placed manufactured home is counted as a new, post-FIRM, building.
- o The total of lines 17 -19 should equal the value entered in line 2.

CC-213-3

COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION

Your community has been verified as receiving CRS credit for the following Activities.

- If your community is still implementing these activities the CRS coordinator is required to put his or her initials in the blank (do not use a checkmark or an “X”) and **attach** the appropriate items. A blank with no initials indicates you are not implementing that Activity anymore, and will result in loss of points (and possible CRS Class).
- If the word “**attached**” is used you must provide the requested documentation for that Activity. If no documentation has been acquired for that Activity, please explain why there is no documentation from the past year.

___ 310 EC: We are maintaining Elevation Certificates, Floodproofing Certificates, Basement Floodproofing Certificates, V Zone design certificates and engineered opening certificates on all new construction and substantially improved buildings in our Special Flood Hazard Area (SFHA) and make copies of all Certificates available at our present office location. [___] *Initial here is you have had no new construction or substantial improvement in the SFHA in the last year.*

___ 310 EC: **Attached is the permit list for only new or substantially improved structures in the SFHA that have been completed in the last year.** We have permitted ___ new building and substantial improvements in the SFHA during this reporting period.

___ 310 EC: **Attached are all the Certificates for new or substantially improved structures that have been completed during this reporting period that are included on the above permit list.** (Note: The total number of Elevation and Floodproofing certificates should match the number of permits issued and completed within the reporting period defined above. All permits issued for new construction or substantial improvement within the V zone should have both an Elevation Certificate and a V Zone Certificate, and all buildings with basements within the basement exemption communities should have both an Elevation Certificate and a Basement Floodproofing Certificate).

___ 320 MI 1: We are providing basic flood information to inquirers. We also continue to provide the following to inquirers:

- ___ MI 2 additional FIRM information
- ___ MI 3 problems not shown on the FIRM
- ___ MI 4 flood depth data

___ 320 MI: **Attached is a copy of the publicity for the credited elements of this service this year.**

___ 320 MI: **Attached is a copy of one page of the log, or 3 letters if using letters or other like records to document the service.**

COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION

___ 320 MI: We are continuing to keep our FIRM updated and maintain old copies of our FIRM.

___ 330 OP: We continue to conduct or provide all credited outreach projects.

___ 340 ODR: People looking to purchase flood prone property are being advised of the flood hazard through our credited hazard disclosure measures.

___ 350 WEB: We continue to conduct an annual review and update of the information and links in our flood protection website.

___ 420 OSP: We continue to preserve our open space in the floodplain.

___ 420 LZ/OSI: We continue to enforce our ordinance(s) for low-density zoning and/or open space incentives. [] Initial here if you have changed the allowable density of development in any of your zoning districts, rezoned parcels in the floodplain or changed your open space incentives. **Attach a copy of the amended regulations, provide a summary of the changes, and mark up the regulation indicating what's been changed.**

___ 430: We continue to enforce the floodplain management provisions of our zoning, subdivision and building code ordinances for which we are receiving credit. [] Initial here if you have amended your floodplain regulations. **Attach a copy of the amended regulations, provide a summary of the changes and mark up the regulations indicating what's been changed.**

___ 430 RA: We continue to enforce our procedures for administering our floodplain management regulations. If applicable, we also continue to employ CFMs and staff who took credited training courses. We currently have ___ CFMs on staff.

___ 440 AMD: We continue to use and update our flood data maintenance system on an annual basis as needed.

___ 450 SMR: We continue to enforce the stormwater management provisions of our zoning, subdivision and building code ordinances for new developments in the watershed. [] Initial here if you have amended your stormwater management regulations that will impact your CRS program. **Attach a copy of the amended regulations, provide a summary of the changes and mark up the regulations indicating what's been changed.**

___ 450 ESC/WQ: We continue to enforce the provisions of our zoning, subdivision and building codes as they pertain to erosion and sediment control and water quality.

Community CARTERSVILLE, CITY OF State GA CID 130209

COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION

___ 502 RL: We currently have ___ repetitive loss properties and send our notice to ___ properties in the repetitive loss areas.

___ 502 RL: **Attached is a copy of this year's notice on property protection, flood insurance and financial assistance that we sent to our repetitive loss areas.**

Additional Comments:

Attachments:



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Engineering Services
DEPARTMENT NAME:	Water and Sewer / Public Works
AGENDA ITEM TITLE:	Leake St and Erwin St Engineering Services Sanitary Sewer Design
DEPARTMENT SUMMARY RECOMMENDATION:	<p>In December 2021, Public Works received approval from Mayor and Council to proceed with engineering design of the storm system in the Leake Street and Erwin Street areas that have experienced localized flooding. This design is currently being completed by Consolidated Technologies, Inc (CTI). As a result of design and additional field work, it has been discovered that the sewer system in this area that intersects the storm system needs replacing.</p> <p>CTI has submitted an amendment to perform the engineering services for this sewer replacement. This will be in conjunction with the engineering services they have already provided for the storm improvements. This amendment will be paid out of the American Rescue Plan Act (ARPA) Funds. This is not a budgeted item, but it has been determined that these services would qualify for ARPA funding.</p> <p>The attached amendment agreement from CTI includes the development of civil documents for the sewer upgrade and construction administrative services for this project.</p> <p>The agreement for these additional services is \$9,700. The City of Cartersville Public Works and Water and Sewer Departments recommend approval of this agreement.</p>
LEGAL:	N/A

AGREEMENT FOR ENGINEERING SERVICES

This Agreement made this 2nd day of December 2021, by and between City of Cartersville Public Works, 330 S. Erwin Street, Cartersville, GA 30120 (hereinafter referred to as CLIENT) and Consolidated Technologies, Inc., dba CTI Engineers, Inc, 243 N. Hamilton Street, Suite 1, Dalton, GA 30720. (hereinafter referred to as CTI).

Whereas, the CLIENT desires to engage CTI to perform certain professional services for the Leake Street and Erwin Street Drainage Improvements (hereinafter referred to as the project).

The services provided by CTI will include the design, bidding, and construction administration for improving drainage in the immediate area near the intersection of Leake Street and Erwin Street.

Now, therefore, the CLIENT and CTI do hereby agree as follows:

- 1. CTI shall provide engineering services for the project as outlined in attached Appendix B, Scope of Services, in accordance with the terms and conditions of this Task Order.
- 2. The CLIENT shall assume responsibilities relative to the project as outlined in the attached Appendix B, Scope of Services.
- 3. For the services provided by CTI as outlined in the attached Appendix B, Scope of Services, CTI shall be paid the following fees:

Service	Fee Basis	Fee
Design	Lump Sum	\$ 31,000
Bid and Award Assistance	Lump Sum	5,000
Construction Administration	Lump Sum	6,000
Miscellaneous As-Requested Services	Cost Plus	<u>4,000</u>
Total Fee		\$46,000

- 4. Additional services may be performed when authorized in writing by the CLIENT. Compensation for these additional services shall be at salary cost plus 120 percent of salary cost plus 110 percent of direct non-salary expenses.

Salary costs shall include the salaries and wages paid to all CTI personnel engaged directly on the project, plus the cost of customary and statutory benefits and payroll taxes. Direct non-salary expenses shall include subcontracts, travel and subsistence, computer and CADD service charges, communications, field supplies and equipment rental, reproduction, and other project-related expenses.

- 5. Invoices will be submitted by CTI monthly. For lump sum services, the invoice amount will be based upon the percentage of work completed during the period. For cost-plus services, the invoice amount will be based upon the time and expenses chargeable to the project during the period.

AGREEMENT FOR ENGINEERING SERVICES

6. Payments for invoices submitted by CTI are due and payable upon receipt. Payments due CTI under this Agreement are subject to a service charge of 1-1/2 percent per month on all balances not paid within twenty-five (25) days after the date of receipt of invoice.

The following appendices are attached hereto and made a part of this Agreement as if written herein: Appendix A, General Conditions, Appendix B, Scope of Services, and Appendix C, E-Verify Affidavit.

In witness whereof, both parties have caused this agreement to be executed by their duly authorized representatives as of the day and year first written above.

ACCEPTED BY CLIENT:

ACCEPTED BY CTI:

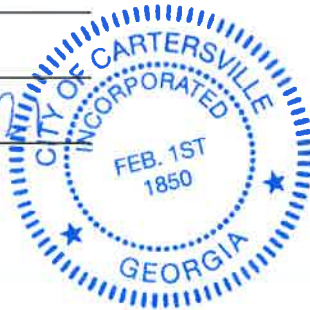
CITY OF CARTERSVILLE, GEORGIA

CONSOLIDATED TECHNOLOGIES, INC.
dba CTI ENGINEERS, INC.

BY Matthew Santini
NAME Matthew Santini
TITLE Mayor
DATE December 2, 2021
(Insert here and on first line)

BY Philip R. Schofield, P.E.
NAME Philip R. Schofield, P.E.
TITLE Vice President
DATE 11/23/2021

BY Julia Drake
NAME Julia Drake
TITLE City Clerk
DATE December 2, 2021



**APPENDIX A
GENERAL CONDITIONS**

1. **Standard of Care.** Services performed by CTI under this Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same or similar locality under similar conditions. CTI makes no warranty or guarantee, either expressed or implied, as part of this Agreement. CTI shall not be liable in the event that erroneous information is supplied by the CLIENT or a responsible third party not under contract to CTI, and CTI in good faith subsequently relies upon and incorporates such information into its documents.
2. **Non-Disclosure.** CTI shall not disclose or permit disclosure of any information designated in writing by the CLIENT as confidential, except to its employees and subcontractors who need such information in order to execute the services under this Agreement.
3. **Opinions of Cost.** Where applicable, statements concerning probable construction cost or cost estimates prepared by CTI represent the judgment of design professionals familiar with the construction industry. It is recognized, however, that neither the CLIENT nor CTI has any control over the cost of labor, materials, or equipment; the contractor's methods of determining bid prices; or competitive bidding or market conditions. Accordingly, CTI cannot and does not guarantee that bids or construction costs will not vary from any statement of probable construction cost or other cost estimate prepared by CTI.
4. **Ownership and Reuse of Documents.** Subject to the requirements of the Georgia Open Records Act, any calculations, drawings, specifications, manuals, and reports developed pursuant to this Agreement, including files and documents in electronic format, are instruments of service, and CTI shall retain all ownership, copyrights, and intellectual property interests therein. The CLIENT may, at its expense, make copies for information and reference in connection with use and occupancy of the project. However, such documents are not intended to be suitable for reuse by the CLIENT without verification and adaptation by CTI, and any reuse will be at the CLIENT'S sole risk and without liability to CTI.
5. **Electronic Copies of Documents.** Subject to the requirements of the Georgia Open Records Act, CTI shall not be required to provide electronic copies of documents or CADD files unless specifically required by the Scope of Services. Any electronic or CADD file shall be considered a convenience to the CLIENT. Format and layering shall be CTI's standard unless required otherwise by the Scope of Services. In the event of a discrepancy or difference between an electronic or CADD file and a hard copy, the sealed paper copy shall govern. Due to the easily alterable nature of electronic files, CTI makes no warranty, express or implied, with respect to the accuracy, completeness, absence of viruses, or fitness for any particular purpose or use. The CLIENT shall not make modifications to or permit others to make copies of or modifications to electronic copies of documents or CADD files without prior written authorization of CTI.
6. **Insurance.** CTI shall, during the performance of the Agreement, keep in force statutory Workers Compensation Insurance, Comprehensive General Liability, and Automobile Liability Insurance with a combined single limit of \$1 million for bodily injury and property damage, and Professional Liability Insurance with an aggregate limit of \$2 million.
7. **Suspension, Cancellation, and Termination.** The CLIENT may terminate this Agreement for the CLIENT'S convenience and without cause upon giving CTI not less than 30 calendar days' written notice. Either party may terminate the Agreement immediately upon the other's filing for bankruptcy, insolvency, or assignment to creditors. This Agreement may be terminated by either party for cause upon 30 calendar days' written notice of a substantial failure by the other party to perform in accordance with the terms of this Agreement and through no fault of the terminating party; cancellation of the project; suspension of CTI's services for more than 90 calendar days; or material changes in conditions or the nature of the project and failure of the parties to reach agreement on compensation and schedule adjustments necessitated by such changes. During the 30-day period, the party receiving the termination notice shall have the right to cure the failure or submit a plan to cure acceptable to the other party. In the event the Agreement is terminated by either party, CTI shall be compensated for services performed up to the date of termination.
8. **Force Majeure.** If an event or circumstance beyond CTI's reasonable control occurs, including without limitation an act of God, fire, flood, hurricane, wind event, storm, weather disturbance, earthquake, pandemic, disease, epidemic, or other viral or bacterial outbreak, government-ordered shutdown, quarantine or shelter-in-place order, an act or omission of a third party, strike, war, riot, terrorism or threat of terrorism, civil unrest, or any other event or circumstance not within the reasonable control of CTI, whether similar or dissimilar to any of the foregoing, that cause CTI delay or additional expense ("Force Majeure Event"), then CTI is entitled to an equitable adjustment in the contract price or time for performance. If any Force Majeure Event renders CTI's performance impossible or impracticable, CTI has the right to terminate performance under this Agreement consistent with any termination requirements that might exist in this Agreement. Upon occurrence of a Force Majeure Event, CTI will notify the CLIENT within a reasonable time that a Force Majeure Event has occurred and its anticipated impact on CTI's performance, including its expected duration. CTI will use reasonable efforts to mitigate the impact of any Force Majeure Event on CTI's ability to perform under this Agreement.
9. **Non-Payment.** If the CLIENT does not make timely payments on invoices to CTI, CTI may, upon giving 30 calendar days' written notice of its intent to do so, suspend its services or terminate this Agreement by reason of non-performance on the part of the CLIENT. Should an attorney or agency be required for the collection of any payments due under this Agreement, the CLIENT agrees to pay the full cost of collection, including reasonable attorney's or agency's fees, in addition to any other fee or payment due.

APPENDIX A

10. Disputes. All claims, disputes, and other matters in question between the parties relative to this Agreement shall first be submitted to nonbinding mediation, unless the parties mutually agree otherwise. In the event the parties are unable to reach a settlement of any dispute or claim arising out of services under this Agreement through mediation, the parties may pursue their respective remedies at law or equity, unless the amount in controversy exceeds \$250,000, in which case the matter shall be decided by arbitration. A panel of three arbitrators shall be required. The decision rendered by the arbitrators shall be final and shall be specifically enforceable under the prevailing law of any court having jurisdiction. Fees of the arbitrators shall be shared equally by both parties. Neither the CLIENT nor CTI shall have the right to join a third party to any proceedings between the CLIENT and CTI unless the other party to this agreement consents to the joinder.
11. Construction Phase Services. Neither the activities of CTI under this Agreement nor the presence of its employees or agents at the job site shall imply any responsibility for the CLIENT's or construction contractor's methods of work performance, superintendence, supervision, sequencing of construction, or safety on or about the job site. CTI shall not be responsible for the failure of any contractor, subcontractor, or supplier not under contract to CTI to fulfill its responsibilities to the CLIENT or to comply with federal, state, or local laws/regulations/codes. CTI shall not be bound by any provision or obligation contained in the construction contract documents unless specifically included or referenced in the Scope of Services of this Agreement.
12. Resident Observation. Where applicable, services under "Resident Observation" or "Resident Project Representation" are provided to help minimize the risk of defects and deficiencies in the work of the construction contractor. Such services will consist of visual observations of the construction work and the equipment and materials used therein to enable CTI to render its professional opinion as to whether the work, in general, is proceeding in accordance with the contract documents. Such observation activities shall not be relied upon by any party as acceptance of the work, nor shall they relieve any party from fulfillment of customary and contractual responsibilities and obligations.
13. Subsurface Investigations. For services involving underground investigations and borings, the CLIENT understands that there is a risk that underground conditions may vary between, below, and beyond the actual locations explored. Accordingly, CTI cannot and does not guarantee that underground conditions encountered during construction will not differ from those indicated by the investigation.
14. Hazardous Materials. Hazardous materials may exist at a site when there is no reason to believe they could or should be present. The CLIENT agrees that discovery of unanticipated hazardous materials constitutes a changed condition which may be cause for additional compensation. At no time shall the actions of CTI on or off the project site be interpreted to make CTI an owner, operator, generator, transporter, or disposer of hazardous materials. CTI shall notify the CLIENT upon discovery of unanticipated hazardous materials. The CLIENT shall make any disclosures required by law to appropriate regulatory agencies or to the property owner if the project site is not owned by the CLIENT.
15. Fees and Taxes. The CLIENT shall pay any applicable sales taxes, review fee(s), and/or permit fee(s) in the manner and amount required by law.
16. Expert Witness Services. CTI's services under this Agreement do not include participation in mediation, litigation, arbitration, or administrative judicial hearings on behalf of the CLIENT. Such services, if required, would be considered additional services subject to additional compensation.
17. Purchase Orders. The CLIENT agrees that these conditions supersede any standard terms and conditions contained in a preprinted purchase order issued by the CLIENT in connection with the project.
18. Assignment and Successors. Neither party shall assign, transfer, or sublet any rights under or interest in this Agreement without the prior written consent of the other party. This provision shall not prevent CTI from employing independent subconsultants and subcontractors to assist CTI in the performance of its duties. Each party binds itself to the successors, administrators, and assigns of the other party in respect to all covenants of this Agreement. Nothing in this Agreement shall be construed to give any rights, benefits, or causes of action to anyone other than the CLIENT and CTI.
19. Waiver. Any failure by CTI to require strict compliance with any provision of this Agreement shall not be construed as a waiver of such provision, and CTI may subsequently require strict compliance at any time.
20. Severability. Should any provision of this Agreement be later found to be unenforceable for any reason, it shall be deemed void, and all remaining provisions shall continue in full force and effect.
21. Governing Law. This Agreement shall be governed by the laws of the State of Georgia. All disputes related to this Agreement shall be litigated in the Superior Court of Bartow County, Georgia.
22. Entire Agreement. This Agreement represents the entire agreement between the CLIENT and CTI and supersedes all prior negotiations, understandings, or agreements, either written or oral, for the project. This Agreement may only be amended or supplemented by a duly executed written instrument. CTI is not obligated to begin services under this Agreement until it receives a fully executed, original copy (not a fax) of the Agreement.

APPENDIX B SCOPE OF SERVICES

I. SERVICES OF CTI

CTI will provide the following services in connection with the design and construction of storm drainage infrastructure improvements at the intersection of Leake St and Erwin St.

A. Design

1. Prepare detailed design drawings, specifications, and contract documents for storm water infrastructure and appurtenances.
2. Coordinate all design activities with the CLIENT's storm water management personnel, Projects Administrator, appropriate regulatory agencies, and other utilities within the project scope.
3. Provide appropriate numbers of copies of plans, specifications, and contract documents to be reviewed by the CLIENT and regulatory agencies. The CLIENT will pay any regulatory review fees (if required).

B. Permitting Assistance

1. CTI will prepare the following in compliance with the CLIENT's storm water ordinance:
 - a. Erosion, Sedimentation, and Pollution Control (ESPC) Plan for Best Management Practices (BMPs) to meet requirements for storm water quantity and quality management.
 - b. Notice of Intent (NOI), if required, to request coverage under the state's general NPDES permit for discharge of storm water associated with construction activities involving over one acre.

C. Bid and Award Assistance

1. Assist CLIENT in advertising for and obtaining bids or negotiating proposals for each separate prime contract for construction, materials, equipment, and services; and, where applicable, maintain a record of prospective bidders to whom bidding documents have been issued, attend pre-bid conferences, and receive and process requests for bidding documents.
2. Issue addenda, as appropriate, to interpret, clarify, or expand the bidding documents.
3. Consult with and advise the CLIENT as to the acceptability of subcontractors, suppliers, and other persons and organizations proposed by the prime contractor(s) (herein called "Contractor[s]") for those portions

APPENDIX B

PAGE 2

of the work as to which such acceptability is required by the bidding documents.

4. Consult with the CLIENT and determine the acceptability of substitute materials and equipment proposed by Contractor(s) when substitution prior to the award of contract is allowed by the bidding documents.
5. Attend the bid opening; prepare bid tabulation sheets; and assist the CLIENT in evaluating bids or proposals and in assembling and awarding contracts for construction, materials, equipment, and services.

D. Construction Administration

1. *General Administration of Construction Contract.* CTI will consult with and advise CLIENT and act as CLIENT's representative as provided in the General Conditions of the construction contract, except as modified herein. The extent and limitations of the duties, responsibilities, and authority of CTI as assigned in said General Conditions will not be further modified, except as CTI may otherwise agree in writing. All of the CLIENT's instructions to Contractor will be issued through CTI who will have authority to act on behalf of the CLIENT to the extent provided in said General Conditions, except as otherwise provided in writing.
2. *Visits to Site and Observation of Construction.* In connection with observations of the work of Contractor while it is in progress:
 - a. CTI will make visits to the site at intervals appropriate to the various stages of construction as CTI deems necessary in order to observe as an experienced and qualified design professional the progress and quality of the various aspects of the Contractor's work. CTI will provide the services of a Resident Project Representative (RPR) and assistants, if required, at the site to assist CTI and to provide more continuous observation of such work. Based on information obtained during such visits and on such observations, CTI will endeavor to determine in general if such work is proceeding in accordance with the Contract Documents and CTI will keep the CLIENT informed of the progress of the work.
 - b. The RPR and any assistants will be CTI's employee or agent and under CTI's supervision. The duties and responsibilities of the RPR are described in Appendix C.
 - c. The purpose of CTI's visits to and representation of the RPR (and assistants, if any) at the site will be to enable CTI to better carry out the duties and responsibilities assigned to and undertaken by CTI during the Construction Phase, and, in addition, by exercise of CTI's

APPENDIX B

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efforts as an experienced and qualified design professional, to provide for the CLIENT a greater degree of confidence that the completed work of the Contractor will conform generally to the Contract Documents and that the integrity of the design concept as reflected in the Contract Documents has been implemented and preserved by the Contractor. On the other hand, CTI will not, during such visits or as a result of such observations of the Contractor's work in progress, supervise, direct, or have control over the Contractor's work, nor will CTI have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected by the Contractor, for safety precautions and programs incidental to the work of the Contractor or for any failure of the Contractor to comply with laws, rules, regulations, ordinances, codes, or orders applicable to the Contractor furnishing and performing the work. Accordingly, CTI can neither guarantee the performance of the construction contracts by Contractor nor assume responsibility for the Contractor's failure to furnish and perform the work in accordance with the Contract Documents.

3. *Defective Work.* During such visits and on the basis of such observations, CTI may disapprove of or reject the Contractor's work while it is in progress if CTI believes that such work will not produce a completed project that conforms generally to the Contract Documents or that it will prejudice the integrity of the design concept of the project as reflected in the Contract Documents.
4. *Interpretations and Clarifications.* CTI will issue necessary interpretations and clarifications of the Contract Documents and in connection therewith prepare work directive changes and change orders as required.
5. *Shop Drawings.* CTI will review (or take other appropriate action in respect to) Shop Drawings (as that term is defined in the aforesaid Standard General Conditions), samples, and other data which the Contractor is required to submit, but only for general conformance with the design concept of the project and compliance with the information given in the Contract Documents. Such reviews or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incidental thereto.
6. *Substitutes.* CTI will evaluate and determine the acceptability of substitute materials and equipment proposed by Contractor, but subject to the provision of Paragraph 2 of "Required Additional Services."
7. *Inspections and Tests.* CTI will have authority, as the CLIENT's representative, to require special inspection or testing of the work and will receive and review all certificates of inspections, testings, and approvals

APPENDIX B

PAGE 4

required by laws, rules, regulations, ordinances, codes, orders, or the Contract Documents (but only to determine generally that their content complies with the requirements of, and the results certified indicate compliance with, the Contract Documents).

8. *Disputes between CLIENT and Contractor.* CTI will act as initial interpreter of the requirements of the Contract Documents and judge of the acceptability of the work thereunder and make decisions on all claims of the CLIENT and Contractor relating to the acceptability of the work or the interpretation of the requirements of the Contract Documents pertaining to the execution and progress of the work. CTI will not be liable for the results of any such interpretations or decisions rendered in good faith.
9. *Applications for Payment.* Based on CTI's on-site observations as an experienced and qualified design professional, on information provided by the RPR and on review of applications for payment and the accompanying data and schedules:
 - a. CTI will determine the amounts owing to the Contractor and recommend in writing payments to the Contractor in such amounts. Such recommendations of payment will constitute a representation to the CLIENT, based on such observations and review, that the work has progressed to the point indicated, and that, to the best of CTI's knowledge, information, and belief, the quality of such work is generally in accordance with the Contract Documents (subject to an evaluation of such work as a functioning whole prior to or upon Substantial Completion and to the results of any subsequent tests called for in the Contract Documents). In the case of unit price work, CTI's recommendations of payment will include final determinations of quantities and classifications of such work (subject to any subsequent adjustments allowed by the Contract Documents).
 - b. By recommending any payment, CTI will not thereby be deemed to have represented that exhaustive, continuous, or detailed reviews or examinations have been made by CTI to check the quality or quantity of the Contractor's work as it is furnished and performed beyond the responsibilities specifically assigned to CTI in this Agreement. CTI's review of the Contractor's work for the purposes of recommending payment will not impose on CTI responsibility to supervise, direct, or control such work or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incidental thereto or Contractor compliance with laws, rules, regulations, ordinances, codes, or orders applicable to furnishing and performing the work. It will also not impose responsibility on CTI to make any examination to

APPENDIX B

PAGE 5

ascertain how or for what purposes any Contractor has used the moneys paid on account of the Contract Price, or to determine that title to any of the work, materials, or equipment has passed to the CLIENT free and clear of any lien, claims, security interest, or encumbrances, or that there may not be other matters at issue between the CLIENT and the Contractor that might affect the amount that should be paid.

10. *Contractor's Completion Documents.* CTI will receive and review maintenance and operating instructions, schedules, guarantees, bonds, and certificates of inspection, tests, and acceptance, which are to be assembled by Contractor in accordance with the Contract Documents (but such review will only be to determine that their content complies with the requirements of, and in the case of certificates of inspection, tests and acceptance of the results certified indicate compliance with, the Contract Documents); and will transmit them to the CLIENT with written comments.
11. *Inspections.* CTI will conduct a visual inspection to determine if the work is substantially complete and a final inspection to determine if the completed work is acceptable so CTI may recommend, in writing, final payment to the Contractor and may give written notice to the CLIENT and the Contractor that the work is acceptable (subject to any conditions therein expressed), but any such recommendation and notice will be subject to the limitations expressed in Paragraph 9b above.
12. *Project Meetings.* Attend all project-related meetings and conferences with the CLIENT, Contractor(s), and other applicable parties.
13. *Record Drawings.* Review and correlate the Contractor's as-built records with designer's records. Provide contract record drawings to the CLIENT.
14. *Limitation of Responsibilities.* CTI will not be responsible for the acts or omissions of any Contractor, or of any subcontractor or supplier, or any of the Contractor's or subcontractor's or supplier's agents or employees or any other persons (except CTI's own employees and agents) at the site or otherwise furnishing or performing any of the Contractor's work; however, nothing contained in Paragraphs 1 through 14, inclusive, will be construed to release CTI from liability for failure to properly perform duties and responsibilities assumed by CTI under this Agreement.

E. **Miscellaneous As-Requested Services**

CTI will provide engineering services on an as-requested basis and will not exceed limit listed in the task order without prior authorization.

APPENDIX B**PAGE 6****F. Additional Services Requiring Authorization in Advance**

If authorized in writing by the CLIENT, CTI will furnish or obtain from others Additional Services of the types listed in the following paragraphs. These services are not included as part of Basic Services.

1. Start-up services.
2. Preparation of Operation and Maintenance Manuals.
3. Preparation of applications and supporting documents (in addition to those furnished under Basic Services) for private or governmental grants, loans, or advances in connection with the project; preparation or review of environmental assessments and impact statements; review and evaluation of the effect on the design requirements of the project of any such statements and documents prepared by others; and assistance in obtaining approvals of authorities having jurisdiction over the anticipated environmental impact of the project.
4. Services to make measured drawings of or to investigate existing conditions or facilities, or to verify the accuracy of drawings or other information furnished by the CLIENT.
5. Services resulting from significant changes in the general scope, extent, or character of the project or its design including, but not limited to, changes in size, complexity, CLIENT's schedule, character of construction method or financing; and revising previously accepted studies, reports, design documents or Contract Documents when such revisions are required by changes in laws, rules, regulations, ordinances, codes, or orders enacted subsequent to the preparation of such studies, reports, or documents, or are due to any other causes beyond CTI's control.
6. Providing renderings or models for the CLIENT's use.
7. Preparing documents for alternate bids requested by the CLIENT for Contractor's work which is not executed or documents for out-of-sequence work.
8. Investigations and studies involving, but not limited to, detailed consideration of operations, maintenance, and overhead expenses; providing value engineering during the course of design; the preparation of feasibility studies, cash flow and economic evaluations, rate schedules, and appraisals; assistance in obtaining financing for the project; evaluating processes available for licensing and assisting the CLIENT in obtaining process licensing; detailed quantity surveys of material, equipment, and labor; and audits or inventories required in connection with construction performed by the CLIENT.

APPENDIX B

PAGE 7

9. Furnishing services of independent professional associates and consultants for other than Basic Services (which include, but are not limited to, customary civil, structural, mechanical and electrical engineering and customary architectural design incidental thereto); and providing data or services of the types described in Paragraph 4 of "Required Additional Services" when the CLIENT employs CTI to provide such data or services in lieu of furnishing the same in accordance with Paragraph 4 of "Required Additional Services."
10. If CTI's compensation is on the basis of a lump sum or percentage of construction cost or cost-plus a fixed fee method of payment, services resulting from the award of more separate prime contracts for construction, materials, or equipment for the project than are originally contemplated. If CTI's compensation is on the basis of a percentage of construction cost and CTI has been required to prepare Contract Documents on the assumption that more than one prime contract will be awarded for construction, materials, and equipment, but only one prime contract is awarded for construction, materials, and equipment for the project, services attributable to the preparation of contract documentation that was rendered unusable and any revisions or additions to contract documentation necessitated by the award of only one prime contract.
11. Services during out-of-town travel required of CTI other than visits to the site or the CLIENT's office.
12. Assistance in connection with bid protests, rebidding, or renegotiating contracts for construction, materials, equipment, or services.
13. Providing any type of surveys or related engineering services needed for purposes of redesign or changes in alignment.
14. Preparing to serve or serving as a consultant or witness for the CLIENT in any litigation, arbitration, or other legal or administrative proceeding involving the project (except for assistance in consultations which is included as part of Basic Services).
15. Preparation of documentation to assist CLIENT in obtaining variances or exemptions from codes or regulations.
16. Assistance in applying for and obtaining zoning changes and appeals.
17. Monitoring of storm water discharges associated with construction activities unless specifically included in the scope of services.

APPENDIX B**PAGE 8**

18. Additional services in connection with the project, including services which are to be furnished by the CLIENT and services not otherwise provided for in this Scope of Services.

G. Required Additional Services

When required by the Contract Documents in circumstances beyond CTI's control, CTI will furnish or obtain from others, as circumstances require during construction and without waiting for specific authorization from the CLIENT, Additional Services of the types listed below. These services are not included as part of Basic Services. CTI will advise the CLIENT promptly after starting any such Additional Services.

1. Services in connection with work directive changes and change orders to reflect changes requested by the CLIENT if the resulting change in compensation for Basic Services is not commensurate with the additional services rendered.
2. Services in making revisions to drawings and specifications occasioned by the acceptance of substitutions proposed by the Contractor; and services after the award of each contract in evaluating and determining the acceptability of an unreasonable or excessive number of substitutions proposed by the Contractor.
3. Services resulting from significant delays, changes, or price increases occurring as a direct or indirect result of material, equipment, or energy shortages.
4. Additional or extended services during construction made necessary by (1) work damaged by fire or other cause during construction, (2) a significant amount of defective or neglected work of any Contractor, (3) acceleration of the progress schedule involving services beyond normal working hours, and (4) default by any Contractor.
5. Services (other than Basic Services during the Operational Phase) in connection with any partial utilization of any part of the project by the CLIENT prior to substantial completion.
6. Evaluating an unreasonable or extensive number of claims submitted by the Contractor or others in connection with the work.

II. RESPONSIBILITIES OF CLIENT

The CLIENT will be responsible to:

- A. Provide all criteria and full information as to its requirements for the project.

APPENDIX B

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- B. Upon identification by CTI and approval by the CLIENT of the necessity and scope of information required, furnish CTI with data, reports, surveys, and other materials and information required for this project, except those included in CTI's scope of services.
- C. Acquire all land, easements, and rights-of-way as required for this project, including all surveys and document preparation associated with property and/or easement acquisition.
- D. Provide access to the project site and make all provisions for CTI to enter upon public and private lands as required for CTI to perform its services under this Agreement.
- E. Examine all studies, reports, sketches, opinions of the construction costs, specifications, drawings, proposals, and other documents presented by CTI to the CLIENT, and render in writing the CLIENT's decisions pertaining thereto within a reasonable time so as not to delay the services of CTI.
- F. Give prompt written notice to CTI whenever the CLIENT observes or otherwise becomes aware of any defect in the project.
- G. Furnish to CTI, prior to execution of this Agreement, a copy of any design and construction standards the CLIENT shall require CTI to follow in performing its services under this Agreement.
- H. Pay applicable permit and review fees assessed by regulatory agencies in connection with the project.
- I. Provide administration of grants and loans used to finance the project.
- J. Provide final inspections of house connections (taps) to satisfy the requirements of the Fort Oglethorpe inspection.

III. PERIODS OF SERVICE

- A. The provisions of this section and the various rates of compensation for CTI's services provided for elsewhere in this Scope of Services have been agreed to in anticipation of the orderly and continuous progress of the project through completion of the Construction Phase.
- B. The construction phase will commence with the execution of the first prime contract to be executed for the work of the project or any part thereof, and will terminate upon written recommendation by CTI of final payment on the last prime contract to be completed.

APPENDIX B

PAGE 10

- C. If the CLIENT has requested significant modifications or changes in the general scope, extent, or character of the project, the time of performance of CTI's services will be adjusted equitably.
- D. The periods of service under the construction phase are based upon a construction contract time of 60 calendar days. If the Contractor fails to substantially complete the project within the original contract time and the CLIENT desires CTI to extend the construction phase, the amount for construction phase services provided for elsewhere in this Agreement will be subject to equitable adjustment.
- E. If CTI's services during construction of the project are delayed or suspended in whole or in part by the CLIENT for more than 1 year for reasons beyond CTI's control, the various rates of compensation provided for elsewhere in this Agreement will be subject to equitable adjustment.
- F. In the event that the CLIENT authorizes CTI to extend construction phase services or resident project representation beyond the expiration of the original construction contract time, the following conditions shall apply:
 - 1. Compensation for the extended services shall not be conditional upon the CLIENT's collection of liquidated damages from the Contractor.

**APPENDIX C
E-Verify Affidavit**

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 engaged in the physical performance of services on behalf of Cartersville, Georgia has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

302129
Federal Work Authorization User Identification Number

January 5, 2010
Date of Authorization

Consolidated Technologies, Inc. dba CTI Engineers, Inc.
Name of Contractor

Leake Street and Erwin Street Drainage Improvements
Name of Project

City of Cartersville, Georgia
Name of Public Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.
Executed on 23 November, 2021 in Chattanooga (city), TN (state).

J. Taylor Stein
Signature of Authorized Officer or Agent

J. Taylor Stein Executive Vice President
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE 23 DAY OF November, 2021.

Philip R. Schofield
NOTARY PUBLIC

My Commission Expires: 10 August 2025



**AMENDMENT NO. 1
AGREEMENT FOR ENGINEERING SERVICES**

WHEREAS, City of Cartersville Public Works (CLIENT) and Consolidated Technologies, Inc., dba CTI Engineers, Inc. (CTI) entered into an Agreement dated December 2, 2021, to perform professional services for the Leake Street and Erwin Street Drainage Improvements (hereinafter referred to as the project); and

WHEREAS, the CLIENT now desires to engage CTI to perform additional services not authorized in the original agreement, said services being required to provide design, bidding, and construction administration for replacement of 650 linear feet of sanitary sewer within the project area.

NOW, THEREFORE, the CLIENT and CTI do hereby agree as follows:

1. Appendix B – Scope of Services is amended to include design, bidding, and construction administration for replacement of the sanitary sewer within the project area.
2. The Schedule of Fees included with the original agreement shall be amended to include \$9,700 in compensation for sanitary sewer design, bidding, and construction administration services. Compensation will be on a lump sum basis as defined in the original agreement.
3. All other portions of the original Agreement remain in force.

IN WITNESS WHEREOF, both parties have caused this Amendment No. 1 to be executed by their duly authorized representatives.

ACCEPTED BY CLIENT:

ACCEPTED BY CTI:

CITY OF CARTERSVILLE

CONSOLIDATED TECHNOLOGIES, INC.
dba CTI ENGINEERS, INC.

BY _____

BY  _____

NAME _____

NAME Philip R. Schofield, P.E.

TITLE Mayor

TITLE Vice President

DATE _____

DATE 9/29/2022

BY _____

NAME _____

TITLE City Clerk

DATE _____



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Bid Award/Purchases
DEPARTMENT NAME:	Public Works
AGENDA ITEM TITLE:	Residential Garbage Carts
DEPARTMENT SUMMARY RECOMMENDATION:	<p>Solid Waste opened three bids on residential garbage carts. The best bid was from WasteQuip for 624 Toter Carts in the amount of \$36,202.00. We recommend approval of this bid.</p> <p>This is a budgeted item.</p>
LEGAL:	N/A



841 Meacham Rd, Statesville, NC, 28677

PHONE: 800-424-0422 FAX: 833-930-

Meeting: October 6, 2022 Item 21.

WQ-10247466

Sell To:

Contact Name	Tommy Sanders	Ship To Name	City of Cartersville
Bill To Name	City of Cartersville	Ship To	330 S Erwin St
Bill To	330 S Erwin St Cartersville, GA 30120 USA		Cartersville, GA 30120 USA
Email	tsanders@cityofcartersville.org		
Phone	(770) 387-5602		
Mobile	(770) 606-6993		

Quote Information

Salesperson	Gary Stignani	Created Date	9/13/2022
Salesperson Email	gstignani@wastequip.com	Expiration Date	9/28/2022
		Quote Number	WQ-10247466
			Please Reference Quote Number on all Purchase Orders

Product	Product Description	Description	Selected Option	Quantity	Sales Price	Total Price
**Plastics - 79296	Model 79296 - Toter 96 Gallon EVR II Universal/Nestable Cart	S5461	---Body Color - (270) Brown ---Lid Color - (270) Brown ---Body Hot Stamp on Both Sides (Existing) in White ---Wheels - 10in Sunburst ---Toter Serial Number Hot Stamped on Front of Cart Body in White ---2/3 Assembled with Lid (down), Stop Bar and Axle Factory Installed ---Warranty - 12 Yrs Cart Body, All other components 10 Yrs	624.00	\$55.00	\$34,320.00

Payment Terms	Net 30 Days if credit has been established	Subtotal	\$34,320.00
Shipping Terms	FOB Origin	Shipping	\$1,882.00
		Tax	\$0.00
		Grand Total	\$36,202.00

Additional Information

Additional Terms Our Quote is a good faith estimate, based on our understanding of your needs. Subject to our acceptance, your Order is an offer to purchase our Products and services in accordance with the Wastequip Terms & Conditions of Sale ("WQ T&C") located at: <https://www.wastequip.com/terms-conditions-of-sale>, as of the date set forth in Section 1(b) of the WQ T&C, which are made a part of this Quote. These WQ T&Cs may be updated from time to time and are available by hard copy upon request.

Additional Information Pricing is based on your anticipated Order prior to the expiration of this Quote, including product specifications, quantities and timing, accepted delivery within 45 days of Order acceptance by Toter. Any differences to your Order may result in different pricing, freight or other costs. Due to volatility in petrochemical, steel and related Product material markets, actual prices and freight, are subject to change. We reserve the right, by providing notice to you at any time before beginning Product manufacturing, to increase the price of the Product(s) to reflect any increase in the cost to us which is due to any factor beyond our control (such as, without limitation, any increase in the costs of labor, materials, or other costs of manufacture or supply). Unless otherwise stated, materials and container sizes indicated on sales literature, invoices, price lists, quotations and delivery tickets are nominal sizes and representations - actual volume, Products and materials



841 Meacham Rd, Statesville, NC, 28677

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Meeting: October 6, 2022 Item 21.

WQ-10247466

are subject to manufacturing and commercial variation and Wastequip's practices, and may vary from nominal sizes and materials. All prices are in US dollars; this Quote may not include all applicable taxes, brokerage fees or duties. If customer is not tax exempt, final tax calculations are subject to change.

Signatures

Accepted By: _____

Company Name: _____

Date: _____

Purchase Order: _____

Please Reference Quote Number on all Purchase Orders



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Bid Award/Purchases
DEPARTMENT NAME:	Public Works
AGENDA ITEM TITLE:	Front End Loader Dumpsters
DEPARTMENT SUMMARY RECOMMENDATION:	<p>Solid Waste opened three bids on front end loader dumpsters. The lowest bid was from Lewis Steel Works, Wren, GA for 55 dumpsters in the amount of \$55,410.00. We recommend approval of this bid.</p> <p>This is a budgeted item.</p>
LEGAL:	N/A

Lewis Steel Works, Inc
P.O. Box 338
613 South Main Street
Wrens, GA 30833
USA

Voice: (706) 547-6561
Fax: (706) 547-3020



QUOTE Meeting: October 6, 2022 Item 22.

Quote Number: C-91422
Quote Date: Sep 14, 2022
Page: 1

Quoted To:
CITY OF CARTERSVILLE
330 SOUTH ERWIN ST
CARTERSVILLE, GA 30120
USA

Ship To:
330 SOUTH ERWIN ST
CARTERSVILLE, GA 30120
USA

Customer ID	Good Thru	Payment Terms	Sales Rep
C-03598-01	10/14/22	Net 30 Days	

Quantity	Item	Description	Unit Price	Amount
22.00	8YDNBPL	8 YARD NOTCH BACK CONTAINER WITH PLASTIC LIDS - PAINTED: GREEN	1,125.00	24,750.00
7.00	8YDSLPL	8 YARD SLANT FRONT WITH PLASTIC LIDS - PAINTED: GREEN	1,125.00	7,875.00
6.00	6YDNBPL	6 YARD NOTCH BACK WITH PLASTIC LIDS - PAINTED: GREEN	1,035.00	6,210.00
5.00	2YDFLPL	2 YARD FRONT LOAD WITH PLASTIC LIDS - PAINTED: GREEN	535.00	2,675.00
15.00	4YDNBPL	4 YARD NOTCH BACK CONTAINER WITH PLASTIC LIDS - PAINTED: GREEN	695.00	10,425.00
5.00	FREIGHT	FREIGHT/ LOAD \$695	695.00	3,475.00
			Subtotal	55,410.00
			Sales Tax	
			Freight	
			TOTAL	55,410.00



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Bid Award/Purchases
DEPARTMENT NAME:	Public Works
AGENDA ITEM TITLE:	Resurfacing Bid Award
DEPARTMENT SUMMARY RECOMMENDATION:	<p>We opened bids on this year’s resurfacing project. We had six bidders, the bids ranged from \$596K to \$808K. We recommend award of this contract to the low bidder, Blount Construction, Marietta, GA for \$596,868.92. We also request permission for the Mayor to sign related contract documents.</p> <p>This is a budgeted item funded by LMIG, 30% General Fund match, and the remainder from 2020 SPLOST.</p>
LEGAL:	N/A



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Bid Award/Purchases
DEPARTMENT NAME:	Electric
AGENDA ITEM TITLE:	MV-90 Renewal
DEPARTMENT SUMMARY RECOMMENDATION:	The Electric Department uses MV-90 to do the monthly meter reads on our larger customers. There is an annual expense to maintain the use of the program. The Electric Department recommends that Council approve the renewal of the annual MV-90 license and maintenance agreement at a cost of \$14,145.45. This is a budgeted item.
LEGAL:	N/A



(800) 635-5461
www.itron.com

Meeting: October 6, 2022 Item 24.

INVOICE

Terms and Conditions:

Absent a written agreement between us to the contrary, the purchase of goods or services described herein is governed by the terms of sale at www.itron.com/termsandsale. Receipt of this document, without written objection within 7 days, constitutes acceptance of these terms.

Invoice Number	629181
Invoice Date	11-SEP-22
Customer Number	1522
Itron Contract No.	SC00001852

TO: City of Cartersville, Georgia Attn: John Dooley PO Box 1390 Cartersville, GA 30120-1390 United States	SHIP TO: City of Cartersville, Georgia PO Box 1390 Cartersville, GA 30120-1390 United States
---------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------

Terms	Customer PO	Contract Term - FROM	Contract Term - TO
Net 30		01-OCT-22	30-SEP-23

Software Maintenance and Other Subtotal:

14,145.45

Q Electric
SEP 12 2022

Banking Information: Please include Your Invoice Number On Check.

Wire payment to:
Itron, Inc.
Wells Fargo Bank
420 Montgomery Street
San Francisco, CA 94105
ABA # 121000248
ACCOUNT # 4375688983

Remit-to:
Itron, Inc.
P.O. Box 200209
Dallas, TX 75320-0209

Subtotal Amount	14,145.45
Tax Amount	0.00
Total Amount	14,145.45
Currency	USD



(800) 635-5461
www.itron.com

Meeting: October 6, 2022 Item 24.

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Invoice Number	629181
Invoice Date	11-SEP-22
Customer Number	1522
Itron Contract No.	SC00001852

TO: City of Cartersville, Georgia Attn: John Dooley PO Box 1390 Cartersville, GA 30120-1390 United States	SEND TO: City of Cartersville, Georgia PO Box 1390 Cartersville, GA 30120-1390 United States
------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------

Regular Invoice

Terms	Customer PO	Contract Term - FROM	Contract term - TO
Net 30		01-OCT-22	30-SEP-23

Billing Period From: 01-OCT-22 To :30-SEP-23

Software Maintenance and Other

Product Description	Quantity	Taxable Amt	Ext. Amount
MVLT XI SINGLE COPY LICENSE,ELECTRONIC DELIVERY	1		1,409.46

Serial Number	Start Date	End Date	Amt	Sub Qty
	01-OCT-22	30-SEP-23	1,409.46	1

MV-90 XI SINGLE PC 50 METER	1		8,086.74
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Serial Number	Start Date	End Date	Amt	Sub Qty
	01-OCT-22	30-SEP-23	8,086.74	1

MV-90 XI BASE SINGLE PC	1		0.00
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Serial Number	Start Date	End Date	Amt	Sub Qty
	01-OCT-22	30-SEP-23	0.00	1

51 - 100 METERS,MV-90 XI SINGLE PC STD CONFIG, ELECT DEL Incremental Increase to 100 Meters	1		3,856.43
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Serial Number	Start Date	End Date	Amt	Sub Qty
	01-OCT-22	30-SEP-23	3,856.43	1

MVLT XI BASE	1		0.00
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Serial Number	Start Date	End Date	Amt	Sub Qty
	01-OCT-22	30-SEP-23	0.00	1

MV-90 XI TCP-IP SINGLE PC	1		792.82
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Serial Number	Start Date	End Date	Amt	Sub Qty
	01-OCT-22	30-SEP-23	792.82	1

ITRON MV90 - ANNUAL MAINTENANCE CONTRACT

The Electric Department is seeking approval of the renewal of our annual maintenance contract with Itron. We must use Itron's MV-90 software to program our larger customers' meters and to download the interval data necessary to prepare the monthly billing. This software analyzes the customers' demands, their consumption and provides the totalization necessary for customers with multiple meters to be treated like a single meter.

This is a sole-sourced item and is a budgeted expense. The Electric Department is requesting your approval to renew the annual MV-90 maintenance agreement with Itron for \$14,145.45



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Bid Award/Purchases
DEPARTMENT NAME:	Electric
AGENDA ITEM TITLE:	Transformer Purchases
DEPARTMENT SUMMARY RECOMMENDATION:	<p>The Electric Department is requesting authorization to purchase a 500kVA and a 750kVA pad-mounted transformer. We have used our last equivalent transformers feeding new customer loads and we need replacements for our stock. We obtained (4) quotes, and are requesting to purchase the units from Solomon Transformer for a savings versus buying them independently from them. Although this is not the cheapest of the four quotes, we consider this the best bid due to the delivery time and them being a company we have had positive dealings in the past.</p> <p>We recommend your approval to purchase both the 500kVA and 750kVA units from Solomon Transformer for \$66,688.00. This is a budgeted expense.</p>
LEGAL:	N/A

Transformer Total Ownership Cost Evaluation

500kVA 277-480 August 2022

<u>VENDOR</u>	<u>BRAND</u>	<u>LEAD TIME</u>	<u>UNIT PRICE</u>	<u>NL</u>	<u>LL</u>	<u>TOTAL OWNERSHIP COST</u>
Gresco	Ermco	46-48 wks	\$ 24,919.00			\$ 24,919.00 *
UTB	UTB	36-38 wks	\$ 19,640.00			\$ 19,640.00 *
Irby	GE	NO BID				NO BID
Solomon	Solomon	9 wks	\$ 30,958.00			\$ 30,958.00 * **
			\$30,030.00			\$30,030.00

* Load loss data not given

** Revised quote

Transformer Total Ownership Cost Evaluation

750 kVA 277/480 August 2022

<u>VENDOR</u>	<u>BRAND</u>	<u>LEAD TIME</u>	<u>UNIT PRICE</u>	<u>NL</u>	<u>LL</u>	<u>TOTAL OWNERSHIP COST</u>
Power Supl	WEG	84-86 wks	\$ 41,470.00	914	6876	\$ 52,459.00
Emeral	Emerald	67-79 wks	\$ 18,289.00			\$ 18,289.00 *
UTB	UTB	8-10 wks	\$ 34,425.00			\$ 34,425.00 *
Solomon	Solomon	4-6 wks	\$ 37,792.00			\$ 37,792.00 * **
			\$36,658.00			\$36,658.00

* No loss data provided

** Revised quote



Jeff Nalli
Cartersville Electric System
jnalli@cityofcartersville.org

Daresa Denis
Inside Sales
ddenis@solomoncorp.com | +1 4234530420

PRODUCT	QTY	EACH
	1	\$30,030

500 KVA Three Phase Pad Mount, Shipment: 10 Weeks ARO

KVA: 500 @ 65°C | 60Hz | Impedance: Standard
 HV: 12470GrdY/7200 (95 KV BIL) | Loop Feed | LV: 480Y/277 (30 KV BIL)
 Primary Taps: 13200, 12835, 12470, 12158, 11846
 Bayonet Fusing w/Drip Shield
 Wells & 15 KV Inserts
 12-Hole Spade LV Bushings w/Supports
 Non-PCB Mineral Oil
 Drain Valve + Sampler
 Liquid Level Gauge

Units Completely Reconditioned to Quoted Specifications

Destination: GA | **FOB:** Destination | **Shipping & Handling:** Prepaid & Allowed
Shipment: 10 Weeks ARO | **Warranty:** 3 Years | **Terms:** Net 30 with approved credit.

Offer to sell valid for 30 days. Price is subject to re-evaluation after 15 days. Units subject to availability.

Please note any changes to the specifications on this quotation form and reference the quotation number on your Purchase Order. Sunbelt Solomon ("Supplier") will use your Purchase Order to proceed with manufacturing when terms and conditions are finalized. Please note that changes made after the manufacturing process begins may result in additional charges and potential delays in production. Production of units that are contingent on the approval/receipt of drawings will begin the manufacturing process after the final sign off on the specified drawings by the customer. Please allow up to 4 weeks for the receipt of requested preliminary, construction, or approval drawings from the signed formal submittal date.

All sales, rental and services are subject to Supplier's Terms and Conditions for Sales and Rentals of Equipment and/or Services ("Terms and Conditions") unless otherwise mutually agreed in writing by officer of Supplier as evidenced by such officer's signature. Acceptance of a Buyer purchase order by Supplier does not constitute acceptance of Buyer terms and conditions. As orders are time sensitive and it is cost prohibitive to review and negotiate terms and conditions between parties, Supplier Terms and Conditions apply to quotes/orders: 1) with a value before tax of \$25,000 or less, 2) emergency services or services completed before issuance of a purchase order, and 3) rush orders for sales and rental that are to ship within three (3) days regardless of submission of terms and conditions by Buyer. If the Quotation is for Company to perform evaluation services on Customer-owned equipment (e.g. for Company to determine how/if the piece of equipment failed and/or whether it can be repaired), then the provisions of terms and conditions will apply which include (among other provisions) risk of loss remaining with Customer and Company only being liable for damage to this equipment to the extent of its gross negligence or willful misconduct. In no event does Supplier accept consequential damages or agree to Prime/Owner contract terms and conditions.

Price does not include tax. If applicable, tax will be added to the invoice. If order is tax exempt, please provide a copy of your exemption certificate. Unit(s) quoted are for normal service conditions as defined by ANSI/IEEE Standards. Notify Supplier at time of quotation should the unit(s) be subject to harmonics, motor starting, shovel duty, or other special service conventions.

Schedules

All Delivery dates are estimates and under no circumstances does Company guarantee date of delivery. Company shall not be responsible or liable for any damage or loss which occurs during transportation and/or shipment of the Equipment. Company is not liable or responsible for any costs of Customer caused by any delays in transportation or delivery.



1922 S. MLK Jr. Drive
Temple, TX 76504



+01 800.433.3128



info@sunbeltsolomon.com
sunbeltsolomon.com



Company reserves the right to manufacture and ship any items in advance of the acknowledged shipping schedule, unless expressly forbidden by the Customer at the time of the order entry.

Cancelation or Revision of Order

Any Purchase Order may be cancelled or revised by Customer only upon written approval by an authorized representative of the Company, and at the Company's sole discretion. Should Company approve cancellation or revision of a Purchase Order, Customer shall pay the cancellation or revision charges specified in said approval. Cancellation or revision charges will include expenses previously incurred, commitments made pursuant to or in reliance upon such Purchase Order, whether or not such commitments are legally binding on Company, and any other factors considered relevant by Company. In the event that Company does not approve cancellation or revision, Customer shall remain liable to Company for the full price of the Equipment, Rental and/or Services ordered.

Cancellation charges are calculated for each unit cancelled per its individual status.

Standard Cancellation Charges:

Cancellation Charges:	% of Selling Price
Before Engineering Review / Scheduling	20
Before Production Begins	65
After Production Begins	100

Company reserves the right to re-quote both price and lead time for any request to revise an order. If it is determined that a revision will incur an additional revision charge, charges are calculated for each unit revised per its individual status.

Standard Revision Charges:

Revision Charges:	% of Selling Price
Before Engineering Review / Scheduling	0
Before Production Begins	35
After Production Begins	100





Jeff Nalli
Cartersville Electric System
jnalli@cityofcartersville.org

Daresa Denis
Inside Sales
ddenis@solomoncorp.com | +1 4234530420

PRODUCT	QTY	EACH
750 KVA Three Phase Pad Mount , Shipment: 4-6 Weeks ARO KVA: 750 @ 65°C 60Hz Impedance: Standard HV: 12470GrdY/7200 (95 KV BIL) Loop Feed LV: 480Y/277 (30 KV BIL) Primary Taps: 2-2.5% FCAN & BN Bayonet Fusing w/Drip Shield Wells & 15 KV Inserts 12-Hole Spade LV Bushings w/Supports Non-PCB Mineral Oil Liquid Temperature Gauge Liquid Level Gauge Drain Valve + Sampler	1	\$36,658

Unit Completely Reconditioned to Quoted Specifications

Destination: GA | **FOB:** Destination | **Shipping & Handling:** Prepaid & Allowed
Shipment: 4-6 Weeks ARO | **Warranty:** 3 Years | **Terms:** Net 30 with approved credit.

Offer to sell valid for 30 days. Price is subject to re-evaluation after 15 days. Units subject to availability.

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All sales, rental and services are subject to Supplier's Terms and Conditions for Sales and Rentals of Equipment and/or Services ("Terms and Conditions") unless otherwise mutually agreed in writing by officer of Supplier as evidenced by such officer's signature. Acceptance of a Buyer purchase order by Supplier does not constitute acceptance of Buyer terms and conditions. As orders are time sensitive and it is cost prohibitive to review and negotiate terms and conditions between parties, Supplier Terms and Conditions apply to quotes/orders: 1) with a value before tax of \$25,000 or less, 2) emergency services or services completed before issuance of a purchase order, and 3) rush orders for sales and rental that are to ship within three (3) days regardless of submission of terms and conditions by Buyer. If the Quotation is for Company to perform evaluation services on Customer-owned equipment (e.g. for Company to determine how/if the piece of equipment failed and/or whether it can be repaired), then the provisions of terms and conditions will apply which include (among other provisions) risk of loss remaining with Customer and Company only being liable for damage to this equipment to the extent of its gross negligence or willful misconduct. In no event does Supplier accept consequential damages or agree to Prime/Owner contract terms and conditions.

Price does not include tax. If applicable, tax will be added to the invoice. If order is tax exempt, please provide a copy of your exemption certificate. Unit(s) quoted are for normal service conditions as defined by ANSI/IEEE Standards. Notify Supplier at time of quotation should the unit(s) be subject to harmonics, motor starting, shovel duty, or other special service conventions.

Schedules

All Delivery dates are estimates and under no circumstances does Company guarantee date of delivery. Company shall not be responsible or liable for any damage or loss which occurs during transportation and/or shipment of the Equipment. Company is not liable or responsible for any costs of Customer caused by any delays in transportation or delivery.

1922 S. MLK Jr. Drive
Temple, TX 76504

+01 800.433.3128

info@sunbeltsolomon.com
sunbeltsolomon.com



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Cancellation or Revision of Order

Any Purchase Order may be cancelled or revised by Customer only upon written approval by an authorized representative of the Company, and at the Company's sole discretion. Should Company approve cancellation or revision of a Purchase Order, Customer shall pay the cancellation or revision charges specified in said approval. Cancellation or revision charges will include expenses previously incurred, commitments made pursuant to or in reliance upon such Purchase Order, whether or not such commitments are legally binding on Company, and any other factors considered relevant by Company. In the event that Company does not approve cancellation or revision, Customer shall remain liable to Company for the full price of the Equipment, Rental and/or Services ordered.

Cancellation charges are calculated for each unit cancelled per its individual status.

Standard Cancellation Charges:

Cancellation Charges:	% of Selling Price
Before Engineering Review / Scheduling	20
Before Production Begins	65
After Production Begins	100

Company reserves the right to re-quote both price and lead time for any request to revise an order. If it is determined that a revision will incur an additional revision charge, charges are calculated for each unit revised per its individual status.

Standard Revision Charges:

Revision Charges:	% of Selling Price
Before Engineering Review / Scheduling	0
Before Production Begins	35
After Production Begins	100





CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Bid Award/Purchases
DEPARTMENT NAME:	Electric
AGENDA ITEM TITLE:	Primary Metering Package
DEPARTMENT SUMMARY RECOMMENDATION:	The Electric System recommends approval of the purchase of this package from Anixter for \$10,131.73. This metering package is a necessary expense for the expansion of a local manufacturer. It is non-budgeted purchase that will be paid from Equipment – Meters & Settings, #510-3500-54-1513.
LEGAL:	N/A



2208 S. 14th Street
Mattoon, IL 61938

www.anixterpowersolutions.com

Phone: 217.235.0546
Fax: 217.258.6630

Meeting: October 6, 2022 Item 26.

Quotation: U00704616.00

To: **CITY OF CARTERSVILLE
ELECTRIC DEPT.
320 SOUTH ERWIN ST
CARTERSVILLE, GA 30120**

Issued Date: **Sep 01, 2022**

Expiration Date: **Sep 29, 2022**

Sales Contact: **Taylor Atchison**

Attn:

(P) 217.235.0546

Phone:

(F) 217.235.0024

Fax:

taylor.atchison@anixter.com

Item	CustLine	Product and Description	Quantity	Price	Unit	Extended
1		BOM PRI4WY PREWIRED PRIMARY 3 ELEM. 4W WYE 5 OR 15 KV MISC 15KV OH TO OH PRIMARY POLE MOUNT METER CLUSTER; 3 RITZ 100:5 CT'S (112026103.84523); 3 RITZ 60:1 PT'S (121530009.395009); ALL WIRED AND MOUNTED TO PMM6 PRIMARY RACK TO A JUNCTION BOX WITH 45' LOOP OF THHN DOWN TO BE CONNECTED TO A 13 TERMINAL METER BASE; CARTERSVILLE COLOR CODE (RED BLACK BLUE VOLTAGE; BROWN ORANGE YELLOW CURRENT; BROWN W/ WHT STRIPE, ORANGE W/ WHT STRIPE, YELLOW W/ WHT STRIPE FOR RETURNS; WHITE NEUTRAL) NO METER SOCKET OR METER PROVIDED.	1	10,131.730	EA	10,131.73

DEL: 4-5 WKS

SECTION TOTAL: \$10,131.73

QUOTE TOTAL: \$10,131.73

Special Notes

- 1) All items are In Stock unless otherwise noted.
- 2) All item pricing on this quote is valid for thirty days unless otherwise specified.
- 3) All applicable taxes apply.

BY ACCEPTING THIS QUOTE, YOU AGREE THAT THE ANIXTER TERMS AND CONDITIONS OF SALE PUBLISHED AT THE LINK BELOW ARE EXPRESSLY INCORPORATED INTO AND SHALL GOVERN THIS TRANSACTION.

<http://www.anixter.com/TERMSANDCONDITIONS>

Anixter Power Solutions offers the industry's most extensive and dynamic portfolio of products, services and solutions for the Public Power, Investor-owned Utilities, Construction and Industrial markets.

The impacts of COVID-19 cannot be reasonably determined at this time. This quote/proposal does not account for any potential adverse impacts COVID-19 may have on Anixter's performance or obligations herein. In the event of any delays or adverse impacts, Anixter reserves the right for an equitable adjustment of the delivery schedule and prices herein to offset the effects of COVID-19 delays, without fault or penalty of any kind.



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	October 6, 2022
SUBCATEGORY:	Bid Award/Purchases
DEPARTMENT NAME:	Administration
AGENDA ITEM TITLE:	2023 City Calendar Bids
DEPARTMENT SUMMARY RECOMMENDATION:	<p>After reviewing all bid submissions, A New Dimension Graphic Design & Printing Inc. has been chosen, as they offered the lowest total cost, with the ability to process for mailing.</p> <p>Total Cost: \$13,946.17 [\$13,358.29 for 10,200 calendars + \$587.88 for mail processing] which includes full-color printing, 32 total pages [28 insides pages + cover], folding, bindery, face trim, and drilled hole.</p> <p>The design will be created in-house, using winning citizen-submitted photos from our 2023 City Calendar Photo Contest.</p> <p>The goal is to have the 2023 calendars in our citizens' mailboxes no later than Friday, December 30, 2022. This is a budgeted item.</p>
LEGAL:	N/A



A NEW DIMENSION

Graphic Design
&
Printing...

Meeting: October 6, 2022 Item 27.

Estimate

No **18019**

BILL TO:

Annalee Penny
 City of Cartersville
 Attn: Accounts Payable
 P.O. Box 1390
 Cartersville GA 30120
 Phone: 770-387-5612
 Fax: 770-386-5841
 E-Mail: apenny@cityofcartersville.org

Date: 9/21/22

Quantity	Description	Amount
10,200	2023 Calendar (32 Total Pages - 28 Inside Pages + Cover) 10,100 of Version 1 for Citizen Calendars 100 of Version 2 for Cartersville Fire Department Cover, 17 x 11 White 100# Pro Digital Gloss Cover, printed, 4 colors front in CMYK ink, 4 colors back in CMYK ink Inside Pages, 17 x 11 White 80# Futura Digital Dull Text, 7 sheets, printed, 4 colors front in CMYK ink, 4 colors back in CMYK ink Score Cover for Folding, Booklet Bindery, Face Trim & Drill Single Hole	\$ 13,358.29
9,447	Mailing Services for Automation Flats - Carrier Route Import Mailing List CASS Certification & NCOA Move Update Processing Address with Barcode Prepare Paperwork for USPS Sort, Tray & Deliver to USPS	\$ 587.88
Sales Rep: Mike		SUBTOTAL \$ 13,946.17
Turnaround Time is 15 Working Days from Proof Approval. This estimate is good for 30 days.		Sales Tax \$ 0.00
		SHIPPING \$ 0.00
		TOTAL \$ 13,946.17

