CARTERSVILLE
CITY COUNCIL MEETING

Council Chambers, Third Floor of City Hall
Thursday, December 17, 2020 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. December 3, 2020

2. December 15, 2020

PUBLIC HEARING - 1ST READING OF ZONING/ANNEXATION REQUESTS

3. T20-03: Text amendment to allow indoor athletic training facilities as allowed uses in the H-I district with a Special Use permit.

4. SU20-03: 55 Zena Drive-Special Use request for Georgia Pole Vault to allow indoor athletic training facility

5. SU20-04: 55 Zena Drive-Special Use request for DC Academy baseball to allow indoor athletic training facility

FIRST READING OF ORDINANCES

6. Sec 4-1: Definition of Downtown Entertainment Zone

7. Sec 4-105 and 4-106 (f): Rules and Regulations for Downtown Entertainment Zone

8. Sec 4-121: Package Outlets Hours of Operation

9. Sec 4-414: Home Delivery of Alcohol

BID AWARD/PURCHASES

10. HVAC Unit for Aubrey Street Gym

11. Electrical for HVAC Unit for Aubrey Street Gym

12. Travelers Insurance Deductible

13. 4160V 2500kVA Transformer Purchase

14. HVAC Repair Public Safety Building

CONTRACTS/AGREEMENTS

15. Advanced Metering Infrastructure Purchase

MONTHLY FINANCIAL STATEMENT

16. October 2020 Financial Report

DISCUSSION

17. Use of Tourism Product Development Funds

TABLED ITEMS

PUBLIC HEARING - 2ND READING OF ZONING/ANNEXATION REQUESTS

18. AZ20-04 175 E. Main St.

19. Z20-03 175 E. Main St.

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:	December 17, 2020
SUBCATEGORY:	Council Meeting Minutes
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	December 3, 2020
DEPARTMENT SUMMARY RECOMMENDATION:	The Council Meeting Minutes from the December 3, 2020 meeting has been uploaded for your review and approval.
LEGAL:	N/A

City Council Meeting
10 N. Public Square
December 3, 2020
8:00 A.M. – Work Session
9:00 A.M. – Council Meeting

WORK SESSION

Mayor Matthew Santini opened Work Session at 8:01 A.M. Council Members discussed each item from the agenda with corresponding Staff Member.

Mayor Santini closed Work Session at 8:32 A.M.

OPENING MEETING

Invocation by Council Member Cooley.

Pledge of Allegiance led by Council Member Fox.

The City Council met in Regular Session with Matthew Santini, Mayor presiding and the following present: Jayce Stepp, Council Member Ward Two; 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; Julia Drake, City Clerk and Keith Lovell, Assistant City Attorney.

Via Phone: Kari Hodge, Council Member Ward One

REGULAR AGENDA

Mayor Santini thanks Council Member Hodge for her dedication to the Council amidst her inability to attend, physically, the City Council Meetings. However, her ability to be present via phone reflects her dedication to the City Council and the City of Cartersville.

COUNCIL MEETING MINUTES

1. **November 19, 2020 Meeting Minutes**

A motion to approve the November 19, 2020 Meeting Minutes as presented was made by Council Member Fox and seconded by Council Member Stepp. Motion carried unanimously. Vote: 6-0

PUBLIC HEARING – 2ND READING OF ZONING/ANNEXATION

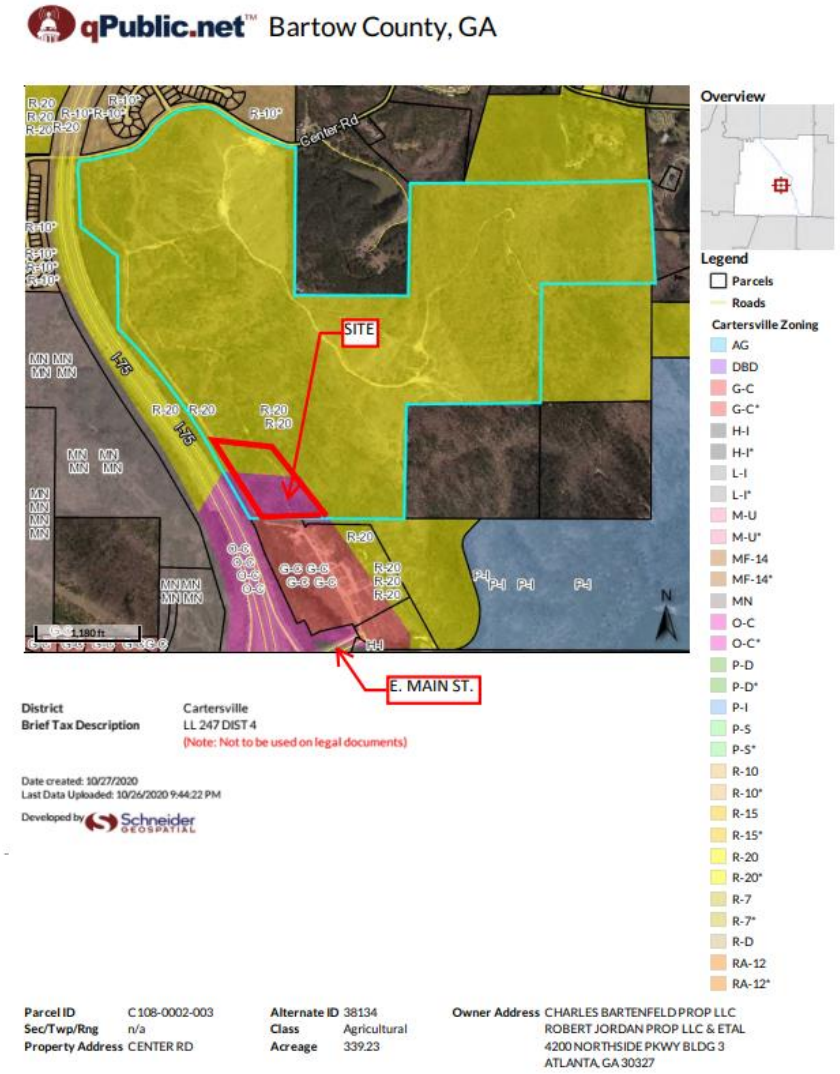
2. **Z20-04 Rezone for multi-family housing project**

Randy Mannino, Planning and Development Department Head, stated the applicant requests the rezoning of a portion of property identified as Tax Parcel ID C108-0002-003 located between Center Road and SR 113 and adjacent to I75. Total property is approximately 339.23 acres of which 50 acres along the southern property line is identified for rezoning. The development tract is proposed to be rezoned from R-20 (Single Family Residential) and O-C (Office Commercial) to MF-14 (Multi-family Residential). Planning Commission recommends approval 11/10/2020. This was a second reading.

Mayor Santini opens the Public Hearing for anyone who wishes to come forward to speak for or against the rezoning.

With no one choosing to come forward, the Public Hearing was closed.

A motion to approve Z20-04 with the condition that all units are limited to one and two bedrooms was made by Council Member Fox and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0



SECOND READING OF ORDINANCES

3. Swimming Pool Fence Requirement

Mr. Mannino stated the proposed amendment would require pool owners with a lockable cover to also install a fence around the pool area. In the 2018 or prior edition of the International Swimming Pool and Spa Code, the requirement for fencing is waived if the pool has a lockable safety cover. As you may recall, staff brought this to your attention back in July when we sought a resolution to authorize the submittal of the proposed change to the DCA for review and comment. DCA has reviewed, and in a lengthy reply, has no comment. This was a second reading.

A motion to approve the Swimming Pool Fence Requirement was made by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0

Ordinance no. 30-20

WHEREAS, in the 2018 Edition of the International Swimming Pool and Spa Code, the requirement for fencing is waived, if they have a lockable safety cover; and

WHEREAS, the Planning and Development Director and Building Official of the City of Cartersville request that the Mayor and City Council modify the requirement of the 2018 Edition of the International Swimming Pool and Spa Code, to require fencing due to the fact that individuals may not always close the pool covers when they are not present, and the fact that swimming pools are an attraction nuisance to children, which unfortunately, if not supervised, can lead to drowning; and

WHEREAS, it is requested that this Ordinance be sent to the Department of Community Affairs for their review, prior to the consideration of the Mayor and City Council; and

WHEREAS, this Ordinance was sent to the Department of Community Affairs on the 4th day of September 2020, and comments were received back on the 8th day of October, 2020, and the Department of Community Affairs had no comment to the adoption thereof.

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 6. Buildings and Building Regulations. Article VIII. Swimming Pools. Section 6-161. *Adopted, and Section 6-162.* Same-Insertions, deletions and changes is hereby amended by deleting said Section 6-161 and Section 6-162 in its entirety and replacing it with the following:

1.

Sec. 6-161. - Standard Swimming Pool Code—Adopted.

The International Swimming Pool and Spa Code 2018 Edition, to adopt and enforce the latest edition, as adopted and amended by the Georgia Department of Community Affairs.

Sec. 6-162. - Same—Insertions, deletions and changes.

(a) In the International Swimming Pool and Spa Code, 2018 Edition, the words "building department" shall mean the planning and development department.

(b) That SECTION 305. BARRIER REQUIREMENTS. Section 305.1 of the International Swimming Pool and Spa Code, 2018 Edition is hereby amended by deleting the exception for swimming pools, the amended Section 305.1 shall be as follows:

305.1 General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346, the areas where those spas or hot tubs are located shall not be required to comply with Sections 305.2 through 305.7.

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: November 19, 2020
SECOND READING: December 3, 2020

MATTHEW J. SANTINI, MAYOR

ATTEST:
JULIA DRAKE, CITY CLERK

CITY OF CARTERSVILLE INCORPORATED FEB. 1ST 1850 GEORGIA

4. FY2020 Budget Ordinance Amendment

Tom Rhinehart, Finance Department Head, stated after Completion of the Fiscal Year 2019-20 close, the General Fund, Special Revenue funds, and the SPLOST Fund's budgets needed to be amended. The process of amending these budgets is done annually before the year-end close and will bring the city General Fund, Special Revenue Funds, and SPLOST Funds into compliance with Generally Accepted Accounting Principles (GAAP) standards. These adjustments reflect the necessary changes needed to bring the budgets back into balance where the revenues equal expenses and mirror the actual year-to-date revenues and expenses in each of the funds. This was a second reading.

A motion was made to approve the FY2020 Budget Ordinance Amendment by Council Member Roth and was seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 31-20

NOW BE IT HEREBY ORDAINED by the Mayor and City Council that pursuant to the City of Cartersville Charter; the City of Cartersville Fiscal Year 2019 – 2020 budget.

2019 - 2020 Budget Summary

General Fund	Revenues	Expenditures
Revenues	$28,624,105	
Expenditures:		
Legislative		$ 2,353,515
Administration		$ 1,218,550
Finance Dept.		$ 1,381,910
Customer Service Dept.		$ 768,390
Police		$ 5,838,710
Fire		$ 8,125,690
Municipal Court		$ 321,105
Public Works		$ 3,036,120
Recreation		$ 4,203,850
Planning & Development		$ 1,137,550
Downtown Development Authority		$ 238,715
Special Revenue Funds		
GO Park Bonds Series 2014	$ 966,000	$ 966,000
SPLOST – 2003	$ 94,710	$ 94,710
SPLOST – 2014	$ 3,498,510	$ 3,498,510
SPLOST - 2020	$ 1,215,075	$ 1,215,075
DEA	$ 401,730	$ 401,730
State Forfeiture	$ 20,915	$ 20,915
Hotel/Motel Tax	$ 763,380	$ 763,380
Motor Vehicle Rental Tax	$ 77,740	$ 77,740
Grant Funds	$ 4,873,480	$ 4,873,480
Business Improve Dist Tax	$ 37,335	$ 37,335
Development Fees	$ 25,235	$ 25,235
Tax Allocation District	$ 321,600	$ 321,600
Cartersville Building Authority	$ 1,594,640	$ 1,594,640
Supplemental Dis Recovery Grnt	$ 52,345	$ 52,345

Enterprise Funds		
Fiber Optics	**$ 2,218,200**	**$ 2,218,200**
Electric	**$47,128,390**	**$47,128,390**
Gas	**$28,847,030**	**$28,847,030**
Solid Waste	**$ 2,978,000**	**$ 2,978,000**
Stormwater	**$ 1,528,800**	**$ 1,528,800**
Water & Sewer	**$45,330,345**	**$16,142,550**
Water Pollution Control Plant		**$23,497,130**
Water Treatment Plant		**$ 5,690,665**
Internal Service Fund		
Garage	**$ 1,511,065**	**$ 1,511,065**

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED, this 19th day of November 2020. First Reading.
ADOPTED this 3rd day of December 2020. Second Reading.

/s/
Matthew J. Santini
Mayor

ATTEST:

/s/
Julia Drake
City Clerk

CITY OF CARTERSVILLE INCORPORATED FEB. 1ST 1850 GEORGIA

SURPLUS EQUIPMENT

5. Surplus Equipment 11-20-2020

Mr. Rhinehart stated there is a list of surplus equipment that needs to be disposed. Once these are declared as surplus by the Council, they will be placed on the GovDeals website for auction and sold to the highest bidder.

A motion was made to approve the list of Surplus Equipment by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0

BID AWARD/PURCHASES

6. Cogsdale Annual Maintenance Invoice

Mr. Rhinehart stated Cogsdale is the city's third-party utility billing software vendor. The invoice is for $90,478.39 and is a sole source vendor because of the utility billing function for the city. This is a budgeted item.

A motion to approve the Cogsdale Annual Maintenance Invoice was made by Council Member Stepp and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0

7. UPC 2021 Annual Membership Fee

Michael Hill, Gas Department Head, stated that the City of Cartersville is required by state law to be a member of the UPC. This is our annual membership fee invoice in the amount of $10,456.00. This includes the membership for all City of Cartersville utilities. The annual membership is a budgeted item.

A motion was made to approve the UPC 2021 Annual Membership Feeby Council Member Roth and was seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0

8. Flock Safety

Frank McCann, Police Chief, stated he is requesting approval to pay ($11,666.68) to Flock Safety for our six license plate readers (L.P.R.). It is a budgeted item and it will be paid for utilizing federal asset forfeiture funds.

A motion was made to approve Flock Safety by Council Member Fox and was seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0

9. ServeCo Invoice

Mitchell Bagley, Administrative Fire Captain, stated staff has been researching additional ways to protect city employees from the spread of COVID-19 and has found a local company that has an electrostatic sprayer and an antimicrobial solution that is supposed to help protect against the spread of this virus. The cost to purchase three Electrostatic Sprayers and solution is $9,384.72.This is not a budgeted item, but will be purchased using funds in the Fire, Water and Administration operations' budgets.

Dan Porta, City Manager, took a moment to thank Mr. Bagley and his crews for all of the testing that was performed with these sprayers to ensure adequate results.

Furthermore, he thanked Mr. Bagley and his staff for their hard work in ensuring that selected personnel was, and is, properly trained to use the sprayers.

A motion to approve the ServeCo Invoice was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0

10. Tyler Technologies

Steven Grier, Network Administrator, stated in reviewing solutions to Municipal Court transactions from ticket violations from our CourtWare Software and getting this data into the Tyler Technologies (formerly New World) software that is used by the Cartersville Police Department, we need to integrate the data automatically. Tyler Technologies will provide this integrated solution into their software at a one-time cost of $16,800. This is not a budgeted item, but will be paid for by the Municipal Court operations budget.

A motion to approve the Tyler Technologies was made by Council Member Cooley and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0

A motion was made by Council Member Wren to add two items to the agenda. Those items included the Called Board Meeting for December 15, 2020 and the addition of the Georgia Municipal Association Invoice. Motion was seconded by Board Member Cooley. Motion carried unanimously. Vote: 6-0

11. Motorola Radio Quarterly Invoice

Mr. Porta stated Bartow County has submitted the third quarter 2020 quarterly invoice for the Motorola radio system that is used by our Police, Fire, FiberCom, Gas, Electric, Public Works and Recreation departments. This is a budgeted item. The invoice amount that was recommended for approval is in the amount of $31,466.55.

A motion was made to approve Motorola Radio Quarterly Invoice by Council Member Fox and was seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0

GRANT APPLICATION/ACCEPTANCE

12. Contract 34, Improve Runway Safety Area Phase II

Mr. Porta stated that as part of the Cartersville-Bartow Airport Authority Runway Rehabilitation Project, the north end of the runway, Runway 19 will have Engineered Materials Arrestor System (EMAS) blocks installed as a safety device in case a pilot over shoots the runway. The EMAS material is a breakaway concrete that will help an airplane

stop before it continues onto Highway 113. The cost for the EMAS was included in the overall project costs that I previously shared with the City Council and it was recommended for approval of this grant application for the EMAS blocks on Runway 19.

A motion was made to approve Contract 34, Improve Runway Safety Area Phase II, by Council Member Fox and was seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0

RESOLUTION

13. Municipal Court General Order 20-02

Mr. Porta stated that there is a new fine schedule from the Municipal Court Judge of the City of Cartersville. It was recommended to the Mayor and City Council for their consideration and adoption.

A motion was made to approve Municipal Court General Order 20-02 by Council Member Stepp and was seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0

RESOLUTION NO: 19-20

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, IN THE STATE OF GEORGIA, TO REVIEW AND APPROVE OR DENY THE REVISION TO FINE SCHEDULE MUNICIPAL COURT OF CARTERSVILLE

WHEREAS, on the 25th day of November, 2020, the Municipal Court Judge of the City of Cartersville forwarded the following recommended fine schedule to the Mayor and City Council for their consideration and action thereon pursuant to the City of Cartersville Code of Ordinances, Chapter 13. Municipal Court. Section 13-23.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, IN THE STATE OF GEORGIA, AS FOLLOWS:

that the Mayor and City Council take the following action in regard to the adoption of the new fine schedule for the Municipal Court of City of Cartersville, attached hereto as Exhibit "A" and included herein by reference.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, IN THE STATE OF GEORGIA, AS FOLLOWS:

that the schedule attached hereto as Exhibit "A" is hereby:

	Approved
	Denied
	No action taken (If no action is taken said fine schedule becomes effective thirty (30) days from the date of the Court's recommendation. Said recommendation was given on the ____ day of _____, 2020.

BE IT AND IT IS HEREBY RESOLVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE, this 3rd day of December, 2020.

ATTEST:

/s/ _____
Julia Drake, City Clerk
City of Cartersville, Georgia

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

CITY OF CARTERSVILLE INCORPORATED FEB. 1ST 1860 GEORGIA

IN THE MUNICIPAL COURT FOR THE CITY OF CARTERSVILLE
STATE OF GEORGIA

City of Cartersville, Georgia, a Municipal corporation of the State of Georgia	**General Order 20-02**

ORDER

It is hereby ordered that the fine schedule, attached hereto as Exhibit "A" be forwarded to the City Council of the City of Cartersville for their approval or denial, pursuant to the City of Cartersville Code of Ordinances, Chapter 13. Municipal Court. Section 13-23. Additionally, said fines are the base fines for all matters in the Municipal Court and shall be used in the calculation of cash bonds, plus applicable local and state surcharges, deductions, fees, and court costs.

SO ORDERED this 24 day of Nov, 2020.

HARRY B. WHITE, CHIEF JUDGE,
CITY OF CARTERSVILLE, GEORGIA

Order Prepared by:

E. Keith Lovell, Prosecutor
keithlovell11@gmail.com
770-386-1116

EXHIBIT "A"
GENERAL ORDER 20-02 &
RESOLUTION

Municipal Court Base Fine List

Code Violation	Offense	Current Base Fine	Increase	New Base Fine
10-201	1	$101.70	1.15	$116.96
	2	$151.70		$174.46
	3	$201.70		$231.96
	4	$251.70		$289.46
11-101		$144.15		$165.77
11-102(b)(1-6,8,9)		$144.15		$165.77
11-102(b)(7)		$309.68		$356.13
11-143		$309.68		$356.13
11-146(b)		$700.75		$805.86
11-190		$112.42		$129.28
12-2(f)		$144.15		$165.77
13-10		$100.69		$115.79
16-13-2		$700.75		$805.86
16-13-2(b)	1	$682.23		$784.56
	2	$1,052.59		$1,210.48
	3	$1,422.95		$1,636.39
16-13-30		$511.37		$588.08
16-13-30(A)		$511.37		$588.08
16-8-14	1	$480.00		$552.00
	2	$700.75		$805.86
	3	$960.75		$1,104.86
16-8-2		$815.57		$937.91
24-8(b)(1)	1	$0.00		$0.00
24-8(b)(2)	2	$100.00		$100.00
24-8(b)(3)	3	$200.00		$200.00
24-8(b)(4)	4	$250.00		$250.00
24-8(b)(5)	5	$500.00		$500.00
28-13		$102.78		$118.20
11-102(b)(6)		$144.15		$165.77
3-3-23 Possession		$415.16		$477.43
3-3-23 Sale		$626.66		$720.66
3-3-23.1		$308.72		$355.03
3-3-23(a)(1)		$459.49		$528.41
3-3-23(a)(2) Possession/Purchase		$308.72		$355.03
3-3-23(a)(2) Attempt to Purchase		$308.72		$355.03
3-3-23(a)(3)		$308.72		$355.03
9-031		$144.15		$165.77
32-6-1		$125.52		$144.35
4-120		$460.00		$529.00
4-151		$460.00		$529.00
4-018		$239.31		$275.21
4-021		$593.34		$682.34
4-022		$593.34		$682.34
4-256		$593.34		$682.34

Municipal Court Base Fine List

Code Violation	Offense	Current Base Fine	Increase	New Base Fine
4-031		$593.34		$682.34
4-066		$593.34		$682.34
4-007		$593.34		$682.34
40-1-3		$494.88		$569.11
40-2-20		$101.70		$116.96
40-2-29		$101.70		$116.96
40-2-31		$101.70		$116.96
40-2-37		$101.70		$116.96
40-2-38		$101.70		$116.96
40-2-41		$101.70		$116.96
40-2-42		$101.70		$116.96
40-2-5		$470.99		$541.64
40-2-6		$101.70		$116.96
40-2-7		$101.70		$116.96
40-2-8		$101.70		$116.96
40-2-8.1		$101.70		$116.96
40-2-90(b)		$101.70		$116.96
40-2-90(b)(1)		$101.70		$116.96
4-022		$619.77		$712.74
40-5-120		$338.55		$389.33
40-5-121	1	$863.00		$992.45
	2	$931.86		$1,071.64
	3	$2,351.67		$2,704.42
40-5-122		$719.42		$827.33
40-5-123		$494.88		$569.11
40-5-20 New Resident		$101.70		$116.96
40-5-20 Expired		$101.70		$116.96
40-5-20-(a)	1	$719.42		$827.33
	2	$961.16		$1,105.33
	3	$2,351.67		$2,704.42
40-5-22.1		$719.42		$827.33
40-5-23		$101.70		$116.96
40-5-24		$101.70		$116.96
40-5-29		$101.70		$116.96
40-5-29(a)		$1.46		$1.68
40-5-29(b)		$101.70		$116.96
40-5-30		$101.70		$116.96
40-5-30(C)		$101.70		$116.96
40-5-32		$101.70		$116.96
40-5-32(a)		$101.70		$116.96
40-5-33		$101.70		$116.96
40-5-64		$719.42		$827.33
40-6-10	1	$320.83		$368.95
	2	$406.84		$467.87

Municipal Court Base Fine List

Code Violation	Offense	Current Base Fine	Increase	New Base Fine
40-6-10(b)		$466.90		$536.94
40-6-10(a)(4)		$23.46		$26.98
40-6-11		$320.83		$368.95
40-6-11 (c)		$23.46		$26.98
40-6-120		$101.70		$116.96
40-6-120(b)		$101.70		$116.96
40-6-121		$101.70		$116.96
40-6-122		$101.70		$116.96
40-6-123		$101.70		$116.96
40-6-123(C)		$101.70		$116.96
40-6-124		$101.70		$116.96
40-6-125		$101.70		$116.96
40-6-126		$101.70		$116.96
40-6-14		$101.70		$116.96
40-6-140		$101.70		$116.96
40-6-140(b)		$101.70		$116.96
40-6-141		$101.70		$116.96
40-6-142		$101.70		$116.96
40-6-144		$101.70		$116.96
40-6-15	1	$863.00		$992.45
	2	$1,758.26		$2,022.00
40-6-16		$464.87		$534.60
40-6-16.1		$265.54		$305.37
40-6-161		$101.70		$116.96
40-6-163		$216.37		$248.83
40-6-164		$232.21		$267.04
40-6-16(C)		$232.08		$266.89
40-6-180		$101.70		$116.96
40-6-181 Less than 15	1	$101.70		$116.96
	2	$130.36		$149.91
	3	$159.06		$182.92
	4	$197.26		$226.85
40-6-181 between 16-20	1	$103.77		$119.34
	2	$132.43		$152.29
	3	$161.09		$185.25
	4	$199.32		$229.22
40-6-181 between 21-25	1	$137.20		$157.78
	2	$170.16		$195.68
	3	$208.87		$240.20
	4	$227.98		$262.18
40-6-181 between 26-30	1	$141.30		$162.50
	2	$179.53		$206.46
	3	$217.76		$250.42
	4	$236.85		$272.38

Municipal Court Base Fine List

Code Violation	Offense	Current Base Fine	Increase	New Base Fine
40-6-181 between 31-40	1	$380.89		$438.02
	2	$419.11		$481.98
	3	$438.24		$503.98
	4	$476.47		$547.94
40-6-184		$101.70		$116.96
40-6-186		$424.56		$488.24
40-6-2		$101.70		$116.96
40-6-20 Runnning a Red Light		$101.70		$116.96
40-6-20 Disregarding Traffic Control		$101.70		$116.96
40-6-200		$101.70		$116.96
40-6-201		$101.70		$116.96
40-6-202		$101.70		$116.96
40-6-203		$101.70		$116.96
40-6-203(a)(2)(f)		$101.70		$116.96
40-6-205		$101.70		$116.96
40-6-21(f)		$101.70		$116.96
40-6-226		$122.18		$140.51
40-6-23.1		$101.70		$116.96
40-6-23.2		$101.70		$116.96
40-6-24		$101.70		$116.96
40-6-240		$101.70		$116.96
40-6-241		$153.00		$175.95
40-6-241.1		$150.00		$172.50
40-6-241.2		$150.00		$172.50
40-6-241(f)(1)(a)	1	$50.00		$50.00
(f)(1)(b)	2	$100.00		$100.00
(f)(1)(c)	3	$150.00		$150.00
40-6-242		$101.70		$116.96
40-6-242(b)		$101.70		$116.96
40-6-243		$101.70		$116.96
40-6-244		$101.70		$116.96
40-6-246		$101.70		$116.96
40-6-247		$101.70		$116.96
40-6-248		$101.70		$116.96
40-6-248.1		$101.70		$116.96
40-6-249		$111.25		$127.94
40-6-25		$101.70		$116.96
40-6-250		$101.70		$116.96
40-6-251		$111.25		$127.94
40-6-252	1	$101.70		$116.96
	2	$122.18		$140.51
40-6-252		$180.21		$207.24
40-6-253		$236.85		$272.38
40-6-254		$101.70		$116.96

Municipal Court Base Fine List

Code Violation	Offense	Current Base Fine	Increase	New Base Fine
40-6-255		$105.80		$121.67
40-6-26(b)		$101.70		$116.96
40-6-270 Failure to Stop		$647.63		$744.77
40-6-270 Leaving		$647.63		$744.77
40-6-271		$101.70		$116.96
40-6-272		$101.70		$116.96
40-6-273		$101.70		$116.96
40-6-275		$101.70		$116.96
40-6-291		$101.70		$116.96
40-6-292		$101.70		$116.96
40-6-31		$101.70		$116.96
40-6-312		$101.70		$116.96
40-6-312(b)		$101.70		$116.96
40-6-312 (c)		$101.70		$116.96
40-6-312(d)		$101.70		$116.96
40-6-312(e)		$101.70		$116.96
40-6-314		$101.70		$116.96
40-6-314(a)		$101.70		$116.96
40-6-315		$101.70		$116.96
40-6-315(b)		$101.70		$116.96
40-6-315(e)		$101.70		$116.96
40-6-350		$101.70		$116.96
40-6-351 Moped License		$101.70		$116.96
40-6-351 moped Learners		$101.70		$116.96
40-6-352		$101.70		$116.96
40-6-362		$101.70		$116.96
40-6-390		$397.47		$457.09
40-6-391	1	$604.07		$694.68
	2	$990.80		$1,139.49
	3	$1,872.77		$2,153.69
40-6-391(a)(1)	1	$604.07		$694.68
	2	$985.77		$1,133.64
	3	$1,872.77		$2,153.69
40-6-391(a)(2)	1	$604.07		$694.68
	2	$985.77		$1,133.64
	3	$1,872.77		$2,153.69
40-6-391(a)(3)	1	$604.07		$694.68
	2	$985.77		$1,133.64
	3	$1,872.77		$2,153.69
40-6-391(a)(4)	1	$604.07		$694.68
	2	$985.77		$1,133.64
	3	$1,872.77		$2,153.69
40-6-191(a)(5)	1	$604.07		$694.68
	2	$985.77		$1,133.64

Municipal Court Base Fine List

Code Violation	Offense	Current Base Fine	Increase	New Base Fine
	3	$1,872.77		$2,153.69
40-6-191(a)(6)	1	$604.07		$694.68
	2	$985.77		$1,133.64
	3	$1,872.77		$2,153.69
40-6-391(i)	1	$604.07		$694.68
	2	$985.77		$1,133.64
	3	$1,872.77		$2,153.69
40-6-391(k)	1	$604.07		$694.68
	2	$985.77		$1,133.64
	3	$1,872.77		$2,153.69
40-6-391(k)(1)	1	$649.86		$747.34
	2	$1,052.01		$1,209.81
	3	$1,986.59		$2,284.58
40-6-391(l)		$434.37		$499.53
40-6-395		$424.56		$488.24
40-6-397		$643.97		$740.57
40-6-40		$101.70		$116.96
40-6-40(b)		$101.70		$116.96
40-6-40(d)		$101.70		$116.96
40-6-41		$101.70		$116.96
40-6-42		$101.70		$116.96
40-6-42.2		$101.70		$116.96
40-6-42(b)		$101.70		$116.96
40-6-43		$101.70		$116.96
40-6-43(b)		$101.70		$116.96
40-6-44		$101.70		$116.96
40-6-45 Passing on Hill		$101.70		$116.96
40-6-45 Driving Left of Center		$101.70		$116.96
40-6-45(a)(2)		$101.70		$116.96
40-6-45(a)(3)		$101.70		$116.96
40-6-46		$101.70		$116.96
40-6-47		$101.70		$116.96
40-6-48		$101.70		$116.96
40-6-49		$101.70		$116.96
40-6-50 Gore		$101.70		$116.96
40-6-50 Divided Hwy		$101.70		$116.96
40-6-50 Emergency Lane		$101.70		$116.96
40-6-51		$101.70		$116.96
40-6-51(b)		$101.70		$116.96
40-6-52		$101.70		$116.96
40-6-70		$101.70		$116.96
40-6-71		$101.70		$116.96
40-6-72(b)		$101.70		$116.96
40-6-72(c)		$101.70		$116.96

Municipal Court Base Fine List

Code Violation	Offense	Current Base Fine	Increase	New Base Fine
40-6-73		$101.70		$116.96
40-6-74		$147.46		$169.58
40-6-76		$101.70		$116.96
40-6-90		$101.70		$116.96
40-6-91		$101.70		$116.96
40-6-91(b)		$101.70		$116.96
40-6-92		$101.70		$116.96
40-6-95		$142.65		$164.05
40-6-96		$101.70		$116.96
40-6-98		$101.70		$116.96
40-7-4		$101.70		$116.96
40-8-130		$101.70		$116.96
40-8-181		$101.70		$116.96
40-8-20		$101.70		$116.96
40-8-22		$101.70		$116.96
40-8-22(b)		$101.70		$116.96
40-8-22(d)		$101.70		$116.96
40-8-23		$101.70		$116.96
40-8-23(d)		$101.70		$116.96
40-8-24		$101.70		$116.96
40-8-25		$101.70		$116.96
40-8-26		$101.70		$116.96
40-8-27		$101.70		$116.96
40-8-29		$101.70		$116.96
40-8-31 Dim		$101.70		$116.96
40-8-31 Multibeam		$101.70		$116.96
40-8-32		$101.70		$116.96
40-8-4		$101.70		$116.96
40-8-50		$101.70		$116.96
40-8-52		$101.70		$116.96
40-8-6		$101.70		$116.96
40-8-7		$101.70		$116.96
40-8-70		$101.70		$116.96
40-8-70(a)		$101.70		$116.96
40-8-71		$101.70		$116.96
40-8-72		$101.70		$116.96
40-8-73		$101.70		$116.96
40-8-73.1	1	$101.70		$116.96
	2	$122.18		$140.51
	3	$180.21		$207.24
40-8-74		$101.70		$116.96
40-8-75		$101.70		$116.96
40-8-76	1	$50.00		$50.00
	2	$100.00		$100.00

Municipal Court Base Fine List

Code Violation	Offense	Current Base Fine	Increase	New Base Fine
	3	$100.00		$100.00
40-8-76.1		$15.00		$15.00
40-8-76.1 (e)(3)		$25.00		$25.00
40-8-77		$101.70		$116.96
40-8-79		$101.70		$116.96
40-8-8		$101.70		$116.96
46-7-39		$101.70		$116.96
5-16(e)	1	$150.00		$150.00
	2	$300.00		$300.00
	3	$450.00		$450.00
5-16(f)	1	$150.00		$150.00
	2	$300.00		$300.00
	3	$450.00		$450.00
5-16(h)	1	$150.00		$150.00
	2	$300.00		$300.00
	3	$450.00		$450.00
5-18(a)	1	$250.00		$250.00
	2	$500.00		$500.00
	3	$750.00		$750.00
5-004	1	$150.00		$150.00
	2	$300.00		$300.00
	3	$450.00		$450.00
5-007	1	$150.00		$150.00
	2	$300.00		$300.00
	3	$450.00		$450.00
9-032		$144.15		$165.77
For all fines not specifically listed above the fine amount is as provided for by Statute or by the City Code of Ordinances as set out therein or if not then the Judges discretion from $0-$1000.00.				

ADDED ITEMS

14. Georgia Municipal Association Invoice

Mr. Porta stated that we are in receipt of the annual membership invoice from Georgia Municipal Association. The invoice was in the amount of $7,526.57.

A motion to approve the GMA Invoice was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0

15. Special Called Board Meeting

Keith Lovell, Assistant City Attorney, stated that the School Board is requesting a Special Called Board Meeting to propose a bond referendum

A motion to approve the GMA Invoice was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0

CONTRACTS/AGREEMENTS

16. Netting Repair

Tom Gilliam, Parks and Recreation Department Head, stated due to the Tropical Storm that came through a few weeks ago, the netting at Rudy York Field in Hicks Park was torn. After receiving quotes for this project, Collins Company (who did the netting & poles project last year at the Sports Complex) was chosen as the contractor to repair the netting. The total cost for the netting repair will be $9,475.00. This project is not budgeted but would- be paid from the Property and Casualty Insurance Funds.

Mr. Porta inquired if this would be repairing the existing torn netting or would this be a replacement. Mr. Gilliam clarified that this would in fact be a replacement of the netting.

A motion to approve the Netting Replacement was made by Council Member Cooley and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0

Mr.Gilliam gave an update on the progress of the Matthew Hill Park improvements by stating that the Tennis Courts and Basketball Courts are currently being resurfaced and proposed the completion would be by end of next week followed up by the installation of the new basketball goals.

TABLED ITEMS

1. AZ20-04 175 E. Main Street
2. Z20-03 175 E. Main Street

Mayor Santini reminded everyone that the Christmas Parade would begin this evening with the lighting of the Christmas tree at 6:00 P.M.

Council Member Fox added that all participates and visitors need to wear a mask and properly social distance for the safety of all attendees.

In closing, Mr. Porta thanked the Electric Department, Public Works, and Lillie Read with the Downtown Development Authority for ensuring that the Downtown area lights and decorations were installed and that the area was free from debris and was ready for the community's attendance for the upcoming Christmas Parade.

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

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:
/s/ _____
Julia Drake
City Clerk

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	December 17, 2020
SUBCATEGORY:	Special Called Council Meeting Minutes
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	December 15, 2020
DEPARTMENT SUMMARY RECOMMENDATION:	The minutes from the Special Called Council Meeting on December 15, 2020 are attached for your review and approval.
LEGAL:	N/A

City Council Meeting
10 N. Public Square
December 15, 2020
8:00 A.M. – Council Meeting

I. OPENING MEETING

The City Council met in a Special Called Session with Matthew Santini, Mayor presiding and the following present: Jayce Stepp, Council Member Ward Two; Cary Roth, Council Member Ward Three; Calvin Cooley, Council Member Ward Four; Gary Fox, Council Member Ward Five; Dan Porta, City Manager; Julia Drake, City Clerk and Keith Lovell, Assistant City Attorney.

Absent: Kari Hodge, Council Member Ward One; Taff Wren, Council Member Ward Six

II. RESOLUTION

1. Cartersville City School System Referendum

Keith Lovell, Assistant City Attorney, gave overview of School System Referendum stating that if approved, the Special Election would take place on March 16, 2020.

Mayor Matthew Santini opened the Public Hearing for anyone wishing to come forward to speak for or against the Resolution. With no one wishing to come forward the Public Hearing was closed.

A motion to approve the Cartersville City School System Referendum was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 4-0

RESOLUTION NO. 20-20

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CARTERSVILLE CONCURRING IN THE CALLING OF AN ELECTION TO DETERMINE THE ISSUANCE OF CERTAIN GENERAL OBLIGATION DEBT OF THE CITY OF CARTERSVILLE, GEORGIA TO BE USED FOR EDUCATIONAL PURPOSES BY THE CITY OF CARTERSVILLE SCHOOL SYSTEM; PROVIDING FOR NOTICE TO THE BOARD OF ELECTIONS AND REGISTRATION AND REQUESTING THE BOARD OF ELECTIONS AND REGISTRATION CALL FOR SUCH ELECTION; APPROVING AND CONFIRMING ALL ACTIONS OF THE CITY OF CARTERSVILLE IN CONNECTION WITH SUCH ELECTION; SETTING AN EFFECTIVE DATE; AND FOR OTHER RELATED PURPOSES.

WHEREAS, on December 14, 2020, the Cartersville School Board (the "*Cartersville Board*") adopted a Resolution (the "*Resolution*"), a copy of which is attached hereto as Exhibit "A," calling for a referendum to authorize the issuance from time to time in one or more series of certain general obligation debt of the City of Cartersville, Georgia (the "*City of Cartersville*") for education purposes for the benefit of City of Cartersville School System (the "*Cartersville System*"), conditioned upon approval by a majority of the qualified voters residing within the territorial limits of the City of Carterville voting in the referendum, for the purposes of providing funds to pay for the cost of the "Cartersville Projects" described in the Resolution, pay interest on such debt for a period of 24 months, and pay costs of issuance of such debt, all at a maximum cost of $59,700,000; and

WHEREAS, the City of Cartersville desires to concur in the calling of the referendum on March 16, 2021 as set forth in the Resolution and hereby approves the question to be placed on the ballot and the proposed terms of such debt as set forth in the Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Cartersville, as follows:

Section 1. Approval of Referendum. The City of Cartersville hereby concurs in the calling for a referendum on March 16, 2021 to the qualified voters of Bartow County residing in the City of Cartersville for their determination of the question as to whether or not the issuance of general obligation debt should be authorized for the educational purposes of the Cartersville System as set out in the Resolution, all as described in the Resolution.

Section 2. Notice to Board of Elections and Voter Registration. The officers and employees of the City of Cartersville are hereby duly authorized and directed to notify the Bartow County Board of Elections and Registration of the adoption of this resolution, and to take any and all further actions as may be necessary or convenient in connection with the calling of the referendum as described herein on March 16, 2021.

Section 3. General Authority. The proper officers, members, agents and employees of the City of Cartersville are hereby authorized, empowered and directed to take any and all further actions and execute and deliver any and all instruments, certificates, papers and documents as may be necessary or desirable to affect the calling of the referendum described above, and as contemplated by the Resolution.

Section 4. Actions Approved and Confirmed. All actions previously taken by the officers of the City of Cartersville which are in conformity with the purposes and intent of this Resolution and in the furtherance of the calling of the referendum are in all respects approved, ratified and confirmed.

Section 5. Effective Date. This resolution shall take effect immediately upon adoption.

ADOPTED this 15th day of December, 2020.

CITY OF CARTERSVILLE,
GEORGIA

(SEAL)

By: _____
Mayor

Attest:

By: _____
City Clerk

EXHIBIT "A"

COPY OF THE REFERENDUM RESOLUTION

RESOLUTION OF THE CARTERSVILLE SCHOOL BOARD CALLING FOR A REFERENDUM AUTHORIZING THE ISSUANCE OF CERTAIN GENERAL OBLIGATION DEBT OF THE CITY OF CARTERSVILLE, GEORGIA; SPECIFYING THE PRINCIPAL AMOUNT OF SUCH GENERAL OBLIGATION DEBT TO BE ISSUED; SPECIFYING THE PURPOSES FOR WHICH SUCH GENERAL OBLIGATION DEBT IS TO BE ISSUED; SPECIFYING THE MAXIMUM INTEREST RATE OR RATES OF INTEREST WHICH SUCH GENERAL OBLIGATION DEBT MAY BEAR; SPECIFYING THE PRINCIPAL AMOUNT TO BE PAID IN EACH YEAR DURING THE LIFE OF SUCH GENERAL OBLIGATION DEBT; REQUESTING THE CITY OF CARTERSVILLE, GEORGIA CONCUR IN THE CALL FOR SUCH REFERENDUM; REQUESTING THE BARTOW COUNTY BOARD OF ELECTIONS AND REGISTRATION TO CALL AN ELECTION OF THE QUALIFIED VOTERS OF BARTOW COUNTY IN WHICH THE CITY OF CARTERSVILLE IS LOCATED TO APPROVE THE ISSUANCE OF THE GENERAL OBLIGATION DEBT; APPROVING THE FORM OF THE BALLOT TO BE USED IN SUCH ELECTION; APPROVING THE PUBLIC NOTICE OF THE CALL OF THE ELECTION; AND FOR OTHER PURPOSES.

WHEREAS, the Cartersville School Board (the "*Cartersville Board*"), which is charged with the duties of managing the affairs of the of the School System (the "*Cartersville System*") of the City of Cartersville, Georgia (the "*City of Cartersville*") has caused a thorough canvass and study of the capital outlay needs of the Cartersville System to be made, and such canvass and study discloses the necessity the cost of acquiring, constructing, and equipping of one or more new schools and other buildings and facilities useful or desirable in connection therewith; adding to, renovating, repairing, improving, and equipping school buildings, athletic facilities, and other buildings and facilities useful or desirable in connection with Cartersville Primary School, Cartersville Elementary School, Cartersville Middle School and Cartersville High School; acquiring instructional and administrative technology improvements (including software) and school buses and other vehicles; acquiring and installing playgrounds at schools; and acquiring any necessary property therefor, both real and personal (collectively, the "*Cartersville Projects*") and repaying debt incurred by the City of Cartersville for all or any of such purposes; and

WHEREAS, the Cartersville System, the City of Cartersville and the Bartow County Board of Education adopted resolutions calling for the imposition of a one-percent sales and use tax in Bartow County for the Cartersville Projects and certain capital projects of the Bartow County Board of Education, and such sale and use tax was approved in a referendum held in Bartow County on June 9, 2020 (the "*Sales and Use Tax*"); and

WHEREAS, the Cartersville Board has determined there exists in the Cartersville System the continuing need to improve educational standards and opportunities and to meet the increased demands on the existing facilities of the Cartersville System, and the Cartersville Board deems it necessary for the best interests of education in the Cartersville System to provide

for such educational needs by proceeding with the acquisition, construction, installation and equipping of the Cartersville Projects prior to receiving proceeds of the Sales and Use Tax sufficient to pay for the Cartersville Projects; and

WHEREAS, it appears that approximately $59,700,000 will be necessary for the purposes of (i) acquiring, constructing, installing and equipping the Cartersville Projects; (ii) paying interest on the general obligation bonds referred to herein for a period of not more than 24 months from the date of issuance of such general obligation bonds; and (iii) paying costs of issuance of such general obligation bonds; and

WHEREAS, the Cartersville Board has determined that the most feasible method of obtaining funds for such purposes is through the issuance and sale by the City of Cartersville from time to time in one or more series of City of Cartersville, Georgia General Obligation Bonds in the aggregate principal amount of not to exceed $59,700,000 (the "*Bonds*"); and

WHEREAS, it is necessary to submit to the qualified voters of Bartow County in which the City of Cartersville is located the question of whether or not the Bonds should be issued;

NOW, THEREFORE, BE IT RESOLVED by the Cartersville Board as follows:

Section 1. Call for Election; Recommendation to City of Cartersville. There is hereby called an election to be held in all the voting precincts in Bartow County in which the City of Cartersville is located on March 16, 2021, for the purpose of submitting to the qualified voters of the City of Cartersville the question set forth in Section 2 below. The Cartersville Board hereby recommends to the City of Cartersville that it concur in the call for such election.

Section 2. Form of Ballot. The ballots to be used in such election should have written or printed thereon substantially the following:

☐	YES	Shall general obligation debt of the City of Cartersville, Georgia in the principal amount of not to exceed $59,700,000 be issued for the purpose of providing funds for the benefit of School System of the City of Cartersville for (i) the cost of acquiring, constructing, and equipping of one or more new schools and other buildings and facilities useful or desirable in connection therewith; adding to, renovating, repairing, improving, and equipping school buildings, athletic facilities, and other buildings and facilities useful or desirable in connection with Cartersville Primary School, Cartersville Elementary School, Cartersville Middle School and Cartersville High School; acquiring instructional and administrative technology improvements (including software) and school buses and other vehicles; acquiring and installing playgrounds at schools; acquiring any necessary property therefor, both real and personal; and repaying debt incurred by the City of Carterville for all or any of such purposes; (ii) paying all or a portion of the interest on such general obligation debt for a period of not more than 24 months from the date of issuance of such general obligation debt; and (iii) paying costs of issuance of such general obligation debt?
☐	NO	

Section 3. Bond Terms. The Bonds are hereby authorized to be issued by the City of Cartersville for the purposes described above. The Bonds shall be designated as the "City of Cartersville, Georgia General Obligation Bonds," shall be issued from time to time in whole or in part and in one or more series and shall be issued in the aggregate principal amount of not to exceed $59,700,000. The Bonds shall be dated their date of issuance, or, at the option of the Cartersville Board and the City of Cartersville, on the first day of any month prior to the date of issuance of the related series of the Bonds as may be determined by the Cartersville Board and the City of Cartersville, shall bear interest from such date, payable semiannually on the first days of April 1 and October 1 in each year, commencing October 1, 2021, or the first April 1 or October 1 following the date of issuance of the respective series of the Bonds, at an interest rate or rates determined by the City of Cartersville prior to the issuance of such series of Bonds not to exceed 5.00% per annum, until paid, and shall mature (serially or, at the option of the Cartersville Board and the City of Cartersville, by mandatory sinking fund redemption) on the first day of October in the years and maximum principal amount per annum, as follows:

Date October 1	Maximum Principal Payable in Such Year
2023	$2,550,000
2024	2,550,000
2025	2,550,000
2026	2,550,000
2027	3,540,000
2028	3,540,000
2029	3,540,000
2030	3,540,000
2031	3,540,000

2032	3,540,000
2033	3,535,000
2034	3,535,000
2035	3,535,000
2036	3,535,000
2037	3,530,000
2038	3,530,000
2039	3,530,000
2040	3,530,000
Total	$59,700,000

The Bonds may bear such series designation or other identifying numbers as the City of Cartersville shall determine prior to the issuance of any series of such Bonds.

Section 5. Manner of Election. The date of such election shall be and is hereby set for March 16, 2021, the polls of each election district of Bartow County in which the City of Cartersville is located shall be open at 7:00 a.m. and close at 7:00 p.m., the election shall be held by the same persons and under and in accordance with the election laws of the State of Georgia, and the returns of such election shall be made to the City of Cartersville and to the Bartow County Board of Elections and Registration (the "*Election Board*"), and the City of Cartersville and the Election Board shall count the votes, consolidate the returns and declare the result of such election in the manner required by law.

Section 6. Publication of Notice of Election. The Election Board is hereby authorized and requested to publish the notice of such election as required by law in the newspaper in which Sheriff's advertisements for Bartow County are published once a week for five weeks immediately preceding the date of the election in substantially the form attached hereto as Exhibit "A." Prior to the date of the election authorized herein, there shall be appointed proper Election Managers and Clerks to supervise and hold such election.

Section 7. Property Tax Levy. Should the Bonds be authorized by the requisite number of qualified voters, the City of Cartersville shall direct Bartow County to levy a tax upon all property subject to taxation for school bond purposes within the territory constituting the City of Cartersville sufficient in amount to pay the principal of and interest on the Bonds at their respective maturities.

Section 8. Payment of Fees Relating to Election. The Cartersville Board is hereby authorized and directed to pay all reasonable fees and expenses relating to the election, including but not limited to, publication costs, attorney's fees, and validation costs.

Section 9. Notice to Election Board. The Secretary or any other officer or employee of the Cartersville Board is hereby authorized and directed to deliver a copy of this resolution to the Election Board, with a request that the Election Board join in this call of the election.

Section 10. Further Authority. The proper officers and agents of the Cartersville System are hereby authorized to take any and all further actions as may be required

in connection with the acquisition, construction and equipping of the Cartersville Projects, the calling of the election for the issuance of the Bonds, the issuance of the Bonds, and the repayment of the Bonds as herein provided.

Section 11. Conflicting Resolutions. All resolutions that conflict in whole or in part with this Resolution are hereby repealed.

Section 12. Brochures and Advertisements. In accordance with the provisions of Section 36-82-4.1 of the Official Code of Georgia Annotated, as amended, any brochures, listings or other advertisements approved by the Cartersville Board pursuant to a resolution duly adopted by the Cartersville Board shall be deemed to be a statement of intention concerning the use of the Bond funds in accordance, or substantially in accordance, with the aforesaid purpose, and reference to same shall be contained in the legal advertisement of the bond election.

Section 13. Effective Date. This Resolution shall take effect immediately upon its adoption.

This 14th day of December, 2020.

CARTERSVILLE SCHOOL BOARD

(SEAL)

By: _____
President

EXHIBIT "A"

NOTICE OF ELECTION

TO THE QUALIFIED VOTERS OF THE CITY OF CARTERSVILLE, GEORGIA IN WHICH THE SCHOOL SYSTEM OF THE CITY OF CARTERSVILLE IS LOCATED:

NOTICE IS HEREBY GIVEN that on the 16th day of March, 2021, an election will be held at the regular polling places in all the election districts of Bartow County, in which the City of Cartersville (the "*City of Cartersville*") is located at which time there will be submitted to the qualified voters of the City of Cartersville for their determination the question of whether general obligation debt of the City of Cartersville in the principal amount of not to exceed $59,700,000 (the "*Bonds*") should be issued, the proceeds of which are to be used and applied for projects for educational purposes of the School System of the City of Cartersville (the "*Cartersville System*") and for the payment of interest on such Bonds for a period of not more than 24 months from the date of issuance thereof and costs of issuance of such Bonds as described below.

The Bonds, if so authorized, may be issued by the City of Cartersville from time to time in whole or in part and in one or more series. The Bonds shall be dated their date of issuance, or, at the option of the City of Cartersville, on the first day of any month thereafter prior to the date of issuance of the related series of the Bonds, shall bear interest from such date, payable semiannually on the first days of April and October in each year, commencing October 1, 2021, or the first April 1 or October 1 following the date of issuance of each such series of the Bonds, at an interest rate or rates not to exceed 5.00% per annum (the exact interest rates to be determined by supplemental resolution of the City of Cartersville adopted prior to the issuance of the Bonds of the related series), until paid, and shall mature (serially or, at the option of the City of Cartersville, by mandatory sinking fund redemption) on the first day of October in the years and maximum principal amounts per annum, as follows:

Date October 1	Maximum Principal Payable in Such Year
2023	$2,550,000
2024	2,550,000
2025	2,550,000
2026	2,550,000
2027	3,540,000
2028	3,540,000
2029	3,540,000
2030	3,540,000
2031	3,540,000
2032	3,540,000
2033	3,535,000
2034	3,535,000

2035	3,535,000
2036	3,535,000
2037	3,530,000
2038	3,530,000
2039	3,530,000
2040	3,530,000
Total	$59,700,000

The maximum annual debt service on the Bonds in any year shall not exceed $5,926,500.

Any brochures, listings or other advertisements issued by the City of Cartersville or by any other person, firm, corporation or association with the knowledge and consent of the City of Cartersville, shall be deemed to be a statement of intention of the City of Cartersville concerning the use of the proceeds of the Bonds. **YOU ARE FURTHER NOTIFIED that the City of Cartersville will not conduct any performance audit or performance review with respect to the Bonds as such terms are described in O.C.G.A. Section 36-82-100.**

Voters desiring to vote for the issuance of the Bonds shall do so by voting "YES" and voters desiring to vote against the issuance of the Bonds shall do so by voting "NO" as to the question propounded below. The ballots to be used at such election shall have written or printed thereon substantially the following:

☐	YES	Shall general obligation debt of the City of Cartersville, Georgia in the principal amount of not to exceed $59,700,000 be issued for the purpose of providing funds for the benefit of School System of the City of Cartersville (the "*Cartersville System*") for (i) the cost of acquiring, constructing, and equipping of one or more new schools and other buildings and facilities useful or desirable in connection therewith; adding to, renovating, repairing, improving, and equipping school buildings, athletic facilities, and other buildings and facilities useful or desirable in connection with Cartersville Primary School, Cartersville Elementary School, Cartersville Middle School and Cartersville High School; acquiring instructional and administrative technology improvements (including software) and school buses and other vehicles; acquiring and installing playgrounds at schools; acquiring any necessary property therefor, both real and personal; and repaying debt incurred by the City of Cartersville for all or any of such purposes; (ii) paying all or a portion of the interest on such general obligation debt for a period of not more than 24 months from the date of issuance of such general obligation debt; and (iii) paying costs of issuance of such general obligation debt?
☐	NO	

The several places for holding such election shall be at the regular and established voting precincts of the election districts of Bartow County in which the City of Cartersville is located and the polls will be open from 7:00 a.m. to 7:00 p.m. on the date fixed for the election.

The last day to register to vote in this election shall be February 16, 2021, through 5:00 p.m.

All residents of Bartow County in which the City of Cartersville is located which are qualified to vote at such election shall be determined in all respects in accordance with the election laws of the State of Georgia. This notice is given pursuant to a resolution of the City of Cartersville and a resolution of the Bartow County Board of Elections and Registration.

Mayor, City of Cartersville

STATE OF GEORGIA

BARTOW COUNTY

SECRETARY'S CERTIFICATE

I, the undersigned Secretary of the Cartersville School Board, **DO HEREBY CERTIFY** that the foregoing pages constitute a true and correct copy of a resolution adopted by the Cartersville School Board at an open public meeting duly called and lawfully assembled on the 14th day of December, 2020, in connection with calling an election pertaining to the issuance by the City of Cartersville, Georgia of general obligations bonds for educational purposes, which resolution has not been modified, amended, revoked or rescinded. The original of such referendum resolution being duly recorded in the Minute Book of the Cartersville School Board, which Minute Book is in my custody and control. At all times during such meeting, at least four members of the Cartersville School Board were present and acting throughout.

I do hereby further certify that the following members of the Cartersville School Board were present at such meeting:

Kelley Dial Louise Panter
Tim Chason Pat Broadnax
Travis Popham Kathi White
Carolyn Johnson

and that the following members were absent:

_____ _____

_____

and that such referendum resolution was duly adopted by a vote of:

7 Ayes and 0 Nays.

WITNESS my hand and the official seal of the Cartersville School Board, this the 14th day of December, 2020.

(SEAL)

A. Pat Broadnax
Secretary, Cartersville School Board

CLERK'S CERTIFICATE

STATE OF GEORGIA

COUNTY OF BARTOW

The undersigned, Clerk of the City of Cartersville, Georgia, DOES HEREBY CERTIFY that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution adopted by the Mayor and Commission of the City of Cartersville, Georgia, in a meeting duly called and assembled on the 15th day of December, 2020 which was open to the public and at which a quorum was present and acting throughout, which resolution has not been modified, amended, revoked or rescinded, relating to calling of an election to determine the issuance of certain general obligation debt of the City of Carterville, Georgia to be used for education purposes by the City of Cartersville School System, and that the original of such resolution has been duly recorded in the Minute Book of the City of Cartersville, Georgia, which is in my custody and control.

GIVEN this the 15th day of December, 2020.

CITY OF CARTERSVILLE INCORPORATED FEB. 1ST 1860 GEORGIA

Clerk, City of Cartersville, Georgia

(SEAL)

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

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:
/s/ _____
Julia Drake
City Clerk

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	December 17, 2020
SUBCATEGORY:	Public Hearing – 1st Reading
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	T20-03
DEPARTMENT SUMMARY RECOMMENDATION:	DC Academy (baseball training) and Georgia Pole Vault are proposing a revision to the Zoning Ordinance, *Section 10.2 Heavy Industrial (H-I) district*, to allow "cheerleading/gymnastics and indoor athletic training facilities", as well as "indoor recreation facilities" as allowed uses in the H-I district with a special use permit. The stated uses are allowed by right in the Light Industrial (L-I) District, and have been since 2010. Prior to 2010, back to 2004 they required a "Special Exception". Both applicants are operating out of a facility located at 55 Zena Drive and are working with Code Enforcement to rectify the situation. Allowing this as a Special Use is probably a better option than allowing by right in this district because of the nature of heavy industrial. A Special Use application allows a little more scrutiny and evaluation of individual requests. Planning Commission approved 12/8/2020.
LEGAL:	N/A

MEMO

To: Planning Commission, Mayor Santini & City Council
From: Randy Mannino and David Hardegree
Date: December 1st, 2020
Re: *Text Amendment T20-03. Adding Sports Training Facilities and Indoor Recreation Facilities as allowed uses in the H-I District with a special use permit*

DC Academy (baseball training) and Georgia Pole Vault are proposing a revision to the Zoning Ordinance, *Section 10.2 Heavy Industrial (H-I) district,* to allow "cheerleading/gymnastics and indoor athletic training facilities", as well as "indoor recreation facilities" as allowed uses in the H-I district with a special use permit. The stated uses are allowed by right in the Light Industrial (L-I) District, and have been since 2010. Prior to 2010, back to 2004 they required a "Special Exception". Both applicants are operating out of a facility located at 55 Zena Drive and are working with Code Enforcement to rectify the situation. Allowing this as a Special Use is probably a better option than allowing by right in this district because of the nature of heavy industrial. A Special Use application allows a little more scrutiny and evaluation of individual requests.

Both applicants are pursuing a Special Use permit (SU20-03 & SU20-04) in conjunction with this text amendment.

The proposed ordinance changes are attached.

PROPOSED ZONING AMENDMENT (ADDED SECTION IN RED and UNDERLINED)

10.2.2. *Use regulations.* Within the H-I district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as allowed shall not be permitted.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Amateur radio transmitter.
- Aviation airports.
- Brewery (SU if accessory tasting room is included).*
- Brewpub.
- Bus stations.
- Cheerleading/gymnastics facilities and indoor athletic training facilities.*
- Clinic or hospital, animal.
- Construction contractors: general contractors, heavy equipment contractors, and special trade contractors (including, but not limited to, construction subcontractors, engineers, architects, and land surveyors).
- Distillery (SU if accessory tasting room is included).*
- Distribution.
- Indoor recreation facilities.*
- Manufacturing, processing, warehousing, distribution, and research facilities.
- Microbreweries (SU).*
- Offices.
- Parking lots.
- Public utilities facilities.
- Radio, television, or other communication towers.
- Research facilities.
- Salvage yards (SU).*
- Trash transfer stations (SU).*
- Truck terminals.
- Wholesale trade and distribution.

[* Special use approval required.]

Application for Text Amendment(s) To Zoning Ordinance

City of Cartersville

Case Number: _____

Date Received: 10-22-20

Public Hearing Dates:

Planning Commission DEC. 8, 2020 **5:30pm** **1st City Council** DEC. 17, 2020 **7:00pm** **2nd City Council** JAN. 7, 2021 **7:00pm**

APPLICANT INFORMATION

Applicant DC ACADEMY/ FLICKY STICK POLE VAULT (a.k.a GEORGIA POLE VAULT)
(printed name)

ERIK RUSSELL (DCA) 770-617-5200

Address 55 ZENA DRIVE

SCOTT ARNOLD (FSPV) 404-558-0532

City CARTERSVILLE State GA. Zip 30120 Email Erik Russell: erik@redtoproofing.com Scott Arnold: Scott.Arnold@cdhpartners.com

Representative's printed name (if other than applicant)

Phone (Rep) _____

Email (Rep) _____

Representative Signature

Applicant Signature

Signed, sealed and delivered in presence of:

J. ANN BARBER NOTARY PUBLIC GEORGIA PAULDING COUNTY EXPIRES Aug. 1, 2023

Notary Public

My commission expires:

1. Existing Text to be Amended:

Article X, Section 10.2, Subsection 10.2.2.A

Existing Text Reads as Follows: (PLEASE SEE ATTACHED EXISTING SECTION)

2. Proposed Text:

Proposed Text Reads as Follows: (PLEASE SEE ATTACHED PROPOSED SECTION)

(Continue on additional sheets as needed)

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

3. Reason(s) for the Amendment Request: _____

We are requesting the text amendment to allow a Cheerleading/gymnastics facilities and indoor athletic training facilities and Indoor recreation facilities use, with a Special Use Approval in Heavy Industrial Zoning classification. The proposed change will allow for athletic training facilities to backfill warehouse space that is no longer used or desired for a Heavy Industrial use and the Special Use approval process will ensure there are no conflicts with possible existing heavy industrial users. The proposed change allows for a creative adaptive re-use of older warehouse space and keeps wanted and needed businesses within the City of Cartersville.

(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).

NOTICE OF PUBLIC HEARING

The City of Cartersville Planning Commission will hold a public meeting on DEC. 8, 2020 at 5:30 p.m. in the City Hall Council Chambers, 3rd Floor, City Hall at 10 North Public Square, Cartersville, Georgia, 30120.

The Planning Commission will review an application by DC ACADEMY/ FLICKY STICK POLE VAULT for a text amendment to the zoning ordinance. The applicant requests a text amendment to Section 10.2.2.A (Heavy Industrial Permitted Uses) to add **Cheerleading/gymnastics facilities and. indoor athletic training facilities and Indoor recreation facilities** as a use requiring a Special Use Approval.

The Cartersville City Council will hold the first reading on DEC. 17, 2020 at 7:00 p.m. in the City Hall Council Chambers to consider the recommendation of the Planning Commission on the above mentioned application. The Cartersville City Council will have a second reading and final action on said application on JAN. 7, 2021 at 7:00 p.m. in the City Hall Council Chambers.

Please contact the City of Cartersville Planning & Development Department, City Hall, 2nd Floor, 10 North Public Square, Cartersville, Georgia 30120 or (770) 387-5600 to receive information on the filing.

If you have interest in the proposed amendments as stated above, you are encouraged to attend the meetings as stated herein.

CITY OF CARTERSVILLE

Case # _____

EXISTING ZONING CODE

10.2.2. Use regulations. Within the H-I district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as allowed shall not be permitted.

A. Permitted uses. Structures and land may be used for only the following purposes:

- Amateur radio transmitter.
- Aviation airports.
- Brewery (SU if accessory tasting room is included).*
- Brewpub.
- Bus stations.
- Clinic or hospital, animal.
- Construction contractors: general contractors, heavy equipment contractors, and special trade contractors (including, but not limited to, construction subcontractors, engineers, architects, and land surveyors).
- Distillery (SU if accessory tasting room is included).*
- Distribution.
- Manufacturing, processing, warehousing, distribution, and research facilities.
- Microbreweries (SU).*
- Offices.
- Parking lots.
- Public utilities facilities.
- Radio, television, or other communication towers.
- Research facilities.
- Salvage yards (SU).*
- Trash transfer stations (SU).*
- Truck terminals.
- Wholesale trade and distribution.

[* Special use approval required.]

PROPOSED ZONING CODE (ADDED SECTION IN RED)

10.2.2. Use regulations. Within the H-I district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as allowed shall not be permitted.

A. Permitted uses. Structures and land may be used for only the following purposes:

- Amateur radio transmitter.
- Aviation airports.
- Brewery (SU if accessory tasting room is included).*
- Brewpub.
- Bus stations.
- Cheerleading/gymnastics facilities and indoor athletic training facilities. *
- Clinic or hospital, animal.
- Construction contractors: general contractors, heavy equipment contractors, and special trade contractors (including, but not limited to, construction subcontractors, engineers, architects, and land surveyors).
- Distillery (SU if accessory tasting room is included).*
- Distribution.
- Indoor recreation facilities. *
- Manufacturing, processing, warehousing, distribution, and research facilities.
- Microbreweries (SU).*
- Offices.
- Parking lots.
- Public utilities facilities.
- Radio, television, or other communication towers.
- Research facilities.
- Salvage yards (SU).*
- Trash transfer stations (SU).*
- Truck terminals.
- Wholesale trade and distribution.

[* Special use approval required.]

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	December 17, 2020
SUBCATEGORY:	Public Hearing – 1st Reading
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	SU20-03
DEPARTMENT SUMMARY RECOMMENDATION:	The applicant wishes to operate (currently operating) a pole vault training facility within a former warehouse space. Because of the indoor space requirements, re-use of old industrial/warehouse space can be an ideal conversion for these type of uses that tend to require large open unimpeded area. The City allows this use by right in the Light Industrial (L-I) district. The applicant is currently operating at this location without a business license. He is currently working with Code Enforcement and the City Planner to rectify the zoning violation. Planning Commission approved 12/8/2020
LEGAL:	N/A

SPECIAL USE APPLICATION SYNOPSIS

Petition Number(s): **SU20-03**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Flick Stick Pole Vault (aka Georgia Pole Vault)**

Representative: **Scott Arnold**
Property Owner: **RD Simpson, Inc (Mike Samples)**
Property Location: **55 Zena Dr. (C063-0003-018)**

Access to the Property: **Zena Drive**

Site Characteristics:

Tract Size: Acres:**10.69** District**: 4th** Section: **3rd** LL(S): **191 &192**

Ward:**6** Council Member: **Taff Wren**

1. LAND USE INFORMATION

Current Zoning: **H-I (Heavy Industrial)**

Proposed Zoning: **H-I w/ SU**

Proposed Use: **Athletic Training Facility / Pole Vault Training**

Current Zoning of Adjacent Property:
North: **H-I (Heavy Industrial & GC (General Commercial)**
South: **H-I (Heavy Industrial)**
East: **MF-14 (Multi-Family & County (Commercial)**
West: **G-C (General Commercial)**

The Future Development Map designates the subject property as: **Workplace Center.**

The Future Land Use Map designates the subject property as: **Industrial.**

2. City Department Comments:

Electric: Takes no exception.

Fibercom: Takes no exception.

Fire: If the calculated occupancy load exceeds 300 people, the plans will need to be submitted to the Georgia State Fire Marshal's Office (SFMO) for review. Once approved by the SFMO, the approved plans will need to be submitted to Cartersville Fire and Cartersville Planning and Development Office (P&D) for local review. If the calculated occupancy load is less than 300, the plans will just need to be submitted to CFD and P&D (building official). A full set of architectural plans from a registered design professional including mechanical, electrical, and plumbing. Fire alarm and fire sprinkler plans shall be separate submission. Modifying the building has no real bearing as this is a change of occupancy classification from Industrial/Storage to Assembly. A change of occupancy classification is looked at as though it is a new building. All new buildings require a full set of architectural, mechanical, electrical, and plumbing plans be submitted.

Gas: Takes no exception.

Public Works: No comments received.

Water and Sewer: No comments received.

3. Public Comments: No comments received by Planning and Development as of 12.1.2020.

4. Special Use Review

The applicant wishes to operate (currently operating) a pole vault training facility within a former warehouse space. Because of the indoor space requirements, re-use of old industrial/warehouse space can be an ideal conversion for these type of uses that tend to require large open unimpeded area. The City allows this use by right in the Light Industrial (L-I) district.

The applicant is currently operating at this location without a business license. He is currently working with Code Enforcement and the City Planner to rectify the zoning violation.

5. Zoning Ordinance Findings

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

B) Article XVI. Special Uses

Sec. 16.1. Scope and intent.

A. This article specifies uses which are not classified as permitted uses as a matter of right in zoning districts, and are therefore only allowed through the approval of a Special use. The standards which apply to each use are enumerated and must be met in order for an application to be granted.
B. In granting a Special use, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors in order to assimilate the proposed development or use into the neighborhood with minimal impact.

Sec. 16.2. Application of regulations and approval.

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

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

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

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

Sec. 16.3. Additional restrictions.

A. In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site proposed for a use which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special Use permit:

    1. The effect of the proposed activity on traffic flow along adjoining streets;
    2. The availability, number and location of off-street parking;
    3. Protective screening;
    4. Hours and manner of operation of the proposed use;
    5. Outdoor lighting;
    6. Ingress and egress to the property; and
    7. Compatibility with surrounding land use.

B. Any use which may be authorized by special use shall comply with all other City regulations, zoning district regulations and other regulations contained herein, and

conditions of zoning approval if applicable. Whenever a standard contained in this section is in conflict with another provision of this chapter, the more restrictive provision shall prevail.

6. How General Standards Are Met (Staff Comments below.

Standard #1: *The effect of the proposed activity on traffic flow along adjoining streets.*

How Standard #1 has / will be met: No negative effect to traffic along adjoining streets is expected due to hours of operation and none have been noted since they started operation.

Standard #2: *The availability, location, and number of off-street parking.*

How Standard #2 has / will be met: Off-street parking is provided.

Standard #3: *Protective screening.*

How Standard #3 has / will be met: Not required.

Standard #4: *Hours and manner of operation:*

How Standard #4 has / will be met: The applicant has noted they only operate three days per week and at non peak hours (6:00-8:00pm Tues & Thurs., and 1:00-3:00 Sun.)

Standard #5: *Outdoor lighting*

How Standard #5 has / will be met: None required.

Standard #6: *Ingress and egress to the property.*

How Standard #6 has / will be met: Existing parking along Zena Drive.

Standard #7: *Compatibility with surrounding land use.*

How Standard #7 has / will be met: Business will occupy a suite in multi-tenant building. Adjacent tenant is also requesting a Special Use permit for an athletic training facility. The area is primary industrial.

7. Additional standards from Zoning Ordinance section 16.4 for use applied for and how they are met:

N/A

8. Staff Recommendation: No objection to special use request. Staff does have a concern in the event that the landlord puts several other heavy industrial uses in the building comingling with what is essentially pedestrian activity. However, for the stated hours of operation for this request, it doesn't appear to be an issue. All fire and building code requirements need to be met per Fire and Building Inspectors.

9. Planning Commission Recommendation:

Application for Special Use
City of Cartersville

Case Numbe
Date Received: 10-22-2020

Public Hearing Dates:

Planning Commission DEC. 8, 2020 **5:30pm** **1st City Council** DEC. 17, 2020 **7:00pm** **2nd City Council** JAN. 7, 2021 **7:00pm**

Applicant FLICKY STICK POLE VAULT (a.k.a GEORGIA POLE VAULT)
(printed name)

Office Phone

Address 55 ZENA DRIVE

Mobile/ Other Phone SCOTT ARNOLD (FSPV) 404-558-0532

City CARTERSVILLE State GA. Zip 30120 Email Scott.Arnold@cdhpartners.com

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

J. ANN BARBER NOTARY PUBLIC GEORGIA EXPIRES Aug 2023 PAULDING COUNTY

* Titleholder R D SIMPSON, INC. (Mike Samples)
(titleholder's printed name)

Phone o-(404)975-9582, c-(770)606-1104

Address P.O. BOX 1540, CARTERSVILLE, GA 30120

Email msamples50@gmail.com

Signature

Signed, sealed, delivered in presence of:

My commission expires:

Notary Public

J. ANN BARBER NOTARY PUBLIC GEORGIA EXPIRES Aug 2023 PAULDING COUNTY

Present Zoning District H I

Acreage 10.69 Land Lot(s) 191, 192 District(s) 4 Section(s) 3

Location of Property: 55 ZENA DRIVE, CARTERSVILLE, GA.
(street address, nearest intersections, etc.)

Reason for Special Use Request: (please see attached letter of intent)

(attach additional statement as necessary)

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

REQUIREMENTS FOR FILING AN APPLICATION FOR SPECIAL USE

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
    b. Proposed conditions or project
    c. Confirmation of availability of all public utilities
    d. Project meets the proposed zoning district development standards
    e. 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.

3. **Special-Use Justification:** Complete and provide the Special-Use Justification form (attached).

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

5. **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.

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

7. **Public Notice Fee (Optional):** The applicant may choose to have city staff prepare and manage the public notification process outlined in **item 8** 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.

SPECIAL USE JUSTIFICATION

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

Zoning Ordinance section 16.3.A
In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special use:

1. *The effect of the proposed activity on traffic flow along adjoining streets;*
2. *The availability, number and location of off-street parking;*
3. *Protective screening;*
4. *Hours and manner of operation of the proposed use;*
5. *Outdoor lighting;*
6. *Ingress and egress to the property; and*
7. *Compatibility with surrounding land use.*

Zoning Ordinance section 16.4 states standards for specific uses – if the use you are applying for has additional standards, these must also be addressed below.

Use applied for:

_____

Standard #1: The effect of the proposed activity on traffic flow along adjoining streets.

How Standard #1 has / will be met:

The proposed Pole Vault Training Facility will have minimal impact to the surrounding traffic infrastructure. The Club only meets 3 days a week (Tuesday: 6:00pm-8:00pm, Thursday: 6:00pm-8:00pm and Sunday: 1:00pm - 3:00pm) and is during typical off peak traffic hours.

Standard #2: The availability, number, and location of off-street parking.

How Standard #2 has / will be met:

The proposed Pole Vault Training Facility will have the use of the existing parking spaces surrounding the facility. The existing parking will be adequate to serve our needs.

Standard #3: Protective screening.

How Standard #3 has / will be met:

The proposed Pole Vault Training occurs within the existing warehouse facility and will not be visible to the surrounding properties. Additional screening will not be necessary.

Standard #4: Hours and manner of operation of the proposed use.

How Standard #4 has / will be met:

The proposed Pole Vault Training Facility only meets 3 days a week (Tuesday: 6:00pm-8:00pm, Thursday: 6:00pm-8:00pm and Sunday: 1:00pm - 3:00pm) and is during typical off peak traffic hours. There are some opportunities for private training and are coordinated with individual coaches but for the majority of time the facility is vacant.

Standard #5: Outdoor lighting.

How Standard #5 has / will be met:

The proposed Pole Vault Training occurs within the existing warehouse facility and will not be adding any outdoor lighting.

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met:

The proposed Pole Vault Training Facility will utilize the existing access from Zena Drive. The current ingress and egress is adequate to serve the needs of the facility.

Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met:

The proposed Pole Vault Training occurs within the existing warehouse facility and is compatible with the surrounding land uses. In addition, there are no surrounding uses that have a negative impact to the proposed training facility as well.

Additional standards from Zoning Ordinance section 16.4 for use applied for and how they are met:

There are no additional requirements for Cheerleading/ Gymnastics facilities and indoor athletic training facilities in section 16.4.

Signed,

Applicant or Representative

10/12/2020

Date

NOTICE OF PUBLIC HEARING

The City of Cartersville Planning Commission will hold a public meeting on DEC. 8, 2020 at 5:30 p.m. in the City Hall Council Chambers, 3rd Floor, City Hall at 10 North Public Square, Cartersville, Georgia.

The Planning Commission will review an application by FLICKY STICK POLE VAULT (a.k.a GEORGIA POLE VAULT) requesting a Special Use for property located at 55 ZENA DRIVE in Land Lot(s) 191, 192 of the 4 th District, 3 rd Section, in the H I zoning district. Said property contains 10.69 acres.

The Cartersville City Council will hold the first reading on DEC. 17, 2020 at 7:00 p.m. in the City Hall Council Chambers to consider the recommendation of the Planning Commission on the above mentioned application. The Cartersville City Council will have a second reading and final action on said application on JAN. 7, 2021 at 7:00 p.m. in the City Hall Council Chambers.

Please contact the City of Cartersville Planning & Development Department at City Hall, 2nd Floor, 10 North Public Square, Cartersville, Georgia 30120 or (770) 387-5600 to receive information on the filing thereof.

If you have interest in the proposed rezoning as stated above, you are encouraged to attend the meetings as stated herein.

CITY OF CARTERSVILLE

Case # _____

qPublic.net™ Bartow County, GA

ena Drive

dademy/ Flick Stick Pole Vault (a.k.a. Georgia Pole Vault)

Overview

Legend

- Parcels
- Roads

Parcel ID	C063-0003-018	**Alternate ID**	36713	**Owner Address**	R D SIMPSON INC P C BOX 1540 CARTERSVILLE, GA 30120
Sec/Twp/Rng	n/a	**Class**	Industrial		
Property Address	55 ZENA DR	**Acreage**	10.69		
District	Cartersville				
Brief Tax Description	LL 191 LD 4 (Note: Not to be used on legal documents)				

Date created: 10/19/2020
Last Data Uploaded: 10/16/2020 9:37:52 PM

Developed by Schneider GEOSPATIAL

October 20, 2020

Mr. David Hardegree, AICP
City Planner
City of Cartersville
10 North Public Square
Cartersville, Georgia 30120

RE: **Flicky Stick Pole Vault**
55 Zena Drive
Letter of Intent

Dear Mr. Hardegree:

Flicky Stick Pole Vault (a.k.a. Georgia Pole Vault), the Applicant, is seeking a Special Use Approval for the Training Facility at 55 Zena Drive to allow the pole vault training facility within a HI (Heavy Industrial) zoning. The use falls under the classification of **"Cheerleading/gymnastics facilities and indoor athletic training facilities"** within the zoning code and requires a Special Use approval. The site located at 55 Zena Drive is an existing warehouse located on a parcel with a total acreage of 10.69 acres.

The training facility will occupy an older warehouse building and will be a good adaptive reuse of the existing facility. The club specializes in teaching and training the track and field event of Pole Vault and has assisted in helping several student athletes earn scholarships to several Colleges and Universities throughout the county. There are currently approximately 50 members at varying abilities from beginner to elite athlete.

The Club operates a training and teaching schedule of 3 days a week and at limited times, Tuesday from 6:00pm to 8:00 pm, Thursday from 6:00pm to 8:00pm and Sunday from 1:00pm to 3:00pm. There are also some limited one on one training sessions possible throughout the week but a majority of the week the facility is vacant. The club has 3 jumping pits, an inventory of approximately 200 pole vaulting poles and all the coaches volunteer their time to help improve the kids in the sport they love.

Given the limited times of operation and number of athletes trained at the facility, the proposed use will have no impact to the surrounding businesses and will have minimal impact to the City's infrastructure. We thank you for your consideration in this matter and respectfully request that the Parkway Village small tract status be granted as requested. If you have any questions or require further information, please feel free to contact me at your convenience.

Sincerely,

Mr. Scott Arnold
Flicky Stick Pole Vault
404-558-0532

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	December 17, 2020
SUBCATEGORY:	Public Hearing – 1st Reading
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	SU20-04
DEPARTMENT SUMMARY RECOMMENDATION:	The applicant wishes to operate (currently operating) a baseball training facility within a former warehouse space. Because of the indoor space requirements, re-use of old industrial/warehouse space can be an ideal conversion for these type of uses that tend to require large open unimpeded area. The City allows this use by right in the Light Industrial (L-I) district. The applicant is currently operating at this location without a business license. He is currently working with Code Enforcement and the City Planner to rectify the zoning violation. Planning Commission approved 12/8/2020
LEGAL:	N/A

SPECIAL USE APPLICATION SYNOPSIS

Petition Number(s): **SU20-04**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **DC Academy**

Representative: **Erik Russell**
Property Owner: **RD Simpson, Inc (Mike Samples)**
Property Location: **55 Zena Dr. (C063-0003-018)**

Access to the Property: **Zena Drive**

Site Characteristics:

Tract Size: Acres:**10.69** District**: 4th** Section: **3rd** LL(S): **191 &192**

Ward:**6** Council Member: **Taff Wren**

1. LAND USE INFORMATION

Current Zoning: **H-I (Heavy Industrial)**

Proposed Zoning: **H-I w/ SU**

Proposed Use: **Athletic Training Facility / Indoor Baseball Training**

Current Zoning of Adjacent Property:
North: **H-I (Heavy Industrial & GC (General Commercial)**
South: **H-I (Heavy Industrial)**
East: **MF-14 (Multi-Family & County (Commercial)**
West: **G-C (General Commercial)**

The Future Development Map designates the subject property as: **Workplace Center.**

The Future Land Use Map designates the subject property as: **Industrial.**

2. City Department Comments:

Electric: Takes no exception.

Fibercom: Takes no exception.

Fire: If the calculated occupancy load exceeds 300 people, the plans will need to be submitted to the Georgia State Fire Marshal's Office (SFMO) for review. Once approved by the SFMO, the approved plans will need to be submitted to Cartersville Fire and Cartersville Planning and Development Office (P&D) for local review. If the calculated occupancy load is less than 300, the plans will just need to be submitted to CFD and P&D (building official). A full set of architectural plans from a registered design professional including mechanical, electrical, and plumbing. Fire alarm and fire sprinkler plans shall be separate submission. Modifying the building has no real bearing as this is a change of occupancy classification from Industrial/Storage to Assembly. A change of occupancy classification is looked at as though it is a new building. All new buildings require a full set of architectural, mechanical, electrical, and plumbing plans be submitted.

Gas: Takes no exception.

Public Works: No comments received.

Water and Sewer: No comments received.

3. Public Comments: No comments received by Planning and Development as of 12.1.2020.

4. Special Use Review

The applicant wishes to operate (currently operating) a baseball training facility within a former warehouse space. Because of the indoor space requirements, re-use of old industrial/warehouse space can be an ideal conversion for these type of uses that tend to require large open unimpeded area. The City allows this use by right in the Light Industrial (L-I) district.

The applicant is currently operating at this location without a business license. He is currently working with Code Enforcement and the City Planner to rectify the zoning violation.

5. Zoning Ordinance Findings

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

B) Article XVI. Special Uses

Sec. 16.1. Scope and intent.

A. This article specifies uses which are not classified as permitted uses as a matter of right in zoning districts, and are therefore only allowed through the approval of a Special use. The standards which apply to each use are enumerated and must be met in order for an application to be granted.
B. In granting a Special use, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors in order to assimilate the proposed development or use into the neighborhood with minimal impact.

Sec. 16.2. Application of regulations and approval.

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

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

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

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

Sec. 16.3. Additional restrictions.

A. In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site proposed for a use which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special Use permit:

    1. The effect of the proposed activity on traffic flow along adjoining streets;
    2. The availability, number and location of off-street parking;
    3. Protective screening;
    4. Hours and manner of operation of the proposed use;

5. Outdoor lighting;
6. Ingress and egress to the property; and
7. Compatibility with surrounding land use.

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

6. How General Standards Are Met (Staff Comments below.

Standard #1: *The effect of the proposed activity on traffic flow along adjoining streets.*

How Standard #1 has / will be met: No negative effect to traffic along adjoining streets is expected and none have been noted since they started operation.

Standard #2: *The availability, location, and number of off-street parking.*

How Standard #2 has / will be met: Off-street parking is provided.

Standard #3: *Protective screening.*

How Standard #3 has / will be met: Not required.

Standard #4: *Hours and manner of operation:*

How Standard #4 has / will be met: The applicant has noted they operate Monday–Friday 10:00AM to 8:00PM. Saturday and Sunday 8:00AM to 8:00PM.

Standard #5: *Outdoor lighting*

How Standard #5 has / will be met: None required.

Standard #6: *Ingress and egress to the property.*

How Standard #6 has / will be met: Existing parking along Zena Drive.

Standard #7: *Compatibility with surrounding land use.*

How Standard #7 has / will be met: Business will occupy a suite in multi-tenant building. Adjacent tenant is also requesting a Special Use permit for an athletic training facility. The area is primary industrial.

7. Additional standards from Zoning Ordinance section 16.4 for use applied for and how they are met:

N/A

8. Staff Recommendation: No objection to special use request. Staff does have a concern in the event that the landlord puts several other heavy industrial uses in the building comingling with what is essentially pedestrian activity. The stated hours of operation for this request does make this more of a possibility conflict. All fire and building code requirements need to be met per Fire Marshal's comments prior to issuance of business license.

9. Planning Commission Recommendation:

Application for Special Use
City of Cartersville

Case Number Meeting:December 17, 2020 Item 5.
Date Received: 10-23-2020

Public Hearing Dates:

Planning Commission DEC. 8, 2020 **5:30pm** **1st City Council** DEC. 17, 2020 **7:00pm** **2nd City Council** JAN. 7, 2021 **7:00pm**

Applicant DC ACADMEY (printed name) Office Phone

Address 55 ZENA DRIVE Mobile/ Other Phone ERIK RUSSELL (DCA) 770-617-5200

City CARTERSVILLE State GA. Zip 30120 Email erik@redtoproofing.com

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:

Malinda Booth
Notary Public

MALINDA BOOTHE NOTARY PUBLIC BARTOW COUNTY, GEORGIA MY COMMISSION EXPIRES SEPTEMBER 13, 2024

* Titleholder R D SIMPSON, INC. (Mike Samples) (titleholder's printed name) Phone o-(404)975-9582, c-(770)606-1104

Address P.O. BOX 1540, CARTERSVILLE, GA 30120 Email msamples50@gmail.com

Signature Mike Samples

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

Malinda Booth
Notary Public

MALINDA BOOTHE NOTARY PUBLIC BARTOW COUNTY, GEORGIA MY COMMISSION EXPIRES SEPTEMBER 13, 2024

Present Zoning District HI

Acreage 10.69 Land Lot(s) 191, 192 District(s) 4 Section(s) 3

Location of Property: 55 ZENA DRIVE, CARTERSVILLE, GA.
(street address, nearest intersections, etc.)

Reason for Special Use Request: (please see attached letter of intent)

(attach additional statement as necessary)

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

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: 10/23/20

Date Two Years Prior to Application: 10/23/18

Date Five Years Prior to Application: 10/23/15

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
Lamar Pinson		X
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.

Ø

Signature 10/23/20 Date

Erik Russell

Print Name

SPECIAL USE JUSTIFICATION

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

Zoning Ordinance section 16.3.A
In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special use:

1. *The effect of the proposed activity on traffic flow along adjoining streets;*
2. *The availability, number and location of off-street parking;*
3. *Protective screening;*
4. *Hours and manner of operation of the proposed use;*
5. *Outdoor lighting;*
6. *Ingress and egress to the property; and*
7. *Compatibility with surrounding land use.*

Zoning Ordinance section 16.4 states standards for specific uses – if the use you are applying for has additional standards, these must also be addressed below.

Use applied for:

_____

Standard #1: The effect of the proposed activity on traffic flow along adjoining streets.

How Standard #1 has / will be met:

The proposed DC Academy will have minimal impact to the surrounding traffic infrastructure. The facility meets at limited times and is during typical off peak traffic hours.

Standard #2: The availability, number, and location of off-street parking.

How Standard #2 has / will be met:

The proposed DC Academy will have the use of the existing parking spaces surrounding the facility. The existing parking will be adequate to serve our needs.

Standard #3: Protective screening.

How Standard #3 has / will be met:

The proposed use occurs within the existing warehouse facility and will not be visible to the surrounding properties. Additional screening will not be necessary.

Standard #4: Hours and manner of operation of the proposed use.

How Standard #4 has / will be met:

The proposed Facility hours of operation are Monday through Friday from 10:00am - 8:00pm and Saturday and Sunday from 8:00 am - 8:00 pm.

Standard #5: Outdoor lighting.

How Standard #5 has / will be met:

The proposed training operations occur within the existing warehouse facility and will not be adding any outdoor lighting.

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met:

The proposed DC Academy will utilize the existing access from Zena Drive. The current ingress and egress is adequate to serve the needs of the facility.

Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met:

The proposed training operations occur within the existing warehouse facility and is compatible with the surrounding land uses. In addition, there are no surrounding used that have a negative impact to the proposed training facility as well.

Additional standards from Zoning Ordinance section 16.4 for use applied for and how they are met:

There are no additional requirements for Cheerleading/ Gymnastics facilities and indoor athletic training facilities in section 16.4.

Signed,

Applicant or Representative

10/23/20

Date

NOTICE OF PUBLIC HEARING

The City of Cartersville Planning Commission will hold a public meeting on DEC. 8, 2020 at 5:30 p.m. in the City Hall Council Chambers, 3rd Floor, City Hall at 10 North Public Square, Cartersville, Georgia.

The Planning Commission will review an application by DC Academy requesting a Special Use for property located at 55 ZENA DRIVE in Land Lot(s) 191, 192 of the 4 th District, 3 rd Section, in the H I zoning district. Said property contains 10.69 acres.

The Cartersville City Council will hold the first reading on DEC. 17, 2020 at 7:00 p.m. in the City Hall Council Chambers to consider the recommendation of the Planning Commission on the above mentioned application. The Cartersville City Council will have a second reading and final action on said application on JAN. 7, 2021 at 7:00 p.m. in the City Hall Council Chambers.

Please contact the City of Cartersville Planning & Development Department at City Hall, 2nd Floor, 10 North Public Square, Cartersville, Georgia 30120 or (770) 387-5600 to receive information on the filing thereof.

If you have interest in the proposed rezoning as stated above, you are encouraged to attend the meetings as stated herein.

CITY OF CARTERSVILLE

Case # _____

October 20, 2020

Mr. David Hardegree, AICP
City Planner
City of Cartersville
10 North Public Square
Cartersville, Georgia 30120

RE: **DC Academy**
55 Zena Drive
Letter of Intent

Dear Mr. Hardegree:

DC Acadmey, the Applicant, is seeking a Special Use Approval for the Training Facility at 55 Zena Drive to allow the sports training facility within a HI (Heavy Industrial) zoning. The use falls under the classification of **"Sports Training facilities and indoor athletic training facilities"** within the zoning code and requires a Special Use approval. The site located at 55 Zena Drive is an existing warehouse located on a parcel with a total acreage of 10.69 acres.

The training facility will occupy an older warehouse building and will be a good adaptive reuse of the existing facility. The club specializes in teaching and training youth for playing baseball. There are currently approximately 95 members at varying abilities from beginner to travel ball level players. Most use would fall under team practices and individual lessons to members with some members only camps and or clinics throughout the year.

The Club operates a training and teaching schedule every week day but at limited times. There are also some limited one on one training sessions possible throughout the week but a majority of the week the facility is vacant. The club has approximately 12,000 SF of turf with protective netting to allow up to 2 – 12 man teams to practice at once. We expect to be below 60 people at a time in the facility to safely practice.

Given the limited times of operation and number of athletes trained at the facility, the proposed use will have no impact to the surrounding businesses and will have minimal impact to the City's infrastructure. We thank you for your consideration in this matter and respectfully request that the Parkway Village small tract status be granted as requested. If you have any questions or require further information, please feel free to contact me at your convenience.

Sincerely,

Erik Russell
DC Academy

RECEIPT OF PAYMENT

Receipt Number: 2020002715
Receipt Date: 10/23/2020
Date Paid: 10/23/2020
Full Amount: $450.00

Payment Details:

Payment Method	Amount Tendered	Check Number
Check	$450.00	501

Amount Tendered: $450.00
Change / Overage: $0.00
Contact: DC ACADEMY LLC, Address:790 BURNT HICKORY RD STE C, Phone:(770) 617-5200

FEE DETAILS:

Fee Description	Reference Number	Amount Owing	Amount Paid
BZA Special Exception-Business	MS202000568	$400.00	$400.00
CD-Advertising	MS202000568	$50.00	$50.00

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	December 17, 2020
SUBCATEGORY:	First Reading of Ordinances
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	Sec 4-1: Definition of Downtown Entertainment Zone
DEPARTMENT SUMMARY RECOMMENDATION:	This proposed ordinance is set to define the definition of the Downtown Entertainment Zone. ACB approved 12/9/2020
LEGAL:	N/A

Ordinance No. 01-21

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 – ALCOHOL BEVERAGES. ARTICLE II. - LICENSING REQUIREMENTS. DIVISION 4. PREMISES RESTRICTIONS. SECTION 4-1. definitions are amended by adding the definition of Downtown Entertainment Zone as listed below:

1.

Sec. 4-1. – Definitions

Downtown Entertainment Zone means and includes the following area as delineated on the map entitled "Downtown Entertainment Zone" incorporated herein below:

[INSERT MAP]

2.

The additional definition added to Section 4-1 is to be made a part of the permitted uses and alphabetized accordingly to be made a part of the permitted uses and included accordingly.

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 to accomplish such intention.

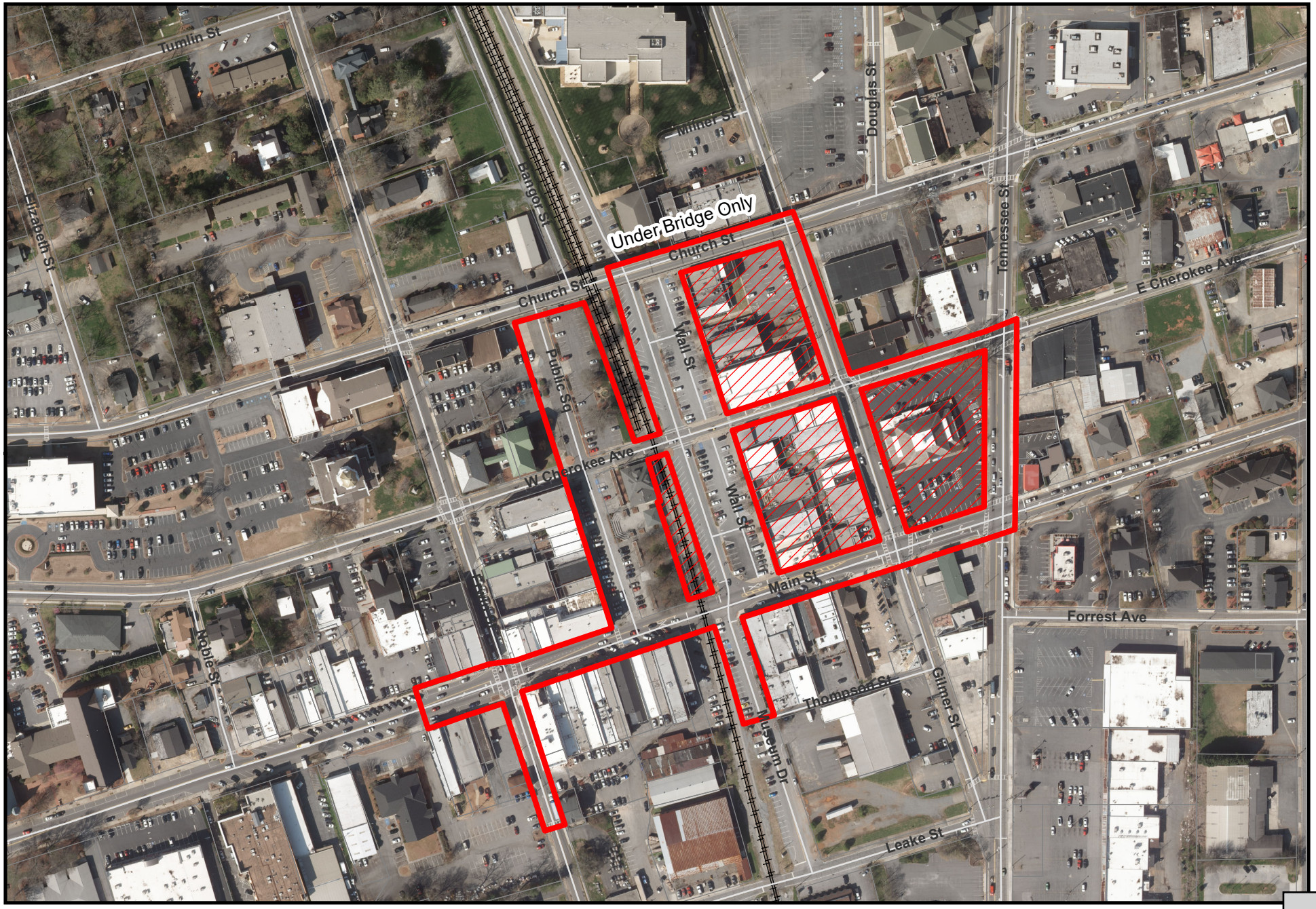
BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

_____
MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK

Downtown Entertainment Zone



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	December 17, 2020
SUBCATEGORY:	First Reading of Ordinances
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	Sec 4-105 and 4-106 (f): Rules and Regulations for Downtown Entertainment Zone
DEPARTMENT SUMMARY RECOMMENDATION:	This proposed ordinance is to define the rules and regulations for the Downtown Entertainment Zone. ACB approved 12/9/2020
LEGAL:	N/A

Ordinance no. 02-21

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 – ALCOHOL BEVERAGES. ARTICLE II. - LICENSING REQUIREMENTS. DIVISION 4. PREMISES RESTRICTIONS. SECTION 4-105. – CONSUMPTION ON-PREMISES is amended by deleting and replacing the same; SECTION 4-106 CONSUMPTION ON OTHER PUBLIC PLACES is amended by deleting and replacing subsections (a) and (c) and adding a new subsection (f) and (g) is added as listed below

1.

Sec. 4-105. – Consumption on-premises.

It shall be unlawful for anyone to open, drink, or otherwise consume any wine or malt beverage or distilled spirits upon any premises, other than a pouring outlet or package wine outlet, wherein such beverages are sold under a license issued by the city, except as allowed for Brewer's pursuant to O.C.G.A. § 3-5-24.1 and Distiller's as allowed pursuant to O.C.G.A. § 3-4-24.2, or in the area of the Downtown Entertainment Zone as allowed in Section 4-106.

2.

Sec. 4-106. - Consumption in other public places.

(a) Nothing in this article shall be construed to permit consumption of any intoxicating beverages in any public place in the city other than within the definite, closed-in or partitioned location, whether room or building, wherein pouring takes place, except for permitted caterers, sidewalk cafes, or right-of-way cafes, city-sanctioned event, or Downtown Entertainment Zone.

(b) An establishment licensed under this chapter to sell alcoholic beverages shall not allow any person to leave such licensed premises with any alcoholic beverage in an open cup, bottle, can or other open container, except as provided for in the Downtown Entertainment Zone.

(g) This section shall not apply in the following instances:

(1) For events that are sponsored or organized by the City of Cartersville where the alcohol is obtained from a participating business within any city sanctioned event, and is contained in and consumed from an approved, disposable plastic container.

(2) Where the city council through a resolution has permitted otherwise.

(3) For restaurants that have a valid sidewalk cafe permit provided that all outdoor activities are contained within the permitted sidewalk cafe.

(4) As permitted in the Downtown Entertainment Zone.

(5) Beverages for consumption at a publicly owned or privately-owned golf course, licensed to sell alcoholic beverages.

(6) For the carrying out of a partially consumed bottle of wine as defined in Section 4-14.

(7) When a temporary limited license has been issued, provided that the person consuming or possessing an alcoholic beverage remains on the public sidewalk directly in front of the premises licensed to sell alcoholic beverages or within the open areas, sidewalks, decks, or similar unenclosed spaces on or about the premises licensed to sell alcoholic beverages.

(f) Downtown Entertainment Zone:

(1) The purpose of this section is intended to set forth certain exceptions and provisions applicable only to licensees whose establishments:

a) Are located within the Downtown Entertainment Zone.

b) Possess a license to sell alcoholic beverages for consumption on the premises.

c) Except as specifically set forth in this section, all such licensees will remain subject to all other provisions of the city's alcoholic beverages ordinance.

(2) Outdoor consumption of alcoholic beverages permitted in the Downtown Entertainment Zone.

(3) No containers in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 12 fluid ounces in size. No person shall hold in their possession on the public streets and sidewalks, plazas, in parks and/or any other public place within the Downtown Entertainment Zone any open alcoholic beverage container, which exceeds 12 fluid ounces in size. Any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises which is located within an approved Downtown Entertainment Zone is authorized to dispense alcoholic beverages in a disposable plastic cup for removal from the premises, said cups may be purchased from the Cartersville Downtown Development Authority. Said cups are to be sold at cost by the Downtown Development Authority and shall include the rules as approved by the Planning and Development Director. No alcohol is allowed off premises unless in the approved cup.

(4) Drinking from can, bottle, or glass prohibited except as specifically set forth in sections 4-106 (f) herein with respect to a disposable plastic cup, it shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, glass, cup, or container, on the public streets, sidewalks, plazas, rights-of-way, and public or private parking lots within the city.

(5) Purchases from licensed premises within the approved Downtown Entertainment Zone are allowed off premises. Alcoholic beverages purchased in accordance with this chapter may be consumed in the approved Downtown Entertainment Zone except as prohibited in this section. Alcoholic beverages consumed pursuant to this provision must be purchased from a licensed establishment authorized to sell alcoholic beverages for consumption on the premises within the Downtown Entertainment Zone. Licensed establishments shall only be permitted to serve from their approved premises as approved on their alcohol license and shall not serve from temporary locations upon the premises unless specifically allowed as part of an approved festival in accordance with Section 15-50 through 15-59. (6) Consumption is limited to certain areas in the Downtown Entertainment Zone and more specifically, no alcoholic beverage purchased pursuant to this provision may be consumed outside the boundary of the approved Downtown Entertainment Zone or within the approved Downtown Entertainment Zone on any parcel

used as a public park, church, day care center or school unless specifically allowed by issuance of a special event permit in accordance with Section 15-50 allowed as a part of an approved festival.

(6) Hours of Consumption. Between the hours of 5:00 p.m. and 10:00 p.m., on Thursday and Friday, and between the hours of 11:00 a.m. and 10:00 p.m., on Saturday, consumption on premises licensees may authorize the sale of alcoholic beverages within the designated cups for off premises consumption and shall not allow alcoholic beverages to be removed from their licensed premises.

The following dates/events are excluded and no off premises consumption shall be allowed:

1. First Thursday in December for the Christmas Parade;
2. Cartersville High School Homecoming Parade;
3. July 4th Parade it if falls on a Thursday, Friday or Saturday; and
4. Any other date as determined by Council by Resolution.

(7) Any licensed establishment that allows patrons to leave an establishment with an alcoholic beverage as regulated herein shall have an 11-inch by eight and one-half inch sign posted at the door for public view where a patron entering and exiting the establishment can read the following:

> "All patrons leaving this establishment with an alcoholic beverage do hereby take full responsibility to only consume an alcoholic beverage served in the designated cups for off premises consumption not to exceed 12 ounces in size and obtained by an establishment licensed to sell alcoholic beverages in the Downtown Entertainment Zone outlined on the map below. Any individual that leaves the permitted area with an alcoholic beverage in an open container is in violation of city code and may be subject to a citation and/or fine."

The map as referenced in Section 4-1 shall be made a part of the notice.

(8) The provisions of this section shall not be deemed to abrogate or otherwise impact any state law or local ordinance pertaining to public drunkenness, disorderly conduct, driving with an open container or under the influence of alcohol, or similar laws.

(9) No alleys are to be included within the Downtown Entertainment Zone.

(10) Drinking from a can, bottle, or any other container except the designated cups for off premises consumption is prohibited and is subject to a fine of at least a$100.00.

(11) Littering within the Downtown Entertainment Zone is subject to a fine of at least a $100.00

(12) The City shall provide additional outdoor garbage cans within the Downtown Entertainment Zone.

(13) The City shall also place appropriate signage of the are of the Downtown

Entertainment Zone.

(14) No designated cups are allowed to be in motor vehicles. A fine of at least a $100.00 for each cup in said vehicle shall be levied.

(15) Consumption limited to certain areas in the Downtown Entertainment Zone. No alcoholic beverage purchased pursuant to this provision may be consumed:

a1. Outside the boundary of the approved Downtown Entertainment Zone or within the approved Downtown Entertainment Zone on any parcel used as a trail, church, day care center or school or the adjoining sidewalk.

b. in an alley; or

c. in any public or private parking lot.

16. This ordinance shall remain in effect from the date approved by council for a period not to exceed one year from that date.

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 to accomplish such intention and any ordinance or part thereof not amended shall remain in effect and be unchanged.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: December 17, 2020
SECOND READING: January 7, 2021

_____
MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	December 17, 2020
SUBCATEGORY:	First Reading of Ordinances
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	Sec 4-121: Package Outlets
DEPARTMENT SUMMARY RECOMMENDATION:	This proposed ordinance is to change the time that package outlets can sell alcohol. ACB approved 12/9/2020
LEGAL:	N/A

Ordinance no. 03-21

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 – ALCOHOL BEVERAGES. ARTICLE II. - LICENSING REQUIREMENTS. DIVISION 5. HOURS OF OPERATION. SECTION 4-121 is amended by deleting and replacing the same as listed below.

1.

Sec. 4-121. - Package outlets.

(a) *Distilled spirits.* No retailer shall be in his place of business, or open his place of business, or furnish, sell or offer for sale any distilled spirits at any of the following times:

(1) At any time on Thanksgiving or Christmas Day; or

(2) At any time in violation of an ordinance or regulation or of a special order of the mayor and city council; or

(3) On Monday through Saturday before 8:00 a.m. or after 11:45 p.m.; or

(4) On Sunday before 11:00 a.m. or after 11:45 p.m.

(b) *Malt beverage and wine.* It shall be unlawful for any person to sell or serve any malt beverage and wine at any of the following times:

(1) At any time on Christmas Day; or

(2) On Monday through Saturday prior to 8:00 a.m. or after 12:00 p.m.; or

(3) On Sunday before 11:00 a.m. or after 11:45 p.m.;

(4) Additionally, package wine outlets may not serve after 11:45 p.m. on any day.

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 and/or alphabetized accordingly to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: December 17, 2020
SECOND READING: January 7, 2021

_____
MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	December 17, 2020
SUBCATEGORY:	First Reading of Ordinances
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	Sec 4-414: Home Delivery of Alcohol
DEPARTMENT SUMMARY RECOMMENDATION:	This proposed ordinance is to outline the regulations for home delivery of alcohol. ACB approved 12/9/2020
LEGAL:	N/A

Ordinance No. 04-21

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 – ALCOHOL BEVERAGES. ARTICLE II. - LICENSING REQUIREMENTS. DIVISION 4. PREMISES RESTRICTIONS. SECTIONS 4-114 – 4-119. RESERVED is amended by deleting and replacing the same as listed below.

1.

Sec. 4-414. Home Delivery of Alcohol.

(a) For all purposes of this section, a "package," "package outlet," or "package licensed outlet," as defined by City of Cartersville Code of Ordinance Sec. 4-1 and shall have the same meaning as "packaged goods retailer" as provided for in O.C.G.A. §3-3-10. In addition to any authorizations provided by state law, on-premise permit holders (pouring outlets as defined by City of Cartersville Code of Ordinance Sec. 4-1) can provide for the home delivery of beer and wine under an existing on-premise pour license with a letter of intent to provide the service to the City of Cartersville.

(b) No packaged goods retailer shall be permitted to engage in delivery operations without a letter of intent to provide the service in the municipality.

(c) Any establishment, including home delivery within the City limits, must file their employee's state issued certificate to deliver with the City of Cartersville Planning and Development Department.

(d) Any violation of this section is subject to a fine of $500.00.

2.

Sec. 4-415 – 419. Reserved.

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:	December 17, 2020
SUBCATEGORY:	Bid Award/Purchases
DEPARTMENT NAME:	Parks and Recreation
AGENDA ITEM TITLE:	HVAC Unit for Aubrey Street Gym
DEPARTMENT SUMMARY RECOMMENDATION:	Based upon the projects previously approved by Council with the remaining GO Bond money, this is the Bid Award for the Aubrey Street Gym for an HVAC Unit. After receiving several quotes, Pendley Heating & Air Conditioning was selected with the low bid. It includes a 5-year warranty for the Compressor, with 1-year for Parts & Labor. These are budgeted expenses to be paid with GO Parks & Recreation Bond proceeds. The total amount of this bid is $45,232.89.
LEGAL:	N/A

"Pendley People Care"

Pendley Heating & Air Conditioning, Inc.
GA. LICENSE #: CN002212

PROPOSAL AND ACCEPTANCE

526 Old Alabama Road
Cartersville, Georgia 30120

Phone: 770.382.1221
Fax: 770.382.8223
Emergency Phone: 770.655.2068
Email: Terry.woodring@pendleyhvac.com
Georgia License: CN002212

TO:	PHONE	DATE 11/12/2020
City of Cartersville Parks & Recreation	JOB NAME/LOCATION Aubrey St. Gym 25 Aubrey St. Cartersville, GA 30120	
	JOB NUMBER	JOB PHONE

We hereby submit specification and estimates for:

Install Two Trane 10 Ton Twinned Gas/Electric Systems:
Two-Trane TTA120 A/C Condensers
Four-Trane S9B1D120 95% AFUE Furnaces
Four-Trane 4TXCD010 Evaporator Coils

Includes equipment, installation, platform with secondary emergency drain pans with cutoff switches, return and supply plenums with filter racks, Ductsox fabric duct with internal hoop system including hanging materials, Concentric vent kits for sealed combustion, gas lines, Nexia wifi thermostat control with wireless remote sensors, duct installed smoke detectors, poured concrete a/c pads with pylon protectors for parking lot unit, refrigerant and drain lines, and startup. Includes scissor lift.
*No High Voltage Wiring
Warranty: 5 year compressor/1 year parts/1 year labor

TERMS: DUE UPON COMPLETION

I have the authority to order the above work and do so order as outlined above. It is agreed that the seller will retain title to any equipment or material furnished until final & complete payment is made, and if settlement is not made as agreed, the seller shall have the right to remove same and the seller will be held harmless for any damages resulting from the removal thereof.

We Propose hereby to furnish material and labor – complete in accordance with the above specification for the sum of: **$45,232.89** Dollars

Payment to be made as follows: DUE UPON COMPLETION

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Authorized Signature: TERRY WOODRING

Note: This proposal may be withdrawn by us if not accepted within: Days 30

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.
Date of Acceptance:

Signature:

Signature:

Proudly serving you for over 50 years

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	December 17, 2020
SUBCATEGORY:	Bid Award/Purchases
DEPARTMENT NAME:	Parks and Recreation
AGENDA ITEM TITLE:	Electrical for HVAC Unit for Aubrey Street Gym
DEPARTMENT SUMMARY RECOMMENDATION:	Based on the projects previously approved by Council with the remaining GO Bond money, this is the Bid Award for the Electrical work to be completed coinciding with the HVAC Unit Installation at the Aubrey Street Gym. After receiving several quotes, JDH Electric, LLC was selected with the low bid. These are budgeted expenses to be paid with GO Parks & Recreation Bond proceeds. The total amount of this bid is $8,750.00.
LEGAL:	N/A

JDH ELECTRIC, LLC
475 E. MAIN ST. PMB 131
CARTERSVILLE, GA 30121
PHONE: 770-607-6900 FAX: 770-607-6955
JAMES@JDHELECTRIC.COM

Date: November 23, 2020

To: Cartersville Parks & Recreation

Project: Aubrey St Gym Electrical for HVAC unit upgrades

In accordance with work requested, we submit the following proposal to furnish labor and materials with the qualifications listed.

1. Pricing based on information provided. Any changes may result in change in pricing.
2. JDH to remove existing 200amp single phase electrical service and replace with new 400amp 3phase electrical service to serve existing 200amp single phase panel and new 3phase hvac units
3. JDH to wire new units per specifications provided by CofC Parks & Rec and Weaver Heating & Air.
4. New HVAC outside units to be fed via disconnects and wiring trough located on exterior of building. Conduit for new exterior hvac units to be installed on exterior of building.
5. All hvac equipment and controls to be provided and installed by others, JDH to provide power and connection of power only.
6. Any and all utility charges by others
7. CofC Parks & Rec may be required to install bollards or other means of protection if front of new electrical service per local AHJ, this is not included by JDH.
8. Permits and fees included
9. Bonds not included.

TOTAL PRICE $8,750.00

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	December 17, 2020
SUBCATEGORY:	Bid Award/Purchases
DEPARTMENT NAME:	Administration
AGENDA ITEM TITLE:	Travelers Insurance Deductible
DEPARTMENT SUMMARY RECOMMENDATION:	The city was involved in a lawsuit that has been settled by our insurance company, Travelers Insurance, and the city is responsible for the $25,000 insurance deductible. This deductible is funded through the Property & Casualty Insurance Fund and I recommend approval of this deductible invoice.
LEGAL:	Archer & Lovell have reviewed this item.

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	December 17, 2020
SUBCATEGORY:	Bid Award/Purchases
DEPARTMENT NAME:	Electric
AGENDA ITEM TITLE:	4160V 2500kVA Transformer Purchase
DEPARTMENT SUMMARY RECOMMENDATION:	Being that we plan to use our spare for the customer's expansion, we need another one for stock, so we recommend your approval. This purchase was budgeted.
LEGAL:	N/A

Transformer Total Ownership Cost Evaluation

2500 kVA 2400/4160

Oct.-Nov. 2020

VENDOR	BRAND	LEAD TIME	UNIT PRICE	NL	LL	TOTAL OWNERSHIP COST
Irby	GE	15-16 weeks	$ 31,147.00	2733	12931	$ 56,376.50
Power Supply	WEG	38-40 weeks	$ 32,319.00	2644	15111	$ 59,328.00
Solomon	Solomon	5-7 weeks	$ 34,267.00	5472	22943	$ 81,834.00
Anixter	ABB	20-22 weeks	$ 26,947.00	3672	16972	$ 60,443.00
Gresco	Ermco	18-20 weeks	$ 36,578.00	2293	11645	$ 58,541.50
Wesco	Cooper	30 weeks	$ 37,593.00	3147	12740	$ 64,494.50

TRANSFORMER PURCHASE – 4160V, 2500KVA

The Electric Department is requesting authorization to purchase a 2500kVA, 4160/2400V, pad-mounted transformer. We are planning to use the one we have in stock for an expansion that a customer is about to start. Thus, we will need one to replace it in our stock.

We requested bids and received (6) prices. We are requesting to purchase the GE model from Stuart C. Irby Company. It had the second lowest purchase cost, lowest total ownership cost, and the 2nd shortest delivery time. The lowest priced model to purchase was less efficient and would take more than a month longer to get than the requested one. Thus, we are requesting to purchase the GE brand transformer from Irby for $31,147.00. This transformer purchase is budgeted in our current budget.

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	December 17, 2020
SUBCATEGORY:	Bid Award/Purchases
DEPARTMENT NAME:	Fire Department
AGENDA ITEM TITLE:	HVAC Repair Public Safety Building
DEPARTMENT SUMMARY RECOMMENDATION:	Respectfully request permission to re-pair and add to the HVAC system for the server room at the Public Safety Headquarters. The current split system has failed. This in turn is causing excessive heat in the room, which will lead to a failure of all servers and computer equipment within the room. This project will replace the unit that is bad, add an additional unit for additional cooling power, and back up. Three bids were requested with two returned. The bids returned were Pendley Heating and Cooling for a price of $15,882.03 and Caverly Heating and Air with a price of $8,800.00. We are recommending the low bid of $8,800.00. This contractor has performed work for the city and all products come with a strong warranty. There will be additional electrical work that will be done on this project. We do not anticipate the electrical work to exceed $1000.00. We respectfully request approval of this project with an up to but not to exceed $10,000.00, to include electrical work and quote of Caverly Heating and Air. This will be split between the Fire Department, Police Department and Fiber Department and be paid for with budgeted maintenance funds.
LEGAL:	N/A

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	December 17, 2020
SUBCATEGORY:	Contracts/Agreements
DEPARTMENT NAME:	Administration
AGENDA ITEM TITLE:	Advanced Metering Infrastructure Purchase
DEPARTMENT SUMMARY RECOMMENDATION:	Over the past two years, City staff have been working with our consultant, UMS, on a new metering system that will work for each city utility and this metering data would be collected and imported into our utility billing system. UMS has worked with our AMI Team on evaluating each department's needs and goals for a new metering system that will last for many years. After gathering all departments' needs, including Finance, Customer Service, Electric, Gas, Water and Sewer and FiberCom, the AMI Team has chosen the Sensus brand meter to install for our electric, gas and water utilities. The vendor who will supply the meters and related equipment is Equipment Controls Company. The total projected cost for all of the meters, meter installation, AMI collectors, software and UMS Consulting fees is $13,033,158 and is broken out as follows: Water & Sewer $4,675,438.34 Electric 1,657,997.54 Gas 4,780,438.00 Shared Services 1,382,284.00 – includes UMS Consulting, AMI Collectors, Etc. Work Order Mgmt Software 537,000.00 Total Projected Cost $13,033,157.88 Financing for this project could be from a new bond issue or a combination of a new bond issue and use of some of the utility reserve funds. If this contract is approved, a majority of the financing would not be needed until delivery of the new meters, which would not occur until late Spring or early Summer 2021 with the first semi-annual payment due in the city's fiscal year 2021-22 budget. At today's market rate, a new $13 million dollar bond issue with a 15-year payback would have an annual debt payment of $986,000 which would be split mostly between the Electric, Gas and Water & Sewer Funds. Each of these departments currently budget approximately $200,000 annually for new meters. If this contract is approved, the

	gas and water meters have at least a 15-year warranty on the meters, so they could use their funds that are normally budgeted for new meters to help make the annual debt payment. In reviewing the debt costs with Tom R., Bob, Derek and Michael, we agree that this project can be funded annually with some debt financing. In summary, the AMI Committee has evaluated several companies and is recommending approval of the Advanced Metering Infrastructure Agreement with Equipment Controls Company.
LEGAL:	N/A

ADVANCED METERING INFRASTRUCTURE AGREEMENT

This Advanced Metering Infrastructure Agreement ("Agreement") is made this 17th day of December 2020 (the "Effective Date") between City of Cartersville, GA.("City"),at 1N. Erwin Street, Cartersville, GA 30120, and Equipment-Controls Company, a Georgia corporation ("Vendor"), at 4555 South Berkeley Lake Road, Norcross, GA 30071.

WHEREAS, City is a municipality servicing approximately 7000 end users of electricity, and approximately 12000 end users of water, and approximately 9500 end users of gas in the territory set forth in Exhibit A ("Service Territory");

WHEREAS, Vendor supplies meters and meter reading technology; and

WHEREAS, City wishes to acquire from Vendor and Vendor wishes to provide to City, a FlexNet Advanced Metering Infrastructure System to read City's electricity, water, and gas meters on the terms set forth herein.

IT IS AGREED:

1. **Terms and Trademarks.** As used in this Agreement, the following terms shall have the following meanings:

   a. **"*Affiliate*"** means, with respect to any party, any other entity directly or indirectly controlling, controlled by, or under common control with such party. For purposes of this definition, "control" when used with respect to any entity means the power to direct the management and policies of such party, directly or indirectly, whether through the ownership of the voting securities, by contract or otherwise, and the terms "controlling" and "controlled" shall have meanings correlative to the foregoing.

   b. **"*AMI System*"** identifies the FlexNet Advanced Meter Infrastructure System comprised of the SmartPoint Modules, RF Field Equipment, Server Hardware, software licenses, FCC licenses, and other equipment provided to City hereunder. The AMI System only includes the foregoing, as provided by Vendor. The AMI System does not include goods, equipment, software, licenses or rights provided by a third party or parties to this Agreement.

   c. **"*Available Meter*"** means an installed FlexNet meter or a SmartPoint Module which has been installed on a third party meter, and which, in either case, is not an Unavailable Meter (or on an Unavailable Meter in the case of SmartPoint Modules on third party meters) and which satisfies all of the following criteria:

      i. it functions properly, is powered and is not a damaged or failed meter

      ii. it is in a deployment area of meters for City such that a sufficient number of two-way meters are in range of each other;

      iii. it is serviced by a tower FlexNet Base Station or Echo Transceiver or Remote Transceiver that has not been subjected to a power failure greater than eight (8) total hours;

      iv. neither it nor the FlexNet Base Station, Echo Transceiver or any other network equipment that serves that meter has been affected by a Force Majeure event;

      v. illegal or unauthorized jamming of the radio spectrum is not preventing or interfering with radio communication to or from the meter;

      vi. it is installed in the Service Territory;

      vii. it has not been reported to City under Vendor' or City's preventative maintenance;

viii. its functioning or performance has not been adversely affected by a failure of City to perform its obligations or tasks for which it is responsible under this Agreement, including, but not limited to, testing and confirming that the socket to which the meter is connected is in safe operating condition, is fully functional and is not "hot", damaged or otherwise in need of maintenance or repair;

ix. its functioning or performance has not been adversely affected by a failure or insufficiency of the backhaul telecommunications network of City for communications among the components of the Vendor AMI System; and

x. it has been installed in compliance with the procedures and specifications approved by City and Vendor.

d. **"*Billing Window*"** for a meter means the three day period commencing one day prior to the relevant billing day for such meter and ending two days after such billing day.

e. **"*CPI*"** means the percentage change, for the relevant period, of the United States Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) "All Items Less Food and Energy" for the U.S. City Average for All Items, 1982-84 = 100, not seasonally adjusted, or substantially similar succeeding index. Any CPI increases called forth in this Agreement shall be calculated to the third decimal point (e.g. 2.576%).

f. **"*End User*"** means any end user of electricity/water/gas that pays City for the consumption of electricity/water/gas, as applicable.

g. "***Field Devices***" means the meters and SmartPoint Modules.

h. "***FlexNet Base Station***" identifies the Vendor manufactured device consisting of one transceiver, to be located on a tower that receives readings from the SmartPoint Modules (either directly or via an Echo Transceiver) by radio frequency and passes those readings to the RNI by TCP/IP backhaul communication.

i. "***Sensus Analytics Software***" identifies the Vendor software identified in the SaaS Agreement under the heading "Sensus Analytics Software" and any Updates and purchased Upgrades to such software.

j. "***In/Out Costs***" means any costs and expenses incurred by City in transporting goods between its warehouse and its End User's premises and any costs and expenses incurred by City in installing, uninstalling and removing goods.

k. "***Intellectual Property***" means patents and patent applications, inventions (whether patentable or not), trademarks, service marks, trade dress, copyrights, trade secrets, know-how, data rights, specifications, drawings, designs, maskwork rights, moral rights, author's rights, and other intellectual property rights, as may exist now or hereafter come into existence, and all renewals and extensions thereof, regardless of whether any of such rights arise under the laws of the United States or of any other state, country or jurisdiction, any registrations or applications thereof, and all goodwill pertinent thereto.

l. "***Major Updates***" means releases of the Software that constitute a minor improvement in functionality. For clarity, Major Updates are a subset of "Updates."

m. **"*Ongoing Fee*"** means the annual or monthly fees, as applicable, to be paid by City during the Term as set forth on Exhibit B.

n. "***Release***" means a Major Update and/or an Upgrade.

o. "***Remote Transceiver***" identifies the Vendor standalone, mounted relay device that takes the radio frequency readings from the SmartPoint Modules and relays them directly to the RNI by TCP/IP backhaul communication.

p. **"*RF Field Equipment*"** means, collectively, FlexNet Base Stations, Echo Transceivers and Remote Transceivers.

q. "***RNI***" identifies the regional network interfaces consisting of hardware and software used to gather, store, and report data collected by the FlexNet Base Stations from the SmartPoint Modules.

r. *"**SaaS Agreement**"* means the Software and Spectrum Lease Agreement between the City and Sensus USA, Inc., the form of which is attached hereto as Exhibit E.

s. "***Server Hardware***" means the RNI hardware.

t. "***Service Territory***" has the definition set forth in the first Whereas clause.

u. *"**SmartPoint™ Modules***" identifies the Vendor transmission devices installed on devices such as meters, distribution automation equipment and demand/response devices located at City's End Users' premises that take the readings of the meters and transmit those readings by radio frequency to the relevant FlexNet Base Station, Remote Transceiver or Echo Transceiver.

v. "***Software***" means the software identified in the SaaS Agreement" and any Updates and purchased Upgrades to such software. "Software" includes the FlexWare Software.

w. "***TouchCoupler Unit***" identifies an inductive coupler connection from a water register to the SmartPoint Module.

x. "***Unavailable Meters*"** include meters with sockets with power cut at the pole, meters that are booted on the line side, sockets that are not provided power due to a power delivery system failure, meters with tamper, theft or other human induced failures that render the meter or SmartPoint Module incapable of providing a read, a Force Majeure event induced failures of the power delivery system, socket or meter, and/or any system or meter maintenance issue that precludes the meter from transmitting its message to the network. Examples of Unavailable Meters include:

   i. Cut At Pole – a meter for which power has been turned off to the socket by City

   ii. Booted on Line Side – nominally a meter for which power has been turned off by placing "boots" in the socket from which the power to the meter has effectively been turned off.

   iii. Failed or flawed power delivery to the meter socket – City power generation, distribution or delivery system failure that has effectively turned off power to the socket and/or meter.

   iv. Tampered Meters – sockets, meters or distribution assets that have been modified by unauthorized personnel rendering the meter incapable of providing accurate usage readings from that meter.

   v. Broken TouchCoupler unit — the TouchCoupler unit is damaged by intentional or unintentional acts.

   vi. Broken Clip — the clip that holds the TouchCoupler unit into the radio package housing is broken and the unit can not complete the inductive electrical connection.

   vii. Improper installation of the TouchCoupler unit — the TouchCoupler unit is not pushed all the way into the housing clip causing the unit to not be able to complete the inductive electrical connection.

viii. Radio unit not securely attached to the Antenna unit — The water-proof SmartPoint Module housing is not properly installed and secured to the antenna unit.

ix. Damaged antenna - the unit's antenna is damaged by intentional or unintentional acts.

x. Damaged radio package — the unit's water-proof radio package is damaged by intentional or unintentional acts.

xi. Data Base errors — the unit is removed from the system but not updated in the database. Still shown as in the system when in fact has been removed.

xii. Phantom Units — the unit is removed from the system but is still transmitting and being heard by the system.

y. **"*Updates*"** means patches or other maintenance releases of the Software that correct processing errors and other faults and defects found in the last two previous minor or major releases of the Software. For clarity, "Updates" includes Major Updates.

z. "***Upgrades***" means all releases of new versions of the Software which constitute a significant improvement in functionality or architecture of the Software.

aa. **"*WAN Backhaul*"** means the communication link between the FlexNet Base Stations and Remote Transceivers and the RNI.

List of Exhibits

Exhibit A	Service Territory
Exhibit B	Products and Pricing
Exhibit C	Software Listings
Exhibit D	Removed
Exhibit E	SaaS Agreements (see attachment)
Exhibit F	Statement of Work
Exhibit G	Customer Support
Exhibit H	Network Support Maintenance
Exhibit I	Data Sheets and G500 Warranty
Exhibit J	Vendor Proposal

2. **Purchase of Equipment; Warranties.**

a. **Purchase of Equipment**.

i. City may purchase from Vendor, water, electric and gas products who is Vendor' Authorized Distributor, the quantities and types of Field Devices, RF Field Equipment, Server Hardware, and other goods (collectively, "Equipment") set forth in Exhibit B at the prices set forth in Exhibit B. Vendor manufactured Equipment shall be covered by the warranty in Section 2(b) below.

b. **Warranties**.

i. **Electricity Meters and Electricity SmartPoint Modules**. Vendor warrants the Vendor electricity meters and the electricity SmartPoint Modules installed in Vendor electricity meters to be in compliance with their respective specifications under normal use and service, and to be free from material defects in materials and workmanship for a warranty period of eighteen (18) months from the date of shipment.

ii. **Gas Meters and Gas SmartPoint Modules**.

(a) Vendor warrants the Vendor Sonix meters to be free from material defects in materials and workmanship for a warranty period of fifteen (15) years from the date of shipment. Vendor warrants the batteries in the Vendor Sonix meters to be free from material defects in materials and workmanship for a warranty period of ten (10) years from the date of shipment. The warranty period for new spare parts and components sold by Vendor is twelve (12) months from the date of shipment. The warranty period for repaired or refurbished parts repaired by Vendor is one hundred twenty (120) days from the date of shipment, unless repaired pursuant to a warranty, in which case the repair is warranted for the time remaining of the original warranty period.

(b) Vendor warrants the Vendor gas SmartPoint Modules as set forth in the "G500" warranty, as set forth in Exhibit I.

iii. **Water Meters and Water SmartPoint Modules**. Vendor warrants the Vendor water meters and water SmartPoint Modules as set forth in the "G500" warranty, as set forth in Exhibit I.

iv. **RF Field Equipment**.

(a) Vendor warrants the RF Field Equipment to be in compliance with their respective specifications under normal use and service, and to be free from defects in materials and workmanship for a warranty period of twelve (12) months from the date of shipment.

(b) After this twelve (12) month period, so long as City remains current in paying the Ongoing Fees outlined in Exhibit B, Vendor shall provide the ongoing repair and replacement of the RF Field Equipment (including parts), provided however that City shall pay for any replacements and/or repairs required to RF Field Equipment (including parts and labor) due to the acts or omissions of City or due to a Force Majeure event. Notwithstanding anything to the contrary herein, Vendor is not responsible for providing any labor or field visits to RF Field Equipment.

v. **Network Warranty.**

(a) Subject to subsection (b), if more than six (6) – M400 FlexNet Base Stations, are required for the AMI System to meet the specifications set forth in this Agreement, Vendor shall deliver to the City the hardware for the additional RF Field Equipment without charge to the City, provided that the City shall locate and install all RF Field Equipment as reasonably directed by Vendor. Notwithstanding anything to the contrary, City shall pay for the installation, tower lease fees, and any Ongoing Fees for all equipment provided pursuant to this subsection (a). The City shall have title to all equipment provided pursuant to this subsection (a). This subsection (a) shall only apply to the Meter Territory.

(b) Notwithstanding anything to the contrary, the parties recognize and agree that the RF Field Equipment site design and build is based on the specific metering locations and antenna heights provided to Vendor by the City in writing prior to the Effective Date ("Meter Territory"). For clarity, the Meter Territory only contains the individual meter locations and antenna heights specifically provided to Vendor by the City in writing prior to the Effective Date. New or different metering locations and/or antenna heights provided after the Effective Date may or may not require additional RF Field Equipment and/or changes to the RF Field Equipment locations. In the event new and/or different RF Field Equipment locations are required to accommodate these new metering sites and/or antennae heights, City agrees to: pay Vendor for the additional RF Field Equipment hardware, perform the necessary site preparation, and pay for the necessary installation, tower lease, and ongoing fees for all equipment purchased pursuant to this subsection (b). Any equipment

required pursuant to this subsection (b) is excluded from the network warranty calculation described in subsection (a).

vi. **Server Hardware**. Vendor provides no warranty on the Server Hardware**.**

vii. **Third Party Goods.** Notwithstanding anything to the contrary herein, Vendor does not warrant any goods manufactured or software supplied by third parties. For example, if City elects to buy meters from a third party, the SmartPoint Modules installed in such third party meters shall be covered by the warranty above, but any warranty on the meter itself shall be a matter directly between City and such third party meter supplier.

viii. **Remedy**. If any Field Device or RF Field Equipment fails during the applicable warranty period (a "Failed Good"), Vendor' obligation, and City's exclusive remedy, is, at Vendor' option, to either (i) repair or replace the Failed Good, provided the City (a) returns the product to the location designated by Vendor within the warranty period; and (b) prepays the freight costs to such location; or (ii) deliver replacement components to the City, provided the City installs, at its cost, such components in or on the Failed Good (as instructed by Vendor). In all cases, City shall be responsible for returning the Failed Good to Vendor, including all costs associated with the return of the Failed Good, and Vendor shall be responsible for shipping the repaired or replaced good back to City's warehouse. City shall, in all cases, be responsible for the In/Out Costs. If Vendor determines that the returned good is not defective, City shall pay and/or reimburse Vendor for all expenses incurred by Vendor in the examination of the returned good.

ix. **Services**. Vendor warrants that its services shall, at the time of performance, materially conform to the contract requirements, and shall be performed in a professional and workmanlike manner, free from defects in workmanship. City's remedy under the warranty for services shall be, at Vendor' sole cost and expense, to correct or re-perform any defective or non-conforming services to assure compliance with the contract requirements.

x. **Warranty Exceptions**. The warranties do not include costs for removal or installation of products, or costs for replacement labor or materials, which are the responsibility of the City. The warranties do not apply to goods that have been: installed improperly or in non-recommended installations; installed to a socket that is not functional, or is not in safe operating condition, or is damaged, or is in need of repair; tampered with; modified or repaired with parts or assemblies not certified in writing by Vendor, including without limitation, communication parts and assemblies; improperly modified or repaired (including as a result of modifications required under section 2(b)(viii)); converted; altered; damaged; read by equipment not approved by Vendor; for water meters, used with substances other than water, used with non-potable water, or used with water that contains dirt, debris, deposits, or other impurities; subjected to misuse, improper storage, improper care, improper maintenance, or improper periodic testing (collectively, "Exceptions."). If Vendor identifies any Exceptions during examination, troubleshooting or performing any type of support on behalf of City, then City shall pay for and/or reimburse Vendor for all expenses incurred by Vendor in examining, troubleshooting, performing support activities, repairing or replacing any Equipment that satisfies any of the Exceptions defined above. The warranties do not apply in the event of Force Majeure

xi. THE ABOVE WARRANTIES IN THIS SECTION 2(b) ARE THE ONLY WARRANTIES GIVEN WITH RESPECT TO THE GOODS, SOFTWARE AND SERVICES SOLD OR OTHERWISE PROVIDED BY VENDOR. THERE ARE NO IMPLIED WARRANTIES, INCLUDING WITHOUT LIMITATION, WARRANTIES AS TO FITNESS FOR A PARTICULAR PURPOSE OR MERCHANTABILITY AND ALL SUCH WARRANTIES ARE HEREBY EXPRESSLY EXCLUDED.

xii. VENDOR ASSUMES NO LIABILITY FOR COSTS OR EXPENSES ASSOCIATED WITH LOST REVENUE OR WITH THE REMOVAL OR INSTALLATION OF EQUIPMENT. THE FOREGOING REMEDIES ARE CITY'S SOLE AND EXCLUSIVE REMEDIES FOR THE

FAILURE OF EQUIPMENT, SERVICES OR LICENSED SOFTWARE TO CONFORM TO THEIR RESPECTIVE WARRANTIES.

3. **Installation of Equipment.**

   a. **Generally**. The parties shall have their respective obligations for the deployment and operation of the AMI System as set forth in the Statement of Work attached as Exhibit F.

   b. **Field Devices**. City shall install the Field Devices at its End User's premises, or other location as applicable. City shall first test and confirm that each socket to which a Field Device will be connected is in safe operating condition, is fully functional and is not "hot", damaged or otherwise in need of maintenance or repair.

   c. **RF Field Equipment**. Vendor shall perform the site selection survey and propagation analysis in the Service Territory to determine where to locate the RF Field Equipment. Each party shall perform its respective obligations in Exhibit F with regard to the RF Field Equipment installation.

4. **IT Systems Integration Services.** Integration of the Server Hardware into City's internal systems is not included in this Agreement. If City desires Vendor to assist City with integration of the Server Hardware into City's new or existing internal IT systems, City and Vendor shall agree on a price and a scope of work for such services.

5. **Project Management.** Project Management of the AMI System deployment is not included in this Agreement.

6. **Ongoing Maintenance of the System.**

   a. **Field Devices**. City is responsible for maintaining its field population of Field Devices. City shall provide the field services labor to visit a problem Field Device and perform diagnostics and repair or replacement.

   b. **RF Field Equipment**. City shall be responsible for the ongoing monthly operations and expenses related to siting of the RF Field Equipment, including any leasing costs, construction costs, taxes and costs of WAN Backhaul. City shall pay for electric power to the RF Field Equipment.

   c. **Customer Support**. Vendor shall provide the Customer Support set forth in Exhibit G. Furthermore, Vendor shall provide the network support maintenance set forth in Exhibit H.

7. **Software License, Third Party Software and Software Maintenance.** Rights and obligations with respect to the Software are addressed in the SaaS Agreement. City shall enter into, and Vendor shall cause Sensus USA, Inc. to enter into the SaaS Agreement. The fees payable by City under the SaaS Agreement are set forth in Exhibit B and shall be payable to Vendor.

   a.

8. **Spectrum.** Rights and obligations with respect to transmission and reception of signals over the radio spectrum in connection with equipment delivered under this Agreement are set forth in the SaaS Agreement.

9. **Payment.**

   a. **Escalation**.

      i. City shall pay for all goods and services provided by Vendor hereunder at the prices set forth in Exhibit B.

      ii. The pricing in Exhibit B shall remain firm until January 1, 2023 ("General Trigger Date").

b. **Equipment**. Invoices for all Field Devices, RF Field Equipment, Server Hardware and any other goods sold by Vendor hereunder shall be delivered along with the relevant goods.

c. **Third Party Devices.** In cases where City requests or requires Vendor to deliver SmartPoint Modules to a third party meter manufacturer (or any other third party), payment for such modules is due within thirty (30) days of the invoice date to such manufacturer or other third party, irrespective of how long it takes such third party to deliver the SmartPoint Modules to City.

d. **Services.** Invoices for Ongoing Fees and services shall be delivered annually or monthly, as applicable, in advance. Invoices for other services shall be delivered upon completion of the applicable service.

e. **Invoices and Payment.**

i. **Address**. Vendor shall send all invoices to: 1N. Erwin Street, Cartersville, GA 30120

ii. **Payment of Invoices.** City will pay all invoices within thirty (30) days of the invoice date.

f. **Disputed Invoices; Withholding.**

i. If City disputes an invoice, it shall give written notice of the dispute to Vendor within 30 days of the invoice date. If it does not do so, the entire invoice shall be deemed payable without reduction, set off, or claim. If City gives written notice of the dispute within the required thirty (30) days, it shall, at such time as the notice is given, pay the undisputed amount of the invoice and the disputed portion shall be resolved by the parties or, if necessary, under the dispute resolution provision of Article 18. If it is ultimately determined that some or all of the disputed amount was payable, that amount shall bear interest from the original due date until City pays it at the Interest Rate.

ii. City may withhold payment on an invoice for defective goods and services.

10. **Taxes.** All prices quoted are exclusive of federal, state and municipal taxes. City shall be liable for all sales, use and other taxes (whether local, state or federal) imposed on this Agreement or the goods, services, licenses, and/or other rights provided to City hereunder.

11. **Term and Termination.**

a. This Agreement shall commence on the Effective Date and terminate on December 31, 2022 unless terminated pursuant to Section 11.b, provided that it may be extended for a longer period by mutual written agreement ("Term").

b. Either party may earlier terminate this Agreement if the other party commits a material breach of this Agreement and such material breach is not cured within forty-five (45) days of written notice by the other party.

c. Upon any expiration or termination of this Agreement, Vendor' and City's obligations hereunder shall cease, but the rights and obligations under the SaaS Agreement shall continue in full force and effect in accordance with the terms and conditions of the SaaS Agreement.

d. ..

12. **General Indemnity.** Vendor (the "Indemnifying Party") shall and hereby does indemnify, defend and hold harmless the City (the "Indemnified Party") from and against all Third Party Litigation Costs incurred by any Indemnified Party in any Third Party Litigation caused by: (i) the Indemnifying Party breaching this Agreement; or (ii) the negligence or intentional misconduct of the Indemnifying Party. As used in this Agreement, "Third Party Litigation" means litigation brought against an Indemnified Party by a Person that is not an Indemnified Party; and "Third Party Litigation Costs" means all reasonable attorneys' fees and other legal expenses incurred in the Third Party Litigation as well as the judgment

rendered or settlement reached therein. To avoid doubt, "Third Party Litigation" does not include disputes between the Parties or their Affiliates. It is meant to cover only third party claims by persons or entities other than Indemnified Parties. The Indemnifying Party shall have the right to select counsel in such proceedings and control such proceedings and shall be responsible for the legal costs thereof as well as any judgment rendered therein or settlement reached therein. Nevertheless, the Indemnifying Party shall not settle any claim which may affect the Indemnified Party without the Indemnified Party's prior written approval.

13. **Limitations on Liability.**

a. Vendor' aggregate liability in any and all causes of action arising under, out of or in relation to this Agreement, its negotiation, performance, breach or termination (collectively "Causes of Action") shall not exceed the total amount paid by City to Vendor under this Agreement. This is so whether the Causes of Action are in tort, including, without limitation, negligence or strict liability, in contract, under statute or otherwise.

b. As separate and independent limitations on liability, Vendor' liability shall be limited to direct damages. Vendor shall not be liable for; (i) any indirect, incidental, special or consequential damages; nor (ii) any revenue or profits lost by City or its Affiliates from any End User(s), irrespective whether such lost revenue or profits is categorized as direct damages or otherwise; nor (iii) any In/Out Costs; nor (iv) manual meter read costs and expenses; nor (v) damages arising from maincase or bottom plate breakage caused by freezing temperatures, water hammer conditions, or excessive water pressure.

c. The limitations on liability set forth in this Agreement are fundamental inducements to Vendor entering into this Agreement. They apply unconditionally and in all respects. They are to be interpreted broadly so as to give Vendor the maximum protection permitted under law.

d. To the maximum extent permitted by law, no Cause of Action may be instituted by City against Vendor more than TWELVE (12) MONTHS after the Cause of Action first arose. In the calculation of any damages in any Cause of Action, no damages incurred more than TWELVE (12) MONTHS prior to the filing of the Cause of Action shall be recoverable.

14. **Force Majeure.** If either party becomes unable, either wholly or in part, by an event of Force Majeure, to fulfill its obligations under this Agreement, the obligations affected by the event of Force Majeure will be suspended during the continuance of that inability. The party so affected will give written notice of the existence, extent and nature of the Force Majeure to the other party. The party so affected will take reasonable steps to mitigate the Force Majeure. The term "Force Majeure" as used in this Agreement means an event beyond the control of the affected party, including acts of God, hurricane, flood, volcano, tsunami, tornado, storm, tempest, mudslide, vandalism, illegal or unauthorized radio frequency interference, strikes, lockouts, or other industrial disturbances, unavailability of component parts of any goods provided hereunder provided that such unavailability is not due solely to pricing increases or escalation, acts of public enemies, wars, blockades, insurrections, riots, epidemics, earthquakes, fires, restraints or prohibitions by any court, board, department, commission or agency of the United States or any States, any arrests and restraints, civil disturbances and explosions.

15. **Assignment and Sub-contracting.** Either party may assign, transfer or delegate this Agreement without requiring the other party's consent: (i) to an Affiliate; (ii) as part of a merger; or (iii) to a purchaser of all or substantially all of its assets. Apart from the foregoing, neither party may assign, transfer or delegate this Agreement without the prior written consent of the other, which consent shall not be unreasonably withheld. Vendor shall not subcontract its obligations hereunder without the prior written consent of City, which consent shall not be unreasonably withheld, provided that City acknowledges Vendor may use subcontractors to perform RF Field Equipment installation, the systems integration work, or project management, without requiring City's consent.

16. **Governing Law and Dispute Resolution.** This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Georgia. Any and all disputes arising under, out of, or in relation to this Agreement, its negotiation, performance or termination ("Disputes') shall first be

resolved by the Parties attempting mediation in Georgia. If the Dispute is not resolved within sixty (60) days of the commencement of the mediation, it shall be litigated in the Bartow County Superior Court or the United States District Court, Northern District of Georgia, Rome Division

17. **Non-Waiver of Rights.** A waiver by either party of any breach of this Agreement or the failure or delay of either party to enforce any of the articles or other provisions of this Agreement will not in any way affect, limit or waive that party's right to enforce and compel strict compliance with the same or other articles or provisions.

18. **Amendments.** No alteration, amendment, or other modification shall be binding unless in writing and signed by both City and by a vice president (or higher) of Vendor.

19. **Survival.** The provisions of this Agreement that are applicable to circumstances arising after its termination or expiration shall survive such termination or expiration.

20. **Severability.** In the event any provision of this Agreement is held to be void, unlawful or otherwise unenforceable, that provision will be severed from the remainder of the Agreement and replaced automatically by a provision containing terms as nearly like the void, unlawful, or unenforceable provision as possible; and the Agreement, as so modified, will continue to be in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as of the day and year written below.

Equipment-Controls Company

Signature:_____

Name: _____

Title: _____

Date: _____

City of Cartersville, GA

Signature:_____

Name: Matthew J. Santinni_____

Title: Mayor_____

Date: _____

Attest:
Signature:_____

Name: Julia Drake____

Title: City Clerk_____

Date: _____

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	December 17, 2020
SUBCATEGORY:	Monthly Financial Report
DEPARTMENT NAME:	Finance
AGENDA ITEM TITLE:	October 2020 Financial Report
DEPARTMENT SUMMARY RECOMMENDATION:	Attached are the financial reports for October 2020.
LEGAL:	None

MONTHLY SUMMARY
As of October 31, 2020

	FY 2019-20 MONTH OF October-19	FY 2020-21 MONTH OF October-20	FY 2019-20 Year to Date October-19	FY 2020-21 Year to Date October-20	100.00% OF BUDGET (Year to Date)
GENERAL FUND *excluding SPLOST, DDA & School System Property Tax Revenue & Expenditures*					
REVENUE	$3,605,329	$3,675,118	$10,191,242	$9,428,851	35.84%
EXPENDITURE	$2,190,037	$1,992,507	$9,029,039	$8,948,377	34.01%
Gen. Fund Net Profit (Loss)	**$1,415,292**	**$1,682,611**	**$1,162,203**	**$480,474**	
WATER & SEWER					
REVENUE	$2,127,999	$1,864,573	$8,478,634	$8,039,482	19.37%
EXPENDITURE	$3,462,777	$2,987,417	$9,421,016	$9,569,834	23.06%
Wtr. & Swr. Fund Net Profit (Loss)	**($1,334,778)**	**($1,122,844)**	**($942,382)**	**($1,530,352)**	
As of October 30, 2020, a total of $4,671,231 in capital expenses were funded with Series 2018 Water and Sewer Bond proceeds					
GAS					
REVENUE	$1,400,972	$1,580,569	$5,683,001	$5,179,901	19.84%
EXPENDITURES	$1,896,238	$1,768,472	$6,520,026	$5,988,562	22.93%
Gas Fund Net Profit (Loss)	**($495,266)**	**($187,903)**	**($837,025)**	**($808,661)**	
ELECTRIC					
REVENUE	$4,257,851	$3,674,515	$18,319,731	$17,533,245	35.97%
EXPENDITURES	$3,774,925	$3,750,925	$15,986,130	$15,954,870	32.73%
Electric Fund Net Profit (Loss)	**$482,926**	**($76,410)**	**$2,333,601**	**$1,578,375**	
STORMWATER					
REVENUE	$129,023	$128,454	$589,856	$512,411	32.13%
EXPENDITURE	$114,668	$114,281	$456,457	$503,524	31.57%
Stormwater Fund Net Profit (Loss)	**$14,355**	**$14,173**	**$133,399**	**$8,887**	
SOLID WASTE					
REVENUE	$234,839	$239,781	$975,738	$957,602	30.27%
EXPENDITURE	$214,061	$199,827	$1,061,448	$926,094	29.27%
Solid Waste Fund Net Profit (Loss)	**$20,778**	**$39,954**	**($85,710)**	**$31,508**	
FIBER OPTICS					
REVENUE	$209,770	$196,518	$772,228	$794,622	33.78%
EXPENDITURE	$143,215	$143,385	$545,674	$503,747	21.42%
Fiber Fund Net Profit (Loss)	**$66,555**	**$53,133**	**$226,554**	**$290,875**	

	Description	10/31/2020	FY 2021 Budget	% of Monthly Totals to Budget
General Fund	**Total Revenues**	**$9,428,852**	**$26,310,555**	**35.84%**
	GO Bond Proceeds from School	$0	$0	#DIV/0!
	Property Taxes-City Portion Only	$613,515	$4,112,040	14.92%
	Local Option Sales Tax (LOST)	$1,462,364	$3,720,000	39.31%
	Other Taxes	$3,606,984	$8,479,415	42.54%
	Building Permit & Inspection Fees	$132,989	$350,000	38.00%
	Fines and Forfeitures	$64,495	$300,000	21.50%
	Indirect Federal Govt Grant Rev (CAF	$1,139,086	$0	#DIV/0!
	Operating Transfers In-City Utilities	$1,171,900	$3,559,675	32.92%
	Other Revenues	$1,237,519	$5,254,980	23.55%
	Use of Reserves	$0	$534,445	0.00%
	Total Expenditures	**$8,948,377**	**$26,310,555**	**34.01%**
	Personnel Expenses	$6,572,715	$18,363,075	35.79%
	Operating Expenses	$2,147,812	$7,317,780	29.35%
	Capital Expenses	$0	$174,000	0.00%
	GO Bond Proceeds from School		$0	#DIV/0!
	Debt Pymt - JDA/CBA		$0	#DIV/0!
	Library Appropriations	$227,850	$455,700	50.00%
Water & Sewer Fund	**Total Revenues**	**$8,039,482**	**$41,505,895**	**19.37%**
	Water Sales	$4,924,600	$11,325,000	43.48%
	Sewer Sales	$2,764,828	$6,470,165	42.73%
	Bond Proceeds		$0	#DIV/0!
	Use of Reserves		$22,525,000	0.00%
	Prior Year Capacity Fees		$550,000	0.00%
	Other Revenues	$350,054	$635,730	55.06%
	Total Expenditures	**$9,569,835**	**$41,505,895**	**23.06%**
	Personnel Expenses	$1,418,846	$4,107,855	34.54%
	Operating Expenses	$1,361,842	$4,964,740	27.43%
	Capital Expenses	$159,224	$4,120,000	3.86%
	Capital Expenses (Bond Funds)	$4,671,231	$22,525,000	20.74%
	Transfer To General Fund	$728,733	$2,170,705	33.57%
	Debt Payments	$1,229,959	$3,617,595	34.00%
Gas Fund	**Total Revenues**	**$5,179,901**	**$26,114,640**	**19.84%**
	Gas Sales	$4,392,784	$23,959,715	18.33%
	Gas Commodity Charge	$489,090	$1,481,255	33.02%
	Bond Proceeds	$0	$0	#DIV/0!
	Proceeds from Capital Leases	$0	$0	#DIV/0!
	Other Revenues	$298,027	$612,260	48.68%
	Use of Reserves	$0	$61,410	0.00%
	Use of Borrowed Funds	$0	$0	#DIV/0!
	Total Expenses	**$5,988,562**	**$26,114,640**	**22.93%**
	Personnel Expenses	$816,822	$2,426,775	33.66%
	Operating Expenses	$442,357	$1,797,440	24.61%
	Purchase of Natural Gas	$3,116,950	$16,076,325	19.39%
	Transfer to General Fund	$1,069,368	$3,208,105	33.33%
	Debt Service	$0	$775,765	0.00%
	Capital Expenses	$543,065	$1,830,230	29.67%

	Description	10/31/2020	FY 2021 Budget	% of Monthly Totals to Budget
Electric Fund	**Total Revenues**	**$17,533,245**	**$48,746,650**	**35.97%**
	Electric Sales	$17,076,488	$47,222,600	36.16%
	Other Revenues	$456,757	$1,524,050	29.97%
	Total Expenses	**$15,954,871**	**$48,746,650**	**32.73%**
	Personnel Expenses	$962,637	$2,525,705	38.11%
	Operating Expenses	$490,155	$1,623,775	30.19%
	Purchase of Electrcity	$13,367,021	$40,367,945	33.11%
	Capital Expenses	$201,566	$1,428,750	14.11%
	Transfer to General Fund	$933,492	$2,800,475	33.33%
Stormwater Fund	**Total Revenues**	**$512,411**	**$1,595,000**	**32.13%**
	Stormwater Revenues	$507,199	$1,514,000	33.50%
	Mitigation Grant Revenue	$0	$0	#DIV/0!
	Other Revenues	$5,212	$81,000	6.43%
	Proceeds from Capital Leases	$0	$0	#DIV/0!
	Use of Reserves	$0	$0	#DIV/0!
	Stormwater Improvement Funds	$0	$0	#DIV/0!
	Total Expenses	**$503,524**	**$1,595,000**	**31.57%**
	Personnel Expenses	$296,758	$767,100	38.69%
	Operating Expenses	$195,426	$652,245	29.96%
	Capital Expenses	$11,340	$175,655	6.46%
Solid Waste Fund	**Total Revenues**	**$957,601**	**$3,163,700**	**30.27%**
	Refuse Collections Revenues	$939,057	$2,833,200	33.14%
	Other Revenues	$18,544	$50,500	36.72%
	Proceeds From Capital Leases	$0	$280,000	0.00%
	Total Expenses	**$926,094**	**$3,163,700**	**29.27%**
	Personnel Expenses	$508,058	$1,322,515	38.42%
	Operating Expenses	$418,036	$1,561,185	26.78%
	Capital Expenses	$0	$280,000	0.00%
Fiber Optics Fund	**Total Revenues**	**$794,623**	**$2,352,000**	**33.78%**
	Fiber Optics Revenues	$740,050	$2,152,800	34.38%
	GIS Revenues	$37,450	$113,200	33.08%
	Proceeds from Capital Leases	$0	$0	#DIV/0!
	Other Revenues	$17,123	$86,000	19.91%
	Total Expenses	**$503,748**	**$2,352,000**	**21.42%**
	Personnel Expenses	$247,167	$737,550	33.51%
	Operating Expenses	$192,155	$829,730	23.16%
	MEAG Telecom Statewide Pymt	$0	$0	0.00%
	Debt Payment	$2,724	$15,370	0.00%
	Capital Expenses	$13,558	$624,920	2.17%
	ransfers to General Fund	$48,144	$144,430	33.33%

Cash Position

	6/30/20	7/31/20	8/31/20	9/30/20	10/31/20	11/30/20	12/31/20
Total Unrestricted Cash Balance	$53,624,417.25	$48,916,507.41	$48,878,872.47	$50,072,976.06	$49,682,980.58		
Total Restricted Cash Balance	$165,806,299.30	$168,774,052.32	$170,785,489.30	$170,601,061.72	$171,233,749.50		

Cash Position	1/31/21	2/28/21	3/31/21	4/30/21	5/31/21	6/30/21
Total Unrestricted Cash Balance						
Total Restricted Cash Balance						

Highlights for the Month of October 2020:
Unrestricted cash decreased due to decreases in the Water, Grant, Gas, and Garage funds. The decrease was offset slightly by an decreases in the General, Stormwater, Solid Waste, Electric, and Fiber Funds.

Restricted cash increased due to increases in the DEA, Motor Vehicle tax, GO Parks & Rec Bond, SPLOST 2020, and Debt Service Funds. The increase was offset by decreases in the Hotel-Motel and Pension Funds.

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	December 17, 2020
SUBCATEGORY:	Discussion
DEPARTMENT NAME:	Parks and Recreation
AGENDA ITEM TITLE:	Use of Tourism Product Development Funds
DEPARTMENT SUMMARY RECOMMENDATION:	As part of the city's Hotel/Motel Tax, there are Tourism Product Development (TPD) Funds collected which have been used by the Convention and Visitors Bureau (CVB) for projects like the new outdoor pavilion adjacent to the Clarence Brown Conference Center. For the CVB's fiscal year 2020 budget, they currently have a balance through November of $68,883.68 and should collect approximately $5,000 for December. In reviewing the guidelines for TPD eligible expenses, we are allowed to expend the funds on eligible Parks and Recreation projects. Based on these guidelines, I am recommending that the FY 2020 TPD funds be used on the following projects: 1. Goodyear Clubhouse 2. Recreation Maintenance Building 3. Fit Court and Related Equipment
LEGAL:	N/A

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	November 5, 2020
SUBCATEGORY:	TABLED
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	AZ20-04 175 E. Main St.
DEPARTMENT SUMMARY RECOMMENDATION:	The annexation/ zoning request is to annex 1.944 acres of PIN 0077-0459-001 located south of 135-175 Main Street Market Place to relocate and expand the detention pond for the proposed multi-family residential project identified in zoning application Z20-03. The annexed tract would be combined with an existing tract containing a detention pond for the Kroger development. The applicant requests MF-14 zoning. Planning Commission recommends approval, 4-1.
LEGAL:	N/A

ZONING & ANNEXATION SUMMARY

Petition Number(s): AZ20-04

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Cherokee Main Street III, LLC**
Representative: **Robert Ledbetter, Jr**

Location: **Adjacent to 175 Main St. Market Place (PIN 0077-0459-001)**

Total Acreage: **Approx. 1.95 acres**

LAND USE INFORMATION

Current Zoning: County M-1 (Mining)

Proposed Zoning: MF-14 (Multi-Family Residential)

Proposed Use: Retention pond for multi-family development

Current Zoning of Adjacent Property:

North: City MN (Mining)
South: County M-1 (Mining)
East: County M-1 (Mining)
West: City MN (Mining)

For All Tracts:

District: 4th **Section**: 3rd **LL(S)**: 405,406
Ward: 1 **Council Member:** Kari Hodge

The Future Development Plan designates the subject property as: Main Street Overlay District

The Future Land Use Map designates adjacent or nearby city properties as: Mixed-Use Commercial

ANALYSIS

City Departments Reviews

Electric: Takes no exception

Fibercom: Takes no exception

Fire: Takes no exception

Gas: Takes no exception

Public Works: No comments received

Water and Sewer: No comments received

Cartersville School District: No comments received. Comments were received for Z20-03.

Public Comments: None as of 8-5-2020

Bartow County Comments: None as of 8-5-2020

REQUEST SUMMARY:
The annexation and zoning request is to annex 1.944 acres of PIN 0077-0459-001 located south of 125(Kroger) and 135-175 Main Street Market Place (undev). The proposed tract is adjacent to PIN C007-0001-018 that contains a detention pond for the Kroger development. The applicant wishes to annex the 1.944 acres into the city in order to relocate and expand the detention pond for the proposed multi-family residential project identified in zoning application Z20-03. Plan attached.

The MF-14 zoning request aligns with the zoning request of Z20-03.

STANDARDS FOR EXERCISE OF ZONING POWERS.

A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The MF-14 zoning proposal will be an appropriate zoning category if the multi-family project rezoning proposal is approved (Z20-03). Adjacent properties, including the existing detention pond property, are zoned as Mining.

B. *Whether the zoning proposal will create an isolated district unrelated to adjacent and nearby districts.*
The proposed application will create an isolated residential district. However, an additional MF-14 residential zoning district is located to the north of E. Main Street, Avonlea Apartment Homes.

C. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed zoning should not adversely affect the existing use of adjacent property.

D. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*
As currently zoned for mining (County M-1), the property may have a reasonable economic use.

E. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The zoning proposal should not result in a use that will have an excessive or burdensome use of streets, transportation facilities, utilities or schools. This property would be used for stormwater detention.

F. *Whether the zoning proposal is in conformity with the adopted local Comprehensive Land Use Plan.*
The annexation and zoning would conform to the city's land use plan for the area.

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

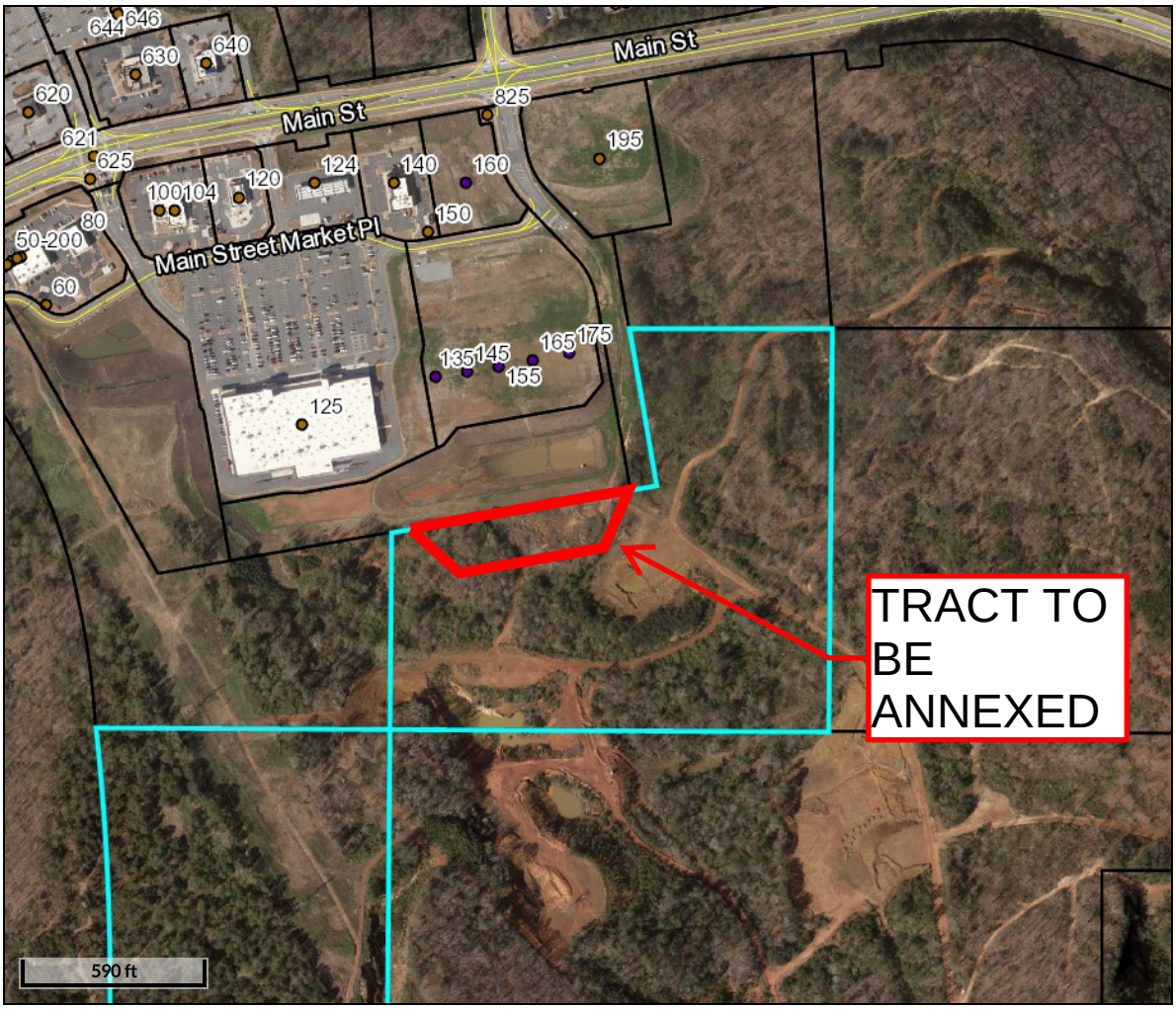
H. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
This annexation case is associated to zoning case, Z20-03.

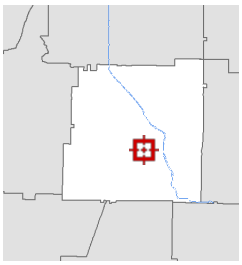
STAFF RECOMMENDATION: *Staff recommends approval pending approval of Z20-03*

PLANNING COMMISSION RECOMMENDATION:

Recommends approval, 4-1.

qPublic.net™ Bartow County, GA





Overview

Legend

- Parcels
- Structural Numbers
  - <all other values>
  - Abandoned or Inactive
  - Active
  - Proposed
- Roads

Parcel ID	0077-0459-001	**Alternate ID**	19414	**Owner Address**	FORTY ONE CONNECTOR LTD
Sec/Twp/Rng	n/a	**Class**	Industrial		PO BOX 1708
Property Address	OLD RIVER RD	**Acreage**	128.66		CARTERSVILLE GA 30120
	Bartow County				

District Bartow County

Brief Tax Description LAND LOTS 405,459,476-478 7.338AC TO C107-000

(Note: Not to be used on legal documents)

Date created: 7/2/2020
Last Data Uploaded: 7/1/2020 11:21:21 PM

Developed by Schneider GEOSPATIAL

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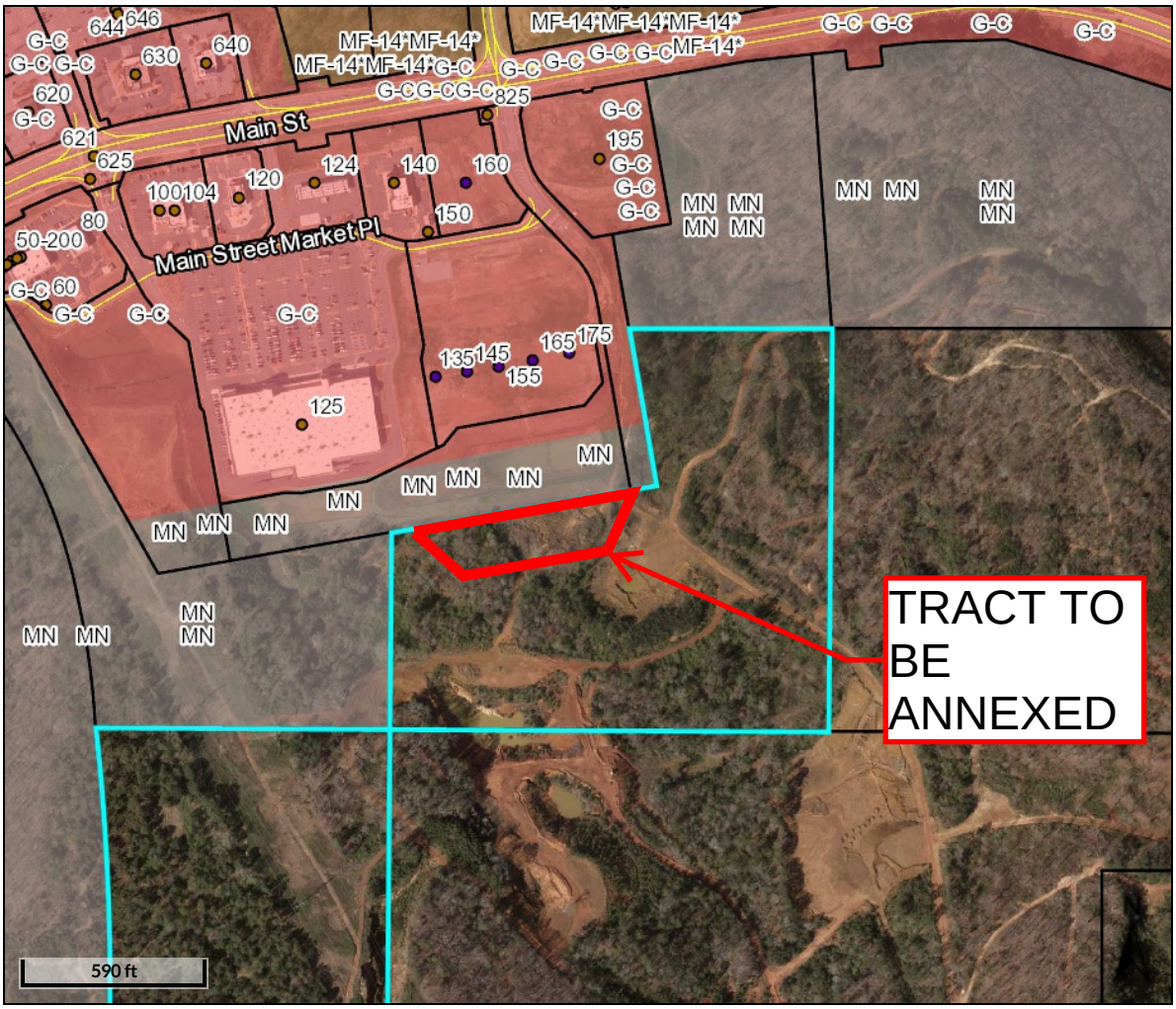
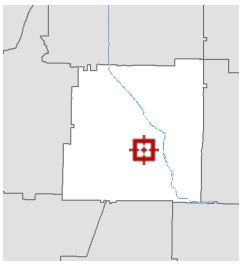


Overview



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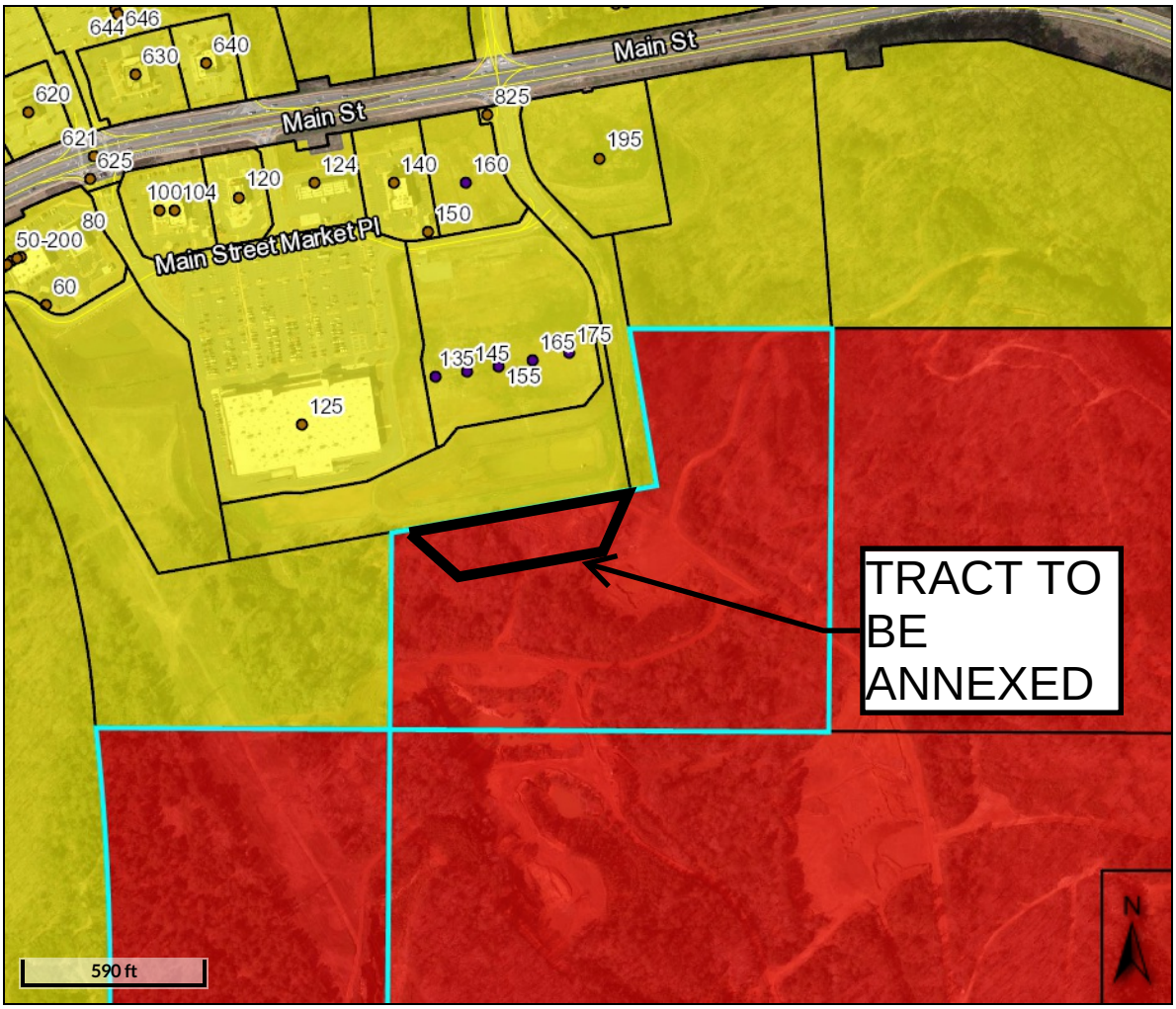
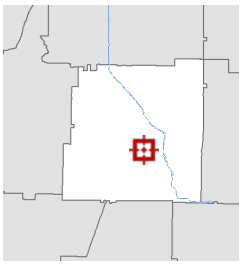


Overview



Legend

- Parcels
- Structural Numbers
  - <all other values>
  - Abandoned or Inactive
  - Active
  - Proposed
- Roads
- Bartow County Zoning
  - <all other values>
  - BPD (wC)
  - Unknown
  - R7 (wC)
  - R-7
  - A-1
  - A1CU
  - A1 (wC)
  - BPD
  - C-1
  - C1CU
  - C1 (wC)
  - CN
  - CNCU
  - CN (wC)
  - Conditional Use
  - I-1
  - I-2
  - I1CU
  - I1 (wC)
  - I2CU
  - I2 (wC)
  - Incorporated
  - M-1
  - M1CU
  - M1 (wC)
  - O/I
  - OICU
  - OI (wC)

Future Land Use Category: Mixed Use Commercial

Found in: Bartow County, Adairsville, Cartersville, Emerson

This includes Zoning Districts predominantly General Commercial, Neighborhood Commercial, or Office/ Institutional, while allowing for a range of residential densities. All residential districts are allowed, from single-family conventional, manufactured and industrialized housing, townhomes, multi-family housing ranging from duplexes to apartment buildings, and manufactured home parks (minimum size of 10 acres and only in specific districts as well as all permitted commercial and office uses. The Commercial/Mixed Use area is used to delineate areas where commercial and residential uses occur side by side. The use allows residential character to remain. However, this is primarily a commercial oriented land use, with overall 60% of the developments being of a commercial or office nature and 40% being residential in nature. Development or redevelopment should be consistent in the overall 60% commercial/ 40% residential balance of uses, even if one development or parcel is predominantly commercial or residential. This is a car-oriented land use category; efforts should be undertaken using Complete Streets policies to increase safe pedestrian access from the home to the store, office, or school. Land use within the Lake Allatoona-Glade Road Urban Redevelopment Area includes mixed use commercial areas encouraging balanced growth.

Highway 41 commercial and residential areas, Adairsville

Tennessee St. Mixed Use Corridor, Cartersville

Meeting:December 17, 2020 Item 18.

Application for Annexation/ Zoning
City of Cartersville

Case Number: AZ 20-04
Date Received: 6-30-2020
See ALSO Z 20-03

Public Hearing Dates:

Planning Commission Aug 11th 5:30pm | 1st City Council Aug 20th 7:00pm | 2nd City Council Sept 3rd 7:00pm

Applicant Cherokee Main Street III, LLC By: Etowah Investors, LLC, its Managing Member Robert H. Ledbetter, Jr., its Manager (printed name) Office Phone 706-290-1358

Address 106 East 8th Avenue Mobile/ Other Phone

City Rome State GA Zip 30161 Email rledbetterjr@ledbetterproperties.com

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

Email (Rep)

Representative Signature Applicant Signature

Signed, sealed and delivered in presence of:

Notary Public

STATE OF GEORGIA

My commission expires:
Angela Whiteaker Dunagan
NOTARY PUBLIC
Floyd County, Georgia
My Commission Expires
April 9, 2023

* Titleholder South of Main, LLC By: Dellinger Management Company, Inc., its Manager Kena R. Butler, its President (titleholder's printed name) Phone 770-386-3954

Address PO Box 1434 Cartersville, GA 30120 Email kenarbutler@gmail.com

Signature Kena R. Butler

Signed, sealed, delivered in presence of:

Mary E. Keith
Notary Public

MARY E KEITH
MY COMMISSION EXPIRES
NOTARY PUBLIC
APRIL 27, 2021
BARTOW COUNTY, GEORGIA

My commission expires:

Present Zoning District Mining (County) Requested Zoning MF-14 0077-0459-001

Acreage 1.945 Land Lot(s) 405 District(s) 4 Section(s) 3

Location of Property: behind (south of) 175 Main Street Market Place
(street address, nearest intersections, etc.)

Reason for Rezoning Request:
proposed annexation and rezoning to MF-14 to allow apartment development
(attach additional statement as necessary)

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

Zoning Analysis for Annexation/ Zoning

Specifics of Proposed Use

Case Number: _____

Tax Map Parcel(s) # 0077-0459-001 Voting Ward(s) 1

Current Land Use Undeveloped Current Zoning Mining (County)

Proposed Land Use Apartments Proposed Zoning MF-14

Number of Dwelling Units 200 Number of Occupants 315*

Owner Occupied? Yes_____ No X

Number of School-aged Children 20* Grade Level(s) of School-aged Children K-8*

School(s) to be attended: Cartersville Elementary, Middle, and High School

* numbers of residents and school-aged children is a projected number based on similar apartment development

Current Utility Service Providers (Check Service provider or list if Other)

Water: X City _____ County _____ Well/ Other

Sewer: X City _____ County _____ Septic/ Other

Natural Gas: X City _____ Other (List) _____

Electricity: X City _____ GA Power _____ Greystone

_____ Other (List) _____

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: 07/02/20

Date Two Years Prior to Application: 07/02/18

Date Five Years Prior to Application: 07/02/15

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		✓
Lamar Pinson		✓
Travis Popham		✓
Jeffery Ross		✓
Stephen Smith		✓

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.

6/22/20

Signature Date

Robert A. Ledbetter, Jr.

Print Name

SURVEYOR'S CERTIFICATE

That the undersigned, a Georgia Registered Land Surveyor, on behalf of the above Annexation/ zoning applicant do certify the following:

1) That the attached survey contains no fewer than four surveyed map regulation points and recorded with the Georgia Coordinate System of 1985.

2) That the attached survey shows the boundaries of the area being annexed and the existing boundaries of the area being annexed and the existing boundaries of the annexing municipality between the points at which these boundaries close, if applicable.

3) That the attached survey meets the requirements of O.C.G.A. 15-6-67 and Section 180-7-01 Technical Standards for Property Survey, Rules and Regulations of the State of Georgia.

4) That the map demarcation of the map registration points are well distributed along, within, or near the boundary of the annexed area.

5) That at least one-eighth of the aggregate external boundary or fifty (50) feet of the area to be annexed, whichever is less, either abuts directly on the municipal boundary or would directly abut on the municipal boundary if it were not otherwise separated from the municipal boundary by other lands owned by the municipal corporation, by lands owned by this State, or by the definite width of any street or street right of way; any creek or river; any right of way of a railroad or other public service corporation, which divides the municipal boundary from any area proposed to be annexed.

07/15/2020
Date

GEORGIA REGISTERED No. 3100 REGISTERED LAND SURVEYOR MITCHELL LOWERY

Georgia Registered Land Surveyor

ZONING ADMINISTRATOR:

1. Case Number: AZ20-04

2. Yes ✓ No ____

The above property complies with the City of Cartersville minimum size requirements to construct a building or structure occupiable by persons or property under the policies, ordinance, or regulations of the City of Cartersville.

3. Survey attached? ✓

7-17-2020
Date

Zoning Administrator

SURVEY REFERENCES

1) EASEMENT DRAWINGS, MAIN STREET MARKETPLACE, PREPARED BY SOUTHLAND ENGINEERING, DATED AUGUST 1, 2016, AND RECORDED IN PLAT BOOK 78, PAGE 37, BARTOW COUNTY RECORDS.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN LAND LOTS 405 AND 406 OF THE 4TH DISTRICT, 3RD SECTION, BARTOW COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1-INCH OPEN TOP PIPE FOUND AT THE CORNER COMMON TO LAND LOTS 386, 387, 406, AND 407, THENCE LEAVING SAID CORNER AND CONTINUING IN AN EASTERLY DIRECTION ALONG THE LINE COMMON TO LAND LOTS 387 AND 406 SOUTH 88 DEGREES 40 MINUTES 36 SECONDS EAST A DISTANCE OF 245.72 FEET TO A POINT; THENCE LEAVING SAID LAND LOT LINE SOUTH 29 DEGREES 30 MINUTES 48 SECONDS EAST A DISTANCE OF 847.71 FEET TO A 1/2-INCH REBAR FOUND; THENCE NORTH 79 DEGREES 54 MINUTES 52 SECONDS EAST A DISTANCE OF 700.89 FEET TO A 5/8-INCH CAPPED REBAR SET, SAID REBAR BEING THE TRUE POINT OF BEGINNING.

THENCE NORTH 79 DEGREES 55 MINUTES 38 SECONDS EAST A DISTANCE OF 796.61 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE SOUTH 25 DEGREES 45 MINUTES 35 SECONDS WEST A DISTANCE OF 146.82 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE SOUTH 80 DEGREES 09 MINUTES 58 SECONDS WEST A DISTANCE OF 642.60 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 40 DEGREES 23 MINUTES 54 SECONDS WEST A DISTANCE OF 134.79 FEET TO A 5/8-INCH CAPPED REBAR SET, SAID REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 1.944 ACRES (84,701 SQUARE FEET).

SURVEY NOTES

1) PROPERTY SHOWN HEREON WAS SURVEYED JULY 10, 2020.

2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 54,834' WITH AN ANGULAR ERROR OF 3.2 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

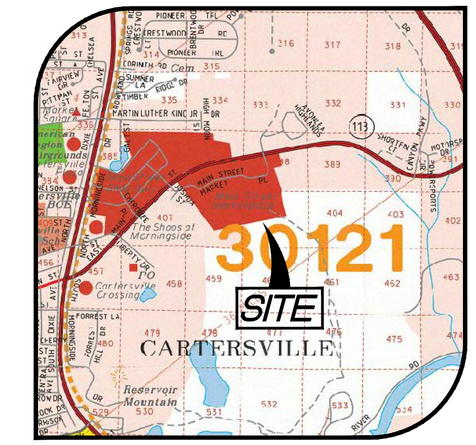
3) A SOKKIA IX TOTAL STATION, TOPCON HIPER SR GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.

4) THIS PLAT HAS A MAP CLOSURE OF 1' IN 184,833'.

5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION 'X' ON FLOOD INSURANCE RATE MAP NO. 13015C0267H, WITH A DATE OF IDENTIFICATION OF OCTOBER 5, 2018, FOR COMMUNITY NUMBER 130209, IN THE CITY OF CARTERSVILLE, IN BARTOW COUNTY, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

6) BEARING BASIS (NAD83, GA WEST) FOR THIS SURVEY WAS ESTABLISHED USING A TOPCON HIPER SR GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS 0.3 FEET HORIZONTAL AND .07 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

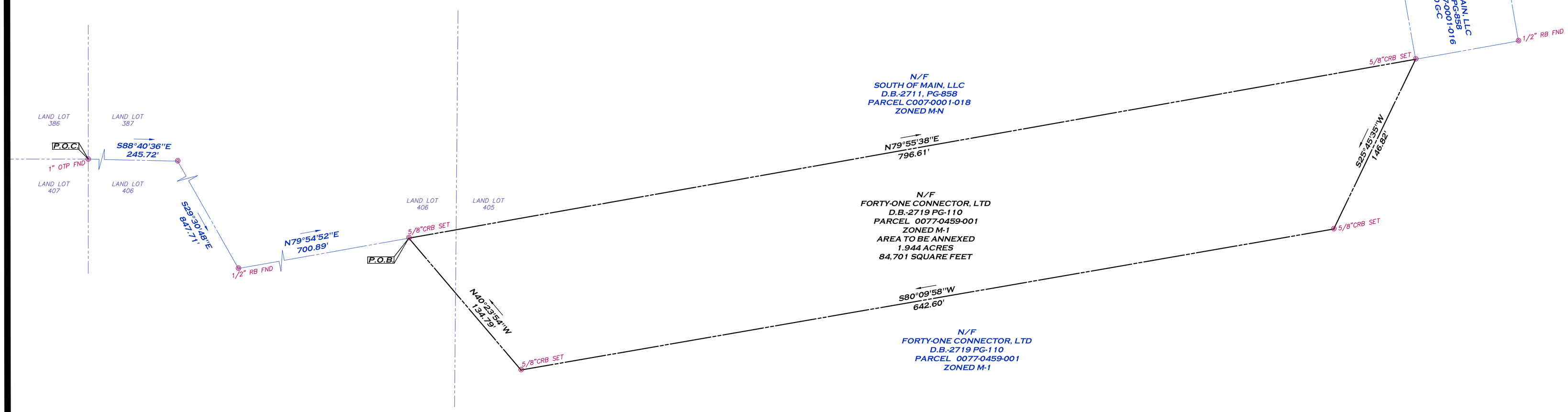
7) NO EFFORT TO OBTAIN THE LOCATION OF UNDERGROUND UTILITIES WAS MADE DURING THE COURSE OF THIS SURVEY. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.



VICINITY MAP

GRID NORTH
GA WEST
(SURVEY NOTE 6)

GRAPHIC SCALE
40' 0 40' 80'
1 Inch = 40 Feet



SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

MITCHELL LOWERY GEORGIA RLS# 3109

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

LEGEND

	PROPERTY LINE
	LAND LOT LINE
RB	REBAR
CRB	CAPPED REBAR
MAG	MAG NAIL
FND	FOUND
OTP	OPEN TOP PIPE

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

PREPARED FOR:
R.H. LEDBETTER PROPERTIES, LLC.

BOUNDARY SURVEY OF:
A PORTION OF BARTOW COUNTY
PARCEL 0077-0459-001

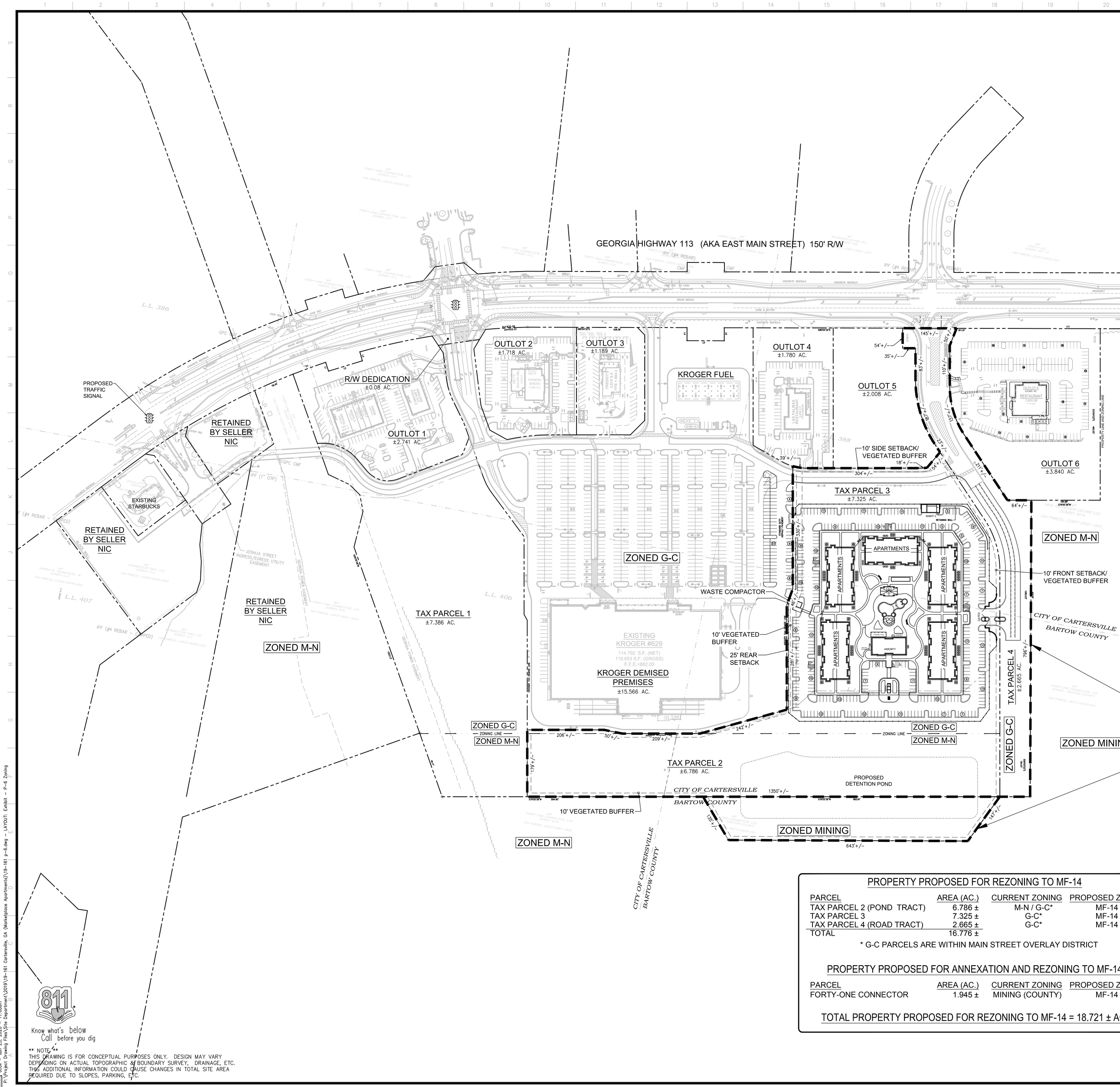
STATE: GEORGIA | COUNTY: BARTOW
LAND LOTS: 405 & 406 | DISTRICT: 4TH | SECTION: 3RD

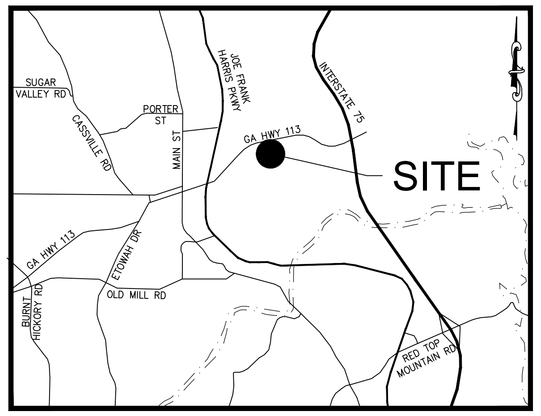
REVISIONS

DATE:	DESCRIPTION

Lowery & Associates LAND SURVEYING, LLC

DATE: JULY 14, 2020
JOB #: 202969
SCALE: 1"=40'
SHEET 1 OF 1





LOCATION MAP

NOT TO SCALE

PROPOSED APARTEMENT USES

NO. OF UNITS	% OF UNITS	UNIT TYPE	UNIT S.F.	TOTAL S.F.
20	10.00%	S1-STUDIO	707	14,410
48	24.00%	A1-1 BR	756	36,288
20	10.00%	A2-1 BR	816	16,320
32	16.00%	B1-2 BR	1,164	37,248
44	22.00%	B1c-2 BR	1,176	51,744
36	18.00%	C1-3 BR	1,248	44,928
200	100.00%			200,668

PARKING ANALYSIS

PARKING REQUIRED = 2 SPACES / DWELLING UNIT = 400 SPACES
PARKING PROVIDED = 424 SPACES
PARKING REQUIRED = 2 SPACES / DWELLING UNIT = 400 SPACES
ADA PARKING PROVIDED = 10 SPACES

MF-14 DEVELOPMENT STANDARDS

	REQUIRED	PROVIDED
MAX. BUILDING HEIGHT=	45' OR 3.5 STORIES	59'/4 STORIES
DENSITY=	14 UNITS/ACRE	10.7 UNITS/ACRE
MIN. HEATED FLOOR AREA		
3 BR UNIT	900 S.F.	1,248 S.F.
2 BR UNIT	750 S.F.	1,164 S.F. (MIN)
1 BR UNIT	600 S.F.	756 S.F. (MIN)
STUDIO UNIT	450 S.F.	707 S.F.
FRONT YARD SETBACK	10'	AS SHOWN
SIDE YARD SETBACK	10'	AS SHOWN
REAR YARD SETBACK	25'	AS SHOWN
LOT WIDTH AND FRONTAGE	100'	145'
VEGETATED BUFFERS	10'	AS SHOWN
BUILDING SEPARATION		
FRONT TO FRONT	50'	AS SHOWN
FRONT TO REAR OR SIDE	50'	AS SHOWN
SIDE TO SIDE	20'	AS SHOWN
OPEN SPACE	20%	39%**

** SEE "OPEN SPACE EXHIBIT" FOR OPEN SPACE DETERMINATION

PROPERTY PROPOSED FOR REZONING TO MF-14
16.776 ± AC.

PROPERTY PROPOSED FOR ANNEXATION AND REZONING TO MF-14
1.945 ± AC.

PROPERTY PROPOSED FOR REZONING TO MF-14

PARCEL	AREA (AC.)	CURRENT ZONING	PROPOSED ZONING
TAX PARCEL 2 (POND TRACT)	6.786 ±	M-N / G-C*	MF-14
TAX PARCEL 3	7.325 ±	G-C*	MF-14
TAX PARCEL 4 (ROAD TRACT)	2.665 ±	G-C*	MF-14
TOTAL	16.776 ±		

* G-C PARCELS ARE WITHIN MAIN STREET OVERLAY DISTRICT

PROPERTY PROPOSED FOR ANNEXATION AND REZONING TO MF-14

PARCEL	AREA (AC.)	CURRENT ZONING	PROPOSED ZONING
FORTY-ONE CONNECTOR	1.945 ±	MINING (COUNTY)	MF-14

TOTAL PROPERTY PROPOSED FOR REZONING TO MF-14 = 18.721 ± AC.

Know what's below Call before you dig

** NOTE **
THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DESIGN MAY VARY DEPENDING ON ACTUAL TOPOGRAPHIC & BOUNDARY SURVEY, DRAINAGE, ETC. THIS ADDITIONAL INFORMATION COULD CAUSE CHANGES IN TOTAL SITE AREA REQUIRED DUE TO SLOPES, PARKING, ETC.

REZONING PLAN

SCALE IN FEET
100' 50' 0 100' 200' 300'

BDG
3471 DONAVILLE ST
DULUTH, GA 30096
PHONE: 404-567-5701
FAX: 404-567-5703
WWW.BDGSE.COM
Buckel Design Group, LLC.

STAMP

APARTMENTS AT 175 MAIN STREET MARKET PLACE
CARTERSVILLE, BARTOW CO., GA 30121

FOR: CHEROKEE MAIN STREET III, LLC
ROME, GEORGIA

REVISION	BY

DRAWN SC
CHECKED ADB
ISSUED DATE 6/19/2020
ISSUED FOR REZONING APPLICATION
PROJECT NO. 19-161
FILE

SHEET P-6

Meeting December 17, 2020 Item 18

JCox – Jun 25, 2020 – 11:08am
P:\Project Drawing Files\Site Department\2019\19-161 Cartersville, GA (Marketplace Apartments)\19-161 P-6.dwg – LAYOUT: Exhibit – P-6 Zoning

Pictures Taken 7-24-2020

CITY OF CARTERSVILLE
ANNEXATION/
ZONING NOTICE
CASE NO. AZ 20-04
APPLICATION HAS BEEN MADE FOR
ANNEXATION AND ZONING OF THIS
PROPERTY AS. MF-14
PLANNING COMMISSION MEETING
AT 5:30 P.M. ON 8-11-20
CITY COUNCIL FIRST READING
AT 7:00 P.M. ON 8-20-20
CITY COUNCIL SECOND READING
AT 7:00 PM ON 9-3-20
HEARINGS TO BE HELD AT CITY HALL
10 NORTH PUBLIC SQUARE.
FOR ADDITIONAL INFORMATION
CONTACT THE DEPARTMENT OF
DEVELOPMENT AT 387-5600

CITY COUNCIL ITEM SUMMARY

MEETING DATE:	November 5, 2020
SUBCATEGORY:	Tabled
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	Z20-03 175 E. Main St.
DEPARTMENT SUMMARY RECOMMENDATION:	Applicant requests rezoning of 16.77 +/- acres from G-C (General Commercial) to MF-14 (Multi-Family Residential) for the purposes of constructing a 200-unit apartment complex. The site is located in the Main Street Overlay District and will be required to comply with the Districts' standards. Planning Commission recommends approval, 4-1.
LEGAL:	N/A

ZONING SUMMARY

Petition Number(s): **Z20-03**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Cherokee Main Street III, LLC**

Representative: **Robert Ledbetter, Jr.**

Property Owner: **South of Main, LLC**

Property Location: **135-175 Main Street Market Place & Parcel C007-0001-018**

Access to the Property: **Main Street Market Place (from E. Main Street)**

Site Characteristics:

Tract Size: Acres: **16.776** District: **4th** Section: **3rd** LL(S): **405**

Ward: **2** Council Member: **Cary Roth**

LAND USE INFORMATION

Current Zoning: **G-C (General Commercial)**
Proposed Zoning: **MF-14 (Multi-Family Residential)**
Proposed Use: **Apartment development**

Current Zoning of Adjacent Property:
North: **G-C (General Commercial)**
South: **County M-1 (Mining)**
East: **G-C and County M-1**
West: **G-C and MN (Mining)**

The Future Development Plan designates the subject property as: **Main Street Overlay District**

The Future Land Use Map designates the subject property as: **Mixed-Use Commercial**

ZONING ANALYSIS

Site History:

Generally, site of Kroger and several restaurant/ retail out parcels.

Previous zoning cases:

AZ07-04 Annexation of 7.54ac, County M-1 to G-C. Approved 10-4-07.
Z07-14 Rezoning of 37.79ac MN to G-C. Approved 10-4-07.
AZ14-03 Annexation of 3.68ac, County M-1 to G-C. Approved 8-7-14.
Z14-03 Rezoning of 7.33ac MN to G-C. Approved 8-7-14.

Project Summary:

The applicant requests the rezoning of 16.77 +/- acres from G-C (General Commercial) to MF-14 (Multi-Family Residential) for the purposes of constructing a 200 unit apartment complex. The site is located in the Main Street Overlay District and will be required to comply with the Districts' standards

Five (5) buildings are proposed to house the 200 units. They will be arranged to create an enclosed space for amenities. Parking will be located around the perimeter of the property. Direct access to the apartment development will be via Main Street Market Place and an un-named private street. Both streets provide access to E. Main Street at (4) different intersections.

The proposed apartment site was previously planned as a commercial retail site. The owner wishes to introduce a residential product to the overall development thereby creating a version of a planned -development. The City ordinance for a Planned Development requires a mix of housing products in conjunction with commercial retail uses. Only one housing product is currently being considered.

The only residential use in the immediate area is Avonlea apartments on the north side of E. Main St. and in sight of this proposed development. On July 2nd, City Council approved the rezoning for 210 apartment units, 1 and 2 bedroom only, on Overlook Pkwy east of the I-75/ E. Main Street interchange.

The current statistics of the proposed development are as follows.

	UNITS	**Proposed Min. (sf)**	**Required min.(sf)**	**Required Parking (2sp/per un)**	**Parking Spaces Provided**
Studio	20	707	450	40	---
1 BR	68	756	600	136	---
2 BR	76	1164	750	152	---
3 BR	36	1248	900	72	---
Total	**200**	**---**	**---**	**400**	**424**

Total Acreage: 18.72 (16.77ac in city. 1.95ac. to be annexed, AZ20-04).

Total Density: Proposed- 10.68 un/ac (with annexed tract). Max. allowed 14 un/ac.

Total Min. Greenspace Required: Required 20% of Total Acreage or 3.74ac.

Total Greenspace Provided: 39% of Total Acreage or 7.3ac.

This rezoning application should be considered in conjunction with Annexation application AZ20-04 that seeks to add 1.95 acres to this property for expansion of the stormwater retention system.

City Department Comments

Electric: Takes No Exception

Fibercom: Takes No Exception

Fire: Takes No Exception

Gas: Takes No Exception

Public Works: No comments received.

Water and Sewer: No comments received.

Cartersville School District: ...It appears they do not project many school-aged children living here. My comments for this project are similar to the previous multi-family unit project from a few weeks ago. How does this project align with the other projects that have been previously approved. Is someone watching the overall numbers of units being approved to make sure we have not set ourselves up for rapid growth that could put unintended consequences or possible [constraints] on our services in a short amount of time? I don't need an answer to those questions per se, but share them to make sure they are on the forefront of everyone's mind regardless of the project(s) being presented. We are working on addressing the capacity issues at our schools but it will take time to accomplish our goals. Thanks again for your help and support. I hope you have a good day.

Public Comments:
None received as of 8-5-2020

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
   Adjacent property that is zoned G-C contains commercial retail uses complimentary to the requested rezoning. Adjacent property that is zoned for mining, either MN or M-1, may be compatible with the requested zoning and land use if the current level of mining activity or other activity, like stormwater detention, remains at or below current activity levels.

2. *The suitability of the subject property for the zoned purposes.*
   The property is suitable for the zoned purposes.

3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
   The proposed development would introduce a residential housing product that may currently be in demand.

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.*
   The zoning proposal would generally permit a use that is suitable in view of the use of the adjacent properties, particularly the G-C zoned 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 or nearby property use or usability.

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 will conform to the Future Land Use Map and Future Development Plan.

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.*
   No adverse impact is expected. Site and building renovation resulting from an approved zoning proposal would be required to meet all local, state, and federal environmental regulations.

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 proposed use should not burden existing streets, transportation facilities or utilities. The Cartersville School District recognizes this rezoning may have a low degree of impact directly on the school system, but requests that all involved in the review be aware of that the collective result of the recent zoning approvals for multi-family projects may add additional strain to school resources. The school district is working on solutions to the capacity issues.

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 does not oppose the rezoning.

PLANNING COMMISSION RECOMMENDATION:

Recommends approval, 4-1.

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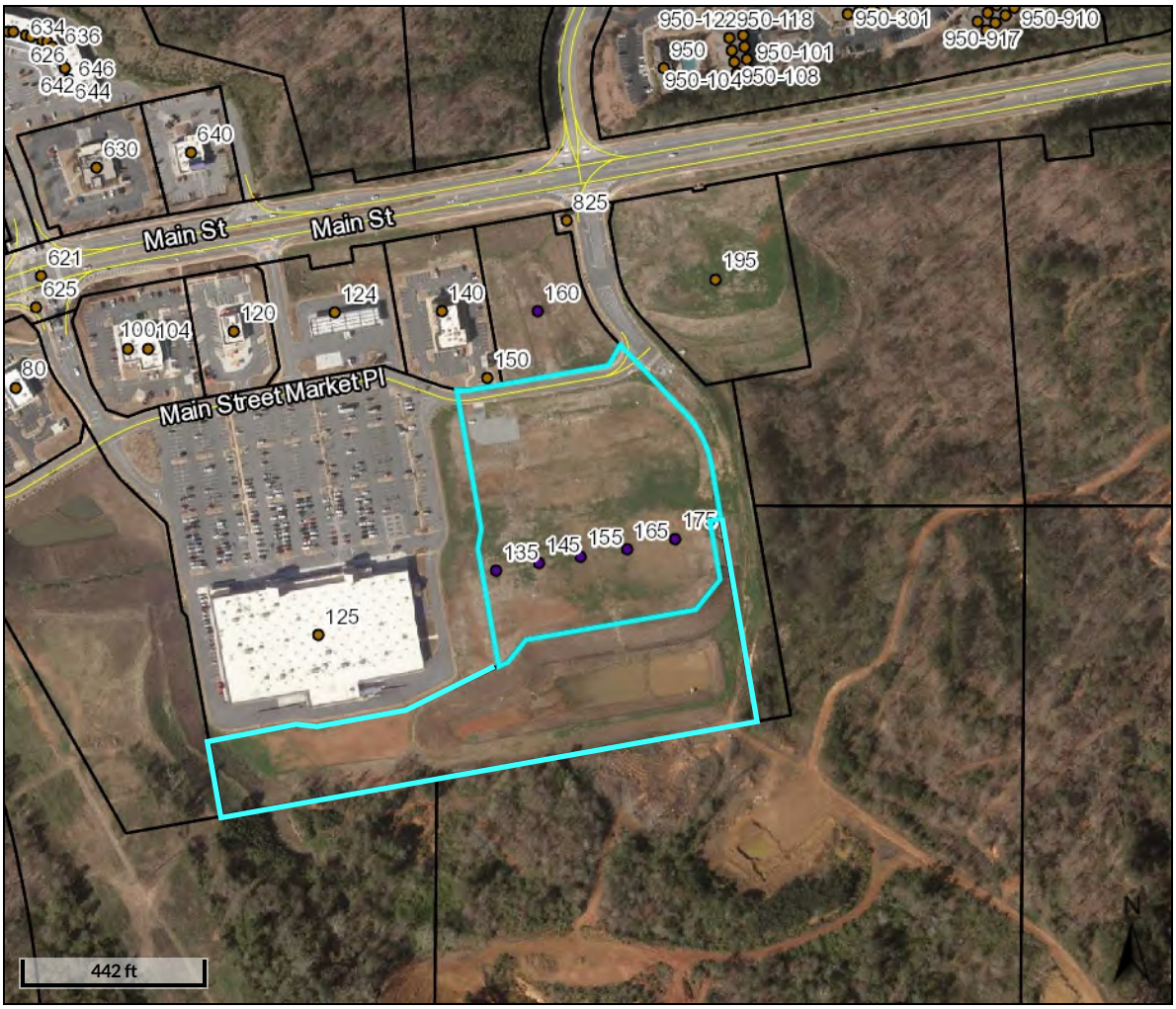
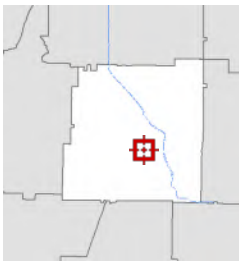


Overview



Legend

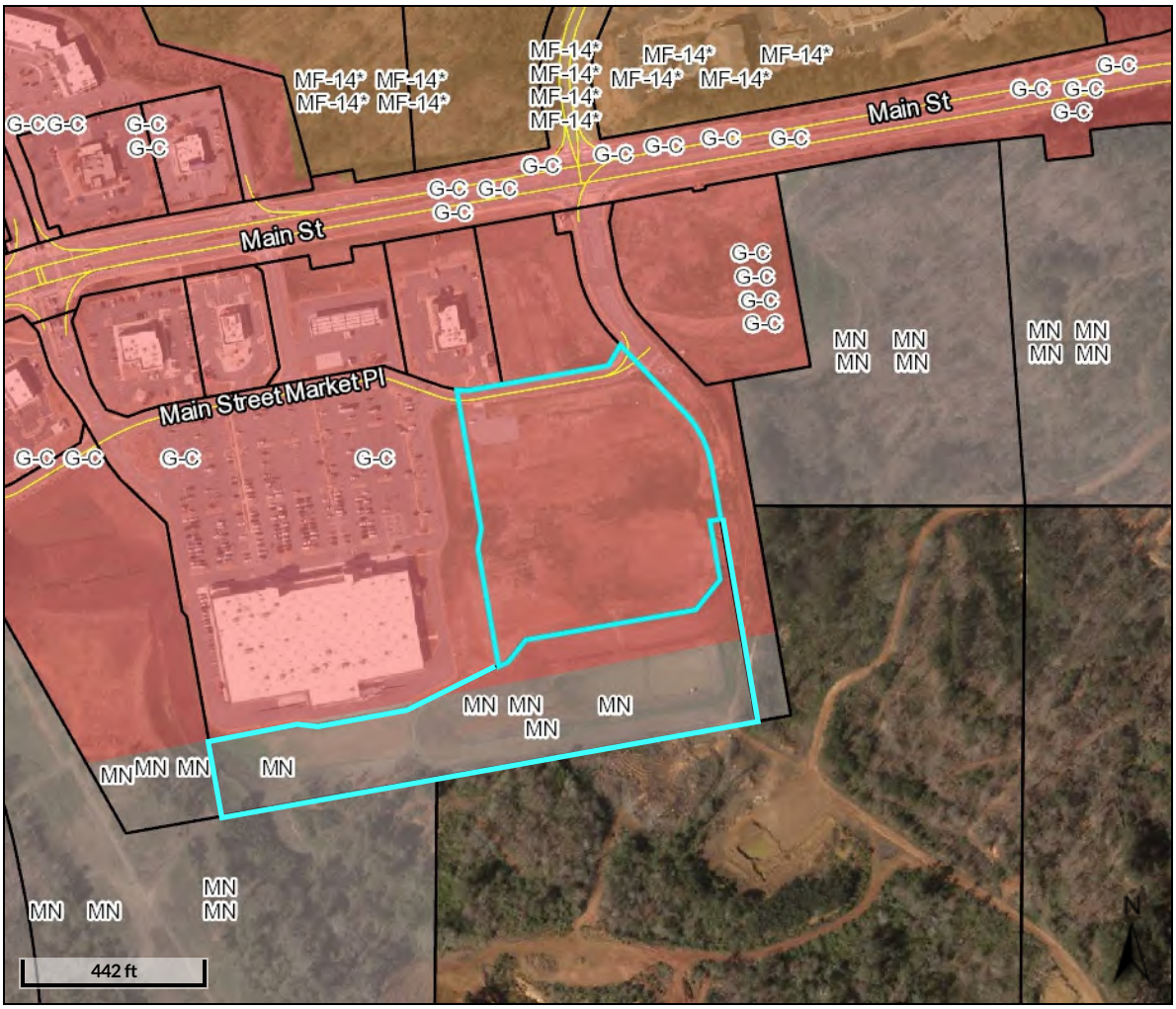
- Parcels
- Structural Numbers
  - <all other values>
  - Abandoned or Inactive
  - Active
  - Proposed
- Roads

Parcel ID	C007-0001-015	**Alternate ID**	46572	**Owner Address**	SOUTH OF MAIN LLC
Sec/Twp/Rng	n/a	**Class**	Commercial		P O BOX 1434
Property Address	135 175 MAIN STREET MARKET PLACE	**Acreage**	7.33		CARTERSVILLE GA 30120
	E Main Street TAD #1				
District	E Main Street TAD #1				
Brief Tax Description	LL 388, 405 D4				
	(Note: Not to be used on legal documents)				

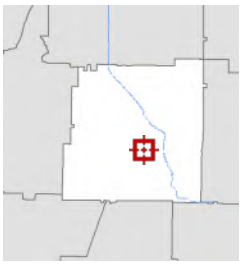
Date created: 6/1/2020
Last Data Uploaded: 5/29/2020 11:38:44 PM

Developed by Schneider GEOSPATIAL

qPublic.net™ Bartow County, GA



Overview



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*

District	E Main Street TAD #1
Brief Tax Description	LL 388, 405 D4
	(Note: Not to be used on legal documents)

Date created: 6/3/2020
Last Data Uploaded: 6/2/2020 11:11:13 PM

Developed by Schneider GEOSPATIAL

Parcel ID	C007-0001-015	**Alternate ID**	46572	**Owner Address**	SOUTH OF MAIN LLC
Sec/Twp/Rng	n/a	**Class**	Commercial		P O BOX 1434
Property Address	135 175 MAIN STREET MARKET PLACE	**Acreage**	7.33		CARTERSVILLE GA 30120
	E Main Street TAD #1				

Future Land Use Category: Mixed Use Commercial

Found in: Bartow County, Adairsville, Cartersville, Emerson

This includes Zoning Districts predominantly General Commercial, Neighborhood Commercial, or Office/ Institutional, while allowing for a range of residential densities. All residential districts are allowed, from single-family conventional, manufactured and industrialized housing, townhomes, multi-family housing ranging from duplexes to apartment buildings, and manufactured home parks (minimum size of 10 acres and only in specific districts as well as all permitted commercial and office uses. The Commercial/Mixed Use area is used to delineate areas where commercial and residential uses occur side by side. The use allows residential character to remain. However, this is primarily a commercial oriented land use, with overall 60% of the developments being of a commercial or office nature and 40% being residential in nature. Development or redevelopment should be consistent in the overall 60% commercial/ 40% residential balance of uses, even if one development or parcel is predominantly commercial or residential. This is a car-oriented land use category; efforts should be undertaken using Complete Streets policies to increase safe pedestrian access from the home to the store, office, or school. Land use within the Lake Allatoona-Glade Road Urban Redevelopment Area includes mixed use commercial areas encouraging balanced growth.

Highway 41 commercial and residential areas, Adairsville

Tennessee St. Mixed Use Corridor, Cartersville

Meeting:December 17, 2020 Item 19.

Application for Rezoning

City of Cartersville

Case Number: Z20-03

Date Received: 6-30-2020

Public Hearing Dates:

Planning Commission Aug. 11 5:30pm | 1st City Council Aug 20th 7:00pm | 2nd City Council Sept 3rd 7:00pm

Applicant Cherokee Main Street III, LLC By: Etowah Investors, LLC, its Managing Member Robert H. Ledbetter, Jr., its Manager (printed name)

Office Phone 706-290-1358

Address 106 East 8th Avenue

Mobile/ Other Phone

City Rome State GA Zip 30161 Email rledbetterjr@ledbetterproperties.com

Representative's printed name (if other than applicant)

Phone (Rep)

Email (Rep)

Representative Signature

Applicant Signature

Signed, sealed and delivered in presence of:

Notary Public

My commission expires

Angela Whiteaker Dunagan
NOTARY PUBLIC
Floyd County, Georgia
My Commission Expires
April 9, 2023

* Titleholder South of Main, LLC By: Dellinger Management Company, Inc., its Manager Kena R. Butler, Its President (titleholder's printed name)

Phone 770-386-3954

Address PO Box 1434 Cartersville, GA 30120

Email kenarbutler@gmail.com

Signature Kena R. Butler

Signed, sealed, delivered in presence of:

Notary Public

My commission expires:

MARY E KEITH
MY COMMISSION EXPIRES
NOTARY PUBLIC
APRIL 27, 2021
BARTOW COUNTY, GEORGIA

Present Zoning District G-C and M-N

Requested Zoning MF-14

Acreage 16.776 Land Lot(s) 405 District(s) 4 Section(s) 3

Location of Property: 175 Main Street Market Place C007-0001-015 C007-0001-018
(street address, nearest intersections, etc.)

Reason for Rezoning Request:
Proposed rezoning to MF-14 to allow for 200 unit apartment development
(attach additional statement as necessary)

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

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: 07/02/20

Date Two Years Prior to Application: 07/02/18

Date Five Years Prior to Application: 07/02/15

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		✓
Lamar Pinson		✓
Travis Popham		✓
Jeffery Ross		✓
Stephen Smith		✓

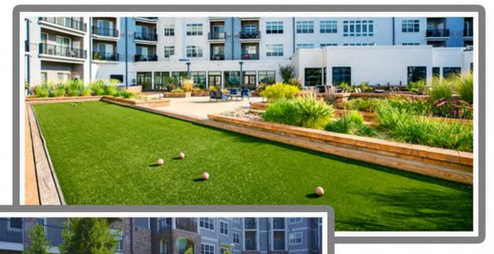
2. If the answer to any of the above is **Yes**, please indicate below to whom, the dollar amount, date, and description of each campaign contribution, during the past five (5) years.

Signature 6/22/20 Date

Robert H. Ledbetter, Jr.
Print Name

K:\Planning General Info\City Forms_apps_mailing labels\Forms and Applications\Annexation Rezoning Special Use Variance apps\Rezoning application_updated 12-6-19.doc

Building - Character
(Multiple color schemes available)



Amenity - Character
(possible Pool & Features etc.)

Utility - Character
(Mail Kiosk & Waste Enclosure)

SITE DATA:
Main Apartment Tract = +/-8.546 acres
Southern land tract (combined detention) = +/-1.65 acres

(5) Apartment Buildings with Motor Court
(200) Units
(346) Parking Spaces (within gates)

Proposed Amenities:
Main Pool area with Clubhouse
Common Green with Bocce and Grills

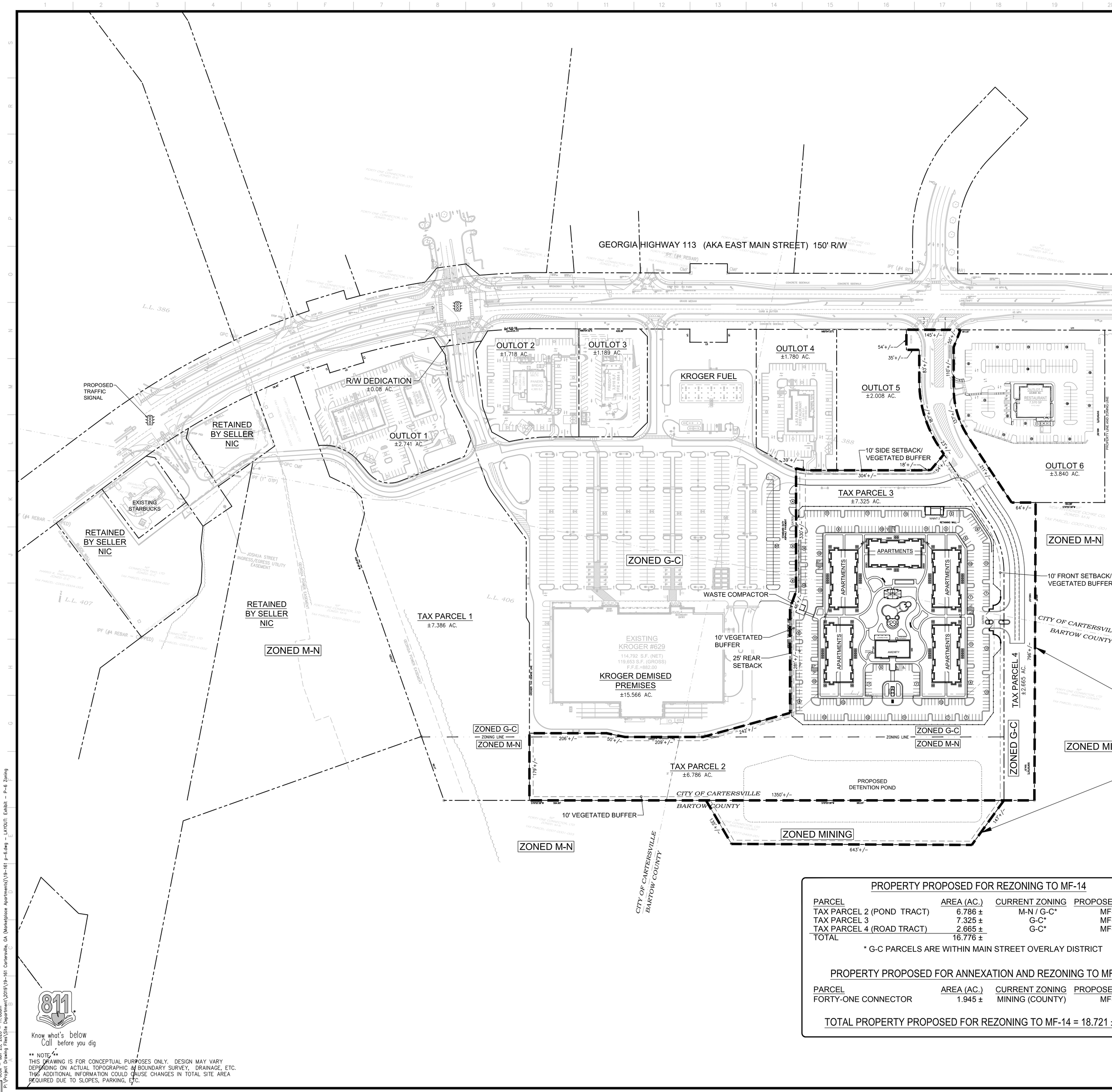
175 Main

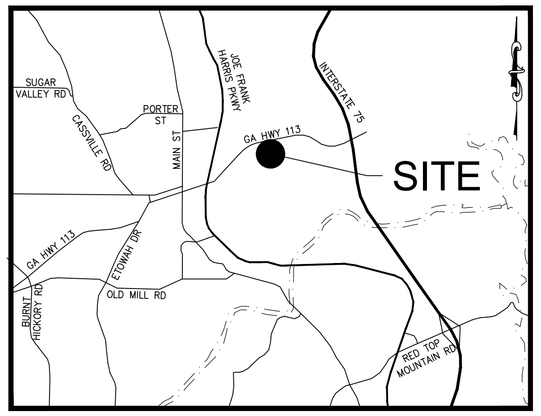
Site Plan Concept
April 2020

ADG
AHRENS DESIGN GROUP
Landscape Architecture | Site Planning
Urban Design | Development Consulting

Disclaimer: Illustration represents intent of development, home plans and layout may change without notice. For final layout review, refer to civil engineering set once submitted.

© Group 4 Design, Inc.





LOCATION MAP

NOT TO SCALE

PROPOSED APARTEMENT USES

NO. OF UNITS	% OF UNITS	UNIT TYPE	UNIT S.F.	TOTAL S.F.
20	10.00%	S1-STUDIO	707	14,410
48	24.00%	A1-1 BR	756	36,288
20	10.00%	A2-1 BR	816	16,320
32	16.00%	B1-2 BR	1,164	37,248
44	22.00%	B1c-2 BR	1,176	51,744
36	18.00%	C1-3 BR	1,248	44,928
200	100.00%			200,668

PARKING ANALYSIS

PARKING REQUIRED = 2 SPACES / DWELLING UNIT = 400 SPACES
PARKING PROVIDED = 424 SPACES
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ADA PARKING PROVIDED = 10 SPACES

MF-14 DEVELOPMENT STANDARDS

	REQUIRED	PROVIDED
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811 Know what's below Call before you dig

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REZONING PLAN

SCALE IN FEET
100' 50' 0 100' 200' 300'

BDG Buckel Design Group, LLC
3471 DONAVILLE ST
DULUTH, GA 30096
PHONE: 404-567-5701
FAX: 404-567-5703
WWW.BDGSE.COM

STAMP

APARTMENTS AT 175 MAIN STREET MARKET PLACE
CARTERSVILLE, BARTOW CO., GA 30121

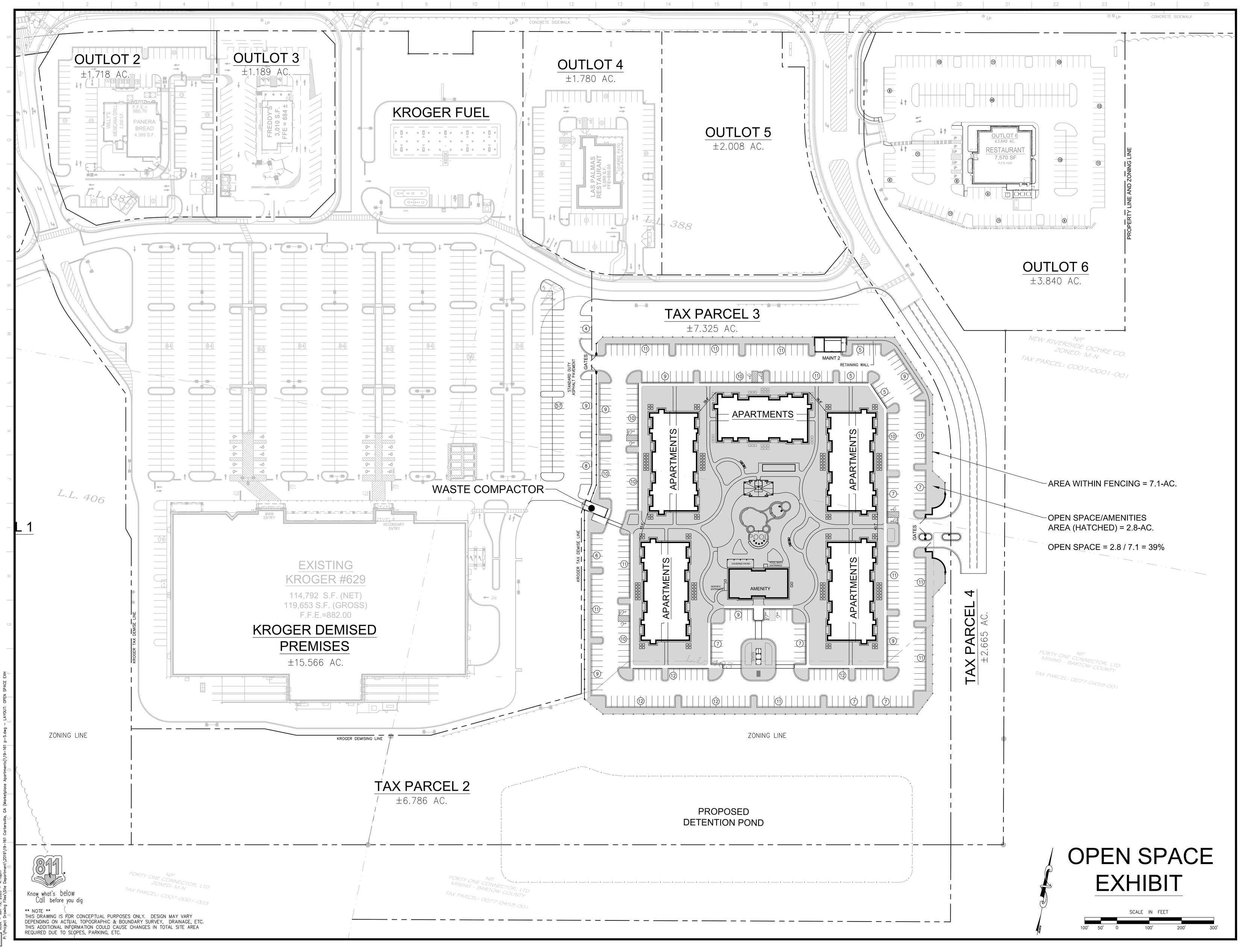
FOR: CHEROKEE MAIN STREET III, LLC
ROME, GEORGIA

REVISION	BY

DRAWN SC
CHECKED ADB
ISSUED DATE 6/19/2020
ISSUED FOR REZONING APPLICATION
PROJECT NO. 19-161
FILE
SHEET P-6

Meeting December 17, 2020 Item 15

JCox – Jun 25, 2020 – 11:08am
P:\Project Drawing Files\Site Department\2019\19-161 Cartersville, GA (Marketplace Apartments)\19-161 P-6.dwg – LAYOUT: Exhibit – P-6 Zoning



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OPEN SPACE EXHIBIT

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FOR: CHEROKEE MAIN STREET III, LLC
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REVISION	BY

DRAWN
SC

CHECKED
ADB

ISSUED DATE
6/19/2020

ISSUED FOR
REZONING APPLICATION

PROJECT NO.
19-161

FILE

SHEET
EX

Meeting December 17, 2020 item 19

LINE TABLE

LINE	BEARING	LENGTH
L1	S28°03'24"E	25.00
L2	N62°56'36"E	94.75
L3	N65°53'24"W	25.00
L4	S49°22'00"E	91.13
L5	S43°22'00"E	24.00
L6	S12°11'54"E	93.05
L7	S56°16'31"E	50.92
L8	S11°31'30"W	18.67
L9	N49°58'30"W	36.55
L10	S74°14'34"W	3.72
L11	S59°55'55"E	27.82
L12	S34°55'36"W	54.48
L13	N71°11'17"W	50.07
L14	N29°51'05"W	50.25
L15	N20°14'24"E	29.46
L16	N20°54'24"E	31.75
L17	S09°55'29"E	35.00
L18	N80°04'32"E	100.00
L19	N09°55'28"W	35.00
L20	S10°14'27"E	35.82
L21	S10°06'16"E	52.90
L22	S27°27'18"W	54.34
L23	N09°42'28"W	57.85
L24	INTENTIONALLY OMITTED	
L25	INTENTIONALLY OMITTED	
L26	INTENTIONALLY OMITTED	
L27	N10°04'15"W	109.69
L28	N11°25'27"E	49.50
L29	S78°56'08"W	26.53
L30	S38°52'40"W	91.22
L31	S36°23'55"W	37.39
L32	N10°13'30"E	46.32
L33	N89°20'09"W	50.00
L34	N89°19'36"W	17.58
L35	N71°53'31"E	131.57
L36	INTENTIONALLY OMITTED	
L37	N79°55'38"E	34.51
L38	S26°38'14"E	55.13
L39	S09°04'16"E	38.81
L40	S20°55'31"E	45.40
L41	S04°06'30"W	95.83

CURVE TABLE

CURVE	LENGTH	RADIUS	DIRECTION	CHORD
C1	93.23	1814.91	S39°59'15"W	93.22
C2	198.86	1835.09	S47°32'55"W	198.77
C3	144.68	1835.09	S52°54'33"W	144.64
C4	112.63	1835.09	S57°55'44"W	112.61
C5	137.15	835.00	S56°47'41"E	137.03
C6	182.36	371.16	S55°47'41"E	180.54
C7	153.77	245.00	N38°57'17"W	151.26
C8	38.21	140.00	N49°06'35"E	38.09
C9	57.55	140.00	S77°22'06"E	57.16
C10	117.78	346.00	S72°39'27"W	117.23
C11	46.51	160.00	S58°10'45"E	46.35
C12	62.50	187.00	S56°44'13"E	62.01
C13	26.54	240.00	N63°03'59"W	26.52
C14	93.06	75.00	S69°01'00"E	87.20
C15	114.99	122.50	N74°51'55"W	110.99
C16	78.45	1834.91	S57°16'25"W	78.45
C17	18.23	140.00	N18°11'49"E	18.22
C18	58.94	115.00	N45°27'26"W	58.33

CITY OF CARTERSVILLE CERT.

IN ACCORDANCE TO THE CITY OF CARTERSVILLE DEVELOPMENT REGULATIONS AND THE CITY'S ZONING ORDINANCE, ALL REQUIREMENTS OF APPROVAL HAVE BEEN FULFILLED. THIS PLAT WAS GIVEN FINAL APPROVAL BY THE FOLLOWING CITY PERSONNEL ON BEHALF OF THE CITY OF CARTERSVILLE:

9/20/16
ZONING ADMINISTRATOR — DATE

9/20/16
WATER SUPERINTENDENT — DATE

09.20.2016
GAS SUPERINTENDENT — DATE

9.20.2016
ELECTRIC SUPERINTENDENT — DATE

9/20/16
FIBER SUPERINTENDENT — DATE

9/20/16
CITY ENGINEER — DATE

SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION, THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED "FUTURE" AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN, AND THAT ALL REQUIREMENTS OF THE DEVELOPMENT AND ZONING REGULATIONS HAVE BEEN FULLY COMPLIED WITH.

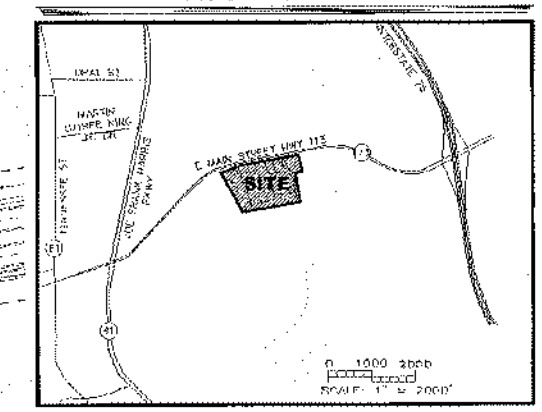
9/20/16
SURVEYOR — DATE

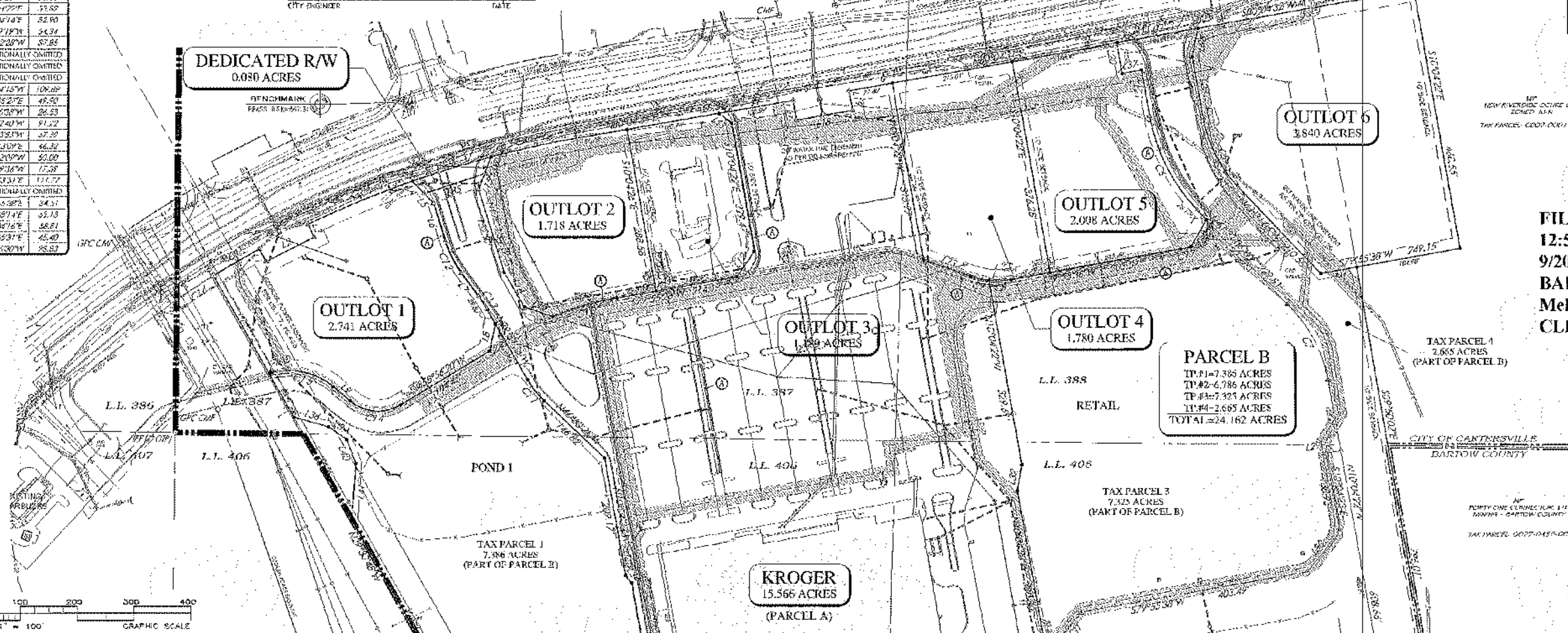
GEORGIA REGISTERED PROFESSIONAL ENGINEER

(A) ALL SIDEWALKS TO BE DYED TO MATCH EXISTING SIDEWALKS WITHIN EAST MAIN STREET RIGHT-OF-WAY

NEW RIVERSIDE OFFICE #545 OFFICE PAVEMENT AT 10% ADDITION RATE (30 LBS/C.Y. OF CONCRETE).
CONTACT: BRAD HUGHES - (770) 382-4568, EXT. 112

LOCATION SKETCH





BK 78 PG 37

FILED
12:50 PM
9/20/2016
BARTOW COUNTY SUPERIOR COURT
Melba Scoggins
CLERK

CO = CLEAN OUT	WM = WATER METER
IRV = IRRIGATION VALVE	WV = WATER VALVE
IPF = IRON PIN FOUND	LL = LAND LOT
IPP = IRON PIN PLACED	L.L.L. = LAND LOT LINE
OTP = OPEN TOP PIPE	PP = POWER POLE
CTP = CRIMPED TOP	P = POWER LINE
R/W = RIGHT OF WAY	-X- = FENCE LINE
CM = CONCRETE MONUMENT	CH = CHORD
N/F = NOW OR FORMERLY	A OR L = ARC LENGTH

FINAL PLAT FOR:

MAIN STREET MARKETPLACE

LOCATED IN LAND LOTS 387, 388, 405, & 406
4th DISTRICT, 3rd SECTION
CARTERSVILLE, BARTOW COUNTY, GEORGIA

** FLOOD STATEMENT **
THE F.E.M.A. FLOOD INSURANCE RATE MAP SHOWS THE REFERENCED PARCEL IN ZONE X AND IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS, ACCORDING TO PANEL NO. 13015 C 0207 G, DATED: SEPTEMBER 29, 2007.

DATE: SEPT. 9, 2016	REV:	JOB NO: 16163
DATE OF FIELDWORK: AUGUST 1, 2016		

SOUTHLAND ENGINEERING
CIVIL ENGINEERS • LAND SURVEYORS • LAND PLANNERS
114 OLD MILL ROAD, CARTERSVILLE, GA 30120 PH: 770.387.0445 FAX: 770.607.5151

SHEET: 1 of 3

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, THAT ALL STREETS, WATER SYSTEMS DRAINS AND DRAINAGE EASEMENTS, AND PUBLIC PLACES ARE DEDICATED TO THE USE OF THE PUBLIC FOREVER.

OWNER — 9/20/16 DATE

SURVEY REFERENCES

1. PROPOSED COMMERCIAL DEVELOPMENT CONCEPT FOR LEDBETTER PROPERTIES, LLC. BY DUPLANTIS DESIGN GROUP, PC LLC; DATED MAY 13, 2014.
2. GEORGIA POWER EASEMENT - CARTERSVILLE - BIG SHANTY 230KV TRANSMISSION LINE (CARTERSVILLE - SOUTH ACWORTH SECTION), DRAWING No. H-488; DATED FEBRUARY 26, 2003.
3. GEORGIA HIGHWAY 113 (A.K.A. EAST MAIN STREET) - RIGHT-OF-WAY MAP FOR THE GEORGIA DEPARTMENT OF TRANSPORTATION - PROJECT: EF-518-1(13) BARTOW, DATED DECEMBER 7, 1977.
4. MAIN STREET GATEWAY - MAINLINE ROADWAY PLAN FOR THE CITY OF CARTERSVILLE BY PHARR ENGINEERING - PROJECT: STMPD-0008(002)741.

OWNER/DEVELOPER

CHEROKEE MAIN STREET III, LLC
105 EAST 8TH AVENUE, ROME, GA
24 HOUR CONTACT: MR. DEVON MICKELS
PHONE: (770-967-0347)

ZONING NOTES

ACREAGE OF SITE - 53.230 ACRES
ZONED: G-C (GENERAL COMMERCIAL)
(ALL LOTS LOCATED IN MAIN STREET OVERLAY DISTRICT)

TOTAL NUMBER OF LOTS = 10
TOTAL NUMBER OF BUILDABLE LOTS = 8
MINIMUM FRONT YARD SETBACK = 20'
MINIMUM SIDE YARD SETBACK = 10'
MINIMUM REAR YARD SETBACK = 20'
MINIMUM LOT AREA - NONE
MAXIMUM BUILDING HEIGHT = SIXTY (60) FEET OR 4 STORIES, WHICHEVER IS HIGHER.
MAXIMUM LOT COVERAGE - 50%
MINIMUM BUFFER REQUIREMENTS = A MINIMUM FIFTEEN (15) FOOT WIDE BUFFER ALONG RESIDENTIAL DISTRICT
MINIMUM LOT FRONTAGE - 150 FT.
MINIMUM LOT WIDTH @ BUILDING LINE = 100 FT.

GENERAL NOTES

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1' IN 26,006 FEET, AND AN ANGULAR ERROR OF 7" PER ANGLE POINT, AND WAS NOT ADJUSTED.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1' IN 236,494 FEET.
3. EQUIPMENT USED: TOPCON 203, TOTAL STATION, WITH DATA COLLECTOR.
4. RIGHTS-OF-WAY ARE BASED UPON PINS FOUND AND/OR CENTERLINES OF PATHS OF TRAVEL.
5. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS.
6. DISTANCES SHOWN ON THIS PLAT ARE GROUND DISTANCES.
7. ALL PROPERTY CORNERS ARE HALF INCH REBAR UNLESS OTHERWISE NOTED.
8. DRAINAGE EASEMENTS OFF RIGHT-OF-WAY SHALL BE MAINTAINED BY THE PROPERTY OWNER.

Pictures Taken 7-24-2020

CITY OF CARTERSVILLE
ZONING NOTICE
CASE NO. Z20-03
APPLICATION HAS BEEN MADE FOR REZONING OF THIS PROPERTY FROM G-C TO MF-14
PLANNING COMMISSION MEETING AT 5:30 P.M. ON 8-11-20
CITY COUNCIL FIRST READING AT 7:00 P.M. ON 8-20-20
CITY COUNCIL SECOND READING AT 7:00 P.M. ON 9-3-20
HEARINGS TO BE HELD AT CITY HALL 10 NORTH PUBLIC SQUARE.
FOR ADDITIONAL INFORMATION CONTACT PLANNING AND DEVELOPMENT DEPT. AT 770-3 7-5600