



City of Cartersville

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

COUNCILPERSONS:

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

AGENDA

Council Chamber, Third Floor of City Hall– 7:00
PM – 5/3/2012
Work Session – 6:00 PM

CITY MANAGER:

Sam Grove

CITY ATTORNEY:

David Archer

CITY CLERK:

Connie Keeling

I. Opening of Meeting

- Invocation
- Pledge of Allegiance
- Roll Call

II. Regular Agenda

A. Council Meeting Minutes

1. April 19, 2012 (Page 3-14)

[Attachments](#)

B. Commendation/Recognition

1. Teachers of the Year (Page 15-19)

[Attachments](#)

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

1. File AZ12-03: Annexation and Zoning Application by Shelby Grizzle Cornwell for property located at 102 Dogwood Drive from BC Jurisdiction to City R-20 (Page 20-32)

[Attachments](#)

2. File SU12-01: Special Use Application by Fantaci, LLC for properties located at 301 N. Tennessee St and 110 McEver Street to expand the existing Kia Dealership onto adjacent M-U and O-C zoned properties (Page 33-48)

[Attachments](#)

D. Second Reading of Ordinances

1. File T12-01: Text Amendment Application by the City of Cartersville to amend the Cartersville Sign Ordinance (Page 49-88)

[Attachments](#)

E. Contracts/Agreements

1. Appalachian Valley Fiber Network Pole Attachment Agreement (Page 89)

[Attachments](#)

F. Resolutions

1. Naming of Pettit Creek Trail - J. Wayne Self Boardwalk (Page 90-91)

[Attachments](#)

G. Bid Award/Purchases

1. Commercial Mower (Page 92-104)

[Attachments](#)

2. Refuse Roll-out Carts (Page 105)

[Attachments](#)

3. Sewer Manhole Rehabilitation Project (Page 106-110)

[Attachments](#)

4. Emergency Repairs to the Sewer Service for Commercial Site at 124, 126 and 128 Old Mill Road (Page 111)

[Attachments](#)

5. Bottle Washer for Lab (Page 112)

[Attachments](#)

III. Tabled

A. Contracts/Agreements

1. Downtown Development Authority Funding (Page 113)

[Attachments](#)



City of Cartersville

City Council Meeting
5/3/2012 7:00:00 PM
April 19, 2012

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

City Council Meeting
 10 N. Public Square
 April 19, 2012
 9:00 A.M. – Work Session 8:00 A.M.

I. Opening Meeting

Invocation by Council Member Lindsey McDaniel.

Pledge of Allegiance led by Civic Youth Day Leaders

The Cartersville High School Varsity Chorus sang the National Anthem

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

II. Regular Agenda

A. Council Meeting Minutes

1. April 5, 2012

A motion to approve the April 5, 2012 minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

B. Swearing in of Civic Youth Day Officials

1. Civic Youth Day

Deputy City Clerk, Renee Faunce, administered the oath of office for the offices of Mayor, City Council, City Clerk, City Attorney, and City School Board to the civic youth participants.

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

C. Two Added Agenda Items

1. Introduction of Cartersville High School New Principal

Cartersville City School Board President Linda Benton introduced the newly appointed Cartersville High School Principal, Mr. Steve Butler. Mr. Butler will begin serving as principal on July 1, 2012. Mr. Butler expressed his appreciation of the opportunity to serve as principal of Cartersville High School. Mayor Santini also recognized the current principal, Mr. Jay Floyd, thanking him for his dedicated service.

2. Proclamation to Anna Catherine Womack

Mayor Santini presented a proclamation to Anna Catherine Womack for her caring and responsible act in rescuing and taking care of his pets. Anna is a 4th grader at Cartersville Elementary School and the daughter of Joey and Paula Womack. Mayor Santini proclaimed April 19, 2012 as Anna Catherine Womack day.

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

1. File AZ12-03: Annexation and Zoning Application by Shelby Grizzle Cornwell for Property Located at 102 Dogwood Drive from BC Jurisdiction to City R-20

Randy Mannino, Planning and Development Director, stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino stated this tract of land is located at 102 Dogwood Drive and is a corner lot at the intersection with Jones Mill Road. It consists of approximately 0.56 acres. The lot is part of the Country Club Estates subdivision. This property is part of the City Annexation Initiative to incorporate “donuthole” tracts into the City limits for improved public safety coverage. If annexed the property would be zoned R-20 (Single-family Residential). The Planning Commission recommended approval of both the annexation and the rezoning.

Mayor Santini opened the floor for a public hearing for the annexation. After no comments from the floor, Mayor Santini closed the public hearing.

Mayor Santini opened the floor for a public hearing for the rezoning. After no comments from the floor, Mayor Santini closed the public hearing.

NO ACTION REQUIRED.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. AZ 12-03

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Shelby Grizzle Cornwell . Property is located 102 Dogwood Drive. Said property contains 0.56 acres located in the 4th District, 3rd Section, Land Lot(s) 127 as shown on the attached plat Exhibit “A”. Annexation will be duly noted on the official zoning map of the City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

**First Reading this the 19th day of April 2012.
ADOPTED this the day of. Second Reading.**

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

ATTEST:

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

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. AZ 12-03

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Shelby Grizzle Cornwell. Property is located 102 Dogwood Drive. Said property contains 0.56 acres located in the 4th District, 3rd Section, Land Lot(s) 127as shown on the attached plat Exhibit “A”. Property is hereby rezoned from County R-2 (Residential) to R-20 (Single Family Residential). Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

**First Reading this the 19th day of April 2012.
ADOPTED this the day of. Second Reading.**

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

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. File SU12-01: Special Use Application by Fantaci, LLC for Properties Located at 301 N. Tennessee St and 110 McEver Street to Expand the Existing Kia Dealership onto Adjacent M-U and O-C Zoned Properties

Randy Mannino, Planning and Development Director, stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino reported this property is located at 301 N. Tennessee St and 110 McEver St. and consists of 0.615 acres. The applicant seeks a special use permit to expand the existing Kia Auto dealership to include these lots for overflow parking. The Planning Commission recommended approval of the special use application.

Mayor Santini opened the floor for a public hearing for the special use application. Attorney Jeff Watkins spoke in favor of the application on behalf of the applicant. After no further comments, Mayor Santini closed the public hearing.

NO ACTION REQUIRED

Ordinance

of the

City of Cartersville, Georgia

Ordinance No.

Petition No. SU 12-01

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Fantaci LLC. Property is located 301 N. Tennessee Street and 110 McEver Street. Said property contains 0.62 acres located in the 4th District, 3rd Section, Land Lot(s) 409 as shown on the attached plat Exhibit "A". Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

1. To allow expansion of existing KIA car lot onto the adjacent Multi Use and Office Commercial properties

BE IT AND IT IS HEREBY ORDAINED.

**First Reading this the 19th day of April 2012.
ADOPTED this the day of. Second Reading.**

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

ATTEST:

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

E. First Reading of Ordinances

1. **File T12-01: Text Amendment Application by the City of Cartersville to Amend the Cartersville Sign Ordinance**

Mr. Richard Osborne, City Planner, reported the text amendment application is the proposal by City staff to revise the sign ordinance. The sign ordinance was first adopted in 1995 and has not been substantially changed since that time. Revisions are needed due to newer sign technology, code enforcement, and the desire for greater content-neutrality for legal purposes. The Planning Commission recommended approval of this text amendment to the sign ordinance.

Mayor Santini opened the floor for a public hearing for the ordinance. After no comments from the floor, Mayor Santini closed the public hearing.

NO ACTION REQUIRED

Ordinance is on File in the Planning and Development Department.

F. Appointments

1. **Cartersville Building Authority**

City Manager Sam Grove reported the terms of Jack Clayton, Tom Quist, and himself on the Cartersville Building Authority expire on May 15, 2012 and all have agreed to continue to serve. If re-appointed they will serve until May 15, 2016.

A motion to approve the re-appointments was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

G. Contracts/Agreements

1. Southland Engineering, Inc. – Pettit Creek Trail Phase III

Recreation Director Greg Anderson explained 21 applications were received for the Pettit Creek Trail Phase III design. Mr. Anderson recommended Southland Engineering, Inc for the project, as they are the most qualified of the applicants. Mr. Anderson recommended approval contingent on available budget funds.

A motion to approve the recommendation of Mr. Anderson contingent on available budget funds was made by Council Member Stepp and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

2. Downtown Development Authority Funding

Assistant City Manager Dan Porta explained the Downtown Development Authority (DDA) has requested that the City Finance Department take over the Business Improvement District dedicated bank account and associated responsibility of this program, and requests additional funds. Mr. Porta recommended approval. This item was tabled to allow for more discussion.

A motion to table this item was made by Council Member Tate and seconded by Council Member McDaniel. Motion carried unanimously. Vote 6-0

3. Brown Conference Center Management Agreement Amendment

Assistant City Manager Dan Porta explained the Convention and Visitors Bureau Board has requested some changes be made to the Management Agreement and Rules and Regulation for the Clarence Brown Conference Center. Mr. Porta stated this amendment deals with some conflicts in the rules and regulations for the operation of the center and the original agreement approved by the City and County. The items have been discussed by all parties concerned and are recommended for your approval.

A motion to approve the changes to the agreement as recommended by Mr. Porta was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

H. Change Order

1. Public Safety Headquarters – Change Order #3

Assistant City Manager Dan Porta stated as the construction of the new public safety headquarters continues, some items have had to be changed in order to comply with city code. Other items were added to make the facility more secure. This change order will be funded with 2003 and 2007 SPLOST funds. Mr. Porta recommended approval of this change order.

A motion to approve the change order was made by Council Member Hodge and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0

I. Bid Award/Purchases

1. Water Meter Tap at Fire Station #4

Assistant City Manager Dan Porta explained at the new fire station on MLK Blvd, the water department plans showed that the sub-contractor would tap into an existing 6" service line to serve the fire station. Once the work had begun, it was determined that the service line was only a 4" line which was not sufficient to serve this building, therefore, a new service tap had to be installed. C.H. Kirkpatrick provided the work to tap into the 8" line located on MLK Blvd at a cost of \$13,458.80. Mr. Porta recommended approval of this invoice for payment.

A motion to approve the invoice for payment was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

2. Odorant for Natural Gas

Gas Superintendent Gary Riggs explained that approximately every two years, we are required by federal regulations to odorize our gas. We have to fill the odorant tanks at our tank stations in Floyd County. The cost to fill these tanks is \$14,605 dollars. Mr. Riggs recommended approval of the odorant purchase.

A motion to approve the odorant purchase was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

3. Fittings and Stopping Operations – Gas Department

Gas Superintendent Gary Riggs reported that due to a Bartow County road construction improvement project on Euharlee Road, the City will need to relocate an 8" natural gas main on S.R. 113. In order to relocate the line, we will need two stopper fittings and a subcontractor to perform the tap and stop operations. Mr. Riggs stated the tap and stop operations are provided in the southeast by a sole source, that source being S.J. Patterson Company of Talladega, Alabama. The funding for this project will come from 2007 SPLOST funds. Mr. Riggs recommended the approval of the contractor S.J. Patterson Co. in the amount of \$12,924 dollars for the stopper fittings and the labor.

A motion to approve the recommendation of Mr. Riggs was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

4. GPS Survey Instrument – Water Department

Mr. Ed Mullinax, Assistant Water & Sewer Superintendent, reported the water department has need on an almost daily basis for a GPS Survey Instrument to be used in the mapping of the water and sewer system. This type of device has also proven to be an efficient

means for locating existing valves, manholes and pipes. Mr. Mullinax stated bids were received and recommended approval of the bid from Optical Engineering of Marietta, Georgia in the amount of \$13,199.99.

A motion to approve the recommendation of Mr. Mullinax was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

5. Mini-Excavator – Water Department

Mr. Ed Mullinax, Assistant Water & Sewer Superintendent, reported that bids were received for a mini-excavator for the Water Department. Mr. Mullinax recommended approval of the bid received from Yancey Caterpillar in the amount of \$58,198 dollars. There are no local sources to purchase from. This is a budgeted item.

A motion to approve the recommendation of Mr. Mullinax was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

6. Aubrey Pool and Bruce Street Sewer Tie-ins

Mr. Ed Mullinax, Assistant Water & Sewer Superintendent, explained this project consists of providing the labor and equipment for construction of a number of minor sewer system improvements. The existing drain line for the Aubrey Street Pool currently discharges to the storm drain system. A portion of this work includes constructing a tie-in to the pool drain line to the sanitary sewer in order to comply with the Storm Water Ordinance. Improvements to the sanitary sewer on Bruce Street will allow for elimination of a railroad crossing which is difficult to maintain. Bids were received and Mr. Mullinax recommends approval of the bid received from Hill City Onsite, Inc in the amount of \$8,500 dollars. Portions of this contract associated with the Aubrey Street Pool will be paid for by the Recreation Department.

A motion to approve the recommendation of Mr. Mullinax was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

7. Skid Steer – Water Department

Mr. Ed Mullinax, Assistant Water & Sewer Superintendent, stated bids were received for a skid steer for the Water Distribution and Collection department. The old unit will go to the wastewater plant for use on the property when bio-solids are being spread. Mr. Mullinax recommended approval of the bid received from Rhinehart Equipment Company in the amount of \$49,431 dollars.

A motion to approve the recommendation of Mr. Mullinax was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0

J. Resolutions

1. Master Lease Resolution with GMA

Assistant City Manager, Dan Porta, explained this resolution allows the city to enter into a lease purchase arrangement with GMA. When the recycling program was presented to the City Council, the funding mechanism was to purchase the recycling carts under the GMA lease pool program. However, this type of purchase does not fall under the lease pool program. GMA offers a lease purchase agreement that can be used to fund the recycling carts. The City has obtained a 1.59% interest rate over three years from BB&T for financing. Mr. Porta recommended approval of the Master Lease Resolution.

A motion to approve the Master Lease Resolution with GMA as recommended by Mr. Porta was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

Resolution No. 07-12

To authorize and direct the execution and delivery of certain lease documents; to provide a statement by legislative findings and intent; to designate such leases as qualified tax-exempt obligations; to provide an effective date; and for other purposes.

BE IT ORDAINED OR RESOLVED, as the case may be:

Section 1. The City finds that the leasing of certain property pursuant to a Master Lease (the "Master Lease") with the Georgia Municipal Association, Inc. is essential to operation of the governmental functions of the City. The execution and delivery of such documents as may be necessary to effectuate these purposes is authorized.

Section 2. The Mayor of the City of Cartersville is hereby authorized and directed in the name and on behalf of the City to execute and deliver the Master Lease in substantially the form presented to this meeting, with such changes and additions as shall be approved by the officer who executes the same, and such other documents as shall be deemed by such officer to be necessary or desirable to effect the purposes hereof; and such execution shall constitute conclusive evidence that the executed document has been authorized and approved. The aforesaid officer is further authorized to do all things necessary or appropriate to effectuate the purposes hereof

Section 3. The leases contemplated by the Master Lease are hereby designated "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Section 4. This action shall be effective immediately.

ADOPTED this the 19th day of April 2012.

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

ATTEST:

/s/ Renee Faunce
Renee Faunce
Deputy City Clerk

2. Water and Sewerage Revenue Bond, Series 2012

Mr. Gabe Agan, with Raymond James/Morgan Keegan, explained the City Council will be asked to approve a parity bond resolution for issuance of a \$6,620,000 dollar City of Cartersville Water and Sewerage Revenue Bond, Series 2012. The bond will pay for capital outlay projects of the water and sewerage system and be repaid with future revenues of the system. The resolution authorizes the private placement of the bond with BB&T Bank, by Raymond James/Morgan Keegan as Placement Agent. The bond will be secured by a parity lien on the net revenues of the Water and Sewer Revenue Enterprise System that is shared with the City's existing series 2005 and 2009 bond. The bond will have a fixed interest rate of 2.19%. The bond will be pre-payable without penalty beginning July 1, 2018 and will be subject to a 1% pre-payment penalty prior to July 1, 2018. The bond will have a final maturity of January 1, 2022. Approval of this bond resolution is recommended.

A motion to approve the bond parity resolution and the bond placement agency as presented by Mr. Agan was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 6-0

Resolution No. 08-12 is on file in the Vault at the City Clerk's Office

K. Surplus Equipment

1. Surplus Equipment List

Mr. Tom Rhinehart, Finance Director, reported the City has a list of equipment that needs to be declared surplus. Once declared surplus, these items will be listed on the GovDeals website and sold to the highest bidder. Mr. Rhinehart recommended approval of declaring the list of equipment as surplus.

A motion to approve the recommendation of Mr. Rhinehart was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 6-0

L. Monthly Financial Statement

1. February 2012

Mr. Tom Rhinehart, Finance Director, presented the February 2012 monthly financial statement with comparisons from the previous year of February 2011, by fund, along with supplemental financial information comparing the year to date revenues and expenses for each

fund and a report of cash position through February 2012.

After a few announcements, a motion to adjourn the meeting was made by Council Member Tonsmeire and needing no second. Motion carried unanimously. Vote 6-0

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Renee Faunce
Deputy City Clerk



City of Cartersville

City Council Meeting
5/3/2012 7:00:00 PM
Teachers of the Year

SubCategory:	Commendation/Recognition
Department Name:	Administration
Department Summary Recommendation:	The teachers that are scheduled to be recognized through Resolutions as the 2013 Teachers of the Year are: ¹ Linda Ferguson - Cartersville Primary ¹ Scott Busby -- Cartersville Elementary ¹ Omar Nunez -- Cartersville Middle School ¹ Jennifer Cupp -- Cartersville High School
City Manager's Remarks:	It has become tradition for Council to honor our teachers of the year. No official action on the part of Council is required for this item.
Financial/Budget Certification:	
Legal:	
Associated Information:	



CITY of CARTERSVILLE
Resolution

CARTERSVILLE PRIMARY SCHOOL

TEACHER OF THE YEAR 2013

WHEREAS, Linda Ferguson has been named Teacher of the Year at Cartersville Primary School for 2013; and

WHEREAS, her personal dedication and sincere concern for quality education has made her an asset to the school system; and

WHEREAS, her leadership has provided a vital service for the children of Cartersville; and

WHEREAS, it is the desire of the City of Cartersville to honor this most valuable teacher.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Cartersville that because of her dedication and excellent performance of service that this means be taken to honor her for being selected Teacher of the Year 2013 for Cartersville Primary School.

*In Witness whereof I have hereunto set
my hand and caused this seal to be affixed*

Mayor

Attest: _____ City Clerk
May 3, 2012

CITY of CARTERSVILLE

Resolution



CARTERSVILLE ELEMENTARY SCHOOL

TEACHER OF THE YEAR 2013

WHEREAS, Scott Busby has been named Teacher of the Year at Cartersville Elementary School for 2013; and

WHEREAS, his personal dedication and sincere concern for quality education has made him an asset to the school system; and

WHEREAS, his leadership has provided a vital service for the children of Cartersville; and

WHEREAS, it is the desire of the City of Cartersville to honor this most valuable teacher.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Cartersville that because of his dedication and excellent performance of service that this means be taken to honor him for being selected Teacher of the Year 2013 for Cartersville Elementary School.

*In Witness whereof I have hereunto set
my hand and caused this seal to be affixed*

Mayor

Attest: _____ City Clerk
May 3, 2012



CITY of CARTERSVILLE
Resolution

CARTERSVILLE MIDDLE SCHOOL

TEACHER OF THE YEAR 2013

WHEREAS, Omar Nunez has been named Teacher of the Year at Cartersville Middle School for 2013; and

WHEREAS, his personal dedication and sincere concern for quality education has made him an asset to the school system; and

WHEREAS, his leadership has provided a vital service for the children of Cartersville; and

WHEREAS, it is the desire of the City of Cartersville to honor this most valuable teacher.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Cartersville that because of his dedication and excellent performance of service that this means be taken to honor him for being selected Teacher of the Year 2013 for Cartersville Middle School.

*In Witness whereof I have hereunto set
my hand and caused this seal to be affixed*

Mayor

Attest: _____ City Clerk
May 3, 2012



CITY of CARTERSVILLE
Resolution

CARTERSVILLE HIGH SCHOOL

TEACHER OF THE YEAR 2013

WHEREAS, Jennifer Cupp has been named Teacher of the Year at Cartersville High School for 2013; and

WHEREAS, her personal dedication and sincere concern for quality education has made her an asset to the school system; and

WHEREAS, her leadership has provided a vital service for the children of Cartersville; and

WHEREAS, it is the desire of the City of Cartersville to honor this most valuable teacher.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Cartersville that because of her dedication and excellent performance of service that this means be taken to honor her for being selected Teacher of the Year 2013 for Cartersville High School.

*In Witness whereof I have hereunto set
my hand and caused this seal to be affixed*

Mayor

Attest: _____ City Clerk

May 3, 2012



City of Cartersville

City Council Meeting

5/3/2012 7:00:00 PM

File AZ12-03: Annexation and Zoning Application by Shelby Grizzle Cornwell for property located at 102 Dogwood Drive from BC Jurisdiction to City R-20

SubCategory:	Public Hearing - 2nd Reading of Zoning/Annexation Requests
Department Name:	Planning and Development
Department Summary Recommendation:	File #AZ12-03: Annexation and zoning application by Shelby Grizzle Cornwell for property located at 102 Dogwood Dr (approximately 0.56 acres) from Bartow County jurisdiction to City R-20 (Single-family residential). The subject tract is located at 102 Dogwood Drive and is a corner lot at the intersection with Jones Mill Road. The lot is part of the Country Club Estates subdivision. This property is part of the City Annexation Initiative to incorporate “donut hole” tracts into the City limits for improved public safety coverage. The applicants, working with City staff through the City Annexation Initiative, seek to be annexed for City schools. The property would, if annexed, be zoned R-20 (Single-family Residential). Planning Commission recommended approval of both the annexation and the zoning.
City Manager's Remarks:	The Planning Commission recommends your approval of the rezone and annexation of this property.
Financial/Budget Certification:	
Legal:	
Associated Information:	

ZONING & ANNEXATION SYNOPSIS

Petition Number(s): **AZ12-03**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Shelby Grizzle Cornwell (City Annexation Initiative)**

Representative: **None**

Property Owner: **Same as applicant**

Property Location: **102 Dogwood Drive**

Access to the Property: **Dogwood Dr, corner lot at the intersection with Jones Mill Rd**

Site Characteristics:

Tract Size: Acres: **0.56 acres** District: **4th** Section: **3rd** LL(S): **127**

Ward: **6** Council Member: **Lori Pruitt**

LAND USE INFORMATION

Current Zoning: **County R-2 (Residential)**

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

Proposed Use: **Annex for City schools**

Current Zoning of Adjacent Property:

North: **R-20 (Single-family Residential)**

South: **R-20 (Single-family Residential)**

East: **R-20 (Single-family Residential)**

West: **R-20 (Single-family Residential)**

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

ZONING ANALYSIS

City Departments Reviews

Water and Sewer:

No objections.

Public Works:

No objections.

Gas:

No objections.

Electric:

No objections.

Fire:

No objections.

Police:

No comments.

Bartow County government has also received information regarding the annexation request and finds no objection to the application. The property is currently zoned R-2 (Residential) and is identified on the County's Future Land Use Map as Low-Density Residential.

The subject tract is located at 102 Dogwood Drive and is a corner lot at the intersection with Jones Mill Road. The lot is part of the Country Club Estates subdivision. This property is part of the City Annexation Initiative to incorporate "donut hole" tracts into the City limits for improved public safety coverage. The applicants, working with City staff through the City Annexation Initiative, seek to be annexed for City schools. The property would, if annexed, be zoned R-20 (Single-family Residential).

STANDARDS FOR EXERCISE OF ZONING POWERS.

- A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed R-20 zoning may permit a use that is suitable in view of the existing residential development of adjacent properties.
- B. *Whether the zoning proposal will create an isolated district unrelated to adjacent and nearby districts.*
The proposed R-20 zoning may not create an isolated district since there are adjacent and nearby properties that are zoned in a similar manner in the City.
- C. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The R-20 zoning proposal may not adversely affect the existing use of adjacent properties.
- D. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*
As currently zoned in unincorporated Bartow County for residential use, the property may be appropriately zoned. As proposed in the City for R-20 zoning, this proposal would be similar to the current county zoning and may be a reasonable economic use of the land.
- E. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The zoning proposal may not cause an excessive use of existing streets and facilities. Utility, Public Works, and Planning & Development staff would review any future development based on possible industrial use on roads, utilities, and other factors.
- F. *Whether the zoning proposal is in conformity with the adopted local Comprehensive Land Use Plan.*
The property is in conformity with the Future Development Map.

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

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

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

Annexation of this property would fill in one of the few remaining properties in Country Club Estates that are still in the unincorporated portion of Bartow County. For improved public safety service, it may be appropriate for this property to be in the City with low-density residential (R-20) zoning.

RECOMMENDATION

Staff has no objections.

PLANNING COMMISSION RECOMMENDATION:

ANNEXATION:	APPROVAL
ZONING:	APPROVAL

Application for Annexation / Zoning

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

Application Number

AZ12-03

Hearing Dates

4-10, 4-19, 5-3

** City Annexation Initiative **

Applicant Shelby Grizzle Cornwell Business/Cell Phone 678-886-5350
(applicant's printed name)
Address 102 Dogwood Dr Home Phone 11
City Cartersville State GA Zip 30120 Email ShelbyC143@gmail.com
Phone _____ Fax # _____
(Representative's printed name (if other than applicant))
Representative's signature _____
Signed, sealed, and delivered in presence of:
Connie Keeling My commission expires:
Notary Public 6/21/15

Titleholder Shelby Grizzle Cornwell Business _____ Cell 678-886-5350
(titleholder's printed name) Home _____
*attach additional notarized signatures as needed on separate application page Address 102 Dogwood Dr
Signature Shelby Grizzle Cornwell Cartersville GA
Signed, sealed, and delivered in presence of: 30120
Connie Keeling My commission expires:
Notary Public 6/21/15

Requested City Zoning R-20
Acreage +/- 0.56 Land Lot(s) 127 District(s) 4 Section(s) 3
Location of Property 102 Dogwood Dr. Cartersville GA 30120 (Corner Dogwood Dr. and Jones Mill Rd.)
(street address, nearest intersections, etc)
Reason for requested Annexation / Zoning: City schools
(attach additional statement as necessary)

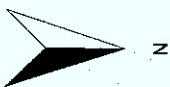
Attach a copy of a current boundary survey showing metes and bounds and indicating all existing site improvements and confirmation of the availability of all public utilities. Said site must meet the proposed zoning district development standards and access requirements of the City's regulations.

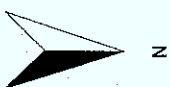
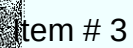
4 - 2 adults, 2 children (kindergarten and 2-year) Item # 3
annex for City schools

102 Dogwood Dr - annexation case AZ12-03



Item # 3



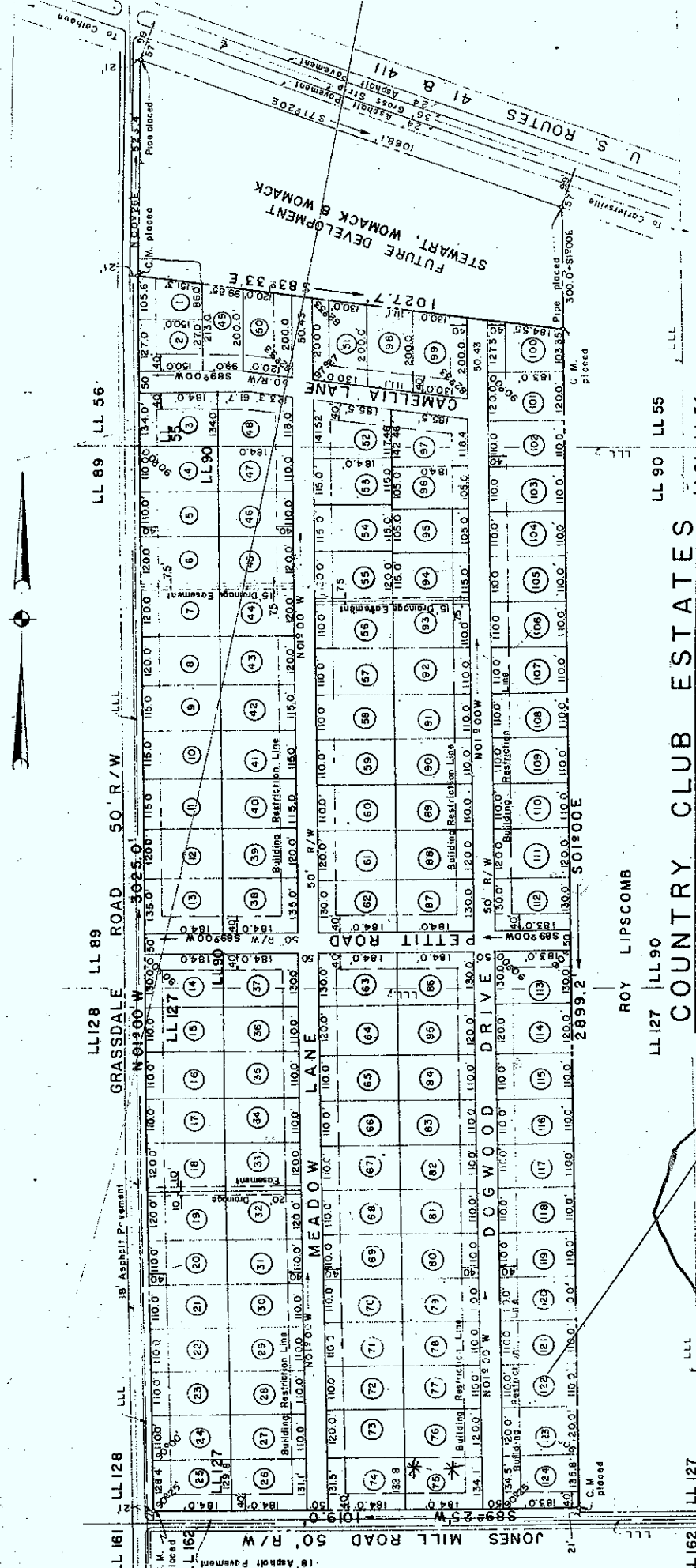




102 Dogwood Dr case AZ12-03

Item # 3





NOTE: IRON PIPES PLACED AT ALL LOT CORNERS

DATE: JUNE 11
SCALE: 1" = 20'
FILE: BAR-14

W. H. Bradley Clerk

Recorded June 26, 1964

8,000

Lot 75
(102 Dogwood Dr)

Sub-Divided By:
WILLIAMS, SWEITZER AND BARNUM
ENGINEERS, SURVEYORS
ROME, GEORGIA

Sub-Divided For:
J. WAYNE STEWART, W.B. WOMACK AND BILLY R. WOMACK

CITY OF CARTERSVILLEZONING / ANNEXATION ANALYSISPETITION NUMBER A# 12-03APPLICANT INFORMATION AND PROPERTY DESCRIPTIONPROPERTY OWNER (S) Shelby Grizzle Cornwell PHONE NUMBER 678-886-5350PETITIONER same OWNER'S ADDRESS 102 Dogwood Dr
Cartersville, GA 30120PROPERTY LOCATION 102 Dogwood Dr TRACT SIZE 0.56 acDISTRICT 4 SECTION 3 LL(S) 127TAX MAP # 007160005001 PARCEL (S) 1 WARD (S) 6CURRENT LAND USE County s-F house PROPOSED LAND USE City s-F houseCURRENT ZONING R-1 PROPOSED ZONING R-20SPECIFICS OF PROPOSED USENUMBER OF DWELLING UNITS 1 NUMBER OF OCCUPANTS 4RACIAL COMPOSITION whiteNUMBER OF SCHOOL AGED CHILDREN 1GRADE LEVEL (S) OF SCHOOL AGE CHILDREN kindergartenSCHOOL SYSTEM TO BE ATTENDED Cartersville School SystemOWNER OCCUPIED: YES ☒ NO ☐UTILITY SERVICE (CITY, COUNTY, GEORGIA POWER, ATLANTA GAS)1. WATER City2. SEWER City3. GAS City4. ELECTRICITY GA Power



Bartow County Commissioner's Office • Clarence Brown, Commissioner

CERTIFIED MAIL # 7006 3450 0001 5974 6403

March 8, 2012

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

RE: Request by Shelby Cornwell
to annex approximately .56 acres
located at 102 Dogwood Drive

Dear Richard:

This office has reviewed the above referenced annexation request and finds no objection to the application. The property is currently zoned R-2 (Multi-Family Residential) and is identified on the County's Future Land Use Map as Low Density Residential.

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

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

Sincerely,



CLARENCE BROWN

Commissioner
Bartow County

CB/kg

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

Item # 3



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120

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

File # **AZ12-03**

DISCLOSURE OF INTERESTS BY LOCAL OFFICIAL

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

Shelby Grizzle Cornwell has made an annexation/zoning request on the following property:
Approximately 0.56 acres located at 102 Dogwood Drive in the 4th District, 3rd Section, Land Lot 127, Bartow County jurisdiction to City R-20 (Single-family Residential).

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

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

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

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

TITLE: _____

DATE: _____



City of Cartersville

City Council Meeting

5/3/2012 7:00:00 PM

File SU12-01: Special Use Application by Fantaci, LLC for properties located at 301 N. Tennessee St and 110 McEver Street to expand the existing Kia Dealership onto adjacent M-U and O-C zoned properties

SubCategory:	Public Hearing - 2nd Reading of Zoning/Annexation Requests
Department Name:	Planning and Development
Department Summary Recommendation:	File #SU12-01: Special use application by Fantaci, LLC (Jeff Watkins, representative) for properties located at 301 N. Tennessee St and 110 McEver St (total 0.615 ac) to expand the existing Kia automotive dealership onto these adjacent M-U and O-C zoned properties. The subject tracts are located at 301 N. Tennessee St and 110 McEver St, just to the south of the existing Kia car dealership. The properties are approximately 0.62 acres and include two small buildings. The applicant seeks a special use permit to expand the existing Kia Auto dealership to include these lots for overflow parking. Planning Commission recommended approval.
City Manager's Remarks:	Your approval of this special use is recommended by the Planning Commission to allow the Kia dealer on Tennessee St. to expand.
Financial/Budget Certification:	
Legal:	
Associated Information:	

SPECIAL USE APPLICATION SYNOPSIS

Petition Number(s): **SU12-01**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Fantaci LLC**

Representative: **Jeff Watkins**

Property Owner: **Hamilton State Bank**

Property Location: **301 N. Tennessee St and 110 McEver St**

Access to the Property: **N. Tennessee St and McEver St**

Site Characteristics:

Tract Size: Acres: **0.62 acres** District: **4th** Section: **3rd** LL(S): **409**

Ward: **1** Council Member: **Kari Hodge**

LAND USE INFORMATION

Current Zoning: **M-U (301 N. Tennessee St) and O-C (110 McEver St)**

Proposed Special Use: **Allow expansion of existing Kia car lot onto the adjacent properties.**

Current Zoning of Adjacent Property:

North: **M-U (Multiple Use)**

South: **M-U (Multiple Use)**

East: **O-C (Office Commercial)**

West: **M-U (Multiple Use)**

The Future Development Plan designates the subject property as: **Tennessee Street Corridor, with recommended zoning districts O-C, M-U, P-S, and P-D.**

ZONING ANALYSIS

City Departments Reviews

Water and Sewer:

No comments.

Public Works:

No comments.

Gas:

No comments.

Electric:

No objections.

Fire:

No objections.

Police:

No comments.

The subject tracts are located at 301 N. Tennessee St and 110 McEver St, just to the south of the existing Kia car dealership. The properties are approximately 0.62 acres and include two small buildings. The applicant seeks a special use permit to expand the existing Kia Auto dealership to include these lots for overflow parking.

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

Sec. 16.1. Scope and intent.

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

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

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

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

Sec. 16.2. Application of regulations and approval.

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

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

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

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

Sec. 16.3. Additional restrictions.

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

Justification analysis as provided by applicant:

A. The effect of the proposed activity on traffic flow along adjoining streets;

Applicant response: There will be no traffic increase as said property will be accessed from an existing car dealership.

B. The availability, number and location of off-street parking;

Applicant response: Off-street parking will not be necessary.

C. Protective screening;

Applicant response: Not applicable (adjacent to non-residential uses).

D. Hours and manner of operation of the proposed use;

Applicant response: Same as the existing / adjoining Kia dealership.

E. Outdoor lighting;

Applicant response: Lighting will be consistent with the existing / adjoining Kia dealership.

F. Ingress and egress to the property;

Applicant response: Subject properties have access to Tennessee St and McEver St

G. Compatibility with surrounding land use.

Applicant response: Use will be consistent with the existing / adjoining Kia dealership parking lot.

STAFF RECOMMENDATION:

No objections.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

Application for Special Use

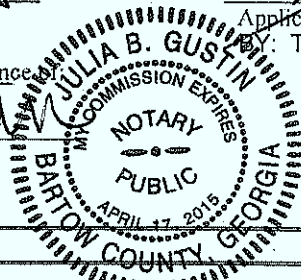
Planning and Development Department
 10 North Public Square
 City of Cartersville
 (770) 387-5600

Application Number SU12-01

Hearing Dates 4-10, 4-19, 5-3, 2012

*Paid \$400
-RO*

Applicant <u>FANTACI, LLC</u> (applicant's printed name)		Business Phone <u>770-386-8400</u>	
Address <u>PO BOX 3368</u>		Home Phone _____	
City <u>CARTERSVILLE</u>	State <u>GA</u>	Zip <u>30120</u>	
JEFFREY A. WATKINS (Representative's printed name (if other than applicant))		Phone <u>770-382-9591</u>	Fax # <u>770-382-3833</u>
<i>[Signature]</i> Representative's signature		<i>[Signature]</i> Applicant's signature	
Signed, sealed and delivered in presence of:		TERRY R. LAUGHRIDGE, MANAGER	
<i>[Signature]</i> Notary Public		My commission expires:	



Titleholder <u>HAMILTON STATE BANK</u> (titleholder's printed name)	Business <u>770-382-4223</u>	Home _____
*attach additional notarized signatures as needed on separate application page		
Address <u>301 E CHURCH ST, CARTERSVILLE, GA</u>		
Signature <u>(SEE ATTACHMENT)</u>		
Signed, sealed, delivered in presence of:		
_____ Notary Public		
My commission expires:		

Present Zoning District(s) <u>C M-U and O-C</u>	Requested Special Use <u>parking lot for car dealership</u>
Acreage <u>0.6147</u>	Land Lot(s) <u>409</u>
District(s) <u>4TH</u>	Section(s) <u>3RD</u>
Location of Property <u>301 N Tennessee Street and 110 McEver Street, Cartersville, Georgia 30120</u> (street address, nearest intersections, etc)	
Reason for requested Special Use: <u>To allow for an expansion of an adjacent/existing car dealership on the subject property.</u> (attach additional statement as necessary)	

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

Application Number _____ March 29th, 2012

Application for Special Use

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

Application Number _____

Hearing Dates _____

Applicant _____ (applicant's printed name)		Business Phone _____	
Address _____		Home Phone _____	
City _____	State _____	Zip _____	
Phone _____		Fax # _____	
(Representative's printed name (if other than applicant)) _____			
Representative's signature _____		Applicant's signature _____	
Signed, sealed and delivered in presence of: _____			
Notary Public _____		My commission expires: _____	

Titleholder <u>HAMILTON STATE BANK</u> (titleholder's printed name)	Business <u>770-387-8426</u>	Home <u>N/A</u>
*attach additional notarized signatures as needed on separate application page		
Address <u>1907 Hwy 20, Heshelton, GA 30548</u>		
Signature <u>Paul McLaughlin</u> <u>Spec. Asses. mgr.</u>		
Signed, sealed, delivered in presence of: <u>Kristie D. Gentry</u>		
Notary Public _____		My commission expires: _____

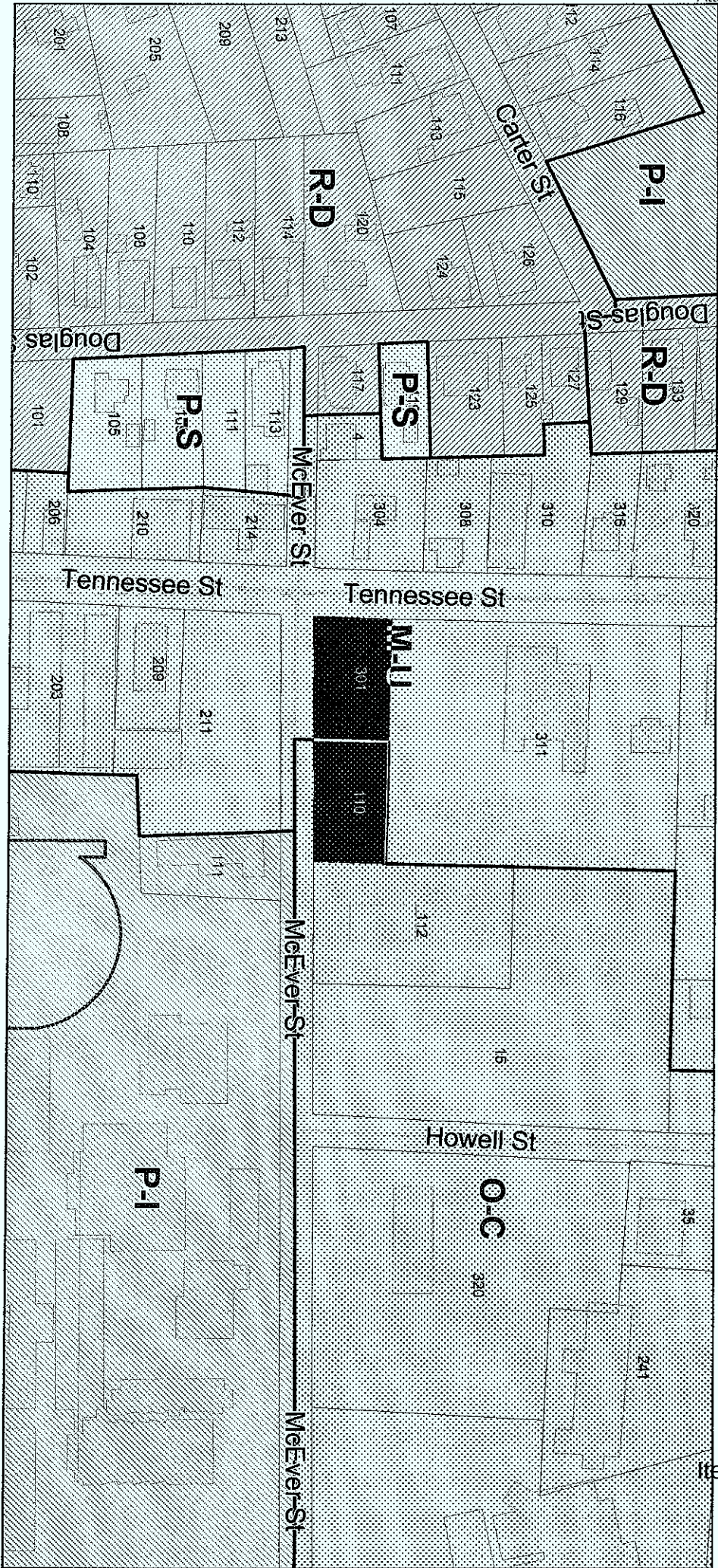


KRISTIE D. GENTRY
NOTARY PUBLIC
BARTOW COUNTY, GEORGIA
My Commission Expires 2-09-2013

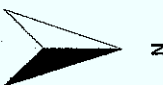
Present Zoning District(s) _____	Requested Special Use _____
Acreage _____	Land Lot(s) _____
District(s) _____	Section(s) _____
Location of Property _____ (street address, nearest intersections, etc)	
Reason for requested Special Use: _____ (attach additional statement as necessary)	

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

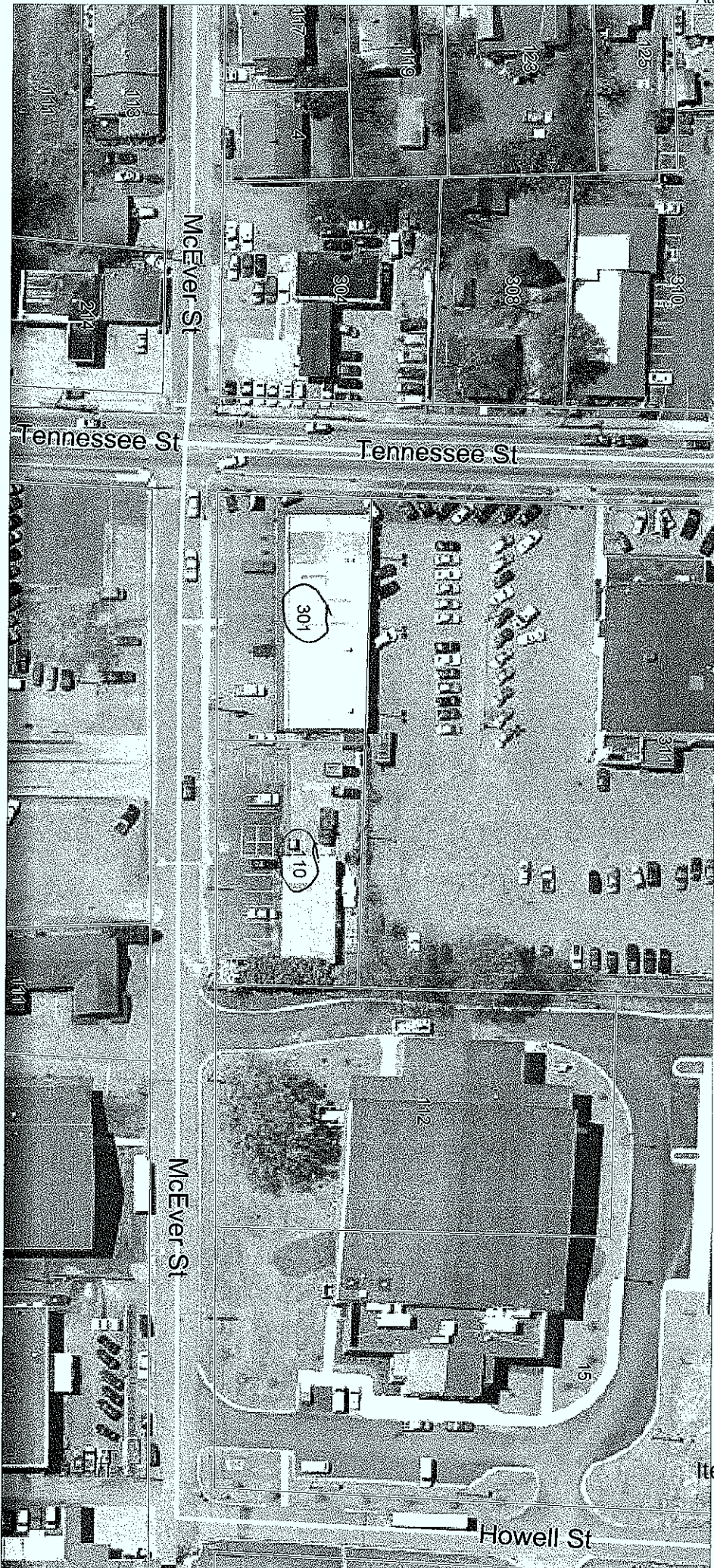
301 N. Tennessee St and 110 McEver St - special use SU12-01



Item # 4



301 N. Tennessee St and 110 McEVer St - special use SU12-01



Item # 4



301 N. Tennessee St and 110 McEever St
case SU12-01

Item # 4





301 N. Tennessee St and 110 McEever St
case SU12-01

Item # 4



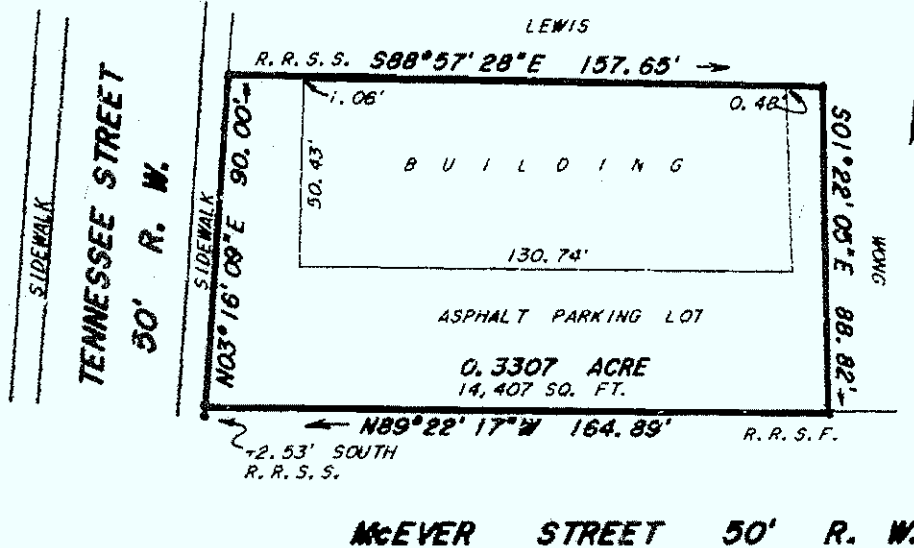
03/20/2012

DENNIS J. GRAHAM

MIKE L. ALLEN

IN LAND LOT 409, 4TH. DISTRICT, 3RD. SECTION,
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA
DATE 1-23-98 SCALE 1" = 40'

Rec # 98-002862
GEORGIA, BARTOW COUNTY
CLERK'S OFFICE SUPERIOR COURT
Filed for record this 16 day of
1998 at 8:31 o'clock A. M.
Recorded in Plat record No. 45
Page 168 this 17 day of
1998
TISH JOHNSON, Clerk



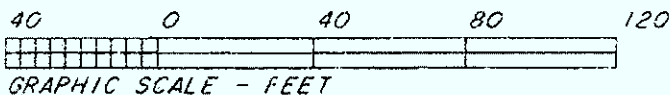
FIELD DATA:
CLOSURE: 1" IN 26,800'
EQUIPMENT: TOPCON GTS-303
ANGULAR ERROR 04" PER ANGLE POINT
BEARINGS ARE MAG. CAL. FROM ANGLES
TURNED.
ADJUSTED USING LEAST SQUARES
PLAT CLOSURE 1" IN 100,000'

'FEMA FLOOD HAZARD MAP' 13015C0089 F
DATED SEPTEMBER 29, 1989, SHOWS THIS
PROPERTY OUT OF FLOOD ZONE.

KNIGHT & KNIGHT LAND SURVEYORS
172 ROWLAND SPRINGS ROAD, SE
CARTERSVILLE, GEORGIA 30121
TELEPHONE (770) 382-7875
OR (770) 336-5434



Johnny R. Knight

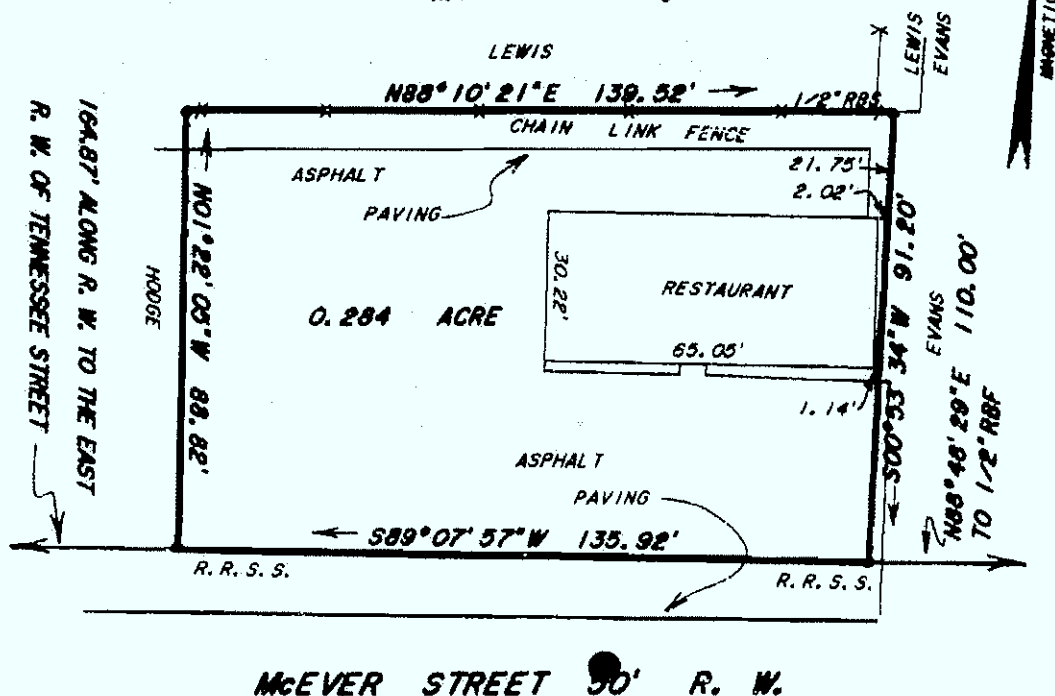


SURVEYED FOR

CHING RENN WANGIN LAND LOT 409, 4TH. DISTRICT, 3RD. SECTION, CITY
OF CARTERSVILLE, BARTOW COUNTY, GEORGIA

DATE 4-17-97 SCALE 1" = 30'

Book 97, Page 1409
 CLERK OF SUPERIOR COURT
 Filed for record this 22 day of
 April 1997 at 2:30 o'clock P. M.
 Recorded in Plat record No. 43
 Pages 236 this 23 day of
 April 1997
 TISH JOHNSON, Clerk



FIELD DATA:
 CLOSURE: 1" IN 18,800'
 EQUIPMENT: TOPCON GTS-303
 ANGULAR ERROR .05" PER ANGLE POINT
 BEARINGS ARE MAG. CAL. FROM ANGLES
 TURNED.
 ADJUSTED USING LEAST SQUARES
 PLAT CLOSURE 1" IN 100,000'

"FEMA FLOOD HAZARD MAP" 13015C0089 F
 DATED SEPTEMBER 29, 1989, SHOWS THIS
 PROPERTY OUT OF FLOOD ZONE.

KNIGHT & KNIGHT LAND SURVEYORS
 172 ROWLAND SPRINGS ROAD, SE
 CARTERSVILLE, GEORGIA 30121
 TELEPHONE (770) 363-7975
 OR (770) 336-5484



Johnny R. Knight



SPECIAL USE JUSTIFICATION

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

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

Use applied for:

PARKING LOT FOR CAR DEALERSHIP

Standard #1:

THE EFFECT OF THE PROPOSED ACTIVITY ON TRAFFIC FLOW ALONG ADJOINING STREETS.

How Standard #1 has / will be met:

THERE WILL BE NO TRAFFIC INCREASE AS SAID PROPERTY WILL BE

ACCESSED FROM AN EXISTING CAR DEALERSHIP.

Standard #2:

THE AVAILABILITY, NUMBER AND LOCATION OF OFF-STREET PARKING.

How Standard #2 has / will be met:

OFF-STREET PARKING WILL NOT BE NECESSARY.

Standard #3:

PROTECTIVE SCREENING.

How Standard #3 has / will be met:

N/A

Standard #4:

HOURS AND MANNER OF OPERATION OF THE PROPOSED USE.

How Standard #4 has / will be met:

THE MANNER AND USE OF THE SUBJECT PROPERTY WILL BE THE SAME

AS THE EXISTING/ADJOINING KIA DEALERSHIP.

Standard #5:OUTDOOR LIGHTING.**How Standard #5 has / will be met:**OUTDOOR LIGHTING WILL BE CONSISTENT WITH THE EXISTING/ADJOINING KIA DEALERSHIP PARKING LOT.**Standard #6:**INGRESS AND EGRESS TO THE PROPERTY.**How Standard #6 has / will be met:**SUBJECT PROPERTY HAS ACCESS TO MCEVER STREET, A CITY STREET.IN ADDITION, SEE APPLICANT'S RESPONSE TO #1 ABOVE.**Standard #7:**COMPATIBILITY WITH SURROUNDING LAND USE.**How Standard #7 has / will be met:**THE USE OF THE SUBJECT PROPERTY WILL BE CONSISTENT WITH THEEXISTING/ADJOINING KIA DEALERSHIP PARKING LOT.**ADDITIONAL COMMENTS BY APPLICANT:****Signed,****FANTACI, LLC****BY: TERRY L. LAUGHRIDGE, MANAGER****Applicant's or representative's name**MARCH 6, 2012**Date**



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120

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

File # **SU12-01**

DISCLOSURE OF INTERESTS BY LOCAL OFFICIAL

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

Fantaci LLC (Jeff Watkins, representative) has made a special use request on the following property: Approximately 0.62 acres located at 301 N. Tennessee Street and 110 McEver Street in the 4th District, 3rd Section, Land Lot 409.

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

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

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

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

TITLE: _____

DATE: _____



City of Cartersville

City Council Meeting

5/3/2012 7:00:00 PM

File T12-01: Text Amendment Application by the City of Cartersville to amend the Cartersville Sign Ordinance

SubCategory:	Second Reading of Ordinances
Department Name:	Planning and Development
Department Summary Recommendation:	File #T12-01: Text amendment application by City of Cartersville to amend the Cartersville Sign Ordinance. T12-01 is the proposal by City staff to revise the Sign Ordinance. First adopted in 1995, the Sign Ordinance has not been substantially changed since that time. Reasons for revising the document include issues related to newer sign technology, code enforcement, and the desire for greater content-neutrality for legal purposes. Planning Commission recommended approval.
City Manager's Remarks:	The Planning Commission recommends the amendment to the sign code for your approval.
Financial/Budget Certification:	
Legal:	
Associated Information:	

MEMO

TO: Mayor & Council
 FROM: Randy Mannino and Richard Osborne
 DATE: April 20, 2012
 SUBJECT: Sign Ordinance revision – text amendment case T12-01

T12-01 is the proposal by City staff to revise the Sign Ordinance. First adopted in 1995, the Sign Ordinance has not been substantially changed since that time. Reasons for revising the document include issues related to newer sign technology, code enforcement, and the desire for greater content-neutrality for legal purposes.

Research has been conducted to compare the Sign Ordinance to that of similar cities, court decisions have been studied, and sign studies have been reviewed. Stakeholders provided input into the revision process over a series of five meetings and have been informed during the process. Planning Commission provided comments during two work sessions and recommended approval on April 10th. The City Attorney's office has reviewed the proposal.

On April 18, staff received a request to change the allowable area of stationary electronic freestanding signs on Douthit Ferry Road from the proposed south limit of Pine Grove Road to extend south to Indian Mounds Road. If Council is agreeable to this request, it would need to be included in a motion to approve. The following changes have been proposed:

Animated illumination or effects, Electronic, and/or Flashing signs.

CURRENT

- Not allowed in DBD, M-U, P-D, P-S – in other parts of the City, only allowed on US 41 and US 411
- Stationary electronic signs, kept constant in intensity, allowed only for service stations
- Electronic window signs allowed

POTENTIAL

- DBD - electronic freestanding and wall signs not allowed. Electronic window signs shall be no greater than 4 sqft in area and shall only be stationary.
- If not in DBD, freestanding electronic signs only allowed on SR 20, US 41, and US 411
- Add GDOT electronic standards for freestanding electronic signs (no more than 6 displays per minute; cannot change more than once every 10 seconds; static messages only with no flashing)
- Stationary freestanding electronic signs allowed for nonresidential uses not in DBD on these roads:
 - Burnt Hickory Rd (from West Ave running north)
 - Cassville Rd (from N. Erwin St running northwest)
 - Church St (from N. Tennessee St running east)
 - Collins Dr
 - Douthit Ferry Rd (from West Ave running south until intersection with Pine Grove Rd)
 - East Main St (from Tennessee St running east until intersection with US 41)
 - Felton Rd (from Tennessee St running east until intersection with US 41)
 - Gentilly Blvd
 - Grassdale Rd (from US 41 running north)
 - Henderson Dr
 - Old Mill Rd (from Terrell Dr running west)
 - Tennessee St
 - US 41 and US 411
 - West Ave (from Henderson Dr running southwest)
- Electronic window signs outside DBD shall only be stationary. Window signs outside DBD could be no greater than 50% of glass area. In DBD max 30% of glass area.
- Electronic wall signs not allowed
- Electronic freestanding signs could not be more than 50% of total sign face

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Twirler and/or curb-cut signs held or worn.**CURRENT**

- Little specifically addressing this matter

POTENTIAL

- Signs held or worn (includes costumes) by a person for advertising, providing info about, or promoting a business or other commercial activity would be permitted with limitations:
 1. Such signs shall be allowed in nonresidential districts only
 2. Such signs cannot exceed a maximum 10 sqft
 3. Only one such sign may be used for each parcel of land and / or tenant per multi-tenant center.
 4. Signs shall not be held, displayed, or otherwise located on a public street or right-of-way.
 5. Signs shall not be located within 25 ft of another such sign
 6. Sign bearers shall not use bull horns, amplified music, whistles, or similar devices
 7. Sign bearers shall not stand on any object - includes boxes, ladders, stilts, roller skates
 8. Such signs may not utilize any form of illumination - flashing, blinking or rotating lights, etc.
 9. Such signs shall not utilize attachments - includes balloons, ribbons, speakers, flags
 10. Such signs shall be held, worn, or balanced at all times. Such signs shall not twirl or rotate

Freestanding signs**CURRENT (Nonresidential use)**

- Nonresidential in DBD, M-U, P-D, P-S have different regulations for these signs than other districts. Max height 6 ft, size 24 sq ft unless on Tennessee St - max height 15 ft, size 50 sqft
- Nonresidential on US 41, US 411, East Main St (between US 41 and I-75), and West Ave (from Plymouth Dr running southwest) max sign height 25 ft, size 120 sqft
- All other streets max sign height 15 ft, size 50 sqft

POTENTIAL (Nonresidential use)

- Nonresidential in DBD max height and size would remain as current (6 ft height, 24 sqft area)
- Nonresidential on US 41, US 411, East Main St (between US 41 and I-75), SR 20, and West Ave (from Henderson Dr running southwest) max height 20 ft, 120 sqft area.
- Nonresidential uses on the following roads max height 15 ft, 50 sqft area:
 - Burnt Hickory Rd (from West Ave running north)
 - Cassville Rd (from N. Erwin St running northwest)
 - Church St (from N. Tennessee St running east)
 - Collins Dr
 - Douthit Ferry Rd (from West Ave running south to Pine Grove Rd)
 - East Main St (from Tennessee St running east to US 41)
 - Felton Rd (from Tennessee St running east to Roving Rd)
 - Gentilly Blvd
 - Grassdale Rd (from US 41 running north)
 - Henderson Dr
 - Old Mill Rd (from Henderson Dr running west)
 - Tennessee St
- All other streets would have max sign height 10 ft, size 32 sqft

CURRENT (Residential use)

- Residential on all streets allowed one sign per property frontage, max height 10 ft, size 32 sqft

POTENTIAL (Residential)

- One freestanding sign on individual lot in residential district, max height 4 ft, size 6 sqft
- Two subdivision/entrance signs per entrance subdivision/development. Max 6 ft height, size 32 sqft.
- No signs for residential uses could be directly illuminated.

Temporary event signs**CURRENT:**

- Businesses may exhibit banners, flags, portable signs, balloons, streamers, air- or gas-filled figures within three months of starting operation of new business. Such signs may be exhibited for no more than 30 days for new location - permit required.

POTENTIAL:

- Businesses and institutions may exhibit balloons, banners, flags, portable signs, or streamers related to an activity or event having a specific duration, or the end of which is related to a specific action, usually lasting only a few days at a time. Examples include grand opening events, seasonal sales events, and close-out sales. Such signs may be exhibited for no more than 14 days at a time, with a 30 day separation period between events, and no more than one time (event) each year on the same property. A new business owner who obtains a new business license (occupational tax certificate) may be eligible to hold a temporary event, even if a former business has held an event earlier on the same property in the same calendar year. Permit required.

Billboards**CURRENT**

- Allowed in developed commercial and industrial zoning districts only.
- Max height 30 ft, size 300 sqft, set back 100 ft from right-of-way of a public street and 25 ft from all property lines and buildings on site. Minimum 500 ft from residential district.
- Minimum 1,500 ft from all other billboards. Shall not be visible from or located along Interstate 75.

POTENTIAL

- Billboards shall be allowed, in addition to freestanding signs, on nonresidential use properties adjacent to designated federal and state routes and corresponding frontage roads only.
- Max height 30 ft, size 300 sqft, set back at least 50 ft from right-of-way of public street and 25 ft from all property lines and buildings on the site.
- Minimum 500 ft from residential district. Minimum 1,500 ft between two non-electronic billboards or between one non-electronic billboard and one electronic billboard. Minimum 5,000 ft between two electronic billboards. Distance shall be measured from one billboard to another on the same road.
- Shall not be visible from or located along Interstate 75.
- *Electronic billboards.*
 - Billboard which are directly illuminated; exhibit animation; blink; change copy; display moving pictures or images; flash; contain Light Emitting Diode (LED); and/or contain Liquid Crystal Display (LCD) shall be prohibited except when located adjacent to:
 - SR 20
 - West Avenue west of Henderson Dr
 - US 41
 - US 411
 - Add GDOT electronic billboard standards (no more than 6 displays per minute, cannot change more often than once every 10 seconds, static messages only with no flashing; etc)

Ordinance
of the
City of Cartersville, Georgia
Ordinance No.

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that the Code of Ordinances, City of Cartersville, Georgia is hereby amended by deleting Chapter 20 Signs and Outdoor Advertising in its entirety and replacing it with the following:

Chapter 20 SIGNS AND OUTDOOR ADVERTISING

ARTICLE I. IN GENERAL

Secs. 20-1 – 20-15. Reserved.

ARTICLE II. SIGN ORDINANCE

Sec. 20-16. Table of contents.

- Sec. 20-17. Findings and purposes.**
- Sec. 20-18. Definitions.**
- Sec. 20-19. Director's duty to administer and enforce.**
- Sec. 20-20. Applicability.**
- Sec. 20-21. Severability.**
- Sec. 20-22. Prohibited signs.**
- Sec. 20-23. General regulations.**
- Sec. 20-24. Signs which do not require a permit.**
- Sec. 20-25. Freestanding signs.**
- Sec. 20-26. Wall signs; canopy signs; awning signs; projecting signs; and window signs.**
- Sec. 20-27. DBD sign regulations.**
- Sec. 20-28. Temporary event signs.**
- Sec. 20-29. Billboards.**
- Sec. 20-30. Business Park Overlay District sign regulations.**
- Sec. 20-31. Main Street Overlay District sign regulations.**
- Sec. 20-32. Nonconforming signs.**
- Sec. 20-33. Interpretation, construction and severability.**
- Sec. 20-34. Required.**
- Sec. 20-35. Permit fee structure.**
- Sec. 20-36 Application.**
- Sec. 20-37. Denial.**
- Sec. 20-38. Revocation.**
- Sec. 20-39. Variance.**
- Sec. 20-40. Suspension; termination.**
- Sec. 20-41. Expiration date.**
- Sec. 20-42. Violations; penalties.**
- Sec. 20-43. Removal of unlawful or dangerous signs.**

Sec. 20-44. Business license tax certificate, public liability insurance required.

Sec. 20-45. Indemnity.

Sec. 20-46. Inspection.

Sec. 20-47. Cases, sources, and studies considered.

Sec. 20-48. Supplements.

Sec. 20-17. Findings and purposes.

A. *Purposes.* This article was enacted with the following purposes:

1. To protect the rights of individuals and businesses to convey their messages through signs;
2. To encourage the effective use of signs as a means of communication;
3. To promote economic development;
4. To improve traffic and pedestrian safety as it may be affected by distracting signs;
5. To prevent the destruction of the natural beauty and environment of the city and to ensure the harmony and compatibility of the character of the area including its physical appearance, natural setting, informal landscaping, and preserve the historic character of the city;
6. To encourage and ensure that development that is context-sensitive in design and materials compliments and is compatible and sensitive with the existing character of the area through its proportion, scale, design, style, placement, position, and architectural qualities that further the distinct values of the city;
7. To protect the public health, safety, and general welfare;
8. To restrict the continued existence of abandoned or nonconforming signs unless in compliance with the terms of this article and to eliminate, over time, all nonconforming signs;
9. To ensure the fair and consistent enforcement of sign standards; and
10. To make it easier, quicker, and more economically efficient to apply for a sign permit.

B. *Findings.* This article was enacted with the following findings in mind:

1. The city finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of such signs tends to proliferate, with property owners desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.
2. The city further finds that the regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to ensure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the city's citizens.
3. The city further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is

necessary to ensure their visibility to the motoring public. The city council finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.

4. The city further finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Subdivision signs at the entrances to subdivisions favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate subdivision entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this ordinance, the bulk of the provisions of this article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

Sec. 20-18. Definitions.

Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in the city zoning ordinance, shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this article.

Abandoned sign. Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

Animated illumination or effects. Illumination or effects with action, motion, moving characters or flashing lights. This may require electrical energy, but shall also include wind-actuated devices. This definition includes Light Emitting Diode (LED) and/or Electronic Variable Message Center (EVMC) signs. Specifically included is any motion picture or video mechanism used in conjunction with any sign structure in such a manner as to permit or allow the images to be visible from any public right-of-way.

Awning/canopy. A permanently installed cloth or canvas covering which hangs from a building facade or projects over the public walkway for beautification or shelter. Heretofore referred to as a canopy.

Awning sign. A sign, symbol, trademark or other message written on an awning attached to a wall. Awning signs are included in the definition of wall signs.

Banner. A sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, vinyl or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

Billboard. A freestanding sign with an area of more than 250 square feet and a height not to exceed 30 feet, except as stated herein.

Block out zone. An area that is measured from the intersecting points of a public right-of-way, street, road, highway, railroad, at any entrance onto or exit from any public road or other location and

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extending twenty (20) feet along the right-of-way in each direction and closed so as to form a triangle in the corner created by the intersection.

Buildable area of lot. That area of a lot within the building setback lines as set by the city zoning ordinance within which a principal building or structure may be erected.

Building facade area. The height of the facade multiplied by the width of the facade equals the facade area.

Building setback line. The minimum yard requirement adjacent to any public street or property line set by the city zoning ordinance beyond which no part of a principal building or structure may be erected.

Bunting. A long colored strip of cloth or other pliable material used for festive decorations and containing no message, logo, or emblem and attached to a permanent structure.

Business Park Overlay District. Designated area of the City of Cartersville as adopted by the Mayor and Council and shown on the Official Zoning Map of the City of Cartersville. The boundaries of this overlay district include the areas outlined on the attached Exhibit "B" which is included herein by reference.

Canopy sign. A sign affixed to, imposed upon or painted on any permanent roof-like structure extending over a driveway or vehicle access area. Such signs may be mounted flush or suspended. A flush canopy sign is one that is mounted in such a manner that a continuous face with the canopy is formed. A hanging canopy sign is one suspended from or beneath the canopy.

Changeable copy sign. Any sign that incorporates changing lights, lettering, or images to form a sign message or messages, whether such changes are accomplished electronically or manually.

City means the City of Cartersville, Georgia.

Commemorative. A sign which identifies a site of memorable public interest.

Directional. Providing instructions for travel to or indicating the location of a place or event, whether by words, arrows or other symbols.

Director. The director of the city planning and development department or his designee.

Directory signs. A freestanding sign containing a directory for multiple commercial businesses.

Electronic sign. A sign whose message may be changed at intervals by electronic process or by remote control, including the device known as a commercial electronic variable message sign.

Electronic sign, stationary. A sign, kept constant in intensity when in use, which does not exhibit sudden or marked changes in lighting effects, and which does not exhibit any other changes of any nature within a continuous one (1) minute time interval.

Facade. The exterior surface or face of a building. The front facade is the building wall which contains the primary entry of the building. The side facade means the exterior walls other than the main or front view.

Flashing. Includes illumination which is not kept constant in intensity at all times when in use and which exhibits sudden or marked changes in lighting effects.

Footcandle. A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

Freestanding sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A permanently affixed sign which is wholly independent of a building for support.

Graffiti. The defacing, damaging or destroying by spraying of paint, or marking of ink, chalk, dye or other similar substances on public and/or private buildings, structures and places.

Height. The height of a sign shall be computed as the distance from the base of the sign structure at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. At the election of the permit holder, the height of a sign may be measured from the highest point on the sign to the level of the nearest road.

Home occupation. An occupation for gain or support customarily conducted on the premises by a person or family residing thereon. The term "home occupation" shall not be deemed to include a bed and breakfast inn.

Illuminated sign, external. A sign illuminated by an external light source. Such source cannot be a device that changes color, flashes or alternates.

Illuminated sign, internal. A sign illuminated by an internal light source. Such source cannot be a device that changes color, flashes, or alternates.

Illustration. A design or drawing that visually explains, conveys, or decorates a text or message.

Includes. Denotes a partial definition.

Inflatable advertising devices. Includes air- or gas-filled signs, figures or balloons used for advertising purposes.

Instructional sign. A sign conveying instructions to the public, such as "entrance," "exit," "open," "closed," "no trespassing," etc.

Interior sign. Signs intended to be viewed from the interior of a building.

Interstate highway. I-75 and any road of the state highway system which is a portion of the National System of Interstate and Defense Highways, as officially designated or as may hereafter be so designated by the state department of transportation and approved by the United States Secretary of Transportation pursuant to 23 U.S.C. Section 103, or any limited access highway as officially designated or as may hereafter be so designated by the state department of transportation and approved by the United States Secretary of Transportation pursuant to the provisions of 23 U.S.C. Section 103.

Legal lot of record. A lot which meets the legal requirements set forth for the applicable zoning district.

Lot. Contiguous parcel(s) of land, legally platted and recorded as a legal lot of record, in single or common ownership, and not divided by a public street.

Lumen. A quantitative unit measuring the amount of light emitted by a light source.

Main Street Overlay District. Designated area of the City of Cartersville as adopted by the Mayor and Council and shown on the Official Zoning Map of the City of Cartersville. The boundaries of this overlay district include the areas outlined on the attached Exhibit "A" which is included herein by reference.

Major thoroughfare. A street or highway classified as an arterial or major collector as referenced in the City of Cartersville Street Classification Map.

Median. Area between two roadways of a divided street or highway measured from edge of traveled way to edge of traveled way.

Monument sign. A sign supported by an internal structural framework on a base or foundation, or a sign enclosed by other solid structure features other than support pole(s) or post(s) and where the base of the sign structure. No open spaces which allow a direct line of sight from one side of the sign to the other are permissible in the area located beneath the widest part of the sign face where the message is located in a direct vertical plane to the ground. By way of example and without limitation the sign can not be attached to, resting upon, or supported by any pillars, columns, pylons which allow for open spaces or direct line of sight from one side of the sign to the other beneath the widest area of the sign face in a direct vertical plane to the ground.

Nonconforming sign. Any lawfully erected sign which, as of the date of adoption of this ordinance, fails to comply with the requirements of this article.

Normal maintenance and repair. Normal maintenance and repair includes painting and cleaning. However, normal maintenance or repair conclusively does not include any structural alteration, any modification that requires a building permit or any alteration that costs in excess of fifty (50) percent of the value of the sign prior to such maintenance and repair. For purposes of this definition, the value of the sign shall be the replacement cost of the sign structure. The valuation of the sign as shown on the records of the tax assessor shall be presumed to be the replacement cost. If no amount appears in the records of the tax assessor for the individual sign, then the amount stated as the value of the sign on the original sign permit application shall be presumed to be the replacement cost. These presumptions of replacement costs may be rebutted by a city-approved appraisal.

Obscene. Material is obscene if to the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion; the material taken as a whole lacks serious literary, artistic, political or scientific value; and the material depicts or describes, in a patently offensive way, sexual conduct specifically defined as:

1. Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated;
2. Acts of masturbation;
3. Acts involving excretory functions or lewd exhibition of the genitals;
4. Acts of bestiality or the fondling of sex organs of animals; or
5. Sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.

Outparcel. A portion of a larger parcel of land generally designed as a site for a separate structure and business from the larger tract. An outparcel may or may not be a subdivision of a larger parcel. To be recognized as an outparcel, the portion must be identified on a site plan approved for the larger parcel.

Owner. Includes any person having possession of or control of a sign or owner of record of real property.

Permanent sign. Any sign which, when installed, is intended for permanent use. A permanent freestanding sign shall be of a type and construction as not to be easily or readily removed from the lot on which it has been erected.

Permanent window sign. A sign with letters, words, or symbols which are displayed on and permanently attached to the window glass or framework.

Pole Sign. A sign that is mounted on a freestanding pole or poles, columns, or similar support such that the bottom of the sign structure is not in contact with the ground as is typically found with monument ground signs. Also referred to as a Pylon sign.

Portable sign. A sign which is not permanently affixed to the ground or to a structure including, but not limited to, signs on trailers or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of a sign.

Primary highway. Any road of the state highway system which is a portion of connected main highways, as officially designated or as may hereafter be so designated by the state department of transportation and approved by the United States Secretary of Transportation pursuant to 23 U.S.C. Section 103.

Prohibited sign. Any sign, other than a legal nonconforming sign, not conforming to this article.

Projecting sign. Any sign which is suspended or projected from the wall, eave, or soffit of the building.

Proportion. Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.

Roof sign. A sign that is mounted on the roof of a building. (Excludes flags)

Sandwich board or sidewalk sign. An outdoor double-sided portable sign, generally in the shape of an isosceles triangle, with the angle at apex being less than sixty (60) degrees. Such signs do not require a permit.

Scale. Proportional relationships of the size of parts to one another and to humans.

Setback. The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Sign area. The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Sign. Any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public.

Soffit sign. A sign which hangs or is suspended beneath the cover of a walkway or beneath a support extending from a building.

Streamers or Pennants. Any lightweight plastic, fabric, or similar material generally triangular or rectangular in shape; suspended from a rope, wire, or string, often in series, designed to move in the wind.

Temporary sign. Any sign of nonpermanent nature. All such signs shall be removed within three (3) calendar days after the purpose of which the sign is intended to advertise has been accomplished.

Twirler and/or curb-cut signs. A sign of nonpermanent nature which may be pivoted, revolved, rolled, rotated, spun, swirled, swiveled, turned, twisted, and/or whirled, whether by self-made force, human force, wind-activated, or any other means.

Wall sign. Any sign attached parallel to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface. Wall signs shall be flush with the wall, building, or structure to which it is mounted or affixed, except as otherwise set forth herein.

Window sign. Any sign that is affixed to the exterior of the window or window panes or within five (5) feet of the interior of the window or window panes and is visible from the exterior of the structure.

Yard sign. Small sign constructed from cardboard, coated paperboard, or corrugated plastic attached to a wooden post or set with a metal frame made of wire, set back a minimum of five (5) feet from the edge of pavement.

Zoning district. The zoning designation of parcels of land under the city zoning ordinance.

Zoning district DBD. The downtown business district (historic downtown) as defined in the city zoning ordinance.

Sec. 20-19. Director's duty to administer and enforce.

The director of the planning and development department is hereby authorized and directed to administer and enforce this article, unless otherwise specifically provided by an ordinance of the city council.

Sec. 20-20. Applicability.

The standards of this article shall apply to all signs erected within the city's corporate limits. This includes those areas that have been or will be annexed into the city corporate limits.

Sec. 20-21. Severability.

Should any article, section, clause, or provision of this article be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the ordinance as a whole or any part hereof other than the part so declared to be invalid, it being the intent of the city council that each article, section, clause, and provision hereof be severable.

Sec. 20-22. Prohibited signs.

The following types of signs are prohibited in the city:

1. *Abandoned signs.*
2. *Audible signs.*

3. **Balloons and streamers.** Fringe, twirling, curb-type signs, portable display signs, balloons, streamers or air or gas filled figures and other similar temporary signs except as stated herein.
4. **Beacons; search lights; lasers.** Promotional beacons, search lights or laser lights or images.
5. **Graffiti** as defined herein.
6. **Illegal activity signs.** Signs which advertise an activity which is illegal under federal, state or local laws.
7. **Imitation traffic signs.** Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.
8. **Inflatable devices** except as specifically allowed under this article. Includes fan-activated devices.
9. **Obscene signs.** Signs which depict obscene material.
10. **Portable signs.** Portable signs, including signs attached to any parked vehicle or trailer, so as to be visible from a public right-of-way, except that signs posted in the window of a vehicle, totaling one (1) square foot shall be permitted but not when parked within a nonresidential use property with the intent to sell said vehicle.
11. **Roof signs.** Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall.
12. **Rotating signs.** (Excludes barber pole signs.)
13. **Signs attached/painted to natural objects.** Signs attached to trees; signs painted on or otherwise attached to rocks or any natural objects.
14. **Signs in right-of-way.** Signs in a public right-of-way, other than those belonging to a government, public service agency, or railroad.
15. **Signs not maintained.** Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.
16. **Signs on tree, utility pole or water tower.** Signs mounted on a utility pole, water tower or other similar structure, traffic signal or traffic control box and cell towers.
17. **Trailer signs.** Changeable copy signs designed to be transported periodically from place to place or designed to be supported on wheels, whether or not such wheels have been removed, are prohibited.
18. **Twirling and/or curb-type signs** except as otherwise allowed herein.
19. **Unidentified signs.** Any sign not specifically identified in this article as a permitted sign.
20. **Vehicle signs or advertising devices** attached to any vehicle or trailer parked so as to be visible from a public right-of-way for the purpose of providing advertisements of products, services or events or directing people to a business or activity, except for a common carrier or other vehicle which is used for daily transportation with a valid license plate. Any allowable vehicle or common carrier having a sign attached thereto as a part of the operational structure of the vehicle is to be parked in a legal parking space belonging to the business or on the property to which the sign makes reference and said vehicle shall be parked a minimum of twenty-five (25) feet from a street right-of-way during non-business hours. No signs on trailers or other non-motorized vehicles will be allowed under this provision.

Sec. 20-23. General regulations.

A. Animated illumination or effects, Electronic, and/or Flashing signs.

1. Excluding the Downtown Business District (DBD) and residential use properties, in which such signs are prohibited except as stated herein, a new sign permit shall not be issued for animated illumination or effects, electronic, and/or flashing signs unless the sign is located adjacent to one of the following roads:
 - a. State Route 20
 - b. US 41 and corresponding frontage roads

c. US 411 and corresponding frontage roads

Freestanding stationary electronic signs may be allowed on certain additional roads as identified in Section 20-25, and require a permit.

2. Any permit for such signs shall include a maximum number of displays per cycle for the structure. No more than six (6) displays per minute shall be allowed, and each display shall not change more frequently than once every ten (10) seconds.
3. Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of moving text or images. In any event, such signs may not have movement, or the appearance of or illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.
4. All such signs shall be programmed to automatically freeze in a single display in the event of a malfunction or computer / system error.
5. The Planning and Development Department shall be provided with an on-call contact person and phone number for each permitted animated illumination or effects, electronic, and/or flashing sign. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise. In the event the contact person is unobtainable or unresponsive, the permit holder grants to the Planning and Development Department the authority to access and disable the sign in cases of emergency or when the sign poses a threat to public safety.
6. Stationary electronic window signs, which are kept constant in intensity when in use, and do not exhibit sudden or marked changes in lighting effects, may be allowed up to a maximum of four (4) square feet in area in nonresidential zoning districts and do not require a permit.
7. Animated illumination or effects, Electronic, and/or Flashing wall signs shall not be allowed.
8. Animated illumination or effects, Electronic, and/or Flashing freestanding signs, including those which are stationary, shall in no case exceed fifty percent (50%) of total sign face.

B. *Changeable copy signs.* Such signs shall be allowed only as an addition to or in conjunction with a permitted freestanding sign and must be permanently affixed to said sign. Changeable copy signs shall not be allowed to stand alone. Such signs shall be deducted from allocated freestanding sign area.

C. *Clearance from high voltage power lines.* Signs shall be located not less than fifteen (15) feet horizontally, vertically, or diagonally from overhead electrical conductors which are energized in excess of seven hundred fifty (750) volts. Signs located in the vicinity of electrical conductors energized with less than seven hundred fifty (750) volts shall maintain clearances in accordance with the National Electric Safety Code. Copies of said code are on file with the building official. In no case shall a sign be installed closer than five (5) feet from any electrical conductor or public utility guy wire.

D. *Construction standards.*

1. **Building codes.** All permanent signs permitted under this code shall be constructed and maintained in accordance with the applicable city building codes. For any sign that is greater than eight (8) feet in height (as measured from grade) and greater than thirty-two (32) square feet in area, the permittee may be required to submit, with the sign application, detailed structural design drawings of the sign and its foundations. Such drawings must include the foundation, supporting structure and sign face and must be certified by a licensed professional structural engineer. The certifying engineer must also be able to provide an insurance certificate indicating it carries a minimum of \$1,000,000.00 of professional liability insurance. The city may remove, after reasonable notice, any sign which shows structural faults, neglect, or becomes dilapidated.

2. **Illumination.** Signs may be externally illuminated where permitted pursuant to this article. Colored lighting is prohibited.

- E. **Content of sign.** This article shall not regulate the specific content of signs. Any sign, display or device allowed under this article may contain commercial or noncommercial copy unless otherwise specified herein, except that such copy shall not contain nudity, sexual conduct, obscene or pornographic material or advertise an illegal activity as defined in the United States and/or Georgia Codes. This article will in no way infringe upon any person's constitutional rights.
- F. **Definitions and specific provisions.** The names of sign types and other words have special meanings in this article. Consult section 20-18 of this article and the other specific provisions to determine the meaning of words and the regulations that apply to each type of sign.
- G. **Directory signs.** Directory signs located within a multi-tenant development shall be allowed with a permit. Such signs shall be internal to the development, shall have a maximum of two (2) sides, and shall be limited to a maximum of two (2) signs per development. Directory signs shall have a maximum height of eight (8) feet and maximum area of thirty-two (32) square feet. The copy on a directory sign may be changeable. Such signs shall not be allowed on any public right-of-way.
- H. **Electrical and structural safety.** All electronic signs and all electrical devices that illuminate signs or otherwise operate signs are subject to approval of the city building inspections division or its successor. All such signs and electrical devices shall only be allowed if listed by an approved testing laboratory or agency and installed in conformance with that listing. All signs shall be built in compliance with all applicable building and electrical codes.
- I. **Lights.** Series, lines or rows of lights supported by cables or other physical means typically associated with auto sales lots shall be a minimum of twenty-five (25) feet from the edge of the street or out of the right-of-way, whichever is farthest from the street.
- J. **Measurement.**
 1. **Measurement of sign area.**
 - a. **Size generally.** The area of a sign shall be computed as the area within the smallest shaped panel, whether rectangular, oval, or otherwise, surrounding the sign text copy and graphic design. The following shall not be calculated when computing sign area: embellishment, support cladding, monument background, and decorative colors.
 - b. **Structure.** The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature.
 - c. **Multifaced signs.** For multifaced signs, when the sign face surfaces are back-to-back, or where the interior angle formed by the faces is 45 degrees or less, the area of the sign shall be taken as the areas on the largest side. For all other multifaced signs, the area of the sign shall be the total area on all sides that can be viewed at one time from any angle.
 2. **Measurement of sign height.** The height of a sign shall be computed as the distance from the base of the sign structure at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. At the election of the permit holder, the height of a sign may be measured from the highest point on the sign to the level of the nearest road.

- K. *Other laws still apply.*** All signs shall comply with all federal, state, and city laws, ordinances, codes, and rules. Compliance with the terms of this article shall not operate to relieve any individual, corporation or other entity of any other duty imposed by law.
- L. *Property rights of others must be respected.*** Issuance of a permit hereunder shall not serve to waive any applicable protective covenants or private rights of property ownership.
- M. *Safety.*** No sign or other obstruction of vision, including but not limited to poles or other support structures, with a height greater than three (3) feet, shall be permitted within an area beginning at the intersection of any right-of-way lines of any streets, roads, highways, driveways, curb cuts or railroads, and extending twenty (20) feet along each such right-of-way, and closed by a straight line connecting the end points of the said twenty-foot sections of the right-of-way lines. (Block out zone)
- N. *Setback.*** Signs shall be set back a minimum of five (5) feet from all property lines. (Excludes freestanding signs in the DBD zoning district)
- O. *Sign location.***
1. Obstructions to doors, windows or fire escapes. No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
 2. Signs not to constitute traffic hazard. No sign or any part thereof, except authorized traffic signs, shall be located in any public right-of-way. No sign may be located any closer than twenty (20) feet to an intersection as measured from the intersection of the two (2) rights-of-way.
 3. Setback. Unless a more restrictive setback is specified herein, all signs shall set back the greater of five (5) feet from the right-of-way or fifteen (15) feet from the edge of pavement if a private street.
- P. *Signs attached to a building.*** Permanent signs attached to a building shall be considered a wall sign and shall comply with the regulations pertaining to wall signs allowed under this chapter. (Excludes flags)
- Q. *Signs shall not be similar to traffic control devices.*** No sign or illumination shall be used, constructed, maintained or located at any location where it may interfere with or obstruct the view of an authorized traffic control device. Nor shall any sign be used, constructed, maintained, or located where it, by reason of its position, shape, wording or color, may be confused with an authorized traffic control device or emergency vehicle device or markings, including strobe lights.
- R. *Signs generally.*** Notwithstanding any other restrictions in this sign ordinance, any sign, display or device allowed under this ordinance may contain any commercial or non-commercial message, or any political or non-political message; except that such messages cannot depict obscenity, as defined by O.C.G.A. § 16-12-80, nor can they depict sexual conduct or sexually explicit nudity, as defined in O.C.G.A. § 36-60-3, nor advertise any activity illegal under the laws of Georgia or the United States.
- S. *Structural safety.*** Any sign within this article attached to a building must meet the city building codes if applicable.
- T. *Twirler and/or curb-cut signs held or worn.*** Signs held or worn (including costumes) by a person for the purpose of advertising, providing information about, or promoting a business or other activity are permitted with the following limitations:
1. Such signs shall be allowed in nonresidential zoning districts only.
 2. Such signs cannot exceed a maximum sign area of ten (10) square feet.

3. Only one (1) such sign may be used for each parcel of land and / or tenant per multi-tenant center and may not be combined with any other temporary signage.
4. Signs shall not be held, displayed, or otherwise located on a public street or right-of-way except as otherwise permitted. Signs shall not obstruct pedestrian or vehicular visibility.
5. Signs shall not be located within twenty-five (25) feet of another such sign.
6. Sign bearers shall not use bull horns, amplified music, whistles, or other devices that could disrupt traffic or endanger pedestrian or traffic safety.
7. Sign bearers shall not stand on any object, including but not limited to boxes, ladders, stilts and roller skates.
8. Such signs may not utilize any form of illumination, including flashing, blinking or rotating lights.
9. Such signs shall not utilize any attachments, including, but not limited to, balloons, ribbons, speakers, or flags.
10. Such signs shall be held, worn, or balanced at all times. Such signs shall not twirl or rotate.

U. *What signs are covered.* Unless specifically excluded herein, this article shall govern any sign erected, maintained or located in the city. Signs wholly located within a structure or building and which are intended to be viewed from the interior of the building are not regulated by this article.

Sec. 20-24. Signs which do not require a permit.

- A. The following operations shall not be considered as creating a new sign and therefore shall not require a sign permit:
1. The changing of the advertising copy or message on an approved painted or printed sign, billboard, theater marquee or similar approved sign which is specifically designed for the use of replaceable copy.
 2. The changing of the tenant panels on a freestanding multi-use tenant board.
 3. Normal maintenance or repair of an approved sign or sign structure.
- B. No sign permit shall be required for any of the following signs to be displayed; provided, however, that all other applicable regulations shall apply to such signs and that no such sign in a residential zoning district shall be illuminated:
1. *Athletic Field Signage.* Scoreboards on athletic fields, including advertising on school athletic fields, fences or walls.
 2. *Banners.* No more than one (1) banner, not to exceed thirty-two (32) square feet in area, may be displayed for each nonresidential use and shall be securely attached to the facade of a building, with the exception of banners in the DBD zoning district. For banners in the DBD zoning district, a registration permit is required, at no cost, and such banners shall be displayed for a period not to exceed thirty (30) days.
 3. *Construction-related signs.* Signs placed upon a site under construction or alteration. Such signs shall not exceed six (6) square feet in sign area for residential use properties or thirty-two (32) square feet in sign area for nonresidential use properties and shall not exceed ten (10) feet in height. All signs shall be removed from the site within fourteen (14) days after final completion or abandonment of the property.
 4. *Flags or insignias, ground-based or roof-mounted.* Flags or insignias of a temporary nature, not mounted on a pole, shall have a maximum area of thirty (30) square feet. For each lot, one (1) ground-based or one (1) roof-mounted flag or insignia shall be allowed and shall be out of the public right-of-way. The height of a ground-based flag shall not exceed fifteen (15) feet, and the height of a roof-mounted flag shall not exceed four (4) feet above the roof line of the building. Such flags or insignias shall be flown in compliance with the standards applicable under state and/or federal law.

5. **Flags or insignias, pole-mounted.** Flags or insignias mounted on a pole shall be flown in compliance with the standards applicable under state and/or federal law and shall be subject to the following limitations:
- Poles shall be purpose-built, professionally fabricated flagpoles, which may be vertical or mast-arm flagpoles.
 - Poles shall not exceed the maximum allowable height of the district.
 - Poles shall be out of the public right-of-way and shall meet the setback requirements of the district.
 - Each lot shall be allowed a maximum of three (3) flagpoles.
 - A maximum of three (3) flags shall be allowed per lot.
 - Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code.
 - Size limitations are the following:

TABLE INSET

Pole Height	Maximum Flag Size (Total Square Feet)
Up to 20 feet	15 square feet
21 to 30 feet	40 square feet
31 feet to 40	60 square feet
41 feet to 50	96 square feet
51 feet and greater	150 square feet

- Gas Pumps / Vending machines.** Signs forming an integral part of a gasoline pump, service appliance, or vending machine.
- Interior signs.** Signs intended to be viewed from the interior of the building.
- Memorials.** Memorial signs or tablets, including but not limited to building cornerstones and other similar signs which indicate the names of buildings, dates of erection, or other historical data.
- Official governmental signs.** Signs of a governmental body, governmental agency or public authority, including but not limited to traffic signs, signals or similar regulatory devices or warnings, official flags, emblems, official public notices, official instruments, signs of historical interest or other similar signs or devices.
- Pole banners.** No more than two (2) vertical pole banners shall be allowed to be attached per existing light pole or utility pole. Such banners shall not exceed twenty (20) square feet in area; shall have a maximum width of two and one-half (2 ½) feet and a maximum height of eight (8) feet; and shall have a maximum display height of twenty-five (25) feet measuring from the top edge of the banner to the ground. Such banners shall be set back a minimum of ten (10) feet from public right-of-way.
- Political signs.** Signs whereby the public is to be informed regarding a specific political event or candidate(s) or issue(s).
 - Political signs shall be located a minimum of one (1) foot from any publicly maintained right-of-way or easement, shall not be located in any medians, and must have proper authorization of the property owner(s).
 - Political signs shall be limited to a copy area not to exceed thirty-two (32) square feet; and a height of ten (10) feet; however, this shall not be deemed to disallow the use of billboard signs.
 - Political signs shall be allowed in all zoning districts.

- d. Prior to removal of signs in violation, except for signs on the right-of-way or those signs creating a traffic or safety hazard, violators (whether erector or user) shall be given at least forty-eight (48) hours' notice to remedy their violation.
 - e. Any political sign shall be removed within ten (10) days after the final election, runoff, or other event that it is advertising for.
 - f. Political signs left up after the removal period, as defined above, constitute a public nuisance and may be removed by the City and disposed of without notice.
12. ***Sandwich board or sidewalk signs.*** One (1) such sign shall be allowed at the main entrance to the business. Such signs shall be within five (5) feet of said entrance, shall not exceed six (6) square feet in sign area, and shall not interfere with pedestrian or vehicular circulation.
13. ***Streamers.*** Streamers or pennants shall be set back at least twenty-five (25) feet from the edge of the street or out of the public right-of-way, whichever is farthest from the street, and shall not exceed twenty-five (25) feet in height as measured from existing grade.
14. ***Traffic flow signs.*** Signs erected for the purpose of giving directions or instructions into and from the property; however, no such sign shall exceed three (3) feet in height above the pavement and shall not exceed two (2) square feet in sign area. No such sign shall be located closer than one (1) foot from the public right-of-way and shall not obstruct sight distance from driveways.
15. ***Weekend directional signs (WEDS) findings and purposes.*** Many people travel to, from and through the city on a daily basis. During weekday "rush hours" when the majority of people on the roads are commuting to or from work, roads are often nearly beyond their capacity. Traffic hazards and distractions must be minimized. However, people at times need the benefit of directional signs to help them find their destinations. Properly regulated, such directional signs may actually aid the flow of traffic. The following regulations recognize the difference in weekday and weekend traffic and are intended to promote and protect the health, safety and welfare of the residents, visitors and businesses of the city:
- a. ***Construction.*** WEDS shall not exceed four (4) square feet of sign area and three (3) feet in height and may be double-faced. WEDS shall be mounted on an independent single or double pole device. WEDS shall not be affixed in any manner to trees, natural objects, street light poles, utility poles, other signs or other sign structures. WEDS shall be made of metal, plastic, laminated cardboard or some other durable and waterproof material. No sign shall be made of paper.
 - b. ***Definition.*** WEDS shall convey directions to a specific place or event.
 - c. ***Identification.*** The pole device shall bear the name and phone number of the party responsible for said device.
 - d. ***Location.*** There shall be only one (1) WEDS for any given place, activity, or event per five hundred (500) feet of road frontage. No WEDS shall be located closer than one (1) foot from the right-of-way. All WEDS must be placed on private property with the property owner's permission.
 - e. ***No permit required.*** WEDS do not require a permit or a permit fee.
 - f. ***Time allowed.*** WEDS shall be allowed from 3:00 p.m. on Friday to 11:59 p.m. on Sunday. It shall be the responsibility of the sign owner to remove all WEDS prior to 11:59 p.m. on Sunday. For any signs not removed prior to 11:59 p.m. on Sunday, the director or his / her designee shall be authorized to immediately remove such signs.
 - g. ***Zoning districts.*** WEDS shall be allowed in all zoning districts.
 - h. ***Nuisance.*** WEDS left up after the removal period as defined above, constitute a public nuisance and may be removed by the City and disposed of without notice.

Sec. 20-25. Freestanding signs.

All signs under this section require a permit.

A. Location. If a lot has more than one (1) street frontage and a freestanding sign is proposed on each street, then the freestanding sign allowed on each frontage can be no closer to the intersection of said streets than half (1/2) the distance of the frontage on each street.

B. Electronic freestanding signs.

1. Electronic freestanding signs which are directly illuminated; exhibit animation; blink; change copy; display moving pictures or images; flash; contain Light Emitting Diode (LED); and/or contain Liquid Crystal Display (LCD) shall be prohibited for residential use properties and the Downtown Business District (DBD). The following standards also apply:
 - a. Stationary electronic signs, as defined herein, may be allowed for nonresidential use properties adjacent to the following roads:
 - Burnt Hickory Rd (beginning at, and including, the intersection with West Ave and running north)
 - Cassville Rd (beginning at, and including, the intersection with North Erwin St and running northwest)
 - Church St (beginning at, and including the intersection with North Tennessee St and running east)
 - Collins Dr
 - Douthit Ferry Rd (beginning at, and including, the intersection with West Ave and running south until, and including, the intersection with Pine Grove Rd)
 - East Main St (beginning at, and including, the intersection with Tennessee St and running east until, and including, the intersection with US 41)
 - Felton Rd (beginning at, and including, the intersection with Tennessee St and running east until, and including, the intersection with US 41)
 - Gentilly Blvd
 - Grassdale Rd (beginning at, and including, the intersection with US 41 and running north)
 - Henderson Dr
 - Old Mill Rd (beginning at, and including, the intersection with Terrell Dr and running west)
 - State Route 20
 - Tennessee St
 - US 41 and corresponding frontage roads
 - US 411 and corresponding frontage roads
 - West Ave (beginning at, and including, the intersection with Henderson Dr and running southwest)
 - b. Electronic freestanding signs on properties in nonresidential use properties shall be prohibited except when located adjacent to one of the following roads:
 - State Route 20
 - US 41 and corresponding frontage roads
 - US 411 and corresponding frontage roads
 - c. Electronic freestanding signs, including *Animated illumination or effects; Electronic sign; Electronic sign, stationary; and/or Flashing* as defined herein, shall in no case exceed fifty percent (50%) of total sign face.
2. Any permit for an electronic freestanding sign shall include a maximum number of displays per cycle for the structure. No more than six (6) displays per minute shall be allowed, and each display shall not change more frequently than once every ten (10) seconds.
3. Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of moving text or images. In any event, such signs may not have movement, or the appearance of or illusion of

movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.

4. All such signs shall be programmed to automatically freeze in a single display in the event of a malfunction or computer / system error.
5. The Planning and Development Department shall be provided with an on-call contact person and phone number for each permitted electronic freestanding sign. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise. In the event the contact person is unobtainable or unresponsive, the permit holder grants to the Planning and Development Department the authority to access and disable the sign in cases of emergency or when the sign poses a threat to public safety.

C. *Nonresidential use properties.* Freestanding signs in all nonresidential use properties except DBD shall comply with the following table of regulations:

FREESTANDING SIGN REGULATIONS FOR NONRESIDENTIAL USE PROPERTIES

Location of Property Frontage	Maximum Number and Size of Sign	Maximum Height of Sign
- East Main St / State Route 113 (beginning at, and including, US 41 and running east) - State Route 20 - US 41 and corresponding frontage roads - US 411 and corresponding frontage roads - West Ave (beginning at, and including, the intersection with Henderson Dr and running southwest)	One (1) sign on each property frontage with maximum 120 square feet sign area. Freestanding signs on all outparcel lots shall be a maximum of fifty (50) square feet in area and a maximum fifteen (15) feet in height.	20 feet
- Burnt Hickory Rd (beginning at, and including, the intersection with West Ave and running north) - Cassville Rd (beginning at, and including, the intersection with North Erwin St and running northwest) - Church St (beginning at, and including the intersection with North Tennessee St and running east) - Collins Dr - Douthit Ferry Rd (beginning at, and including, the intersection with West Ave and running south until, and including, the intersection with Pine Grove Rd) - East Main St (beginning at, and including, the intersection with Tennessee St and running east to the intersection with US 41)	One (1) sign on each property frontage with maximum 50 square feet sign area. Freestanding signs on all outparcel lots shall be a maximum of fifty (50) square feet in area and a maximum ten (10) feet in height.	15 feet

- Felton Rd (beginning at, and including, the intersection with Tennessee St and running east until, and including, the intersection with Roving Rd) - Gentilly Blvd - Grassdale Rd (beginning at, and including, the intersection with US 41 and running north) - Henderson Dr - Old Mill Rd (beginning at, and including, the intersection with Henderson Dr and running west) - Tennessee St		
All other streets not listed above	One (1) freestanding sign shall be allowed on each property frontage and shall have a maximum sign area of thirty-two (32) square feet	10 feet

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

FREESTANDING SIGN REGULATIONS FOR RESIDENTIAL USE PROPERTIES

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

Sec. 20-26. Wall signs; canopy signs; awning signs; projecting signs; and window signs.

All signs under this section require a permit. Wall signs, canopy signs and awning signs for all nonresidential use properties except the DBD district shall comply with the following:

- A. Area.** Wall signs shall have an aggregate area not to exceed two (2) square feet for each linear foot of building face, not to exceed two hundred (200) square feet in area. Where a lot fronts on more than one (1) street, the aggregate sign area facing each street shall be calculated separately. Canopy and awning signage shall be deducted from allocated wall sign area.
- B. Changeable copy.** Wall, canopy or awning signs shall not have changeable copy unless approved as a marquee sign. Marquee wall signs may be substituted for wall signs for uses as approved such as theaters and hotels where their use is customary. Such signs shall not extend above the roofline of the

building nor extend more than two (2) feet from the face of the building upon which secured.

Allowable sign dimensions shall be the same as for wall signs.

- C. *Height.* No wall sign that projects more than four (4) inches from the building surface on which it is attached shall be less than eight (8) feet above the finished elevation at its lowest extremity. A wall sign shall not project above the vertical wall to which it is attached.
- D. *Prohibited.* Animated illumination or effects, Electronic, and/or Flashing wall signs are prohibited.
- E. *Projection.* No wall sign shall project more than twenty-four (24) inches from the building surface on which it is attached.
- F. *Projecting signs.* A business shall be allowed to attach one (1) projecting sign to a building facade which fronts a public right-of-way with the following stipulations:
 - 1. The sign shall not exceed an area of six (6) square feet.
 - 2. The horizontal dimension of the sign shall not exceed three (3) feet.
 - 3. The sign shall be attached perpendicular to the building wall.
 - 4. The distance from the ground to the lower edge of the sign shall be a minimum of seven (7) feet over a sidewalk and a minimum of thirteen (13) over a street or driveway.
 - 5. The distance from the building wall to the sign shall not exceed six (6) inches.
 - 6. The height of the top edge of the sign shall not exceed the height of the wall from which the sign projects, if attached to a single story building, or the height of the sill or bottom of any second story window, if attached to a multi-story building.
 - 7. The sign may be directly or indirectly lighted, however, direct lighting shall be of the sign copy only. Animated illumination or effects, blinking, flashing, rotating, and/or scrolling projecting signs shall be prohibited.
- G. *Window signs.* Each business having windows shall not cover more than fifty percent (50%) of the glass area of each window with signage. Animated illumination or effects, electronic, blinking, flashing, and/or scrolling window signs shall be prohibited unless stationary as defined herein and no greater than four (4) square feet in sign area. Stationary electronic window signs do not require a permit.

Sec. 20-27. DBD sign regulations.

All signs under this section require a permit. The standards and requirements of this section shall be in addition to citywide standards and requirements. In the event of conflicting regulations, the standards and requirements of this section shall take precedence.

A. *General regulations.*

- 1. *Banners.* No more than one (1) banner, not to exceed thirty-two (32) square feet in area, may be displayed at each place of business and shall be securely attached to the façade of a building. A registration permit is required, at no cost, and such banners shall be displayed for a period not to exceed thirty (30) days.
- 2. *Color.* For all signs in the DBD district, fluorescent colors shall not be used. Such signs shall not contain more than five (5) colors, except in instance of an illustration.
- 3. *Freestanding signs.* One (1) freestanding sign shall be allowed on each property frontage, not to exceed six (6) feet in height, and shall not exceed twenty-four (24) square feet in area. Electronic freestanding signs which exhibit animation; blink; change copy; display moving pictures or images; flash; contain Light Emitting Diode (LED); and/or contain Liquid Crystal Display (LCD) shall be prohibited.
- 4. *Pole banners.* Such banners shall not exceed twelve and one-half (12 ½) square feet in area; shall have a maximum width of two and one-half (2 ½) feet and a maximum height of five (5) feet; shall have a minimum display height from the bottom edge of the banner to the ground of eight (8) feet; and shall have a maximum display height of twenty-five (25) feet measuring

from the top edge of the banner to the ground. Such banners attached to public utility poles or light poles shall be approved by the appropriate city department prior to attachment.

5. **Projecting signs.** A business shall be allowed to attach one (1) projecting sign to a building facade which fronts a public right-of-way with the following stipulations:
 - a. The sign shall not exceed an area of six (6) square feet.
 - b. The horizontal dimension of the sign shall not exceed three (3) feet.
 - c. The sign shall be attached perpendicular to the building wall.
 - d. The distance from the ground to the lower edge of the sign shall be a minimum of seven (7) feet over a sidewalk and a minimum of thirteen (13) over a street or driveway.
 - e. The distance from the building wall to the sign shall not exceed six (6) inches.
 - f. The height of the top edge of the sign shall not exceed the height of the wall from which the sign projects, if attached to a single story building, or the height of the sill or bottom of any second story window, if attached to a multi-story building.
 - g. The sign may be directly or indirectly lighted, however, direct lighting shall be of the sign copy only. Animated illumination or effects, blinking, flashing, rotating, and/or scrolling projecting signs shall be prohibited.
6. **Wall signs.**
 - a. Wall signs shall have an aggregate area not to exceed two (2) square feet for each linear foot of building face parallel to a street lot line, not to exceed two hundred (200) square feet in area. Where a lot fronts on more than one (1) street, the aggregate sign area facing each street shall be calculated separately. Canopy and awning signage shall be deducted from allocated wall sign area.
 - b. No wall sign shall be closer than eighteen (18) inches to an adjacent property line and shall not be installed or extend over a party wall.
 - c. Wall signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings and cornices.
 - d. Wall signs shall be no greater than twenty-four (24) inches in height. (Excludes permanent window signage)
 - e. Animated illumination or effects, electronic, blinking, flashing, rotating, and/or scrolling wall signs shall be prohibited.
7. **Window signs.** Each ground level business having windows directly oriented to a street may use all of that glass area as one allowable sign, but no single window shall be covered more than thirty percent (30%). Electronic window signs in the downtown business district (DBD) shall be no greater than four (4) square feet in area and shall only be stationary.

B. Maintenance and appearance of signs.

1. All signs in the DBD zoning district shall be maintained in good condition, so as to present a quality and orderly appearance. The city finds that neglected or dilapidated signs in the DBD zoning district may adversely affect the public health, safety, and welfare. Such signs may adversely affect the aesthetic characteristics of the city and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of said signs.
2. Signs shall be considered neglected or dilapidated signs if any of the following conditions are present: rust or holes on or in the sign or sign structure; broken, missing, loose or bent parts; faded or flaking paint; nonoperative or partially nonoperative illuminating or mechanical devices; or missing letters in sign copy.
3. The Planning and Development Department, after due notice, may have any sign removed which shows gross neglect or becomes dilapidated. Said notice shall be given to the property owner and current tenant by first class mail, with proof of mailing obtained from the Post Office. Proof of mailing means either a first class "certificate of mailing" or a first class "certified mail" receipt; a proof of delivery is not required. Only an owner reflected on the

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records of the tax assessors as of January first (1st) of the applicable year shall be entitled to notice. The zoning administrator or designee shall give the owner thirty (30) days' written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the zoning administrator or designee may have the sign removed at the expense of the owner.

C. *Prohibited signs in the DBD district in addition to Section 20-22.*

1. Animated illumination or effects, Electronic, and/or Flashing signs, unless noted above.
2. Billboards.
3. Signs painted directly onto roofs, retaining walls, fences or building facades or walls. Commemorative wall signs of historical significance are exempt from this provision.
4. Streamers.

Sec. 20-28. Temporary event signs.

Businesses and institutions may exhibit balloons, banners, flags, or streamers related to an activity or event having a specific duration, or the end of which is related to a specific action, usually lasting only a few days at a time. Examples include grand opening events, seasonal sales events, and close-out sales.

Such signs must comply with the following provisions:

1. *Duration.* Such signs may be exhibited for no more than fourteen (14) days at a time, with a thirty (30) day separation period between events, and no more than one (1) time each calendar year on the same property. A new business owner who obtains a new business license (occupational tax certificate) may be eligible to hold a temporary event, even if a former business has held an event earlier on the same property in the same calendar year.
2. *Maintenance.* No person shall maintain or permit to be maintained on any premises owned or controlled by that person any temporary event sign which is in a dangerous and defective condition. Any such sign shall be removed or repaired by the permittee of the sign, the owner of the premises, or as otherwise provided for in this article.
3. *Permit.* A temporary event permit is required along with a fee per fee ordinance.
4. *Setback.* All such signs and devices shall be set back a minimum of five (5) feet from public road right-of-way.
5. *Size.* Banners and portable signs shall be a maximum of thirty-two (32) square feet in area.

Sec. 20-29. Billboards.

Billboards shall be allowed, in addition to freestanding signs, on nonresidential use properties adjacent to only the following roads:

1. State Route 20
2. US 41 and corresponding frontage roads
3. US 411 and corresponding frontage roads
4. West Ave (beginning at, and including, the intersection with Henderson Dr and running southwest)

Billboards require a permit to be erected, and shall comply with the following regulations:

A. *General standards.*

1. Shall be allowed a maximum sign area of three hundred (300) square feet.
2. Shall not exceed a height of thirty (30) feet. Height shall be measured from the nearest road grade elevation.
3. Shall be set back at least fifty (50) feet from the right-of-way of a public street or highway and twenty-five (25) feet from all property lines and buildings on the site.

4. Shall be a minimum of five hundred (500) feet from a residential zoning district.
5. Shall be a minimum of one thousand five hundred (1,500) feet from all other billboards. Distance shall be measured from one billboard to another on the same road.
6. Shall not be visible from or located along Interstate Highway 75.
7. Shall not be attached to or painted directly on any building or any other natural or manmade structure or object other than the supporting structure specifically built for said sign.

B. *Electronic billboards.*

1. Billboard which are directly illuminated; exhibit animation; blink; change copy; display moving pictures or images; flash; contain Light Emitting Diode (LED); and/or contain Liquid Crystal Display (LCD) shall be prohibited except when located adjacent to the following roads:
 - a. State Route 20
 - b. US 41 and corresponding frontage roads
 - c. US 411 and corresponding frontage roads
 - d. West Ave (beginning at, and including, the intersection with Henderson Dr and running southwest)
2. Shall be a minimum of five thousand (5,000) feet from all other electronic billboards and a minimum of one thousand five hundred (1,500) feet from non-electronic billboards.
3. Any permit for an electronic billboard shall include a maximum number of displays per cycle for the structure. No more than six (6) displays per minute shall be allowed, and each display shall not change more frequently than once every ten (10) seconds.
4. Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of moving text or images. In any event, such billboards may not have movement, or the appearance of or illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.
5. All such billboards shall be programmed to automatically freeze in a single display in the event of a malfunction or computer / system error.
6. The Planning and Development Department shall be provided with an on-call contact person and phone number for each permitted electronic billboard. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise. In the event the contact person is unobtainable or unresponsive, the permit holder grants to the Planning and Development Department the authority to access and disable the sign in cases of emergency or when the sign poses a threat to public safety.

C. *Nonconforming billboards.*

Billboard signs legally existing on the date of adoption of this ordinance may be continued even though such signs do not conform to this provision. Such nonconforming signs shall not be expanded, relocated or replaced by another nonconforming sign, except that the substitution of interchangeable poster panels, painted boards or demountable material on nonconforming signs shall be allowed. No such nonconforming sign shall continue after the discontinuance of the nonconforming use for a period of six (6) months.

Sec. 20-30. Business Park Overlay District sign regulations.

A. Purpose.

The purpose of the Business Park Overlay District is to provide uniform regulations for a joint City of Cartersville-Bartow County industrial/business park, a portion of which is located in each jurisdiction.

To provide consistency for property owners and future uses, and to benefit the public health, safety and welfare, the City and County have adopted identical regulations as follows. The Business Park Overlay District, where applied via amendment to the Official Zoning Maps of the participating government, shall control over inconsistent regulations contained in other ordinances and the Code of Ordinances of each jurisdiction, whether or not the provisions herein are stronger or weaker restrictions. Additionally, the standards and requirements of this section shall take precedence over citywide standards and requirements within the boundaries of said overlay district.

B. Sign regulations.

The following signs are permitted:

1. **Entrance Signs.** Two monument-style brick or masonry entrance sign at each entrance to the business park. Maximum area of each sign one hundred (100) square feet. Entrance signs may only be single-sided, unless only one is erected at an entrance, in which case it can be double-sided. Entrance signs only permitted at the entrance to the planned center. Entrance signs must be setback from the right-of-way a distance equal to their height plus one (1) foot for safety reasons, and cannot block traffic sight lines. Maximum height is ten (10) feet.
2. **Ground Signs.** One monument-style brick or masonry sign for each individual building in the park. Maximum area of each sign sixty (60) square feet. Maximum height six (6) feet. The sign may be double-sided. One additional monument-style brick or masonry sign of no more than sixty (60) square feet and six (6) feet in height shall be permitted if the building has more than one access point.
3. **Wall Signs.** Total area of all signs is not to exceed ten percent (10%) of the gross floor area of the building. No more than four (4) wall signs per business are permitted and no single wall sign shall exceed two hundred fifty (250) square feet.
4. **Window Signs.** Total signage per business not to exceed twenty-five percent (25%) of the area of windows facing road frontage.

Sec. 20-31. Main Street Overlay District sign regulations.

A. Declaration of purpose, scope and intent.

The Cartersville City Council finds that as a matter of public policy that the aesthetic, economic and functional qualities of the City of Cartersville are worthy of enhancement, preservation, and protection and are essential to the promotion of the health, prosperity, safety, and general welfare of the existing and future residents of the City of Cartersville. Included within the scope are the site, buildings and other structures, parking, landscape and screening, signs, utilities and lighting. The following standards shall control commercial signs in conjunction with other ordinances of the City of Cartersville. These standards shall apply to all construction within the main street overlay district in the City of Cartersville and only to property within the city limits of the City of Cartersville. The purpose and intent of the Main Street overlay architectural design standards shall be:

1. To foster civic pride; to raise the level of community understanding and expectation for quality in the built environment; and, to promote attention to accepted design principles in areas of new development and redevelopment;
2. To implement the comprehensive plan;
3. To guide certain aspects of development such as the appearance of buildings and open spaces as they contribute to the attractiveness, function, economy and character of an area;
4. To protect and enhance the visual qualities and character of an area;
5. To provide guidance to design professionals, property and business owners undertaking construction in the district;
6. To prevent functional and visual disunity in an area;

7. To protect property against blight and depreciation;
8. To encourage the most appropriate development of land; and
9. To provide an attractive gateway to the community.

Additionally, the standards and requirements of this section shall take precedence over citywide standards and requirements within the boundaries of said overlay district.

B. Sign regulations.

1. Individual buildings or business storefront signs (wall signs) shall be limited to one (1) sign per street frontage.
2. Maximum allowed sign area of all freestanding signs shall be fifty (50) square feet, with the exception that directory signs shall be allowed to be one hundred twenty (120) square feet.
3. Any corner lot adjacent to Main Street shall be allowed one (1) additional freestanding sign to be for the purpose of a directory sign.
4. All freestanding signs shall be monument signs, shall not exceed fifteen (15) feet in height. No pylon signs will be allowed.

Sec. 20-32. Nonconforming signs.

- A. Signs lawfully existing on the date of adoption of this ordinance which do not conform to the provisions of this article shall be deemed to be legal nonconforming "grandfathered" signs and may remain, except as otherwise specifically qualified in this article. Such signs shall not be enlarged, extended, structurally reconstructed, replaced or altered in any manner; except a sign face may be changed so long as the new sign face does not increase either height or sign area. This provision shall not have the effect of excusing any violation of any other ordinance, nor shall this provision have the effect of permitting the continued existence of any unsafe sign or any sign that is not in good state of repair.
- B. Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. No repairs other than minor maintenance and upkeep of nonconforming signs shall be permitted except to make the sign comply with the requirements of this article. A nonconforming sign which has been declared by the city to be unsafe because of its physical condition shall not be repaired, rebuilt or restored unless such repair or restoration will result in a sign which conforms to all applicable provisions of this article.
- C. A nonconforming sign shall not be moved for any distance on the same lot or to another lot unless such change in location will make the sign conform to the provisions of this article, and meet permit requirements of this article.
- D. If a nonconforming sign is removed or discontinued for any period of time, except for normal maintenance and repair, as defined in this article, or for maintenance of a building if such sign is attached to a building, the subsequent erection of a sign shall be in accordance with the provisions of this article.
- E. A nonconforming sign which is changed to or replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.

- F. Policy statement.** As a consequence, when a nonconforming sign is destroyed or toppled by an act of God, weather, or whatever other means, this shall not constitute a sufficient reason for grant of a variance to re-erect the nonconforming sign.

Sec. 20-33. Interpretation, construction and severability.

- A. Construction.** The provisions of all other applicable city, state and federal laws shall apply. This article shall not be construed to create a right to maintain a sign in violation of any other law, in violation of any protective covenant or in violation of the property rights or other rights of any person or entity. In the event that any provision of this article regulates the same activity, conduct or any aspect of signage that is also regulated by city, state or federal law, then the provision most restrictive of signage shall govern. In the event that any provision of this article is in genuine conflict with any state or federal law or requirement, the conflict shall be resolved in accordance with law.
- B. Interpretation.** The words used in this article in the present tense shall include the future. Singular words include the plural, and plural words include the singular. For the sake of brevity, masculine and feminine pronouns shall be mutually inclusive and shall also include the neuter (i.e. corporations). Sub-headings and/or examples are inserted for the convenience of the reader and shall not operate to limit the effect of any provision.
- C. Severability.** The provisions, sections, paragraphs, sentences, clauses, phrases and terms of this article are severable. In the event that any portion or any specific application of this article is held to be unconstitutional or otherwise invalid, such invalidity shall not affect the other portions or other applications of this article.

Sec. 20-34. Required.

Except where specifically not required by the standards of this article, it shall be unlawful for any person to post, display, materially change, or erect a sign in the city without first having obtained a sign permit. Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from neighboring properties shall not be subject to the standards of this article.

Sec. 20-35. Permit fee structure.

The permit fees are as referenced in City of Cartersville Code section 17-90, except as otherwise indicated herein.

Sec. 20-36 Application.

- A. Who may apply.** Permits shall be issued only to:

1. The owner of the real property where the sign is to be located;
2. A lessee who is the owner of the sign structure or proposed sign structure and whom has the right to install or maintain a sign on the real property where the sign is to be located; or
3. The erector of the sign.

An applicant who is a lessee shall produce a copy of the lease or a written statement from the owner of the real property that the applicant has the right to maintain a sign on the property. A sign erector shall produce a copy of a current occupational tax certificate and proof of insurance or bond as required by the public liability insurance section of this article, plus a written statement of authority from the owner and/or lessee. Application may be made by the owner, lessee or agent of the owner or lessee.

The city may require that the application be accompanied by two (2) copies of the following: site plans showing location of structures upon the property on which the sign is to be located and the location of the sign in relation to the structures, property lines, public rights-of-way, and other signs; plans, specifications and structural details showing the type and manner of construction, attachment to buildings or in-ground erection; and a visual representation of the completed sign. The city may require said plans to bear the signature and seal of a registered land surveyor, professional engineer, architect or land planner. Each application shall include a signed statement from the landowner or possessor of the property giving consent to entry into the property for the purpose of inspection and enforcement of this article. If classification of the road on which the property fronts is of importance to the permit process, the city may require the applicant to submit certified documents from the state department of transportation or the United States Department of Transportation or their successors regarding the classification of the road.

B. *Contents.* Applications for sign permits required by this article shall be filed in duplicate by the person owning the subject property, or the owner's agent, in the office of the director of planning and development upon forms furnished by that office. The application shall describe and set forth the following:

1. The type of the sign as defined in this article;
2. The value of the sign;
3. The square foot area per sign and the aggregate square foot area if there is more than one sign face;
4. The name and address of the owner of the real property upon which the subject sign is to be located;
5. The property owner's written consent, or his or her agent, granting permission for the placement, maintenance, size, and height of the subject sign to be placed on the property;
6. For wall signs, two sets of building elevations;
7. The name, address, telephone number, and business license number of the sign contractor. All applicants for signs which incorporate new electrical service must obtain an electrical permit;
8. Sign details, including a proposed color scheme of sign, and scaled elevation of the size and height of the proposed sign from ground level and adjacent street level.

Sec. 20-37. Denial.

A. *Incomplete, false statements.* The director shall deny any application that is incomplete, that contains false material statements or omissions, or that is for a sign which would violate any standard within this article within thirty (30) business days of receipt of said application. The director may deny at any time prior to the expiration of the 30-day period, if the application is incomplete or contains false material statements or omissions, by notification.

B. *Processing time; notice; denial.* The city shall process all complete and accurate sign permit applications within fifteen (15) business days of the city's actual receipt of a complete and accurate application and upon remittance of the appropriate sign permit fee. If a sign meets all the standards as required by the City of Cartersville Code of Ordinances, the director shall issue a permit. The director shall give notice to the applicant of his or her decision by hand delivery or by mailing such notice by certified mail, return receipt requested, to the address on the permit application on or before the 15th business day. If the decision of the director is to deny the application, the decision shall state the grounds upon which the denial is based. Failure of the city to act within the 15-day period shall be deemed a denial of the permit. If notice is mailed in conformity with this section, notice shall be deemed to have been given upon the date of mailing. Any application meeting the standards of this article will be granted. Any application not meeting the standards of this article will be denied.

- C. *Appealable.*** A denial pursuant to this section shall be appealable pursuant to the procedures for zoning appeals outlined in the City of Cartersville zoning ordinance. However, notwithstanding the foregoing, a final decision will be rendered within ninety (90) days from date an appeal is filed.
- D. *Resubmission.*** A denied application later resubmitted in conformity with this article shall be deemed to have been submitted on the date of resubmission, instead of the original submission date. An application which is resubmitted shall meet all the standards for an original application.

Sec. 20-38. Revocation.

- A.** Should it be determined that a sign permit was issued pursuant to an application containing a false material statement or omission, the director shall revoke said permit and the subject sign shall be immediately removed. A revocation pursuant to this section shall be appealable pursuant to the procedures for zoning appeals outlined in the City of Cartersville zoning ordinance.
- B.** However, notwithstanding subsection (A) of this section, a final decision will be rendered within sixty (60) days from the date an appeal is filed. If a final decision is not rendered within the 60-day period, the decision sought to be appealed shall be affirmed. The permit for any sign not meeting the standards of this article will be revoked.

Sec. 20-39. Variance.

- A. *Limitations.*** The board of zoning appeals shall be allowed to grant variances to this article.
- B. *Procedure.*** Except as modified by this article, the procedures for requesting a variance from the standards of this article shall be the same procedures as that for seeking a variance from the city's ordinances regulating zoning.
- C. *Standards.*** The standards which shall be considered for granting a variance from the standards of this article shall be only the following:
1. Relief to this article may only be granted where existing foliage or structures bring about a hardship whereby a sign meeting the maximum letter size, square footage and height requirements cannot be read from an adjoining road;
 2. The application of the particular provision of this sign ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or
 3. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from adjoining public road.
- D. *Timing.*** The board of zoning appeals shall hear and decide upon a variance within eighty (80) days of the submission of a complete and accurate application.
- E.** The fee assessed pursuant to this section is as referenced on the fee schedule in the City of Cartersville Code section 17-90(c).

Sec. 20-40. Suspension; termination.

- A. *Violation.*** A violation of any provision of this article shall be grounds for terminating the permit granted by the city to the permittee or the person or entity erecting the sign. No permit shall be suspended, revoked or canceled except for due cause, as hereinafter defined, and until after the permittee is granted a public hearing before the city council.
- B. *Hearing.*** The permittee shall be given ten (10) days written notice of the time, place, and purpose of the hearing, with a statement of the reason for the suspension, revocation, or canceling of such permit and license. The term "due cause" means the violation of the standards of this article. The termination of the permit does not in any way preclude the city from taking any other action authorized by this Code or any action authorized by law, against the person alleged to have violated the standards of this Chapter.

Sec. 20-41. Expiration date.

- A.** A sign permit shall become null and void if the sign for which the permit was issued has not been installed and completed within six months after the date of issuance; provided, however, that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one 90-day extension may be granted by the director.
- B.** No refunds shall be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

Sec. 20-42. Violations; penalties.

- A. *Citations.*** If any sign or other device covered by this article is, or is proposed to be, erected, constructed, altered, converted or used in violation of any provision of this article, the director shall issue a citation. Additionally, the city may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion or use to correct or abate such violation. Any violation of this article shall be an offense, and the violator shall be subject to a fine of up to \$1,000.00 per day.
- B. *Dangerous and defective condition.*** No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign which is in a dangerous and defective condition. Any such sign shall be removed or repaired by the permittee of the sign, the owner of the premises, or as otherwise provided for in this article.
- C. *Noncompliance.*** No person shall erect on any premises owned or controlled by that person any sign which does not comply with the standards of this article.
- D. *Notice.*** The director shall give the permittee from one to 14 calendar days written notice, based on the urgency of the particular situation and the practical considerations of completing measures to comport with the standards of this article, to correct the deficiencies or to remove the sign which is in violation of this article. If the permittee refuses to correct the deficiencies or remove the sign, the director will have the sign removed at the expense of the permittee.
- E. *Public nuisance.*** Any violation of this article is hereby declared to be a public nuisance.
- F. *Separate violation.*** Each sign installed, created, erected or maintained in violation of this article shall be considered a separate violation when applying the penalty portions herein.

Sec. 20-43. Removal of unlawful or dangerous signs.

- A. *Removal.*** The city may order the removal of any sign in violation of this article by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit has been issued, such notice shall operate to revoke the permit.
- B. *Procedure following removal order.*** If the sign is not removed within the time allowable pursuant to a removal order, the city may remove or cause to be removed the sign and collect the costs therefore.

Sec. 20-44. Occupational tax certificate, public liability insurance required.

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the city, unless and until such entity shall have obtained an occupational tax certificate and a certificate of insurance from an insurance company authorized to do business in the state evidencing that the entity has in effect public liability and property damage insurance in the sum of \$25,000.00 for property damage for any one claim, and public liability insurance in an amount not less than \$100,000.00 for injuries, including accidental death to one person. The certificate of insurance shall state that the insurance carrier shall notify the city 30 days in advance of any termination or restriction of the coverage, including nonrenewal, cancellation, and nonpayment of any premium.

Sec. 20-45. Indemnity.

By accepting any permit or other permission to erect and maintain a sign or by acting in the erection or maintenance of a sign pursuant to such permit or other permission pursuant to this article, the permit holder, property owner, lessee (if any), sign erector, their agents, servants, employees and assigns agree to hold harmless and indemnify the city, its officers, agents, servants, and employees from any and all claims for damages, including death; including but not limited to those resulting from the erection, alteration, relocation, construction or maintenance of a sign permitted or authorized under this article.

Sec. 20-46. Inspection.

- A.** The enforcement personnel are hereby empowered to enter into or inspect any building, structure, or premises upon which a sign subject to this article is located for the purpose of inspecting the sign, its structural and electrical connections and to ensure compliance with the provisions of this article and other applicable ordinances. Inspections shall be carried out during reasonable business hours, unless an emergency exists.
- B.** This provision is in addition to and without prejudice to the rights of other inspectors and regulators to enter into and inspect premises.

Sec. 20-47. Cases, sources, and studies considered.

In adopting these sign regulations, the mayor and city council recognize the vast number of court decisions, coming from Georgia courts, the federal courts, and courts throughout the United States, which recognize that the regulation of the size, location and quantity of sign structures is a valid and lawful means of achieving the above-stated intents and purposes, and that such intents and purposes are valid and lawful governmental interests, which include the following:

- City of Doraville v. Turner Communications, Corp., 236 Ga. 385 (1976)

- (finding that under its police power authority, a municipality can regulate the location and maintenance of outdoor advertising signs within their territorial jurisdiction);
- **Granite State Outdoor Advertising, Inc. v. Cobb County, Ga.**, 193 Fed.Appx. 900 (C.A.11th 2006) (finding that the stated goals within a sign ordinance of protecting against traffic hazards and the adverse impact on the county's aesthetic qualities are substantial government interests);
- **Gregory v. Clive**, 2007 WL 2914515 (Ga. S.Ct. 2007) (recognizing as within a local government's police power to enact legislation governing billboards and signs, as such legislation clearly addresses the public health, safety, or general welfare of the community);
- **H & H Operations, Inc. v. City of Peachtree City, Ga.**, 248 Ga. 500 (1981) (holding that, under its police power, a municipality can enact and enforce reasonable regulations governing the erection and maintenance of signs within its jurisdiction);
- **Harnish v. Manatee County, Florida**, 783 F.2d 1535 (C.A. 11th 1986) (finding that aesthetics is a substantial governmental goal which is entitled to and should be accorded weighty respect, and that the governmental entity charged with the responsibility of protecting the environment must be given discretion in determining how much protection is necessary and the best method of achieving that protection);
- **Lamar Advertising Company v. City of Douglasville, Ga.**, 254 F.Supp.2d 1321 (N.D.Ga. 2003) (finding that where a sign ordinance asserts the goals of public safety, traffic safety, health, welfare and aesthetics, a municipality has shown an important or substantial governmental interest unrelated to the suppression of free speech);
- **Members of the City Council of the City of Los Angeles v. Taxpayers for Vincent**, 466 U.S. 789 (1984) (finding that a government entity can regulate signs and billboards when necessary to advance a significant and legitimate state interest, such as the protection of the aesthetics and quality of life within its jurisdiction);
- **Metromedia, Inc. v. City of San Diego**, 453 U.S. 490 (1981) (holding that the goals of traffic safety and aesthetics advanced by a municipality as justification for regulating signs is a substantial governmental interest);
- **St. Louis Poster Advertising Co. v. City of St. Louis**, 249 U.S. 269 (1919) (finding that billboards may be prohibited in the residential districts of a city in the interest of the safety, morality, health and decency of the community);
- **Spratlin Outdoor Media, Inc. v. City of Douglasville**, 2006 WL 826077 (N.D.Ga. 2006) (upholding sign ordinance where the ordinance's height and setback restrictions were rationally related to its stated goals of promoting the health, safety, morality and general welfare of the community, promoting the orderly and beneficial development of the city, promoting adequate access to natural light and air, improving the aesthetic appearance of the city, and encouraging the most appropriate use of land and buildings in accordance with the city's comprehensive plan).

Such cases, which were considered by the Mayor and City Council prior to adoption of this provision, are part of the official record of the adoption of this ordinance.

Studies and sources considered. Having considered the following studies, which the Mayor and City Council find to be relevant, useful and applicable to the City of Cartersville, the city finds that the size, location and quantity of sign structures within the city must be regulated in order to achieve the above-stated intents and purposes:

1. *Billboards in the Digital Age: Unsafe (and Unsightly) at Any Speed.* Scenic America Issue Alert, Scenic America (2007).
2. *Billboard Regulation in Portland.* City Club of Portland Bulletin, 78 (13), 1-40. City Club of Portland (September 6, 1996).

3. **Cartersville Sign Ordinance stakeholders committee input from five (5) meetings, 2010-2011.**
4. **Georgia Department of Community Affairs (DCA) 2007 Model Code.**
5. **Georgia Department of Transportation (GDOT) Outdoor Advertising regulations.**
6. ***Guidepost to Municipal Sign Regulation*, 2009, Georgia Municipal Association (GMA).**
7. ***Model Sign Code*, 2011, United States Sign Council.**
8. ***Municipal Control of Signs Guidebook*, 2006, New York State Division of Local Government Services.**
9. ***Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction*, 2001, Federal Highway Administration (FHA).**
10. ***Sign Control on Rural Corridors: Model Provisions and Guidance*, University of Georgia Land Use Clinic (June 26, 2003).**
11. ***Study of Local Regulation of Outdoor Advertising in 268 U.S. Jurisdictions*, 2001, Professor Alan Weinstein, Cleveland State University.**
12. ***Traffic Safety Evaluations of Video Advertising Signs*. Transportation Research Record: Journal of the Transportation Research Board, No. 1937, 105-112. Smiley, Alison and Persaud, Bhagwant et al (2005).**
13. ***Visual Preferences in Urban Signscapes Study*, 1999, Dr. Jack Nasar and Xiadong Hong.**
14. ***Variable Message Sign Study*, 1994, Wisconsin Department of Transportation (WISDOT).**

Such studies and sources, which were considered by the Mayor and City Council prior to adoption of this provision, are part of the official record of the adoption of this ordinance.

Sec. 20-48. Supplements

A. Design examples for illustration only.



PYLON



POLE WITH CLADDING



MULTI PANEL PYLON



POLE



MONUMENT



CANOPY



MONOLITH

BUILDING SIGNS



AWNING



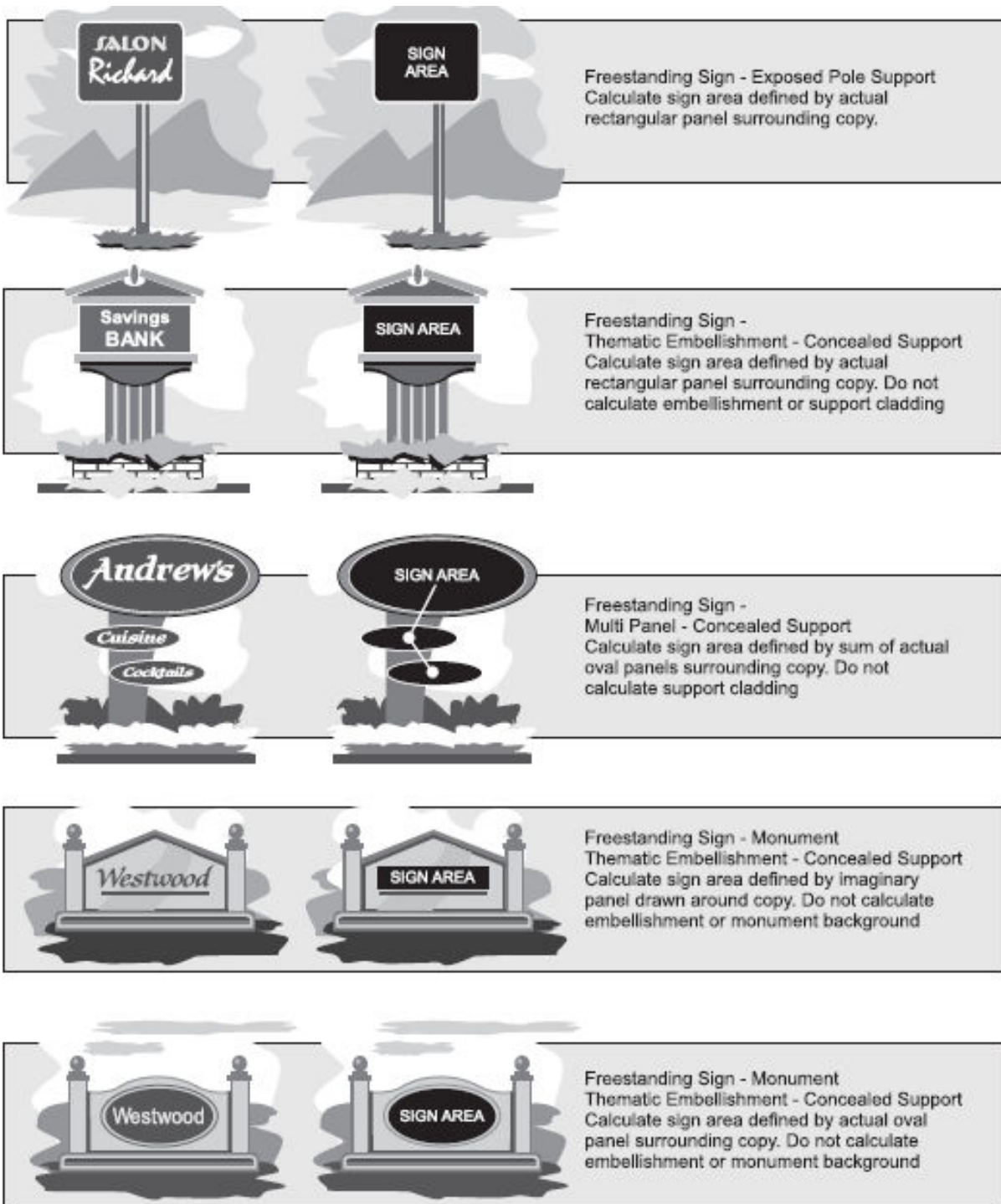
ROOF

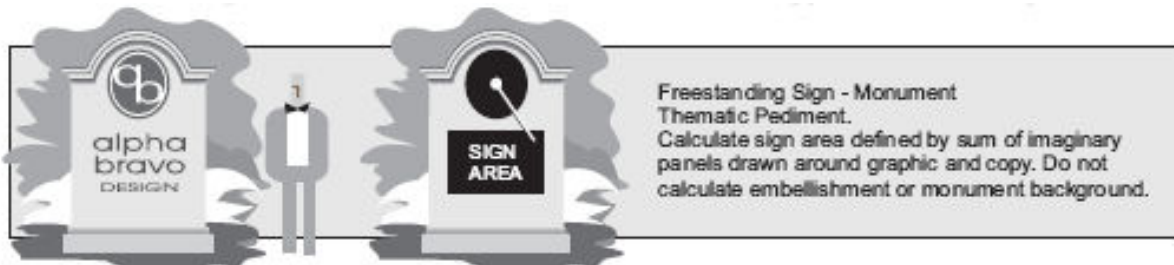
WALL / FASCIA



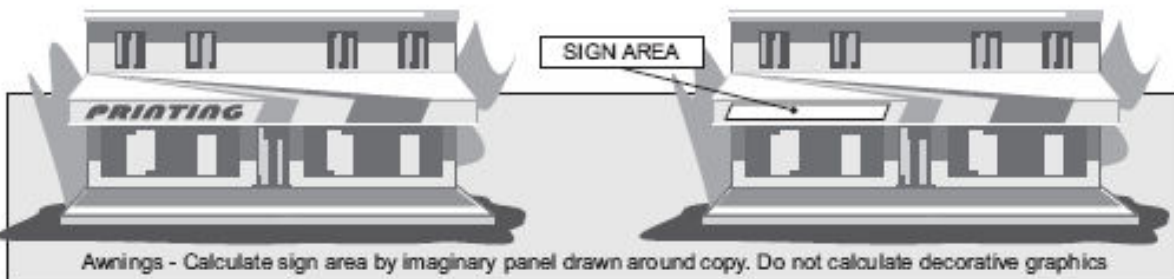
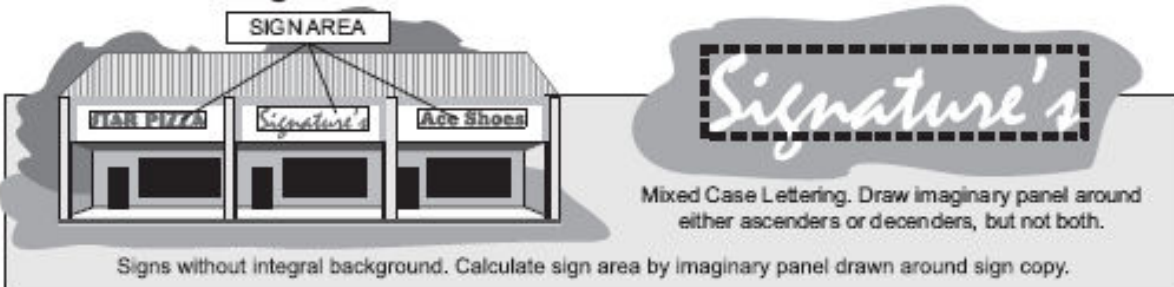
PROJECTING







Wall / Fascia Signs





Ground based flags



Wall mounted flag



Pole mounted flag



Pole banners

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the day of.

ADOPTED this the day of. Second Reading.

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk



City of Cartersville

City Council Meeting

5/3/2012 7:00:00 PM

Appalachian Valley Fiber Network Pole Attachment Agreement

SubCategory:	Contracts/Agreements
Department Name:	Electric
Department Summary Recommendation:	A pole attachment agreement has been negotiated allowing Appalachian Valley Fiber Network to attach fiber optic cable to City of Cartersville utility poles. This agreement is consistent with our other pole attachment agreements and your approval is recommended.
City Manager's Remarks:	Your approval of this agreement is recommended.
Financial/Budget Certification:	N/A
Legal:	Agreement has been reviewed by Keith Lovell.
Associated Information:	E-verify and SAVE documents approved by Keith Lovell.



City of Cartersville

City Council Meeting

5/3/2012 7:00:00 PM

Naming of Pettit Creek Trail - J. Wayne Self Boardwalk

SubCategory:	Resolutions
Department Name:	Parks and Recreation
Department Summary Recommendation:	Per the City of Cartersville naming policy, I am recommending this resolution naming the new boardwalk at Pettit Creek Trail, the "J. Wayne Self Boardwalk" at Pettit Creek. The plaque on the trail will read: This section of the Pettit Creek Trail has been made possible through the generosity of Mr. Jeff Self. Therefore, the City of Cartersville would like to express its gratitude to Jeff and his family by naming the boardwalk contained within this section, the "J. Wayne Self Boardwalk," in honor of Jeff's father, Wayne. Wayne Self served as County Commissioner from 1968 to 1972. While Commissioner, he was recognized for creating the Bartow County Fire Department (1970), Emergency Medical Services, Bartow County Water Department, and Bartow County Recreation Department (1971). His passion for increasing recreational facilities played an instrumental role in acquiring the lease for Gatewood Park on Lake Allatoona, and later the donation of property for the original section of the Pettit Creek Trail. Adopted: May 3, 2012, by Cartersville City Council I recommend the resolution naming the "J. Wayne Self Boardwalk" at Pettit Creek Trail.
City Manager's Remarks:	This item meets policy requirements outlined by the Park Board and approved by City Council. The naming of the boardwalk as outlined within is recommended for your approval.
Financial/Budget Certification:	
Legal:	
Associated Information:	

CITY of CARTERSVILLE

Resolution



WHEREAS, at the regular scheduled meeting of the City Council of Cartersville, Georgia held on this third day of May 2012, a motion was made and duly seconded that the City of Cartersville recognize the easement gift by Jeff Self to the community; and

WHEREAS, Mr. Self donated the property easement for the Pettit Creek Trail Phase II and through his generosity all citizens of Cartersville and Bartow County will benefit for years to come from the use of the Pettit Creek Trail; and

WHEREAS, Jeff wishes to honor his father, Wayne Self, by allowing the City of Cartersville to name the trail boardwalk the "J. Wayne Self Boardwalk"; and

WHEREAS, Wayne, a past Bartow County Commissioner, was instrumental in starting the Fire Department, the EMS Department, the Water Department, and the Recreation Department during his tenure as Bartow County Commissioner as well as donating the easement for the original Pettit Creek Trail.

NOW, THEREFORE, BE IT RESOLVED, that the Cartersville Parks and Recreation Department and Recreation Advisory Board recommend to the Cartersville City Council that the Pettit Creek Trail boardwalk now be, "J. Wayne Self Boardwalk", at Pettit Creek Trail; and

BE IT FURTHER RESOVLED, that the Cartersville City Council voted and approved the boardwalk naming as the "J. Wayne Self Boardwalk" and be it known to Jeff and his family and friends that this is a small gesture considering the great and positive impact our community received through this donation.

*In Witness whereof I have hereunto set my
hand and caused this seal to be affixed*

Mayor

Attest: _____ City Clerk

May 3, 2012

Item # 7



City of Cartersville

City Council Meeting
5/3/2012 7:00:00 PM
Commercial Mower

SubCategory:	Bid Award/Purchases
Department Name:	Parks and Recreation
Department Summary Recommendation:	Cartersville Parks and Recreation Department solicited quotes for a rear-discharge commercial zero-turn mower to use in our parks. I am recommending purchasing in the amount of \$10,146.27 (2nd low quote) from Taylor Farm Supply for the Hustler Super Z – model # FX-850 which meets all specifications. This is not a budget item. All e-verify documentation has been received. Bid tabulation follows, all meet bid specifications: • Bartow Farm & Lawn - 997-Z- Trak (John Deere)/ \$10,995.00 • Rhinehart Tractor Co. (Rome) - Kubota 770/\$9,600.00 • Rhinehart Tractor Co. (Rome) -Kubota KGZ –D1305/ \$12,910.00 • Taylor’s Farm Supply - Hustler Super Z-FX-850/ \$10,146.27
City Manager's Remarks:	Your approval of this purchase is recommended.
Financial/Budget Certification:	This is an unbudgeted item and will be paid from the machinery capital account 100-5100-54-2100
Legal:	
Associated Information:	E-verify and SAVE documents have been received.

2012
Cartersville Parks & Recreation Department
60" Cut, Zero-Turn
Commercial Riding Mower
Quote Request - Revised

Cartersville Parks and Recreation Department invites your company to quote on the following equipment, One – (1) 60" Cut, Zero-Turn – Commercial Mower. Product must be delivered to the Cartersville Parks & Recreation Department; Dellinger Park; 100 Pine Grove Road; Cartersville Georgia 30120, three – (3) weeks after order is placed. Any questions, please call Greg Anderson, 770-607-6173. Please return quote by 10:00 a.m., Wednesday, April 25th, 2012. Quote maybe faxed (770-387-5624), mailed (Cartersville Parks & Recreation: P.O. Box 1390; Cartersville GA 30120) or delivered to Dellinger Park Office.

The City reserves the right to reject any or all bids or to accept only that bid which the City deems is in their best interest.

60" Cut, Zero-Turn, Commercial Mower

Minimum Specifications as follows:

Meets Specs. Yes/ No

Engine:	Minimum – 27 HP, air cooled V-twin 4-cycle vertical shaft OHV Gasoline – 2 Cylinder Engine or 27 HP Diesel Liquid Cooled (3 cylinders)	yes 31 HP Diesel Liquid cooled
Electrical:	12 Volt system, ignition switch w/ electric spark ignition switch; hour meter; engine warning light	yes
Drive System:	Dual hydrostatic, individual pumps power 2 direct drive wheel motors Zero turning radius	yes
Mower Frame:	Welded, heavy-duty steel-tubing w/ internal gusset; 1.5" x 3" x .17" tubing	yes
Deck:	Floating Deck with foot operated deck height Adjustment or equivalent deck (non-scalping) w/ rear discharge ; Heavy-duty multi-layered deck (min. 7/16" thickness), w/ ductile iron, & w/ steel shafts & sealed ball bearings; 1" – 5.25" cutting height; 3 – hardened heavy-duty blades	yes 7 gauge ? Iron Deck Stamped

Page 2, **60" Cut, Zero-Turn, Commercial Mower**

Tires:	Front: semi-pneumatic or pneumatic Rear: Turf tread	YES
Fuel:	Gasoline -- minimum 12 gal. capacity	Diesel 12 gallon
Seat:	Foam padded, high back, spring cushion, heavy-duty seat with armrests w/ adjustment	
Safety Controls:	Operator presence controls on seat, deck clutch, & parking brake switches, roll-over protection w/ seat belt	YES

Delivered Price/Date: \$10,995

Name/Type & Model: John Deere 997 ZTrak

Engine Model/Type/ HP: 3TNV82A-BKJmZ Yanmar Diesel 31HP

Company: Bartow Farm & Lawn Inc.

Print Name: Horace Jones Jr.

Signature: 

Date: 4/24/12

Phone #: 770 387-0340

Bid List:

1. Taylors Farm Supply
12 Leake Street
Cartersville GA 30120
Steve Taylor
770-382-4951
Fax: 770-382-4996
2. Bartow Farm & Lawn
2225 Hwy 411 NE
Cartersville 30121
Anthony Bentley
770-387-0340
Fax: 770-387-9662
Email: anthony@bartowfarm.com
3. Rhinehart Equipment Company
3556 Martha Berry Hwy. NE
Rome, Ga. 30165
Chuck Abney
706-232-8962
Fax: 706-232-1531

TO: Cartersville Parks & Recreation Department

Greg Anderson

770-387-5624 Fax

From: Rhinehart Equipment Company

Josh Shook

678-800-3252

RE: 60" Cut, Zero-Turn

Commercial Riding Mower Bid

Pages: (5) including cover

(2) Separate Quotes

Item # 8

2012
Cartersville Parks & Recreation Department
60" Cut, Zero-Turn
Commercial Riding Mower
Quote Request - Revised

Cartersville Parks and Recreation Department invites your company to quote on the following equipment, One – (1) 60" Cut, Zero-Turn – Commercial Mower. Product must be delivered to the Cartersville Parks & Recreation Department; Dellinger Park; 100 Pine Grove Road; Cartersville Georgia 30120, three – (3) weeks after order is placed. Any questions, please call Greg Anderson, 770-607-6173. Please return quote by 10:00 a.m., Wednesday, April 25th, 2012. Quote maybe faxed (770-387-5624), mailed (Cartersville Parks & Recreation: P.O. Box 1390; Cartersville GA 30120) or delivered to Dellinger Park Office. The City reserves the right to reject any or all bids or to accept only that bid which the City deems is in their best interest.

60" Cut, Zero-Turn, Commercial Mower

Minimum Specifications as follows:

		Meets Specs. Yes/ No
Engine:	Minimum – 27 HP, air cooled V-twin 4-cycle vertical shaft OHV Gasoline – 2 Cylinder Engine or 27 HP Diesel Liquid Cooled (3 cylinders)	<u>Yes</u>
Electrical:	12 Volt system, ignition switch w/ electric spark ignition switch; hour meter; engine warning light	<u>Yes</u>
Drive System:	Dual hydrostatic, individual pumps power 2 direct drive wheel motors Zero turning radius	<u>Yes</u>
Mower Frame:	Welded, heavy-duty steel-tubing w/ internal gusset; 1.5" x 3" x .17" tubing	<u>Yes</u>
Deck:	Floating Deck with foot operated deck height Adjustment or equivalent deck (non-scalping) w/ rear discharge ; Heavy-duty multi-layered deck (min. 7/16" thickness), w/ ductile iron, & w/ steel shafts & sealed ball bearings; 1" – 5.25" cutting height; 3 – hardened heavy-duty blades	<u>Yes</u>

Item # 8

Page 2, 60" Cut, Zero-Turn, Commercial Mower

Tires:	Front: semi-pneumatic or pneumatic Rear: Turf tread	<u>Yes</u>
Fuel:	Gasoline – minimum 12 gal. capacity	<u>Yes</u>
Seat:	Foam padded, high back, spring cushion, heavy-duty seat with armrests w/ adjustment	<u>Yes</u>
Safety Controls:	Operator presence controls on seat, deck clutch, & parking brake switches, roll-over protection w/ seat belt	<u>Yes</u>

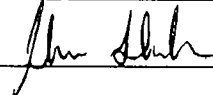
Delivered Price/Date: \$9,600 within 10 Days of order

Name/Type & Model: Kubota ZG-327RPA-60R Rear Discharge

Engine Model/Type/ HP: Kubota KG-2 770-E2-M1 Gasoline 27HP

Company: Rhinehart Equipment Co.
PO Box 1701
Rome G.A. 30162

Print Name: Josh Shook

Signature:  Date: 4-24-2012

Phone #: 678-800-3252

Item # 8

2012
Cartersville Parks & Recreation Department
60" Cut, Zero-Turn
Commercial Riding Mower
Quote Request - Revised

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The City reserves the right to reject any or all bids or to accept only that bid which the City deems is in their best interest.

60" Cut, Zero-Turn, Commercial Mower

Minimum Specifications as follows:

Meets Specs, Yes/ No

Engine:	Minimum – 27 HP, air cooled V-twin 4-cycle vertical shaft OHV Gasoline – 2 Cylinder Engine or 27 HP Diesel Liquid Cooled (3 cylinders)	<u>Yes</u>
Electrical:	12 Volt system, ignition switch w/ electric spark ignition switch; hour meter; engine warning light	<u>Yes</u>
Drive System:	Dual hydrostatic, individual pumps power 2 direct drive wheel motors Zero turning radius	<u>Yes</u>
Mower Frame:	Welded, heavy-duty steel-tubing w/ internal gusset; 1.5" x 3" x .17" tubing	<u>Yes</u>
Deck:	Floating Deck with foot operated deck height Adjustment or equivalent deck (non-scalping) w/ <u>rear discharge</u> ; Heavy-duty multi-layered deck (min. 7/16" thickness), w/ ductile iron, & w/ steel shafts & sealed ball bearings; 1" – 5.25" cutting height; 3 – hardened heavy-duty blades	<u>Yes</u>

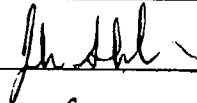
Item # 8

Page 2, 60" Cut, Zero-Turn, Commercial Mower

Tires:	Front: semi-pneumatic or pneumatic Rear: Turf tread	<u>Yes</u>
Fuel:	Gasoline – minimum 12 gal. capacity	<u>Yes</u>
Seat:	Foam padded, high back, spring cushion, heavy-duty seat with armrests w/ adjustment	<u>Yes</u>
Safety Controls:	Operator presence controls on seat, deck clutch, & parking brake switches, roll-over protection w/ seat belt	<u>Yes</u>

Delivered Price/Date: \$12,910 with in 10 days of orderName/Type & Model: Kubota 2D331RP-60R Rear DischargeEngine Model/Type/ HP: Kubota D1305 Diesel 31HP

Company: Rhinehart Equipment Company
P.O. Box 1701
Rome, GA 30162

Print Name: Josh ShookSignature:  Date: 4-24-2012Phone #: 678-800-3252

Item # 8

2012
Cartersville Parks & Recreation Department
60" Cut, Zero-Turn
Commercial Riding Mower
Quote Request - Revised

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60" Cut, Zero-Turn, Commercial Mower

Minimum Specifications as follows:

		Meets Specs. Yes/ No
Engine:	Minimum - 27 HP, air cooled V-twin 4-cycle vertical shaft OHV Gasoline - 2 Cylinder Engine or 27 HP Diesel Liquid Cooled (3 cylinders)	<u>Yes</u>
Electrical:	12 Volt system, ignition switch w/ electric spark ignition switch; hour meter; engine warning light	<u>Yes</u>
Drive System:	Dual hydrostatic, individual pumps power 2 direct drive wheel motors Zero turning radius	<u>Yes</u>
Mower Frame:	Welded, heavy-duty steel-tubing w/ internal gusset; 1.5" x 3" x .17" tubing	<u>Yes</u>
Deck:	Floating Deck with foot operated deck height Adjustment or equivalent deck (non-scalping) w/ <u>rear discharge</u> ; Heavy-duty multi-layered deck (min. 7/16" thickness), w/ ductile iron, & w/ steel shafts & sealed ball bearings; 1" - 5.25" cutting height; 3 - hardened heavy-duty blades	<u>Yes</u>

①

Page 2, 60" Cut, Zero-Turn, Commercial Mower

Tires: Front: semi-pneumatic or pneumatic Yes
Rear: Turf tread

Fuel: Gasoline - minimum 12 gal. capacity Yes

Seat: Foam padded, high back, spring cushion,
heavy-duty seat with armrests w/ adjustment Yes

Safety Controls: Operator presence controls on seat, deck clutch,
& parking brake switches, roll-over protection
w/ seat belt Yes

Delivered Price/Date: 10,146.27 2-3 Day After P.OName/Type & Model: 930024 Hustler Super ZEngine Model/Type/ HP: Kawasaki FX850 27HPCompany: Taylor Farm Supply
12 Locke St.
Cartersville, Ga. 30120Print Name: Brian NITSignature: [Signature] Date: 4-25-12Phone #: 770-382-4951

②

**2012
Cartersville Parks & Recreation Department
60" Cut, Zero-Turn
Commercial Riding Mower
Quote Request - Revised**

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The City reserves the right to reject any or all bids or to accept only that bid which the City deems is in their best interest.

60" Cut, Zero-Turn, Commercial Mower

Minimum Specifications as follows:

		Meets Specs. Yes/ No
Engine:	Minimum - 27 HP, air cooled V-twin 4-cycle vertical shaft OHV Gasoline - 2 Cylinder Engine or 27 HP Diesel Liquid Cooled (3 cylinders)	<u>No 23.5 HP</u>
Electrical:	12 Volt system, ignition switch w/ electric spark ignition switch; hour meter; engine warning light	<u>Yes</u>
Drive System:	Dual hydrostatic, individual pumps power 2 direct drive wheel motors Zero turning radius	<u>Yes</u>
Mower Frame:	Welded, heavy-duty steel-tubing w/ internal gusset; 1.5" x 3" x .17" tubing	<u>Yes</u>
Deck:	Floating Deck with foot operated deck height Adjustment or equivalent deck (non-scalping) w/ <u>rear discharge</u> ; Heavy-duty multi-layered deck (min. 7/16" thickness), w/ ductile iron, & w/ steel shafts & sealed ball bearings; 1" - 5.25" cutting height; 3 - hardened heavy-duty blades	<u>Yes</u>

②

Page 2, 60" Cut, Zero-Turn, Commercial Mower

Tires: Front: semi-pneumatic or pneumatic Yes
Rear: Turf tread

Fuel: Gasoline - minimum 12 gal. capacity Yes

Seat: Foam padded, high back, spring cushion,
heavy-duty seat with armrests w/ adjustment Yes

Safety Controls: Operator presence controls on seat, deck clutch,
& parking brake switches, roll-over protection
w/ seat belt Yes

Delivered Price/Date: 7700.75 2-3 Day After P.O.

Name/Type & Model: 930560 - Hustler X One

Engine Model/Type/ HP: Kawasaki: RX691 23.5

Company: Taylor Farm Supply
12 Leake St.
Cartersville, Ga. 30120

Print Name: Brian Nix

Signature: [Signature] Date: 4-25-12

Phone #: 770-382 4857



City of Cartersville

City Council Meeting
5/3/2012 7:00:00 PM
Refuse Roll-out Carts

SubCategory:	Bid Award/Purchases
Department Name:	Public Works Department
Department Summary Recommendation:	The Public Works Department solicited three bid proposals and received two on 400 95-gallon refuse carts. Otto-USA bid \$49.00 each including freight for a total of \$19,600.00. Municipal Equipment Sales bid \$53.63 including freight for a total of \$21,450.00. We recommend the low bid from Otto-USA in the amount of \$19,600.00.
City Manager's Remarks:	Your approval of the bid award to Otto USA is recommended.
Financial/Budget Certification:	This is a budgeted item and well under budget and will be charged to garbage carts expense account 540-3200-53-1131.
Legal:	
Associated Information:	Everify and SAVE documentation forms are on file for this vendor!



City of Cartersville

City Council Meeting
5/3/2012 7:00:00 PM
Sewer Manhole Rehabilitation Project

SubCategory:	Bid Award/Purchases
Department Name:	Water Department
Department Summary Recommendation:	MEMO TO: Sam Grove FROM: Jim Stafford DATE: April 24, 2012 SUBJECT: Sewer Manhole Rehabilitation Project The Water Department has an ongoing program for assessing and maintaining the sewer collection system to reduce Inflow and Infiltration as a required by the Georgia EPD and the Metropolitan North Georgia Water Planning. An annual budget item of \$50,000 is allocated for this purpose. In 2008 the Water Department contracted with Mechanical Jobbers, Inc. to perform epoxy and fiberglass lining of deteriorated manholes in the sewer system. Mechanical Jobbers has agreed to perform rehabilitation/relining work for the same unit prices they bid in their 2008 contract. The \$50,000 budget will allow for relining of between 150 to 200 vertical feet of manholes. This will equate to approximately twenty manhole structures depending on their depth. This rehabilitation work significantly reduces the amount of storm water and groundwater entering the Water Pollution Control Plant for treatment. The Water Department recommends award of the contract with Mechanical Jobbers, Inc. of Lithonia, Georgia to perform manhole rehabilitation for a price not to exceed \$50,000. This work will be paid for with the budget item for Sewer I&I Study and Remodeling. E-Verify and SAVE Documentation was submitted with the bid and is on hand. Council Approved Date: _____
City Manager's Remarks:	Your approval of award to Mecahnical Jobbers as outlined above with work limited to \$50,000 is recommended.
Financial/Budget Certification:	This work will be paid for with the budget item for Sewer I and I Study and Remodeling account 505-3320-54-1328. Cover Memo Item # 10

Legal:	
Associated Information:	E-Verify and SAVE Documentation was submitted with the bid and are attached.

From:

04/25/2012 14:37

#225 P.004

CONTRACTOR AFFIDAVIT AND AGREEMENT

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

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

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

47657
EEV/Basic Pilot Program* User Identification Number

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

4/25/12
Date

Secretary
Title of Authorized Officer or Agent of Contractor

Joseph Trevino
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN

BEFORE ME ON THIS THE

28 DAY OF April, 2012

[Signature]
Notary Public

My Commission Expires:

11/6/12

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

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

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

RONALD E. LYONS

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

MECHANICAL JOBSERS MARKETING, INC.

[Name of business, corporation, partnership]

1) ☒ I am a United States citizen

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

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

R. E. Lyons 4/25/12
Signature of Applicant: Date

RONALD E. LYONS
Printed Name: _____

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

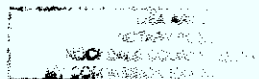
25th DAY OF April, 2012

Janice

Notary Public

My Commission Expires: 11/6/12

* _____
Alien Registration number for non-citizens



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

From:

04/25/2012 14:39

#225 P.006

registration number. Qualified aliens that do not have an alien registration number may supply another identifying number below:

Item # 10



City of Cartersville

City Council Meeting

5/3/2012 7:00:00 PM

Emergency Repairs to the Sewer Service for Commercial Site at 124, 126 and 128 Old Mill Road

SubCategory:	Bid Award/Purchases
Department Name:	Water Department
Department Summary Recommendation:	MEMO TO: Sam Grove FROM: Jim Stafford DATE: April 25, 2012 SUBJECT: Emergency Repairs to the Sewer Service for Commercial Site at 124, 126 and 128 Old Mill Road The sewer service line serving the commercial site at 124, 126 and 128 Old Mill Road, (the old Southern States building), was found to be collapsed and not draining properly. Hill City Onsite, Inc. agreed to provide equipment and labor to repair the line and restore sewer service to the site for an hourly rate of \$185.00. The Water Department did not have equipment capable of excavating to the necessary depth for these repairs and the hourly rate submitted was considered reasonable. Repairs required 41 hours to complete for a total charge of \$7,585.00. The Water Department recommends approval of this agreement with Hill City Onsite, Inc. for sewer service repairs in the amount of \$7,585.00. This work will be paid for with the budget item for Maintenance and Repairs to sewers. E-Verify and SAVE Documentation is on hand. Council Approved Date: _____
City Manager's Remarks:	Approval of payment to Hill City Onsite in the amount outlined above is recommended.
Financial/Budget Certification:	This work will be paid for with the budget item for Maintenance and Repairs to sewers.
Legal:	
Associated Information:	E-Verify and SAVE Documentation is on hand.



City of Cartersville

City Council Meeting
5/3/2012 7:00:00 PM
Bottle Washer for Lab

SubCategory:	Bid Award/Purchases				
Department Name:	Water Department				
Department Summary Recommendation:	Memo To: Sam Grove From: Jim Stafford Date: 3-13-2012 Subject: Purchase Bottle Washer for Lab Bids were accepted for a BOD bottle/flask/pipette washer for the wastewater lab. This is a specialized piece of equipment which saves many man hours each day. The unit that we have is giving a lot of trouble and we need to replace it. Most weeks we use and wash in excess of 160 BOD bottles and about 70 pipettes. Bids received were as follows: <table><tr><td>Fisher Scientific</td><td>\$7512.00</td></tr><tr><td>Labconco Corp</td><td>\$9,885.00</td></tr></table> I recommend purchase of this equipment from Fisher Scientific. This will be paid from instruments and implements in the WPCP budget and all E-verify forms are in hand.	Fisher Scientific	\$7512.00	Labconco Corp	\$9,885.00
Fisher Scientific	\$7512.00				
Labconco Corp	\$9,885.00				
City Manager's Remarks:	Your approval of this purchase is recommended.				
Financial/Budget Certification:	This will be paid from instruments and implements in the WPCP budget 505-3330-54-2320.				
Legal:					
Associated Information:	Everify and SAVE are attached.				



City of Cartersville

City Council Meeting
5/3/2012 7:00:00 PM
Downtown Development Authority Funding

SubCategory:	Contracts/Agreements
Department Name:	Administration
Department Summary Recommendation:	The DDA has requested that the city take over the Business Improvement District dedicated bank account and associated responsibility of this program, and requests additional funds. City staff can assume the duties of the Business Improvement District and I recommend approval.
City Manager's Remarks:	Your approval of the additional funding for the DDA and the City assuming BID responsibility is recommended.
Financial/Budget Certification:	Funds are available in the current year budget.
Legal:	
Associated Information:	E-verify and SAVE are on file.