

AGENDA

City of Carrollton Mayor and Council Meeting

December 5, 2016
6:00 p.m.

Public Safety Complex, Court/Council Chambers, 115 West Center Street, Carrollton, Georgia

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. INVOCATION**
- IV. CITIZEN COMMENTS**
(Please state your name and address for the record and limit comments to three minutes.)
- V. MINUTES (November 7, 2016)** **1-7**
- VI. APPROVAL OF AGENDA ITEMS FOR CONSIDERATION**
 - 1. Recognition: Central High School Softball Team – 2016 AAAA State Champs** **8**
 - 2. Recognition: Clay “Wolf” Ward** **9**
 - 3. Resolution: 27-2016 – Library Expansion Project** **10-12**
 - 4. Resolution: 28-2016 – Carrollton City Cemetery Code Amendment** **13-15**
 - 5. Resolution: 29-2016 – West Metro Regional Drug Enforcement Office
Financial Procedures** **16-27**
 - 6. Resolution: 30-2016 – Bicycle Friendly Community** **28-29**
 - 7. Rezoning: 406 Bradley Street & 109 East Center Street** **30-51**
Rezone approximately 1.3 acres from O-I (Office Institutional) to 0020 C-1 (Central Business District). Petitioner: Higher Ground Properties LLC, represented by Brad Wilks
 - 8. Annexation and Rezoning: 138 Cottage Hill Road** **52-80**
Annex 41.2 acres and rezone an additional 8.5 acres from Carroll County A (Agriculture), to City of Carrollton R-M (Residential Multifamily). Requested zoning for the additional 8.5 acres is from City of Carrollton C-2 (General Commercial) to City of Carrollton R-M (Residential Multifamily).
Petitioner: John Denney, on behalf of property owners David Brown & Gwyn B. Chesnut
- VII. MAYOR AND COUNCIL ANNOUNCEMENTS**
- VIII. CITY MANAGER ANNOUNCEMENTS**
- IX. ADJOURN**

The Agenda for each Mayor and Council Meeting is available for review in the City Manager's Office, 315 Bradley Street, Carrollton, Georgia and the City's website, www.carrollton-ga.gov five (5) business days prior to a Mayor and Council Meeting. A summary of Agenda items acted upon is available within 48 hours of the meeting at the address and website listed above. Minutes to any previous meeting (once adopted) are available upon request or may be viewed on the City's website, www.carrollton-ga.gov. The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at a meeting, the City will try to accommodate you in every reasonable manner. Please call (770) 830-2000 from 8:30 a.m. to 5:00 p.m. Monday through Friday at least 48 hours prior to the meeting.

MINUTES

City of Carrollton Mayor and Council Meeting

November 7, 2016

6:00 p.m.

Public Safety Complex, Court/Council Chambers, 115 West Center Street, Carrollton, Georgia

I. CALL TO ORDER

The Mayor and Council met in a regular session on Monday, November 7, 2016, in the Public Safety Complex, Court/Council Chambers, 115 West Center Street, Carrollton, Georgia. Mayor Hollingsworth called the meeting to order at 6:00 p.m. Members present: Mayor Walt Hollingsworth, Mayor Pro-Tem Gerald Byrd, Councilmember Met Lane, Councilmember Jim Watters, and Councilmember Rory Wojcik. Members absent: None.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hollingsworth.

III. INVOCATION

The invocation was offered by Police Chaplain Doug Hardy.

IV. CITIZEN COMMENTS

Ms. Paula Waters, President of the West Metro Board of Realtors (WMBR) expressed appreciation to the Mayor and Council for their assistance in focusing on the issues and requested any consideration for amendments to the UDO regarding density be postponed.

Ms. Annie Boykin, resident of 139 Carter Street, expressed appreciation for the installation of sidewalk on Carter Street.

V. MINUTES (September 12, 2016 and September 21, 2016)

Motion by Councilmember Wojcik, seconded by Councilmember Lane to approve the minutes of the September 12, 2016 and September 21, 2016 meetings. (Motion passed 5-0).

VI. APPROVAL OF AGENDA ITEMS FOR CONSIDERATION

Motion by Mayor Pro-Tem Byrd, seconded by Councilmember Watters to adopt the Agenda as presented. (Motion passed 5-0).

1. Recognition: West Georgia Warriors

Mayor Pro-Tem Byrd read a Certificate of Recognition honoring the members of the West Georgia Warriors 13 and Under Baseball Team for winning back to back tournaments in the 2016 USSA Global Major World Series 13 and Under Major Championship Division.

2. Recognition: Water Filter Plant Superintendent Connie Nelms

City Manager Tim Grizzard recognized Water Filter Plant Superintendent Connie Nelms. Superintendent Nelms was recently elected Chairperson of the Georgia Section of the American Water Works Association (GAWWA). As GAWWA Chairperson, Superintendent Nelms will have general supervision over the affairs of the Georgia Section of GAWWA.

3. Resolution: 21-2016 - Unified Development Ordinance Amendment

Community Development Director Erica Studdard presented Resolution 21-2016 amending the Unified Development Ordinance to limit the density in multi-family developments to six (6) units per acre unless the petitioner obtains a special use permit. Director Studdard pointed out that this amendment was

initially proposed so that the Mayor and Council could look at each multi-family development on a case by case basis. Director Studdard reported that staff had added language to the Resolution directing that the City Manager place the density limit on the November 2017 Mayor and Council Meeting Agenda. Director Studdard noted at that point in time the Mayor and Council will review the density limits; and move forward by keeping it at six (6) units or if desired; the Mayor and Council may choose to change the density limits.

Motion by Councilmember Wojcik, seconded by Councilmember Watters to approve Resolution - 21-2016 amending the Unified Development Ordinance as presented (as follows):

...
2.01.02 Residential Zoning Districts

The following residential zoning districts are established:

- G. R-M, Residential Multifamily (Maximum 6 units per acre, unless a special use permit is obtained allowing a greater density). This district is intended to provide an area for moderate- and high-density residential development. The regulations for this district are designed to provide areas for apartment complexes and other high-density residential development.**

...
4.02.03 Design Standards for Multifamily Developments

- ...
E. Density. The density of any multifamily development shall not exceed six (6) units per acre, unless a special use permit pursuant to Section 2.04.24(B) is obtained from the Mayor and City Council allowing a greater density.
F. "Unit" defined. For purposes of multifamily development, each unit shall have a kitchen and no unit shall exceed four (4) bedrooms.

...
Additionally, the Mayor and City Council of Carrollton do hereby direct the City Manager to place the density limit on the agenda for the November, 2017 regular meeting of the Mayor and City Council for further review and discussion. (Motion passed 4-1 with Mayor Pro-Tem Byrd voting opposed).

4. Resolution: 25-2016 - Little Free Pantry Program

Director Studdard presented Resolution 25-2016 authorizing the creation of the Little Free Pantry Program. Director Studdard reported that Mayor Pro-Tem Byrd and Councilmember Wojcik requested staff to research and study the potential project. Director Studdard reported that the Little Free Pantry Program was similar in concept to the Little Free Library Program. Small boxes would be built and located throughout the City to house donated non-perishable items; including diapers and such to be available for those in need. Director Studdard stated that this is a program that is being implemented in other parts of the country. Director Studdard reported that with the help of City Attorney Chuck Conerly, Resolution 25-2016 was drafted outlining rules and procedures of the Little Free Pantry Program. City Attorney Conerly stated he had researched the program, and found state and federal laws that provide a degree of immunity when providing donated food, so from a liability standpoint the Little Free Pantry Program is of little concern. Director Studdard stated that the City may want to partner with other non-profit organizations in the City to help monitor and stock the pantries.

Motion by Mayor Pro-Tem Byrd, seconded by Councilmember Wojcik to approve Resolution 25-2016 establishing the "Little Free Pantry" program in Carrollton. (Motion passed 5-0).

5. Resolution: 26-2016 - Hotel/Motel Tax

Director Studdard presented Resolution 26-2016 increasing the hotel/motel tax in the City of Carrollton from five percent (5%) to eight percent (8%). Director Studdard reported that state law permits the City to levy an excise tax on the use of hotels and motels within the City with the general purpose of the tax received utilized to promote and attract conventions, tourism and economic development within the City. Carrollton is currently authorized to levy an excise tax at the rate of five percent (5%) of the amount paid for a guest room in a hotel or motel within the City, unless an exemption applies for extended stay. The revenues generated from the five percent (5%) tax are currently used to promote, attract, stimulate, and develop conventions, tourism and economic development within the City. Allocations are as follows:

- 2% = Carrollton Area Convention and Visitors Bureau (40%)
- 2% = City of Carrollton General Fund (40%)

1% = Chamber of Commerce (20%)

Director Studdard reported that state law provides that cities may charge a hotel/motel tax at a rate up to eight percent (8%); provided that the City adopts a Resolution specifying the tax rate, identifying the projects or tourism product development purposes to be funded by the tax, and specifying the allocation of the proceeds. Director Studdard stated that should the Mayor and Council approve Resolution 26-2016, the proposed increase to the hotel/motel tax must then be approved through the enactment of a local Act by the Georgia General Assembly.

Director Studdard pointed out that staff believes increasing the hotel/motel tax would be a great revenue source to fund renovations to the Carrollton Cultural Arts Center, fund a spur from the Carrollton Greenbelt to Adamson Square, corridor and gateway improvements, and signage and any/all other physical improvements associated with a community "branding" campaign. Director Studdard stated that the current funding allocations to the Carrollton Convention and Visitors Bureau and Chamber of Commerce are not affected by this change.

The proposed new allocation of the eight percent (8%) hotel/motel excise tax would be allocated as follows:

1. 3½% shall be allocated for the purpose of promoting tourism, conventions and trade shows within the City. (2% CACVB, 1% COC, ½% City of Carrollton)
2. 1½% shall be allocated towards tourism product development purposes, including renovations to the Carrollton Cultural Arts Center, a spur from the Carrollton Greenbelt to Adamson Square, corridor and gateway improvements, and signage and any/all other physical improvements associated with a community "branding" and any other permissible use under O.C.G.A. § 48-13-50.
3. 3% shall be allocated to the general fund of the City of Carrollton, Georgia.

Following a brief discussion, ***motion by Mayor Pro-Tem Byrd, seconded by Councilmember Lane to approve Resolution 26-2016 to increase the Hotel/Motel Tax charged within the City of Carrollton from five percent to eight percent and request that legislation be presented at the next session of the Georgia General Assembly. (Motion passed 5-0).***

6. Bid Award: Alabama Street Sidewalk Project

City Manager Grizzard presented the Engineering Department's received RFP's for the Alabama Street Sidewalk Project. The proposed sidewalk project will consist of approximately 9,000 square feet of concrete sidewalk along the south side of Alabama Street from the existing sidewalk at Dollar General just east of Brumbelow Road to Longbon Street.

The following bids were opened November 3, 2016:

JHC Corporation	\$380,075.00
Georgia-Alabama Woodlands, Inc	\$232,699.00
Lewallen Construction Co. Inc.	\$195,873.40

City Manager Grizzard reported that all contractors are reputable and qualified. City Manager Grizzard noted that the project was originally listed on the SPLOST Project List. However, the City intends to fund the project from the Sanitation Fund transfer designated for Street Paving & Improvements. City Manager recommended that the Mayor and Council award the Alabama Street Sidewalk Project to Lewallen Construction, Inc. in the amount of \$195,873.40.

Motion by Mayor Pro-Tem Byrd, seconded by Councilmember Wojcik to award the Alabama Street Sidewalk Project to Lewallen Construction Company for \$195,873.40. (Motion passed 5-0).

7. Bid Award: Almon Road Culvert Improvements Project

City Manager Grizzard presented the Engineering Department's received RFP's for the Almon Road Culvert Improvements Project. City Manager Grizzard reported that the culvert on Almon Road, near

Lake Carroll Boulevard was damaged during the December 2015 flood event. Temporary repairs were made to reopen the roadway for traffic.

The following bids were opened October 13, 2016:

Site Engineering	\$746,730.00
Baldwin Paving	\$493,863.42
Georgia Bridge & Concrete, LLC	\$486,209.00
Southeastern Site Development	\$420,398.62
Carl Owen Construction	\$278,932.00

City Manager Grizzard reported that all contractors are reputable and qualified. City Manager Grizzard recommended that the Mayor and Council award the Almon Road Culvert Improvements Project to the low bidder, Carl Owen Construction. City Manager Grizzard noted that the Federal Emergency Management Agency (FEMA), along with the Georgia Emergency Management Agency (GEMA), has provided grant funding to repair and improve the damage caused by the flood event. The FEMA/GEMA grant requires that the federal share of the cost be 75%, the state share at 10%, and the City share at 15%. The City portion of this contract is estimated to be \$41,839.80.

Motion by Councilmember Wojcik, seconded by Councilmember Watters to award the Almon Road Culvert Improvements Project to the low bidder, Carl Owens Construction for \$278,932.00. (Motion passed 5-0).

8. Bid Award: GreenBelt – Highway 27 Crossing at Kingsbridge Road Project

City Manager Grizzard presented the Engineering Department's received RFP's for the GreenBelt – Highway 27 Crossing at Kingsbridge Road Project.

The following bids were opened October 13, 2016:

Lewallen Construction Co. Inc.	\$152,469.00
JCH Corporation	\$252,300.00

City Manager Grizzard reported that all contractors are reputable and qualified. City Manager Grizzard stated that the project is partially funded by the Georgia DOT (Off System Safety LMIG). City Manager Grizzard recommended that the Mayor and Council award the GreenBelt-Hwy 27 Crossing at Kingsbridge Road Project to the low bidder, Lewallen Construction Company.

Motion by Councilmember Watters, seconded by Councilmember Wojcik to award the GreenBelt – Highway 27 Crossing at Kingsbridge Road Project to the low bidder, Lewallen Construction Company for \$152,469.00. (Motion passed 5-0.)

9. Carrollton Housing Authority – West Carrollton / CHIP Grant Update

Carrollton Housing Authority Executive Director Charles Griffin gave an informative update on the Community Home Investment Program (CHIP) grant with a focus on housing in need of repairs in the West Carrollton area. Director Griffin reported that the Housing Authority received \$300,000 in funding from the CHIP grant and Georgia Department of Community Affairs, which will go toward home repairs and restorations.

Director Griffin reported that phone lines opened for program participants, with approximately 50 calls received. Director Griffin stated that site visits had been performed at some of the homes to determine the exact repairs needed, including reroofing, updating the electrical wiring and/or making improvements as for handicapped accessibility. The selected homes are those which qualified for renovations and the property owner qualified as low income under the terms of the CHIP grant

Director Griffin noted that there was a slight delay from Georgia's State Historic Preservation Office which reviews improvements on buildings built prior to the 1960s. Director Griffin stated he was very familiar with the preservation program and understood they were looking at the historical characteristics of the exterior of the homes.

Director Griffin stated that plans were to commence the renovations at the start of the new year.

10. Railroad Agreement Update

City Manager Grizzard gave an update on the agreement with Norfolk Southern and shared photographs of the structural issues of the Croft Street wooden bridge. City Manager Grizzard reported delays in the repair of the bridge were because of issues with the potential railroad contractor wanting to be indemnified by the City. The contractor's price to repair the bridge was an estimated \$30,000. A recommendation was made to contact GRC Stonewater to perform the structural repairs on the Croft Street wooden bridge.

11. Sidewalk/Trail to County Complex Update

City Manager Grizzard reported that he had requested Community Development Director Studdard to pull together the GreenBelt Team and look at including a GreenBelt spur or connector to the County Complexes on Newnan Road. City Manager Grizzard noted that if the City proceeded with a trail to the County Complex, the City needed to make certain it would work. City Manager Grizzard pointed out that currently there are no funds available to create this sidewalk/trail, but the project could be included in a future SPLOST.

12. Main Street Board Election: Ballot Consideration for Approval

Motion by Mayor Pro-Tem Byrd, seconded by Councilmember Watters to approve the individuals (Scott Lingrell, Faith Mallory, Mark Sullivan, Kelly Meigs, Melanie Drew and Caroline Aycock) for the Main Street Board Ballot as presented. (Motion passed 5-0).

13. Appointment of Non-Profit Financial Assistance Committee

Motion by Councilmember Lane, seconded by Councilmember Watters to table the appointments to the Non-Profit Financial Assistance Committee until the December meeting of the Mayor and Council. (Motion passed 5-0).

14. Appointment: Corridor Development and Beautification Committee (1)

Councilmember Wojcik opened the nominations by nominating Christina Davis for the Corridor Development and Beautification Committee. **Motion by Councilmember Lane, seconded by Councilmember Watters to close the nominations. (Motion passed, 5-0).**

Motion by Councilmember Wojcik, seconded by Councilmember Watters to appoint Ms. Christina Davis to the Corridor Development and Beautification Committee. (Motion passed, 5-0).

15. Appointment: Carrollton Area Convention & Visitors Bureau (4)

Motion by Councilmember Lane, seconded by Councilmember Watters to reappoint Mike Hart and Chris Duffey to new terms on the Carrollton Area Convention and Visitors Bureau (terms expiring June 30, 2019) and appoint Shannon Munday (with term expiring June 30, 2018) to fill an unexpired term of Nicole Clark and appoint Daryl Johnson (with term expiring June 30, 2017) to fill an unexpired term of Trudy Crunkleton. (Motion passed, 5-0).

VII. MAYOR AND COUNCIL ANNOUNCEMENTS

Mayor Pro-Tem Byrd:

- Welcomed City staff member Libby Duke back to the Mayor and Council meeting.
- Commended the Carrollton City School Superintendent (Mark Albertus) on the beautiful new City school currently being constructed.
- Expressed appreciation to the Police and Fire Departments for their work and assistance in Target's Down Syndrome Walk, and the Drug Walk in West Carrollton.
- Commended Recreation Director Peter Maierhofer and his staff in the opening of Legends West Park and Parks Superintendent Kent Johnston for the beautiful landscape and hard work on the Butterfly Park in at Legends West Park.

- Expressed appreciation to the Fire Department for putting the fire out immediately at the East Carrollton Parks Department storage shed; noting that with the drought we are experiencing; the fire could have been much worse.
- Thanked the Fire Departments for coming out to Moore's Chapel and doing crafts in the streets with the kids. Standout firefighters at the event included: Captain Kinnard, Jason Westbrook and Chris Bradley.
- Commended Mayor Hollingsworth and Lori Blackmon for judging the Miss Sparkle Pageant with him last weekend. Applauded Police Chief Joel Richard's daughter, Miss Abby Richards on being crowned a queen at the pageant.
- Invited everyone to the Face to Face event to be held at the Catherine Hardy Lavender Recreation Center on Saturday, November 19, 2016 from 10:00 a.m. to 12:00 p.m., with lunch provided. Carroll County inmates will have conversations with youth and parents in the community and discuss what they have experienced in prison and what life is like in prison.
- Recognized Boy Scout Logan Moore in attendance at the meeting and requested Mayor Hollingsworth permit Boy Scout Moore to adjourn the meeting at the appropriate time.
- Wished everyone a very Happy Thanksgiving.

Councilmember Lane:

- Noted he would not be at the next Council meeting as he is taking his family to Orlando, Florida.
- Stated that he had received three constituent issues earlier in the day, of which he requested City Manager Grizzard handle and Mr. Grizzard had dealt with them all. Reported that all three constituents had reported back to him that the issues were resolved by City employees and they were all were pleased with the results. Expressed appreciation to City Manager Grizzard and the employees for their prompt response.
- Expressed appreciation to the Mayor and Council for being productive and pointed out that more than 90% of the votes in meeting had been unanimous.
- Reminded everyone of all the Mayor and Council accomplishments this year, including:
 - o Passed a Resolution to change the Mayor and Council Meeting time from 4:30 pm. to 6:00 p.m.
 - o Passed the Keeping Citizens Informed Resolution. Noted that he was looking forward to the annual newsletter which will be provided by the City Manager within the next few weeks.
 - o Passed the Town Hall Meetings Resolution, which Mayor Pro-Tem Byrd and Councilmember Wojcik have been successful with already this year.
 - o Passed the Facilities Fairness and Accessibility Resolution where the City now post the rental rates for City facilities in a conspicuous location on the City website.
 - o Passed the Customer Service Skills Resolution for all employees that interact with the public. City Manager Grizzard confirmed the training was completed for all employees in September 2016.
 - o Noted that the Mayor and Council had hosted several work sessions this year.
 - o Stated the Keeping Citizens Informed Resolution called for more advance notice of the Agenda. Noted he was grateful for having the Agenda and supporting documents published 5 business days in advance of meetings.
 - o Passed a Resolution requiring that the City financials, including the SPLOST financials be published on the City website.
 - o Passed a Resolution repealing the Elected Officials Retirement.
 - o Passed a Multifamily Housing Moratorium to allow the City time to gather information and act on the information to move towards creating balance of the City's housing.
- Expressed appreciation to the City Attorney and the Mayor and Councilmembers.
- Wished everyone a Happy Thanksgiving and Merry Christmas.

Councilmember Wojcik:

- Expressed appreciation to City Engineer Tommy Holland and Community Development Director Erica Studdard for working with him on re-stripping and signage on Stewart Street for bicycle friendly streets and facilities.
- Expressed appreciation to Parks Superintendent Kent Johnston and Supervisor Carrie Burnett for their work on a tree planting event at Safari Park.
- Thanked Police Chief Joel Richards for the phenomenal work he and his department do for our City.

- Stated that with the City having City Manager Grizzard and Water Filter Plant Superintendent Nelms, we don't concern ourselves with the drought conditions as much, as everyone else is experiencing. Noted that this was a true testament to what good employees the City has.
- Reported he was excited about the progress on the Library renovation, noting that an architect would be selected soon.
- Excited to see the "last leg" of the GreenBelt almost completed.

Councilmember Watters:

No comments.

Mayor Hollingsworth:

- Thanked the Public Safety Department's (first responders), as they have had a busy month.
- Expressed appreciation to Public Works Director Mike Green and his crews for keeping everything cleaned up, including the leaves/debris, sewers and storm sewers.
- Expressed appreciation to everyone, noting he is hearing great responses from the community.
- Thanked Gradick Communications for broadcasting the meetings on the web this year.

VIII. CITY MANAGER ANNOUNCEMENTS

City Manager Grizzard

- Reminded the Mayor and Council of Mayor's Day Conference to be held in January 2017. Libby Duke is the contact to arrange to participate in the conference.
- Noted that "Save the Dates" will be emailed to all City appointed board members for a Christmas Party to be held on December 17, 2016. Stated that the Christmas Party had been requested by several Councilmembers to allow everyone to meet one another.
- Staff is planning a budget work session for a Saturday and a Sunday in February, 2017 at a venue similar to the Lodge at Calloway, if not Calloway. Staff will poll the Mayor and Council within the month to select a good weekend for everyone.
- Reported the Police Department had seized a 2013 Ford F250 in a recent drug raid. The Police Department wants to keep the vehicle to use within the Department. State laws that governs drug vehicle seizures require the City pay for 10% of the book value and storage of the vehicle. The City has purchased the vehicle (F250) for \$7,071.88 out of the drug fund.

IX. ADJOURN

There being no additional business to address, Boy Scout Logan Moore adjourned the meeting by lowering the gavel at 7:45 p.m.

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Office of the Mayor
Carrollton, Georgia

Certificate of
Recognition
December 5, 2016

**CENTRAL HIGH SCHOOL FAST-PITCH SOFTBALL TEAM
2016 CLASS AAAA STATE CHAMPS**

WHEREAS, the 2016 Central High School Fast-Pitch Softball Team on October 29, 2016 won the Georgia High School Association Class AAAA Fast-Pitch Softball Tournament; and

WHEREAS, we know that a special commendation is due all of the members of the 2016 Central High School Fast-Pitch Softball Team, Coaches Dave McKenna, Nathan Urquhart, Ken Minick and Makenzie Spayde; and

NOW, THEREFORE, BE IT RESOLVED, that I, Walt Hollingsworth, by virtue of the authority vested in me as Mayor of the City of Carrollton, on behalf of all our citizens, do hereby extend this expression of our pride in your accomplishment, your outstanding spirit of dedication, and enthusiasm; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be delivered to each member of the following 2016 Central High School Fast-Pitch Softball Team this 5th day of December, 2016.

**2016 Central High School Fast-Pitch Softball Team
"State Champs"**

Players

Faith Bennett	Madison Donley	Micah Harris	Kayla Sales
Abbey Cook	Haley Fehring	Addie Lyle	Shirley Sharp
Jonni Cook	Jodee Garner	Lucy Grace McKenzie	Emily Williams
Maddie Dodson	Peyton Groves	Logan North	Adrienne Wood

<u>Head Coach</u>	<u>Assistant Coaches</u>	<u>Bus Driver</u>	<u>Stats and Equipment</u>
Dave McKenna	Nathan Urquhart	Stuart Lewis	Pam & Craig Dodson
	Ken Minick		
	Makenzie Spayde		

Signed this 5th day of December, 2016

Walt Hollingsworth, Mayor

Office of the Mayor
Carrollton, Georgia

Certificate of
Recognition

Clay "Wolf" Ward
December 5, 2016

WHEREAS, Clay "Wolf" Ward acted in a courageous manner and risked his own life to save the life of a stranger on November 6, 2016; and

WHEREAS, Clay "Wolf" Ward was the first to arrive on the scene of an accident where the young driver of the vehicle was trapped and the vehicle was filling with smoke; and having heard the young drivers cry for help; without hesitation, Clay "Wolf" Ward sought a sharp object to cut the young driver free, pulling him to safety just before the vehicle was fully engulfed in flames; and

WHEREAS, this courageous action which averted what could have been a tragic loss to the young driver's family, friends, and community was an act of extreme valor and deserves special recognition by the Mayor and City Council; and

THEREFORE, I do hereby tender this Certificate of Recognition with the deepest gratitude and sincere appreciation of the City of Carrollton, its governing body, and all of the citizenry to Clay "Wolf" Ward for his selfless and heroic action.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Carrollton to be affixed this 5th day of December in the year of our Lord two thousand sixteen.

Walt Hollingsworth, Mayor

Gerald Byrd, Mayor Pro-Tem



MEMORANDUM

To: The Mayor and Council
From: *TG* Timothy C. Grizzard, P.E., City Manager
Date: November 28, 2016
Subject: Resolution: 27-2016 – Library Expansion Project

Please find attached Resolution 27-2016 – Library Expansion Project. With the adoption of the FY 2016-2017 Budget, the Mayor and Council authorized \$1,000,000 of SPLOST funding for the expansion and renovation of the Neva Lomason Library on Rome Street.

The State of Georgia made a budget appropriation of \$2,000,000 and Carroll County appropriated \$500,000 for a total project budget of \$3.5 million. The State requires that the funds be transferred to a construction account for the Library.

The Resolution authorizes, among other things, the City Manager to make these transfers as needed, to handle the County portion of the funding if the County chooses to do so, and to be the co-signer on the construction checking account along with the Regional Library Director. It further establishes the committee that will oversee the Library Expansion Project.

If you have any questions, please let me know.

Attachment

RESOLUTION 27-2016

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CARROLLTON, STATE OF GEORGIA, TO APPROVE THE EXPENDITURE OF UP TO \$1 MILLION IN CITY FUNDS FOR THE REMODELING AND EXPANSION OF THE WEST GEORGIA REGIONAL LIBRARY

WHEREAS, for some time, the West Georgia Regional Library (“Library”) has been planning a significant remodeling and expansion project for the Library (hereinafter the “Project”), the original projected cost of which was \$4.4 million; and

WHEREAS, at a special called meeting held on December 14, 2015, the Mayor and City Council of Carrollton, Georgia approved the expenditure of up to \$1.9 million to help fund the Project; and

WHEREAS, the Board of Commissioners of Carroll County, Georgia have approved the expenditure of up to \$500,000.00 in County funds for the Project; and

WHEREAS, the State of Georgia has also awarded a \$2 million grant to fund the Project; and

WHEREAS, a committee has been formed to oversee the Project; and

WHEREAS, the estimated cost of the Project is less the original projected cost of \$4.4 million and is now approximately \$3.5 million; and

WHEREAS, the State of Georgia still intends to fund \$2 million and Carroll County still intends to fund \$500,000.00 for the Project, but the City’s requested contribution has been reduced to \$1 million; and

WHEREAS, the Mayor and City Council find the Project to be in the public interest and wish to contribute up to \$1 million towards the Project, on the terms and conditions set forth below.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of Carrollton do hereby approve the expenditure of up to \$1 million in City funds for the Project, provided:

1. the State of Georgia similarly funds the Project up to \$2 million and Carroll County similarly funds the Project up to \$500,000.00; and
2. the \$500,000.00 in County funds will be transferred to the City, so that the City may administer the funds on behalf of both the City and the County; and

3. should all City and County funds not be needed to complete the Project, any remaining funds shall be returned to the City and the County in proportion to their respective contributions to the Project; and

4. a committee shall be formed to oversee the Project, consisting of at least the following people: Clint Chance (Chairman), Kyle Bohannon (Vice Chairman), Michelle Morgan (Treasurer), Tim Grizzard and Roni Tewksbury (Co-Project Managers), John Denney, Rory Wojcik, and Walt Hollingsworth; and

5. a construction checking account shall be established for the City and County funds, and City Manager Tim Grizzard is authorized to deposit up to \$1.5 million into the account, as needed, with the appropriation of any City funds above \$1 million requiring further approval from the Mayor and City Council; and

6. all checks drawn from the construction checking account will require signatures from both Tim Grizzard and Roni Tewksbury; and

7. subject to compliance with all applicable laws, including Georgia's Public Works Construction Law, City Manager Tim Grizzard is authorized to approve and sign all contracts relating to the Project and all related change orders.

ADOPTED this 5th day of December, 2016.

MAYOR AND CITY COUNCIL OF CARROLLTON

Mayor, City of Carrollton

Clerk, City of Carrollton



Office of the City Manager

MEMORANDUM

To:  The Mayor and Council
From:  Timothy C. Grizzard, P.E., City Manager
Date: November 28, 2016
Subject: Resolution: 28-2016 – Carrollton City Cemetery Code Amendment

Please find attached a resolution proposing an amendment to Chapter 30 (“Cemeteries”), Article II (“Rules and Regulations”) of the Code of Ordinances relating to the supervision, maintenance, and care of the City’s cemetery.

These changes were recommended by the City of Carrollton Parks and Recreation Department who is responsible for the supervision and maintenance of the City’s cemetery. The proposed revision eliminates conflicts with other sections of the Code of Ordinances, increases the fee for lots to offset some of the maintenance costs, and provides for other site restrictions that will assist staff in the care of the cemetery.

If you have any questions, please let me know.

Attachment

RESOLUTION 28-2016

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CARROLLTON, STATE OF GEORGIA, TO AMEND CHAPTER 30 (“CEMETERIES”), ARTICLE II (“RULES AND REGULATIONS”) OF THE CODE OF ORDINANCES, CITY OF CARROLLTON, GEORGIA RELATING TO THE SUPERVISION, MAINTENANCE, AND CARE OF THE CITY CEMETERY

WHEREAS, Chapter 30 (“Cemeteries”), Article II (“Rules and Regulations”) of the Code of Ordinances, City of Carrollton, Georgia assigns responsibility for the supervision, maintenance, and care of the City’s cemetery to the City’s Parks and Recreation Department (hereinafter the “Department”); and

WHEREAS, the Department has recommended certain changes to Chapter 30 (“Cemeteries”), Article II (“Rules and Regulations”) of the Code of Ordinances, City of Carrollton, Georgia relating to the supervision, maintenance, and care of the City’s cemetery; and

WHEREAS, the Mayor and City Council find it in the public interest to amend Chapter 30 (“Cemeteries”), Article II (“Rules and Regulations”) of the Code of Ordinances, City of Carrollton, Georgia as recommended by the Department.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of Carrollton do hereby amend Chapter 30 (“Cemeteries”), Article II (“Rules and Regulations”) of the Code of Ordinances, City of Carrollton, Georgia as follows:

Sec. 30-32. Erection of monuments, gravestones, and markers.

(a) In all sections of the city cemetery:

Deleted: AA-BB-CC-A-B-D-F

- (1) Grave markers will carry no restrictions. However, they must be inside the boundaries of the owner’s lot by six inches on all sides. Damage to markers shall be repaired within two weeks of notification of the owner by the owner.
- (2) Each headstone and foot stone shall have a six-inch concrete base or footing. All footings will be inspected by the cemetery coordinator prior to the stone being set.
- (3) Effective December 1, 2016, gravel covering for new graves is prohibited. For existing graves with gravel covering as of December 1, 2016, gravel may be replenished by the owner to maintain sufficient ground cover.
- (4) Effective December 1, 2016, coping, walls, and fences are prohibited. For existing graves with coping, walls, or fences as of December 1, 2016, such coping, walls, or fencing may be repaired with similar material by the owner.

Coping, walls, or fencing that is damaged or deteriorated and deemed unsafe or unsightly by the cemetery coordinator will be removed and will not be replaced by the department.

Sec. 30-33. Aboveground vaults, crypts, or mausoleums.

Aboveground vaults, crypts, or mausoleums are allowed in all sections of the city cemetery. Mausoleums may be a maximum of nine feet in height, designed to accommodate two vaults (bodies).

...

Sec. 30-40. Fees.

Fees and cost for burial lots, permits, and maintenance work in the city's cemeteries shall be as set forth in the schedule of fees and charges.

Current fees and charges:

Lots	\$1,000.00
Permit	25.00
Transfer of ownership records	10.00
Commercial mausoleums (per vault space)	1,000.00
Maintenance work (per hour)	25.00

Deleted: (b) . In sections C-E-G. Only ground level bronze, granite or marble markers are permitted. Markers must be maintained within the boundaries of the owner's lot and be at least six inches from all sides. At ground level, markers shall be installed so that a mower can cut over the marker.

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ADOPTED this 5th day of December, 2016.

MAYOR AND CITY COUNCIL OF CARROLLTON

Mayor, City of Carrollton

Clerk, City of Carrollton



MEMORANDUM

To: The Mayor and Council

From:  Timothy C. Grizzard, P.E., City Manager

Date: November 28, 2016

Subject: Resolution: 29-2016 – West Metro Regional Drug Enforcement Office
Financial Procedures

The State of Georgia is requiring that the West Georgia Drug Task Force follow certain purchasing and accounting procedures. Because the City of Carrollton is the host organization for the Task Force, the City must adopt these procedures only as they apply to the Drug Task force.

Please find attached Resolution 29-2016 which implements the required purchasing and accounting procedures that the State of Georgia requires of the West Georgia Drug Task force.

If you have any questions, please let me know.

Attachment

RESOLUTION 29-2016

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CARROLLTON, STATE OF GEORGIA, TO APPROVE (i) A PURCHASING POLICY FOR THE WEST METRO REGIONAL DRUG ENFORCEMENT OFFICE AND (ii) PROCEDURES FOR THE FINANCIAL ADMINISTRATION OF BYRNE JAG GRANTS

WHEREAS, headquartered in Carrollton, Georgia, the West Metro Regional Drug Enforcement Office (WMRDEO) is a Georgia Bureau of Investigation (GBI) Work Unit serving twenty-two Georgia counties including the Metro-Atlanta area; and

WHEREAS, in addition to the GBI, other participating agencies in the WMRDEO include the Carroll County Sheriff's Office, Heard County Sheriff's Office, Fulton County Police Department, Carrollton Police Department, Villa Rica Police Department, and Atlanta Police Department; and

WHEREAS, as a shared effort between the GBI and local law enforcement agencies, the State of Georgia requires the City of Carrollton to approve (i) a purchasing policy for the WMRDEO and (ii) certain procedures for the financial administration of Byrne JAG grants; and

WHEREAS, the Mayor and City Council of Carrollton wish to support the WMRDEO and its ongoing efforts to aggressively seek out, dismantle, and prosecute drug trafficking organizations, drug traffickers, and drug related violent criminals.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of Carrollton do hereby approve (i) the purchasing policy for the WMRDEO attached hereto as Exhibit "A" and (ii) the procedures for the financial administration of Byrne JAG grants attached hereto as Exhibit "B." These policies and procedures are solely for accounting and purchasing by the WMRDEO and for the administration of Byrne JAG grants and do not otherwise apply to accounting and purchasing by the City of Carrollton or to the administration of other grants by the City of Carrollton.

ADOPTED this 5th day of December, 2016.

MAYOR AND CITY COUNCIL OF CARROLLTON

Mayor, City of Carrollton

Clerk, City of Carrollton

Exhibit “A”

DIRECTIVE 3-1

TITLE:

WEST METRO ACCOUNTING AND PURCHASES USE OF OPERATIONAL AND FORFEITURE ACCOUNT FUNDS GENERAL ACCOUNTING PROCEDURES

INTRODUCTION

West Metro Task Force Agents and West Metro GBI employees and supervisors are authorized to procure goods and services in their official capacity for the furtherance of West Metro operations. Goods and Services will only be purchased for the official duties of the West Metro Unit. The WMRDEO purchasing policy will be a general combination of the best elements of the grant agency policy, the State Contract system, and open market/competitive bid system. The individual elements of each of these systems will be used by the Commander (SAC) in an effort to secure necessary equipment and supplies at the lowest cost to the WMRDEO while ensuring that the service and material quality is sufficient to meet the needs of the project. In certain cases, items may need to be purchased that are not commonly available, such as sole source items and thus would hinder cost comparison efforts. In these cases the Commander (SAC) will attempt to identify similar vendors for comparison purchases.

In order to procure the goods or services, however, the appropriate approvals must be met through the employee's chain of command and the funds must be available.

I. PURCHASE OF SUPPLIES, EQUIPMENT, VEHICLES, AND OTHER TANGIBLE PRODUCTS OR ITEMS

- A. All purchasing requests must be made through the West Metro Grant Administrator with the approval of the Special Agent in Charge/ Task Force Commander.
- B. All requests for purchases or services that equal or exceed \$25,000.00 will be made utilizing GSA contractors or competitive Bid system in cases where no GSA Contract exists. Purchases meeting or exceeding this threshold will be pre-approved by a majority vote of the West Metro Control Board.

- C. Purchases when applicable will be made by drawing funds from the West Metro Operating Account. Payments from the Operating Account will be made in the form of a West Metro check that has two authorizing signatures. Authorized signatures include the Task Force Commander (SAC) and certain control board members. Generally Operating Expense checks will be signed by the Commander and a Control Board Member. In cases where payments may not be rendered in a timely manner due to the absence of the Commander, two separate Control Board Member signatures may be utilized.
- D. Purchases under \$25,000.00 are not subject to mandatory competitive bid as outlined in State Of Georgia purchasing policy.
- E. When general purchases are made the Commander (SAC) will insure that purchase prices for given products or services are competitive. The Commander (SAC) should evaluate no less than three vendors for cost comparison purposes for any single item costing more than \$5,000.00 or any single purchase of multiple like items costing more than \$10,000.00.
- F. Equipment items meeting or exceeding a cost of \$1,000.00 will be accurately and appropriately identified as an asset. West Metro will maintain inventory and asset management records for all equipment meeting or exceeding \$1,000.00 per unit.
- G. Replacement vehicles may be purchased by the Commander as needed without prior authorization from the Control Board. Unless explicitly approved by the Control Board new vehicles will not be purchased. West Metro vehicles will be purchased **used**, with strong consideration given to purchasing low mileage (less than 30K) vehicles having some remaining factory warranty. Purchased vehicles, will when feasible, be located and purchased locally through dealerships. Purchase of vehicles from individuals is prohibited. It is the Commander's responsibility to insure that the purchase price of Task Force vehicles is in line with the retail value of the vehicle as published by the Kelly Blue Book or some other equally recognized evaluation guide.

II. CONTRACTUAL OR OTHER ARRANGEMENTS FOR REPAIRS, MAINTENANCE, OR SERVICE.

All contracts or annual agreements for repairs, maintenance, or service must be submitted to and approved by the Commander of the West Metro Unit. Examples include annual contracts or agreements for building or lawn maintenance. Less expensive, sporadic, or occasional services must be individually approved as an expense as well. Examples include pest control and trash services. Agreements or Contracts of a longer term than 12 months will not be entered into by the West Metro Unit. Agreements or Contracts should begin and end with the Grant cycle so as to assure budgeted funds from year to year are approved and available. In cases where a contract or agreement is entered into for a partial grant cycle, only the remaining months of the current grant cycle may be obligated.

USE OF THE WEST METRO PURCHASING CARDS

- A. The West Metro Unit may maintain a business credit card (VISA, MASTER CARD, American Express) for certain vehicle expenses, purchases of supplies, small equipment, and other smaller, less expensive items. The Grant Administrator and the Commander will be the only personnel authorized a Unit purchasing card. The West Metro Unit may also maintain other credit accounts as needed and approved by the Commander.
- B. Credit purchases will be paid in full by the Grant Administrator on a monthly basis utilizing a check drawn from the West Metro Operating Account. Credit balances are not authorized. Credit statements will be reviewed monthly by the Grant Administrator and Unit Commander for accuracy. Both the Unit Commander and the Grant Administrator will initial monthly statements acknowledging the accuracy of the charges. All Credit charges will be verified through original receipts provided at the time of purchase. Original receipts will be maintained with the appropriate credit invoice. Purchases that are less than \$2,000 may be made using authorized purchasing cards.

- C. Task Force Purchasing Cards may not be used for the following:
1. Cash Advances
 2. Entertainment Expenses
 3. Professional Services
 4. Meals

ACCOUNTING FILES

All West Metro Payments/Purchases will be made with funds distributed from the West Metro Operating Account with exception of purchasing card transactions as outlined in section IV or certain Petty Cash purchases not exceeding 25.00 per transaction (Directive 3-3 Petty Cash). The West Metro Operating Account is an electronic accounting system that accounts for all incoming grant funds and records and reports all outgoing expenditures. Outgoing expenditures are categorized as either grant or non grant expenses. Additionally, all expenses are sub categorized with individual account coding. The system allows for detailed reports of all income and expenses.

Operational Account Usage

The West Metro Regional Drug Enforcement Office will utilize a checking account entitled "**Operational Account**" for all purchases and expenditures. The Operational Account will be utilized to pay both recurring expenses and one time purchases. Checks issued from the Operational Account will be generated by the Grant Administrator and CO-signed by the Commander (SAC) and a Control Board Member. In instances where the Commander (SAC) is unavailable to Co-Sign an Operational Expenditure, a second Control Board Member may be utilized. Under no circumstances will a check be issued from the West Metro Operational Account without being Co-Signed by a Control Board Member. **This insures that all West Metro expenses are reviewed by an outside source. Note: The GBI Control Board Member is not authorized to Co-Sign Checks.**

Expense Guidelines

All expenses/ purchases generated from the Operational Account should be approved by the Commander (SAC) prior to materials, items and/or services being ordered or purchased. This includes agent supplies and equipment, secretarial/office supplies, and CJCC Grant expenditures. In instances where the Commander (SAC) is unavailable for approving an expense, the Assistant Commander (ASAC) may authorize the expenditure. The Commander (SAC) will review all expenses on a monthly basis to insure they are appropriate. One time Purchases involving \$10,000 or more must be approved by the WMRDEO Control Board or the Control Board Chairman/Co-Chairman, if exigent circumstances exist that preclude timely Control Board authorization.

Forfeiture Fund Purchases

Forfeiture funds may be used to purchase equipment or services not covered by Grant funding. Forfeiture funds will be maintained in separate accounts entitled State Forfeiture and Federal Forfeiture. All forfeited funds will be deposited into one of the two applicable accounts. When utilizing forfeited funds for purchases, a check from the applicable forfeiture account will be drawn depositing the required funds into the West Metro Operating Account. The purchase using forfeited funds will then be drawn from the Operating Account in the form of a check. This system insures independent tracking of all forfeiture expenses and adheres to the aforementioned purchasing procedures. When using forfeiture funds the same purchasing guidelines will apply as utilized for grant funds outlined in this policy. Additionally, the forfeiture funds expense guidelines outlined in the State of Georgia O.C.G.A. will be adhered to when expending state forfeiture funds and federal forfeiture regulations will be adhered to when utilizing federal forfeiture funds.

Expense/Accounting Oversight

All operating fund expenses will be paid for utilizing co-signed checks. The checks will be signed by the Commander (SAC) and a Control Board Member or in the absence of the Commander two Control Board Members. This insures that all expense incurred by West Metro RDEO are evaluated by an independent Control Board Member prior to issuance.

On a monthly basis all West Metro checking/savings accounts: Operating, State Seizure, State Forfeiture, Federal Forfeiture, and Reserve Accounts will be reconciled by the Grant Administrator and reviewed by the Commander SAC. During reconciliation the Grant Administrator and the Commander (SAC) will insure that all expenses are valid and that duplicate expenditures do not exist. Monthly bank statements are reconciled with the Quick Books Operating Account. The original bank statement along with the reconciled print out from West Metro's accounting software will be maintained in a notebook by fiscal year sub divided by month.

On a monthly basis the Grant Administrator shall reconcile the Petty Cash account and the reconciliation will be reviewed for accuracy and approved by the Commander (SAC).

A full accounting of **all West Metro expenditures** will be provided to the entire control board during scheduled meetings. The control board will review all expenses incurred since last meeting in order to provide oversight to the Commander (SAC).

01/2013

Exhibit “B”

Carrollton, Georgia

Procedures for Financial Administration of Byrne Jag Grants

Introduction

The City of Carrollton receives grant funds from state and federal sources. These grants may be for city-operated programs or may be passed through funds for local agencies or organizations. Each grant award has different operational requirements; however, the sound financial administration of grants is common to all grants.

Policy Statement

The City of Carrollton will follow a standard set of procedures for the financial administration of grants.

Rationale

This document develops procedures for the financial administration of grants, the granting of agencies state and federal law internally accepted accounting principles and pose specific requirements for the proper accounting and reporting of grant revenues and expenditures. Therefore the financial department must be informed of grants applied for and awarded to the City of Carrollton to ensure that accounting procedures are in place to allow expenditure and receipt of grant funds. If finance is not involved early enough payments of grant activities may be made with inappropriate funds resulting in delays and reimbursements or expenditure payments from incorrect accounting codes. A set of procedures to adequately outline the responsibilities of the parties involved in the process will ensure adherence to required standards.

Procedures

The following procedures are designed to outline the application to be taken by the City of Carrollton throughout the life of a grant. The phases of a grant include application acceptance program activities, requests for reimbursement, receipt of funds and closeout.

As soon as the West Metro Regional Drug Enforcement Office (RDEO) staff decide to seek grant funding, they should consult with the budget officer of the City of Carrollton to determine whether a cash or in-kind match is required, and if so provide details to establish funding and accounting numbers. A West Metro RDEO report must be prepared for presentation at the next Carrollton city council meeting. Approval of the grant application must be included on the agenda item. The report should encompass application approval, match/non-match of funds and state the purpose of the grant. The report should also request that the city council authorize the

City Manager to sign all documents pertaining to the grant. After commission approval, the West Metro RDEO may submit the grant application to the granting agency. Within the grant application, the Commander of the West Metro RDEO should be listed as the agency fiscal contact. The city official to accept or sign off on the grant is the **City Manager**. A copy of the application should be forwarded to the city manager. Once awarded, a copy of the awarded document and all pertinent information should be sent to the city manager. Once approval is gained, the **Grant Coordinator** of the West Metro RDEO will maintain the award pursuant to the established accounting policies as set forth by a West Metro RDEO Directive 3-1 (See attached).

Throughout the life of the grant the grantee department should forward copies of any correspondence generated between the grantee and grantor to both the budget officer and the city manager. This includes copies of all requests for expenditure reimbursement.

At the end of the city's fiscal year, the commander of the West Metro RDEO will provide the city manager with a report showing the revenue received and the expenditures incurred for the grant.

Payroll

If the grant applies to personnel/salary reimbursement a personnel action form will be required from the department to set the individual up into the West Metro accounting system. The original personnel action form will be maintained by the West Metro RDEO and copied to the grant workbook.

Monitoring

During the preparation of the quarterly financial statements, the Commander will review the budget to actual expenditures and work with the grant administrator to investigate any variances.



MEMORANDUM

TO: Mayor and City Council
FROM: Erica Studdard, Community Development Director 
DATE: November 28, 2016
RE: Resolution of Support for Bicycle Friendly Community application

Please find attached a resolution of support for the City of Carrollton's Bicycle Friendly Community application to the League of American Bicyclists. The City partnered with the Friends of Carrollton GreenBelt to complete this application, and a resolution of support from the Mayor and City Council is part of the submittal requirement.

The League of American Bicyclists is a non-profit advocacy organization that represents bicyclists in the movement to create safer roads, stronger communities, and a bicycle-friendly America. Becoming designated as a Bicycle Friendly Community (BFC) will enable the formation of new partnerships and momentum for bicycle improvements, strengthen grant applications for bicycle facilities like spurs for the Carrollton GreenBelt, and strengthen the City's messaging related to education, encouragement, evaluation, and enforcement. Several communities across the state of Georgia are designated as Bicycle Friendly Communities, including Savannah, Columbus, Roswell, and Milledgeville.

Upon approval of this resolution, the complete application will be submitted no later than February 9, 2017. Should the City of Carrollton be awarded this designation, it is valid for four (4) years. It should also be noted that the University of West Georgia is intending to apply to be designated as a Bicycle Friendly University by the same organization in August 2017.

Please feel free to call or email me if you have any additional questions. The League of American Bicyclists website, www.bikeleague.org, is also a good resource if you want to take a look at it.

RESOLUTION 30-2016

**A RESOLUTION OF THE MAOR AND COUNCIL OF THE CITY OF CARROLLTON,
STATE OF GEORGIA, APPROVING THE SUBMISSION OF THE BICYCLE
FRIENDLY COMMUNITY APPLICATION TO THE LEAGUE OF AMERICAN
BYCYCLISTS**

WHEREAS, the Bicycle Friendly Community (BFC) designation is provided to a city by the League of American Bicyclists, a national non-profit advocacy group; and

WHEREAS, the designation is based on an applicant completing an online application with approximately 90 questions that covers the five main “E’s” (engineering, education, encouragement, enforcement, and evaluation); and

WHEREAS, communities across the country are taking simple steps to make bicycling safe and comfortable and are realizing huge benefits in civic, community, and economic development. Given the opportunity to ride, residents enjoy dramatic health benefits, reduced congestion, and increased property values. Bicycle friendly communities are also seeing tourism increase and businesses that attract a higher level employee; and

WHEREAS, the Carrollton GreenBelt has served as a catalyst for initiatives that embrace a more walkable and bicycle friendly community; and

WHEREAS, in October 2015, the City of Carrollton adopted a Complete Streets Policy, further strengthening the City’s commitment to create a culture of cooperation between cyclists and motorists, and

WHEREAS, the benefits of becoming a BFC include community recognition, the formation of new partnerships and momentum for bicycle improvements, the credential that strengthens grant applications for bicycle facility projects (such as spurs for the Carrollton GreenBelt), and the strengthened messaging related to education, encouragement, evaluation, and enforcement; and

WHEREAS, to be included in the next review cycle in 2017, the City needs to submit a resolution of support from the Mayor and City Council; and

WHEREAS, if the City is awarded the BFC designation, it is valid for four years.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and City Council of the City of Carrollton approves the submission of the Bicycle Friendly Community application to the League of American Bicyclists.

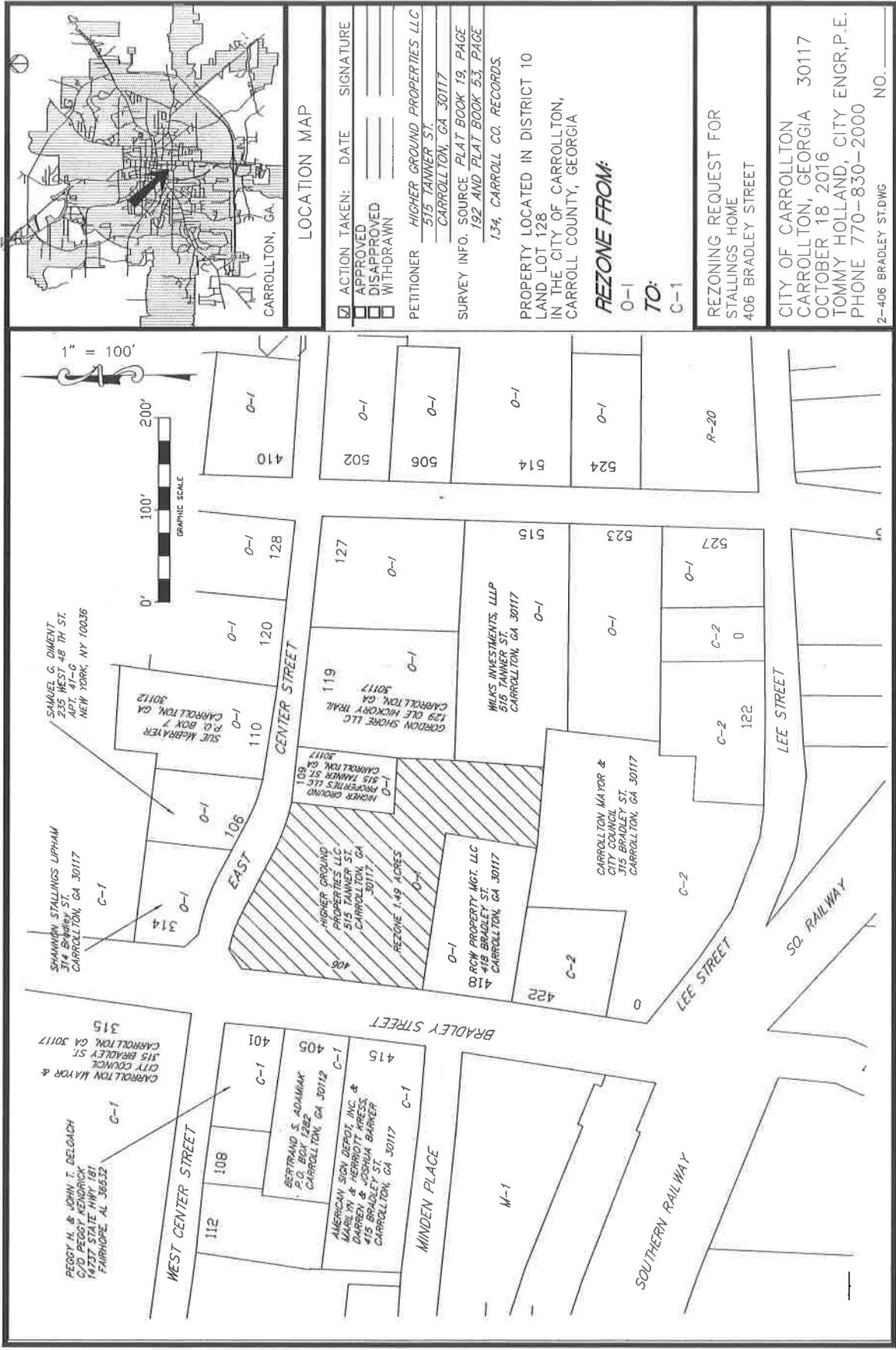
ADOPTED this 5th day of December, 2016.

Mayor, City of Carrollton

Clerk, City of Carrollton

CITY OF CARROLLTON PLANNING COMMISSION

Date: November 8, 2016	Rezoning Request						
Location: 406 Bradley Street & 109 East Center Street Acres: 1.3 Applicant: Higher Ground Properties (Brad Wilks) Request: Rezone from O-I (Office Institutional) to City C-1 (Central Business District) Ward: Ward 3 – Jim Watters							
STAFF RECOMMENDATION:							
Staff recommends <u>approval</u> of this request.							
PLANNING COMMISSION MOTION AND RECOMMENDATION:							
<p>The Planning Commission voted to recommend <u>APPROVAL</u> of the request by applicant and owner, Higher Ground Properties LLC, represented by Brad Wilks, to rezone approximately 1.3 acres, located in Land Lot 128, 10th District, City of Carrollton, Carroll County. Said parcels are further described as being located at 406 Bradley Street & 109 E. Center Street. The requested zoning is from O-I (Office Institutional) to C-1 (Central Business District).</p> <p>Vice Chair Jason Smith moved to recommend approval of this request to rezone to C-1 (Central Business District). Commissioner Joe Neal seconded the motion. The motion carried, with Chairman Bill Dees, and Commissioners Casey Vance, Sandra Houston, Jim Naughton and John Jackson in favor, and none opposed.</p>							
PLANNING COMMISSION VOTE ON MOTION							
NAME	YEA	NAY	ABSTAIN	NAME	YEA	NAY	ABSTAIN
Bill Dees, Chair <i>Present</i>	X			Joe Neal <i>Present</i>	X		
Jason Smith, Vice-Chair <i>Present</i>	X			Cara Herzog <i>Absent</i>			
Kenny Bryan <i>Absent</i>				Scott Duncan <i>Absent</i>			
Casey Vance <i>Present</i>	X			John Jackson <i>Present</i>	X		
Jim Naughton <i>Present</i>	X			Sandra Houston <i>Present</i>	X		
				TOTAL VOTES	7	0	0
Speaking in Favor: Applicant Representatives Brad Wilks & Keith Rabideau Speaking in Opposition: John Crosby & Alex Brookhuis (Adjacent Resident)							



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**CITY OF CARROLLTON
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF ANALYSIS AND REPORT**

DATE: November 8, 2016
TO: Planning Commission Members
FROM: Erica Studdard, Community Development Director
RE: **Rezoning Request by Higher Ground Properties LLC
406 Bradley Street & 109 E. Center Street**

REQUEST:

The applicant and owner, Higher Ground Properties LLC, represented by Brad Wilks, is requesting rezoning of approximately 1.3 acres, located in Land Lot 128, 10th District, City of Carrollton, Carroll County. Said parcels are further described as being located at 406 Bradley Street & 109 E. Center Street. The requested zoning is from O-I (Office Institutional) to C-1 (Central Business District).

These properties contain two residences built in 1910 and one residence built in 1953. The immediate neighborhood is Office Institutional, Central Business District & General Commercial.

LOCATION:

The subject properties are located at 406 Bradley Street & 109 E. Center Street (See Location Map). The properties are located in Land Lot 128, 10th District, Carroll County. Mr. Jim Watters is the City Councilmember representing this area.

SITE:

The 1.3-acre site contains three houses, with the primary structure built in 1910 and commonly referred to as the "Stallings House." A smaller house built in tandem with the primary structure was also built during this same period. Another house is located northeast of the main house and was built in 1953. The primary house has been vacant for many years since the death of Tracy and Shirley Stallings and has fallen into disrepair. At this time, Higher Ground Properties is proposing to use the two smaller houses as office, storage space or possibly as a "brewmaster's" quarters. The applicant also indicated they are in the process of applying for rehabilitation tax credits from the Federal and State Historic Preservation Programs.

ZONING:

Rezoning Request
406 Bradley Street & 109 E. Center Street
Higher Ground Properties LLC

The properties are currently zoned O-I (Office Institutional).

COMPREHENSIVE PLAN:

The 2008-2028 City of Carrollton *Comprehensive Plan* shows this area as *Commercial* on the Plan's Future Land Use Map, and as *Downtown Core* on the Plan's Character Area Map. The request is consistent with both designations.

EXISTING LAND USES:

Land uses in the surrounding area consist of the following:

NORTH: O-I (Office Institutional). A skin care spa, an insurance office, and a "Sears Kit House" which is currently for sale are located north of the tract across E. Center Street.

SOUTH : O-I (Office Institutional). A doctor's office and a large parking lot for the Train Depot are both located south of the tract.

WEST: C-1 (Central Business District). Two historical homes built in 1900 and 1927 now serve as apartments. In addition to these homes, a commercial structure is also located west of the site.

EAST: O-I (Office Institutional). A dentist office is located on E. Center Street. Located behind the dentist office is a building owned by the applicant, Higher Ground Properties, used for renting commercial space.

UNIQUE CHARACTERISTICS:

The "Stallings House" is a historic home that has become an iconic piece of architecture in the City of Carrollton. It is a Neoclassical home built in 1910 by J. T. Bradley, the president of The Carrollton Bank. It's most unique feature are the Corinthian columns that have hand cast acanthus leaf capitals and fluted shafts. The primary structure has been vacant for many years and has fallen into disrepair. Higher Ground properties purchased the home at the end of 2014; they have indicated they are using historic tax credits to renovate the structure, which requires approval by the Department of Interior.

PREVIOUS RELATED ACTIONS: None.

FINDINGS:

Finding 1. The 1.3-acre tract is currently zoned O-I (Office Institutional).

Finding 2. The applicant is seeking C-1 (Central Business District) zoning to allow for a brewpub to be located in the site's main house.

Finding 3. This house is located in the City's In-Town South Historic District. Any material changes proposed to the building's exterior will require a Certificate of Appropriateness from the City's Historic Preservation Commission.

Finding 4. In the C-1 zoning district, if adequate public parking is available within 200 feet of the project, Staff may waive parking requirements. However, the applicant does intend to provide parking with the development of the site.

ZONING STANDARDS:

STANDARD 1. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

Yes. The property is already surrounded by other commercial buildings and is within the downtown commercial district. In addition, the *Comprehensive Plan* indicates this property should develop as *Commercial* and the Character Areas map also indicates that this property is within the *Downtown Core*.

STANDARD 2. Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

No. The C-1 (Central Business District) zoning will allow the proposed use to integrate into the surrounding commercial uses and potentially enhance foot traffic in the area.

STANDARD 3. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

Yes. The proposed use is compatible, as the location dictates that it is downtown and the surrounding uses are commercial.

STANDARD 4. Are there substantial reasons why the property cannot or should not be used as currently zoned?

Yes. A brewpub is not an allowable use within the O-I (Office Institutional) zoning district.

STANDARD 5. Will the proposed use cause an excessive or burdensome use of public utilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

No. There are ample public utilities in this area, including water, sewer, and fire protection.

STANDARD 6. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

While the Comprehensive Plan doesn't specifically address brewpubs, the proposed use of the property would still be commercial and the Comprehensive Plan indicates this area will develop as commercial.

STANDARD 7. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

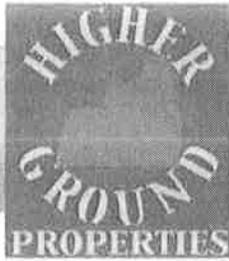
Yes. This project could increase commercial growth in the downtown core area and also preserve an architecturally treasured historic structure, as well.

STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed zoning request, with the following conditions:

- 1) Any material change of the building's exterior shall require a Certificate of Appropriateness from the City's Historic Preservation Commission, with the building owner, not renter, making the COA application request.
- 2) The façade facing Bradley Street, including the Corinthian columns and the rounded portico entry, must remain intact with the development of the property.

The recommendations made herein are the opinions of the City of Carrollton Staff and do not constitute a final decision. The Carrollton City Council makes the final decision on all Rezoning/Annexation/Special Exception Applications at their regularly scheduled meeting.



518 TANNER STREET, CARROLLTON, GEORGIA 30117
(404) 405-5394 INFO@HIGHERGROUND.PROPERTIES

October 13, 2016

Ms. Erica Studdard
Carrollton Community Development
315 Bradley Street
Carrollton, GA 30117

Dear Ms. Studdard,

Please find enclosed our application and request to rezone our property located at 406 Bradley Street and 109 East Center Street in Carrollton. We plan to convert these homes into a brewpub. The home at 406 Bradley Street will be rehabilitated under the federal and state historic preservation tax credit programs, and an addition will be made to the back of this home. The houses at 109 E. Center Street and a smaller house known as 406.5 Bradley Street will likely be used for office and storage space, or possibly as a "brewmaster's quarters."

We are requesting the properties, which are currently zoned O-I, be rezoned C-1. We believe this is the most appropriate zoning for the property and our concept and is supportive of the city's Comprehensive Plan.

As is almost always the case when discussing downtown, I know that parking will be one of the city's considerations. Though the C-1 zoning designation would not require us to provide parking, our plan is to develop a parking lot that will be able to handle most of the parking required. We are still working on the best design for the parking lot, but I believe it will include approximately 20 spaces. The brewpub should also be able to take advantage of the two city parking lots located across from the train depot and city hall. Generally, the brewpub would be busiest at lunch and dinner times. The lot across from the train depot is lightly used at lunch time (and evenings when there are not events at the depot) and the city hall lot is much more lightly used at dinner time.

In addition to the application materials, I am also enclosing a rough site plan and our current, nearly complete floor plans. We are working at this time to finalize the floor plan and develop a more detailed site plan. As we are able to complete these drawings, we will update your office. I do anticipate having updated drawings well in advance of the planning commission hearing.

October 13, 2016

We believe this project will be a great addition to Carrollton and downtown and hope the city and council will agree. If you require any other materials or have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Wilks', written in a cursive style.

Brad Wilks, Member
Higher Ground Properties

enclosures

REZONING & ANNEXATION APPLICATION

City of Carrollton
Planning Department
315 Bradley Street
Carrollton, GA 30117 (770) 830-2000



Application must be filed at least one (1) month prior to a regularly scheduled Planning Commission meeting. A Pre-application conference with staff is strongly recommended before the application is submitted. Please complete the blanks with the requested information. If any of the information or required materials is missing or incomplete, the application will not be processed.

APPLICANT

Applicant Name: Higher Ground Properties, LLC
Address: 515 Tanner St. **City:** Carrollton **State:** GA **Zip:** 30117
Phone: (770) 856 - 7152 **Fax:** () -
Email: info@higherground.properties

Agent Name: Brad Wilks
Address: 347 Kramer St. **City:** Carrollton **State:** GA **Zip:** 30117
Phone: (770) 856 - 7152 **Fax:** () -
Email: brad@bradwilks.net

Owner Name (If different from applicant): _____
Address: _____
Phone: () - **Fax:** () -
Email: _____

(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

Signature: 

PROPERTY INFORMATION

Rezoning Location (attach survey): 406 Bradley St. & 109 E. Center St.

Total acreage: 1.3 acres

Current Zoning: O-I **Proposed Zoning:** C-1

Project Name: Southern Manor Brewpub (working title)

Proposed Use: Brewpub

Describe Proposed Rezoning: (attach additional sheets if necessary) See attached.

COMPREHENSIVE PLAN

Future Land Use Designation (as shown on the Future Land Use Map): Commercial

Describe Consistency with this Future Land Use Designation (attach additional sheets as necessary): The proposed zoning and use both support the city's Comprehensive Plan. The Future Land Use map anticipates 406 Bradley St. becoming commercial, and it is located in the Downtown Core character area which is predominantly zoned C-1.

REZONING QUESTIONS

Please answer the following questions as completely and accurately as possible. This zoning application will be submitted for review to various departments; therefore, any incomplete answers may delay the review process.

- Attach additional sheets as necessary. -

1. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
See attached.
2. Will the proposed use adverse affect the existing use or usability of adjacent and nearby property?
No. There will be no encroachment and appropriate buffers.
3. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?
Yes. See Comprehensive Plan answers above.
4. Are there substantial reasons why the property cannot or should not be used as currently zoned?
See attached.
5. Will the proposed use cause excessive or burdensome use of public utilities or services, including but not limited to streets, schools, water or sewer utilities, and police and fire protection?
No. The area has many similar, compatible businesses.
6. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning of the property or surrounding properties?
See attached.
7. Does the proposed use reflect a reasonable balance between the promotion of public health, safety, morality or general welfare and the right to unrestricted use of property?
See attached.

STAFF USE ONLY

Date Application Filed: _____ **Applicable Fees Paid:** Yes No
Legal Advertisement Date: _____ **Sign Posted Date:** _____
Planning Commission First Public Hearing Date: _____ **at 6:00 p.m.**
Mayor & Council Final Hearing Date Scheduled: _____ **at 6:00 p.m.**



515 TANNER STREET, CARROLLTON, GEORGIA 30117
(770) 856-7152 INFO@HIGHERGROUND.PROPERTIES

REZONING APPLICATION ADDENDUM

PROPERTY INFORMATION

Describe Proposed Rezoning

We are proposing to rezone 406 Bradley Street and 109 E. Center Street from O-I to C1 and to convert the use of the property from private residences into a brewpub. The property is part of the Downtown Core character area in Carrollton's Comprehensive Plan and faces other C1 property and Bradley Street, a primary downtown thoroughfare lined with other businesses with C1 zoning.

The property is located in the South Carrollton Residential National Historic District, and we are working to renovate the building under the federal and state Historical Rehabilitation Tax Credit programs. Participation in the federal program requires that the property be used for a business purpose.

The grandeur, size, value, and location of the property are better suited for and supported by a commercial rather than office use.

While some on-site parking will be added, we also believe the brewpub will be able to make increased use of the two nearby city lots located across from City Hall and the Depot on Bradley. Generally, at meal times when the brewpub would be busiest, one or the other of those lots is lightly used.

REZONING QUESTIONS

1. **Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?**

As noted above, this is a Bradley Street property. Bradley Street is almost entirely commercially-zoned and is a primary downtown thoroughfare. The properties facing our property across Bradley Street are zoned C-1. While there are adjacent properties that are zoned O-I and used for office space, there is no reason to believe our zoning or proposed use would negatively impact those businesses. Any adverse effects would already be seen from other Bradley Street and downtown businesses. In fact, throughout downtown, offices, retail, and restaurants are intermixed. There is no reason to believe our business would significantly change the existing property dynamics.

Furthermore, because our property has two street frontages, there are only four directly adjoining properties. Of those, one is a city parking lot and another is owned by a company related to the applicant—Wilks Investments, L.L.P.

4. **Are there substantial reasons why the property cannot or should not be used as currently zoned?**

The historical use of the property has been a private residence. It is currently zoned for O-I. While it could potentially be used as an office, it faces significant economic hurdles to be feasibly used as such. As noted above, it is a large tract with a grand building in need of significant repairs. Typical office rental rates would not support the value and overhead required to acquire, restore, and maintain the property.

As is indicated on the city's Future Land Use map, the highest and best use of the site is as a commercial business. Commercial rental rates are better able to support the restoration and maintenance of the building. The size of the tract is better suited to a public commercial business. Plus, our proposed

commercial use will increase the attractiveness and commercial traffic of our downtown and of a historically important building in our community.

6. **Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning of the property or surrounding properties?**

The Comprehensive Plan anticipates and encourages the proposed business development. Our proposed use will improve the use/density of a large tract within the Downtown Core.

The current zoning neither reflects the historical use of the property nor the highest and best use of the tract. It seems the property was lumped into the zoning of the entire block. While the properties backed up to the subject property are appropriately zoned O-I, the vast majority of Bradley Street-facing properties are devoted to commercial (and government) uses.

7. **Does the proposed use reflect a reasonable balance between the promotion of public health, safety, morality or general welfare and the right to unrestricted use of property?**

Restaurants are ubiquitous in Carrollton generally and the Central Business District in particular. The addition of our project would not represent any substantial risk to the community. On the other hand, it would be a great boon to the economy creating approximately 30 full- and part-time jobs, adding to the tax base, and serving as a regional attraction. The directors of the Main Street program and the Carrollton Area Convention and Visitors Bureau have both expressed excitement about the significant draw a brewpub would create for Carrollton and downtown. Plus, we will be rehabilitating a building that is important to the history of our community within the strict guidelines of the federal and state historic preservation programs.

DISCLOSURE REPORT



Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the Carrollton City Council or the Mayor who will consider the application?

No

If so, the applicant and the attorney representing the applicant must file a disclosure report with the City within ten (10) days after this application is first filed.

Please supply the following information, which will be considered as the required disclosure:

The name of the Councilmember or Mayor to whom the campaign contribution or gift was made:

The dollar amount of each campaign contribution made by the applicant to the Councilmember or Mayor during the two (2) years immediately preceding the filing of this application, and the date of such contribution:

An enumeration and description of each gift having a value of \$250 or more made by the applicant to the Mayor or member of the Carrollton City Council during the two (2) years immediately preceding the filing of this application:

I certify that the foregoing information is true and correct,

this 13th day of October, 20 16.



Applicant's Signature

Applicant's Attorney, if applicable

* *Applicant* is defined as any individual or business entity (corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust) applying for rezoning action, and/or any attorney or other person representing or acting on behalf of a person who applies for a rezoning.

DISCLOSURE REPORT CONT.



Does the Mayor, any member of the Carrollton City Council, or any member of the Planning Commission have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property?

No

If so, describe the nature and extent of such interest:

Does the Mayor, any member of the Carrollton City Council, or any member of the Planning Commission have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

No

If so, describe the relationship and the nature and extent of such interest:

Does the Mayor, any member of the Carrollton City Council, or any member of the Planning Commission have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

No

If the answer to any of the above is "Yes", then the Mayor, Councilmember, or Planning Commission member must immediately disclose the nature and extent of such interest, in writing, to the City Council of the City of Carrollton, Georgia. A copy should be filed with the rezoning application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

Return Recorded Document to:
Tisinger Vance, P.C.
100 Wagon Yard Plaza
Carrollton, Georgia 30117

LIMITED
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF CARROLL

FILE #: 10601854

THIS INDENTURE made this 19th day of December, 2014, between Robert J. Harker, as Conservator for Shirley C. Stallings and Robert J. Harker, as Trustee of the Tracy P. Stallings Trust Established Under Item Five of the Last Will and Testament of Tracy P. Stallings of the County of Carroll, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Higher Ground Properties, LLC as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

TRACT I:

TRACT A: All that tract or parcel of land lying and being in Land Lot 128 of the 10th District of Carroll County, Georgia, in the City of Carrollton, and being more particularly described as follows: **COMMENCE** at an iron pin located at the intersection of the southerly right of way of East Center Street and the easterly right of way of Bradley Street, as said intersection existed prior to the realignment of East Center Street as indicated on a plat entitled "Survey for the City of Carrollton", prepared by Ross A. Lynn, Georgia Registered Land Surveyor No. 2316, dated April 26, 1995, recorded in Plat Book 53, Page 134, in the Office of the Clerk of Superior Court of Carroll County, Georgia, which plat and the record thereof are by reference incorporated herein, and from said **POINT OF BEGINNING**, thence south 86 degrees 17 minutes east 182.5 feet to an iron pin; thence south 03 degrees 34 minutes west 111.5 feet to an iron pin; thence south 88 degrees 23 minutes east 61.0 feet to an iron pin; thence south 00 degrees 47 minutes 36 seconds west 49.3 feet to a concrete monument; thence south 00 degrees 47 minutes 36 seconds west 95.7 feet to an iron pin; thence north 89 degrees 36 minutes 30 seconds west 85.9 feet to an iron pin; thence north 05 degrees 15 minutes east 90.0 feet to an iron pin; thence north 84 degrees 44 minutes west 172.0 feet to an iron pin located on the easterly right of way of Bradley Street; thence north 05 degrees 15 minutes east 160.0 feet to an iron pin and the Point of Beginning.

Said property is more particularly described on a plat entitled "Tracy P. Stallings", prepared by B. H. Cox, Registered Land Surveyor No. 1344, recorded in Plat Book 19, Page 192, Carroll County Public Records. Said plat and the contents thereof are incorporated herein for a more complete and accurate description of said property.

This is the same property conveyed to Tracy P. Stallings and Shirley C. Stallings by Caroline Boykin Beury by Warranty Deed recorded in Deed Book 200, Page 258, Carroll County Public Records and is more commonly known as 406 Bradley Street.

TRACT B: All that tract or parcel of land lying and being in the City of Carrollton, Carroll County, Georgia, and being the 0.114 acre tract south of the "Proposed Alignment of East Center Street", identified on a plat entitled "Survey for the City of Carrollton", prepared by Ross A. Lynn, Registered Land Surveyor, dated April 26, 1995, recorded in Plat Book 53, Page 134, in the Office of the Clerk of Superior Court of Carroll County, Georgia, which plat and the record thereof are by reference incorporated herein, which consists of a part of the abandoned right of way of East Center Street prior to its realignment as indicated on said plat and a portion of the property acquired by the

City of Carrollton from Jeannine Walker Davis by Warranty Deed recorded in Deed Book 865, Page 341, Carroll County, Georgia Public Records. This tract is bound on the south by property now or formerly owned by Tracy P. Stallings and Shirley C. Stallings, on the west by the right of way of Bradley Street and on the north by the realigned right of way of East Center Street.

Being a portion of the property conveyed by Quitclaim Deed from the Mayor and City Council of Carrollton to Tracy P. Stallings, dated May 19, 1995, recorded in Deed Book 877, Page 372, Carroll County, Georgia Public Records, which has an address of 406 Bradley Street, Carrollton, GA 30117.

TRACT II: All that tract or parcel of land situated, lying and being on the south side of East Center Street in the City of Carrollton, Carroll County, Georgia, more particularly described as follows: Beginning at the northwest corner of property now or formerly of Mrs. Helen B. Jackson, on the south side of East Center Street, and from said Point of Beginning running southerly along the west line of the Jackson property 110 feet to corner; thence west 57 feet to corner at property now or formerly owned by Buford F. Boykin, et al; thence north along the Boykin property now or formerly owned by Tracy Stallings 110 feet, more or less, but specifically to the south side of East Center Street; thence east along said street 61 feet, more or less, to the Point of Beginning; said parcel of land is a composite of four tracts of land acquired by Mrs. Alma B. Folsom by deeds recorded in Book 96, Page 562; Book 100, Page 50; Book 111, Page 204; and Book 114, Page 358, Carroll County, Georgia Deed Records; has situated thereon one 6-room 2-bath frame dwelling. Said property being the same property as conveyed by Donald J. Muse to Tracy Stallings and Shirley C. Stallings by Warranty Deed dated August 9, 1988 and recorded in the Carroll County, Georgia Real Estate Records.

This Deed is given subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in presence of:


Witness

Notary Public



 (SEAL)
Robert E. Harker, as Conservator for Shirley C. Stallings

 (SEAL)
Robert L. Harker, as Trustee of the Tracy P. Stallings Trust Established Under Item Five of the Last Will and Testament of Tracy P. Stallings



515 TANNER STREET, CARROLLTON, GEORGIA 30117
(404) 405-5394 INFO@HIGHERGROUND.PROPERTIES

**Adjoining Property Owners of
406 Bradley Street and 109 East Center Street**

Shore Gordon, LLC
129 Ole Hickory Trl.
Carrollton, GA 30117

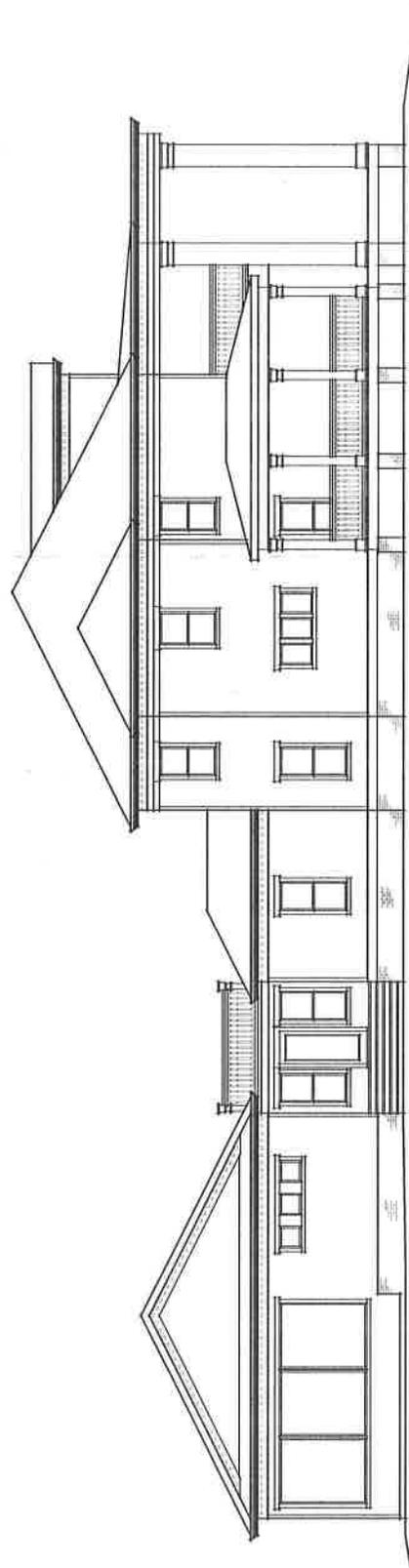
Wilks Investments, LLLP
515 Tanner St.
Carrollton, GA 30117

RCW Property Management, LLC
418 Bradley St.
Carrollton, GA 30117



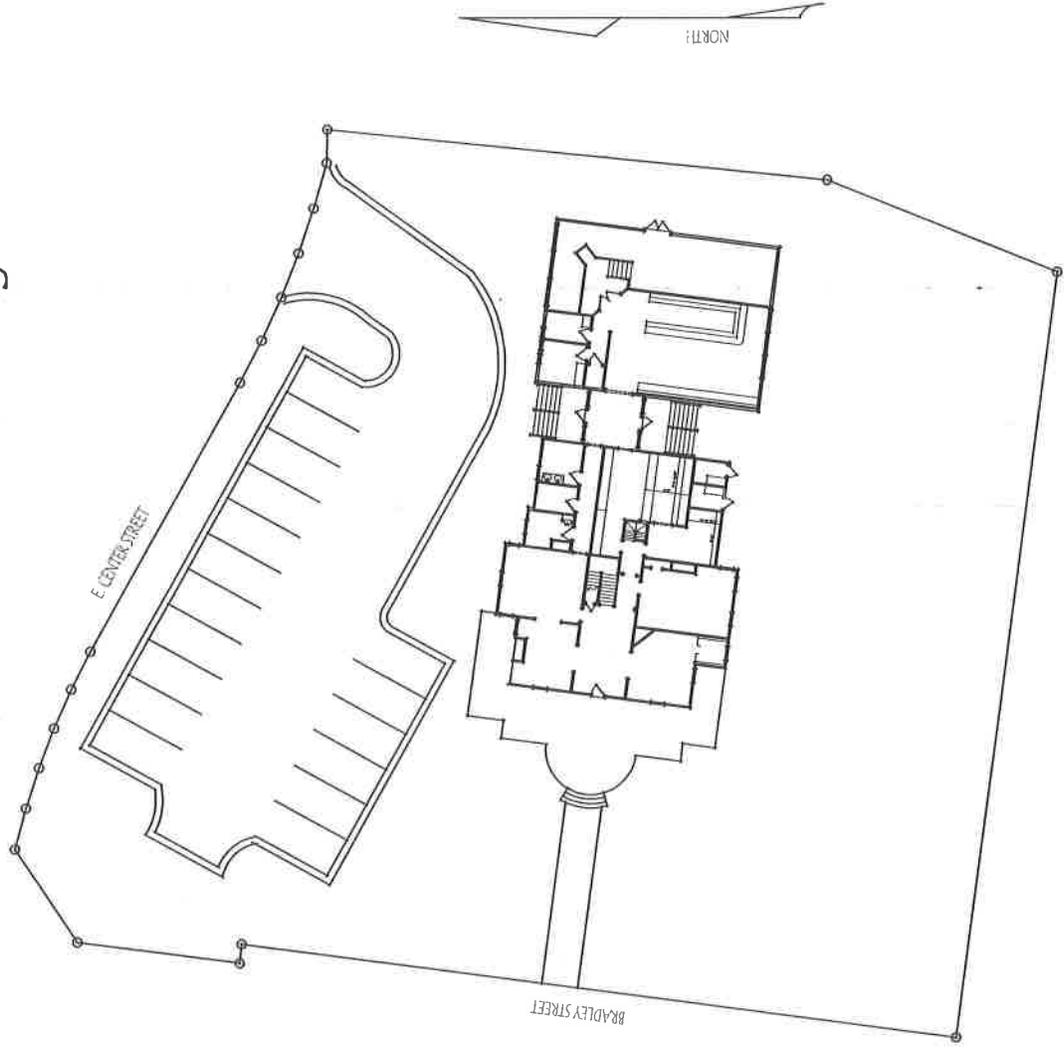
SCALE: 1:500

Conceptual Drawings
for
Bradley House
Carrollton, Georgia



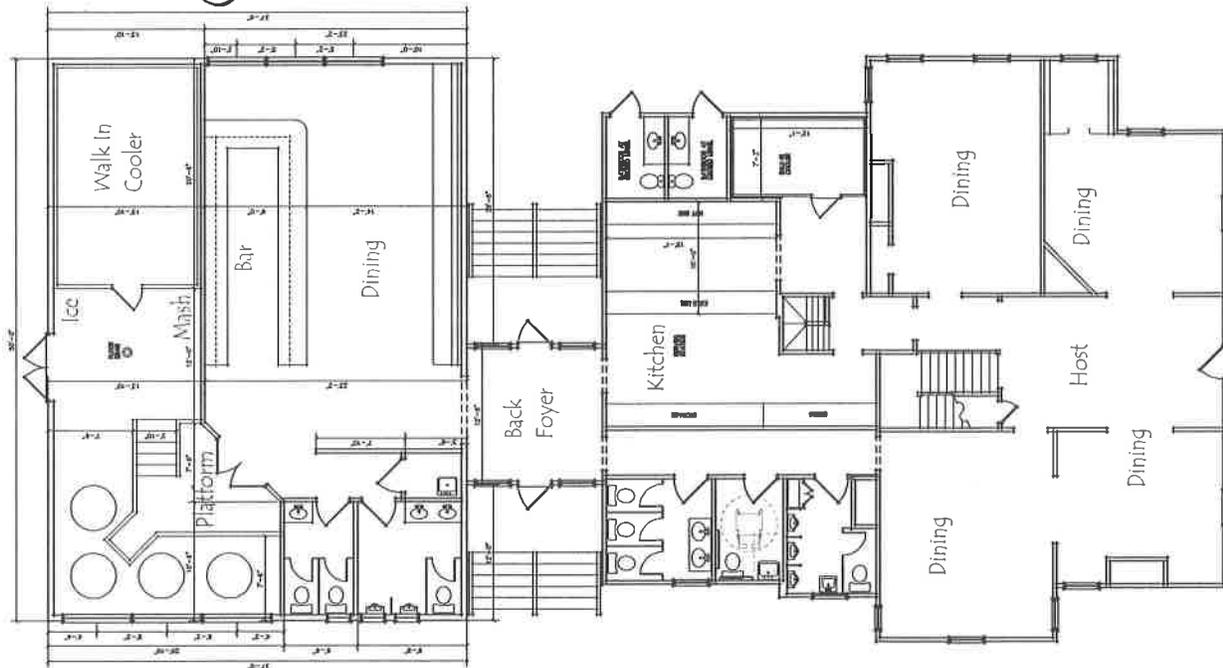
E. CENTER STREET ELEVATION
SCALE 1/8" = 1'-0"

Conceptual Drawings for Bradley House Carrollton, Georgia

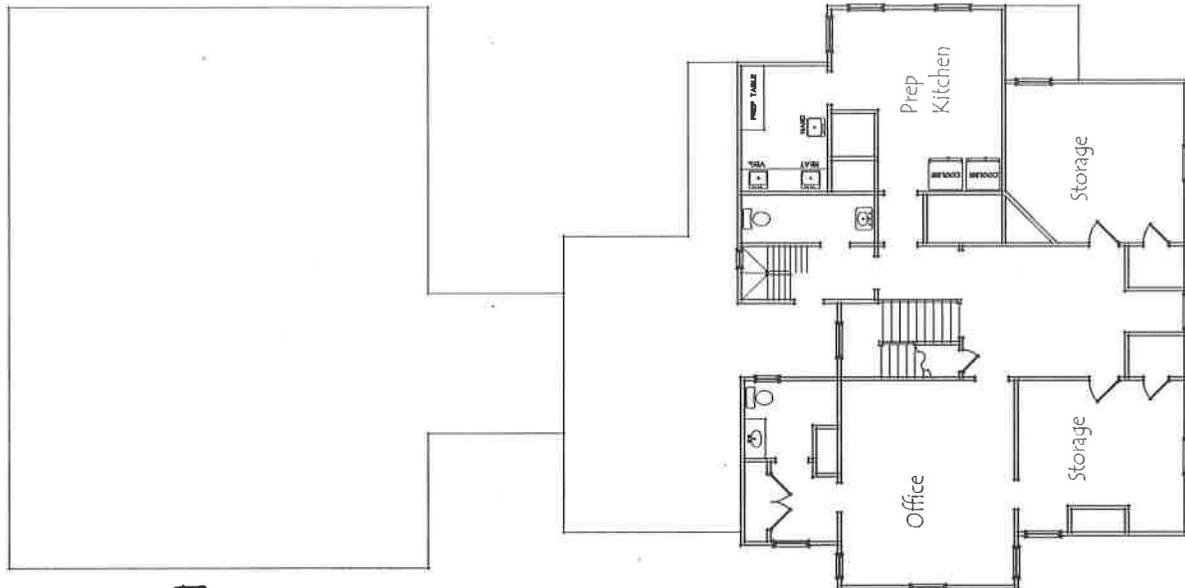


PROPOSED PARKING PLAN
SCALE 1" = 20'

Conceptual Drawings for Bradley House Carrollton, Georgia



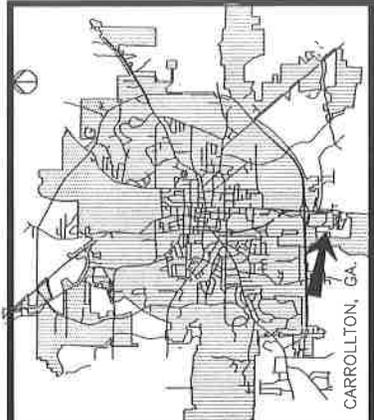
MAIN LEVEL FLOORPLAN
SCALE: 1/8" = 1'-0"



UPPER LEVEL FLOORPLAN
SCALE: 1/8" = 1'-0"

CITY OF CARROLLTON PLANNING COMMISSION

Date: November 8, 2016	Annexation and Rezoning Request						
Location: 138 Cottage Hill Road Acres: 49.7 Applicant: Windmill Park LLC (John Denney) Request: Rezone from County A (Agriculture) to City R-M (Residential Multifamily) Ward: Ward 3 – Jim Watters							
STAFF RECOMMENDATION:							
Staff recommends approval of this request.							
PLANNING COMMISSION MOTION AND RECOMMENDATION:							
<p>The Planning Commission voted to recommend APPROVAL with Conditions of the request by applicant, John Denney, on behalf of property owners David Brown & Gwyn B. Chesnut, to annex and rezone approximately 41.2 acres and rezone an additional 8.5 acres, located in Land Lot 66, 10th District, Carroll County unincorporated. Said tract is further described as being located at 138 Cottage Hill Road, Cottage Hill Road, Cottage Hill Road & South Cottage Hill Road. The requested zoning for 138 Cottage Hill Road is from Carroll County A (Agriculture), to City of Carrollton R-M (Residential Multifamily). The requested zoning for the additional 8.5 acres is from City of Carrollton C-2 (General Commercial) to City of Carrollton R-M (Residential Multifamily). The tract will be developed as a residential subdivision with a mix of detached and attached homes, designed and marketed primarily to “empty nesters.” A density limitation of five units per acre is included as a condition of this request since unrestricted R-M zoning allows for a greater density (ten units per acre). Apartments are not proposed with this request.</p> <p>Commissioner Casey Vance moved to recommend approval of this request to annex the property and rezone to R-M (Residential Multifamily) with the listed condition below. Commissioner Sandra Houston seconded the motion. The motion carried, with Chairman Bill Dees, Vice Chair Jason Smith and Commissioners Joe Neal, Jim Naughton and John Jackson in favor, and none opposed.</p>							
<u>CONDITIONS:</u>							
<ol style="list-style-type: none"> 1. The conditions provided by the petitioner are binding. 2. A complete hydrology study and appropriate storm water maintenance plan shall be implemented as to not have the new development increase the water runoff issues already established in the area. 							
PLANNING COMMISSION VOTE ON MOTION							
NAME	YEA	NAY	ABSTAIN	NAME	YEA	NAY	ABSTAIN
Bill Dees, Chair <i>Present</i>	X			Joe Neal <i>Present</i>	X		
Jason Smith, Vice-Chair <i>Present</i>	X			Cara Herzog <i>Absent</i>			
Kenny Bryan <i>Absent</i>				Scott Duncan <i>Absent</i>			
Casey Vance <i>Present</i>	X			John Jackson <i>Present</i>	X		
Jim Naughton <i>Present</i>	X			Sandra Houston <i>Present</i>	X		
				TOTAL VOTES	7	0	0
Speaking in Favor: Applicant Representatives John Denney & Jeff Matthews							
Speaking in Opposition: Hubert Edge (Adjacent Property Owner), John Crosby (Adjacent Property Owner)							



LOCATION MAP
CARROLLTON, GA.

ANNEXATION DATA
(PARCEL 090 0050 ONLY)

ZONING	FROM: COUNTY "A"	TO: CITY "R-M"
POPULATION	—	3
WARD DISTRICT	—	3
HOUSING UNITS	—	1
ACRES	—	38.6
DISTRICT	—	10
LAND LOT	—	66
RESOLUTION DATE	—	
ACRES OF STREET R/W	—	0.0

ANNEXATION: Tract ID #1
 REZONINGS:
 Tract ID #'s 1, 19,
 23 & 26

CITY OF CARROLLTON
 CARROLLTON, GEORGIA 30117
 OCTOBER 14, 2016
 TOMMY HOLLAND, CITY ENGR., P.E.
 PHONE 770-830-2000
 229-S-Cottage Hill Parcels.dwg No. 229 2/2

Tract ID	Tax Parcel Number	Owner
22	007 0420051	Carrollton Crossroads LLC 5269 Buford Hwy. Atlanta, GA 30340
23	007 0420178	David R. Brown & Gwendolyn B. Chesnut 185 Cottage Hill Rd. Carrollton, GA 30117
24	090 0202	Tanner Medical Center, Inc. 705 Dixie St. Carrollton, GA 30117
25	007 0420177	Tanner Medical Center, Inc. 705 Dixie St. Carrollton, GA 30117
26	007 0420101	David R. Brown & Gwendolyn B. Chesnut 185 Cottage Hill Rd. Carrollton, GA 30117
27	007 0420095	RTS Decatur Lodge LLC 1350 Virginia Ave. Atlanta, GA 30334
28	007 0420104	Princeton Crossroads LLC 411 Westchase Bank Nk. P.O. Box 167928 Irving, TX 75016-7928
29	007 0580014	Therms Assets Recovery LLC 3150 Golf Ridge Blvd. Suite 101 Douglasville, GA 30135
30	090 0040	Hubert T. Edges, Jr. 125 Brock St. Carrollton, GA 30117
31	090 0039	Daisy Garcia 185 Cottage Hill Rd. Carrollton, GA 30117
32	007 0580007	Class Creek Venture 208 Oak Grove Rd. Carrollton, GA 30117
33	007 0580008	Creek House LLC 208 Oak Grove Rd. Carrollton, GA 30117
34	007 0420473	Dasharatham & Madhu Jonganna 2468 Hwy. Crcl. Circle Huster, GA 30084

TAX PARCEL DATA

Tract ID	Tax Parcel Number	Owner
1	090 0050	David & Gwen Day Brown Children Trust & H. Brown 185 Cottage Hill Rd. Carrollton, GA 30117
2	090 0027	Joseph J. Granum, Jr. & GS LLC 1600 Hwy 27 S Carrollton, GA 30117
3	007 0420110	Walmart Real Estate Trust Eric S. Corn, Trustee Dept. #22-04 P.O. Box 8050 MS 0555 Bentonville, AR 72712-8050
4	007 0420099	Sunrise LLC 303 Hesterham Place Carrollton, GA 30117
5	007 0420199	Michael S. & Susan E. The 106 Reserve Drive Carrollton, GA 30117
6	007 0420198	Carrollton Reserve LLC 106 Reserve Drive Carrollton, GA 30117
7	007 0420058	Cottage Hill Plantation 135 Manor Way Carrollton, GA 30117
8	007 0420158	Richard A. & Shirley J. Anderson 136 Manor Way Carrollton, GA 30117
9	007 0420159	Susan Landers Fields 134 Manor Way Carrollton, GA 30117
10	007 0420160	Betty R. Goodis Revocable Trust 132 Manor Way Carrollton, GA 30117
11	007 0420161	David & Brent M. Hesterham 130 Manor Way Carrollton, GA 30117
12	007 0420162	James N. Shadinger, Jr. & Sara M. Shadinger 128 Manor Way Carrollton, GA 30117
13	007 0420163	Edward Estee, McCarley 126 Manor Way Carrollton, GA 30117
14	007 0420164	J.G. & Earlene C. Bryson 124 Manor Way Carrollton, GA 30117
15	007 0420165	Valley Holdings LLC 2345 Hope Mill Rd. Carrollton, GA 30117
16	007 0420056	WC-Cottage Landing LLC C/O CPAC P.O. Box 82129 Southlake TX 76092
17	007 0420094 (zone R-M)	WC-Cottage Landing LLC P.O. Box 82129 Southlake TX 76092
18	007 0420094 (zone C-2)	WC-Cottage Landing LLC C/O CPAC P.O. Box 82129 Southlake TX 76092
19	007 0420096	Southlake TX 76092 The Family Trust 185 Cottage Hill Rd. Carrollton, GA 30117
20	007 0420052	Gwendolyn Day Brown 185 Cottage Hill Rd. Carrollton, GA 30117
21	007 0420045	David R. Brown & Gwendolyn B. Chesnut 185 Cottage Hill Rd. Carrollton, GA 30117

K:\mapping\autocad\planning and zoning\annexation maps\ANNEXATION PLATS\229-S-Cottage Hill Parcels.dwg



CITY OF CARROLLTON PLANNING DEPARTMENT STAFF ANALYSIS AND REPORT

DATE: November 8, 2016
TO: Planning Commission Members
FROM: Erica Studdard, Community Development Director
RE: **Annexation and Rezoning Request by John Denney**
138 Cottage Hill Road (Carroll County), Cottage Hill Rd (City), Cottage Hill Road (City), South Cottage Hill Road (City)

REQUEST:

The applicant, John Denney, on behalf of property owners David Brown & Gwyn B. Chesnut, is requesting annexation and rezoning of approximately 41.2 acres and rezoning of an additional 8.5 acres, located in Land Lot 66, 10th District, Carroll County unincorporated. Said tract is further described as being located at 138 Cottage Hill Road, Cottage Hill Road, Cottage Hill Road & South Cottage Hill Road. The requested zoning for 138 Cottage Hill Road is from Carroll County A (Agriculture), to City of Carrollton R-M (Residential Multifamily). The requested zoning for the additional 8.5 acres is from City of Carrollton C-2 (General Commercial) to City of Carrollton R-M (Residential Multifamily). The tract will be developed as a residential subdivision with a mix of detached and attached homes, designed and marketed primarily to “empty nesters.” A density limitation of five units per acre is included as a condition of this request since unrestricted R-M zoning allows for a greater density (ten units per acre). Apartments **are not** proposed with this request.

LOCATION:

The site is almost completely surrounded by land located within the City of Carrollton jurisdiction. The subject properties are located at 138 Cottage Hill Road, Carrollton, Georgia, 30117, Land Lot 66, 10th District, Carroll County, Cottage Hill Road (Parcel C07 0420096), Cottage Hill Road (Parcel C07 0420101) & South Cottage Hill Road (Parcel C07 0420178) Carrollton, Georgia, 30117, Land Lot 65, 10th District, Carroll County. Mr. Jim Watters is the City Councilman representing this area.

SITE:

The northern third of the property adjacent to Cottage Hill Road is grassed with very little tree canopy. There is one unoccupied residence on the site. The middle third of the site was timbered several years ago. However, there are still some stands of hardwoods located on the site. It has a rolling topography.

There is road access from both Cottage Hill Road and South Cottage Hill Road.

ZONING:

The property at 138 Cottage Hill Road is currently zoned Carroll County A (Agriculture). The additional three properties located adjacent to the right of way are currently zoned C-2 (General Commercial).

COMPREHENSIVE PLAN:

The 2008-2028 *City of Carrollton Comprehensive Plan* shows this area as *Highway Corridor* on the Plan's Character Area Map. On the Plan's Future Land Use Map, the unincorporated parcel is not included, but the property in the City to the west is categorized as *Residential* and the properties to the east are *Commercial*. The three additional parcels currently zoned C-2 (General Commercial) are shown as *Commercial*.

EXISTING LAND USES:

Land uses in the surrounding area consist of the following:

- NORTH:** General Commercial (C-2). These properties are undeveloped commercially zoned properties.

- EAST:** General Commercial (C-2) / Residential (R-20) / Residential Multifamily (R-M) Uses to the northeast and east include a large shopping center with retail stores, restaurants, a grocery store and a gas station. In addition to the shopping center, an old post office outpost is located east of tract, which has recently become offices for Tanner Medical Center. Also, along the eastern border are single family residential homes and an apartment complex (Cross Creek Apartments) off of Brock Street.

- SOUTH :** General Commercial (C-2) / Estate Residential – 1 Acre (ER-1) / Residential Multifamily (R-M) /Uses to the south include the Walmart Shopping Center and retention pond, an undeveloped Residential Multifamily parcel and an Estate Residential subdivision called The Reserve.

- WEST:** Estate Residential – 1 Acre (ER-1) / Residential Multifamily (R-M) / Planned Development – Residential Multifamily. Uses to the west include The Reserve subdivision, Cottage Landing Assisted Living Community, and Cottage Hill Plantation Planned Development.

UNIQUE CHARACTERISTICS:

The majority of the parcels surrounding the subject tract are located with the City of Carrollton jurisdiction, making it an “island” of unincorporated Carroll County.

Much of the site was timbered several years ago; however, there are still some stands of hardwoods located on the site.

PREVIOUS RELATED ACTIONS:

None.

FINDINGS:

Finding 1. This property serves as a transition between the commercial tracts fronting Highway 27 and the residentially zoned properties west of the tract. The applicant is requesting four product types:

- **Detached Cottage Homes** – small lot single family homes.
- **Attached Homes** – they have proposed conditions that would limit these to quads (no more than four attached). A maximum of 50% of the units will be attached.
- **Premium Homes** – larger homes/lots.
- **Small Homes** – A maximum of 15% are proposed. The applicant is requesting a waiver from the minimum square footage allowed in the Unified Development Ordinance (1,250 square feet).

Finding 2. The site has City water and sewer, and gas.

Finding 3. The assisted living facility adjacent to the tract has a greater density than the proposed 5 units per acre. Plantation Walk subdivision has a lesser existing density of 3 units per acre. The applicant previously proposed the attached quads be located in the general area near Plantation Walk; however, after meeting with the homeowners, they have amended the general layout to provide detached homes adjacent to Plantation Walk and the attached quads adjacent to the assisted living facility.

Finding 4. As a condition of the zoning, the applicant is proposing an Architectural Control Committee with one member appointed by the City of Carrollton. Each plan will require approval from the ACC. The applicant included photographs of proposed product types with the petition.

Finding 5. The Carrollton GreenBelt is located just inside the bypass along Ben Scott Boulevard. The City is proposing the applicants extend a spur for the trail to the neighborhood by utilizing a buy back agreement for a portion of the construction costs. The construction of the trail within the neighborhood will be extended to the Walmart/Lowes shopping center. The applicants have also committed to obtaining the easements needed to construct the trail offsite.

Finding 6. As a condition of zoning, the applicant will create a mandatory HOA that maintains the front and side yards of each of the properties.

ZONING STANDARDS:

STANDARD 1. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

This property serves as a transition between the commercial tracts fronting Highway 27 and South Cottage Hill Road and the residentially zoned properties west of the tract.

STANDARD 2. Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

No.

STANDARD 3. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

The 2008-2028 *City of Carrollton Comprehensive Plan* shows this area as *Highway Corridor* on the Plan's Character Area Map. On the Plan's Future Land Use Map, the unincorporated parcel is not included, but the property in the City to the west is categorized as *Residential* and the properties to the east are *Commercial*. The three additional parcels currently zoned C-2 (General Commercial) are shown as *Commercial*.

STANDARD 4. Are there substantial reasons why the property cannot or should not be used as currently zoned?

No. However, at one time, the property was used as agricultural land. Currently, it is completely surrounded by developed property to the north, east, and west of the tract. The property immediately south of the tract is already zoned multi family.

STANDARD 5. Will the proposed use cause an excessive or burdensome use of public utilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

No. It already has public water and sewer, and is within the City's Police and Fire protection radii.

STANDARD 6. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The property is noted as both *Residential* and *Commercial*. The tract serves as a transition from commercially zoned property along Highway 27 and residential property along Cottage Hill Road.

STANDARD 7. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

It does.

STAFF RECOMMENDATION:

Staff recommends **approval** of the annexation and rezoning request with the following conditions:

1. The applicant will extend the GreenBelt from its location near Ben Scott Boulevard to the site and through the site. The city will reimburse the applicant a portion of the construction costs for the offsite section of the trail using a payback agreement with building permit fees.
2. The conditions provided by the applicant are binding to the rezoning request.
3. No multifamily dwellings are permitted on the tract.

The recommendations made herein are the opinions of the City of Carrollton Staff and do not constitute a final decision. The Carrollton City Council, in public sessions, makes the final decision on all Rezoning/Annexation/Special Use Applications.

Windmill Park, LLC
2345 Hays Mill Road
Carrollton, GA 30117

(678)378-4433 Phone

JohnFDenney@gmail.com

October 12, 2016

City of Carrollton Georgia
315 Bradley Street
Carrollton, GA 30117

Attention Erica Studdard,
Community Development Director

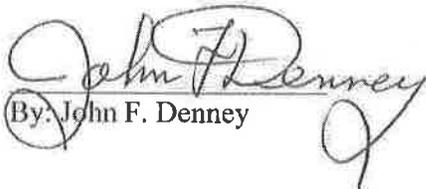
Dear Ms. Studdard

Please let this letter, along with the enclosed documents, serve as a request to rezone approximately 9 acres located on Cottage Hill Road from C-2 to R-M (with conditions). In addition, we also request that the city annex approximately 39 acres of adjoining property, with the same R-M zoning and the same conditions, as specified in the application enclosed.

Our desire is to develop and construct a residential subdivision with a mix of detached and attached homes, designed and marketed primarily to active adult, "empty nesters". Mr. Jeff Matthews, the other LLC member, and I have many years of development experience and sincerely believe that we can and will bring to market a residential community that enhances and benefits our city of Carrollton.

Thank you, your staff, and the elected and appointed city officials for considering this application.

Windmill Park, LLC


By: John F. Denney

REZONING & ANNEXATION APPLICATION

City of Carrollton
Planning Department
315 Bradley Street
Carrollton, GA 30117 (770) 830-2000



Application must be filed at least one (1) month prior to a regularly scheduled Planning Commission meeting. A Pre-application conference with staff is strongly recommended before the application is submitted. Please complete the blanks with the requested information. If any of the information or required materials is missing or incomplete, the application will not be processed.

APPLICANT

Applicant Name: Windmill Park, LLC
Address: 2345 Hays Mill Rd City: Carrollton State: GA Zip: 30117
Phone: (678) 378-4433 Fax: (678) 664-2373
Email: johnfdenney@gmail.com

Agent Name: John Denney
Address: _____ City: _____ State: _____ Zip: _____
Phone: () SAME Fax: () _____
Email: _____

Owner Name (if different from applicant): David Brown and Gwyn B. Chesnut
Address: 1770 AL Roberts Rd, Senoia, GA 30276
Phone: (770) 599-1830 Fax: () _____
Email: kitabrown@hughes.net

(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

Signature: John F. Denney

PROPERTY INFORMATION

Rezoning Location (attach survey): 138 Cottage Hill Road, C'ton
Total acreage: 49 7/8 (49.7)
Current Zoning: C-2 + County Proposed Zoning: R-M, with conditions
Project Name: Windmill Park
Proposed Use: Residential Development
Describe Proposed Rezoning: (attach additional sheets if necessary)

See additional sheet for conditions.

COMPREHENSIVE PLAN

Future Land Use Designation (as shown on the Future Land Use Map): Commercial
Adjacent to Residential ~~Adjacent to Residential~~
Describe Consistency with this Future Land Use Designation (attach additional sheets as necessary): Most of this property is in the county (39 ac%)
And joins both residential and commercial.

REZONING QUESTIONS

Please answer the following questions as completely and accurately as possible. This zoning application will be submitted for review to various departments; therefore, any incomplete answers may delay the review process.

- Attach additional sheets as necessary. -

1. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
Yes
2. Will the proposed use adverse affect the existing use or usability of adjacent and nearby property?
No
3. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?
Yes
4. Are there substantial reasons why the property cannot or should not be used as currently zoned?
Yes
5. Will the proposed use cause excessive or burdensome use of public utilities or services, including but not limited to streets, schools, water or sewer utilities, and police and fire protection?
No
6. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning of the property or surrounding properties?
Yes
7. Does the proposed use reflect a reasonable balance between the promotion of public health, safety, morality or general welfare and the right to unrestricted use of property?
Yes

STAFF USE ONLY

Date Application Filed: 10-13-2016 Applicable Fees Paid: Yes No
Legal Advertisement Date: 10/23 & 11/4 Sign Posted Date: _____
Planning Commission First Public Hearing Date: Nov. 8th 2016 at 6:00 p.m.
Mayor & Council Final Hearing Date Scheduled: Dec. 5th 2016 at 6:00 p.m.

REZONING APPLICATION
Authorization of Property Owner



THIS FORM TO BE COMPLETED ONLY IF APPLICANT AND OWNER ARE NOT THE SAME PERSON(S).

Applicant is person submitting the rezoning application. Owner is the property owner.

(Please type or legibly print)

Property Address: 138 Cottage Hill Road
Property Owner(s) Name: DAVID BROWN, Gwyn Clay, Brown Family P'shp.
Address: 185 Cottage Hill Rd.
City: CARROLLTON State: GA Zip: 30117 Phone: (770) 599-1830
Email Address: rita.brown@hughes.net (DAVID)

Applicant Name: Windmill Park, LLC
Phone: (678) 378-4433 Email Address: johnfdenny@gmail.com
(John Denny) jeffmatthews@bellsouth.net

Gwyn Chesnut
FKA Gwyn Clay (Owner's Name), personally appeared before me, the undersigned officer, duly authorized to administer oaths in the State of Georgia and, having been duly sworn, sets forth the following statements for the purpose of being granted a Rezoning under the Ordinances of CITY OF CARROLLTON:

I affirm that I am the owner of the property that is the subject of the attached application, as shown in the records of Carroll County, Georgia. I authorize the person named above to act as applicant in the pursuit of rezoning this property.

FURTHER AFFIANT SAYETH NOT.

I declare under penalty of false swearing that the above is true and correct.

This 26 day of September

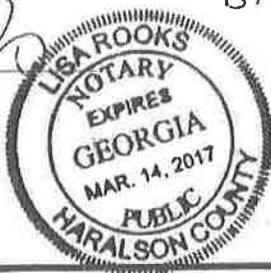
Gwyn Clay Chesnut
AFFIANT (Owner's signature)

Personally, and for
BROWN FAMILY PARTNERSHIP

Sworn to and subscribed before me this 26 day of Sept, 2016.

[Signature]
Notary Public

My Commission Expires:
March 14, 2017



REZONING APPLICATION
Authorization of Property Owner



THIS FORM TO BE COMPLETED ONLY IF APPLICANT AND OWNER ARE NOT THE SAME PERSON(S).

Applicant is person submitting the rezoning application. Owner is the property owner.

(Please type or legibly print)

Property Address: 138 Cottage Hill Road
Property Owner(s) Name: DAVID BROWN, GWEN CLAY, BROWN FAMILY PSHIP.
Address: 185 Cottage Hill Rd.
City: CARROLLTON State: GA Zip: 30117 Phone: (770) 599-1830
Email Address: rita.brown@hughes.net (DAVID)
Applicant Name: Windmill Park, LLC
Phone: (678) 378-4433 Email Address: johnfdenny@gmail.com
John Denny jeffmatthews@bellsouth.net

David Brown (Owner's Name), personally appeared before me, the undersigned officer, duly authorized to administer oaths in the State of Georgia and, having been duly sworn, sets forth the following statements for the purpose of being granted a Rezoning under the Ordinances of CITY OF CARROLLTON:

I affirm that I am the owner of the property that is the subject of the attached application, as shown in the records of Carroll County, Georgia. I authorize the person named above to act as applicant in the pursuit of rezoning this property.

FURTHER AFFIANT SAYETH NOT.

I declare under penalty of false swearing that the above is true and correct.

This 26 day of Sept

David Brown
AFFIANT (Owner's signature)

Sworn to and subscribed before me this 26 day of Sept, 2016.

[Signature]
Notary Public

Personally, and for
BROWN FAMILY PARTNERSHIP

My Commission Expires:
March 14, 2017



DISCLOSURE REPORT



Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the Carrollton City Council or the Mayor who will consider the application?

No

If so, the applicant and the attorney representing the applicant must file a disclosure report with the City within ten (10) days after this application is first filed.

Please supply the following information, which will be considered as the required disclosure:

The name of the Councilmember or Mayor to whom the campaign contribution or gift was made:

N/A

The dollar amount of each campaign contribution made by the applicant to the Councilmember or Mayor during the two (2) years immediately preceding the filing of this application, and the date of such contribution:

N/A

An enumeration and description of each gift having a value of \$250 or more made by the applicant to the Mayor or member of the Carrollton City Council during the two (2) years immediately preceding the filing of this application:

N/A

I certify that the foregoing information is true and correct,

this 12th day of October, 2016.

John H. Jenney
Applicant's Signature

Applicant's Attorney, if applicable

* *Applicant* is defined as any individual or business entity (corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust) applying for rezoning action, and/or any attorney or other person representing or acting on behalf of a person who applies for a rezoning.

DISCLOSURE REPORT CONT.



Does the Mayor, any member of the Carrollton City Council, or any member of the Planning Commission have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property?

NO

If so, describe the nature and extent of such interest:

N/A

Does the Mayor, any member of the Carrollton City Council, or any member of the Planning Commission have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

NO

If so, describe the relationship and the nature and extent of such interest:

N/A

Does the Mayor, any member of the Carrollton City Council, or any member of the Planning Commission have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

NO

If the answer to any of the above is "Yes", then the Mayor, Councilmember, or Planning Commission member must immediately disclose the nature and extent of such interest, in writing, to the City Council of the City of Carrollton, Georgia. A copy should be filed with the rezoning application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

Windmill Park; request for R-M zoning with conditions

General expectations:

1. We do not plan to age restrict, but will orient marketing and amenities to empty nesters.
2. Moderate price range, tasteful design and finish, energy efficient, low maintenance homes.
3. We will donate easement for and participate financially in the construction of a community walk-bike pathway or Greenbelt extension to the Walmart property line.

Zoning Conditions which we agree to abide by:

1. Maximum density of 5 units per acre (overall acreage)
2. Maximum of 50 % of units attached
3. Maximum of 15% "Small Homes" (detached)
4. Maximum of 4 units per building for attached homes
5. Main roof pitch of 6:12 or greater, as well as all street facing gables (This may be waived by the ACC for a plan that it considers aesthetically exceptional and appropriate.
6. Minimum of 20% of front of each home shall be brick, stone, stucco, or other masonry
7. Roofing to be textured relief, fish scale, or other aesthetic materials
8. Front & sides landscaped and sodded
9. Tray, cathedral or 9' ceilings in living room & master bedroom
10. Mandatory, strong HOA, maintains common areas and front/side yards
11. Community amenities will be included
12. It is required that each plan be approved by the Architectural Control Committee; and, such committee shall have at least one member appointed by the City of Carrollton.
13. A useable front, side porch, or some similarly functioning feature visible from the road shall be included on each plan

Exceptions Requests

1. To facilitate a balance durability, aesthetics, and ease of maintenance, allow heavy vinyl (44 mil minimum) exterior wall covering
2. For the "Small Home Community" (a home similar in size to a large RV home with slide-outs)
 - A. Waive square footage requirement
 - B. Waive requirement to front on public street
 - C. Waive building width requirement
3. For the "Duplex/Quadraplex Community"
Waive requirement to front on a public street
4. As a part of the agreement to participate in construction of the Greenbelt/Community Pathway, we request that the sidewalk requirement be waived where such pathway is readily accessible.

Erica

After our discussion, I have given considerable thought to the structure of an Architectural Control Committee and have discussed the topic with Jeff. Our objective is to both allow the city a high level of assurance that any development will maintain the conditions and level of quality as presented by its developer and approved by the City of Carrollton; and, at the same time, protect the developer's investment and efforts from unplanned/unwarranted changes in the city's position due to staff, political, or other disruptions. We have tried to propose a general guideline for an ACC organization that could be used as a template for other future developments.

Conditions, ACC organizational requirements:

1. Mandatory HOA for all owners
2. Broad & strong rules enforcement provisions
3. City has the authority to appoint one member (of 3 initial members)
4. Declarant (usually the developer) shall initially appoint 2 members
5. After 25% of the homes are sold and occupied, the HOA may appoint 1 member
6. Whenever the HOA appoints its 1 member, the declarant may appoint 1 additional member, creating a 5 member ACC.
7. The 5 member ACC will remain in place until the last home is completed or until the declarant turns it over to the HOA (City member remains on committee).
8. In the event that the developer/declarant sells, transfers rights, bankrupts, or otherwise loses control of the development, all powers of the declarant shall automatically be transferred to the city or its designated person/entity.
9. In the event that the developer/declarant is an entity and controlling interest in that entity is transferred (even if effectively) to someone other the individual(s) who has made commitments to the city (those on which approval was based), all powers of the declarant shall automatically be transferred to the city or its designated person/entity.

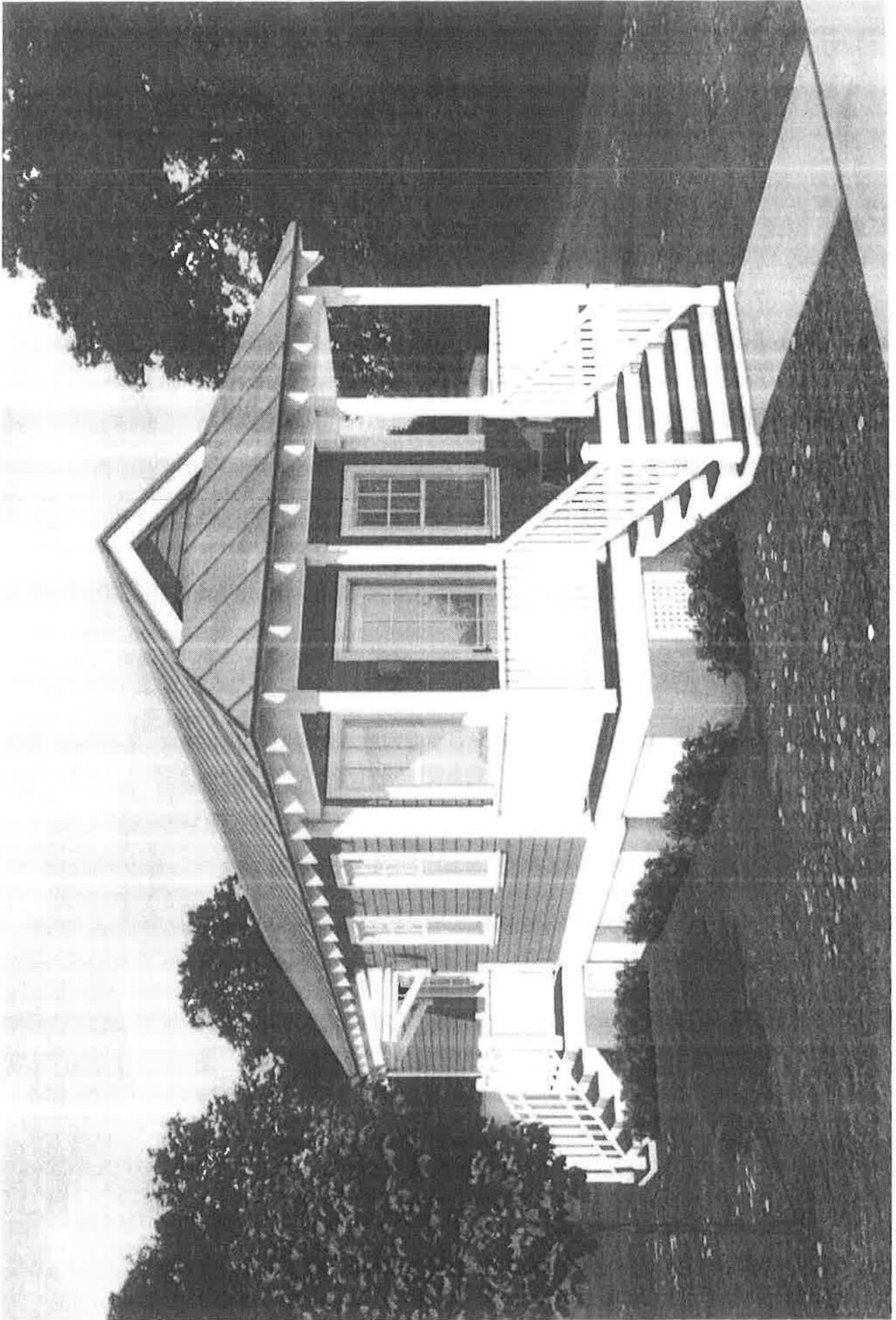
John Denney

Windmill Park, LLC

11/18/2016

Small Home Sample

- UP to 15%



Small Home Sample - 10p to 15920

