



Agenda
City Council Meeting
November 27th, 2023
6:30pm

Baldwin Courtroom, 155 Willingham Avenue, Baldwin, GA 30511

Call Meeting to Order

Invocation and Pledge

Consent Agenda

- a. Approval of Minutes: Council Meeting 11/13/2023 and Council Retreat 11/16/23 and 11/17/23.
- b. PD Budgeted Axon In-Car Cameras Purchase: \$14,975.92

Citizen Comments

Public Hearings

Reports

Fire Department – Chief Joe Roy

Old Business

1. Consideration/Approval of 2nd Reading of Precision Digital SUP Ordinance #2023-10132Z
2. Consideration/Approval of Wrecker Policy

New Business

3. Consideration/Approval of 1st Reading of Bellamy Zoning Ordinance #2023-11134Z
4. Consideration/Approval of Awards Program Policy

Executive Session

Announcements

- a. The Baldwin Christmas Tree Lighting will be Friday, December 1st at 6:30 pm at Mitchell Gailey Park! Enjoy free cookies and hot cocoa, take pictures with Santa, and write Christmas cards for local senior citizens! Christmas songs will be performed by Baldwin Elementary School students and cookies provided by Marlene's Cakes and More Event Planning.

Adjournment

AN ORDINANCE NO. 23-10132Z

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BALDWIN, GEORGIA, BY GRANTING A SPECIAL USE PERMIT TO ALLOW DATA CENTER, CRYPTOCURRENCY MINING AND HIGH PERFORMANCE COMPUTING BUSINESSES TO ALL THAT TRACT(S) OR PARCEL(S) OF LAND OWNED BY TDB SOUTHERN ENTERPRISES, LLC, AND BEING MAP AND PARCELS 090 008B, 090 015, 090 014 AND 090 013, IN HABERSHAM COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED ON AN AUGUST 24, 2022 PLAT AND PREPARED BY J. SCOTT STROUD, RLS AND BEING RECORDED AT PLAT BOOK 73, PAGE 198 OF THE HABERSHAM COUNTY DEED RECORDS WHICH IS ATTACHED HERETO AND, WHICH IS INCORPORATED BY REFERENCE INTO THIS ORDINANCE, AND CURRENTLY ZONED AS LIGHT INDUSTRIAL (LI) WITH CONDITIONS; REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the City Council of Baldwin, Georgia as follows:

Section 1. ZONING IMPOSED WITH CONDITIONS.

That from and after the passage of this ordinance the following described lands located within the City of Baldwin shall be zoned and so designated on the zoning map of the City of Baldwin as Light Industrial (LI) District with the following Special Use Permit:

Conditional Use Allowed:

- (1) Data Centers
- (2) Cryptocurrency Mining
- (3) High Performance Computing

36 Conditions:

37 Noise levels will not exceed 100 dB, measured at the property line of TDB Southern
38 Enterprises, LLC.

39 Legal Description:

40 All that tract or parcel of land lying and being in Land Lots 152, 153, 168 and 169 of the
41 10th District of Habersham County, City of Baldwin, Georgia and being designated as PAD 10,
42 containing 14.46 acres, more or less, as shown on a plat of survey for Habersham County
43 Industrial Park prepared by J. Scott Stroud, RLS, under date of August 24, 2022 and being
44 recorded in Plat Book 73, Page 198, Habersham County, Georgia records and which is attached
45 hereto, and incorporated by reference hereof, into this legal description.

46 **Section 2. REPEAL OF CONFLICTING ORDINANCES.**

47 All ordinances and parts of ordinances in conflict herewith are hereby repealed to the
48 extent of the conflict.

49 **Section 3. SEVERABILITY OF PARAGRAPHS.**

50 If any portion of this ordinance shall be invalid or unconstitutional, such invalidity or
51 unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that
52 other parts are wholly and necessarily dependent upon the part held to be invalid or
53 unconstitutional.

54 **Section 4. AMENDMENT TO THE ZONING MAP.**

55 This ordinance is enacted as an amendment to the zoning map of the City of Baldwin.

56 **Section 5. EFFECTIVE DATE.**

57 The effective date of the zoning conditional use imposed by this ordinance shall be on the

58 date the zoning conditional use is approved by the City of Baldwin, by and through its City
59 Council.

60 **SO ORDAINED** this 27th day of November 2023.

61 **BALDWIN CITY COUNCIL**

62
63
64 By: _____
65 Mayor Stephanie Almagno

66
67
68 _____
69 Council Member Erik Keith

70
71
72 _____
73 Council Member Theron Ayers

74
75
76 _____
77 Council Member Maarten Venter

78
79
80 Attest: _____
81 Council Member Alice Venter

82
83 _____
84 Erin Gathercoal
85 City Clerk
86

Passed: _____

AN ORDINANCE NO. 2023-11135

AN ORDINANCE PROVIDING THAT WRECKER SERVICES BE PLACED ON A ROTATION BASIS FOR SERVICE CALLS; TO PROVIDE FOR A TITLE FOR SAID ORDINANCE; TO PROVIDE THAT WRECKER SERVICES WITHIN THE CITY OF BALDWIN, GEORGIA, WHERE THE OWNER OF A MOTOR VEHICLE FAILS TO DESIGNATE A WRECKER SERVICE FOR THE REMOVAL OF THE MOTOR VEHICLE FOR WHATEVER REASON, THE CITY SHALL ONLY CONTACT THOSE WRECKER SERVICES THAT HAVE BEEN PLACED ON A ROTATIONAL LIST FOR SERVICE CALLS BY THE CITY; TO ESTABLISH APPROVAL REQUIREMENTS TO BE PLACED ON THE ROTATIONAL LIST; TO PROVIDE FOR REMOVAL OF A WRECKER SERVICE FROM THE ROTATIONAL LIST; TO PROVIDE THAT THE APPROVAL REQUIREMENTS OF THIS ORDINANCE DO NOT APPLY TO PRIVATE CALLS; TO PROVIDE FOR AN EFFECTIVE DATE OF THE ORDINANCE; TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Baldwin, Georgia is authorized by Article IV, Section II, Paragraph III the Constitution of the State of Georgia of I 983, and pursuant to its duly enacted City Charter, to enact ordinances regulating the provision of wrecker services in cases whereby the owner of a motor vehicle fails to designate a wrecker service for the removal of his or her motor vehicle; and

WHEREAS, O.C.G.A. § 40-11-2 allows the City of Baldwin, Georgia to establish a rotational list for wrecker services within the municipal limits of the City of Baldwin, Georgia; and

WHEREAS, the City Council of the City of Baldwin, Georgia, finds that it is in the best interest of its citizens to provide for certain standards for wrecker services to be authorized to answer calls by the City and by the creation of a rotational list of said wrecker services;

37 NOW, THEREFORE, BE IT ORDAINED by the City Council of Baldwin, Georgia, and
38 it is hereby ordained by authority of the same, as follows:

39

40 **Section 1: TITLE.**

41 This ordinance shall be known as the "Rotation of Wrecker Services Ordinance" for the
42 City of Baldwin, Georgia.

43

44 **Section 2: WRECKER SERVICES PLACED ON ROTATIONAL BASIS FOR**
45 **SERVICE CALLS.**

46 In all cases whereby the owner of a motor vehicle fails to designate a wrecker service for
47 the removal of his or her motor vehicle for whatever reason, inside the City limits, the City shall
48 contact only those wrecker services which have been approved under this ordinance to be placed
49 on the City wrecker rotational list and have made application to be placed on the rotating list for
50 service calls by the City. Due to the administrative burdens of maintaining the rotation list, and
51 to maintain the quality of service, only three (3) wrecker services shall be on the rotational list
52 for light duty service. The Chief of Police shall establish weekly rotation lists for light duty
53 service. The light duty list shall be for light duty operators and shall consist of those having been
54 approved for light duty service. Motor vehicles requiring a heavy-duty operator providing heavy
55 duty service shall be selected in accordance with the heavy-duty operator list established by the
56 Chief of Police and shall be on rotation monthly. Each wrecker service approved shall be placed
57 on the rotational list for as long as they can demonstrate compliance with the requirements of this
58 ordinance and shall be used by the City for a period of one week and at the end of the week shall
59 be placed at the bottom of the list and the light duty list shall be rotated in like manner each
60 week. The Chief of Police shall have responsibility for the maintenance of records that ensure
61 that wrecker services placed on this list are in compliance with the requirements of this

62 ordinance. Any new wrecker service shall be placed at the bottom of this list for which it is
63 approved. Within thirty (30) days after a new company is placed on the rotation list a revised
64 copy of the rotation list will be delivered by personal service or by certified mail to all wrecker
65 services currently on the rotation list. The Chief of Police shall conduct a meeting with all
66 wrecker services on the rotation list a minimum of annually.

67

68 **Section 3: APPROVAL REQUIREMENTS TO BE PLACED ON THE**
69 **ROTATIONAL LISTS.**

70

71 At the time that the wrecker service submits its application to be included on the rotating
72 list as provided for in Section 2 of this ordinance, the wrecker service shall provide proof to the
73 City that it has satisfactorily complied with the following requirements:

74 (a) For light duty list it has a minimum of two (2) wreckers for light duty service or a
75 minimum of one (1) wrecker which meets the requirements for heavy duty list with
76 the capacity to handle and transport all types of vehicles including but not limited to
77 automobiles, pickup trucks, commercial trucks and vans, and buses and tractor
78 trailers.

79 (1) Light duty operator that owns or leases at least two (2) wreckers and proof of title
80 or legally binding and enforceable contracts or leases for at least two (2) wreckers
81 together with equipment sufficient for each wrecker. A light duty wrecker is a
82 wrecker that is only able to tow/haul passenger cars, pickup trucks, and vans. One
83 (1) of the two (2) wreckers may be a heavy-duty wrecker.

84 (2) For the purpose of distinguishing a heavy-duty wrecker, a heavy-duty wrecker
85 shall be equipped with air brakes and must have a minimum of twenty-six
86 thousand and one (26,001) gross vehicle weight (GVW). The wrecker must be

87 capable of towing all other types of vehicles including but not limited to
88 automobiles, pickup trucks, commercial trucks, and vans, buses, and tractor
89 trailers.

90 (3) Each lease or contract shall be for a period of not less than twelve (12) months
91 and must be approved by the City. In the event any lease or contract provided
92 hereunder is terminated during the period of time that the wrecker service is on
93 the rotation list, the owner of the wrecker service shall promptly notify the City of
94 the termination and shall furnish proof of any new lease or contract which shall be
95 approved by the City.

96 (4) Any lease or contractual arrangement shall meet each and all requirements as
97 specified in this section.

98 (b) The wrecker service will be available and on call for twenty-four (24) hours per day,
99 seven (7) days per week, during the week that wrecker service has duty as the list
100 wrecker service.

101 (c) Proof of liability insurance, garage keeper's insurance, and garage liability insurance,
102 covering all loss and damage to vehicles as well as the contents and others in an
103 amount not less than five hundred thousand dollars (\$500,000.00).

104 (d) Proof of compliance with all local, state, county, and federal inspection requirements
105 and/or local, state, county, and federal requirements for the operation of a wrecker or
106 towing service.

107 (e) An impoundment area with a minimum of one-quarter (1/4) acre located within ten
108 miles of the geographic limits of the City of Baldwin, Georgia, lighted and adequately
109 secured or guarded. Such impoundment area shall be equipped with a perimeter fence
110 equal to or greater than six feet in height.

- 111 (f) Ownership of a two-way business band radio with applicable license or other method
112 of communication such as cellular telephone. A citizens band radio is not an
113 acceptable method for communication under this section.
- 114 (g) All vehicle operators shall have the proper driver's license for type of vehicle which
115 they are operating. All vehicles are appropriately insured and maintained in safe
116 operating condition as required by applicable local, state, and federal requirements for
117 the operation of motor vehicles.
- 118 (h) That it will not charge fees or rates in excess of the amounts promulgated as provided
119 in Section 6 of this Ordinance. The Chief of Police shall conduct an annual review of
120 the schedules of fees and determine if they are adequate or should be revised. The fee
121 schedule is not applicable to private calls.
- 122 (i) In addition to basic services provided by the wrecker service, the following duties are
123 required for the wrecker service to continue to be on the list.
- 124 (1) The wrecker service shall respond promptly to calls for service (within twenty
125 (20) minutes) unless there are extenuating circumstances.
- 126 (2) The wrecker service shall clean up all debris from the street or area of the
127 wreck.
- 128 (3) The wrecker service upon impoundment of the motor vehicle shall promptly
129 make an inventory of the vehicle and all personal property and provide a
130 receipt of the inventory to the owner/operator of the vehicle.
- 131 (4) In the event a wrecker service is unable to respond for a call for service, the
132 next-listed wrecker service will be called. Wrecker services on the rotational
133 list shall not designate that another service take their calls.

134 (5) At all times keep the City notified as to the name, owner, address, and
135 telephone number of the wrecker service. The wrecker service will
136 immediately notify the City of any change in liability insurance coverage or
137 change in the status of their wrecker fleet. The wrecker service shall also
138 immediately notify the City of any changes in their employee roster or
139 employee's driving privileges.

140 (6) It shall be the responsibility of the wrecker service owner to provide the Chief
141 of Police with proofs of compliance with these requirements as may be
142 necessary for the maintenance of their records.

143
144 (j) Proof that the wrecker service has a City of Baldwin Occupational Tax license.

145 (k) Proof that the wrecker service has workers' compensation insurance in compliance
146 with Georgia law. In the event that a wrecker service does not have workers'
147 compensation insurance, the wrecker service shall sign an agreement holding the City
148 of Baldwin harmless for any and all liability arising from the performance of the
149 wrecker service's duties under this Ordinance.

150

151 **Section 4: REMOVAL FROM THE ROTATION LIST.**

152 In the event the wrecker service which has been approved by the City for inclusion on the
153 rotation list fails to meet the requirements provided for herein, or violates any of the approval
154 specifications, then the Chief of Police shall have the authority to remove the wrecker service
155 from the rotation list. The wrecker service may be excluded from the rotation list for a period not
156 exceeding one (1) year at which time the wrecker service may make application to be returned to
157 the rotation list. The wrecker service upon approval shall be placed at the bottom of the list.

158

159 **Section 5: APPROVAL REQUIREMENTS DO NOT APPLY TO PRIVATE**
160 **CALLS.**

161
162 Nothing in this ordinance shall be construed as preventing the owner of a motor vehicle
163 from contracting a wrecker service of his or her choice, nor in any way limiting the requirements
164 of fees for a wrecker service which does not choose to be placed on the rotation list provided
165 herein, provided the wrecker service responds promptly and cleans up all glass and wreckage
166 debris from the street or area of the work, and complies with municipal ordinances, state laws,
167 federal regulations or laws.

168

169 **Section 6: MAXIMUM FEES OR RATES BY WRECKER SERVICES ON**
170 **THE ROTATIONAL LIST.**

171
172 Any wrecker service on the rotational list will not charge fees or rates in excess of the
173 amounts outlined in a written policy to be promulgated by the Chief Administrative Officer of
174 the City of Baldwin, Georgia. Such written policy may be amended from time to time by the
175 Chief Administrative Officer and a version of the written policy, current at the time of passage of
176 this Ordinance, is attached hereto as “Exhibit A.”

177

178 **Section 7: EFFECTIVE DATE.**

179 The effective date of this ordinance will be upon its passage by the City Council of the
180 City of Baldwin, Georgia.

181

182 **Section 8: REPEAL OF CONFLICTING ORDINANCES.**

183 Any part of any prior ordinance in conflict with this ordinance is hereby repealed to the
184 extent of such conflict.

185 SO ORDAINED this _____ day of _____, _____

186

187 By: _____

188 Mayor Stephanie Almagno

189 _____

190 Council Member Erik Keith

191 _____

192 Council Member Theron Ayers

193 _____

194 Council Member Maarten Venter

195 _____

196 Council Member Alice Venter

197 _____

198 Attest:

199 _____

200 Erin Gathercoal, City Clerk

201 _____

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EXHIBIT A

232

SCHEDULE OF FEES*

233

Any wrecker service on the rotational list will not charge fees or rates in excess of the

234

following amounts:

235

(1) Services of light duty wrecker for undamaged vehicles (passenger cars, pickup trucks,

236

and vans):

237

a. Basic tow job inside city limits. \$400.00

238

(2) Services of light duty wrecker for vehicle recovery \$300.00

239

(3) Ancillary Services:

240

a. Additional Debris Clean Up \$150.00

241

b. 1st Administrative Letter \$100.00

242

c. 2nd Administrative Letter \$175.00

243

(4) Services of heavy-duty wrecker (wrecker for all vehicles other than passenger cars,

244

pickup trucks, and vans):

245

a. Price Per Call to be approved by Chief of Police

246

(5) Storage of Vehicles:

247

a. Daily Storage Fee \$80.00

248

249

250 *Fees to be re-evaluated annually

251 *Annual increase shall not exceed 25% of current fees

252

253

Baldwin Police Department
Towing Service Rotation List
Protocol

1. The rotation list will start in alphabetical order.
2. The rotation will start on Sunday night at 0000 hours and will end the following Sunday night at 2359 hours.
3. If an estimated time of arrival is given that is longer than 30 minutes, the next towing service on the list will be notified.
4. The rotation list is closed for new entries on November 1.
5. New applications must be submitted by November 1, to be eligible for the following year's rotation list.
6. Liability insurance must cover the vehicle and any of its contents while in storage.
7. The wrecker service must provide effective and efficient lot security. The storage facility shall be in the city limits of Baldwin, Georgia.
8. The wrecker service must maintain regular business hours and have a listed public business telephone number.
9. The wrecker service must provide proof of ownership or lease agreement for each towing vehicle used in its business.
10. All wrecker services will provide reasonable access to any towed vehicle(s).
11. The following items and equipment must be maintained on all wreckers and tow trucks:
 - a) Each vehicle must be permanently marked on both sides of the body or cab of the vehicle, in letters and figures in sharp color contrast to the background:
 1. The name of the motor carrier and phone number,
 2. The carrier's state or federal US Dot number.

- b) Valid registration tag and revalidation decal
- c) Valid emergency light permit issued by DPS
- d) Flashing or revolving amber light with 360-degree visibility
- e) Battery jumper cables and/or a booster box
- f) Fire extinguisher
- g) Sweeping broom
- h) Flat Shovel
- i) Container for debris
- j) Motorcycle straps (4)
- k) Tow away lamps (tail, stop, and turn signal lights for vehicles being towed)
- l) Stopped vehicle warning devices

**Baldwin Police Department
Towing Service Rotation List
2023**

Cantrell's Towing
290 North Main Street
Cornelia, GA 30531
(706)776-1434

Hulsey's Wrecker Service
1849 Willingham Avenue
Cornelia, Georgia 30531
(706)778-1764

Ramey's Towing
5933 Hwy. 115 East
Cleveland, Georgia 30528
(706)865-4300

**Baldwin Police Department
Towing Service Rotation List
Application for 2023**

Company name: _____

Address: _____

Phone number: _____

Emergency Contact: _____

Proof of Insurance: _____

Photocopy of the vehicle registration: _____

Declaration of Ownership: _____

Copy of Business License: _____

3-year Motor Vehicle Report from the Georgia Department of Driver Services for each driver who will be operating a wrecker or tow truck: _____

Photocopy of the driver's license for each person who will be driving a wrecker or tow truck: _____

A release signed each owner and driver authorizing the Baldwin Police Department to conduct criminal history background checks:

Are stored vehicles and their contents covered with liability insurance? _____

Secured Storage area (minimum 6 ft. tall fencing, lighted, and equipped with a lock or enclosed building): _____



11/6/23
Date Received

Application for Variance or Zoning Change

Application Creation Date 11/6/23
Published Date 11/17/23

First Reading Date 11/27/23
Second Reading Date 12/11/23

Applicant Information

Name	Jacob Bellamy
Address	151 Homer Dr
City/State/Zip	Baldwin GA 30511
Phone	706-449-9124
Fax	
Email	jacob@bellamywaterrepair.com

Property Owner Information

Name	
Address	
City/State/Zip	
Phone	
Fax	
Email	

Status of Applicant

<input checked="" type="checkbox"/> Current Property Owner
<input type="checkbox"/> Option to Purchase
<input type="checkbox"/> Area Resident
<input type="checkbox"/> Other (Explain)

Variance Request(s)

Describe Type Variance(s) Requested	Zoning Change
Vary From	R-2
Vary To	Commercial

Zoning Information

Current Zoning Classification(s)	Residential-2
----------------------------------	---------------

Parcel Information

Tax Parcel Number(s)	0410041A	Acreage	
Location (Street Address)	Corner of Homer Dr & Davis Dr		.87
Existing Structure(s)	NO		
Description of Proposed Use			

Fee Information

Variance Fee	If work not in progress	\$
	If work in progress	\$
Amount Due	Include all fees required	\$

Supporting Documents Required

<input checked="" type="checkbox"/> Concept Plan - Prepared by a Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect. One full scale (folded to 8.5 x 11 size) and One- 8.5 x 11 size
<input checked="" type="checkbox"/> Plat One full scale and One reduced to 8.5 x 11 size
<input checked="" type="checkbox"/> Statement of Hardship
<input checked="" type="checkbox"/> Architectural Rendering One full scale (folded to 8.5 x 11 size) and One- 8.5 x 11 size
<input type="checkbox"/> Other Explain

Method of Payment

<input checked="" type="checkbox"/> Paid by Check	Check No.	1448
<input type="checkbox"/> Paid Cash	Receipt No.	

Applicant's Certification: I hereby certify the above information, and all attached information, is true and correct; and that I have read, understand, and have received a copy of the Public Notice Requirements.

Signature of Applicant [Signature]
Application Taken By [Signature]

Date 11/6/23
Date 11/6/23

Application WITHDRAWAL Notification: We hereby withdraw the above application.

Signature of Applicant _____ Date _____

PROPERTY OWNER AUTHORIZATION

Instructions: Each property owner must complete and sign a Property Owner Authorization page and provide the information requested under the Owner Information Certification section. In the event there is more than one property owner, a separate Property Owner Authorization page must be completed by each property owner.

OWNER INFORMATION CERTIFICATION

I swear that I am the owner of the property which is the subject matter of this application, as shown in the records of Habersham or Banks County, Georgia:

Name of Owner	Jacob Bellamy
Owner's Address	151 Hamer Dr
City / State / Zip Code	Baldwin, GA 30511
Owner's Phone Number	706-778-0074
Owner's Cell Phone Number	706-499-9174
Print Owner's Name	Jacob Bellamy

As the owner of the subject property I hereby authorize the person named below to act on my behalf as Applicant in the pursuit of this Variance request to be heard by the City of Baldwin Planning and Zoning Board during public hearing.

NOTARY PUBLIC CERTIFICATION

Instructions: All Property Owner Authorization sheets must be complete, signed and duly notarized.

NOTARY PUBLIC CERTIFICATION

Personally appeared before me the following

Signature of Owner

[Handwritten Signature]

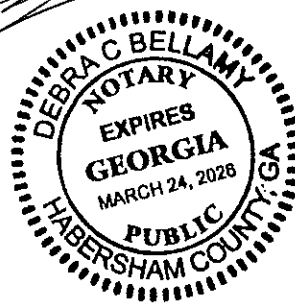
who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

[Handwritten Signature]

Notary Public

11/1/2023

Date



Please describe briefly your reason for requesting this variance:

I am requesting this variance so that I will be allowed to add an addition onto my business to better serve our community with honest and fair auto repair services.

✓

APPLICANT INFORMATION CERTIFICATION

Instructions: If the Owner and the Applicant are the same, the Applicant Information Certification section of this document is not required. If the Owner and the Applicant are not the same, each applicant must complete and sign the Applicant Information Certification section of a separate Property Owner Authorization page. The signature of each applicant must be notarized.

Name of Applicant	
Applicant's Address	
City / State / Zip Code	
Applicant's Phone Number	
Applicant's Cell Phone Number	
Print Applicant's name	

NOTARY PUBLIC CERTIFICATION

Instructions: All Property Owner Authorization sheets must be complete, signed and duly notarized.

NOTARY PUBLIC CERTIFICATION

Personally appeared before me the following

Signature of Applicant

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

Notary Public

Date

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

NOTE: This form is required for all annexation and/or zoning actions

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- (c) When any opponent of a rezoning action had made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:
 - (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

APPLICANT'S CERTIFICATION

I hereby certify that I have read the above campaign disclosure information and declare that (select have or have not)

<input type="checkbox"/>	I have within the two years immediately preceding this date (See * below)
<input checked="" type="checkbox"/>	I have not within the two years immediately preceding this date

made any campaign contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

*NOTE: If you are an applicant and you have made any such contribution(s), you must provide the information required in subsection (a) above within ten (10) days after the rezoning action is first filed. If you are an opponent and you have made a contribution, you must provide the information required in subsection (c) above at least five (5) calendar days prior to the first hearing by the City Council or any of its agencies on the rezoning application.

(1) _____
(Name and official position of the City Council Member and/or Planning or Zoning Commission of the City of Baldwin, Georgia to whom campaign contribution was made)

(2) Amount: \$ _____ Date: _____

STATEMENT OF HARDSHIP

Where the Mayor and Council find that strict compliance with the provisions of this ordinance would result in practical difficulty or unnecessary hardship, the Mayor and Council may, upon application from the property owner, grant a variance from the terms of this ordinance so that the spirit and intent of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual cases of unnecessary hardship upon consideration by the Mayor and Council of the standards for considering zoning decisions as set out in Article VXIII of the City of Baldwin Zoning Ordinance and finding that one or more of the following conditions exist:

Describe how each situation listed below relates to your application.

1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

2) The application of this ordinance to the particular piece of property would create an unnecessary hardship;

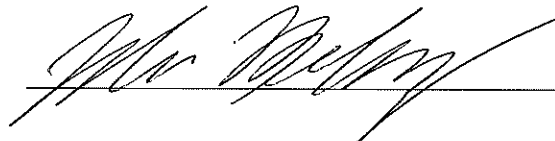
3) Such conditions are peculiar to the particular piece of property involved;

4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

The procedure by which the Mayor and Council will consider any request for a variance shall be governed by the provision of Article VXIII.

I hereby certify that the above information and all attached information is true and correct.

Signature of Applicant



Date

11/16/23

See Attachment

Statement of Hardship

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - a. With the layout of the property there is no other option for expansion except by changing the zoning for the property in question.
2. The application of this ordinance to the particular piece of property would create an unnecessary hardship;
 - a. Without a change in the zoning of this property I would not be able to expand my business and provide the community with fair and honest auto repair services and additional job opportunities.
3. Such conditions are peculiar to the particular piece of property involved;
 - a. The property in question is in the area of existing commercial properties and bordered by some. Including Bellamy Auto Repair, Pritchett Tire, T Andrew Dowdy Law Offices, Bellamy Body Shop, & the former JC Auto Repair.
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.
 - a. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance because the property is currently encircled by other commercial properties and businesses.

V

PUBLIC NOTICE REQUIREMENTS

City of Baldwin zoning regulations require public notice be given on all zoning applications, as follows:

1. A legal advertisement shall be published no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing. (This requirement is covered by the Planning Department staff.)
2. A public notice sign shall be placed in a conspicuous location on the property which is subject to the zoning application. The original public notice sign will be posted by Planning Department staff.

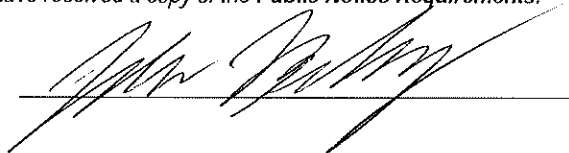
As the applicant, you are responsible for ensuring the public notice sign remains on the site during the entire zoning process. The Planning Department staff will prepare and place a sign (or signs) for you. If any problem arises with regard to the sign, notify the City of Baldwin Department of Planning and Development immediately by calling 706-778-6341 so the sign can be replaced. Failure to report problems with the sign during the entire period of the hearings will also result in a delay.

The purpose of the public notice sign is to inform the surrounding property owners that an application has been filed. Placement of the sign in a manner that is not clearly visible violates the requirements. Failure to place the sign in a conspicuous location will result in your request being tabled until the sign is posted as required. Failure to ensure the sign remains posted on the site during the entire zoning process means there will be a delay in the hearing date set for your request. Legally, the City cannot consider a request until proper notice has been given. If it is determined at any time during the zoning process that the sign is not properly placed on the site, the City Council has no choice but to table the request, even if there is no opposition to the application. Many of the board members, as well as the planning staff, visit the sites and will be looking for the sign. Additionally, local citizens, particularly those who receive notice letters, often report when a sign is not visible. The City will not consider your request until it is satisfied that proper public notice has been given.

Multiple sign posting on a site may be required if it is so determined by the Planning Department staff to be necessary. Signs should be placed as near to the road as possible so they are clearly visible. The sign(s) cannot be obstructed by vegetation, etc.; may not be placed at an inappropriate distance from the road; or placed on something in such a manner so as to blend into the scenery.

Applicant's Certification: *I hereby certify the above information, and all attached information, is true and correct; and that I have read, understand, and have received a copy of the Public Notice Requirements.*

Signature of Applicant



Date

11/16/23

HABERSHAM COUNTY
CLERK OF COURT

2023 OCT 23 AM 4: 43

1349 993-994

Book Page Recorded
David C. Wall

Habersham County, Georgia
Real Estate Transfer Tax

PAID 0

DATE 10/23/2023

David C. Wall
Clerk of Superior Court

068-2023-00 2344

When Recorded, Return to:
T. Andrew Dowdy
P. O. Box 886
Cornelia, Georgia 30531

SPACE ABOVE RESERVED FOR RECORDING INFORMATION

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HABERSHAM

THIS INDENTURE made this 18th day of October in the year of our Lord Two
Thousand Twenty-Three between

MICHAEL BELLAMY

of the State of Georgia, as party or parties of the first part and

JACOB BELLAMY

of the State of Georgia, as party or parties of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of OTHER GOOD AND VALUABLE CONSIDERATIONS AND TEN AND NO/100 (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the said party of the second part, and to his survivors, and to the heirs and assigns of such survivors, the following described lands, to-wit:

ALL that tract or parcel of land lying and being in Land Lot 170 of the 10th Land District, Habersham County, City of Baldwin, and containing 0.87 acres, being designated as Tract 5 on that Plat of Survey prepared by Richard H. Holcomb, Georgia Registered Land Surveyor No. 2733, said Plat being recorded in the office of the Clerk of Superior Court of Habersham County, Georgia in Plat Book _____, Page _____, and being incorporated herein by reference for a more complete description; said tract being more fully described as follows:

Beginning at a point on the Southeast margin of Davis Drive common with the lands herein conveyed and lands now or formerly of Dowdy, thence along said margin of Davis Drive the following courses and distances: South 52 degrees 22' 47" E 150.74 feet; South 48 degrees 19' 57" East 27.16 feet; South 34 degrees 58' 00" East 10.17 feet; South 01 degrees 25' 27" East 14.93 feet; South 29 degrees 17' 15" West 14.70 feet; South 34 degrees 19' 06" West 67.72 feet; and South 32 degrees 54' 44" West 95.56 feet to an iron pin set on the right of way of Homer Drive, thence along and with Homer Drive the following courses and distances: North 57 degrees 51' 53" West 82.10 feet; North 53 degrees 05' 48" West 43.88 feet; and North 51 degrees 23' 44" West

56.67 feet to an Iron Pin Open Top Pipe found, common with lands now or formerly of Dowdy, thence along with lands now or formerly of Dowdy, North 29 degrees 32' 56" East 197.77 feet to an Iron Pin Set and North 29 degrees 32' 56" 5.61 feet to a point on the Southeast margin of Davis Drive, the Point of Beginning.

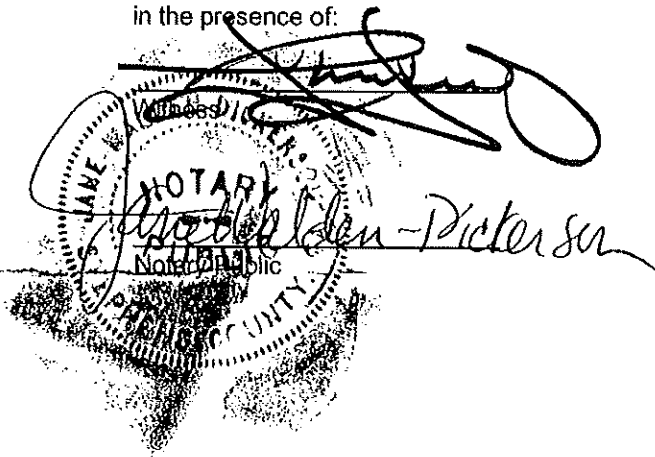
Being that same parcel described in and conveyed by Warranty Deed under date of April 30, 2019 from Margaret H. Batson to Michael Bellamy and being found among the Deed Records of Habersham County, Georgia in Deed Book 190, Pages 808-809.

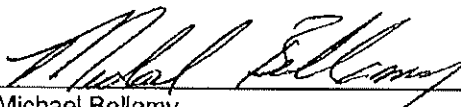
TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members, and appurtenances thereof, to the said being, belonging or any wise appertaining, to the only proper use, benefit and behoove of them, the said party of the second part, his heirs and assigns forever, IN FEE SIMPLE.

And the said party of the first part, for himself and his heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said party of the second part, his heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and affixed his seal, the day and year above written.

Signed, sealed and delivered
in the presence of:




Michael Bellamy (Seal)



City of Baldwin Building and Zoning Department

P. O. Box 247
186 Hwy 441 Bypass, Baldwin, GA 30511

Staff Recommendations

Date: November 21st, 2023

Ordinance NO.: #2023-11134Z

Location: Map & Parcel 091D 041A

Applicant: Jacob Bellamy

Owner: Jacob Bellamy

Total Area: 0.87 Acres

Current Zoning: Residential Single Family (R-2)

Requested Zoning: Neighborhood Commercial (NC)

“The purpose of this Zoning District is to serve two (2) primary functions. First, it should provide convenience goods and services, that is, goods and services purchased on a regular and frequent basis by a household in or adjacent to developed and developing residential areas and at a scope compatible with such residential uses and areas. Second, it should be used to provide more rural areas with convenience goods and services. This district should remain distinct in character from arterial or highway oriented commercial districts that are established to accommodate a broader range of commercial uses including more intense uses than are allowed in this District.” Sec. 705.1, 2006 Baldwin Zoning Ordinance

Proposal: Applicant is requesting a map amendment R-2 to NC to build an extension of an auto repair shop from the neighboring parcel, thereby matching the neighboring parcel’s zoning. The extension will be 3,200 square feet with the addition of one bathroom and will be directly attached to the current auto shop (Bellamy Auto Repair).

Water and Sewer: No concerns from this department.

Public Works: No concerns from this department.

Police: No concerns from this department.

Fire: No concerns from this department.

Summary Recommendations: Based on the intended use of the Neighborhood Commercial zone and the zoning of the surrounding properties, city staff recommends approving this request for a change in zoning.

FIRST READING November 27th, 2023

PUBLISHED November 17th, 2023

ZONING HEARING December 11th, 2023

PASSED _____

AN ORDINANCE NO. 2023-11134Z

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BALDWIN, GEORGIA, BY ZONING ALL THOSE TRACTS OR PARCEL OF LAND OWNED BY JACOB BELLAMY AND BEING .87 ACRES, MORE OR LESS, BEING TRACT 5 OF TAX MAP PARCEL 091D 041A AND LYING AND BEING IN LAND LOT 170 OF THE 10TH LAND DISTRICT OF HABERSHAM COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED ON A DEED OR PLAT WHICH IS ATTACHED HERETO AND, WHICH IS INCORPORATED BY REFERENCE INTO THIS ORDINANCE, FROM RESIDENTIAL SINGLE FAMILY DISTRICT (R2) TO NEIGHBORHOOD COMMERCIAL DISTRICT (NC), WITHOUT CONDITIONS; REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the City Council of Baldwin, Georgia as follows:

Section 1. ZONING IMPOSED WITH CONDITIONS.

That from and after the passage of this ordinance the following described lands to be annexed into the City of Baldwin shall be zoned and so designated on the zoning map of the City of Baldwin as Neighborhood Commercial (NC) being approximately .87 acres and with the following conditions:

Conditions:

- a. none.

Legal Description:

All that tract or parcel of land being approximately .87 acres, being Tax Map Parcel 091D 041A, and lying and being in Land Lot 170 of the 10th Land District of Habersham County, Georgia and more particularly described on a deed or plat, and which is attached hereto, and incorporated by reference hereof, into this legal description.

Section 2. REPEAL OF CONFLICTING ORDINANCES.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 3. SEVERABILITY OF PARAGRAPHS.

If any portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

Section 4. AMENDMENT TO THE ZONING MAP.

This ordinance is enacted as an amendment to the zoning map of the City of Baldwin.

Section 5. EFFECTIVE DATE.

The effective date of the zoning classification imposed by this ordinance shall be on the later of:

(A) The date the zoning classification is approved by the City of Baldwin, by and through its City Council; or

(B) The date that the annexation of the subject property becomes effective pursuant to Georgia law.

SO ORDAINED this 11th day of December 2023.

BALDWIN CITY COUNCIL

By: _____
Mayor Stephanie Almagno

Council Member Erik Keith

Council Member Theron Ayers

Council Member Maarten Venter

Council Member Alice Venter

Attest:

Erin Gathercoal
City Clerk

Section 3: Employee Benefits

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9. Employee Awards Policy

9.1.1 Statement of Policy

The City of Baldwin seeks to recognize its employees for their continuous years of service, exemplary contributions to the City, and extra efforts that exceed normal job requirements. The Chief Administrative Officer and/or a designee shall develop, administer, and modify an awards program that encourages the City's employees to develop themselves professionally and maximize their potential. The Chief Administrative Officer is authorized to use the means outlined in this Policy to provide incentives based on individual, group and/or departmental contributions and performance.

9.1.2 Applicability

All current employees are eligible for participation in the employee recognition awards program.

9.2.3 Establishment and Implementation of Procedure

The Chief Administrative Officer is authorized to establish and modify, as needed, a procedure for implementing this policy.

9.2.4 Wages and Other Recognition

Any award to an employee will not be used in place of paying wages due to an employee, such as overtime or compensatory time, and is not meant to replace other traditional methods of recognition, but rather to increase options in rewarding and reinforcing employee excellence.

9.2.5 Length of Service Awards

9.2.5.1 All current employees shall receive a commemorative pin.

9.2.5.2 All employees who have served for one year shall receive a paper certificate.

9.2.5.3 All employees who have served for three years shall receive a framed paper certificate.

9.2.5.4 All employees who have served for five years shall receive a framed paper certificate and a gift to be determined by the Chief Administrative Officer in accordance with this policy.

9.2.5.5 All employees who have served for ten years shall receive a commemorative plaque and a gift to be determined by the Chief Administrative Officer in accordance with this policy.

9.2.5.6 All employees who have served for fifteen years shall receive a commemorative plaque and a gift to be determined by the Chief Administrative Officer in accordance with this policy.

9.2.5.7 All employees who have served for twenty years shall receive a commemorative trophy-style award and a gift to be determined by the Chief Administrative Officer in accordance with this policy.

9.2.5.8 All employees who have served for twenty-five years shall receive a commemorative trophy-style award, a Proclamation of Day Commemoration, and a gift to be determined by the Chief Administrative Officer in accordance with this policy.

9.2.5.8 All employees who have served for thirty years shall receive a commemorative award specific to that employee's department and a gift to be determined by the Chief Administrative Officer in accordance with this policy.

9.2.5.9 All employees who have served for thirty-five years or more shall receive a commemorative award specific to that employee's department, a gift to be determined by the Chief Administrative Officer in accordance with this policy. Additionally, all employees who have served for thirty-five years or more shall be considered for a future building or park name dedication.

DRAFT