



**Agenda**  
City Council Meeting  
October 23<sup>rd</sup>, 2023  
6:30pm

Baldwin Courtroom, 155 Willingham Avenue, Baldwin, GA 30511

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**Call Meeting to Order**

**Invocation and Pledge**

**Consent Agenda**

- a. Approval of Minutes: Council Meeting 10/10/2023.

**Citizen Comments**

**Public Hearings**

**Reports**

Public Works – Scott Barnhart

**Old Business**

1. Consideration/Approval of 1<sup>st</sup> Reading of Precision Digital SUP Ordinance  
#2023-10132Z
2. Consideration/Approval of Wrecker Policy

**New Business**

**Executive Session**

**Announcements**

- a. Thank you to everyone who attended our Movies In the Market series, which will resume in the spring! If you have a movie suggestion for our spring series, please message our Facebook or email [baldwinevents@cityofbaldwin.org](mailto:baldwinevents@cityofbaldwin.org)!
- b. Thank you to everyone who participated in our Sixth Annual Fall Festival!
- c. Join us for a family-friendly watch party of the Florida/Georgia game on October 28th, hosted by Life Church at 110 Church Street. Tailgating starts at 2:00 pm and kickoff at 3:30 pm inside the sanctuary! Alcohol is prohibited at this event.

**Adjournment**





9/28/23  
Date Received

## Application for Variance or Zoning Change

Application Creation Date 9/28/2023  
Published Date 10/4/23

First Reading Date 10/23 Second  
Reading Date 11/13

**Applicant Information**

Name	<del>TDB</del> Precision Digital LLC
Address	PO BOX 838
City/State/Zip	Cumming, GA 30028
Phone	678 907 0335
Fax	
Email	tim@precisiondigi.com

**Property Owner Information**

Name	TDB Southern Enterprises, LLC
Address	PO Box 838
City/State/Zip	Cumming, GA 30028
Phone	678 907 0335
Fax	
Email	timothy@barbir.com

**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	
Special Use to allow Data Center, Cryptocurrency Mining, and High Performance Computing	
Vary From	Light Industrial
Vary To	Special Use to allow proposed business activity and to allow noise up to 100 decibels measured at the property line

**Zoning Information**

Current Zoning Classification(s)
Light Industrial

**Parcel Information**

Tax Parcel Number(s)	090 008B, 090 015, 090 014, 090 013	Acreage	14.46
Location (Street Address)	1113 Airport Road		
Existing Structure(s)	None		
Description of Proposed Use	Data Center, High Performance Computing, Cryptocurrency Mining		

**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 checked="" type="checkbox"/>	Other Explain Appendix 1

**Method of Payment**

<input type="checkbox"/>	Paid by Check	Check No.	
<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 *Timothy Bobb*

Date 9/28/2023

Application Taken By *Zm...*

Date 9/28/2023

Application **WITHDRAWAL** Notification: I/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	TDB Southern Enterprises, LLC
Owner's Address	PO BOX 838
City / State / Zip Code	Cumming, GA 30028
Owner's Phone Number	678-907-0335
Owner's Cell Phone Number	NA
Print Owner's Name	Timothy Barbir - Member

*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.

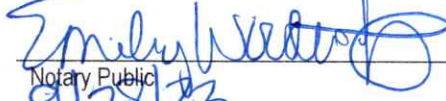
**NOTARY PUBLIC CERTIFICATION**

Personally appeared before me the following

Signature of Owner



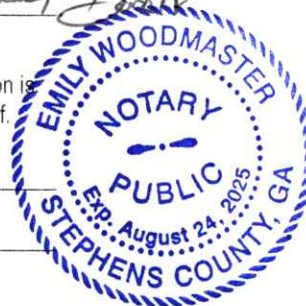
who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.



Notary Public

Date

9/28/23



Please describe briefly your reason for requesting this variance:

The Light Industrial zoning category does not explicitly allow or prohibit technology focused businesses such as Data Centers, Cryptocurrency Mines, or High Performance Computing centers. The zoning ordinances are also unclear with regards to the noise levels permitted within their respective categories. Technology focused businesses require significant power and cooling infrastructure that operate 24/7 and emit noise consistent with their respective activity up to 100 decibels measured at the property line. The variance is necessary to ensure that the business activities are both permitted and protected.



**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.

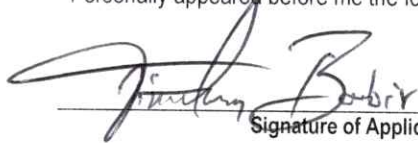
Name of Applicant	Precision Digital, LLC
Applicant's Address	2859 Paces Ferry Road SE, Suite 1140
City / State / Zip Code	Atlanta, GA 30339
Applicant's Phone Number	678-907-0335
Applicant's Cell Phone Number	NA
Print Applicant's name	Timothy Barbir - Member

**NOTARY PUBLIC CERTIFICATION**

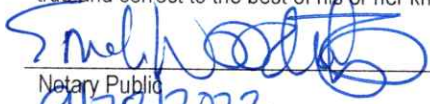
**Instructions:** All **Property Owner Authorization** sheets must be complete, signed and duly notarized.

**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: 9/28/2023



## 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**

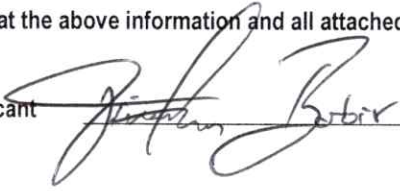
Where the Mayor and Council find that strict compliance with the provisions of this ordinance would result in practical difficulty or unnecessary hardship, the Mayor and Council may, upon application from the property owner, grant a variance from the terms of this ordinance so that the spirit and intent 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; **See App 1**
- 2) The application of this ordinance to the particular piece of property would create an unnecessary hardship; **See App 1**
- 3) Such conditions are peculiar to the particular piece of property involved; **See App 1**
- 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. **See App 1**

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 9/28/23

## 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.

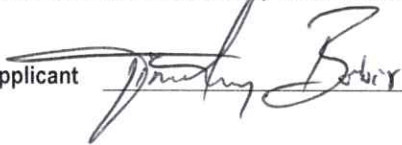
**As the applicant**, you are responsible for ensuring the public notice sign remains on the site during the entire zoning process. The Planning Department staff will prepare and place a sign (or signs) for you. If any problem arises with regard to the sign, notify the City of Baldwin Department of Planning 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

9/28/23



## Appendix # 1

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
  - The property combined with its topography and use make it impossible to guarantee that noise does not leave the site. The ordinance does not allow of prohibit the business type nor does it allow or prohibit noise generating business.
2. The application of this ordinance to the particular piece of property would create an unnecessary hardship;
  - The ambiguity of the ordinance could great an extreme hardship for Precision Digital should future clarification or interpretation of the ordinance limit the company's ability to operate. The company will be investing millions of dollars in physical infrastructure to service its customers. Additionally, Precision Digital will be party to performance contracts with its customers. Disruption of these services due to a change in zoning code interpretation would result in lawsuits to Precision Digital and the potential loss of tens of millions of dollars.
3. Such conditions are peculiar to the particular piece of property involved;
  - The conditions are particular to the piece of property and the business. The property in question due to topography cannot guarantee that noise will not travel, additionally, the business in question is industrial in nature and creates noise in the regular course of business.
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 property in question is directly across the street from the Habersham County Regional Airport and it's surrounded by Industrial zoned property on all sides. The look and feel of the buildings to be constructed is in line with what is expected in an industrial park. Additionally, the airplanes at the airport generate sound levels up to 140 decibels. It is expected that Precision Digital's business activity will only generate sounds up to 100 decibels. Relief if granted would not cause substantial detriment to the public or impair the purposes and intent of the ordinance.



**Misc Payment Receipt**  
**Baldwin, GA**  
 155 Willingham Ave.  
 Baldwin, Georgia 30511

**Office:** Special Permits

**Receipt Note:** LOT10 BARBIR SUP APPLICATION

**Payment Type/Last 4 of CC:** Visa-1126

**Payment Method:** POS

Customer Name:	
Payor Name:	TIMOTHY BARBIR
Billing Address:	
City/State/Zip:	30507
Phone #:	678-907-0335
Email:	
Payment Date:	09/28/2023 10:13:55 AM
Payment Clerk:	Emily Woodmaster
<b>Confirmation #:</b>	<b>26768048</b>

**Thank you for your payment.** You will see two transactions on your card related to your payment:

- 1) Misc billed by Baldwin, GA
- 2) Convenience Fee billed by GovernmentWindow

Misc Amount:	\$625.00
Convenience Fee Amount:	\$25.00
<b>Total Paid:</b>	<b>\$650.00</b>

-- CUSTOMER COPY --



**Misc Payment Receipt**  
**Baldwin, GA**  
 155 Willingham Ave.  
 Baldwin, Georgia 30511

**Office:** Special Permits

**Receipt Note:** LOT10 BARBIR SUP APPLICATION

**Payment Type/Last 4 of CC:** Visa-1126-

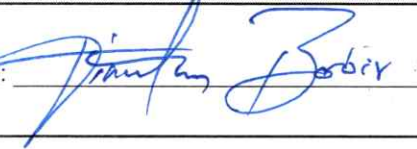
**Payment Method:** POS

Customer Name:	
Payor Name:	TIMOTHY BARBIR
Billing Address:	
City/State/Zip:	30507
Phone #:	678-907-0335
Email:	
Payment Date:	09/28/2023 10:13:55 AM
Payment Clerk:	Emily Woodmaster
<b>Confirmation #:</b>	<b>26768048</b>

**Thank you for your payment.** You will see two transactions on your card related to your payment:

- 1) Misc billed by Baldwin, GA
- 2) Convenience Fee billed by GovernmentWindow

Misc Amount:	\$625.00
Convenience Fee Amount:	\$25.00
<b>Total Paid:</b>	<b>\$650.00</b>

Signature: 

-- OFFICE COPY --

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           NONE.

38

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 10<sup>th</sup> 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

50           **Section 3.     SEVERABILITY OF PARAGRAPHS.**

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

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

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

57           **Section 5.     EFFECTIVE DATE.**







**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): \_\_\_\_\_

FIRST READING 3-12-12  
PUBLISHED n/a  
PASSED 3-15-12

AN ORDINANCE NO. 0029-214

**AN ORDINANCE PROVIDING AN AMENDMENT TO THE ROTATION OF WRECKER SERVICES ORDINANCE OF THE CITY OF BALDWIN, GEORGIA; TO AMEND SAID ORDINANCE TO PROVIDE THAT THERE SHALL BE A ROTATION OF FIVE (5) WRECKER SERVICES ON THE ROTATION LIST FOR LIGHT DUTY SERVICE; AND FOR OTHER PURPOSES.**

WHEREAS, the City Council of the City of Baldwin, Georgia, pursuant to the authority of Art. IV, § II, ¶ III of the Constitution of the State of Georgia of 1983, and pursuant to the City Charter, on January 12, 2009 established a Rotation of Wrecker Services ordinance; and

WHEREAS, under Section 2 of said ordinance, the City Council established that only three (3) wrecker services shall be on the rotational list for light duty service;

WHEREAS, the City Council of the City of Baldwin, Georgia, finds that due to the growth of the City, and to provide expanded business opportunities, and because it is in the best public interest of its citizens, that the rotational list for light duty service should be open to five (5) wrecker services that meet the standards of the ordinance;

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

**SECTION 1. RECITALS.**

The foregoing recitals are hereby included within this ordinance as if stated verbatim herein.

**SECTION 2.            THE ROTATIONAL LIST FOR LIGHT DUTY  
WRECKER SERVICE SHALL BE UP TO FIVE (5)  
WRECKER SERVICE COMPANIES THAT MEET  
THE STANDARD FOR WRECKER SERVICES  
REQUIRED BY THE ORDINANCE.**

The second sentence of Section 2 of the Rotation of Wrecker Services Ordinance which was passed by the City Council of the City of Baldwin, Georgia on January 12, 2009 is hereby stricken in its entirety, and the following sentence shall be substituted as the second sentence of Section 2 of said ordinance:

“Due to the administrative burdens of maintaining the rotation list, and to maintain the quality of service, only five (5) wrecker services shall be on the rotational list for light duty service.”

All remaining provisions of the rotation of wrecker services ordinance shall remain in full force and effect as if restated verbatim herein, and shall not be affected by this amendment.

**SECTION 3.            EFFECTIVE DATE.**

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

**SECTION 4.            REPEAL OF CONFLICTING ORDINANCES.**

Any part of any prior ordinance in conflict with this ordinance is hereby repealed to the extent of the conflict. The intent of the City Council of the City of Baldwin is that except as to the specific amendment provided by this ordinance, that all other provisions of the Rotation of Wrecker Services Ordinance shall remain in full force and effect, and are hereby readopted by the City Council of the City of Baldwin, Georgia.



SO ORDAINED this 15 day of March, 2012.

BALDWIN CITY COUNCIL

By: Jay Hall  
Mayor

Robert Bohannon  
Councilperson

David Murray  
Councilperson

[Signature]  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

Attest:

Mirinda Dispain  
Mirinda Dispain  
City Clerk

1825/W139300



FIRST READING December 8, 2008

PUBLISHED \_\_\_\_\_

PASSED January 12, 2009

AN ORDINANCE NO. \_\_\_\_\_

**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 Art. IV, § II, ¶ III of the Constitution of the State of Georgia of 1983, 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;

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

**Section 1: TITLE.**

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

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

In all cases whereby the owner of a motor vehicle fails to designate a wrecker service for the removal of his or her motor vehicle for whatever reason, inside the City limits, the City shall contact only those wrecker services which have been approved under this ordinance to be placed on the City wrecker rotational list and have made application to be placed on the rotating list for service calls by the City. Due to the administrative burdens of maintaining the rotation list, and to maintain the quality of service, only three (3) wrecker services shall be on the rotational list for light duty service. The Chief of Police shall establish rotation lists for light duty service. The light duty list shall be for light duty operators and shall consist of those having been approved for light duty service. Motor vehicles requiring a heavy duty operator providing heavy duty service shall be selected in accordance with the heavy duty operator list maintained by Habersham County, Georgia. The rotational list shall be approved and certified by signature of the Chief of Police. Each wrecker service approved shall be placed on the light duty list for as long as they can demonstrate compliance with the requirements of this ordinance and shall be used by the City for a period of one week and at the end of the week shall be placed at the bottom of the list

*only  
contact  
County  
list if  
the City  
Heavy can't  
handle*



and the light duty list shall be rotated in like manner each week. The Chief of Police shall have responsibility for the maintenance of records that ensure that wrecker services placed on this list are in compliance with the requirements of this ordinance. Any new wrecker service shall be placed at the bottom of this list for which it is approved. Within thirty (30) days after a new company is placed on the rotation list a revised copy of the rotation list will be delivered by personal service or by certified mail to all wrecker services currently on the rotation list. The Chief of Police shall have responsibility for conducting a meeting with all wrecker services on the rotation list a minimum of annually.

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

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

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

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

(2) For the purposes of distinguishing a heavy duty wrecker, a heavy duty wrecker shall be equipped with air brakes and must have a minimum of twenty six thousand and one

(26,001) gross vehicle weight (GVW). The wrecker must be capable of towing all other types of vehicles including but not limited to automobiles, pickup trucks, commercial trucks, and vans, buses, and tractor trailers.

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

(4) Any lease or contractual arrangement shall meet each and every other requirement as specified in this section.

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

(c) Proof of liability and garage liability insurance, covering all loss and damage to the vehicles as well as the contents and others in an amount not less than three hundred fifty thousand dollars (\$350,000.00). *\$500,000.00*

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

(e) An impoundment area with a minimum of one-quarter (1/4) acre located within the City of Baldwin (but this location requirement shall not apply to a heavy duty operator for heavy duty calls), lighted and adequately secured or guarded which may include, but is not limited to, a chain link fence with a barbed wire top;

*6' high*

(f) Ownership of a two-way business band radio with applicable license or other method of communication such as cellular telephone. A citizens band radio is not an acceptable method for communication under this section.

(g) All vehicle operators shall have the proper drivers license for type of vehicle which they are operating. All vehicles are appropriately insured and maintained in safe operating condition as required by applicable local, state and federal requirements for the operation of motor vehicles.

(h) That it will not charge fees or rates in excess of the amounts provided in Section 6 of this ordinance. The Chief of Police shall have responsibility for an annual review of the schedules of fees and determine if they are adequate or should be revised. The fee schedule is in no way applicable to private calls.

(i) In addition to basic services provided by the wrecker service, the following requirement duties are required for the wrecker service to continue to be placed on the list.

(1) The wrecker service shall respond promptly to calls for service (within twenty (20) minutes) unless there are extenuating circumstances.

(2) The wrecker service shall clean up all debris from the street or area of the wreck.

(3) The wrecker service upon impoundment of the motor vehicle shall promptly make an inventory of the vehicle and all personal property and provide a receipt of the inventory to the owner/operator of the vehicle.

(4) In the event a wrecker service is unable to respond for a call for service, the next-listed wrecker service will be called. Wrecker services on the rotational list can not designate that another service take their calls.

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

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

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

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

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

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

Nothing in this ordinance shall be construed as preventing the owner of a motor vehicle from contracting a wrecker service of his or her choice, nor in any way limiting the requirements of fees for a wrecker service which does not choose to be placed on the rotation list provided for herein, provided the wrecker service responds promptly and cleans up all glass and wreckage

debris from the street or area of the work, and complies with municipal ordinances, state laws, federal regulations or laws.

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

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

- (1) Services of light duty wrecker for undamaged vehicles (passenger cars, pickup trucks and vans):
  - a. Basic tow job inside of the City limits \$125.00
- (2) Services of light duty wrecker for damaged vehicles (passenger cars, pickup trucks and vans) where glass, and wreckage debris must be cleaned up or the use of a dolly, winch, or dropping of a drive shaft is required 225.00
- (3) Pulling vehicles out of water, basic rate 200.00
  - Plus diving costs if necessary and any reasonable and necessary cost
- (4) Services of heavy duty wrecker (wrecker for all vehicles other than a passenger car, pickup truck and van):
  - a. Hourly charge per wrecker including operator 200.00
  - b. Any reasonable and necessary cost

(5) Storage of vehicles:

a. Storage of passenger cars, vans and pickup trucks, per day:

- 1. Inside fence upon storage yard
- 2. Under cover, including building

25.00

30.00

b. Storage of trucks larger than pickup trucks, per day

30.00

c. Storage of tractor and trailers, each piece, per day

35.00

**Section 7. EFFECTIVE DATE.**

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

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

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

SO ORDAINED this 12th day of January, 2009.

**BALDWIN CITY COUNCIL**

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson



CITY COUNCIL  
Acting Mayor Alice Venter  
Larry Lewallen, Post 1  
Theron Ayers, Post 2  
Dr. Stephanie Almagno, Post 3  
Maarten Venter, Post 4  
Vacant, Post 5



Emily Woodmaster, City Clerk CAO  
Bubba Samuels, City Attorney

186 Hwy 441 Bypass  
Baldwin, GA 30511  
706-778-6341~Cityofbaldwin.org

## Council Action Form

**Meeting Date:**

**Submitted By:**

**Agenda Item:**

Classification (City Attorney must approve all ordinances, resolutions and contracts):

- Ordinance (No.\_\_\_\_)       Contract       Information Only       Public Hearing  
 Resolution (No.\_\_\_\_)       Ceremonial       Discussion/Action       Other

**Background** (Includes description, background, and justification)

GROUND PENETRATING RADAR USED TO LOCATE WATER LINES  
SEWER LINES THAT ARE NOT MAPPED OR NOT-LOCATABLE WITH WIRE

**Budgeting & Financial Impact** (Included project costs and funding sources)

Capital Asset      Cost 16,407.42      Useful Life 10 Years

**Staff Recommendation** (Include possible options for consideration)

Department Head Approval [Signature]      Date 10/3/23

City Attorney Approval \_\_\_\_\_      Date \_\_\_\_\_

City Clerk, CAO Approval [Signature]      Date 10/23/23

Council Denial \_\_\_\_\_  
Council Tabled Until \_\_\_\_\_  
Council Approval \_\_\_\_\_

**CITY OF BALDWIN, GEORGIA**

**As of 10/23/2023**

**Banks County, Georgia SPLOST III  
Commenced October 1, 2017**

*First Disbursement Received 12/21/2018*

*Last Disbursement Received 5/19/2022*

PROJECT	REFERENDUM COST	UPDATED PROJECT COST	PRIOR YEARS	CURRENT YTD	TOTAL SPENT	BALANCE
<b>Roads and Bridges</b>	\$ 223,118	\$ 192,767	\$ 53,348	\$ -	53,348	139,419
Roadside Park Paving \$6100						
Cemetery Paving \$15108.28						
2021 Ram Truck \$32,140 (4200)						
<b>Infrastructure Upgrades</b>	208,556	208,556	199,099	\$ -	199,099	9,457
SCADA Upgrade \$13,100						
2012 Dodge Ram \$18,300 (4400)						
2015 Chevy Silverado \$18,002.04 (4400)						
Banks County Meter Change Out \$95,331.25 (4400)						
Kaufman Utility Trailer \$5,141.30 (4400)						
Kubota Excavator and Trailer \$49224.04(4400)						
<b>Parks: New Park Site Preparation</b>	33,513	33,513	\$ -	\$ -	-	33,513
<b>Public Facilities</b>	33,513	63,864	63,864	-	63,864	0
Cemetery Fencing and Sidewalk \$63,864						
Check Purchase			211	\$ -	211	
	<u>498,700</u>	<u>498,700</u>	<u>316,522</u>	<u>-</u>	<u>316,522</u>	<u>182,389</u>

**Total Collections \$ 536,805.53**  
**Remaining 220,283.69**

# City of Baldwin

P.O. BOX 247  
BALDWIN, GA 30511

TEL: (706) 778-6341  
FAX: (706) 776-7970

**PURCHASE  
ORDER** 00389  
NUMBER

DATE:	10/19/2023
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SHIP TO:
City of Baldwin Water Treatment Plant
288 Coldwater Drive
Demorest Ga 30535

ISSUED TO:
MPE
580-4700-522202

SHIP VIA	F.O.B.	TERMS	DATE REQUIRED
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	QTY. ORDERED	QTY. RECEIVED	STOCK NUMBER/ ITEM DESCRIPTION	UNIT PRICE	PER	TOTAL AMOUNT
1	1		Meter for Transmission line & Extention	6695		\$6,695.00
2						\$0.00
3						\$0.00
4						\$0.00
5						\$0.00
6						\$0.00
7						\$0.00
8						\$0.00
9						\$0.00
10						\$0.00
11						\$0.00
12						\$0.00
13						\$0.00
14						\$0.00
15						\$0.00
16						\$0.00
<b>Total</b>						<b>\$6,695.00</b>

**IMPORTANT:**

Our order number must appear on all invoices, packages and correspondence. Advise us if unable to deliver complete order by the date required.

BUYER: Fletcher Holliday