



City Council Regular Meeting

Monday, November 06, 2023

5:15 PM

City Hall, 129 E Memorial Dr, Dallas GA 30132

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of a meeting or the facilities, are required to promptly contact the City's ADA Coordinator at 770-443-8110 to allow the city to make reasonable accommodations for those persons.

AGENDA

PUBLIC HEARING

- A. Zoning Application Z-2023-08 Kerley Family Homes, LLC have applied to zone/rezone a portion of Land Lot(s) 273 in the 2nd District, 3rd Section of Paulding County, located at 260 Merchants Drive, within City of Dallas, Georgia, from a Zoning District of C-2 Commercial to a Zoning District of R-4 Residential and C-2 Commercial, in the City of Dallas.
- B. Zoning Application Z-2023-09 Kerley Family Homes, LLC have applied to zone/rezone a portion of Land Lot(s) 273 in the 2nd District, 3rd Section of Paulding County, located at 200 Clay Drive, within City of Dallas, Georgia, from a zoning of R-1 Residential District to a Zoning District of R-4 Residential and C-2 Commercial, in the City of Dallas.
- C. Ordinance Amendment No. OA-2023-15; Chapter 44 – Zoning; Article II – Administration and Enforcement; Division 1 – Generally; Sections 44-23 through 44-33; Division 2; Sections 44-53, 44-56, 44-57; Article III – District Regulations; Division 2 – Residential Districts; Sections 44-138 through 44-141

CALL TO ORDER

INVOCATION AND PLEDGE

RECOGNITION OF VISITORS AND COMMENTS

Sherea Robinson & Paige Rinehart, Local Government Risk Management; Wellness Grant Check

MINUTES APPROVAL

- [1.](#) Monday, October 09, 2023, Regular Meeting Minutes
- [2.](#) Friday, October 27, 2023, Special Called Executive Session Minutes

CONSENT AGENDA

OLD BUSINESS

- [3.](#) **Second Read:** Ordinance Amendment OA-2023-10; Create Office of Municipal Solicitor
- [4.](#) **Second Read:** Ordinance Amendment OA-2023-11; Chapter 30 – Solid Waste; Sections 30-1 through 30-21

5. **Second Read:** Ordinance Amendment OA-2023-12; Regulation of Heavy Vehicles
6. **Second Read:** Ordinance Amendment OA-2023-13; Chapter 2 – Administration; Article II – Legislative Body; Sections 2-37 through 2-70
7. **Second Read:** Ordinance Amendment OA-2023-14; Alcohol - Hours of Sale (Distilled Spirits)
8. Resolution RES-2023-16; Moratorium on Applications for Permits and/or Occupational/Business Licenses for New or Expanded Used Car Sales Lots, Tire Retailer, and Used/Scrap Tire Storage in The City of Dallas, Georgia

NEW BUSINESS

9. PROC 2023-09: Harper's Day
10. 2024 Regular Council Meeting Schedule for consideration.
11. 2024 Board and Committee Appointments for consideration.
12. Appointment of Erica Summerour as Commissioner to the Dallas Housing Authority for a term beginning December 6, 2023, and ending May 4, 2027, to fill the unexpired term of Danita Elrod.
13. Approval to purchase Tactical Vests from Dana Safety Supply in the amount of \$14,971.10 to be taken from Asset Forfeiture.
14. Zoning Application Z-2023-08 Kerley Family Homes, LLC.
15. Zoning Application Z-2023-09 Kerley Family Homes, LLC.
16. Crestview at Osborne Farm Subdivision, Release of Warranty Bond No. #2021-02.
17. 2023-2024 – Sewer Lift Station Generator Maintenance; Yancey Power Systems. This yearly maintenance agreement in the amount of \$63,998.10 provides planned preventative maintenance to all back-up power systems at each of the city's sewer lift stations.
18. West Dallas Collector Sewer Extension Project – Phase I; Change Order #1.
19. Bolton Stormwater Repair Project – Bid No. 2023-03; Award Eidson Underground the Bolton Stormwater Repair Project – Bid No. 2023-03 for the amount of \$76,480.00.
20. **First Read:** Ordinance Amendment No. OA-2023-15; Chapter 44 – Zoning; Article II – Administration and Enforcement; Division 1 – Generally; Sections 44-23 through 44-33; Division 2; Sections 44-53, 44-56, 44-57; Article III – District Regulations; Division 2 – Residential Districts; Sections 44-138 through 44-141.
21. **First Read:** Ordinance Amendment OA-2023-09; Chapter 32 – Streets, Sidewalks and Other Public Places; Article IV. – Required Minimum Standards; Sections 32-89 through 32-119.
22. **First Read:** ORD-2023-03, An ordinance to amend the Charter of the City of Dallas, to amend Chapter 2, Article II Sections 2-37 through 2-70 to repeal conflicting ordinances and for other purposes.

ADDITIONAL/COMMENTS

ADJOURNMENT



City Council Regular Meeting

Monday, October 09, 2023

5:15 PM

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MINUTES

CALL TO ORDER

PRESENT

Mayor L. James Kelly
 Councilmember Leah Alls
 Councilmember Nancy Arnold
 Councilmember Michael Cason
 Councilmember James Henson
 Councilmember Cooper Cochran

ABSENT

Councilmember Christopher Carter

INVOCATION AND PLEDGE

Mayor Kelly led the Invocation and Pledge.

RECOGNITION OF VISITORS AND COMMENTS

Mayor Kelly recognized Jody Martin, Georgia Certified Clerk Certification.

Dr. Melton thanked the city for use of the courtyard for their Memorial Candlelight Vigil.

MINUTES APPROVAL

1. Motion to approve the September 11, 2023, Regular Meeting Minutes.

Motion made by Councilmember Cason, Seconded by Councilmember Henson.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

2. Motion to approve the September 21, 2023, Special Called Meeting Minutes.

Motion made by Councilmember Arnold, Seconded by Councilmember Cochran.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

CONSENT AGENDA

Motion to accept the Paulding Northwest Atlanta Airport sewer infrastructure project named “Paulding Northwest Atlanta Airport Sanitary Sewer Line Improvements” as installed and shown on the project as-builts dated 09/10/2023. This motion shall allow the City to issue a variance, thus accepting the sanitary sewer line segments below the current city minimum stand grade of 0.50% for 8” sanitary sewer. The sanitary sewer line segments do adhere to the State of Georgia and Paulding County minimum standard grade of 0.40%.

Motion made by Councilmember Henson, Seconded by Councilmember Cason.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

OLD BUSINESS

3. Motion to adopt Ordinance Amendment OA-2023-5; Alcoholic Beverages.

Motion made by Councilmember Alls, Seconded by Councilmember Henson.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

4. Motion to adopt Ordinance Amendment OA-2023-06; Chapter 34 - Subdivisions.

Motion made by Councilmember Henson, Seconded by Councilmember Cason.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

5. Motion to adopt Ordinance Amendment OA-2023-07; Chapter 40 – Utilities; Article II. – Water and Sewer Service; Division 2. – Sewer Use; Sections 40-47 through 40-61.

Motion made by Councilmember Cochran, Seconded by Councilmember Arnold.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

NEW BUSINESS

6. Proclamation 2023-08: Domestic Violence Awareness Month; Recognizes Shepherd's Rest Ministries, Inc., and the Dallas Police Department.

7. Motion to adopt RES 2023-15: Recertification of GMA Ethics Certification.

Motion made by Councilmember Cason, Seconded by Councilmember Alls.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

8. Motion to approve the 2023 Invitational Christmas Parade scheduled for December 2, 2023.

Motion made by Councilmember Arnold, Seconded by Councilmember Cason.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember

Henson, Councilmember Cochran

9. Motion to adopt ORD-2023-01: Operating Budget FY24.

Motion made by Councilmember Alls, Seconded by Councilmember Henson.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

10. Motion to adopt ORD-2023-02: Millage Rate - 6.500 effective starting 2023.

Motion made by Councilmember Alls, Seconded by Councilmember Cason.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

11. Motion to approve Ordinance Amendment: OA-2023-08; Criminal Trespass Repeal.

Motion made by Councilmember Henson, Seconded by Councilmember Cochran.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

12. Motion to approve the West Dallas Collector Sewer Extension Project – Phase I: WK Dickson Amendment #5 in the amount of \$38,158.50.

Motion made by Councilmember Henson, Seconded by Councilmember Arnold.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

- 13. First Read:** Ordinance Amendment OA-2023-10; Create Office of Municipal Solicitor.

- 14. First Read:** Ordinance Amendment OA-2023-11; Chapter 30, Solid Waste; Sections 30-1 through 30-21.

- 15. First Read:** Ordinance Amendment OA-2023-12; Regulation of Heavy Vehicles.

- 16. First Read:** Ordinance Amendment OA-2023-13, Chapter 2, Administration; Article II – Legislative Body; Sections 2-37 through 2-70.

- 17. First Read:** Ordinance Amendment OA-2023-14; Alcohol - Hours of Sale.

ADDITIONAL/COMMENTS- additional items were added to the agenda

Motion to authorize the Mayor and City Attorney to negotiate and execute documents, including an Intergovernmental Agreement with the Downtown Development Authority to facilitate the project identified as Project A which contains land parcels 1,2,3,4 & 5 and the conveyance of said parcels.

Motion made by Councilmember Alls, Seconded by Councilmember Arnold.
Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

EXECUTIVE SESSION

Motion to open Executive Session.

Motion made by Councilmember Cason, Seconded by Councilmember Cochran.
Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

Motion to close Executive Session.

Motion made by Councilmember Cason, Seconded by Councilmember Alls.
Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

Motion to authorize the City Attorney to proceed with condemnation of Parcels A & B for the purposes of public water and sewer system Project 1.

Motion made by Councilmember Henson, Seconded by Councilmember Arnold.
Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

ADJOURNMENT

Motion to adjourn.

Motion made by Councilmember Arnold, Seconded by Councilmember Cochran.
Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Cason, Councilmember Henson, Councilmember Cochran

Mayor, L. James Kelly

Date

City Clerk, Tina Clark

Date



Special Called Executive Session

Friday, October 27, 2023

9:00 AM

129 E Memorial Drive, Dallas, GA 30132

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MINUTES

CALL TO ORDER

PRESENT

Mayor L. James Kelly
 Councilmember Leah Alls
 Councilmember Nancy Arnold
 Councilmember Christopher Carter
 Councilmember Michael Cason
 Councilmember James Henson
 Councilmember Cooper Cochran

Special Invitees included Chief Duvall, Asst. Chief Kish, Captain Medlock, Captain Calliouet and Chief Hester.

EXECUTIVE SESSION

Motion to open Executive Session.

Motion made by Councilmember Henson, Seconded by Councilmember Arnold.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Cason, Councilmember Henson, Councilmember Cochran

Motion to close Executive Session.

Motion made by Councilmember Arnold, Seconded by Councilmember Alls.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Cason, Councilmember Henson, Councilmember Cochran

Mayor, L. James Kelly

Date

City Clerk, Tina Clark

Date

DRAFT



STAFF ACTION ITEM

MEETING DATE:11/06/2023

TITLE: Sec. 24-51 Office of Municipal Solicitor

PRESENTED BY: Marshal's Bureau

AGENDA ITEM DESCRIPTION (OA 2023-10)

Office of Municipal Solicitor created

HISTORY/PAST ACTION:

Old Business

FINANCIAL IMPACT:

none

INFORMATION:

Consideration for adoption

**ORDINANCE
AMENDMENT
NO. __OA-2023-10__**

CHAPTER 24 – OFFENSES AND MUNICIPAL COURT

ARTICLE II. – PROCEDURES IN MUNICIPAL COURT

SECTIONS 24-51 through 24-100

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that it is necessary for the City to make certain amendments to its ordinances to comply with the provisions of O.C.G.A. §15-18-90 through O.C.G.A. §15-18-99 and create the office of municipal solicitor and provide for appointment, qualifications, authority and duties of said office; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on _____; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment creating the office of municipal solicitor serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I.

That **CHAPTER 24 – OFFENSES AND MUNICIPAL COURT, ARTICLE II. – PROCEDURES IN MUNICIPAL COURT, SECTIONS 24-51 through 24-100** are struck in their entirety and amended as follows:

CHAPTER 24 – OFFENSES AND MUNICIPAL COURT

ARTICLE II. – PROCEDURES IN MUNICIPAL COURT

Sec. 24-51. Office of Municipal Solicitor created.

The office of Municipal Solicitor is hereby created.

- a. The Mayor and the City Council shall appoint, by majority vote of all members, a person to serve as Solicitor in the Municipal Court in the City of Dallas.
- b. The Council may, at their discretion, provide for a preliminary appointment of Municipal Solicitor to determine the suitability of said appointment, to be finalized by a majority vote of all Council members at the end of the designated preliminary period.
- c. The Municipal Solicitor shall serve at the pleasure of the Mayor and City Council and shall be removed upon request of the Solicitor or a majority vote of all members of the City Council.
- d. Upon said appointment, the City Clerk shall comply with the notification requirements of O.C.G.A. §15-18-91.
- e. The creation of this office shall not invalidate any actions taken by the persons acting in the position of Municipal Solicitor as appointed by the Mayor and City Council prior to this Ordinance creation.

Sec. 24-52. Qualifications.

The person appointed to the position of Municipal Solicitor shall be a member in good standing with the State Bar of Georgia and shall be admitted to practice in all trial and appellate Courts in the State of Georgia. The City Attorney may serve as the Municipal Solicitor, provided that all other qualifications for being Municipal Solicitor are met.

Sec. 24-53. Compensation.

The Mayor and City Council, in consultation with the Court Clerk and City Manager, may set the compensation for the Municipal Solicitor as provided by the City Charter or Ordinances. If the City Attorney also serves as the Municipal Solicitor, no additional compensation will be made to the City Attorney for said services. However, the Municipal Solicitor shall always be entitled to be reimbursed for actual expenses incurred in the performance of his or her official duties in the same manner and rate as other City of Dallas employees. The compensation for an Assisting Solicitor as provided in Sec. 24-54 shall be at the discretion of the Solicitor and the Court Clerk but shall not exceed the regular per diem or hourly compensation of the appointed Municipal Solicitor.

Sec. 24-54. Oath of Office

The Municipal Solicitor shall take and subscribe to the following oath: “I swear (or affirm) that I will well, faithfully, and impartially and without fear, favor, or affection discharge my duties as prosecuting attorney of the City of Dallas, Georgia.” Failure to take the oath in a timely manner shall not affect the validity of any official acts taken as Municipal Solicitor for the City of Dallas prior to taking the oath.

Sec. 24-54. Authority and Duties of the Solicitor.

The Municipal Solicitor shall have such authority and duties as provided in O.C.G.A. §15-18-96. If the Municipal Solicitor is disqualified from engaging in the prosecution of a particular case or is unable to perform the duties of said office due to illness or incapacity, the Municipal Solicitor may appoint an Assisting Solicitor to prosecute in his or her place as appropriate until the cases subject to disqualification are concluded or the illness or incapacity is resolved.

Secs. 24-55—24-99. Reserved.

SECTION II. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. RATIFICATION. This ordinance shall ratify the current appointment of the Municipal Solicitor by the Mayor and Council and all actions taken by the persons acting in the position of Municipal Solicitor for the City of Dallas to date as authorized by appointment of the Mayor and City Council.

SECTION IV. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION V EFFECTIVE DATE. This ordinance shall be effective immediately following passage and approval of this ordinance by the Mayor and City Council.

**SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF
_____, 2023.**

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

Tina Clark, City Clerk of the City of Dallas, GA

Date



STAFF ACTION ITEM

MEETING DATE: 11/06/2023

TITLE: Ordinance Amendment NO. OA-2023-11: Chapter 30 – Solid Waste; Sections 30-1 through 30-21 (2nd read)

PRESENTED BY: Brandon Rakestraw – Public Works Director

AGENDA ITEM DESCRIPTION (Agenda Content):

Ordinance Amendment NO. OA-2023-11: Chapter 30 – Solid Waste; Sections 30-1 through 30-21 (2nd read)

HISTORY/PAST ACTION:

Amended 2021

FINANCIAL IMPACT:

N/A

INFORMATION:

Request approval to amend Chapter 30 – Solid Waste; Sections 30-1 through 30-21

This is a 2nd read request.

**ORDINANCE
AMENDMENT
NO. __OA-2023-11__**

**CHAPTER 30 – SOLID WASTE
SECTIONS 30-1 through 30-21**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that it is necessary for the City to make certain amendments to its ordinances regarding solid waste, collection, procedures and enforcement; **AND**

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and the City Council, by ordinance, to regulate sewer use in the City of Dallas; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on _____; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment regarding solid waste, collection, procedures and enforcement serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I.

That **CHAPTER 30 – SOLID WASTE, SECTIONS 30 – 1 through 30 – 21** are amended as follows:

Chapter 30 SOLID WASTE

Sec. 30-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial solid waste means all types of solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial waste.

Composting means the controlled biological decomposition of organic matter in a stable, odor free humus.

Leachate collection system means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

Municipal solid waste:

- (1) The term "municipal solid waste" means any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and includes solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas.
- (2) The term "municipal solid waste" does not include solid waste from mining, agricultural or silvicultural operations or industrial processes or operations.

Municipal solid waste disposal facility means any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including any commercial or industrial solid waste including, but not limited to, municipal solid waste landfills.

Municipal solid waste landfill means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Refuse:

- (1) The term "refuse" means and includes garbage, rubbish, trash, and other refuse as those terms are generally defined.
- (2) The term "refuse" does not mean dead animals and fowl, body wastes, hot ashes, rocks, concrete, bricks, and similar materials; those things are expressly excluded therefrom.

Yard trimmings means leaves, brush, grass clippings, shrub and tree pruning, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance, other than mining, agricultural and silvicultural operations.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-2. Throwing refuse on streets.

It shall be unlawful for any person to place or throw garbage, trash, or other refuse on any street, sidewalk, public alley or other public areas of the city.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-3. Refuse not acceptable for collection by city—Enumerated.

The following shall be refuse deemed not acceptable for collection by the city:

- (1) Dangerous materials or substances such as poisons, acids, caustics, infected materials and explosives.
- (2) Building or construction refuse including lumber, brick, concrete, rock, plaster, mortar, roofing materials and dirt.
- (3) Paint, oils, or any other hazards liquids.
- (4) Ashes containing hot embers.
- (5) Solid wastes resulting from industrial processes.
- (6) Furniture and/or appliances.
- (7) It shall be unlawful to place or mix yard trimmings with municipal solid waste within the city. Yard trimmings shall be disposed of in accordance with city regulations.
- (8) Any other materials which have not been prepared for collection in accordance with this chapter.
- (9) Amounts of refuse more than an equivalent of eight 30-gallon containers per week.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-4. Inspection.

It is hereby made the duty of the public works director or designated representative, to make inspection trips at regular intervals to determine whether or not garbage, trash, recyclable materials and rubbish are being properly collected, removed and disposed of as required by this Code or any applicable health ordinance. In the event it is found that such ordinance or regulations are being violated, appropriate and timely action shall be taken to ensure full compliance with the provisions.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-5. Service requirement; exceptions; penalties; fee increases.

- (a) Each resident or each business shall be billed garbage collection fees as a part of the water and/or sewer utility billing subject to the billing procedures and penalties as stated in sections 40-19, 40-20, and 40-27.
- (b) Residents who receive their utility bill for water and/or sewer from Paulding County Water System but are located within the city limits of Dallas shall subscribe to the sanitation service provided by the city for the collection of garbage.
- (c) Those persons found guilty of improper disposal of their household waste shall be fined the maximum allowed by law per occurrence. Improper disposal shall include placing waste in commercial dumpsters, along roadways, vacant lots, another person's cart, and similar situations.
- (d) Exceptions:
 - (1) In a single-owner multifamily or multi-business location where a dumpster of adequate capacity, and at least two cubic-yard capacity is provided by a private collection service licensed by the city; or
- (e) The only purpose of the mandatory fees is to ensure that collections are made on a regular basis to prevent the unhealthy and unsightly accumulation and scattering of refuse, garbage and trash.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-6. Plastic carts—Provided by city.

- (a) Plastic wheeled carts shall be required for sanitation customers. The responsibility for obtaining such cart shall be upon the owner or occupant of the premises desiring and otherwise eligible, by the terms of this article. The owner or occupant of the premises is required to contact the City of Dallas Utilities Customer Service Department and request the delivery of a cart once an approved utility or sanitation account has been set up and deposit has been made.
- (b) Additional carts may be requested from the city by the owner or occupant and will be serviced according to the provision of this article. Additional carts requested will have an additional monthly service fee.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-7. Plastic carts—Placement for collection.

All refuse shall be placed in carts for collection. The carts shall be placed at street-side for collection purposes. The collection schedule shall be announced by the department of utilities and public works. If the carts are not near the street-side at collection time, this will indicate no service is needed.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-8. [Plastic carts]—Non-street-side collection.

Non-street-side collection will be provided for households within the city limits if all persons abiding in the household meet the following conditions:

- (1) Physically unable to walk a cart to the curb, due to being confined to a bed or confined to a wheelchair, or,
- (2) Physically unable to roll a garbage cart to street side, as certified by a medical doctor, or,
- (3) Older than 65 years of age,
- (4) Households that desire non-street-side collection not meeting requirements (1) through (3) above shall be charged a fee of \$21.00 per month for this service if approved by the public works director.

Each household desiring to receive backyard service must apply to city hall with the appropriate information. The household information will be verified and a decision provided. If the applicant is denied, the decision may be appealed to the governing body.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-9. Plastic carts—Time limit at street-side.

Carts shall be placed at street-side on the day before the scheduled collection day and carts shall be removed from street-side on the day of collection after the cart has been serviced.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-10. Plastic carts—Replacement.

- (a) The department of utilities and public works shall have the authority to require the replacement of any cart that is so worn or damaged as to hinder the effective street-side collection program.

- (b) Any cart that is damaged or destroyed through the negligence or misuse of the city shall be replaced at the expense of the city. The department of utilities and public works shall have the authority to determine in each case of damage whether the damage is sufficient to require replacement.
 - (c) In all other cases in which a cart is rendered unserviceable, the city may replace the cart and charge the property owner for all replacement costs incurred in connection with the replacement. Fees are maintained by the city clerk on a fee schedule.
 - (d) The property owner shall be responsible for replacement of any lost or stolen cart. Replacement fee will apply.
- (Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-11. Plastic carts—Not to be over-filled; placement of extra trash in disposable bags or boxes.

Carts shall not be filled to overflowing. Lid to container must be able to shut when refuse is placed inside. When carts are fully loaded, extra refuse cannot be placed in next to the cart or in containers not provided by the city. Should a customer need a special pickup due to overflowing refuse, request can be made through the utility's customer service department. Special pickups are subject to a fee. Fee is maintained on fee schedule by city clerk.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-12. Material not to be collected from premises where violation exists.

Refuse collectors are not required to collect from premises where the provisions of this chapter are violated. The failure to collect any trash or garbage from the premises because of a violation of the provisions of this chapter shall not relieve the persons responsible for such violation from prosecution and penalty therefor.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-13. Confinement of animals which interfere with collectors.

Occupants of premises shall facilitate collections of refuse by confining animals which might interfere with collectors.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-14. Frequency of collections.

Except as otherwise in this chapter provided and except in the case of emergency arising from an act of nature or under circumstances over which the director has no control, the department shall collect, remove and dispose of all household refuse and trash in the city once per week.

- (1) If a holiday should fall during the week in which an area is due a regular collection, such collection shall be made on the following workday, unless otherwise announced by the department of public works.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-15. Disposition so as to avoid pick-up service.

It shall be unlawful for any person to deposit any garbage, dirt, trash, dead animals or other refuse in any container provided or maintained by any owner, occupant, or tenant or lessee using or occupying any building, house or structure within the city for residences, schools, churches, colleges, lodges, commercial businesses in any quantity to avoid providing or subscribing to a service for the pick-up of garbage, trash, dirt, dead animals or other refuse at the residence or the site of the operations of the business of such persons.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-16. Disturbing containers.

It shall be unlawful for any person to uncover, pilfer, dig into, turn over or in any manner disturb any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-17. Refuse collection tiers of service; rate schedule maintained by clerk.

- (a) The rate of charge for the collection and disposal of refuse shall be determined utilizing different tiers of service, as follows:
 - (1) Single-family residences.
 - (2) Multifamily dwellings and apartment houses.
 - (3) Institutions, businesses, and industrial establishments.
- (b) Refuse collection rates are not printed herein, but are maintained by the clerk in a separate rate schedule.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-18. Private collectors prohibited; exceptions.

No private collector of garbage shall operate in the city. The collection of garbage shall be exclusively a municipal function except for the following exception:

- (1) Private collectors servicing commercial dumpsters and/or roll-offs can operate in the city in accordance with the provisions of this chapter.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-19. Refuse collection outside the city.

It shall be unlawful to use any city refuse collection vehicles or equipment to collect or dispose of refuse not within the corporate limits of the city.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-20. Franchises.

- (a) *Authority.* The mayor and council of the City of Dallas, Georgia, shall have the authority to grant the right, privilege and franchise to remove and dispose of solid waste in a commercial dumpster and/or roll-off within all zoning districts within the City of Dallas, Georgia. The franchise, authority or permit granted shall extend for a period not to exceed ten calendar years.
- (b) *Fees.* The grantee of a franchise to remove and dispose of solid waste via commercial dumpster shall pay to the city a fee in the amount of five percent of the total monthly billing collected. This fee shall be paid on or before the fifteenth day of each month for the collection of solid waste the preceding month. If the franchise fee shall be in arrears in whole or in part for 15 or more days, the mayor and council of the City of Dallas, Georgia, shall have the option to cancel the franchise. This franchise fee is subject to an annual increase by the mayor and council of the City of Dallas, Georgia, effective July 1 of every year.
- (c) *Records.* All books and records of a grantee concerning its operations within the City of Dallas, Georgia, and the collection of bills shall be made available for inspection and audit by the Finance Director or his/her designee within 30 days after any request for such inspection or audit.
- (d) *Additional contract and operational requirements.*
 - (1) The City of Dallas, Georgia, shall grant to companies a nonexclusive commercial dumpster and/or roll-off franchise contract to use the public streets, alleys, roads and thoroughfares within the City of Dallas, Georgia, for the purpose of operating and engaging in the business of collecting and disposing of solid waste by commercial dumpster; including, but not limited to, contracting with customers and providing service pursuant to the contract, placing and servicing containers, operating trucks, vehicles and trailers, and such other operations and activity as are customary and/or incidental to the business of commercial dumpster solid waste collection and disposal. It shall be unlawful for any company to operate outside the terms of this section.
 - (2) The company may collect and deliver for disposal all solid waste accumulated in a commercial dumpster and/or roll-off within the corporate limits of the City of Dallas, Georgia, by the company's customers. The company will furnish the personnel and equipment to provide the services described herein and as contracted with its customers, in an efficient and businesslike manner.
 - (3) Any company that operates in the City of Dallas, Georgia, providing commercial dumpster solid waste collection and disposal services shall meet the following minimum requirements.
 - a. Obtain a solid waste handling permit from the director of the environmental protection division of the state department of natural resources, pursuant to O.C.G.A. § 12-8-24.
 - b. Use only vehicles and containers which comply with state EPD rules. Waste collection vehicles must be compactor-type trucks, covered or enclosed vehicles, constructed to be substantially leak proof, constructed of durable metal, easily cleanable and designed to prevent litter from escaping during transport. Recycling

vehicles shall not be the same ones used for waste collection. Vehicles shall also meet all safety, size and weight requirements of the state department of transportation.

- c. Accurate monthly records shall be kept of the number of customers served and the monthly tonnage of solid waste handled, and provide a monthly report of these to the City of Dallas, Georgia Billing Clerk. The monthly reports shall also include a summary of all complaints received and resolutions of such during the reporting period. Reports should include, but not be limited to such items as new collection locations, collection locations served which do not show on the billing register, locations of new or replacement containers placed by the contractor performing curbside collection. The required reports shall be filed not later than ten calendar days after the last day of the preceding month. The final report format will be approved by the city manager of the City of Dallas, Georgia, or his designated agent. The city reserves the right to modify the report format and require more or different information throughout the term of the contract. The city reserves the right to terminate the awarded contract upon contractor's repetitive failure to comply with record keeping.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-21. Enforcement, Penalties.

- (1) It shall be the duty of the public works director to enforce these rules and regulations, and in performance of this duty the director or such director's authorized representative is hereby authorized to enter, at any reasonable hour, any premises as may be necessary for such enforcement. The chief marshal or his representative shall issue actual citations upon the request of the public works director.
- (2) Unless otherwise specified in this Chapter, any person or entity found in violation of this Chapter by the Municipal Court of this city shall be subject to a fine of up to \$500 and imprisonment up to 6 months. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement, injunctive relief and revocation of any franchise, license, or permit issued by the city pursuant to this chapter.

(Ord. No. OA-2021-09, 6-6-2021)

SECTION II. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION IV. EFFECTIVE DATE. This ordinance shall be effective immediately following passage and approval of this ordinance by the Mayor and City Council.

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF _____, 2023.

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

Tina Clark, City Clerk of the City of Dallas, GA

Date



STAFF ACTION ITEM

MEETING DATE:011/06/2023

TITLE: Sec. 38-6 Traffic and Vehicles

PRESENTED BY: Marshal's Bureau

AGENDA ITEM DESCRIPTION (OA 2023-12)

Heavy Vehicles

HISTORY/PAST ACTION:

Old Business

FINANCIAL IMPACT:

none

INFORMATION:

Consideration for adoption

**ORDINANCE
AMENDMENT
NO. __OA-2023-12__**

CHAPTER 38 – TRAFFIC AND VEHICLES

Sec. 38-6. – Regulations on trucks over two tons.

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that it is necessary for the City to make certain amendments to its ordinances regarding the regulation of heavy vehicle parking within the city limits of Dallas; **AND**

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and the City Council, by ordinance, to regulate parking and traffic in the City of Dallas; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on _____; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment regarding the regulation of heavy vehicle parking within the city limits of Dallas serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I.

That **CHAPTER 38 – TRAFFIC AND VEHICLES, Sec. 38-6. – Regulations on trucks over two tons,** is struck in its entirety and replaced as follows:

CHAPTER 38 – TRAFFIC AND VEHICLES

Sec. 38-6. – Regulations on heavy vehicles.

- (a) Definitions. For the purposes of this section, the following definitions shall apply.
- a. Heavy vehicle: Any self-propelled vehicle with a gross vehicle weight of over 10,001 pounds used for commercial purposes or exceeding 24 feet in length (including load), or exceeding 96 inches in height (including racks, and excluding antennas). “Heavy vehicle” shall also include semi-trailers and truck-tractors.
 - b. Semi – trailer: a vehicle of the trailer type so designed and used primarily in conjunction with a truck-tractor that a considerable part of its load rests upon and is carried by the truck-tractor and includes a trailer drawn by a truck-tractor and semi-trailer combination
 - c. Truck – tractor: a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.
- (b) Heavy vehicles shall be prohibited from entering upon, passing through or stopping upon West Cooper Avenue and West Forrest Avenue Monday through Friday during the hour of 8:00 a.m. to 9:00 a.m. and during the hour of 11:00 a.m. to 12:00 noon.
- (c) Commercial heavy vehicles shall be prohibited from entering upon, passing through or stopping upon the following streets unless the purpose of doing so is to deliver a product or service to a residence, business or industry that is located upon that street. Heavy vehicles that are owned by any business that is

located on the following streets shall be exempted from this section but must utilize the most direct route to the nearest state route

- (1) South Main Street;
 - (2) Main Street;
 - (3) Hardee Street;
 - (4) South Johnston Street;
 - (5) East and West Foster Avenue;
 - (6) Vernoy Aiken Road.
- (d) It shall be unlawful for any person to permit or cause any heavy vehicle to be pulled, pushed or in any way moved across any curb in the city without prior permission from the director of public works or his designee.
- (e) It shall be unlawful for any person to permit or cause any heavy vehicle to be parked or stored on public property or (except as noted above) in a residential, office and institutional, business or industrial district not zoned for warehousing, parking or storage of said vehicles for a period longer than three hours during the day or night; except:
- (1) Any heavy vehicle actually engaged in loading or unloading activity where the driver is present and in charge thereof.
 - (2) Where such parking is necessary in the connection with construction activity which is actually occurring on the property pursuant to a valid and current building permit.
 - (3) A heavy vehicle customarily used specifically in connection with a business where the vehicle is parked, as noted on their City-approved business license, but not for the purpose of storage of materials, supplies and/or inventory for the business.
- (f) It shall further be unlawful for parts of these heavy vehicles, and their accessories, including materials hauled by the heavy vehicles, to be stored on residential property or to be serviced on residential property, except emergency service may be rendered upon permission of the chief of police or his designee.
- (g) Any person found to be in violation of this section shall be subject to the following penalties:
- a. Owner/operator of the heavy vehicle:
 - i. For each violation of the 3-hour time limitation, a fine not to exceed \$150.00.
 - ii. For the purposes of this chapter, it shall be deemed a separate violation for each 12-hour period in which the heavy vehicle is parked on the same property in excess of such 3-hour limitation.
 - iii. If the heavy vehicle remains on the same property for longer than 48 consecutive hours; the city may, at the option of any police officer or marshal, remove and impound the offending heavy vehicle.
 - iv. Any heavy vehicle impounded under this section shall not be released until all fines and fees associated with impoundment and storage have been paid.
 - v. The owner/operator of any impounded vehicle may request bond pending a hearing in Municipal Court on said violations. Such bond shall be given in cash equal to the total outstanding amounts due on all citations plus impoundment and storage charges. Once bond is paid and certified by the chief of police or his authorized representative, said heavy vehicle shall be released, provided the owner presents satisfactory evidence of his/her right of possession and signs a receipt thereof.
 - b. If the owner or manager (or authorized agent of the owner or manager) of the property is found to have permitted unlawful parking of a heavy vehicle on his property, said person shall be penalized as follows:
 - i. First offense: \$150.00 fine.
 - ii. Second offense within 180 days from the first offense: \$300.00 fine.

- iii. Third and subsequent offenses within 180 days of the first offense: \$500.00 fine.
- iv. These fines shall be in addition to any other penalties assessed as a result of violations of zoning ordinances and/or business license requirements.

SECTION II. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION IV. EFFECTIVE DATE. This ordinance shall be effective immediately following passage and approval of this ordinance by the Mayor and City Council.

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS THE _____ DAY OF _____, 2023.

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

Tina Clark, City Clerk of the City of Dallas, GA

Date

**ORDINANCE
AMENDMENT
NO. __OA-2023-13__**

CHAPTER 2 – ADMINISTRATION

ARTICLE II. – LEGISLATIVE BODY

SECTIONS 2-37 through 2-70

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that it is necessary for the City to make certain amendments to its ordinances regarding structure of meetings, meeting times, procedures and rules of decorum for meetings; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on _____; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment confirming meeting times, procedures and rules of decorum for meetings serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I.

That **CHAPTER 2 – ADMINISTRATION, ARTICLE II. – LEGISLATIVE BODY, SECTIONS 2-37 through 2-70** are struck in their entirety and amended as follows:

CHAPTER 2 – ADMINISTRATION

ARTICLE II. – LEGISLATIVE BODY

Sec. 2-37. Regular Meetings, Executive Sessions.

- a) The regular meetings of the mayor and council of the city shall be held on the first Monday of each month at 5:15 p.m. at the city council chambers unless said meeting must be rescheduled due to conflicts such as holidays.
- b) Executive sessions of the mayor and council may be held for the purpose of conducting business excepted from public access requirements as authorized by O.C.G.A. 50-14-2 and 50-14-3.
 - 1. No executive session shall be held except pursuant to a majority affirmative vote of the mayor and council taken in a public meeting.
 - 2. The minutes of the public meeting shall reflect the names of the councilmembers present, those voting for the executive session and the specific reasons for the executive session. Minutes of the executive session may be maintained by the city clerk at the direction of the mayor. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure; except that disclosures of such portions of minutes identifying real estate to be acquired by the mayor and council may only be delayed until such time as the acquisition of the real estate has been completed, terminated or abandoned or court proceedings have been initiated.

Sec. 2-38. - Special meetings.

Special meetings of the mayor and council may be held in accordance with the provisions of section 2.19(b) of the city Charter and O.C.G.A. § 50-14-1.

Sec. 2-39. - Order of business.

At each meeting of the mayor and council the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Presentation of the minutes of previous meetings by the city clerk for correction and approval.
- (3) Recognition of visitors.
- (4) Consent agenda.
- (5) Old/unfinished business.
- (6) New business.
- (7) Adjournment.

Sec. 2-40. - General rules of order; quorum.

- a) Except as otherwise provided in the city Charter or this Code, the rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the mayor and council at its meetings in all cases to which they are applicable. The city attorney shall serve as the parliamentarian for the council.
- b) A quorum of the city council must be present for the conducting of meetings. The mayor and three council members shall constitute a quorum and shall be authorized to transact business of the city council. When the mayor pro tem is presiding in the mayor's absence, the mayor pro tem and three council members shall constitute a quorum.

Sec. 2-41. – Decorum

The mayor and councilmembers must conduct themselves in a professional and respectful manner.

- a) All remarks should be directed to the mayor and not to individual councilmembers, staff or citizens in attendance. Personal remarks are inappropriate. A councilmember is not allowed to speak at a meeting until he has been recognized by the mayor. All comments made by a councilmember shall address the motion that is being discussed.
- b) The mayor shall enforce these rules of decorum. If a councilmember believes that a rule has been broken, he can raise a point of order. A second is not required. The mayor can rule on the question or he may allow the council to debate the issue and decide the issue by majority vote.

Sec. 2-42. – Public Participation

Public participation in meetings of the mayor and council shall be permitted in accordance with the provisions of this section.

- a) Public comments. The public will be afforded an opportunity to address the mayor and council at each meeting at the beginning of the meeting. Individuals will be allotted five minutes to make their comments, and their comments must be limited to their chosen topic. These limits can be waived by a majority vote of the mayor and council.
- b) Public participation on agenda items. By a majority vote, the mayor and council may allow public comment on an agenda item at the time the item is being considered by the mayor and council. These comments must be limited to the subject that is being debated. Members of the public may speak for two minutes and may only speak once. These limits may be waived by a majority vote of the mayor and council. Anyone wishing to speak at any meeting of the council must be recognized by the mayor before addressing the council.

- c) Decorum. Members of the public shall not make inappropriate or offensive comments at a meeting of the mayor and council and are expected to comply with the rules of decorum that are established for councilmembers. Individuals who violate any rules of the mayor and council may be ruled out of order by the mayor or on a point of order made by a councilmember. A majority vote of the mayor and council will rule on the point of order. An individual who violates the rules of decorum may be removed from the meeting at the direction of the mayor.
1. It shall be the duty of the chief of police or his designee to be present and on official duty at all special and regular meetings of the city council.
 2. Except during such periods of time at such meetings as the city council shall set aside for public discussion, it shall be unlawful for any person present as a spectator to interrupt or disturb the proceedings in any manner by voice, actions or otherwise.
 3. During periods set aside for public discussion of any nature, any person desiring to speak shall secure the permission of the presiding officer by first silently raising his hand and being recognized. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section.
 4. It shall be the duty of the chief of police, upon the order of the presiding officer at any such meeting to, forcibly if necessary, evict any person violating the provisions of this section from the council meeting hall. Any such violation shall subject the offender, upon conviction thereof before the municipal court, to a fine and/or imprisonment as prescribed by section 1-11 of the Code of Ordinances.
- d) Public hearings. The mayor and council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the mayor and council. Hearings may be held immediately prior to or following a meeting of the mayor and council or at such other places and times as the mayor and council may determine.

Secs. 2-43 – 2-70. – Reserved.

SECTION II. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION IV. EFFECTIVE DATE. This ordinance shall be effective immediately following passage and approval of this ordinance by the Mayor and City Council.

**SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF
_____, 2023.**

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

Tina Clark, City Clerk of the City of Dallas, GA

Date



STAFF ACTION ITEM

MEETING DATE:11/06/2023

TITLE: Article VI Distilled
Spirits Package Hours of Sale

PRESENTED BY: Marshal's Bureau

AGENDA ITEM DESCRIPTION (OA 2023-13)

Hours of Sale

HISTORY/PAST ACTION:

Old business

FINANCIAL IMPACT:

None

INFORMATION:

Consideration for adoption

**ORDINANCE
AMENDMENT
NO. OA-2023-14**

**CHAPTER 4 – Alcoholic Beverages
Sec. 4-71. – Hours of Sale Distilled Spirits**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that it is necessary for the City to make certain amendments to its ordinances regarding the regulation of Alcoholic Beverages within the city limits of Dallas; **AND**

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and the City Council, by ordinance, to regulate Alcoholic Beverages in the City of Dallas; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on _____; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment regarding the regulation of Alcoholic Beverages within the city limits of Dallas serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I.

That **CHAPTER 4 – Alcoholic Beverages, Sec. 4-71. – Hours of Sale,** is struck in its entirety and replaced as follows:

CHAPTER 4– Alcoholic Beverages

Sec. 4-71. Hours of sale.

- (a) The hours of sale of distilled spirits at retail and not for consumption on premises is 7:00 a.m. to 11:55 p.m. Monday through Saturday and Sunday 12:30 p.m. to 11:30 p.m.
- (b) No retail dealer of distilled spirits shall be in, or permit others to be in its place of business Monday through Saturday any time prior to 6:00 a.m. or 30 minutes past closing time on Sundays prior to 10:30 a.m. or 30 minutes past the closing time.

SECTION II. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION IV. EFFECTIVE DATE. This ordinance shall be effective immediately following passage and approval of this ordinance by the Mayor and City Council.

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SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE

CITY OF DALLAS, GEORGIA, THIS THE _____ DAY OF _____, 2023.

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

Tina Clark, City Clerk of the City of Dallas, GA

Date



STAFF ACTION ITEM

MEETING DATE:11/06/2023

TITLE: Tire Moratorium

PRESENTED BY: Marshal's Bureau

AGENDA ITEM DESCRIPTION (RES 2023-16)

Tire Moratorium

HISTORY/PAST ACTION:

6-month extension

FINANCIAL IMPACT:

none

INFORMATION:

Consideration for extension 6 months

RESOLUTION 2023-16

A Resolution Establishing a Moratorium on Applications for Permits and/or Occupational/Business Licenses for New or Expanded Used Car Sales Lots, Tire Retailer, and Used/Scrap Tire Storage in The City of Dallas, Georgia

- WHEREAS,** the City of Dallas, Georgia allows for the licensing of those businesses and practitioners of professions and occupations with one or more locations or offices in the corporate limits of the city, including used car sales lots, tire retailers, businesses, and used/scrap tire storage; and
- WHEREAS,** in recent years, the City of Dallas, Georgia has seen an increase in the establishment and/or expansion of used car sales lots, tire retailers, and used/scrap tire storage; and
- WHEREAS,** the Office of Community Development and Code Enforcement for the City of Dallas, Georgia, have brought forth concerns that currently there is a perceived oversaturation of used car sales lots, tire retailers, and used/scrap tire storage; and
- WHEREAS,** regulation and enforcement of those businesses operating as used car sales lots, tire retailers, and used/scrap tire storage have become a challenge for the City of Dallas, Georgia, and
- WHEREAS,** at the same time, such uses that have been abandoned by businesses operating as used car sales lots, tire retailers, and used/scrap tire storage, can leave vacant, blighted buildings and contaminated land on commercial corridors; and
- WHEREAS,** these uses can also present harmful and damaging environmental concerns requiring excessive enforcement resources, due to more frequent neighboring property or resident complaints and aesthetic issues; and
- WHEREAS,** the City has an interest in planning and regulating the use of property within the City, and has determined that an examination of the applicable provisions in the City Zoning Code for the City of Dallas, Georgia, including, but not limited to the Overlay Corridor District, is required to evaluate the current regulatory scheme pertaining to used car sales lots, tire retailers, and used/scrap tire storage; and
- WHEREAS,** this study and evaluation will identify appropriate measures and potential new regulations to limit oversaturation, and increase compliance with property maintenance, zoning, and licensing standards, and
- WHEREAS,** the Mayor and Council of the City of Dallas, Georgia have the responsibility to provide for public health, safety and welfare, and wishes to promote, protect and improve the health, safety and welfare of the citizens of the City of Dallas, Georgia.
- WHEREAS** the Mayor and Council have previously passed a Moratorium concerning this matter by Resolution on January 9th 2023 and the Mayor and Council find that it will take additional time to review the Ordinances of the City of Dallas, Georgia to determine any modifications, implementations or adoptions which the Mayor and Council feel may be necessary concerning these Ordinances; and

WHEREAS, There are issues concerning the current regulatory scheme pertaining to Used Car Sales Lots, Tire Retailers and used/scrap tire storage, which require elected officials, members of the Staff, the Police Department, the City Marshal and Public Works Department additional time to discuss these issues prior to the enactment of any Ordinance and will not be available until the May 6, 2024 meeting of the Mayor and Council;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Dallas, Georgia hereby adopts the Resolution to establish a Moratorium which will allow time for such study, evaluation and counsel. During said Moratorium period, no City department may accept any application for a permit or license to establish or expand a used car sales lot, tire retailers, and used/scrap tire storage. The Moratorium shall not be construed to prohibit the annual renewal of existing business licenses required by the City Code for applicable uses included herein, which shall continue. The said moratorium will be set until **May 6, 2024** unless sooner terminated by resolution of the Mayor and Council of the City of Dallas, Georgia. whereby no applications will be accepted for review by the City of Dallas, Georgia.

APPROVED, PASSED AND ADOPTED THIS THE _____ DAY OF _____, 2023. MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Attest: _____
Tina Clark, City Clerk

Proclamation



PROC 2023-09 HARPER’S DAY November 06, 2023

WHEREAS, Harper's Happy Things was founded in 2022 by a 5 year old, with the help of her mom, Ashley, and;

WHEREAS, Harper was diagnosed with Autism when she was 3 years old, and:

WHEREAS, She has always used some form of art to help self-regulate, and one day after school, she decided she wanted to make bracelets for all of the little girls in her class to make them feel special, and;

WHEREAS, After sharing her act of kindness on social media, friends and family wanted to purchase items Harper created and Harper's Happy Things came to life, and;

NOW, THEREFORE, BE IT RESOLVED, I, James Kelly, Mayor of the City of Dallas, Georgia, by virtue of the authority vested in me by the laws of the City of Dallas and the state of Georgia, do hereby proclaim **November 06, 2023, as Harper’s Day** in the City of Dallas, Georgia; And encourage everyone throughout the City of Dallas, Georgia, to be like Harper and encourage others and share kindness.

IN WITNESS WHEREOF, I have hereunto set my hand this Sixth day of November, in the year of our Lord Two Thousand Twenty-Three, and in the City of Dallas, in the state of Georgia.

L. James Kelly, Mayor

**AGENDA
QR Code**



2024 MEETING SCHEDULE

January

City Council 01/08/24*
Planning Commission 12/21/23

July

City Council 07/01/24
Planning Commission 06/20/24

February

City Council 02/05/24
Planning Commission 01/25/24

August

City Council 08/05/24
Planning Commission 07/25/24

March

City Council 03/04/24
Planning Commission 02/22/24

September

City Council 09/09/24*
Planning Commission 08/22/24

April

City Council 04/01/24
Planning Commission 03/21/24

October

City Council 10/07/24
Planning Commission 09/26/24

May

City Council 05/06/24
Planning Commission 04/25/24

November

City Council 11/04/24
Planning Commission 10/24/24

June

City Council 06/03/24
Planning Commission 05/23/24

December

City Council 12/02/24
Planning Commission 11/21/24

*** Date other than 1st Monday of month – due to conflict**

Planning Commission dates are RESERVED; Please call 770.443.8110 x 1203 to verify if meeting is occurring.

The City of Dallas | 129 East Memorial Drive | Dallas, Georgia 30132 | 770.443.8110



ELECTED AND APPOINTED OFFICIALS 2024

Elected Officials 4-year term

Name	Ward	Term Ending (Election held in November before term end)
James Kelly	Mayor	12/31/2023
Chris Carter	Ward 1	12/31/2025
Mike Cason	Ward 2	12/31/2023
Leah Alls	Ward 3	12/31/2025
Jim Henson	Ward 4	12/31/2023
Cooper Cochran	At Large	12/31/2023
Nancy Arnold	At Large	12/31/2025

Board / Commission / Authority Appointments:

Board of Ethics Committee – 2-year term (3 Appointments)

Name	Appointment Date	Term Ending
Rick Carroll (appointed by Council)	1/2022	12/31/2023
Dawn Eriksen (appointed by Mayor)	1/2022	12/31/2023
Vacancy (appointed by Board of Ethics Comm)		

Dallas Planning Commission – 2-year term (5 Appointments) Staffer: Preston Kilgore

Name	Appointment Date	Term Ending
David Holt	1/2022	12/31/2023
Debra Ewing	1/2022	12/31/2023
Andrew Nesbitt	1/2022	12/31/2023
Terry Johnson	1/2023	12/31/2024
Ryan Ayers	1/2023	12/31/2024

Development Authority of the City of Dallas – 4-year term (7 Appointments)

Name	Appointment Date	Term Ending
James Kelly	1/2021	12/31/2024
Cooper Cochran	1/2021	12/31/2024
Michael Cason	1/2022	12/31/2025
Jim Henson	1/2022	12/31/2025
Nancy Arnold	1/2019	12/31/2026
Chris Carter	1/2019	12/31/2026
Leah Alls	1/2019	12/31/2026

Downtown Development Authority – 4-year term (# of Appointments) Staffer: Shannon Gordon

Name	Appointment Date	Term Ending
Councilmember Jim Henson	1/2016	Reappointed upon re-election
Sam Elrod	1/2020	12/31/2023
Lexi Stephen	11//2023	12/31/2026
Susan Haynes	1/2020	12/31/2023

Sammy Callahan	10/2019	12/31/2026
Jolee Kitchen	4/2021	12/31/2024
Garland Self	4/2021	12/31/2024

Historical Preservation Commission – 3-year term (7 Appointments) Staffer: Amber Whisner

Name	Appointment Date	Term Ending
Debbie Self	4/2022	12/31/2025
Suzi Edwards	8/2022	12/31/2024
Nikki Lumpkin	8/2022	12/31/2024
Anmarie Burnette	1/2020	12/31/2025
Beth Harwell	11/2020	12/31/2023
Tori Barrett	8/2022	12/31/2023
Sara Nix	8/2022	12/31/2025

Tree Commission – 3-year term (5 Appointments)

Name	Appointment Date	Term Ending
Mickey Gazaway	1/2021	12/31/2023
Jill W. Coats	1/2021	12/31/2023
Wally Strickland	1/2021	12/31/2023
Carol Thigpen	1/2022	12/31/2024
Vacancy		

Urban Re-Development Authority – 3-year term (3 Appointments)

Name	Appointment Date	Term Ending
Vacancy		
Steve Haynes	1/2021	12/31/2023
Vacancy		

Zoning Board of Appeals – 3-year term (3 Appointments) Staffer: Preston Kilgore

Name	Appointment Date	Term Ending
Vacancy	1/2023	Unexpired 12/31/2025
Brad Wood	1/2021	12/31/2023
Malinda Graham	1/2022	12/31/2024

Main Street Advisory Board – 3-year term (7 Appointments) Staffer: Shannon Gordon

Name	Appointment Date	Term Ending
Nowetta Brunk	10/2022	12/31/2025
Angelica Rodriguez	08/2021	12/31/2025
Leah Alls	09/2021	Reappointed upon re-election
Michael Pace	09/2021	12/31/2023
Alex Davis	01/2023	12/31/2024
Christina Henggeler	01/2022	12/31/2024
Kelli Prewett	01/2023	12/31/2023

Council / Staff Appointments:

Mayor Pro Tem: Mike Cason

Finance Committee:

Chair, Kendall Smith

Mayor James Kelly

Councilmember Cooper Cochran

Paulding Co. Planning Commission: Rep Sammy Callahan

Paulding Co. Chamber of Commerce: Rep Chris Carter

West Ga. Regional Commission: Mayor James Kelly

Dallas Housing Authority

Jake Hammitt - Commissioner (January 9, 2023 – May 4, 2025)

Scott Halter - Commissioner (January 9, 2023 – May 4, 2024)

Erica Summerour – Commissioner (December 6, 2023 – May 4, 2027) to fill the unexpired term of Danita Elrod

Shirley Smith

LeAnne Austin

Sharone Thomas

Resident Commissioner to be appointed by the mayor every year (Dept. of Housing & Urban Development)

Bart Lewis, Executive Director, keeps list of renewals for these

770.445.3758

Alcohol Review Board (no term)

Councilmember Mike Cason

Kendall Smith, City Manager

Joe Duvall, Police Chief

Pension Committee Secretary (no term)

Tina Clark

APPOINTMENT OF COMMISSIONER

Pursuant to the Georgia Housing Authorities Law, as amended, and by the virtue of my office as Mayor, I hereby appoint **Erica Summerour** to serve as a Commissioner of the Housing Authority of the City of Dallas, Georgia for a period effective December 6, 2023 and to expire May 4, 2027.

Mayor, City of Dallas, Georgia

Seal
Attest:

City Clerk

Commissioner’s Oath of Office

I, Erica Summerour, do solemnly swear, that I will faithfully perform all the duties of the office of Commissioner of the Housing Authority of the City of Dallas, Georgia; that I am not the holder of any public money due the State unaccounted for; with the exception of postmaster. I am not the holder of any office of trust under the Government of the United States, neither am I an officer or employee of the City of Dallas, Georgia; that I am otherwise qualified to hold this office according to the Constitution and laws of Georgia; that I am a resident of the state required by law; and that I will support the Constitution of the United States and the State of Georgia.

Commissioner

State of Georgia
County of Paulding

Subscribed and sworn to before me this _____ day of November 2023.

Notary Public

Certificate of City Clerk

I hereby certify that the foregoing certificate of appointment and oath of office are on file in my office and that said appointee is not an officer or employee of the City of Dallas, Georgia.

City Clerk

Date

Sales Quote

DANA SAFETY SUPPLY, INC
4809 KOGER BLVD
GREENSBORO, NC 27407

Sales Quote No.	503385-B
Customer No.	DALLA

Telephone: 800-845-0405

Bill To

CITY OF DALLAS
 POLICE DEPARTMENT
 120 MAIN ST
 DALLAS, GA 30132
 United States

Ship To

CITY OF DALLAS
 POLICE DEPARTMENT
 120 MAIN ST
 DALLAS, GA 30132
 United States

Contact: LISA CHUPP
Telephone: 770-443-8100
E-mail:

Contact: LISA CHUPP
Telephone: 770-443-8100
E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
10/05/23	GROUND SHIPMENT	PPAY & ADD TO INVOICE	PBA ARMIS	NET30
Entered By		Salesperson	Ordered By	Resale Number
MIKE WHITE		Tara Mullinax Marietta	Captain Jesse Medlock	

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
5	5	Y	MISC PBA ARMIS KWIQ-Clip Complete Set - BIIIA-2 Warehouse: ATLA ARMIS Complete Set Includes: base vest, throat and collar, biceps, bicep adapters, trap armor inserts, groin, lower ab/back protector, KWIQ-CLIP buckle system and choice of 5 pouches (Selection is limited to pouches within \$80 retail value or less).	2,583.1800	12,915.90
10	10	Y	MISC PBA 10800 STAND ALONE - NIJ .06 LEVEL IV 10X12 Warehouse: ATLA Protection Type / Level: IV Configuration: Stand-Alone Thickness: 1.00" Curvature: Single Curve Construction: Ceramic / Composite PART NUMBER: 10800-02	205.5200	2,055.20

 DANA SAFETY SUPPLY
 GSA SCHEDULE 84 GS-07F-0512T
 GSA SCHEDULE 23 47QMCA19D000K
 BUY BOARD CONTRACT: 603-20
 TIPS: 210102 & 220101

 SIG Sauer Firearm & Accessories State Contract
 99999-SPD0000209

Print Date	10/05/23
Print Time	10:14:04 AM
Page No.	1

Printed By: MIKE WHITE

Continued on Next Page

Sales Quote

DANA SAFETY SUPPLY, INC
4809 KOGER BLVD
GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	503385-B
Customer No.	DALLA

Bill To

CITY OF DALLAS
 POLICE DEPARTMENT
 120 MAIN ST
 DALLAS, GA 30132
 United States

Contact: LISA CHUPP
 Telephone: 770-443-8100
 E-mail:

Ship To

CITY OF DALLAS
 POLICE DEPARTMENT
 120 MAIN ST
 DALLAS, GA 30132
 United States

Contact: LISA CHUPP
 Telephone: 770-443-8100
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
10/05/23	GROUND SHIPMENT	PPAY & ADD TO INVOICE	PBA ARMIS	NET30
Entered By		Salesperson	Ordered By	Resale Number
MIKE WHITE		Tara Mullinax Marietta	Captain Jesse Medlock	

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
			State of Georgia Body Armor Contract Angel Armor: 99999-SPD-NVPBA0501-0001 Armor Express: 99999-SPD-NVPBA0501-0002 Point Blank: 99999-SPD-NVPBA0501-0008 Slate Solutions: 99999-SPD-NVPBA0501-0010 United Shield: 99999-SPD-NVPBA0501-0012 *****		
Approved By: _____ <input type="checkbox"/> Approve All Items & Quantities Quote Good for 30 Days					

Print Date	10/05/23
Print Time	10:14:04 AM
Page No.	2

Subtotal	14,971.10
Freight	0.00
Order Total	14,971.10

Printed By: MIKE WHITE



STAFF ACTION ITEM

MEETING DATE: 11.06.2023
TITLE: Chief of Police
PRESENTED BY: Joe Duvall

AGENDA ITEM DESCRIPTION (Agenda Content):

Approval to purchase Tactical Vests from Dana Safety Supply. The quote is attached.

HISTORY/PAST ACTION:

Enter Text Here

FINANCIAL IMPACT:

\$14,971.10 to be taken from Asset Forfeiture.

INFORMATION:

Description of request attached.

Z-2023-08

STAFF COMMENTS:

The applicant (Kerley Family Homes, LLC) is proposing to rezone 15.57 acres from C-2 to R-4. The front portion of the property is to remain C-2. The property is located at 260 Merchants Drive. The property is to be combined with adjacent property in zoning application Z-2023-09 for a total of 18.01 acres.

Properties that border the site to the North, East, South, and West are currently inside City limits.

A. Existing land use and zoning classification of nearby property:

ADJACENT ZONING

ADJACENT DEVELOPMENT

NORTH: Dallas R-2
Dallas C-2

NORTH: Residential, single family
Commercial

EAST: Dallas R-2

EAST: Residential, single family
City Park

SOUTH: Dallas C-2

SOUTH: Commercial

WEST: Dallas C-2

WEST: Commercial

B. Permitted Use impact on adjacent properties.

Proposed use will increase number or residents who could potentially patron adjacent businesses.

C. Adverse effect on the usability of adjacent or nearby property?

None

D. Proposal cause excessive or burdensome use of streets, transportation facilities, utilities, schools

Increased traffic on City streets. May increase student population of nearby schools.

E. Supported by current conditions

Water and Sewer are available.

F. 2022 Comp Plan

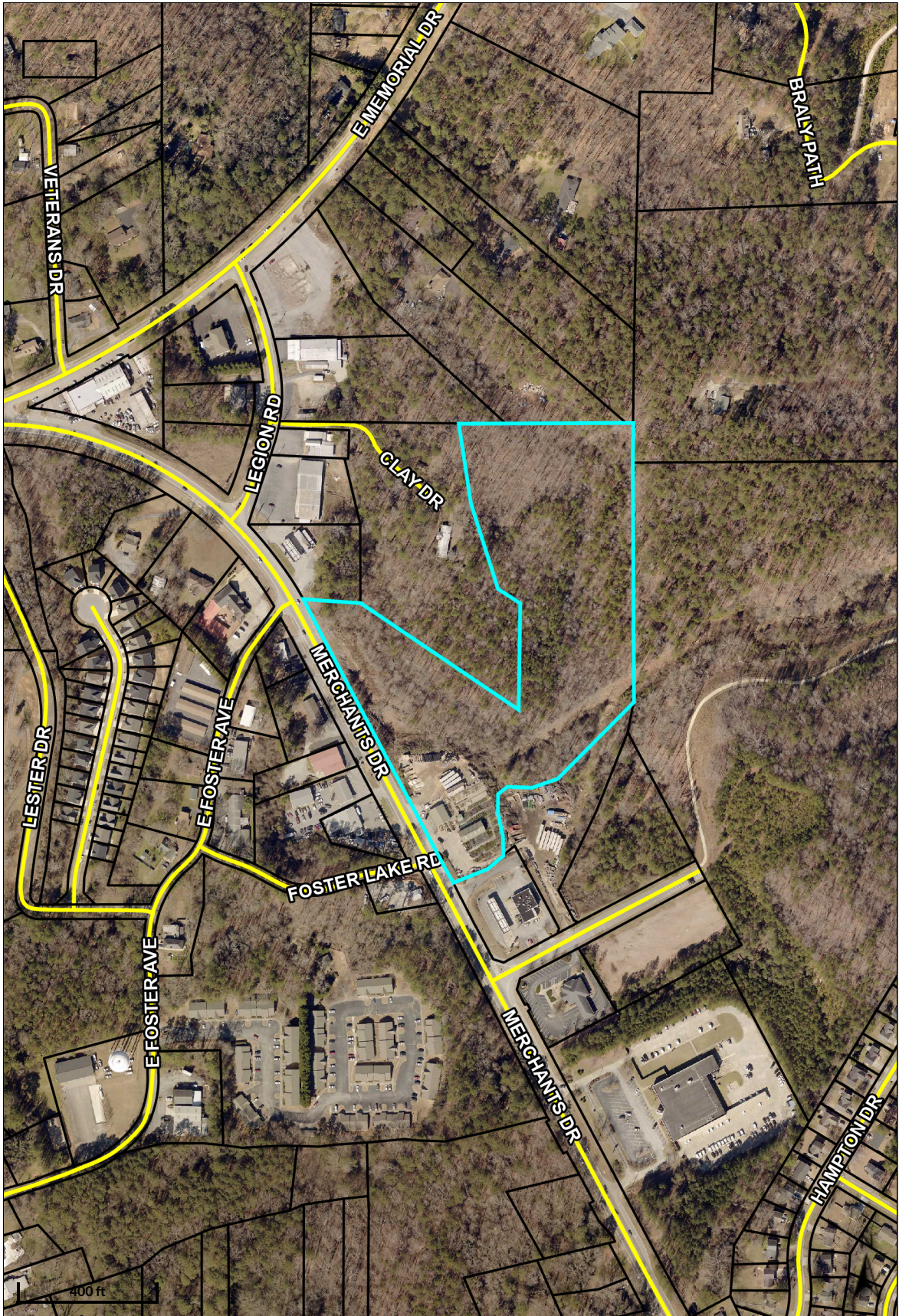
The 2022 Comp Plan Future Land use map is Commercial.

Based on the preceding analysis, staff recommends approval with the following stipulations:

1. Developer is responsible for off-site downstream sewer infrastructure improvements that are required. Improvements must be installed and accepted by City prior to final plat approval.
2. Development shall be constructed in substantial conformity with the site plan provided in zoning application.
3. Developer shall provide a minimum 20-foot planted or natural (where possible) buffer adjacent to the property boundaries as shown on the zoning site plan.
4. Developer shall provide a berm with two rows of evergreen trees staggered six feet on center where the development borders single family residential properties. Berm with evergreen trees shall be located on the development side of the 20-foot planted or natural buffer.
5. Developer shall provide fence along development side of 20-foot buffer along north and east sides of development.
6. Developer shall provide a 10-foot concrete multi-use trail along the entire length of property frontage along Merchants Drive for connection to City of Dallas Battlefield Trail.
7. Developer shall provide curb and gutter along the entire length of property frontage along Merchants Drive.
8. Developer is responsible for providing required all development entrance improvements as required by Georgia DOT.
9. Developer is responsible for providing and installing license plate reader camera at development entrance compatible with the City of Dallas Police Department system.
10. Home Owners Association with mandatory membership required for preservation and maintenance of common areas.
11. Developer shall submit detailed architectural, site, and landscaping plans to the City of Dallas for design review approval.

Unless explicitly stated herein, all other development standards shall comply with the R-4 zoning district as written in the City of Dallas Code of Ordinances.

The findings made herein are the opinions of the City of Dallas, Ga Development staff and do not constitute a final decision. The City of Dallas, Ga Mayor and Council makes the final decision on all Zoning/Rezoning, Land Use Permit, Special Use Permit, and Medical Hardship Applications.



- Legend**
- Parcels
 - Subdivision Names
 - Roads

RECORDED BY THE CLERK OF SUPERIOR COURT PAULDING COUNTY GEORGIA
 Recpt:021841
 RECORDED: 08/29/2022 3:28 PM
 WARRANTY DEED
 DEED BOOK 4830 PAGES 498 - 499
 FILING FEES: \$25.00
 TRANSFER TAX: \$0.00
 PT01: 110-2022-007905
 Sheila Butler, Superior Court Clerk
 Paulding County, GA

Return to:
 BAGBY LAW OFFICE, P.C.
 100 West Griffin Street
 Dallas, Georgia 30132
 (770) 445-2727 Fax# (770) 443-9203
 Email: bagbylawoffice@att.net
 DEED ONLY: NO TITLE CERTIFICATION

WARRANTY DEED

STATE OF GEORGIA, COUNTY OF PAULDING

THIS INDENTURE, made this 16th day of AUGUST in the year of our Lord Two Thousand and Twenty Two between JUNE G. RAKESTRAW, NANCY RAKESTRAW ARNOLD and JUDY RAKESTRAW BARNETTE of the State of Georgia and County of Paulding of the first part and JUNE G. RAKESTRAW, NANCY RAKESTRAW ARNOLD and JUDY RAKESTRAW BARNETTE, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP of the State of Georgia and County of Paulding of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said parties of the second part, their heirs and assigns, all that tract or parcel of land described as follows:

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

The purpose of this deed is to confirm that the within grantees each own an undivided one-third (1/3) interest in and to the within described property as Joint Tenants With Right Of Survivorship.

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

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, befoing or in any wise appertaining, to the only proper use, benefit and behoof of the said parties of the second part, their heirs and assigns forever, IN FEE SIMPLE.

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

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand and affixed their seal, the day and year above written.

Signed, sealed and delivered in the presence of:

[Signature]
 WITNESS

[Signature] (SEAL)
 JUNE G. RAKESTRAW

[Signature] (SEAL)
 NANCY RAKESTRAW ARNOLD

[Signature]
 NOTARY PUBLIC

[Signature] (SEAL)
 JUDY RAKESTRAW BARNETTE

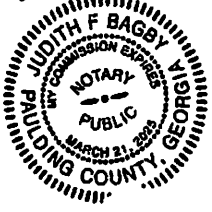


EXHIBIT "A"

All that tract or parcel of land lying and being in that tract of land located in Land Lot Two Hundred Seventy Three (273), the Second (2nd) District and Third (3rd) Section, City of Dallas, Paulding County, Georgia, described as Beginning at the Northeast corner of Land Lot 273, running thence South 770 feet to the centerline of the Old Pumping Station (now closed); thence South 42°40' West along the center of said road 195 feet; continuing thence along the center of said road the following courses and distances: South 60°40' West 120 feet, South 83° West 155 feet, South 5°31' East 200 feet, South 68°59' West 170 feet to the right-of-way of the Dallas-Atlanta Highway Bypass; thence Northwesterly along the East side of said by-pass highway 870 feet; thence South 86° East 155 feet; thence South 55° East 538 feet; thence North 1°30' East 300 feet; thence North 63° West 74 feet to the property of John Clay; thence running Northwesterly along the Easterly line of the John Clay property 250 feet to a point; thence North 237 feet to the North line of Land Lot 273; thence South 88° East 485 feet along the North line of Land Lot 273 to the Northeast corner thereof and the Point of Beginning.

Said tract containing 15.64 acres, more or less, and being improved commercial property known as 260 Merchants Drive, Dallas, Georgia 30132, and being further identified as Pin# R011656 by the Paulding County Tax Assessor's Office.



ZONING / REZONING APPLICATION

City of Dallas, Georgia

Application # _____

Hearing Dates: PC: _____

OFFICE OF THE CITY CLERK
FILED
25P02:50 RCV
Date

Item 14.

(PLEASE PRINT OR TYPE ALL INFORMATION)

Applicant: Kerley Family Homes, LLC Business phone: 770-792-5500 ext 106 Cell: 678-438-9227

Address: 3957 South Main Street Home phone: _____

City: Acworth State: GA Zip: 30101 Fax phone: _____

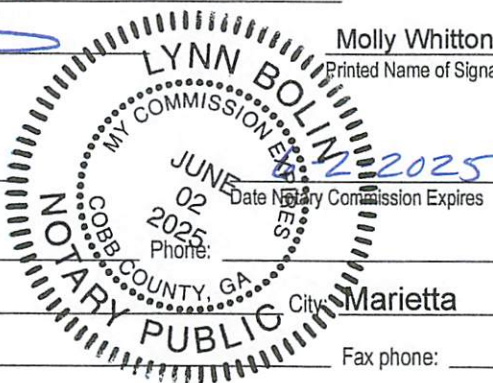
E-mail address: mwhitton@kerleyfamilyhomes.com

[Signature]
Applicant's Signature

Molly Whitton - Development Manager
Printed Name of Signatory

Signed, sealed and delivered in the presence of:

[Signature]
Notary Public



Representative: J. Kevin Moore Cell: 770-429-1499

Address: 326 Roswell Sreet City: Marietta State: GA Zip: 30060

E-mail address: JKM@mjjs.com Fax phone: _____

BY: [Signature]
Representative's Signature

J. Kevin Moore
Printed Name of Signatory

Signed, sealed and delivered in the presence of:

[Signature]
Notary Public

January 10, 2027
Date Notary Commission Expires



Titleholder: Martha D Hendrix Business phone: _____ Home phone: _____

(Each Titleholder must have a separate, complete form with notarized signatures)

Address: 260 Merchants Drive City: Dallas State: GA Zip: 30132

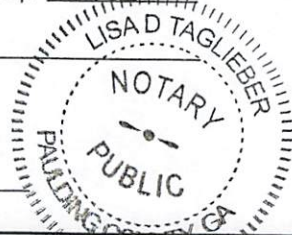
[Signature]
Signature

Martha D Hendrix
Printed Name of Signatory

Signed, sealed and delivered in the presence of:

[Signature]
Notary Public

4-3-2027
Date Notary Commission Expires



Property Information

Present Zoning Classification: R-1 Requested Zoning Classification: R-4, C-2 (overall)

Total Acreage of Zoning/Rezoning Application: 18.01 Acreage of Titleholder: 2.44

Land Lot(s): 273 District(s): 2nd Section(s): 3rd Tax Parcel I.D. Number(s): 138.1.1.055.0000

Location of Property: 260 Merchants Drive Dallas, GA 30132

Physical address, if available, and nearest intersections (i.e. east/west side of given road, and north/south of given road)

Detailed description of proposed development (including maximum number of lots, if residential, or number of units): R-4 zoning for single-family, attached, townhomes, maximum 91 units; C-2 zoning for allowable commercial uses

Filed with City: _____ (Date) _____ (Signature)

City of Dallas Planning Commission Recommendation: Approve Disapprove No recommendation

Conditions, reasons, stipulations: _____

City Council Decision: Approve Approve as different classification Disapprove

Conditions, reasons, stipulations: _____



ZONING / REZONING APPLICATION

City of Dallas, Georgia

Application # _____ - _____

Hearing Dates: PC: _____ CC: _____

OFFICE _____
Time/Date _____

Item 14.

(PLEASE PRINT OR TYPE ALL INFORMATION)

Applicant: Kerley Family Homes, LLC Business phone: 770-792-5500 ext 106 Cell: 678-438-9227

Address: 3957 South Main Street Home phone: _____

City: Acworth State: GA Zip: 30101 Fax phone: _____

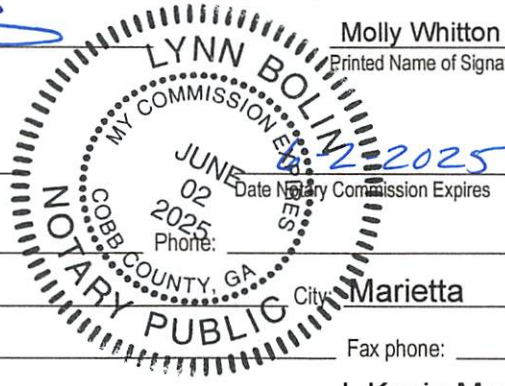
E-mail address: mwhitton@kerleyfamilyhomes.com

[Signature]
Applicant's Signature

Molly Whitton - Development Manager
Printed Name of Signatory

Signed, sealed and delivered in the presence of:

[Signature]
Notary Public



6/2/2025
Date Notary Commission Expires

Representative: J. Kevin Moore Cell: 770-429-1499

Address: 326 Roswell Sreet City: Marietta State: GA Zip: 30060

E-mail address: JKM@mjjs.com Fax phone: _____

[Signature]
BY: Representative's Signature

J. Kevin Moore
Printed Name of Signatory

Signed, sealed and delivered in the presence of:

[Signature]
Notary Public

January 10, 2027
Date Notary Commission Expires



Titleholder: Martha D Hendrix Business phone: _____ Home phone: _____

(Each Titleholder must have a separate, complete form with notarized signatures)

Address: 260 Merchants Drive City: Dallas State: GA Zip: 30132

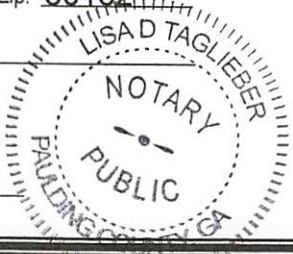
[Signature]
Signature

Martha D Hendrix
Printed Name of Signatory

Signed, sealed and delivered in the presence of:

[Signature]
Notary Public

4-3-2027
Date Notary Commission Expires



Property Information

Present Zoning Classification: R-1 Requested Zoning Classification: R-4, C-2 (overall)

Total Acreage of Zoning/Rezoning Application: 18.01 Acreage of Titleholder: 2.44

Land Lot(s): 273 District(s): 2nd Section(s): 3rd Tax Parcel I.D. Number(s): 138.1.1.055.0000 115.4.4.003.0000 BE

Location of Property: 260 Merchants Drive Dallas, GA 30132
Physical address, if available, and nearest intersections (i.e. east/west side of given road, and north/south of given road)

Detailed description of proposed development (including maximum number of lots, if residential, or number of units): R-4 zoning for single-family, attached, townhomes, maximum 91 units; C-2 zoning for allowable commercial uses

Filed with City: _____ (Date) _____ (Signature)

City of Dallas Planning Commission Recommendation: Approve Disapprove No recommendation

Conditions, reasons, stipulations: _____

City Council Decision: Approve Approve as different classification Disapprove

Conditions, reasons, stipulations: _____



ZONING / REZONING APPLICATION
City of Dallas, Georgia

Application # _____ - _____
Hearing Dates: PC: _____ CC: _____

OFFICE _____
Time/Date _____ Item 14.

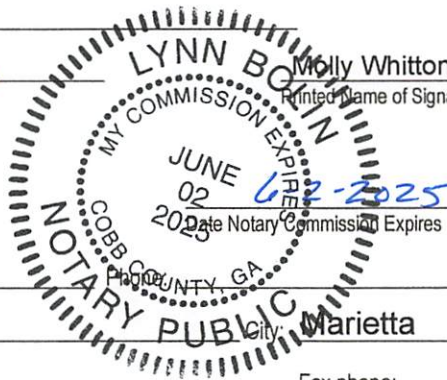
(PLEASE PRINT OR TYPE ALL INFORMATION)

Applicant: Kerley Family Homes, LLC Business phone: 770-792-5500 ext 106 Cell: 678-438-9227
Address: 3957 South Main Street Home phone: _____
City: Acworth State: GA Zip: 30101 Fax phone: _____
E-mail address: mwhitton@kerleyfamilyhomes.com

[Signature] Applicant's Signature Molly Whitton - Development Manager Printed Name of Signatory

Signed, sealed and delivered in the presence of:

[Signature] Notary Public



Representative: J. Kevin Moore Cell: 770-429-1499
Address: 326 Roswell Sreet City: Marietta State: GA Zip: 30060
E-mail address: JKM@mijs.com Fax phone: _____

BY: [Signature] Representative's Signature

J. Kevin Moore Printed Name of Signatory

Signed, sealed and delivered in the presence of:
[Signature] Notary Public

January 10, 2027
Date Notary Commission Expires



Titleholder: Douglas E Hendrix Business phone: _____ Home phone: _____
(Each Titleholder must have a separate, complete form with notarized signatures)

Address: 260 Merchants Drive City: Dallas State: GA Zip: 30132

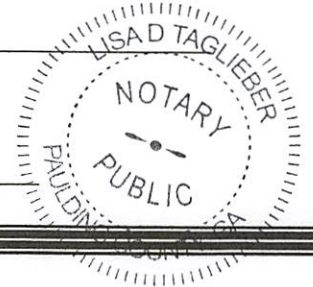
[Signature] Signature

Douglas E Hendrix Printed Name of Signatory

Signed, sealed and delivered in the presence of:

[Signature] Notary Public

4-3-2027
Date Notary Commission Expires



Property Information

Present Zoning Classification: R-1 Requested Zoning Classification: R-4, C-2 (overall)

Total Acreage of Zoning/Rezoning Application: 18.01 Acreage of Titleholder: 2.44

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BE 200 Clay BE

Location of Property: 260 Merchants Drive Dallas, GA 30132
Physical address, if available, and nearest intersections (i.e. east/west side of given road, and north/south of given road)

Detailed description of proposed development (including maximum number of lots, if residential, or number of units): R-4 zoning for single-family, attached, townhomes, maximum 91 units; C-2 zoning for allowable commercial uses

Filed with City: _____ (Date) _____ (Signature)

City of Dallas Planning Commission Recommendation: Approve Disapprove No recommendation

Conditions, reasons, stipulations: _____

City Council Decision: Approve Approve as different classification Disapprove

Conditions, reasons, stipulations: _____



ZONING / REZONING APPLICATION

City of Dallas, Georgia

Application # _____ - _____

Hearing Dates: PC: _____ CC: _____

OFFICE _____
Time/Date _____

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Address: 3957 South Main Street Home phone: 770-792-5500 ext 106

City: Acworth State: GA Zip: 30101 Fax phone: _____

E-mail address: mwhitton@kerleyfamilyhomes.com

Applicant's Signature

Signed, sealed and delivered in the presence of:

Notary Public

Molly Whitton - Development Manager
Printed Name of Signatory

LYNN BOYD
MY COMMISSION EXPIRES
JUNE 02 6-2325
2025
COBB COUNTY, GA
NOTARY PUBLIC

Representative: J. Kevin Moore Cell: 770-429-1499

Address: 326 Roswell Sreet City: Marietta State: GA Zip: 30060

E-mail address: JKM@mijs.com Fax phone: _____

BY: J. Kevin Moore
Representative's Signature

J. Kevin Moore
Printed Name of Signatory

Signed, sealed and delivered in the presence of:

Notary Public

January 10, 2027
Date Notary Commission Expires



Titleholder: Nancy Rakestraw Arnold Business phone: _____ Home phone: _____
(Each Titleholder must have a separate, complete form with notarized signatures)

Address: 260 Merchants Drive City: Dallas State: GA Zip: 30132

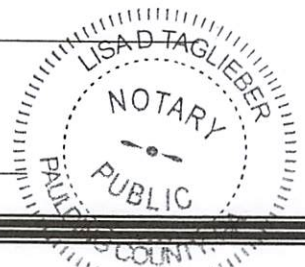
Signature

Nancy Rakestraw Arnold
Printed Name of Signatory

Signed, sealed and delivered in the presence of:

Notary Public

4-3-2027
Date Notary Commission Expires



Property Information

Present Zoning Classification: C-2 Requested Zoning Classification: R-4, C-2 (overall)

Total Acreage of Zoning/Rezoning Application: 18.01 Acreage of Titleholder: 15.57

Land Lot(s): 273 District(s): 2nd Section(s): 3rd Tax Parcel I.D. Number(s): 138.1.1.055.0000

Location of Property: 260 Merchants Drive Dallas, GA 30132
Physical address, if available, and nearest intersections (i.e. east/west side of given road, and north/south of given road)

Detailed description of proposed development (including maximum number of lots, if residential, or number of units): R-4 zoning for single-family, attached, townhomes, maximum 91 units; C-2 zoning for allowable commercial uses

Filed with City: _____ (Date) _____ (Signature)

City of Dallas Planning Commission Recommendation: Approve Disapprove No recommendation

Conditions, reasons, stipulations: _____

City Council Decision: Approve Approve as different classification Disapprove

Conditions, reasons, stipulations: _____



ZONING / REZONING APPLICATION

City of Dallas, Georgia

Application # _____ - _____

Hearing Dates: PC: _____ CC: _____

OFFICE _____
Time/Date _____

Item 14.

(PLEASE PRINT OR TYPE ALL INFORMATION)

Applicant: Kerley Family Homes, LLC Business phone: 770-792-5500 ext 106 Cell: 678-438-9227

Address: 3957 South Main Street Home phone: 770-792-5500 ext 106

City: Acworth State: GA Zip: 30101 Fax phone: _____

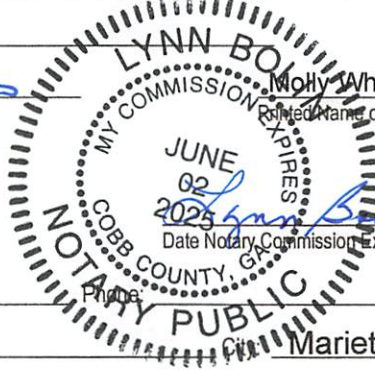
E-mail address: mwhitton@kerleyfamilyhomes.com

[Signature]
Applicant's Signature

Molly Whitton - Development Manager
Printed Name of Signatory

Signed, sealed and delivered in the presence of:

[Signature]
Notary Public



[Signature] 6-2-2025
Date Notary Commission Expires

Representative: J. Kevin Moore Cell: 770-429-1499

Address: 326 Roswell Sreet City: Marietta State: GA Zip: 30060

E-mail address: JKM@mijs.com Fax phone: _____

BY: [Signature]
Representative's Signature

J. Kevin Moore
Printed Name of Signatory

Signed, sealed and delivered in the presence of:

[Signature]
Notary Public

January 10, 2027
Date Notary Commission Expires



Titleholder: Judy Rakestaw Barnette Business phone: _____ Home phone: _____

(Each Titleholder must have a separate, complete form with notarized signatures)

Address: 260 Merchants Drive City: Dallas State: GA Zip: 30132

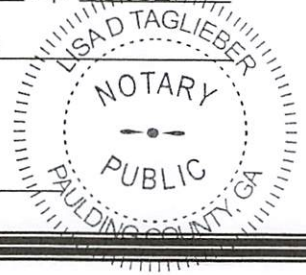
[Signature]
Signature

Judy Rakestraw Barnette
Printed Name of Signatory

Signed, sealed and delivered in the presence of:

[Signature]
Notary Public

4-3-2027
Date Notary Commission Expires



Property Information

Present Zoning Classification: C-2 Requested Zoning Classification: R-4, C-2 (overall)

Total Acreage of Zoning/Rezoning Application: 18.01 Acreage of Titleholder: 15.57

Land Lot(s): 273 District(s): 2nd Section(s): 3rd Tax Parcel I.D. Number(s): 138.1.1.055.0000

Location of Property: 260 Merchants Drive Dallas, GA 30132

Physical address, if available, and nearest intersections (i.e. east/west side of given road, and north/south of given road)

Detailed description of proposed development (including maximum number of lots, if residential, or number of units): R-4 zoning for single-family attached, townhomes, maximum 91 units; C-2 zoning for allowable commercial uses.

Filed with City: _____ (Date) _____ (Signature)

City of Dallas Planning Commission Recommendation: Approve Disapprove No recommendation

Conditions, reasons, stipulations: _____

City Council Decision: Approve Approve as different classification Disapprove

Conditions, reasons, stipulations: _____



ZONING / REZONING APPLICATION

City of Dallas, Georgia

Application # _____ - _____

Hearing Dates: PC: _____ CC: _____

OFFICE _____
Time/Date _____

Item 14.

(PLEASE PRINT OR TYPE ALL INFORMATION)

Applicant: Kerley Family Homes, LLC Business phone: 770-792-5500 ext 106 Cell: 678-438-9227

Address: 3957 South Main Street Home phone: _____

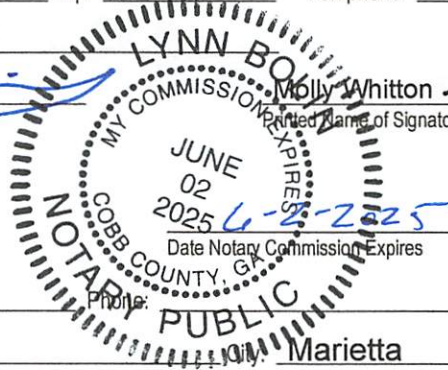
City: Acworth State: GA Zip: 30101 Fax phone: _____

E-mail address: mwhitton@kerleyfamilyhomes.com

Applicant's Signature

Signed, sealed and delivered in the presence of:

Notary Public



Molly Whitton - Development Manager
Printed Name of Signatory

JUNE 02 2025 6-2-2025
Date Notary Commission Expires

Representative: J. Kevin Moore Cell: 770-429-1499

Address: 326 Roswell Sreet City: Marietta State: GA Zip: 30060

E-mail address: JKM@mjjs.com Fax phone: _____

BY: J. Kevin Moore
Representative's Signature

J. Kevin Moore
Printed Name of Signatory

Signed, sealed and delivered in the presence of:

Notary Public

January 10, 2027
Date Notary Commission Expires



Titleholder: June G Rakestraw Business phone: _____ Home phone: _____

(Each Titleholder must have a separate, complete form with notarized signatures)

Address: 260 Merchants Drive City: Dallas State: GA Zip: 30132

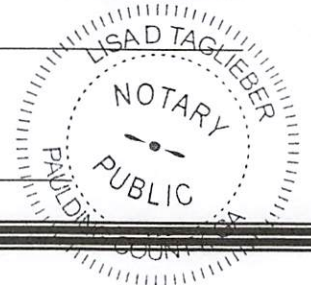
Signature

June G Rakestraw
Printed Name of Signatory

Signed, sealed and delivered in the presence of:

Notary Public

4-3-2027
Date Notary Commission Expires



Property Information

Present Zoning Classification: C-2 Requested Zoning Classification: R-4, C-2 (overall)

Total Acreage of Zoning/Rezoning Application: 18.01 Acreage of Titleholder: 15.57

Land Lot(s): 273 District(s): 2nd Section(s): 3rd Tax Parcel I.D. Number(s): 138.1.1.055.0000

Location of Property: 260 Merchants Drive Dallas, GA 30132

Physical address, if available, and nearest intersections (i.e. east/west side of given road, and north/south of given road)

Detailed description of proposed development (including maximum number of lots, if residential, or number of units): R-4 zoning for single-family, attached, townhomes, maximum 91 units; C-2 zoning for allowable commercial uses

Filed with City: _____ (Date) _____ (Signature)

City of Dallas Planning Commission Recommendation: Approve Disapprove No recommendation

Conditions, reasons, stipulations: _____

City Council Decision: Approve Approve as different classification Disapprove

Conditions, reasons, stipulations: _____



Applicant / Representative Attendance Required

Applicant or representative must be present at the public hearings before the Dallas Planning Commission and the Mayor and City Council. Failure to attend may result in dismissal with prejudice, rejection of the application, or continuance of the hearing at the Commission or Council's sole discretion.

I / We (Cross Out One) have investigated the site as to the existence of archeological and/or architectural landmarks. I / We (Cross Out One) hereby certify there are / are not (Cross Out One) any such assets. If any exist, documentation must be provided with the application.

I / We (Cross Out One) have investigated the site as to the existence of any cemetery located on the property. I / We (Cross Out One) hereby certify there is / is not (Cross Out One) such a cemetery. If any exist, documentation must be provided with the application, including notice to the Paulding County Cemetery Commission.



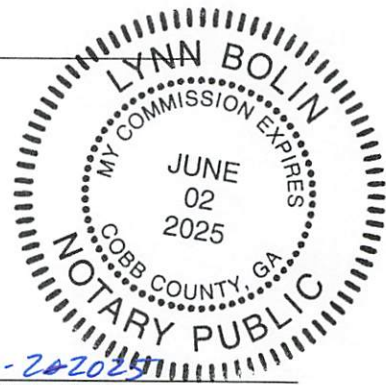
Signature of Applicant/Representative

7.25.23

Date

Molly Whitton - ~~Development Manager~~

Printed Name of Applicant/Representative



Signed, sealed and delivered in the presence of:



Notary Public Signature

6-20-2025

Commission Expiration

Signature of Applicant/Representative

Date

Printed Name of Applicant/Representative

Signed, sealed and delivered in the presence of:

Notary Public Signature

Commission Expiration

Disclosure Statement

(Required by O.C.G.A. 36-67A)



I (we), Kerley Family Homes, LLC, do hereby certify that, to the best of my (our) knowledge, no elected official of the City of Dallas, Georgia has a property interest, a financial interest nor does any family member of an elected official of the City of Dallas, Georgia have a property interest or financial interest in this property or in this application for rezoning except as follows:

N/A

I (we), Kerley Family Homes, LLC, do further certify that we, nor the property owner, have not contributed any monies and/or gifts totaling over \$250.00 within the last two years to any elected official of the City of Dallas, Georgia except for the following (Give the names of officials, dates and amounts of contribution):

N/A

7.31.23
Date

Applicant

Disclosure Statement (Required by O.C.G.A. 36-67A)



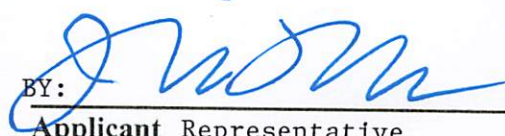
Moore Ingram Johnson &
 (we), Steele, LLP, do hereby certify that, to the best of my (our) knowledge, no elected official of the City of Dallas, Georgia has a property interest, a financial interest nor does any family member of an elected official of the City of Dallas, Georgia have a property interest or financial interest in this property or in this application for rezoning except as follows:

Not Applicable.

Moore Ingram Johnson &
 (we), Steele, LLP, do further certify that we, nor the property owner, have not contributed any monies and/or gifts totaling over \$250.00 within the last two years to any elected official of the City of Dallas, Georgia except for the following (Give the names of officials, dates and amounts of contribution):

Not Applicable.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

Applicant Representative
J. Kevin Moore
Attorneys for Applicant and Property

July 31, 2023
Date

Owners

**CITY OF DALLAS
LEGAL NOTICE
ZONING / REZONING**



I / WE(Choose one), Kerley Family Homes, LLC
HAVE APPLIED TO ZONE/REZONE A PORTION OF LAND LOT(S) 273
IN THE 2nd DISTRICT AND 3rd SECTION OF PAULDING COUNTY, LOCATED
AT 260 Merchants Drive Dallas, GA 30132 WITHIN THE CITY OF DALLAS, GEORGIA,
FROM A ZONING DISTRICT OF C-2 & R-1 TO A ZONING DISTRICT OF
C2 and R4 SUBJECT TO PUBLIC HEARING TO BE HELD AT
7:00 PM AT THE DALLAS CITY COUNCIL ROOM, 129 EAST MEMORIAL DRIVE, DALLAS, GEORGIA.

SAID PUBLIC HEARING WILL BE HELD ON _____ BEFORE THE
CITY OF DALLAS PLANNING COMMISSION AND ON _____ BEFORE THE
MAYOR AND COUNCIL OF THE CITY OF DALLAS.

THIS, THE 31 DAY OF July, 2023.

Molly Whitton / Development Manager
APPLICANT(S) NAME

For City Use

NOTICE WILL RUN WEEKS OF: _____
AND THE WEEK OF: _____
AND THE WEEK OF: _____

For City Use

CITY OF DALLAS ZONING/ REZONING REQUEST DISPOSITION FORM



A PUBLIC HEARING WAS HELD ON AN APPLICATION FOR ZONING/REZOING REQUESTED BY _____ AT THE DALLAS COUNCIL ROOM. SAID HEARING WAS HELD ON _____.

THE CITY OF DALLAS PLANNING COMMISSION RECOMMENDS TO THE DALLAS CITY COUNCIL THAT THE ABOVE APPLICATION BE:

- APPROVED
- DISAPPROVED

PLEASE INDICATE BELOW ANY COMMENTS, REASONS FOR DISAPPROVAL, OPPOSITION TO THE REQUEST AND/OR ANY CONDITIONS THAT SHOULD BE MADE A PART OF THE ZONING AMENDMENT.

DATE

SECRETARY TO THE PLANNING
COMMISSION

PRINTED NAME

**MERCHANTS DRIVE PROPERTY
LEGAL DESCRIPTION**

A tract or parcel of land situated in Land Lot 273, 2nd District, City of Dallas, Paulding County, Georgia, the bearings of which are based on State Plane Grid System (Georgia West Zone) and being more particularly described as follows:

Beginning at a 3/4" O.T. Pipe at the common corner of Land Lots 232, 233, 272 and 273 of said county and district and having State Plane Coordinates of N-1,428,576.90 and E-2,095,672.55, said point being the **POINT OF BEGINNING**; thence along the common line of said Land Lots 272 and 273S 00°35'56" E for a distance of 744.18 feet to a point; thence leaving said Land Lot Line S 44°31'52" W for a distance of 301.67 feet to a #4 Rebar; thence S 58°17'05" W for a distance of 44.72 feet to a point; thence S 77°09'33" W for a distance of 44.30 feet to a point; thence N 81°58'59" W for a distance of 61.94 feet to a point; thence S 58°55'38" W for a distance of 38.27 feet to a point; thence S 00°06'07" W for a distance of 49.63 feet to a point; thence S 15°55'13" E for a distance of 74.10 feet to a point; thence S 01°09'36" E for a distance of 55.18 feet to a point; thence S 49°54'43" W for a distance of 58.31 feet to a point; thence S 68°37'33" W for a distance of 98.79 feet to a #4 Rebar set at the Northeasterly right-of-way of Merchants Drive (100' R/W); thence along said Northeasterly right-of-way N 27°40'09" W for a distance of 892.65 feet to a #4 Rebar; thence leaving said Northeasterly right-of-way S 80°52'16" E for a distance of 158.68 feet to an Angle Iron; thence N 00°46'27" E for a distance of 225.02 feet to a #3 Rebar; thence N 12°36'35" W for a distance of 168.73 feet to a T-Post; thence S 86°49'55" E for a distance of 18.15 feet to a #4 Rebar set; thence N 00°30'22" E for a distance of 90.00 feet to a #4 Rebar set; thence N 89°29'38" W for a distance of 200.00 feet to a #4 Rebar set at the Easterly right-of-way of Legion Road (100' R/W); thence along said Easterly right-of-way 16.22 feet along the arc of a curve to the left having a radius of 571.19 feet, a central angle of 1°37'36", and a chord bearing and distance of N 10°04'25" E and 16.22 feet to a #4 Rebar set at the intersection of said Easterly right-of-way and the common line of Land Lots 232 and 273; thence leaving said Easterly right-of-way and along said Land Lot Line the following 2 courses and distances: {S 89°29'38" E for a distance of 482.00 feet to a #3 Rebar; S 89°29'42" E for a distance of 482.29 feet} to said 3/4" O.T. Pipe at the **POINT OF BEGINNING**.

Containing **18.01 acres or 784,475 square feet** being more specifically shown on an ALTA Survey prepared for Kerley Family Homes, LLC, by Mitchell Surveying & Consulting, LLC, dated June 26, 2023 (Job No. 22032), unto which reference is hereby made.

**MERCHANTS DRIVE PROPERTY
TRACT 1
LEGAL DESCRIPTION**

A tract or parcel of land situated in Land Lot 273, 2nd District, City of Dallas, Paulding County, Georgia, the bearings of which are based on State Plane Grid System (Georgia West Zone) and being more particularly described as follows:

Commencing at a 3/4" O.T. Pipe at the common corner of Land Lots 232, 233, 272 and 273 of said county and district and having State Plane Coordinates of N-1,428,576.90 and E-2,095,672.55; thence along the common line of said Land Lots 232 and 273 N 89°29'42" W for a distance of 482.29 feet to a #3 Rebar to the **POINT OF BEGINNING**; thence leaving said Land Lot Line S 00°29'54" W for a distance of 236.89 feet to a #3 Rebar; thence S 28°00'30" E for a distance of 249.83 feet to a #3 Rebar; thence N 63°31'34" W for a distance of 426.94 feet to a #3 Rebar; thence N 12°36'35" W for a distance of 168.73 feet to a T-Post; thence S 86°49'55" E for a distance of 18.15 feet to a #4 Rebar set; thence N 00°30'22" E for a distance of 90.00 feet to a #4 Rebar set; thence N 89°29'38" W for a distance of 200.00 feet to a #4 Rebar set at the Easterly right-of-way of Legion Road (100' R/W); thence along said Easterly right-of-way 16.22 feet along the arc of a curve to the left having a radius of 571.19 feet, a central angle of 1°37'36", and a chord bearing and distance of N 10°04'25" E and 16.22 feet to a #4 Rebar set at the intersection of said Easterly right-of-way and the common line of said Land Lots 232 and 273; thence leaving said Easterly right-of-way and along said Land Lot Line S 89°29'38" E for a distance of 482.00 feet to said #3 Rebar at the **POINT OF BEGINNING**.

Containing **2.44 acres or 106,402 square feet** being more specifically shown on an ALTA Survey prepared for Kerley Family Homes, LLC, by Mitchell Surveying & Consulting, LLC, dated June 26, 2023 (Job No. 22032), unto which reference is hereby made.

**MERCHANTS DRIVE PROPERTY
TRACT 2
LEGAL DESCRIPTION**

A tract or parcel of land situated in Land Lot 273, 2nd District, City of Dallas, Paulding County, Georgia, the bearings of which are based on State Plane Grid System (Georgia West Zone) and being more particularly described as follows:

Beginning at a 3/4" O.T. Pipe at the common corner of Land Lots 232, 233, 272 and 273 of said county and district and having State Plane Coordinates of N-1,428,576.90 and E-2,095,672.55, said point being the **POINT OF BEGINNING**; thence along the common line of said Land Lots 272 and 273 S 00°35'56" E for a distance of 744.18 feet to a #4 Rebar set; thence leaving said Land Lot Line S 44°31'52" W for a distance of 301.67 feet to a #4 Rebar; thence S 58°17'05" W for a distance of 44.72 feet to a point; thence S 77°09'33" W for a distance of 44.30 feet to a point; thence N 81°58'59" W for a distance of 61.94 feet to a point; thence S 58°55'38" W for a distance of 38.27 feet to a point; thence S 00°06'07" W for a distance of 49.63 feet to a point; thence S 15°55'13" E for a distance of 74.10 feet to a point; thence S 01°09'36" E for a distance of 55.18 feet to a point; thence S 49°54'43" W for a distance of 58.31 feet to a point; thence S 68°37'33" W for a distance of 98.79 feet to a #4 Rebar set at the Northeasterly right-of-way of Merchants Drive (100' R/W); thence along said Northeasterly right-of-way N 27°40'09" W for a distance of 892.65 feet to a #4 Rebar; thence leaving said Northeasterly right-of-way S 80°52'16" E for a distance of 158.68 feet to an Angle Iron; thence N 00°46'27" E for a distance of 225.02 feet to a #3 Rebar; thence S 63°31'34" E for a distance of 426.94 feet to a #3 Rebar; thence N 28°00'30" W for a distance of 249.83 feet to a #3 Rebar; thence N 00°29'54" E for a distance of 236.89 feet to a #3 Rebar at the common line of said Land Lots 232 and 273; thence along said Land Lot Line S 89°29'42" E for a distance of 482.29 feet to said 3/4" O.T. Pipe at the **POINT OF BEGINNING**.

Containing **15.57 acres or 678,073 square feet** being more specifically shown on an ALTA Survey prepared for Kerley Family Homes, LLC, by Mitchell Surveying & Consulting, LLC, dated June 26, 2023 (Job No. 22032), unto which reference is hereby made.

Rezoning Notice**260 Merchants Drive****Names**

Velasco Mauricio & Velasco Jackie
 Blair Unlimited, LLC
 Lance Loveless
 ST PATRICKS LLC
 COMMUNITY TRUST BANK
 Elrod Garden Center, INC
 GIRALDO ANDRES
 JAY BURGER
 HEADRICK PROPERTIES LLC
 HEADRICK PROPERTIES LLC
 SAMUEL BRALY and DONNA BRADLY
 MBI PROPERTY MANAGEMENT LLC
 ALFARO LUIS
 BULLARD C L
 ARNOLD JOHN H
 DTI INVESTMENT LLC
 ISHWARBAPA INC
 WEST DALLAS LLC
 JOEY TIDWELL

Mailing Address

265 Merchants Dr, Dallas, GA 30132
 263 Merchants Dr, Dallas, GA 30132
 261 Merchants Dr, Dallas, GA 30132
 85 WABURN WALK DALLAS GA 30132-8496
 C/O CORPORATE REAL ESTATE VA RIC 8614 PO BOX 26665 RICHMOND VA 23261-6665
 PO Box 2150 Dallas GA 30132
 113 FOSTER LAKE RD DALLAS GA 30132-4737
 259 MERCHANTS DR DALLAS GA 30132-4701
 519 POLK LN DALLAS GA 30132-2926
 PO BOX 1939 DALLAS GA 30132-0033
 278 BRALY PATH DALLAS GA 30132-7490
 2174 UNITY TRL NW MARIETTA GA 30064-5457
 261 E MEMORIAL DR DALLAS GA 30132-4320
 BULLARD MARCUS 687 BETHEL CHURCH RD HIRAM GA 30141-5911
 PO BOX 345 DALLAS GA 30132-0007
 216 LEGION RD DALLAS GA 30132-4325
 250 MERCHANTS DR DALLAS GA 30132-4761
 PO BOX 1790 DALLAS GA 30132-0031
 PO BOX 890 DALLAS GA 30132-0016

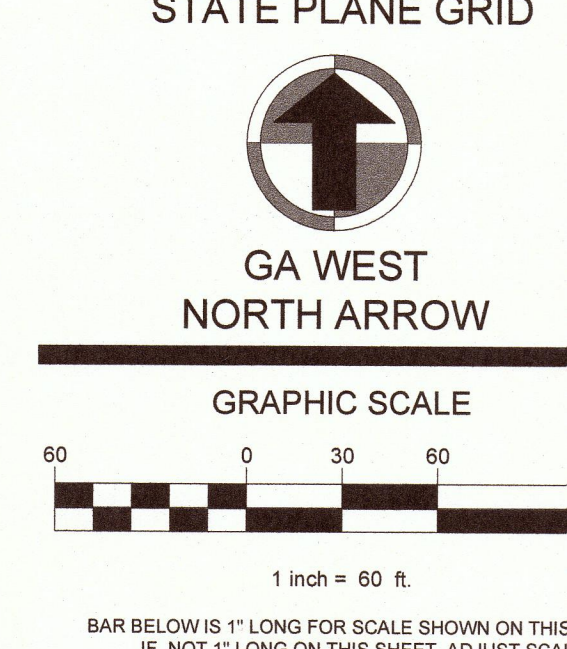
Parcel ID Numbers

138.1.1.014.0000
 138.1.1.016.0000
 138.1.1.007.0000
 138.1.1.003.0000
 138.1.1.004.0001
 138.1.1.018.0000
 138.1.1.020.0000
 138.1.1.019.0000
 138.1.1.023.0000
 115.4.4.024.0000
 115.4.3.003.0000
 115.4.4.016.0000
 115.4.4.020.0000
 115.4.4.010.0000
 115.4.4.006.0000
 115.4.4.018.0000
 115.4.4.004.0000
 138.1.2.007.0000
 138.1.1.024.0000



SURVEYOR'S NOTES
EQUIPMENT AND FIELD SURVEY STATEMENT
TYPE OF EQUIPMENT: TOPCON GTS-233V TOTAL STATION

ALTA / NSPS LAND TITLE BOUNDARY SURVEY
SITUATED IN LAND LOT 273
2ND DISTRICT - 3RD SECTION
CITY OF DALLAS
PAULDING COUNTY, GEORGIA



ALTA / NSPS LAND TITLE BOUNDARY SURVEY

for Kerley Family Homes, LLC, a limited liability company, KFH Title, LLC, and Title Resources Guaranty Company

LOCATED IN LAND LOT 273 ~ 2nd DISTRICT ~ 3rd SECTION CITY OF DALLAS PAULDING COUNTY, GEORGIA COMMITMENT NO. W-00017-23-CC-1 - EFFECTIVE DATE: March 3, 2023 at 8:00am PARCEL ID: 115.4.4.003.0000 & 138.1.1.055.0000



TITLE RESOURCES GUARANTY COMPANY - COMMITMENT FOR TITLE INSURANCE

- 1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attached, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
2. All taxes for the year 2023 and subsequent years, not yet due and payable.

LEGEND

- MEASUREMENT NOTE
DIMENSIONS ENCLOSED BY 'Y' ARE RECORD AND NOTED IN THE "RECORD DOCUMENT INDEX"
OTHER DIMENSIONS ARE ACTUAL BASED ON FIELD MEASUREMENTS.

SYMBOL KEY

- BOLLARD
- CABLE TV PEDESTAL
- CALCULATED POINT
- CATCH BASIN (SINGLE WING)

VESTING DEED EXHIBIT A

The Land is described as follows:
As to Property 1: 200 Clay Drive and As to Property 2: 260 Merchants Drive A CURRENT SURVEY OR PLAT OF THE PROPERTY IS REQUIRED FOR AN ACCURATE LEGAL DESCRIPTION.

AS SURVEYED DESCRIPTION - TRACT 1

MERCHANTS DRIVE PROPERTY TRACT 1 LEGAL DESCRIPTION
A tract or parcel of land situated in Land Lot 273, 2nd District, City of Dallas, Paulding County, Georgia, the bearings of which are based on State Plane Grid System (Georgia West Zone) and being more particularly described as follows:

AS SURVEYED DESCRIPTION - TRACT 2

MERCHANTS DRIVE PROPERTY TRACT 2 LEGAL DESCRIPTION
A tract or parcel of land situated in Land Lot 273, 2nd District, City of Dallas, Paulding County, Georgia, the bearings of which are based on State Plane Grid System (Georgia West Zone) and being more particularly described as follows:

AS SURVEYED DESCRIPTION - OVERALL

MERCHANTS DRIVE PROPERTY OVERALL LEGAL DESCRIPTION
A tract or parcel of land situated in Land Lot 273, 2nd District, City of Dallas, Paulding County, Georgia, the bearings of which are based on State Plane Grid System (Georgia West Zone) and being more particularly described as follows:

STATEMENT OF ENCROACHMENTS & SIGNIFICANT OBSERVATIONS

- The statements below contain opinions based on field observations and may or may not coincide with facts relative to matters of public records actual use of the property, use of improvements to the property, or actual property access.

ALTA / NSPS LAND TITLE SURVEY CERTIFICATION

To: Kerley Family Homes, LLC, a limited liability company, KFH Title, LLC, and Title Resources Guaranty Company
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA / NSPS Land Title Surveys.

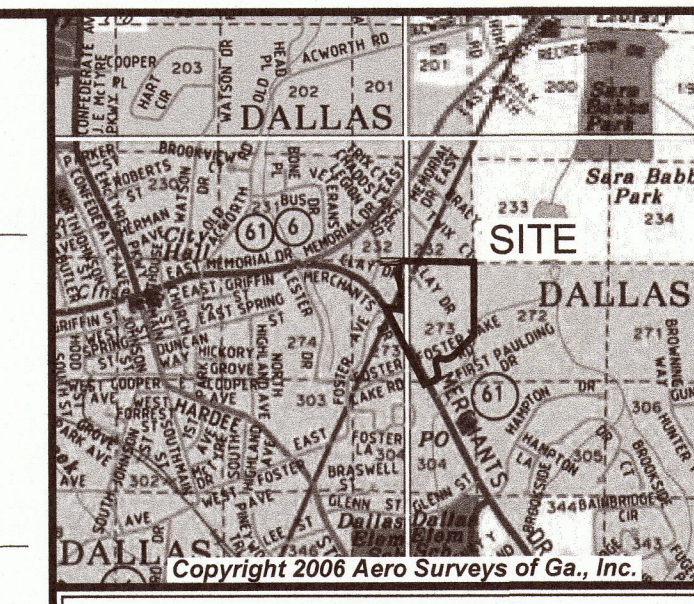
ARCHAEOLOGICAL & HISTORIC
UNLESS SHOWN HEREON, NO CEMETRIES, ARCHAEOLOGICAL, OR ARCHITECTURAL LANDMARKS ARE KNOWN TO EXIST ON THIS SITE.

CERTIFICATION
THIS SURVEY IS INVALID WITHOUT ORIGINAL SIGNATURE OR IF ANY ALTERATIONS HAVE BEEN MADE BY OTHER THAN THE SURVEYOR. IN ADDITION, THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE FOR THE CLIENT NAMED HEREON AND REPRESENTS A SPECIFIC SCOPE OF SERVICES.



DRAWING INFORMATION
CAD FILE: 23032-ALTA-1.DWG
DRAWN BY: RPH CHECKED BY: G

SHEET NAME:
COVER
PROJECT: 23032.00 SHEET 1 OF



SURVEYOR'S NOTES

EQUIPMENT AND FIELD SURVEY STATEMENT
 TYPE OF EQUIPMENT: TOPCON GTS-233V TOTAL STATION & SPECTRA PRECISION EPOCH 50 DUAL BAND GPS RECEIVER ON THE GPS NETWORK
 FIELD SURVEY COMPLETED: 6/28/2023

DATUM
 HORIZONTAL: STATE PLANE GRID (NAD83 - GA WEST)
 VERTICAL: MEAN SEA LEVEL (NAVD 88 - GEIOD 12A)
 ESTABLISHED BY GPS OBSERVATIONS.

PREDICTED POSITIONAL ERROR
 +/- (0.03 + 1.10,000) HORIZONTAL
 +/- (0.05 + 1.10,000) VERTICAL
 BASED ON A COMBINATION OF GPS AND CONVENTIONAL TOTAL STATION ERROR ESTIMATES.

SITE PROJECTION USED FOR GRID VALUES
 METHOD: CENTROID
 CENTROID LOCATION:
 N: 1,428,506.65
 E: 2,095,096.99
 ELEV: 115.0 (MEAN SITE ELEVATION)
 GEOID MODEL: GEOID12A ELLIPSOID: GRS 80
 COMBINED SCALE FACTOR: 1.0000538

CLOSURE STATEMENT
 THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1:18,484 AND AN ANGULAR ERROR OF 00'00.02" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1/496,105.

FLOOD ZONE
 BASED ON GRAPHICAL INTERPRETATION, A PORTION OF THIS PROPERTY IS SITUATED IN A FLOOD ZONE "AE" AS DEPICTED ON THE NFIP FLOOD INSURANCE RATE MAP NO. 132220137 C, HAVING AN EFFECTIVE DATE OF SEPTEMBER 29, 2006. USER OF THIS MAP IS CAUTIONED THAT A MORE PRECISE FLOOD DELINEATION MAY BE NEEDED TO VERIFY THIS INFORMATION. (IF E.M.A. MAP REVISIONS, IF ANY, ARE NOT ADDRESSED AS PART OF THIS SURVEY)

ZONING
 PARCEL ID 115.4.4.003.000: R-1 (RESIDENTIAL)
 PARCEL ID 138.1.1.055.000: C-2 (CBD)

ZONING SHOWN HEREON IS BASED ON CURRENT TAX RECORDS AND IS SHOWN FOR INFORMATION ONLY. SURVEYOR MAKES NO WARRANTY AS TO THE EFFECT OF ZONING TO THE CURRENT OR FUTURE USE OF THE SUBJECT PROPERTY. USER OF THIS MAP IS HEREBY CAUTIONED TO CONSULT THE APPROPRIATE GOVERNING BODY FOR FINAL INTERPRETATION CONCERNING ZONING.

IMPROVEMENTS
 ONLY NON-MOBILE AND SUBSTANTIAL "MAN MADE" SURFACE STRUCTURAL IMPROVEMENTS ARE SHOWN HEREON. FEATURES SUCH AS STREAMS, DRAINAGE COURSES, OR VEGETATION ARE NOT SHOWN UNLESS THEY FORM PART OF THE BOUNDARY LIMITS. CAUTION - FEATURES SHOWN INSIDE ROAD RIGHT-OF-WAY LIMITS ARE FOR INFORMATION ONLY AND MAY OR MAY NOT COMPRISE ALL IMPROVEMENTS OR UTILITIES.

UTILITIES
 UNDERGROUND UTILITIES THAT ARE SHOWN HEREON ARE BASED UPON FIELD SURFACE OBSERVATIONS AND AVAILABLE INFORMATION ON HAND AT THE TIME OF THE SURVEY. ONLY UTILITIES THAT WERE VISIBLE AND ACCESSIBLE WERE MEASURED. DUE TO STATE AND FEDERAL RULES REGULATING CONFINED SPACES, THE INFORMATION SHOWN WITH REGARD TO INVERT ELEVATIONS AND PIPE SIZES WAS OBTAINED FROM MEASUREMENTS MADE AT THE SURFACE. THESE MEASUREMENTS SHOULD BE CONSIDERED APPROXIMATE AND SUBJECT TO CONTRACTOR VERIFICATION. SITE EXCAVATION WAS NOT PERFORMED IN ANY WAY TO MEASURE ANY SUBSURFACE UTILITY OR FEATURE OF ANY TYPE. NOTICE IS HEREBY GIVEN THAT "GEORGIA ONE CALL" UTILITY LOCATION SERVICE (1-800-282-7411) SHOULD BE NOTIFIED PRIOR TO ANY EXCAVATION OF THE SITE.

STREAMS, BODIES OF WATER, & WETLANDS
 ALL STREAMS, BODIES OF WATER, AND WETLANDS MAY BE SUBJECT TO STATE, COUNTY, AND LOCAL BUFFERS OR RESTRICTIONS. SURVEYOR MAKES NO INTERPRETATION REGARDING THESE BUFFERS OR RESTRICTIONS. USER OF THIS MAP IS CAUTIONED TO CONSULT WITH THE APPROPRIATE GOVERNING AUTHORITIES CONCERNING POSSIBLE BUFFERS OR RESTRICTIONS.

ARCHAEOLOGICAL & HISTORIC
 UNLESS SHOWN HEREON, NO CEMETERIES, ARCHAEOLOGICAL, OR ARCHITECTURAL LANDMARKS ARE KNOWN TO EXIST ON THIS SITE. HOWEVER, SURVEYOR HAS NOT EXCAVATED THE SITE OR CONSULTED WITH A QUALIFIED PROFESSIONAL IN THIS FIELD FOR ABSOLUTE CONFIRMATION.

REFERENCE INFORMATION
 SOURCE OF SURVEY:
 - PLAT OF SURVEY FOR JUNE G. RAKESTRAW, PERFORMED BY CRUSSELLE, RAKESTRAW AND ASSOC. DATED 02/20/1990, REVISED ON 05/09/1990 (PB 28, PG 69)

OTHER
 1. AS SHOWN IN TITLE EXCEPTIONS

CERTIFICATION
 THIS SURVEY IS INVALID WITHOUT ORIGINAL SIGNATURE OR IF ANY ALTERATIONS HAVE BEEN MADE BY OTHER THAN THE SURVEYOR. IN ADDITION, THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE FOR THE CLIENT NAMED HEREON AND REPRESENTS A SPECIFIC SCOPE OF SERVICES.

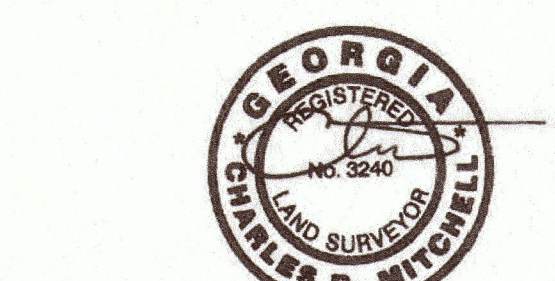
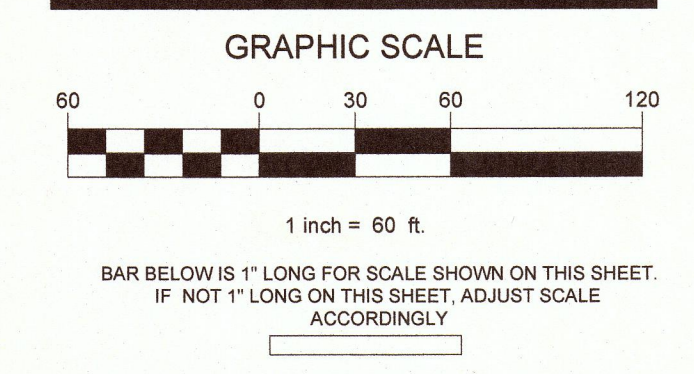
I CERTIFY THAT THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67 AS AMENDED BY HB 104 (2016), IN THAT WHERE A CONFLICT EXISTS BETWEEN THOSE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS OF LAW PREVAIL.

AREA
 TRACT 1: 2.44 ACRES OR 106,402 SQUARE FEET
 TRACT 2: 15.57 ACRES OR 678,073 SQUARE FEET
 OVERALL: 18.01 ACRES OR 784,475 SQUARE FEET

ALTA / NSPS LAND TITLE BOUNDARY SURVEY

SITUATED IN
 LAND LOT 273
 2ND DISTRICT - 3RD SECTION
 CITY OF DALLAS
 PAULDING COUNTY, GEORGIA

PREPARED FOR
**KERLEY FAMILY HOMES, LLC,
 A LIMITED LIABILITY COMPANY,
 KFJ TITLE, LLC, AND
 TITLE RESOURCES
 GUARANTY COMPANY**



6/26/2023

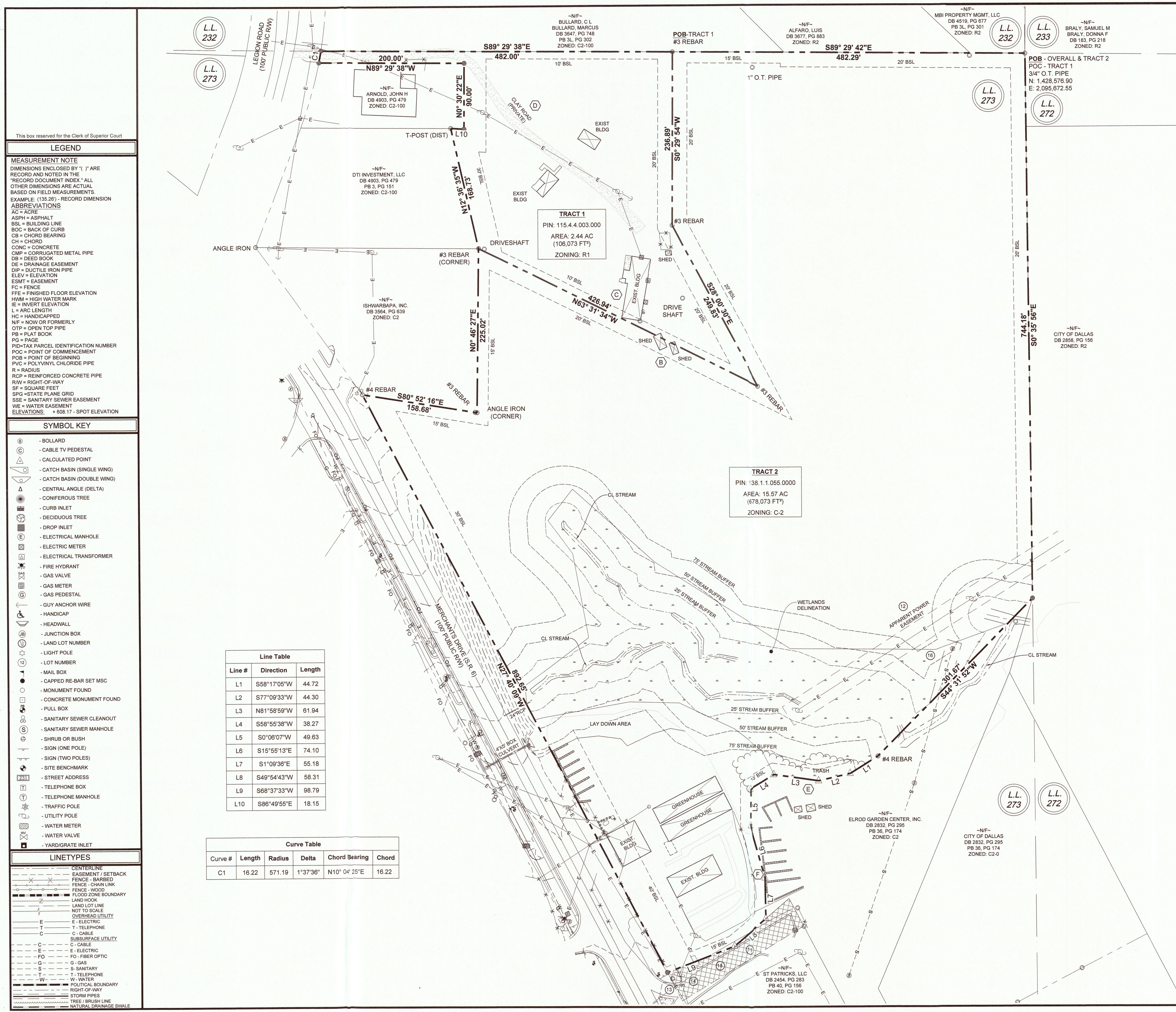
SHEET RECORD

DATE	DESCRIPTION
07/07/2023	ISSUED

DRAWING INFORMATION
 CAD FILE: 23032-ALTA-1.DWG
 DRAWN BY: RPH CHECKED BY: CRM

SHEET NAME:
COVER

PROJECT: 23032.00 SHEET 1 OF 1



LEGEND

MEASUREMENT NOTE
 DIMENSIONS ENCLOSED BY () ARE RECORD AND NOTED IN THE RECORD DOCUMENT INDEX. ALL OTHER DIMENSIONS ARE ACTUAL BASED ON FIELD MEASUREMENTS
 EXAMPLE: (135.20) - RECORD DIMENSION

ABBREVIATIONS
 AC = ACRE
 ASPH = ASPHALT
 BSL = BUILDING LINE
 BOC = BACK OF CURB
 CB = CHORD BEARING
 CH = CHORD
 CONC = CONCRETE
 CMP = CORRUGATED METAL PIPE
 DB = DEED BOOK
 DE = DRAINAGE EASEMENT
 DIP = DUCTILE IRON PIPE
 ELEV = ELEVATION
 ESMT = EASEMENT
 FC = FENCE
 FFE = FINISHED FLOOR ELEVATION
 HWM = HIGH WATER MARK
 IE = INVERT ELEVATION
 L = ARC LENGTH
 HC = HANDICAPPED
 NIF = NOW OR FORMERLY
 OTP = OPEN TOP PIPE
 PB = PLAT BOOK
 PG = PAGE
 PID-TAX PARCEL IDENTIFICATION NUMBER
 POC = POINT OF COMMENCEMENT
 POB = POINT OF BEGINNING
 PVC = POLYVINYL CHLORIDE PIPE
 R = RADIUS
 RCP = REINFORCED CONCRETE PIPE
 ROW = RIGHT-OF-WAY
 SF = SQUARE FEET
 SPO = STATE PLANE GRID
 SSE = SANITARY SEWER EASEMENT
 WE = WATER EASEMENT
 ELEVATIONS: +608.17 - SPOT ELEVATION

SYMBOL KEY

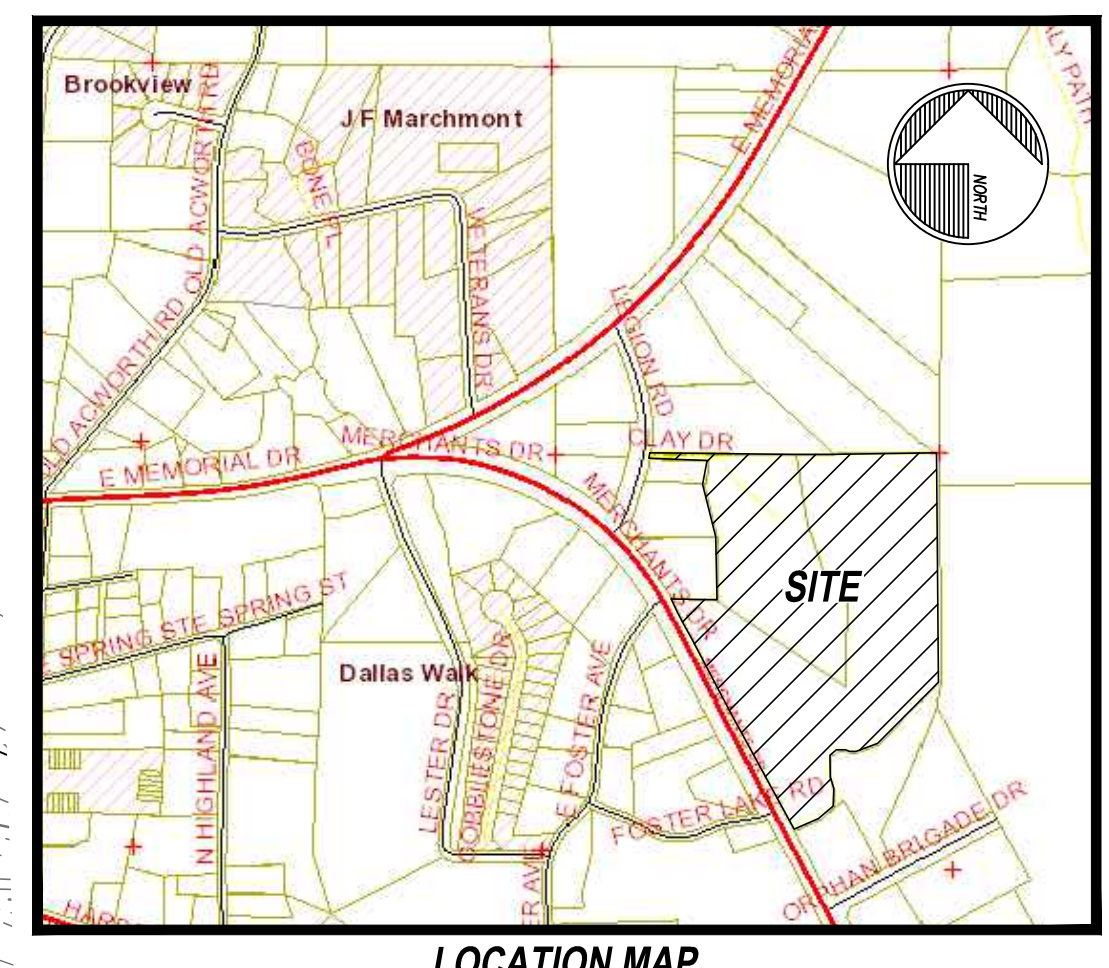
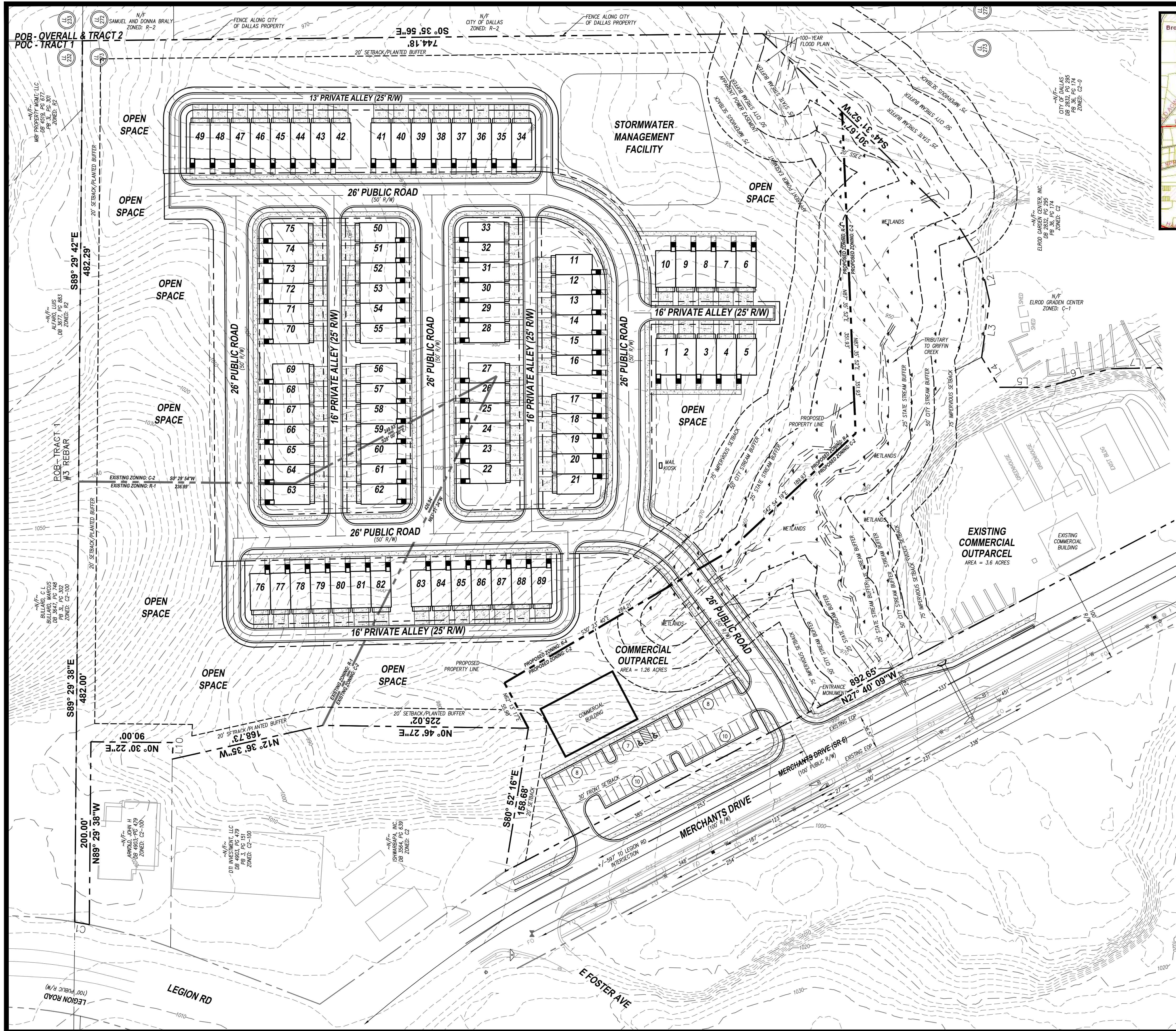
- ⊙ - BOLLARD
- ⊙ - CABLE TV PEDESTAL
- ⊙ - CALCULATED POINT
- ⊙ - CATCH BASIN (SINGLE WING)
- ⊙ - CATCH BASIN (DOUBLE WING)
- ⊙ - CENTRAL ANGLE (DELTA)
- ⊙ - CONIFEROUS TREE
- ⊙ - CURB INLET
- ⊙ - DECIDUOUS TREE
- ⊙ - DROP INLET
- ⊙ - ELECTRICAL MANHOLE
- ⊙ - ELECTRIC METER
- ⊙ - ELECTRICAL TRANSFORMER
- ⊙ - FIRE HYDRANT
- ⊙ - GAS VALVE
- ⊙ - GAS METER
- ⊙ - GAS PEDESTAL
- ⊙ - GUY ANCHOR WIRE
- ⊙ - HANDICAP
- ⊙ - HEADWALL
- ⊙ - JUNCTION BOX
- ⊙ - LAND LOT NUMBER
- ⊙ - LIGHT POLE
- ⊙ - LOT NUMBER
- ⊙ - MAIL BOX
- ⊙ - CAPPED RE-BAR SET MSC
- ⊙ - MONUMENT FOUND
- ⊙ - CONCRETE MONUMENT FOUND
- ⊙ - PULL BOX
- ⊙ - SANITARY SEWER CLEANOUT
- ⊙ - SANITARY SEWER MANHOLE
- ⊙ - SHRUB OR BUSH
- ⊙ - SIGN (ONE POLE)
- ⊙ - SIGN (TWO POLES)
- ⊙ - SITE BENCHMARK
- ⊙ - STREET ADDRESS
- ⊙ - TELEPHONE BOX
- ⊙ - TELEPHONE MANHOLE
- ⊙ - TRAFFIC POLE
- ⊙ - UTILITY POLE
- ⊙ - WATER METER
- ⊙ - WATER VALVE
- ⊙ - YARD/GRADE INLET

Line Table

Line #	Direction	Length
L1	S58°17'05"W	44.72
L2	S77°09'33"W	44.30
L3	N81°58'59"W	61.94
L4	S58°55'38"W	38.27
L5	S0°08'07"W	49.63
L6	S15°55'13"E	74.10
L7	S1°09'36"E	55.18
L8	S49°54'43"W	58.31
L9	S68°37'33"W	98.79
L10	S86°49'55"E	18.15

Curve Table

Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	16.22	571.19	1°37'36"	N10° 04' 25"E	16.22



STATEMENT OF PROPOSED USE: THE PROPERTY TO BE REZONED TO R-4 IS TO BE USED AS FEE SIMPLE, FOR SALE, SINGLE FAMILY ATTACHED TOWNHOMES. THE PROPERTY TO BE REZONED (OR REMAIN ZONED) AS C-2 TO BE USED FOR ANY ALLOWABLE COMMERCIAL USE.

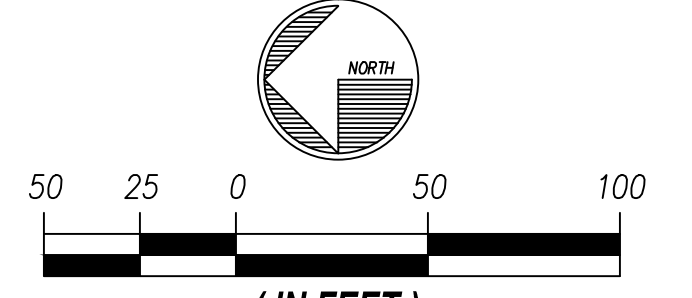
NOTES:
 1. POWER AND SEWER EASEMENTS SHOWN. NO OTHER EASEMENTS EXIST.
 2. NO CEMETERIES, ARCHITECTURAL OR ARCHAEOLOGICAL LANDMARKS ONSITE.

DEVELOPMENT SUMMARY	
ZONING	
EXISTING ZONING	C-2 & R-1
PROPOSED ZONING (RESIDENTIAL TRACT ONLY)	C-2 & R-4
AREA	
RESIDENTIAL SITE AREA	13.245 ACRES
COMMERCIAL SITE AREA	4.764 ACRES
OPEN SPACE REQUIRED	2.65 ACRES (20%)
OPEN SPACE PROVIDED	5.6 ACRES (42%)
DENSITY	
NUMBER OF UNITS	89 UNITS
PROPOSED DENSITY	6.72 UNITS/ACRE
MAXIMUM DENSITY	9 UNITS/ACRE
PERMETER SETBACKS	
FRONT	5 FEET
SIDE	5 FEET
REAR	5 FEET
PLANTED BUFFER ADJACENT TO RESIDENTIAL	20 FEET
MAXIMUM BUILDING HEIGHT	35 FEET

Line Table			
Line #	Direction	Length	
L1	S58°17'05"W	44.72	
L2	S77°09'33"W	44.30	
L3	N81°58'59"W	61.94	
L4	S58°55'38"W	38.27	
L5	S00°06'07"W	49.63	
L6	S15°55'13"E	74.10	
L7	S109°36"E	55.18	
L8	S49°54'43"W	58.31	
L9	S68°37'33"W	98.79	
L10	S86°49'55"E	18.15	

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	16.22	571.19	1°37'36"	N10° 04' 25"E	16.22

24 HOUR CONTACT:
JEFF SMITH
404.328.6280



THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

RIDGE PLANNING AND ENGINEERING®
 6234 OLD HIGHWAY 5
 SUITE D9-250 • WOODSTOCK, GA 30188
 OFFICE 770.938.9000

LAND PLAN
 MERCHANTS DRIVE
 LAND LOT 273
 2nd DISTRICT, 3rd SECTION
 CITY OF DALLAS, GEORGIA

OWNER/DEVELOPER

 3957 SOUTH MAIN STREET
 ACWORTH, GA 30101

REVISIONS

NO.	DATE	DESCRIPTION

ZONING PLAN
Z100

Z-2023-09

STAFF COMMENTS:

The applicant (Kerley Family Homes, LLC) is proposing to rezone 2.44 acres from R-1 to R-4. The property is located at 200 Clay Drive. The property is to be combined with adjacent property in zoning application Z-2023-08 for a total of 18.01 acres.

Properties that border the site to the North, East, South, and West are currently inside City limits.

A. Existing land use and zoning classification of nearby property:

ADJACENT ZONING

ADJACENT DEVELOPMENT

NORTH: Dallas R-2
Dallas C-2

NORTH: Residential, single family
Commercial

EAST: Dallas R-2

EAST: Residential, single family
City Park

SOUTH: Dallas C-2

SOUTH: Commercial

WEST: Dallas C-2

WEST: Commercial

B. Permitted Use impact on adjacent properties.

Proposed use will increase number or residents who could potentially patron adjacent businesses.

C. Adverse effect on the usability of adjacent or nearby property?

None

D. Proposal cause excessive or burdensome use of streets, transportation facilities, utilities, schools

Increased traffic on City streets. May increase student population of nearby schools.

E. Supported by current conditions

Water and Sewer are available.

F. 2022 Comp Plan

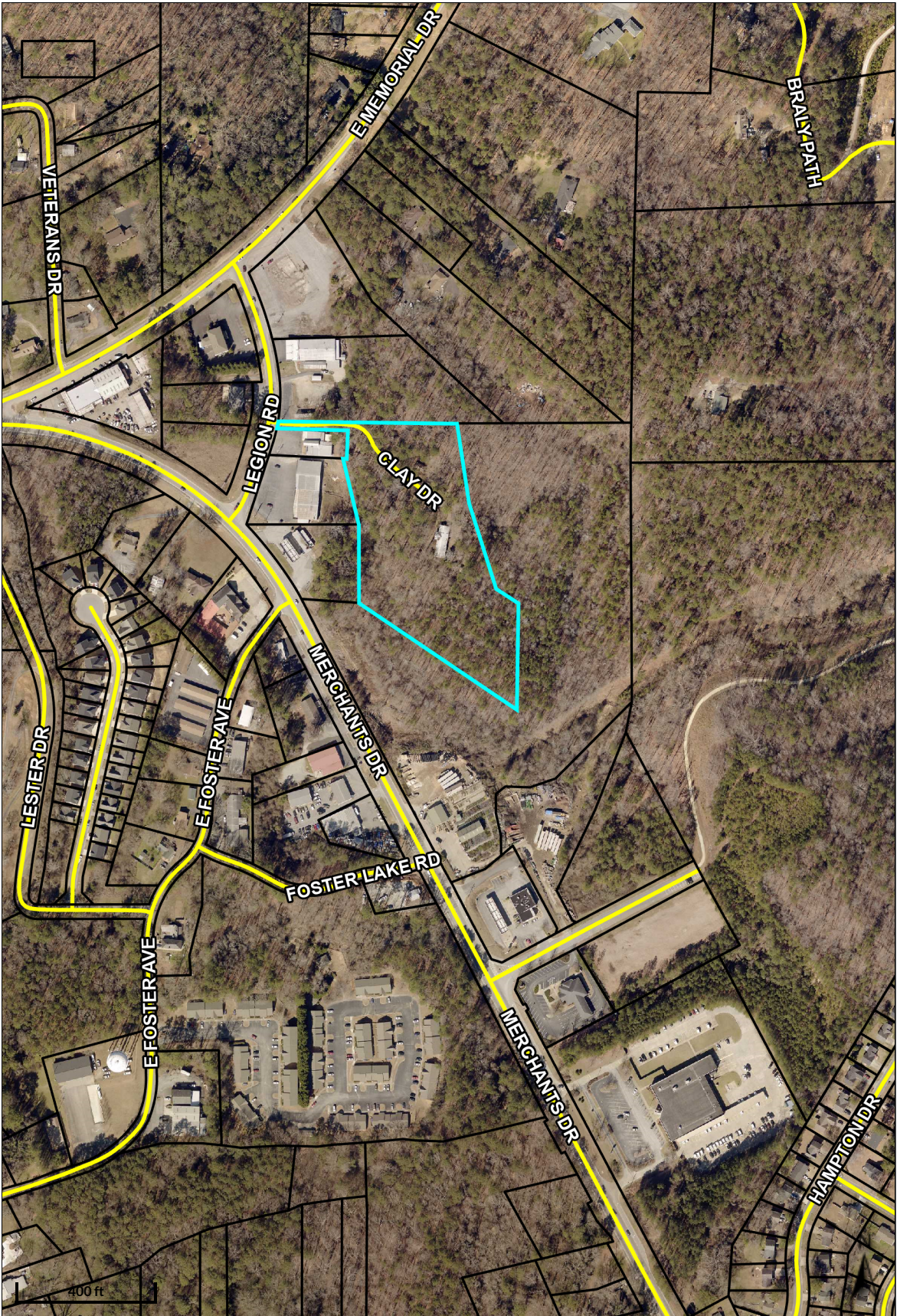
The 2022 Comp Plan Future Land use map is Residential.

Based on the preceding analysis, staff recommends approval with the following stipulations:

1. Developer is responsible for off-site downstream sewer infrastructure improvements that are required. Improvements must be installed and accepted by City prior to final plat approval.
2. Development shall be constructed in substantial conformity with the site plan provided in zoning application.
3. Developer shall provide a minimum 20-foot planted or natural (where possible) buffer adjacent to the property boundaries as shown on the zoning site plan.
4. Developer shall provide a berm with two rows of evergreen trees staggered six feet on center where the development borders single family residential properties. Berm with evergreen trees shall be located on the development side of the 20-foot planted or natural buffer.
5. Developer shall provide fence along development side of 20-foot buffer along north and east sides of development.
6. Developer shall provide a 10-foot concrete multi-use trail along the entire length of property frontage along Merchants Drive for connection to City of Dallas Battlefield Trail.
7. Developer shall provide curb and gutter along the entire length of property frontage along Merchants Drive.
8. Developer is responsible for providing required all development entrance improvements as required by Georgia DOT.
9. Developer is responsible for providing and installing license plate reader camera at development entrance compatible with the City of Dallas Police Department system.
10. Home Owners Association with mandatory membership required for preservation and maintenance of common areas.
11. Developer shall submit detailed architectural, site, and landscaping plans to the City of Dallas for design review approval.

Unless explicitly stated herein, all other development standards shall comply with the R-4 zoning district as written in the City of Dallas Code of Ordinances.

The findings made herein are the opinions of the City of Dallas, Ga Development staff and do not constitute a final decision. The City of Dallas, Ga Mayor and Council makes the final decision on all Zoning/Rezoning, Land Use Permit, Special Use Permit, and Medical Hardship Applications.



- Legend**
- Parcels
 - Subdivision Names
 - Roads

SK2055PG0694

PAULDING COUNTY, GA
 REAL ESTATE TRANSFER TAX 2005 DEC 27 PM 12: 53
 PAID \$ 0 TRUSTEE
 DATE 12-27-05 PAULDING COUNTY COURT
 TREVA W. SHERTON
 CLERK SUPERIOR COURT
 110 2005 012127

WARRANTY DEED - NO TITLE WORK DONE

VINSON, TALLEY
 RICHARDSON & CABLE, P.A.
 P.O. BOX 197
 DALLAS, GEORGIA 30132
 KENNETH G. VINSON/AG

STATE OF GEORGIA, Paulding County

THIS INDENTURE, made this 22 day of December of the year of our Lord Two Thousand Five between JOHN B. CLAY, SR., of the State of Georgia and County of Paulding of the first part and MARTHA D. HENDRIX and DOUGLAS E. HENDRIX, as joint tenants with right of survivorship of the State of Georgia and County of Paulding of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of 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 parties of the second part, their heirs and assigns, all that tract or parcel of land lying and being in

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Provided, however, that this shall be known as a survivorship deed with the surviving grantee herein taking fee simple title to the above-described property upon the death of the grantee herein who first departs this life.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the right, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of themselves, the said parties of the second part, their heirs and assigns forever, IN FEE SIMPLE.

And, the said party of the first part, for 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, their 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:

Jessica M. Julian
 Witness

John B. Clay, Sr. (Seal)
 JOHN B. CLAY, SR.

Karen A. Kastraw
 Notary Public



RECORDED 12-29 20 05
 TREVA W. SHERTON, CLERK
 SUPERIOR COURT, PAULDING CO.

BK2055PG0695

EXHIBIT "A"

PARCEL ONE:

lying and being in the Second (2nd) District and Third (3rd) Section of Paulding County, Georgia, and being in Ward Three (3) in the City of Dallas and being a part and fraction of Original Lot of Land Number Two Hundred Seventy-Three (273), and being more fully and particularly described as follows:

BEGINNING at a point, said point being an Iron Stake, on the South side of an Old Road leading from the Paved By-Pass that runs East of and in front of the American Legion Home, said point being located Seventy-Five (75) feet South of a point on the North Original Line of said Lot Number 273 (said point on the said North Line being located Five Hundred Seventy (570) feet East of the Northwest Corner of said Lot Number 273); thence running South One (1) Degree and Thirty (30) Minutes West, for a distance of Two Hundred (200) feet, to an Iron Stake; thence running South Sixty-Three (63) Degrees East for a distance of Three Hundred Fifty (350) feet, to an Iron Stake; thence running North Fifteen (15) Degrees West for a distance of One Hundred Seventy-Two (172) feet, to an Iron Stake on the South side of the said Old Road; thence running North Fifty-Five (55) Degrees West along the South side of the said Old Road for a distance of Three Hundred Twenty-Seven (327) feet, to an Iron Stake at the point of beginning.

Said tract containing One and One-Half (1½) acres, more or less.

Said tract being in accordance with a Plat and Survey made by Aubrey F. Harris, Paulding County Surveyor, on August 11, 1956, said Plat being recorded in Deed Book 3-, Page .., of the Deed Records on file in the Office of the Clerk of the Superior Court of Paulding County, Georgia.

PARCEL TWO:

lying and being in the Second (2nd) District and Third (3rd) Section of Paulding County, Georgia, and being a part and fraction of Original Lot of Land Number Two Hundred Seventy-Three (273), and being more fully and particularly described as follows:

BEGINNING at a point on the North Original Line of said Lot Number 273, said point being an Iron Stake located Fifty (50) feet East of the Center of the Street that runs in front of and on the East side of the American Legion Home; thence running East along the said North Original Line for a distance of Four Hundred Eighty-Two (482) feet, to an Iron Stake; thence running South for a distance of Two Hundred Thirty-Seven (237) feet, to an Iron Stake; thence running in a Southeasterly direction on a straight line for a distance of Two Hundred Fifty (250) feet; to an Iron Stake; thence running West for a distance of Seventy-Six (76) feet, to an Iron Stake at the present Southeast corner of the Home lot of John B. Clay, Sr.; thence running in a Northerly direction along the present East Property Line of said Home Lot for a distance of One Hundred Seventy-Two (172) feet, to an Iron Stake at the present Northeast corner of said Home Lot; thence running Northwesterly along the present North Boundary Line of said Home Lot for a distance of Three Hundred Twenty-Seven (327) feet, to an Iron Stake; thence running South along the present West Boundary line of the said Home Lot for a distance of Two Hundred (200) feet, to an Iron Stake; thence running in a Northerly direction on a straight line for a distance of One Hundred Sixty (160) feet, to an Iron Stake at the present Southeast corner of the Old Sudie Carter Lot (now John B. Clay, Sr.); thence running North along the East side of the said Old Sudie Carter lot for a distance of Ninety (90) feet, to an Iron Stake; thence running West along the North side of the Said Old Sudie Carter Lot for a distance of Two Hundred (200) feet; thence running North for a distance of Sixteen (16) feet, to an Iron Stake at the point of beginning.

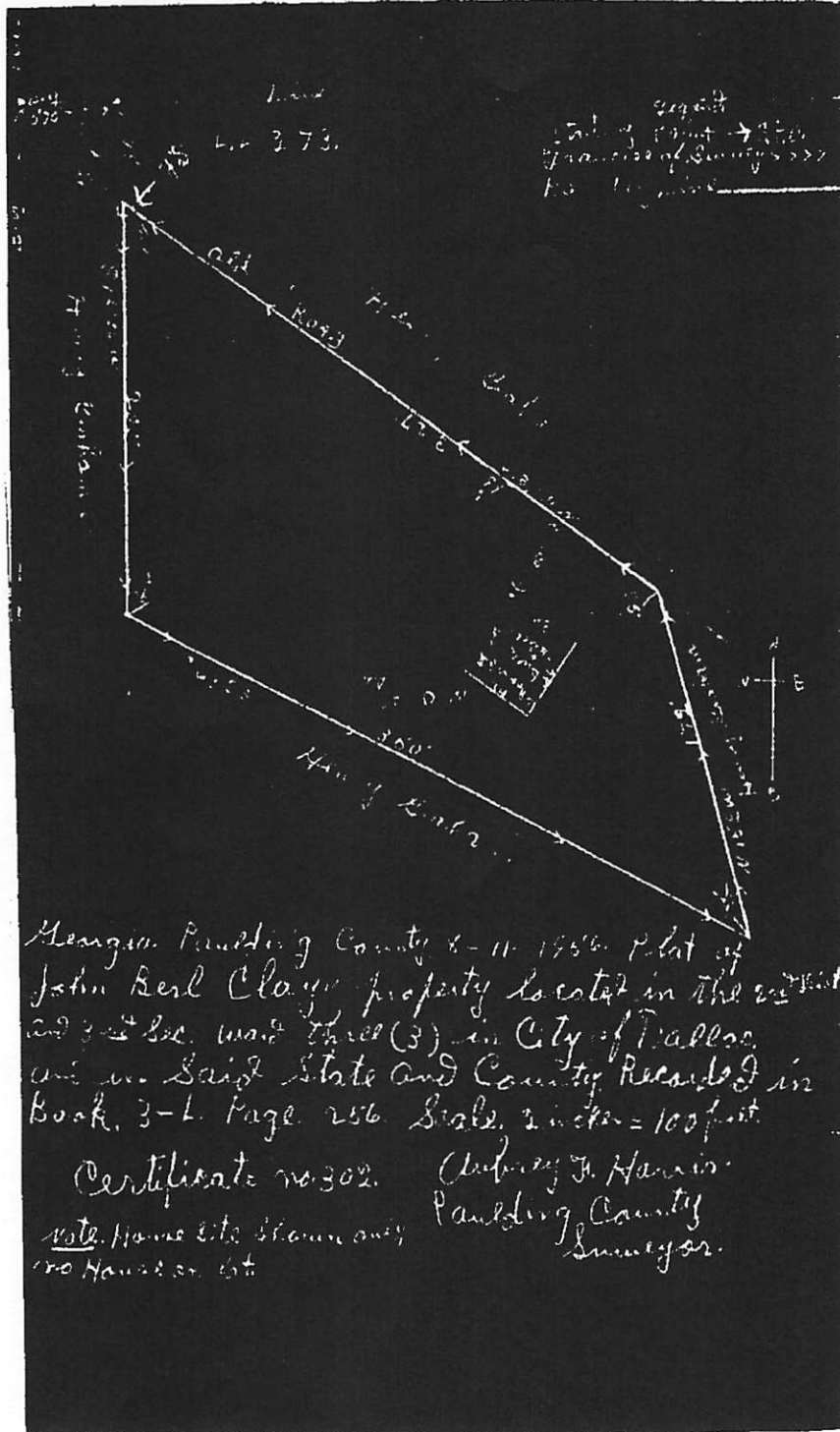
BK 2055PG0696

EXHIBIT "A"
(CONTINUED)LESS AND EXCEPT:

parcel of land lying and being in the Second District and Third Section of Paulding County, Georgia, and being a part of Original Lot of Land Number 273, more particularly described as follows:

BEGINNING at a point 50 feet east of the center of the street running in front of the present American Legion Hut in the City of Dallas, Georgia, and 16 feet south of the north original line of said lot and running thence east parallel with the north line of said lot, 200 feet to an iron stake; thence south 90 feet to an iron stake; thence west parallel with the first call, (that is, the original land line) a distance of 200 feet to a point 50 feet east of the center of the street running in front of the American Legion Hut; thence northerly in a straight line to the point of beginning a distance of 90 feet.

paper
1



Georgia, Paulding County 8-11-1956. Plot of
John Earl Clays property located in the 22nd and
23rd Sec. west three (3) in City of Tallapoosa,
Ga. in said State and County Recorded in
Book 3-L Page 256. Scale 2 inches = 100 feet.

Certificate no 302. Aubrey J. Harris
Paulding County
Surveyor.

Note: Home site shown only
no House on lot



STAFF ACTION ITEM

MEETING DATE: 11/06/2023

TITLE: Crestview at Osborne Farm Subdivision – Warranty Bond No. #2021-02; Release

PRESENTED BY: Brandon Rakestraw – Public Works Director

AGENDA ITEM DESCRIPTION (Agenda Content):

Crestview at Osborne Farm Subdivision – Warranty Bond No. #2021-02; Release

HISTORY/PAST ACTION:

n/a

FINANCIAL IMPACT:

Release of Warranty Bond - \$104,948.35

INFORMATION:

Request approval: Release of the Development Improvements Warranty Bond for Crestview at Osborne Farm subdivision, Warranty Bond No. 2021-02. All monies to be released back to Crawford Creek Communities, Inc. less final acceptance and public dedication inspection fee of \$3,150.00. A formal acceptance for public dedication inspection was conducted by city staff and the development is deemed acceptable.



STAFF ACTION ITEM

MEETING DATE: 11/06/2023

TITLE: 2023-2024 – Sewer Lift Station Generator Maintenance; Yancey Power Systems

PRESENTED BY: Brandon Rakestraw – Public Works Director

AGENDA ITEM DESCRIPTION (Agenda Content):

2023-2024 – Sewer Lift Station Generator Maintenance; Yancey Power Systems

HISTORY/PAST ACTION:

2022-2023 maintenance agreement

FINANCIAL IMPACT:

\$63,998.10

INFORMATION:

Request approval : Enter yearly maintenance agreement with Yancey Power Systems. This provides planned preventative maintenance to all back-up power systems at each of the city’s sewer lift stations.



STAFF ACTION ITEM

MEETING DATE: 11/06/2023

TITLE: West Dallas Collector Sewer Extension Project – Phase I; Change Order #1

PRESENTED BY: Brandon Rakestraw – Public Works Director

AGENDA ITEM DESCRIPTION (Agenda Content):

West Dallas Collector Sewer Extension Project – Phase I; Change Order #1

HISTORY/PAST ACTION:

N/A

FINANCIAL IMPACT:

N/A

INFORMATION:

Request approval : Change Order #1

Contractor requests extension of substantial completion (395 days) and final completion (384 days).

Substantial Completion: 10-23-2024

Final Completion: 11-26-2024

CHANGE ORDER

ALLOW. DIR. NO: One

OWNER’S NAME: City of Dallas

PROJECT NAME: West Dallas Collector Sewer Extension – Phase 1
City of Dallas #2020-07

GEFA Loan No. CW2021008

CONTRACTOR: Strack, Inc.

DATE ISSUED: Wednesday, October 25, 2023

SCOPE OF WORK:

Per Change Order Proposal 004 dated August 2, 2023, Strack requests extension of substantial completion (395 days) and final completion (384 days).

JUSTIFICATION:

Request made during the preconstruction meeting (12-02-22) and design related changes due to wetwell (RFI 003).

CHANGES IN CONTRACT PRICE AND CONTRACT TIMES:

We propose the Contract Price and Contract Times be changed as follows:

For Contract Price, when requested by Engineer, attach detailed cost breakdowns for Contractor and Subcontractors, Supplier quotations, and other information required. For the Contract Times, state increase, decrease, or no change to Contract Times for Substantial Completion, readiness for final payment, and Milestones, if any. If increase or decrease, state specific number of days for changes to the Contract Times.

Description	Amount	Contract Times (days)	
		Substantial	Final
Request made during the preconstruction meeting (12-02-22) and design related changes due to wetwell (RFI 003).	\$0.00	395	384
<i>Total This Change Order Proposal</i>	<i>\$0.00</i>	<i>395</i>	<i>384</i>

Changes to Milestones, if any: See updated summary of dates below. This request will also update the issued NTP date based on Addendum No. 4 that was not accounted for in the original NTP issued for the project.

Contracts Signed	5/16/2022	
Notice to Proceed	9/19/2022	
Construction Time (SC)	370	ADD#4
Substantial Completion	9/24/2023	
Final Payment	45	ADD#4
Final Completion	11/8/2023	
Days at Preconstruction	528	PRECON/PM 12-2022
Final Completion Strack	2/29/2024	
Change Order Request	237	RFI 003
Final Completion Strack	11/26/2024	
Final Payment	34	ADJ. BASED SCH.
Substantial Completion	10/23/2024	
Change Order Req. SC	395	
Change Order Req. FINAL	384	

The adjustment proposed is the entire adjustment to the Contract to which the proposer believes it is entitled as a result of the proposed change.

Owner Approval: _____ Date: _____
Engineer Approval: _____ Date: 10/26/23
Contractor Approval: _____ Date: 10/26/23

Change Order Proposal

Date: 8/2/2023

Owner: City of Dallas

Owner Project Number: 2020-07

GEFA Loan Number: CW20201008

Contact Name: Charles Rann

Project: West Dallas Collector Sewer Extension Phase 1

Contact Phone Number: 678-471-3463

Project Number: 1709

Change Order Proposal No. 004

Description of Change:

Time Extension Request due to Multiple Factors

Contract Amount:

The Contract will be ~~(increased)~~ ~~(decreased)~~ (remain unchanged) by: \$ - as a result of this change order proposal.

Contract Time:

The Contract will be ~~(increased)~~ ~~(decreased)~~ ~~(remain unchanged)~~ by (384) days as a result of this change order proposal.

Clarifications / Notes:

-Strack, Inc. is requesting an addition of 395 days to the 370 days of construction time as allotted per addendum #4 for a total of 765 days of construction time. New Substation Completion date would be 10-23-2024.

-Strack, Inc. is requesting an addition of 384 days to the 415 days allotted per addendum #4 for the final completion time for a total of 799 days to final completion. New final completion date would be 11-26-2024.

Description of the Work	Qty	Unit	Unit Price	Subtotal
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -

Change Order Subtotal \$ -

Overhead 10% \$ -
 Profit 5% \$ -

Change Order Total \$ -

Submitted By: Brent Day
 Date: 8/2/2023

Approved By: 
 Date: 10/26/23

M E M O R A N D U M


2203 Charles Hardy Parkway, Suite 300 Dallas, GA 30157 770.505.8115 tel.

TO: All Attendees

FROM: Charles D. Rann, PE

DATE: September 13, 2022

**RE: Pre-construction Meeting Minutes
West Dallas Collector Sewer Extension – Phase 1
City of Dallas #2020-07
GEFA Loan No. CW2021008
WKD # 20220511.00.AT**

- I. Introduction of Attendees: See attached Meeting Sign-In Sheet
- II. Project Overview
 - A. The project will take place along Pumpkinvine Creek east of State Route 61 and from the lift station, it extends south upstream along Lawrence Creek to the City of Dallas WRF. The project has been divided into three parts below which include the following major items of construction.

Sewer Lift Station

 - New wet well, valve vault, metering manholes, and installation of three 215 Hp pumps, influent screen, and mixer
 - Electrical building and installation of generator
 - Earthwork, access road, utilities, landscaping, and yard piping

Force Main Sewer

 - 3,998 feet± of 10-inch diameter polyvinyl chloride force main
 - 3,998± feet of 12-inch diameter polyvinyl chloride force main
 - Installation of valves and fittings at tie-in at existing plant headworks

Gravity Sewer

 - 5,583± linear feet of 24-inch gravity sewer
 - 230± linear feet of 12-inch gravity sewer

- 4,129± linear feet of 8-inch gravity sewer

B. Piping/Equipment to be Provided by City of Dallas: See attached material inventory

- All gravity sewer piping (not including manholes)
- All force main sewer piping (not including bends or Air Release Valves)
- 2-inch water service line for sewer lift station
- Sewer lift station pumps and control panel(s) (Xylem)
- Sewer lift station mixer (Xylem)
- Generator (Caterpillar)

III. Completion of Contract Documents:

A. Cost of Work: \$11,941,699.60

B. Copies of Conformed Plans & Specifications at Dropbox link below:

<https://www.dropbox.com/sh/3ql39zx8jff6l44/AAANVASHa1dgKxLG2A3HkiUa?dl=0>

C. Contract Dates:

1. Notice to Proceed: September 19, 2022
2. Contract Days: 280 (Substantial)/310 (Final Payment)
3. Construction Complete: Based on the current schedule from Strack we are at 528 days (February 29, 2024). Meeting to be held with Strack and City of Dallas to discuss before finalizing schedule changed.
4. Liquidated Damages: \$ 750/calendar day

IV. Contact/Communication:

A. Contractor: Strack, Inc.

1. General Superintendent: David Cooper
Cell #404-427-0551
E-mail Address: davidc@strackinc.com
2. Project Manager: Brent Day
Cell #470-590-8235
E-mail Address: brentd@strack.inc

B. Engineer: WK Dickson & Co., Inc.

1. Construction Observer: Nick McConnell
Cell # 770-876-4971
E-mail Address: nmccConnell@wkdickson.com

2. Project Manager: Charles D. Rann, PE
Cell # 678-471-3463
E-mail Address crann@wkdickson.com
- C. Third Party Testing Firm: GeoHydro Engineers
Johnny Beckman, PE
Cell # 678-313-1952
E-mail Address jbeckman@geohydro.com
- D. Owner: City of Dallas
Brandon Rakestraw, Public Works Director
Telephone # 770-443-8110 Ext. 1401
Cell #678-449-4045
E-mail Address brakestraw@dallas-ga.gov
- E. GEFA:
Amanda Carroll, PMP
Telephone # 404-450-8381
E-mail Address acarroll@gefa.ga.gov
- F. The route of communication between the Contractor and the Owner is always through the Engineer or the Construction Observer, except when coordinating marking of water and sewer utilities and opening or closing existing water line valves to assist with completing the water line construction.
- G. The Construction Observer has authority to disapprove or reject defective work. He does not authorize any deviations from the Contract Documents, or approve any substitute materials or equipment. He will not authorize any work which causes a change in the contract price.
- V. Submittals from the Contractor - General Conditions:
- A. Progress Schedule - indicate starting and completion dates for the various stages of the work. Initial schedule presented at meeting attached for reference.
- B. Shop Drawings - a transmittal is required for each shop drawing. Each transmittal shall be numbered in order of submittal sequence and the specification section number shall be included. Four copies of each submittal are required, plus the number required to be returned to the Contractor. All shop drawings must be reviewed by the Contractor and shall bear a stamp indicating the Contractor has reviewed and approved the submittal.
- C. Schedule of Values (for Sewer Lift Station) - to include quantities and prices of work. Shall be reviewed and modified where directed by the Engineer.

- D. List of Subcontractors, Suppliers, etc. who will participate in the work is to be submitted.
- E. O&M Manuals are required on each major piece of equipment per the specifications.

VI. Easements, Encroachments, Permit Notification Requirements

- A. All easements, encroachments and permits have been obtained unless noted. Right of entry for entire alignment. Easement remaining for Kades Cove extension.
- B. Contractor shall provide all land he needs for access, storage, etc. Contractor shall obtain a release from each project owner prior to project completion.
- C. Permits:
 1. Paulding County Land Disturbing Permit (approved WKD has LDP Placard and will coordinate with Strack for placement at the site).
 2. NPDES General Permit will be required (Contractor to file NOI).
 3. GDOT UEP for the Highway 61 crossing will be provided to the Contractor (approved). Permit will be activated by City of Dallas when Contractor ready for installation.
 4. GaEPD Sanitary Sewer Extension Approval (complete).
 5. USCAE PCN (complete).
 6. Building Permit will be required for Electrical (review completed).

VII. Laws, Site Safety

- A. OSHA - Trenching guidelines/safety is the responsibility of the Contractor. WK Dickson may make comments to site Superintendent when we feel proper safety measures are not being followed. W. K. Dickson expects the Contractor to heed warnings and correct unsafe conditions immediately.
- B. Signage for construction adjacent to roadways are required per MUTCD (Manual of Uniform Traffic Control Devices).
- C. Emergencies – the Contractor is required to act without instructions from the Owner or Engineer in emergencies affecting safety of employees, work or property.

VIII. Changes in Work

- A. We will follow the conditions of these articles for this contract, with the following significant points to be discussed:

1. When the need for a change is determined by either the Owner or the Contractor, WKD would appreciate prompt notification.
 2. WKD will prepare all change orders.
 3. All Change Orders will be approved in writing by the Owner.
- B. A time extension will be given for abnormal weather conditions. When the actual number of calendar days the contractor could not work exceeds the mean number of days of precipitation per month (>0.10"), the contract shall be extended; however, if the actual number of days is less, then the contract period shall be reduced. The time extension shall be for time only, no increase in contract price will be considered.
- IX. Monthly Progress Meeting
- A. Date, Time and Location of monthly meetings to be determined in the coming weeks. Additional meetings will be scheduled if:
1. The need for a change is determined by either the Owner or the Contractor, WKD would appreciate prompt notification.
 2. WKD will prepare all change orders.
 3. All Change Orders will be approved in writing by the Owner.
- B. Typical Agenda
1. Schedule
 2. Rain Days
 3. Issues/Concerns
 4. Pay Request
 5. Anticipated Changes
- X. Applications for Progress Payments
- A. Application Procedures:
1. Meet with Construction Observer on 25th of each month to measure and prepare draft estimate.
 2. WKD will type estimate and send to Contractor for review and approval. Contractor is to return estimate to Engineer.
 3. W. K. Dickson will deliver to the City for placing into the accounting system for payment. Payment by City within 30 days of receipt of an Approved Application for Payment.
- B. GEFA Compliance and pay application procedures. See attached GEFA package.
- C. Stored materials will be paid for only when accompanied by invoices for the material claimed. The material inventory will be reduced each month as

construction progress is made with zero inventory accounted for at the end of the project. Use form provided in contract.

XI. Substantial Completion/Final Inspection/Final Payment

- A. Substantial completion – substantial completion is when Owner and Engineer determine the work is sufficiently complete in accordance with the contract documents so the project (or a portion) can be utilized for the purpose it was intended.
- B. Final inspections will be conducted after Contractor has met with the Construction Observer and completed the preliminary punch list of items generated at that time.
- C. The final pay request will be forwarded to the Owner after all the work is complete on the project. Typical items which tend to delay final payment and are required before we recommend payment include:
 - 1. Completion of all final punch list items.
 - 2. Contractor's Record Drawings delivered to the Engineer.
 - 3. Consent of Surety and Release of Lien Certificates delivered to the Engineer.
- D. The date of the one-year warranty will begin on the date of substantial completion.
- E. Liquidated damages in the amount of \$ 750 will be assessed the Contractor for each calendar day the Contractor is late in fully completing the project (not substantial completion). Liquidated damages will be assessed until all deficiencies are corrected as a result of the Final Inspection.

XII. Other Discussion Items

- A. Deliveries: Discussed access drive to plant. Contractor has already placed lock on gate off Old Cartersville and has code for entry into plant site. Will need placement of additional lock on access drive back to sewer lift station site. Contractor will need to coordinate access with plant staff.
- B. GEFA 2nd Tier Approvals: GEFA to provide response.
- C. Dust Control: Contractor needs to maintain dust control throughout construction and minimize to the extent possible from normal plant operations.
- D. Special Inspections: Inspections to be coordinated by Strack with GeoHydro.
- E. Pre-construction Survey – Contractor will provide a pre-construction video survey of access and work areas prior to construction work.

- F. Elevate Drilling & Blasting and HydroSpec: Contractor to provide GEFA 9 and GEFA 10 for blasting sub along with Specialty Letter. HydroSpec has changed their name to Valor Enviromental and will need to have Contractor provide name change letter from Valor to include in project records.

Pre-Construction Meeting Sign-In Sheet

City of Dallas

West Dallas Collector Sewer Extension - Phase 1

Project #2020-07

GEFA Loan No. CW2021008

September 13, 2022 at 10:00 am

City Hall, 129 E. Memorial Drive, Dallas, GA 30132

	Company	Contact	E-mail	Phone
1	Willow Construction	Alan C. Braver	agrand@willowcon.com	770-272-1555
2	" "	Mitchell Domick	mdomick@willowcon.com	" "
3	Strack, Inc.	Jonathan Strack	jonathans@strackinc.com	404-713-7708
4	Strack, Inc.	Wesley Clark	wesley@strackinc.com	678-480-1586
5	Strack, Inc.	Brent Day	BrentD@strackinc.com	470-590-8235
6	Strack Inc	David Cooper	DavidC@strackinc.com	404-427-0557
7	City of Dallas	Byce Atcheson	BAtcheson@dallas-ga.gov	770 443 8110
8	W.K. Dickson	Nick McInnell	nmcconne@wkdickson.com	770-876-4977
9	CITY OF DALLAS	Brandon Jackson	brandon@wkdickson.com	678-447-4945
10	W.K. DICKSON	MIKE JONES	MJONES@WKDICKSON.COM	404-406-9112

Pre-Construction Meeting Sign-In Sheet

City of Dallas

West Dallas Collector Sewer Extension - Phase 1

Project #2020-07

GEFA Loan No. CW2021008

September 13, 2022 at 10:00 am

City Hall, 129 E. Memorial Drive, Dallas, GA 30132

	Company	Contact	E-mail	Phone
11	City of Dallas	Brian Bourque	bbourque@dallas-ga.gov	678-727-2832
12	City of Dallas	hee James	James@dallas-ga.gov	678-449-4333
13	GEFA	Jenerrah Byron	jbyron@gefa.ga.gov	404 584 1049
14	GEFA	Amanda Carroll	acarroll@gefa.ga.gov	404-450-8381
15	City of Dallas	Kendall Smith	ksmith@dallas-ga.gov	770-443-8110
16	WK DICKSON	CITUCK RAIN	CRANN@EDISONENG.COM	678-471-3463
17				
18				
19				
20				

MATERIAL INVENTORY

Date: September 9, 2022

Location: 1753 Old Cartersville Rd
Dallas, GA 30132

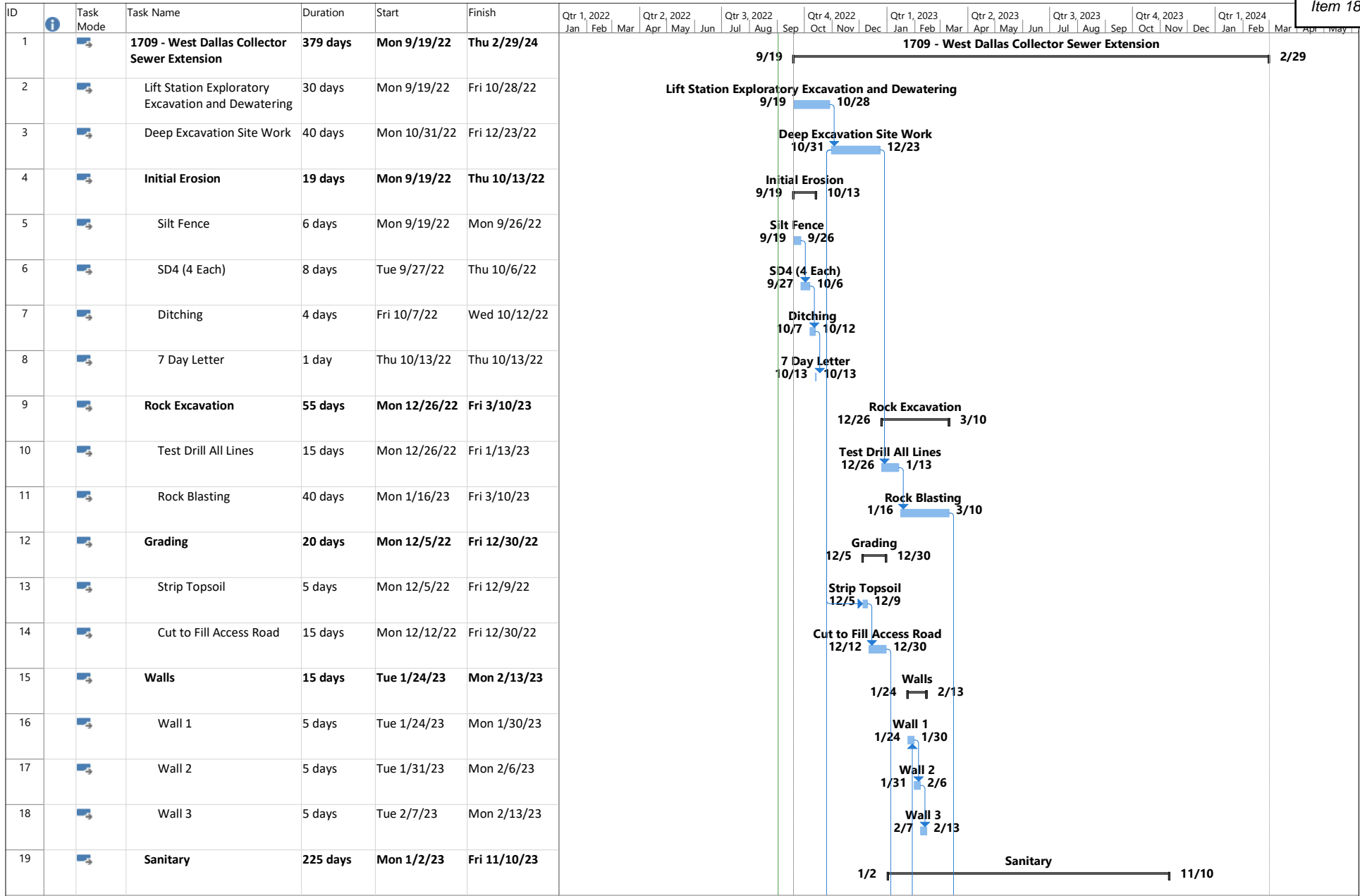
Subject: **Project Site Inspection & Material Inventory**
West Dallas Collector Sewer Extension – Phase 1
City of Dallas #2020-07
GEFA Loan No. CW2021008
WKD # 20220511.00.AT

OBSERVATIONS

Nick McConnell conducted a Site Inspection on September 9, 2022 to perform an inventory of material currently stored at the site. Material stored along access road to Pumpkinvine WWTP and along prosed force main route. Table 1 shows the material counted on site as of 9-09-22.

Table 1					
Material Class & Size	Quantity Ordered (LF)	Material Inventoried On Site (EA)	Material Delivered According to Bill of Lading		Material Unaccounted for (LF)
			to Site (LF)	to Strack (LF)	
24" PS 115	5,600	392	5,600	0	98
12" DR-18	3,980	199	3,980	0	0
12" SDR 26	238	0	126	112	126
10" DR-18	3,980	119	2,400	1,580	20
8" SDR 26	4,228	302	4,228	0	0
36" 0.500	400	20	0	0	0
20" 0.375	100	5	0	0	0
16"0.250	80	4	0	0	0

This table includes two pipes found on site that were damaged. One 14-foot section of 24-inch PS 115 and one 20-foot section of 10-inch DR-18.



Project: 1709 - West Dallas Coll Date: Fri 9/2/22	Task	Project Summary	Manual Task	Start-only	Deadline
	Split	Inactive Task	Duration-only	Finish-only	Progress
	Milestone	Inactive Milestone	Milestone	External Tasks	Manual Progress
	Summary	Inactive Summary	Manual Summary	External Milestone	Milestone



Brian P. Kemp
Governor

GEORGIA ENVIRONMENTAL FINANCE AUTHORITY

Hunter Hill
Executive Director

PRECONSTRUCTION CONFERENCE STATE REVOLVING FUND CHECK-LIST

Project:	Contractor:
Project No.:	Contractor's NTP:
Loan Contract Execution Date:	Contractor's Completion Date:
Loan Construction Completion Date:	Contract Amount:
First Loan Draw Deadline:	Other Funding Source(s):

GENERAL INFORMATION:

The Owner is responsible for compliance with all requirements of its loan contract as it relates to the following:

- (1) Placement of work in accordance with loan contract requirements.
- (2) Protection of stored materials.
- (3) Compliance with Wage Rates, Davis-Bacon Act, and certified payroll (29 CFR).
- (4) Compliance with Labor Interviews: A minimum of 2 rounds of interviews must be conducted during the project. (One round at the beginning, one round at the end of the project).
- (5) Required signs should be displayed on the project site in a location accessible to workers.
- (6) Compliance with American Iron & Steel Requirements (AIS).

GEFA will periodically perform site visits to verify loan contract compliance. The Owner will receive a written loan compliance report, with a copy to the Engineer.

LOAN DRAWS:

The Owner is required to submit information required by Exhibit "C" of the loan contract before loan disbursements may commence.

- a) Proof of advertising
- b) Certified detailed bid tabulation
- c) Engineer's award recommendation
- d) Governing body's award resolution
- e) Executed contract documents, including plans and specifications
- f) Construction and payment schedules
- g) Notice to proceed
- h) Non-collusion Affidavit (Contractor's written oath in accordance with O.C.G.A. 36-91-21)
- i) Summary of plans for on-site quality control to be provided by the Owner or Engineer - name and brief qualifications of construction inspector(s) and approximate hours per week of inspection to be provided.
- j) Disadvantaged Business Enterprise (DBE) approval

One loan draw request may be submitted per month. Loan funds will be disbursed in accordance with funding percentages shown in the loan contract budget.

LOAN DRAWS (continued):

Item 18.

Loan funds will be disbursed when:

- Loan compliance has been demonstrated
- “Owner” and “Owner’s representative” have certified and approved work in place and GEFA loan compliance has been met. Pay estimates accompanying the Owner’s draw requests must clearly define work in place. A stored material summary should show the value of materials received, placed, and stored during the pay period. Invoices for materials should be included with the pay estimate.
- A signed “Sub-recipient Report of Davis Bacon Compliance” form from the owner is submitted. ***See Attached.**

Final funding will be processed for each construction contract when contract work, including punch-list work, is complete, and GEFA has received a copy of the **Engineer’s certification** that work is complete in conformance with approved contract documents and a copy of the **Contractor’s final pay estimate and final release of lien**. The **Owner’s final loan draw request** must include the **Owner’s certification** that the project is complete and there are no known liens or claims are pending as a result of the project.

CHANGE ORDERS:

A copy of all approved executed change orders between “Owner”, “Owner’s Representative”, and Contractor must be submitted to GEFA for review of concurrence with loan contract.

FEDERAL REQUIREMENTS:

Davis Bacon - Copies of payrolls for the prime contractor and all subcontractors should be included with contractor’s pay requests and submitted to the Owner for its files. (See SRF Supplemental General Conditions or 29 CFR 5.5 for full requirements). The prime Contractor must maintain copies of certified weekly payrolls for itself and for all subcontractors for a period of three years beyond completion. The Owner must verify contractor compliance with Davis Bacon requirements, perform representative labor standards interviews, and provide required reports to GEFA. All records are subject to audit or review. GEFA will periodically spot-check the Owner’s Davis Bacon compliance files.

EEO/DBE requirements of the construction contract will be enforced. Any changes/substitutions of approved subs and all additions must be reported to GEFA. Efforts to include DBE participation in any future subcontracting must be approved by GEFA. Appropriate documentation should be submitted, regardless of the amount of the subcontract. The annual report of MBE/WBE utilization (EPA Form 5700-52) must be received by the 15th of October for the annual reporting period, even if there is no activity to report. Violations will result in ineligibility of related work. ***All required reporting forms are included in the SRF Supplemental General Conditions of the construction contract.***

OSHA - A "competent person", as defined by OSHA as responsible for safety, should be identified on site. OSHA, EEO posters, signage, and wage rates should be posted on site in a location accessible to employees.

American Iron and Steel Requirements – (See AIS Supplemental General Conditions or 29 CFR 5.5 for full requirements). *Manufacturing Certifications must be specific to the project specifying the products used, location of manufacturing, name of project and include the manufacturer’s letterhead and signature. The Owner is required to maintain records for a minimum of 3 years. De Minimus Waiver may not exceed more than 5 percent or 1% of the total cost of the project materials for cumulatively or individually, respectively.*

Questions and comments regarding loan funding of this project may be directed to:

Amanda Carroll Water Resources Division Georgia Environmental Finance Authority 47 Trinity Ave SW Fifth Floor Atlanta, Georgia 30334
(404) 584-1053 (office)
(404) 450-8381 (cell)
acarroll@gefa.ga.gov

CERTIFIED PAYROLL REVIEW CHECKLIST

Item 18.

CONTRACT ID City of CWSRF 00 - 000	PRIME/SUBCONTRACTOR X Construction
GENERAL WAGE DECISION AND DATE GA20080105 09/04/09	PAYROLL ENDING

INSTRUCTIONS: This checklist is to be used in conjunction with projects requiring Davis-Bacon Wage Rates and compliance reviews. All certified payrolls are to be date stamped upon receipt from the prime contractor.

Payroll Information Checklist:

- _____ Contractor's or subcontractor's name and address
- _____ Contract ID numbers (GEFA SRF No.)
- _____ Week ending.
- _____ Project location.

- _____ Employee ID or Last 4 digits of Social Security Number
 - _____ Social Security Number removed
 - _____ Employee's work classification
 - _____ Identification of OJTs, apprentices and program levels (%) on payrolls.
 - _____ Verify that OJT and Apprentice Program documentation is in project files.

- _____ Daily and weekly employee hours worked in each job classification.
 - _____ Daily and weekly employee overtime (or premium) hours worked
 - _____ Total weekly hours worked on all jobs (prevailing and non-prevailing wage).
 - _____ Base rate shown for each employee, overtime (or premium) rate shown when worked.
 - _____ Verify correct wage rates are being paid.
 - _____ Verify overtime is being paid correctly (over 40 hrs/wk, and Time and a half)
 - _____ Week's gross wages
 - _____ Week's itemized deductions.
 - _____ Week's net wages paid

- _____ Compliance statement attached.
 - _____ Method of fringe benefit payment described by checking either box (4)(a) or (4)(b).
 - _____ Fringe benefit package information in file and updated as needed (if 4(a) is checked)
 - _____ Exceptions explanation for fringe benefit (4)(c).
 - _____ Signature.

Compliance Review Checklist (for field reviews):

- _____ Verify work classifications reported are consistent with the work performed.
- _____ Compare payrolls with wage rate interviews when conducted.
- _____ Compare number of employees and hours worked with project documentation.

**STATE REVOLVING FUND SUBRECIPIENT REPORT OF COMPLIANCE WITH
DAVIS-BACON LABOR STANDARDS PROVISIONS
FOR FEDERALLY ASSISTED CONTRACTS**

Owner/Jurisdiction:

SRF Loan No:

Project Description:

This form will be submitted with or prior to the loan recipient's first request for funding of construction costs, prior to final disbursement of funds from the loan, and as requested by the State during the project.

Subrecipient (SRF loan recipient) Statement:

I confirm that to the best of my knowledge and belief that we are in compliance with the requirements of 29 CFR 5.5(a)(1), as referenced in the following requirements of the Davis Bacon Act, USEPA guidance, and the State Revolving Fund grant agreement between USEPA and the State of Georgia.

Signature (Owner/Owner Representative)

Date

USEPA Requirements (from Davis Bacon Act, USEPA guidance, SRF grant agreement):

2. Obtaining Wage Determinations

(a) Subrecipients shall obtain the wage determination for the locality in which a covered activity subject to DB will take place prior to issuing requests for bids, proposals, quotes or other methods for soliciting contracts (solicitation) for activities subject to DB. These wage determinations shall be incorporated into solicitations and any subsequent contracts. Prime contracts must contain a provision requiring that subcontractors follow the wage determination incorporated into the prime contract.

(i) While the solicitation remains open, the subrecipient shall monitor www.wdol.gov weekly to ensure that the wage determination contained in the solicitation remains current. The subrecipients shall amend the solicitation if DOL issues a modification more than 10 days prior to the closing date (i.e. bid opening) for the solicitation. If DOL modifies or supersedes the applicable wage determination less than 10 days prior to the closing date, the subrecipients may request a finding from the State recipient that there is not a reasonable time to notify interested contractors of the modification of the wage determination. The State recipient will provide a report of its findings to the subrecipient.

(ii) If the subrecipient does not award the contract within 90 days of the closure of the solicitation, any modifications or supersedes DOL makes to the wage determination contained in the solicitation shall be effective unless the State recipient, at the request of the subrecipient, obtains an extension of the 90 day period from DOL pursuant to 29 CFR 1.6(c)(3)(iv). The subrecipient shall monitor www.wdol.gov on a weekly basis if it does not award the contract within 90 days of closure of the solicitation to ensure that wage determinations contained in the solicitation remain current.

(b) If the subrecipient carries out activity subject to DB by issuing a task order, work assignment or similar instrument to an existing contractor (ordering instrument) rather than by publishing a solicitation, the subrecipient shall insert the appropriate DOL wage determination from www.wdol.gov into the ordering instrument.

(c) Subrecipients shall review all subcontracts subject to DB entered into by prime contractors to verify that the prime contractor has required its subcontractors to include the applicable wage determinations.

(d) As provided in 29 CFR 1.6(f), DOL may issue a revised wage determination applicable to a subrecipient’s contract after the award of a contract or the issuance of an ordering instrument if DOL determines that the subrecipient has failed to incorporate a wage determination or has used a wage

determination that clearly does not apply to the contract or ordering instrument. If this occurs, the subrecipient shall either terminate the contract or ordering instrument and issue a revised solicitation or ordering instrument or incorporate DOL’s wage determination retroactive to the beginning of the contract or ordering instrument by change order. The subrecipient’s contractor must be compensated for any increases in wages resulting from the use of DOL’s revised wage determination.

3. Contract and Subcontract Provisions

(a) (3)(i) As to each payroll copy received, the subrecipient shall provide written confirmation in a form satisfactory to the State indicating whether or not the project is in compliance with the requirements of 29 CFR 5.5(a)(1) based on the most recent payroll copies for the specified week.

5. Compliance Verification (from Davis Bacon Act, USEPA guidance, SRF grant agreement)

(a). The subrecipient shall periodically interview a sufficient number of employees entitled to DB prevailing wages (covered employees) to verify that contractors or subcontractors are paying the appropriate wage rates. As provided in 29 CFR 5.6(a)(6), all interviews must be conducted in confidence. The subrecipient must use Standard Form 1445 (SF 1445) or equivalent documentation to memorialize the interviews. Copies of the SF 1445 are available from EPA on request.

(b) The subrecipient shall establish and follow an interview schedule based on its assessment of the risks of noncompliance with DB posed by contractors or subcontractors and the duration of the contract or subcontract. At a minimum, the subrecipient should conduct interviews with a representative group of covered employees within two weeks of each contractor or subcontractor’s submission of its initial weekly payroll data and two weeks prior to the estimated completion date for the contract or subcontract. Subrecipients must conduct more frequent interviews if the initial interviews or other information indicates that there is a risk that the contractor or subcontractor is not complying with DB. Subrecipients shall immediately conduct necessary interviews in response to an alleged violation of the prevailing wage requirements. All interviews shall be conducted in confidence.

(c). The subrecipient shall periodically conduct spot checks of a representative sample of weekly payroll data to verify that contractors or subcontractors are paying the appropriate wage rates. The subrecipient shall establish and follow a spot check schedule based on its assessment of the risks of noncompliance with DB posed by contractors or subcontractors and the duration of the contract or subcontract. At a minimum, if practicable the subrecipient should spot check payroll data within two weeks of each contractor or subcontractor’s submission of its initial payroll data and two weeks prior to the completion date the contract or subcontract. Subrecipients must conduct more frequent spot checks if the initial spot check or other information indicates that there is a risk that the contractor or subcontractor is not complying with DB. In addition, during the examinations the subrecipient shall verify evidence of fringe benefit plans and payments thereunder by contractors and subcontractors who claim credit for fringe benefit contributions.

(d). The subrecipient shall periodically review contractors and subcontractors use of apprentices and trainees to verify registration and certification with respect to apprenticeship and training programs approved by either the U.S Department of Labor or a state, as appropriate, and that contractors and subcontractors are not using disproportionate numbers of, laborers, trainees and

apprentices. These reviews shall be conducted in accordance with the schedules for spot checks and interviews described in Item 5(b) and (c) above.

Item 18.

(e) Subrecipients must immediately report potential violations of the DB prevailing wage requirements to the EPA DB contact listed above and to the appropriate DOL Wage and Hour District Office listed at <http://www.dol.gov/esa/contacts/whd/america2.htm>

GEORGIA ENVIRONMENTAL FINANCE AUTHORITY

AMERICAN IRON AND STEEL SPECIAL CONDITIONS AND INFORMATION

For

FEDERALLY ASSISTED STATE REVOLVING LOAN FUND CONSTRUCTION CONTRACTS

March 18, 2014

The Following standard language must be incorporated into construction contract documents and in all solicitations for offers and bids for all construction contracts or subcontracts to be funded, in whole or in part, through the Federally-assisted State Revolving Fund in the State of Georgia for projects subject to the American Iron and Steel requirements.

These Special Conditions shall not relieve the participants in this project of responsibility to meet any requirements of other portions of this construction contract or of other agencies, whether these other requirements are more or less stringent. The requirements in these Special Conditions must be satisfied in order for work to be funded with the State Revolving Fund.

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GENERAL REQUIREMENTS

These Special Conditions are based on guidance provided by the United States Environmental Protection Agency (EPA). Public Law 113-76, the Consolidated Appropriations Act, 2014 (Act), includes an “American Iron and Steel” (AIS) requirement that requires State Revolving Loan Fund (SRF) assistance recipients to use iron and steel products that are produced in the United States for projects in this project. A copy of Section 436 of the Act is found in Appendix 3.

The products and materials subject to these requirements will be defined in Appendix 1 of these special conditions.

The Owner must maintain documentation of compliance with the AIS requirements. The documentation that the Owner maintains will be subject to review and audit by representatives of the state of Georgia, the EPA, the EPA Office of the Inspector General, and other federal authorities.

The Prime Contractor must provide certifications of compliance for all products subject to AIS requirements to the Owner prior to requesting payments for those products. The Owner or the Engineer may require certifications of compliance with submittals and shop drawings for these products as part of the submittal review process.

All manufacturing processes for a covered iron or steel product, as further defined in Appendix 1, must take place in the United States. If a covered product is taken out of the US for any part of the manufacturing process, it becomes foreign source material.

The EPA recommends the use of a step certification process to document the locations of the manufacturing processes involved with the production of steel and iron materials. A step certification is a process under which each handler (supplier, fabricator, manufacturer, processor, etc.) of the iron and steel products certifies that its step in the process was domestically performed. Each time a step in the manufacturing process takes place, the manufacturer delivers its work along with a certification of its origin. A certification should include the name of the manufacturer, the location of the manufacturing facility where the product or process took place (not its headquarters), a description of the product or item being delivered, and a signature by a manufacturer’s responsible party. Attached in Appendix 2 is a sample step certification.

Alternatively, the final manufacturer that delivers the iron or steel product to the worksite, vendor, or contractor, may provide a certification asserting that all manufacturing processes for the product and for its iron and steel components occurred in the United States. The EPA states that additional documentation may be needed if the certification lacks important information and recommends step certification as the best practice. A sample final manufacturer certification is attached in Appendix 2.

Contractor, supplier, and manufacturer records are subject to review and audit by the EPA, its Inspector General, and other federal authorities.

Failure to comply with these requirements may delay, limit, or prevent the disbursement of SRF funds to the Owner. Violations of AIS requirements will require correction by the Contractor as determined by the Owner and Engineer, including replacement of deficient products with compliant products and compensation for costs and other damages that may result. Violations may also subject the Owner, the Contractor, and suppliers to other enforcement actions within the discretion of the EPA and other federal authorities.

The Act permits EPA to issue waivers for a case or category of cases in which EPA finds (1) that applying these requirements would be inconsistent with the public interest; (2) iron and steel products are not produced in the US in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron

and steel products produced in the US will increase the cost of the overall project by more than 25 percent. The Contractor should notify the Owner and Engineer immediately if it finds that a waiver may be required.

Item 18.

By submitting a bid for this project and by executing this construction contract, the Contractor acknowledges to and for the benefit of the Owner and the state of Georgia that it understands that the goods and services under this Agreement are being funded with monies made available by the Clean Water State Revolving Fund or the Drinking Water State Revolving Fund and that Federal law authorizing these Funds contains provisions commonly known as "American Iron and Steel" that requires all of the iron and steel products used in the project to be produced in the United States ("American Iron and Steel Requirement") including iron and steel products provided by the Contractor pursuant to this Agreement. The Contractor hereby represents and warrants to and for the benefit of the Owner and the state of Georgia that (a) the Contractor has reviewed and understands the American Iron and Steel Requirement, (b) all of the iron and steel products used in the project will be and/or have been produced in the United States in a manner that complies with the American Iron and Steel Requirement, unless a waiver of the requirement is approved, and (c) the Contractor will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the American Iron and Steel Requirement, as may be requested by the Owner or the state of Georgia. Notwithstanding any other provision of this Agreement, any failure to comply with this paragraph by the Contractor shall permit the Owner or the state of Georgia to recover as damages against the Contractor any loss, expense, or cost (including without limitation attorney's fees) incurred by the Owner or the state of Georgia resulting from any such failure (including without limitation any impairment or loss of funding, whether in whole or in part, from the state of Georgia or any damages owed to the state of Georgia by the Owner). The Owner and the Contractor agree that the state of Georgia, as a lender to the Owner for the funding of its project, is a third-party beneficiary and neither this paragraph (nor any other provision of this Agreement necessary to give this paragraph force or effect) shall be amended or waived without the prior written consent of the state of Georgia.

Appendix 1 – Definitions

For purposes of the Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) projects that must comply with the AIS requirement, an iron or steel product is one of the following made primarily of iron or steel that is permanently incorporated into the project:

Lined or unlined pipes or fittings;
 Manhole Covers;
 Municipal Castings (defined in more detail below);
 Hydrants;
 Tanks;
 Flanges;
 Pipe clamps and restraints;
 Valves;
 Structural steel (defined in more detail below);
 Reinforced precast concrete; and
 Construction materials (defined in more detail below).

Product primarily of iron or steel: The product must be made of greater than 50% iron or steel, measured by cost. If one of the listed products is not made primarily of iron or steel, United States (US) provenance is not required. If a product is composed of more than 50% iron or steel, but is not listed in Section 436. (a)(2) of the Act, it is not required to be produced in the US. Alternatively, the iron or steel in such a product can be sourced from outside the US.

Steel: An alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements. Other alloys of iron are not required to be produced in the US.

Produced in the United States: Production in the US of the iron or steel products used in the project requires that all manufacturing processes, including application of coatings, must take place in the United States, with the exception of metallurgical processes involving refinement of steel additives. All manufacturing processes includes processes such as melting, refining, forming, rolling, drawing, finishing, fabricating and coating. Further, if a domestic iron and steel product is taken out of the US for any part of the manufacturing process, it becomes foreign source material. However, raw materials such as iron ore, limestone and iron and steel scrap are not covered by the AIS requirement, and the material(s), if any, being applied as a coating are similarly not covered. Non-iron or steel components of an iron and steel product may come from non-US sources. For example, for products such as valves and hydrants, the individual non-iron and steel components do not have to be of domestic origin.

Municipal Castings: Municipal castings are cast iron or steel infrastructure products that are melted and cast. They typically provide access, protection, or housing for components incorporated into utility owned drinking water, storm water, wastewater, and surface infrastructure. They are typically made of grey or ductile iron, or steel. Examples of municipal castings include access hatches, ballast screen, benches, bollards, cast bases, cast iron hinged hatches, cast iron riser rings, catch basin inlets, cleanout/monument boxes, construction covers and frames, curb and corner guards, curb openings, detectable warning plates, downspout shoes, drainage grates, frames & curb inlets, inlets, junction boxes, lampposts, manhole covers, rings & frames, risers, meter boxes, steel hinged hatches, steel riser rings, trash receptacles, tree grates, tree guards, trench grates, and valve boxes.

Structural Steel: Structural steel is rolled flanged shapes, having at least one dimension of their cross-section 3 inches or greater, which are used in the construction of bridges, buildings, ships, railroad rolling

stock, and for numerous other constructional purposes. Such shapes are designated as wide-flange shapes, standard I-beams, channels, angles, tees and zees. Other shapes include H-piles, sheet piling, tie plates, cross ties, and those for other special purposes.

Reinforced Precast Concrete: While reinforced precast concrete may not be at least 50% iron or steel, in this particular case, the reinforcing rebar must be produced in the US and meet the same standards as for any other iron or steel product. Additionally, the casting of the concrete product must take place in the US. If the reinforced concrete is cast at the construction site, the reinforcing rebar is considered to be a construction material and must be produced in the US.

Construction Materials subject to AIS: Construction materials are those articles, materials, or supplies made primarily of iron and steel, that are permanently incorporated into the project, not including mechanical and/or electrical components, equipment and systems. Some of these products may overlap with what is also considered "structural steel". This includes, but is not limited to, the following products: welding rods, wire rod, bar, angles, concrete reinforcing bar, wire, wire cloth, wire rope and cables, tubing, framing, joists, trusses, fasteners, welding rods, decking, grating, railings, stairs, access ramps, fire escapes, ladders, wall panels, dome structures, roofing, ductwork, surface drains, cable hanging systems, manhole steps, fencing and fence tubing, guardrails, doors, gates, and screens.

Construction Materials not subject to AIS: Mechanical and/or electrical components, equipment and systems are not considered construction materials. The following examples are NOT considered construction materials: gear reducers, drives, mixers, heat exchangers, pumps, motors, blowers/aeration equipment, meters, variable frequency drives (VFDs), valve actuators, controls, supervisory control and data acquisition (SCADA), membrane bioreactor systems, membrane filtration systems, filters, disinfection systems, belt presses, HVAC (excluding ductwork), water heaters, generators, cabinetry and housings, lighting fixtures, electrical conduit, emergency life systems, metal office furniture, shelving, laboratory equipment, and analytical instrumentation.

Items temporarily used during construction, which are removed from the project site upon completion of the project, are not required to be made of U.S. Iron or Steel. For example, trench boxes or scaffolding are not considered construction materials subject to AIS requirements.

Appendix 2 – Sample Certifications Step Certification

The following information is provided as a sample letter of step certification for American Iron and Steel compliance. Documentation must be provided on company letterhead. This is to be provided by each handler (supplier, fabricator, manufacturer, processor, etc.). Each time a step in the manufacturing process takes place, the handler delivers its work along with a certification of its origin.

Date

Company Name
Company Address
City, State Zip

Subject: American Iron and Steel Step Certification for Project (**Insert project name and SRF number**)

I, (company representative), certify that the (melting, bending, coating, galvanizing, cutting, etc.) process for (manufacturing or fabricating) the following products and/or materials shipped or provided for the subject project is in full compliance with the American Iron and Steel requirement as mandated in EPA's State Revolving Fund Programs.

List of items, products and/or materials:

If any of the above compliance statements change while providing material to this project, we will immediately notify the prime contractor and the engineer.

Signed by company representative

Appendix 2 – Sample Certifications

The following information is provided as a sample letter of the final manufacturer to certify American Iron and Steel compliance for the entire manufacturing process. Documentation must be provided on company letterhead.

Date

Company Name
Company Address
City, State Zip

Subject: American Iron and Steel Certification for Project (Insert project name and SRF number)

I, (company representative), certify that the following products and/or materials shipped/provided to the subject project are in full compliance with the American Iron and Steel requirement of P.L. 113-76 and as mandated in EPA's State Revolving Fund Programs.

List of items, products and/or materials:

If any of the above compliance statements change while providing material to this project, we will immediately notify the prime contractor and the engineer.

Signed by company representative

Appendix 3 – P.L. 113-76, Consolidated Appropriations Act, 2014

The Act states:

Sec. 436. (a)(1) None of the funds made available by a State water pollution control revolving fund as authorized by title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or made available by a drinking water treatment revolving loan fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term “iron and steel products” means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency (in this section referred to as the “Administrator”) finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Administrator may retain up to 0.25 percent of the funds appropriated in this Act for the Clean and Drinking Water State Revolving Funds for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

(f) This section does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency’s capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of the enactment of this Act.

Certification Letter Example

833 Chestnut Street Suite 1200
Chattanooga, TN 37400

Certification of Compliance with American Iron and Steel (AIS) Provisions

November 12, 2014

Subject: ██████████ Construction, Custer Avenue, Lyons, IL

I, ██████████ certify that the following gate valves provided to the ██████████ project in Lyons, IL are in compliance with the American Iron and Steel requirement as mandated in the Environmental Protection Agency's State Revolving Fund Programs and as interpreted by the EPA.

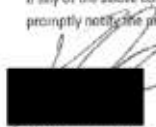
Items, Products and/or Materials:

1. A-2360-19, 14 x 14 Resilient Wedge Gate Valve, 6" qty. 1, 8" qty. 1
2. A-2360-23, 14 x 14 Resilient Wedge Gate Valve, 8" qty. 5

The products that are the subject of this certificate were manufactured in Chattanooga, TN.

All gate valve components are cast, machined, assembled and tested in the United States with the exception of fasteners, stem material and two small castings (stuffing box/op nut) which account for less than 10% of the manufacturing cost.

If any of the above compliance statements change while providing material to this project, we will promptly notify the prime contractor or the engineer.


VP Product Management & Marketing

Project name/location

Specific items for project

Reference to AIS requirements

Where the items were manufactured

Signature

Bonus Points for Notary. Not required



Notarized By: 
My Commission Expires: 5/27/18

October 12, 2022

Mr. Brent Day
Strack, Inc.
125 Laser Industrial Court
Fairburn, GA 30213
(via e-mail: brentd@strackinc.com)

RE: Notice to Proceed
West Dallas Collector Sewer Extension – Phase 1
City of Dallas #2020-07
GEFA Loan No. CW2021008
WKD # 20220511.00.AT

Dear Mr. Day:

On behalf of the City of Dallas you are hereby notified to commence work in accordance with the executed contracts on or before September 19, 2022. Your contract calls for the work to be substantially completed within 280 consecutive calendar days (June 26, 2023) with the date of final payment to be 30 consecutive calendar days thereafter (February 29, 2024). It was noted at the Pre-construction Meeting held on September 13, 2022 that there were schedule concerns for the project and those issues would be discussed at a later date with the City of Dallas to review/approve.

You are requested to acknowledge receipt of the Notice to Proceed of the following page of this letter.

Contact me if you have any questions.

Sincerely,

W.K. Dickson & Co., Inc.




Charles D. Rann, PE
Senior Consultant

2203 Charles Hardy Parkway
Suite 300
Dallas, GA 30157
Tel. 770.505.8115
www.wkdickson.com

Mr. Brent Day
October 12, 2022
Page 2

cc: Brandon Rakestraw, City of Dallas
Mike Jones, PE, WK Dickson & Co., Inc.
Nick McConnell, WK Dickson & Co., Inc.

Receipt of the above Notice to Proceed is hereby acknowledged by Strack, Inc.

Signed:  _____ Date: 10/14/22 _____

Request for Information

Project : **West Dallas Collector**

RFI Number: **003**

Contractor: **Strack, Inc.**

Request Date: **9/28/2022**

Attention: **Charles Rann**

Reference Drawing: **S6 and C19**

Reference Detail: **1/S6 and 1/C19**

Response Requested By: **10/7/2022**

Spec. Section: **NA**

Reason for Request:

- Insufficient Information Alternative Proposal
 Engineering Conflict Other

Action Requested:

- Clarification Approval
 Direction

Probable Effect:

- Increased Cost Increased Time Unknown
 Decreased Cost Decreased Time None

Information Requested:

See attached RFI #4 from Willow.

Contractor Recommended Solution (If Applicable):

N/A

Submitted By: **Brent Day**

- Proceed with Recommended Solution
 Proceed with these Instructions

[See instructions on following page.](#)

REQUEST FOR INFORMATION

Date: 9/20/22

RFI # 4

Willow Construction Inc.
3970 Flint Hill Road
Powder Springs, Georgia 30127
770-222-1555 Fax 770-222-9139

Job: West Dallas Collector

Job No. :2630

FROM: Mitchell Domit

TO: Brent Day, Strack, Inc.

email; BrentD@strackinc.com

INFORMATION NEEDED

Drawing S6 detail 1/S6 gives a wet well invert elevation of 811.33

Drawing C19 detail 1/C19 gives a wet well invert elevation of 809.83

Is the 811.33 elevation that the structural design is based on, correct?

REPLY

Wet well invert elevation shall be 811.33 per Sheet S6. See attached revised Sheets (C19, C20, C21, S2, S6, S7, & S13).

By: _____

Date: _____

2/6/23

THESE PLANS AND DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF CROY ENGINEERING, LLC. NOR ARE THEY TO BE ASSIGNED TO ANY PARTY WITHOUT WRITTEN PERMISSION AND CONSENT.

CROY
 N. COBB PKWY., BLDG. 400, SUITE 413
 MARIETTA, GA 30067
 PH (770) 971-5407

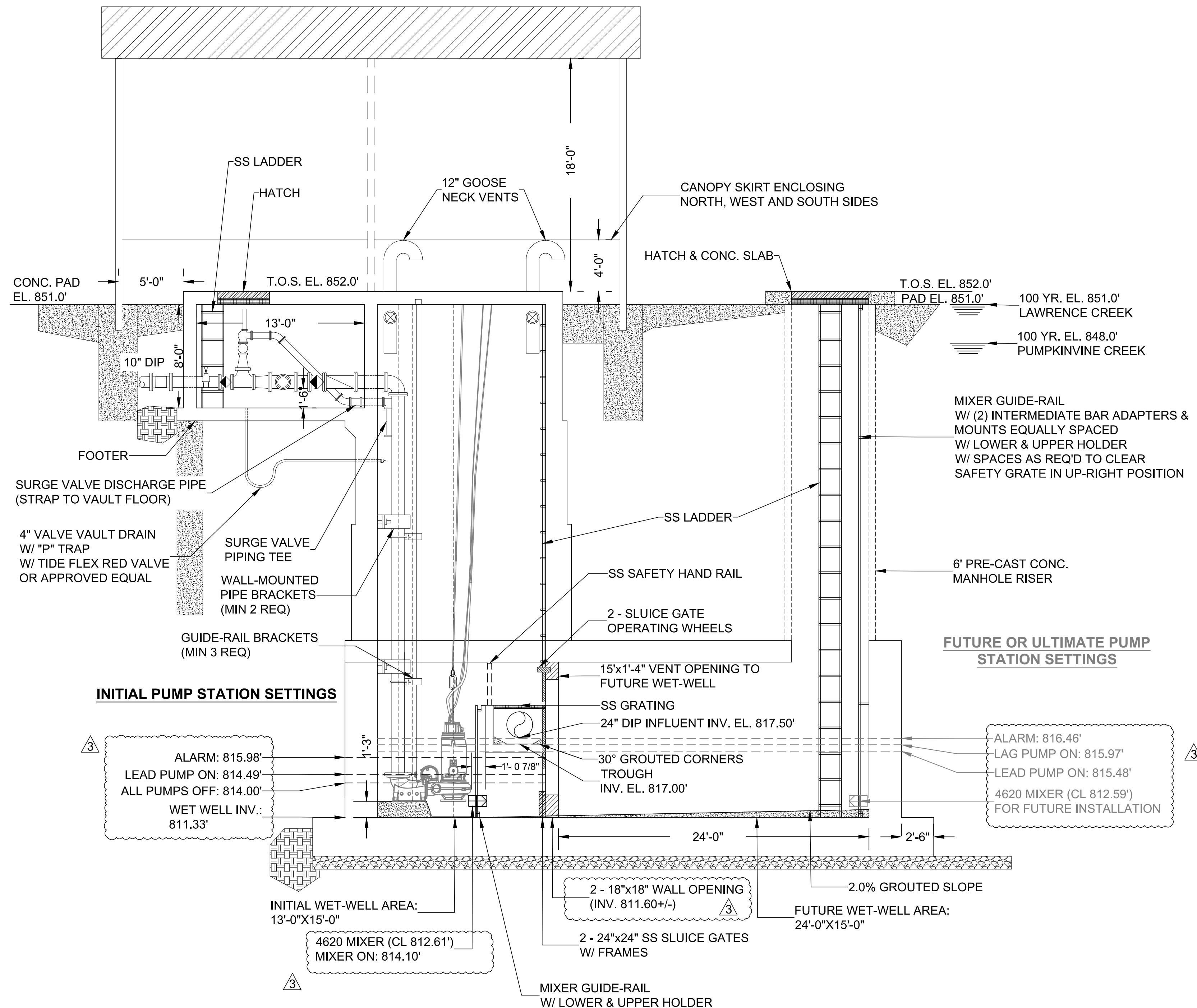
GAS05 PER004644
 SCALE: AS NOTED
 CROY PRJ. NO. 1919.09
 CROY DWG NO. - N/A

GENERAL NOTES:

1. THE CONTRACTOR SHALL SUPPLY THE FOLLOWING SPARE PARTS TO THE CITY OF DALLAS: 1-SET UPPER & LOWER SEALS, 1-SET WEAR RINGS, 1-SET UPPER & LOWER BEARINGS, AND 1-SPECIFIED IMPELLER.
 2. THE CONTRACTOR SHALL FURNISH 2 SPARE 15A BREAKERS IN THE CONTROL PANEL AND 3 SPARE FUSES OR FUSIBLE LINKS FOR ANY FUSES OR FUSIBLE LINKS IN THE CONTROL PANEL, ATS, GENERATOR, AND SCADA CABINETS.
 3. THE CONTRACTOR SHALL PROVIDE 2 LEVEL TRANSDUCER LEVEL CONTROL SYSTEMS; 1 PRIMARY LEVEL TRANSDUCER LEVEL CONTROL SYSTEM IN THE INITIAL WET-WELL AREA WITH 1 SET OF FLOOR SWITCHES FOR HIGH WATER & LOW WATER ALARM, AND 1 SECONDARY LEVEL TRANSDUCER LEVEL CONTROL SYSTEM FOR LEVEL MONITORING IN THE FUTURE WET WELL AREA.
 4. UPON INSTALLATION, ALL PUMPS SHALL BE CHECKED BY A MANUFACTURER'S REP. FOR PROPER ROTATION, PUMPING CAPACITY, AMPERAGE DRAWN, LACK OF VIBRATION, AND OTHER CHECKS AS MAY BE DEEMED NECESSARY TO ASSURE PROPER OPERATION.
 5. IN THE PRESENCE OF A REP. OF THE LOCAL GOVERNING DEPT. OR AUTHORITY ALL SUBMERSIBLE PUMPS SHALL BE PULLED OUT OF AND REINSTALLED IN THE WET-WELL TO ASSURE PROPER CLEARANCES FOR EASY REMOVAL OF THE PUMPS FOR MAINTENANCE.
 6. FIXED LIFT STATION WET-WELL ACCESS LADDERS SHALL BE PROVIDED AS SHOWN.
 7. THE CONTRACTOR SHALL FURNISH A 1 YEAR WARRANTY ON THE LIFT STATION AND ALL APPURTENANCES TO THE CITY OF DALLAS.
 8. BEFORE THE FINAL INSPECTION, THE CONTRACTOR SHALL PROVIDE THE CITY OF DALLAS 6 SETS OF OPERATION & MAINTENANCE MANUALS AND "AS-BUILT" DRAWINGS TO INCLUDE, AS A MINIMUM, THE FORCEMAIN LAYOUT, AIR/ AIR AND VACUUM RELIEF VALVE LOCATIONS & DETAILS, DETAILED WIRING SCHEMATICS, AND A LIST OF NAMES, ADDRESSES & TELEPHONE NUMBERS OF THE CONTRACTOR, EACH EQUIPMENT REP. & THE DESIGN ENGINEER. OPERATION AND MAINTENANCE MANUAL TO BE BOUND IN A STANDARD 3-RING BINDER AND ORGANIZED WITH DIVIDERS FOR THE ABOVE SPECIFIED INFORMATION.
- START-UP WILL NOT BE SCHEDULED UNTIL THE CITY OF DALLAS RECEIVES FIELD-LOCATED "AS-BUILTS" AND OPERATION & MAINTENANCE MANUALS.**
9. THE CONTRACTOR SHALL PAINT ALL LIFT STATION PIPING WITH A 5 MIL MINIMUM COATING OF TWO-PART EPOXY ENAMEL SUITABLE FOR EXPOSURE TO SEWERAGE. COATING SHALL BE APPLIED OVER AN INTEGRAL, AND MANUFACTURER'S RECOMMENDED PRIMER COATING. NO FINISH COATING SHALL BE APPLIED TO "BARE" METAL.

PUMP STATION NOTES:

1. THE DESIGN AND LAYOUT OF THIS LIFT STATION IS BASED ON SUBMERSIBLE PUMPS MANUFACTURED BY FLYGT CORPORATION.
 - DESIGN PUMPING RATE = 4200 GPM @ 124.0' TDH
 - STATIC HEAD = 78.8'
 - PUMPING IN A PARALLEL 10" AND 12" FORCEMAIN
 - HAZEN-WILLIAMS C = 140
 2. UNDER INITIAL CONDITIONS, THIS PUMP STATION IS DESIGNED FOR SIMPLEX OPERATIONS (i.e. ONE PUMP OPERATING ALONE SHALL BE CAPABLE OF HANDLING THE INITIAL PEAK FLOW(S) WITH THE PUMP MOTOR RUNNING AT 45 Hz AND PUMPING THROUGH A SINGLE 12" FORCEMAIN.
 3. THE INITIAL PUMP CONTROLS SHALL ALLOW FOR:
 - OPERATION OF SEQUENTIAL ALTERNATING STARTS OF EACH OF THE PUMPS AND, IF REQUIRED BY OPERATIONAL CONDITIONS OF THE STATION, THE VARIABLE SPEED MOTOR OPERATIONS CAN SPEED UP ABOVE 45 Hz.,
 - OPERATION OF 1 MIXER IN THE INITIAL WET-WELL.
 - OPERATION OF 1 MOTOR OPERATED PLUG VALVE ON THE 10" FORCEMAIN WILL BE "OPEN-CLOSED-AUTO" HAND CONTROLS AND INDICATOR LIGHTS. THE 10" PLUG VALVE WILL REMAIN IN THE "CLOSED" POSITION DURING INITIAL PUMP STATION OPERATIONS.
 - THE TRIPLEX PUMP IS IN THE INITIAL WET-WELL AS AN EMERGENCY BACK-UP PUMP, BUT WILL OPERATE WITHIN THE NORMAL ROTATION OF THE INITIAL PUMPING REGIME.
 4. THE FUTURE PUMP CONTROLS SHALL ALLOW FOR:
 - OPERATION OF THE FUTURE LIFT STATION (BOTH INITIAL & FUTURE WET-WELL AREA ACTIVE) AS A DUPLEX PUMP STATION AND VARIABLE SPEED MOTOR OPERATION WITH THE PUMPING RATE FOLLOWING THE INFLOW RATE INTO THE STATION ONCE FUTURE PUMP "START" IS CALLED FOR.
 - OPERATION OF 1 MIXER IN THE INITIAL WET-WELL AND OPERATION OF 1 MIXER IN THE FUTURE WET-WELL.
 - OPERATION OF 1 MOTOR OPERATED PLUG VALVE ON THE 10" FORCEMAIN WILL BE "OPEN-CLOSED-AUTO" HAND CONTROLS AND INDICATOR LIGHTS. THE 10" PLUG VALVE POSITION DURING FUTURE PUMP STATION OPERATIONS, WILL BE DETERMINED BY THE OPERATOR AND THE SCADA SYSTEM.
 - THE TRIPLEX PUMP IS IN THE INITIAL WET-WELL AS AN EMERGENCY BACK-UP PUMP, BUT WILL OPERATE WITHIN THE NORMAL ROTATION OF THE INITIAL PUMPING REGIME.
- ADDITIONAL OFFSITE CAPACITY IS NOT PROVIDED IN THE TRIPLEX PUMP DESIGN. THE TRIPLEX DESIGN IS FOR EMERGENCY PUMPING OPERATIONS ONLY.**
5. ALL PUMP STATION PIPING, VALVE PIT PIPING, YARD PIPING TO THE ON-SITE MAG-METERS AND FITTINGS 4" Ø ARE TO BE BLACK IRON WITH 2-PART EPOXY COATING.
 6. VALVES AND FITTINGS IN THE VALVE PIT TO BE PROPERLY ANCHORED TO CONCRETE SUPPORTS WITH METAL STRAPS (1/8" THICK STEEL MINIMUM) OR BASE PIPE FITTINGS.
 7. SEE STRUCTURAL DETAILS FOR ADDITIONAL INFORMATION ON THE STATION LAYOUT AND CONSTRUCTION AND MATERIAL REQUIREMENTS.
 8. LIFT STATION PUMP SIZING BASED ON ITT-FLYGT CORPORATION. SEE FLYGT STANDARD DETAIL SHEET FOR ADDITIONAL PUMP DETAILS.



LIFT STATION SECTION VIEW
SCALE: 3/16" = 1'-0"

P:\Municipal\1919 Edison Engineering\1919.011 West Dallas Sewer Engineering\Design\CNST_PLANS_LS (MW Depth Revision).dwg, 2/6/2023 5:20:43 PM



DESIGN: CBW
DRAWN: PEB
CHECK: CBW

BAR BELOW IS 1" LONG FOR SCALES SHOWN ON THIS SHEET. IF NOT 1" LONG ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

PROJECT NUMBER	SCALE	DATE	REVISION	DATE
21-002	3/16"=1'-0"	2-18-22		
			ISSUED FOR BID AND PERMITTING	2-22-22
			UPDATED WET WELL DEPTH	2-01-23

EDISON ENGINEERING GROUP
 MUNICIPAL ENVIRONMENTAL-LAND PLANNING
 2203 Charles Hardy Parkway • Dallas, GA 30157
 Office (770) 505-8115

WEST DALLAS COLLECTOR
SEWER EXTENSION - PHASE I
LIFT STATION DETAIL &
SECTION

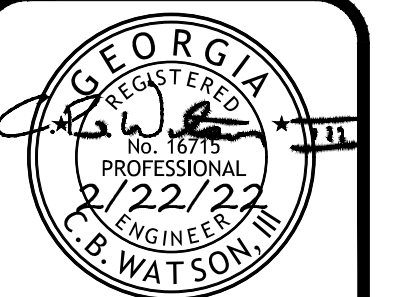
SHEET NO.
C19

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CROY

N. COBB PKWY., BLDG. 400, SUITE 413
MARIETTA, GA 30067
PH: (770) 971-5407

GASOS PER004644
SCALE: AS NOTED
CROY PRJ NO. 1919.09
CROY DWG NO. - N/A



DESIGN: CBW
DRAWN: PEB
CHECK: CBW

BAR BELOW IS 1" LONG FOR SCALES SHOWN ON THIS SHEET. IF NOT 1" LONG ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

PROJECT NUMBER	SCALE	DATE	REVISION	DATE
21-002	3/16"=1'-0"	2-18-22		2-18-22
			ISSUED FOR BID AND PERMITTING	2-22-22
			UPDATED WET WELL DEPTH	2-01-23

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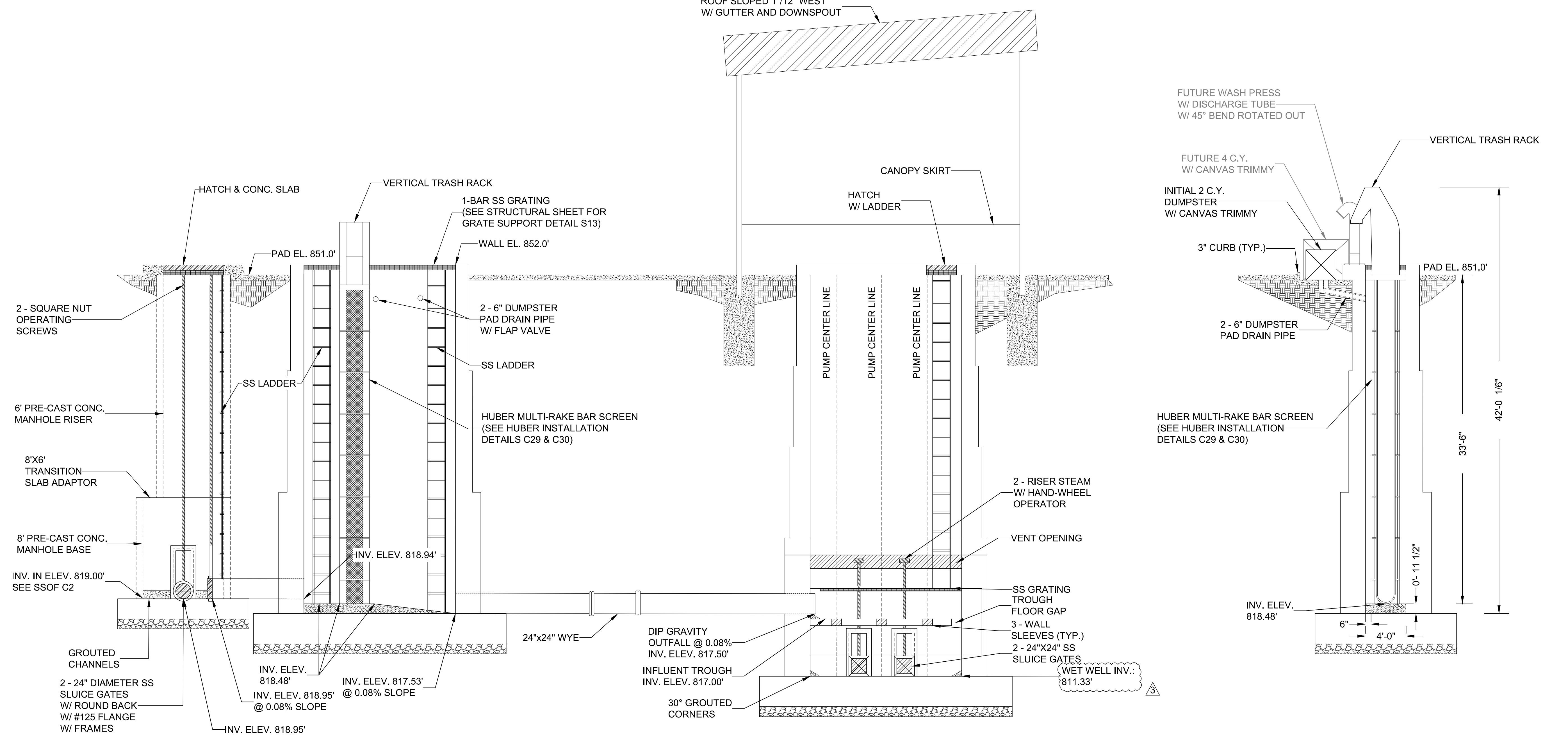
WEST DALLAS COLLECTOR
SEWER EXTENSION - PHASE I

LIFT STATION DETAIL &
SECTION

SHEET NO.
C20

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ROOF SLOPED 1" / 12" WEST
W/ GUTTER AND DOWNSPOUT



2
C20
LIFT STATION TWISTED SECTION VIEW
SCALE: 3/16" = 1'-0"

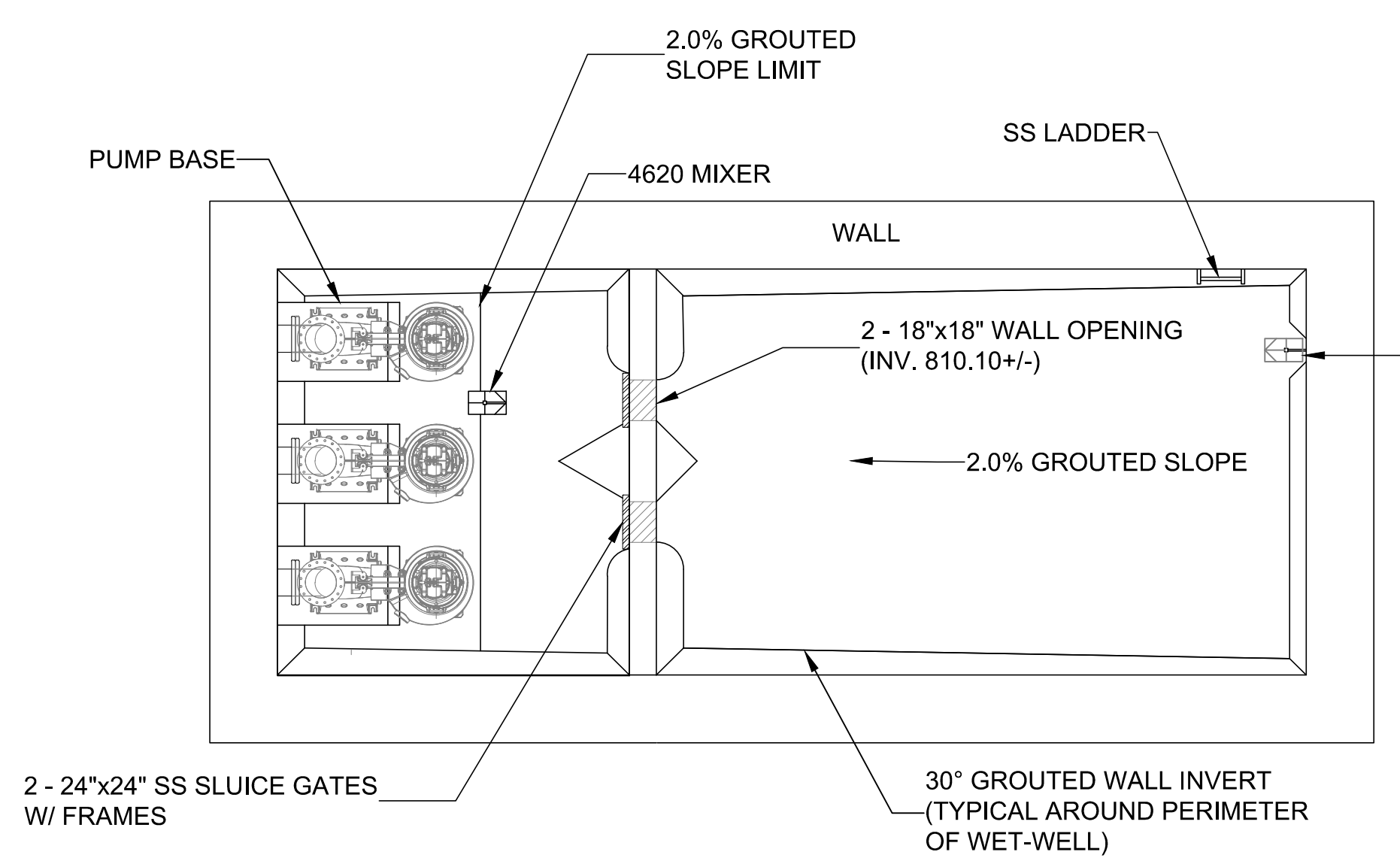
3
C20
SCREEN SECTION VIEW
SCALE: 3/16" = 1'-0"

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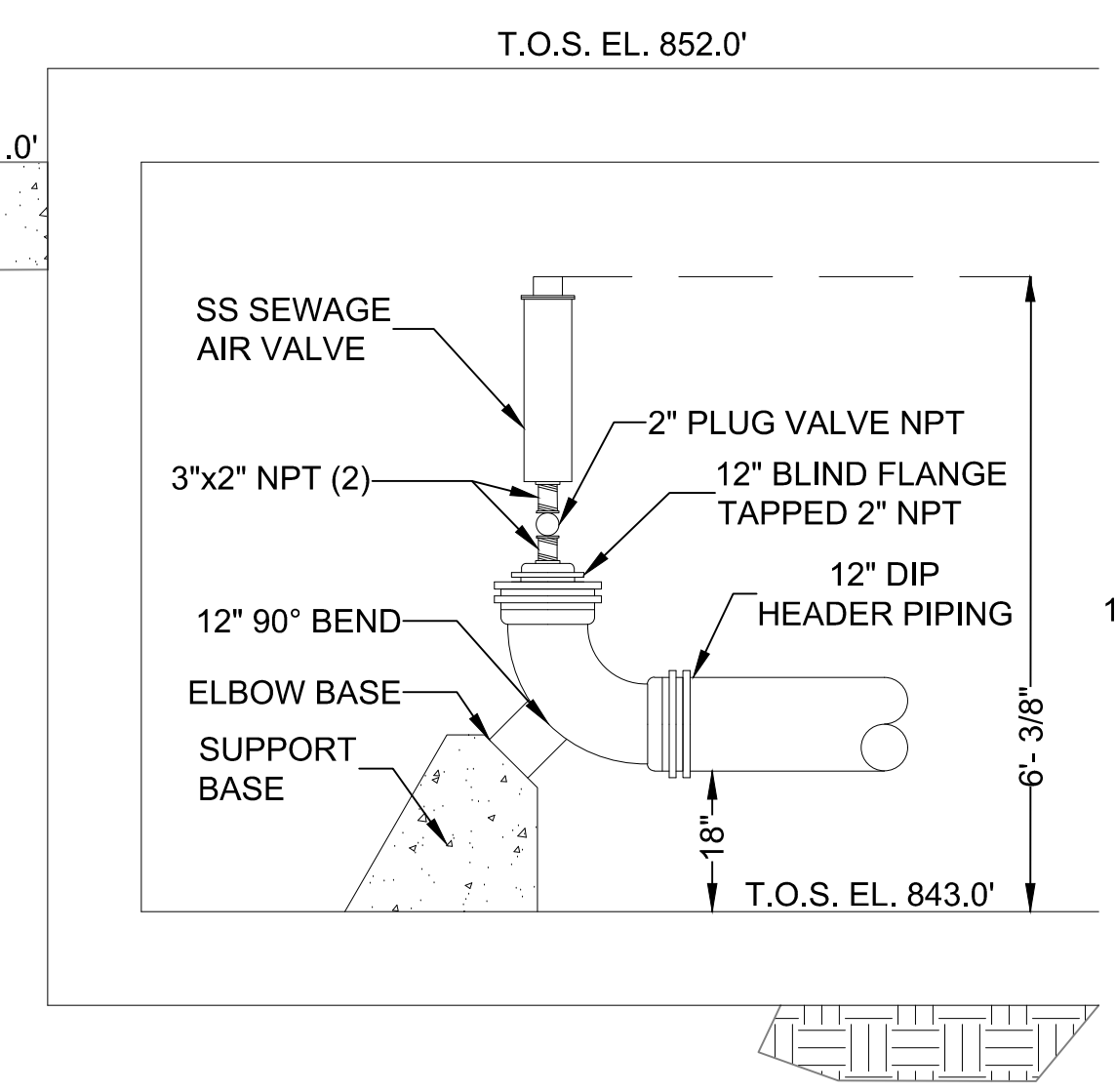
CROY

N. COBB PKWY., BLDG. 400, SUITE 413
MARIETTA, GA 30067
PH: (770) 971-5407

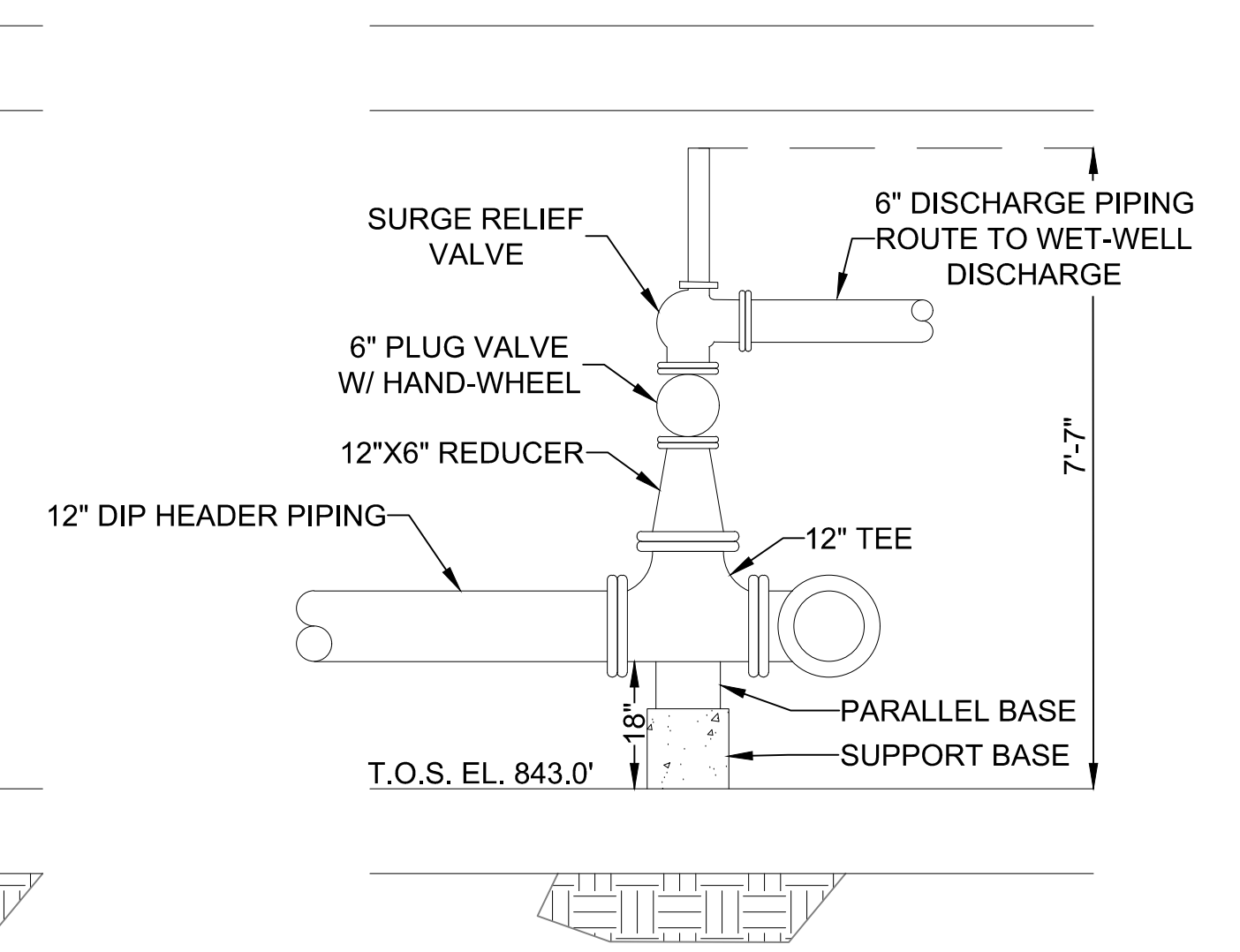
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CROY PRJ NO. 1919.09
CROY DWG NO. - N/A



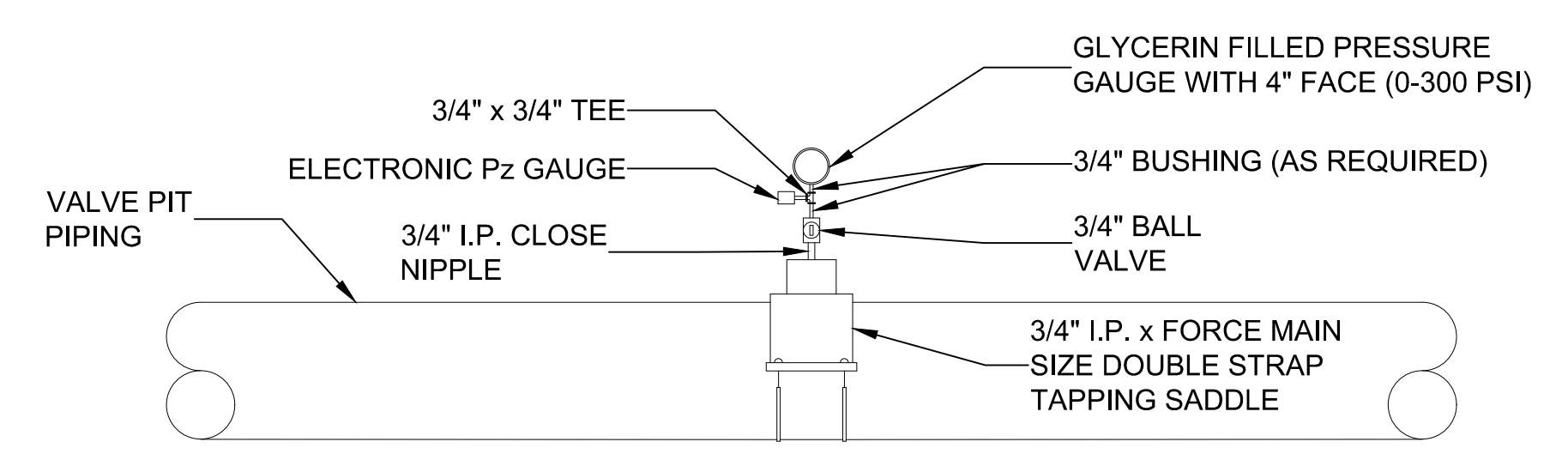
LIFT STATION PLAN VIEW AT ELEV. 814.00'
SCALE: 3/16" = 1'-0"



AIR AND VACUUM VALVE ASSEMBLY AT LIFT STATION VALVE VAULT
SCALE: N.T.S.



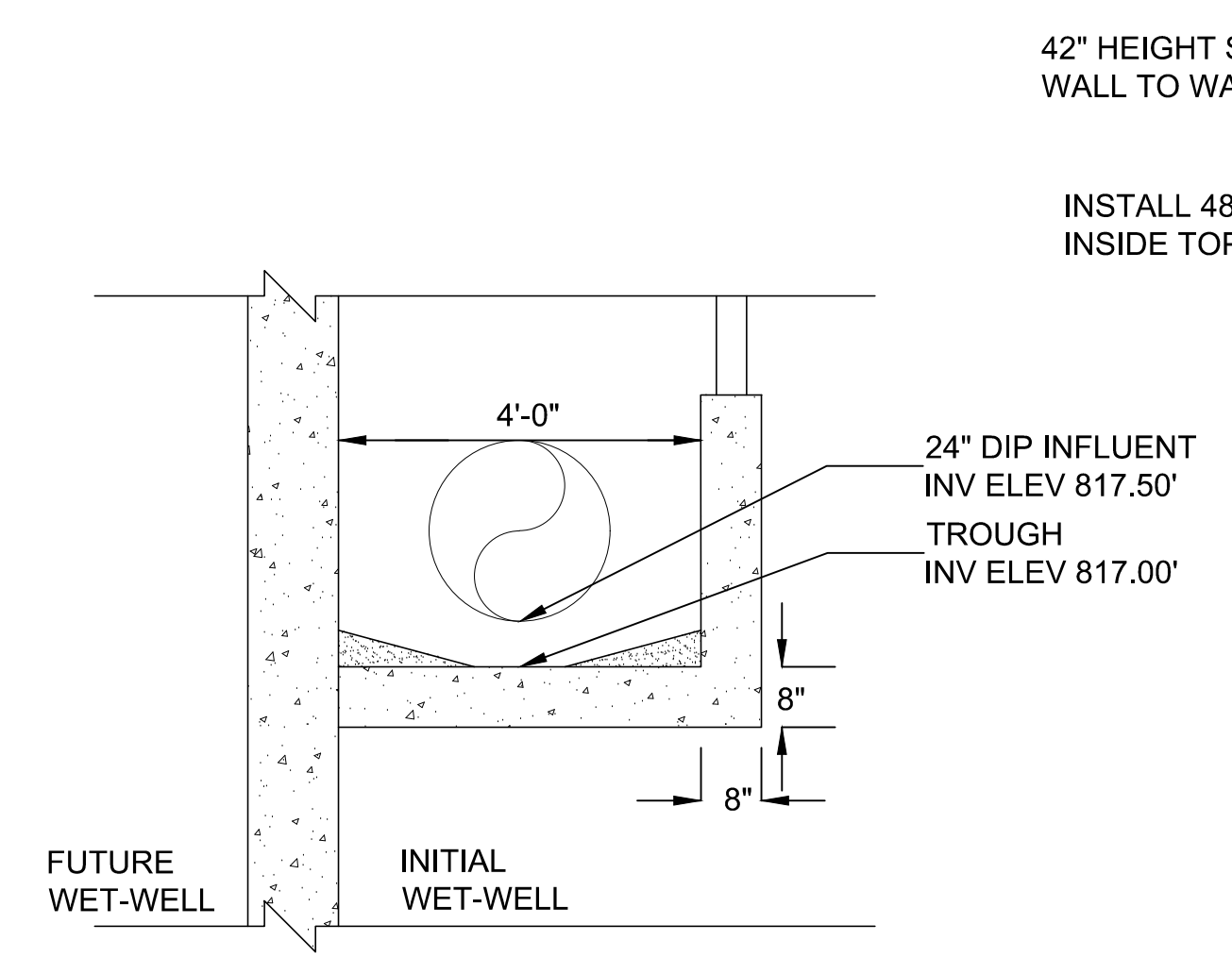
SURGE VALVE ASSEMBLY AT LIFT STATION VALVE VAULT
SCALE: N.T.S.



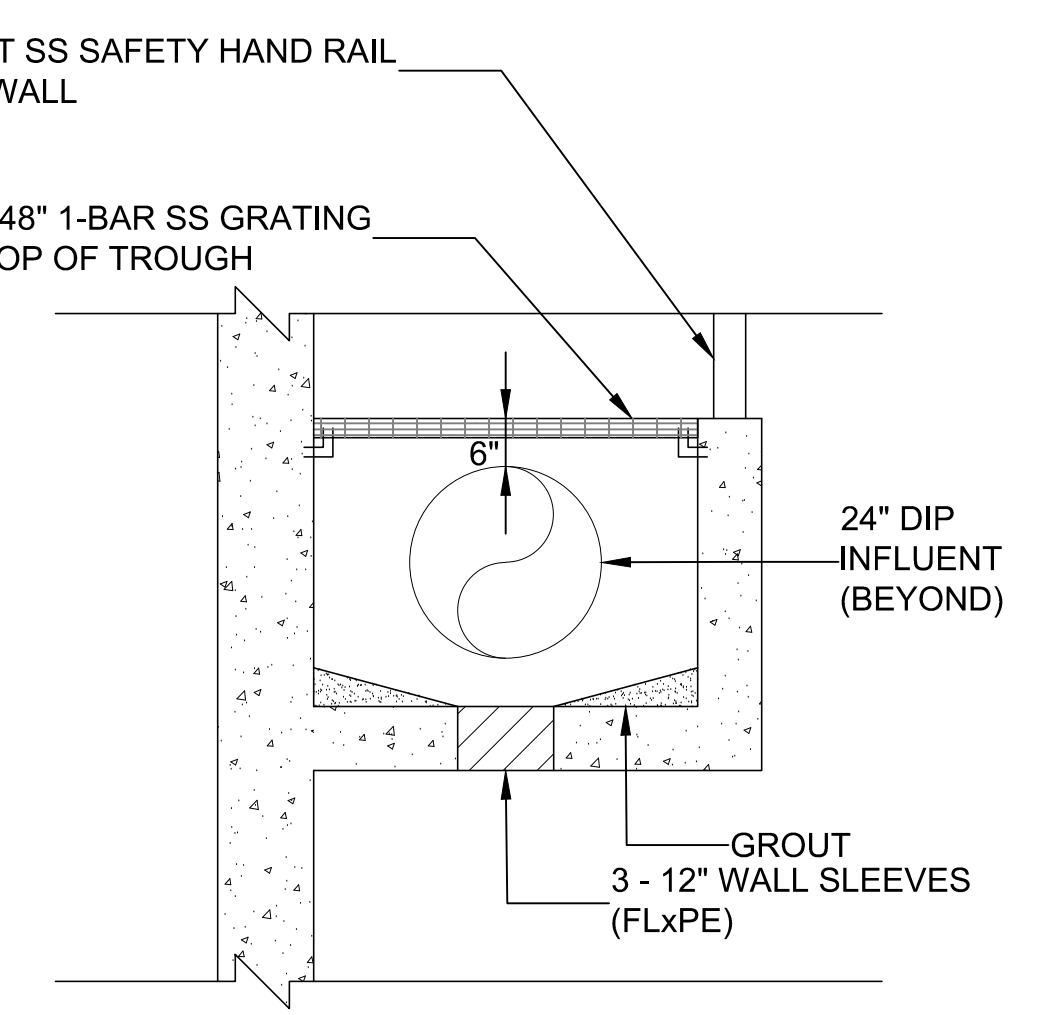
PRESSURE GAUGE DETAIL
SCALE: N.T.S.

INSTALL AT A 45° ANGLE TO SEE PRESSURE GAUGE FACE FROM TOP OF VAULT.

PRESSURE GAUGE AND ELECTRONIC PRESSURE GAUGE SHALL BE PROVIDED WITH A DIAPHRAGM SEAL AT EACH CONNECTION.



TROUGH ENTRANCE DETAIL
SCALE: 1/2" = 1'-0"



TYPICAL TROUGH SECTION DETAIL
SCALE: 1/2" = 1'-0"

SEE S1 FOR BASE ELBOW/ TEE CONC. SUPPORT DETAILS.

SEE S2 SHEET FOR GRATE SUPPORT DETAILS.



DESIGN: CBW
DRAWN: PEB
CHECK: CBW

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PROJECT NUMBER	SCALE	DATE	REVISION	DATE
21-002	AS SHOWN	2-18-22		2-22-22
			ISSUED FOR BID AND PERMITTING	2-01-23
			UPDATED WET WELL DEPTH	

EDISON ENGINEERING GROUP

MUNICIPAL ENVIRONMENTAL-LAND PLANNING

2203 Charles Hardy Parkway • Dallas, GA 30157

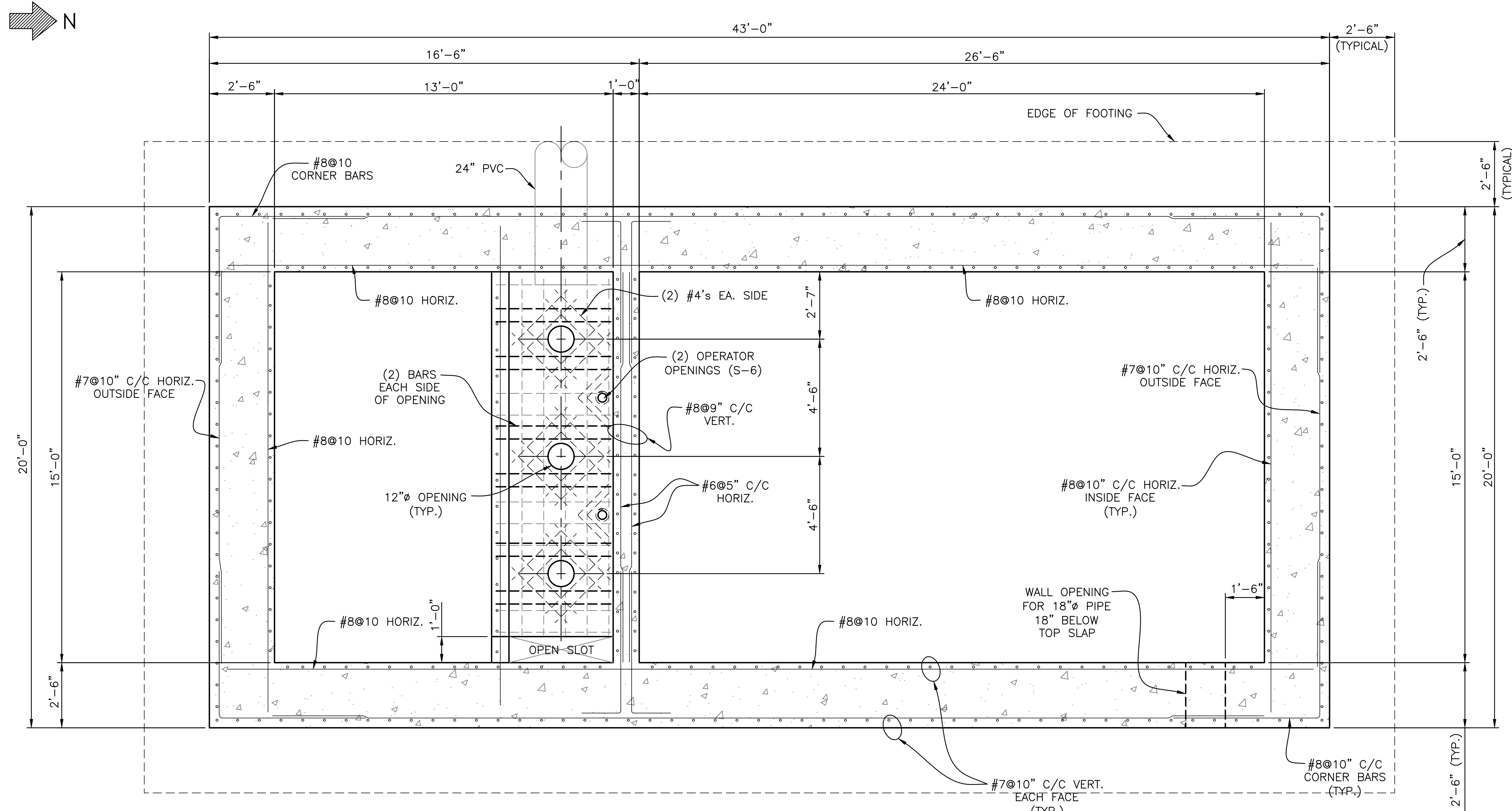
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WEST DALLAS COLLECTOR SEWER EXTENSION - PHASE I

LIFT STATION DETAIL & SECTION

SHEET NO.
C21

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TENSION LAP SPLICE LENGTHS
TABLE 1

BAR SIZE	$f'_c = 3000$ PSI				$f'_c = 4000$ PSI			
	TOP BARS		OTHER BARS		TOP BARS		OTHER BARS	
	CLASS	CLASS	CLASS	CLASS	CLASS	CLASS	CLASS	
#3	A	B	A	B	A	B	A	B
#4	21	27	16	21	18	24	14	18
#5	28	36	22	28	25	32	19	25
#6	36	47	27	36	31	41	24	31
#7	43	56	33	43	37	48	28	37
#8	62	81	48	62	54	71	42	54
#9	71	92	55	71	62	80	47	62
#10	80	104	62	80	70	92	54	70
#11	90	117	70	90	78	102	60	78

NOTES:
 1. CONCRETE NORMAL WEIGHT, $F_y = 60$ KSI.
 2. BARS NOT EPOXY COATED.
 3. USE THIS TABLE FOR BEAMS, COLUMNS AND SLABS.
 4. TENSION DEVELOPMENT LENGTH - CLASS "A" LAP SPLICE.

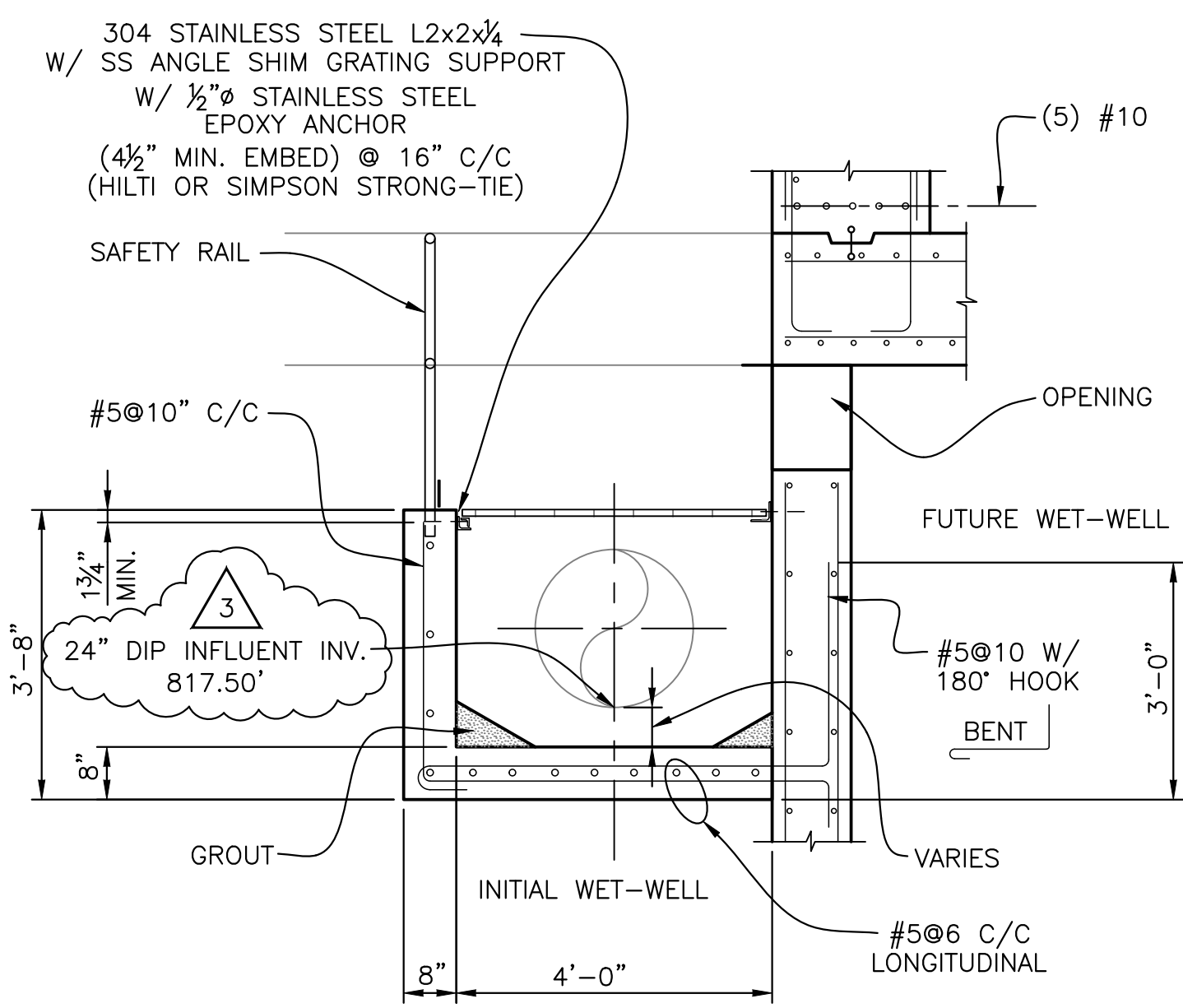


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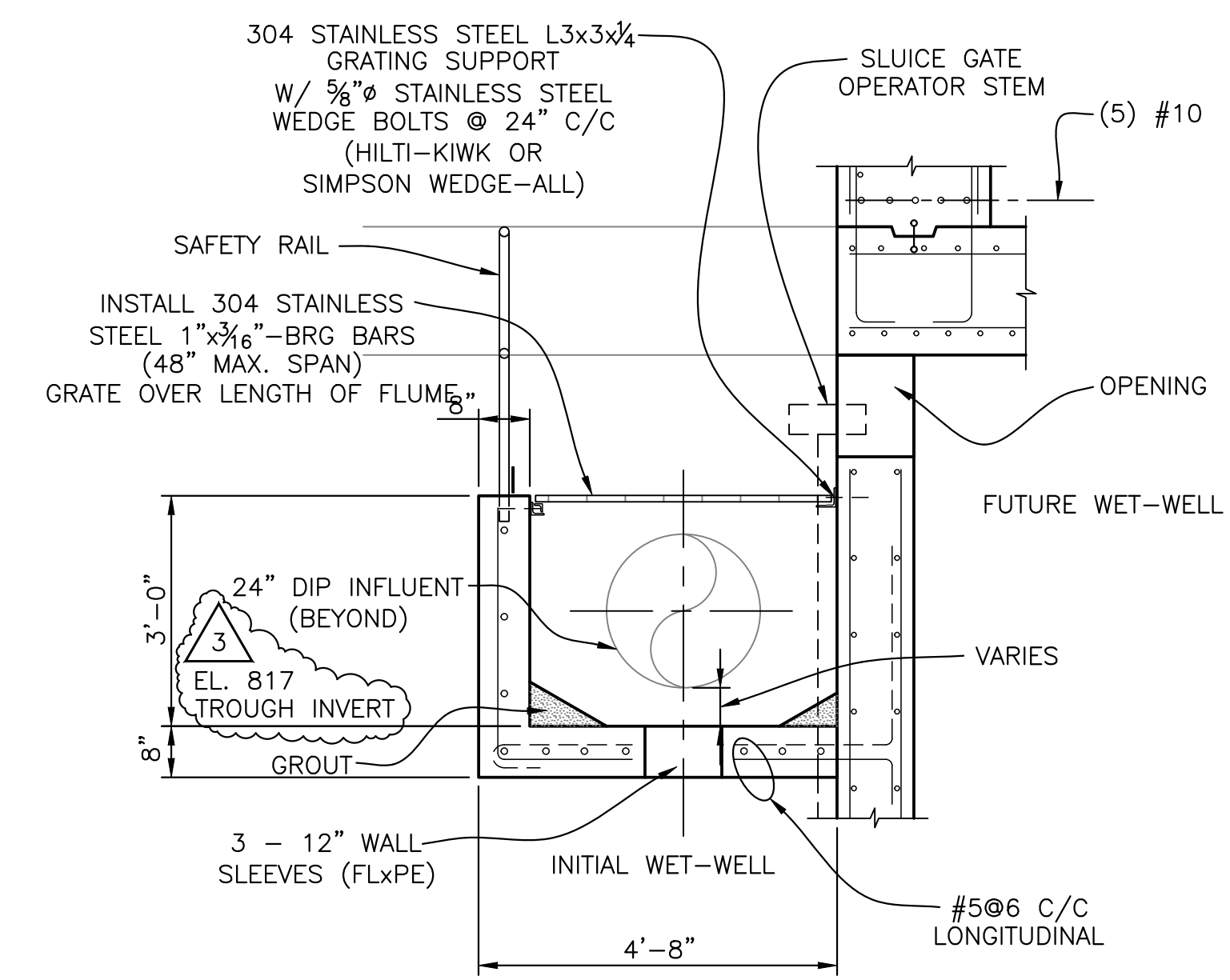
BAR BELOW IS 1" LONG FOR SCALES SHOWN ON THIS SHEET. IF NOT 1" LONG ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

PROJECT NUMBER	SCALE	DATE
21-002	AS SHOWN	2-10-22
REVISION	DATE	DATE
0	ISSUED FOR BID AND PERMITTING	2-22-22
3	UPDATED WET WELL DEPTH	2-01-23

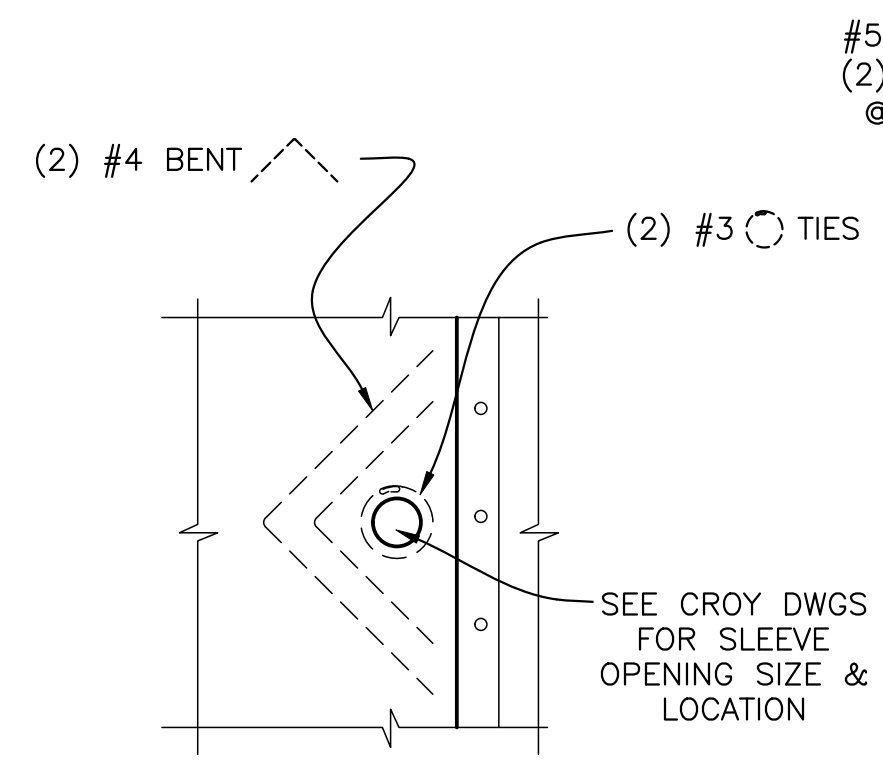
PLAN - LIFT 1
SCALE: 3/8"=1'-0"



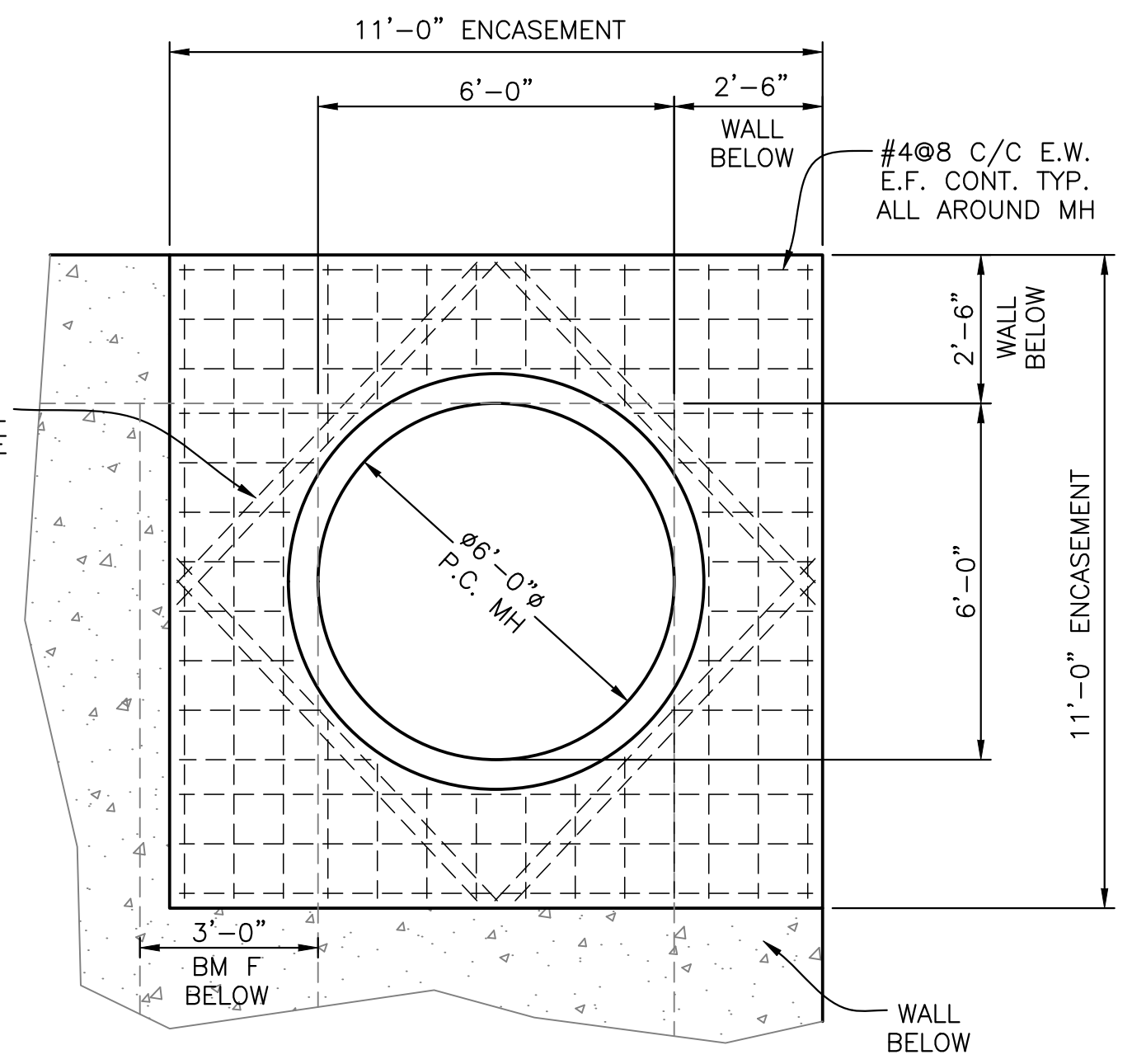
FLUME ENTRANCE DETAIL
SCALE: 1/2"=1'-0"



TYPICAL FLUME DETAIL
SCALE: 1/2"=1'-0"



GATE STEM SLEEVE
SCALE: 3/4"=1'-0"



A S2 ENCASEMENT PLAN
SCALE: 3/8"=1'-0"

LONG & ARNOLD ENG., L.L.C.
 Structural Engineers
 58 FLINN INDUST. DRIVE
 RINGGOLD, GA 30736

FILE NAME: 21046001
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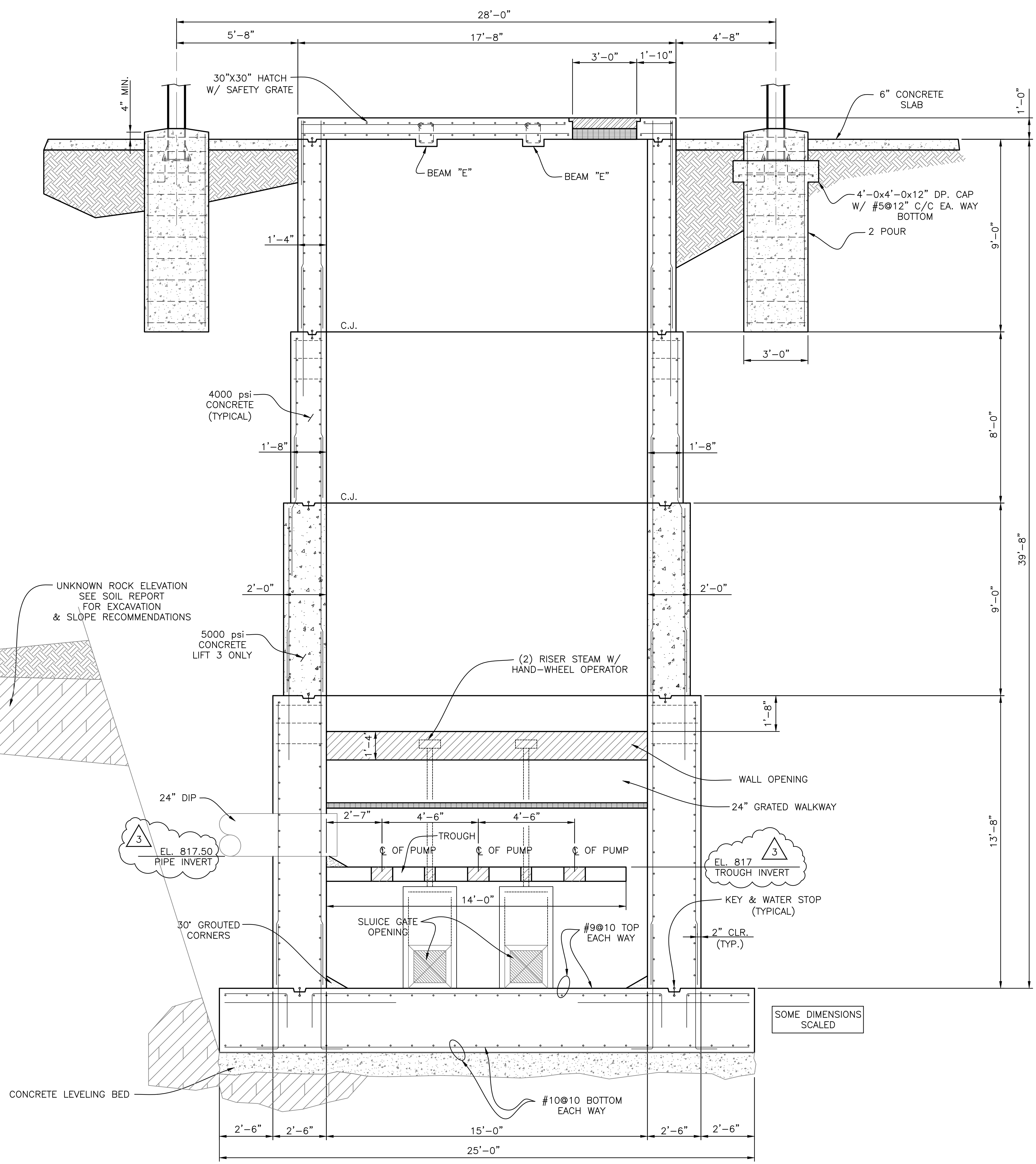
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WEST DALLAS COLLECTOR SEWER EXTENSION - PHASE I
LIFT STATION PLAN & DETAILS

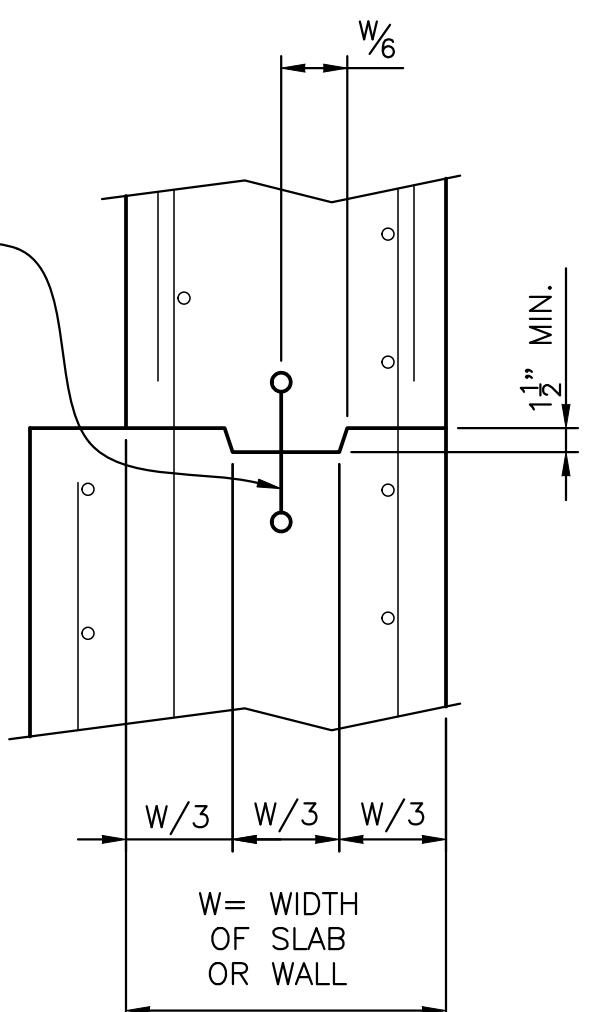
SHEET NO.
S2

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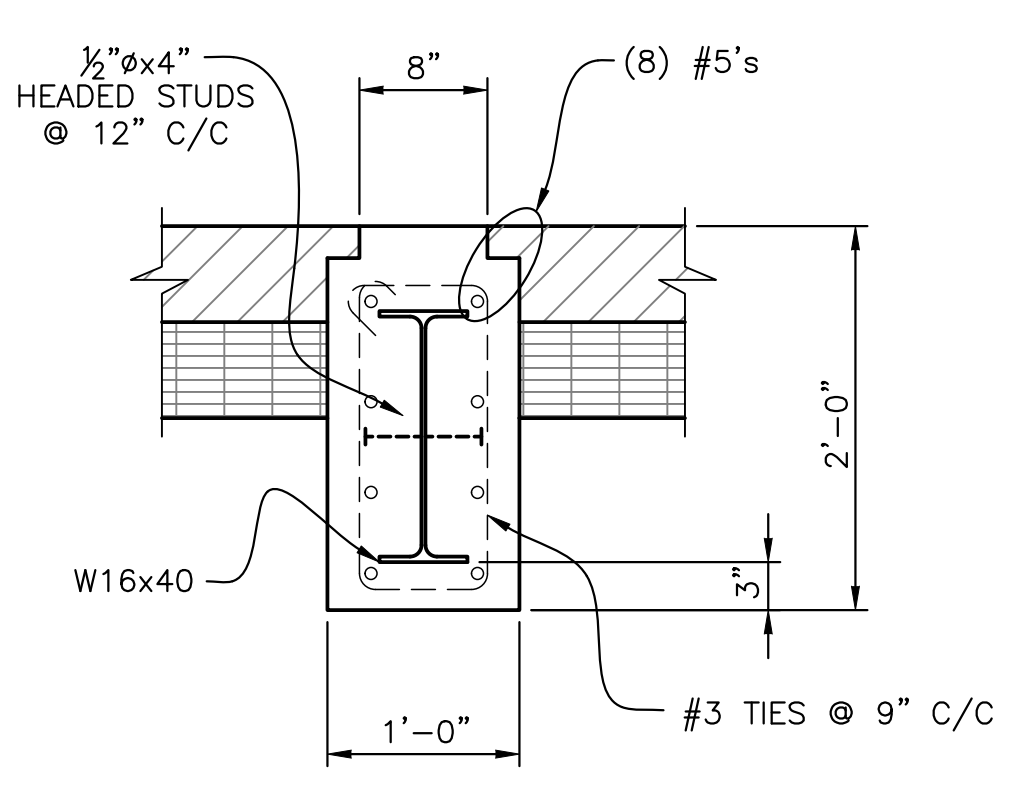
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1 SECTION S7 SCALE: 3/8"=1'-0"



TYP. KEYED CONSTRUCTION JOINT WITH WATERSTOP DETAIL SCALE: N.T.S.



2 SECTION (BM A) S7 SCALE: 1"=1'-0"

SOME DIMENSIONS SCALED

FILE NAME: 21046001

LONG & ARNOLD ENG., L.L.C. Structural Engineers 58 FLINN INDUST. DRIVE RINGGOLD, GA 30736	(706)965-4200 p.h.	THE ENGINEERING DESIGN AND CERTIFICATION CONTAINED HEREON AND THIS DRAWING, WHICH IS A GRAPHICAL REPRESENTATION OF SAID DESIGN, WAS PREPARED FOR THE EXCLUSIVE USE OF THE CLIENT NAMED IN THE TITLE BLOCK HEREON. THIS DRAWING MAY NOT BE MODIFIED, COPIED, REPRODUCED, OR USED FOR ANY OTHER PROJECT OR PURPOSE THAN THE SPECIFIC USE INTENDED WITHOUT THE EXPRESS CONSENT OF LONG & ARNOLD ENGINEERING.

S7 SHEET NO.

WEST DALLAS COLLECTOR SEWER EXTENSION - PHASE I

LIFT STATION SECTION

E EDISON ENGINEERING GROUP

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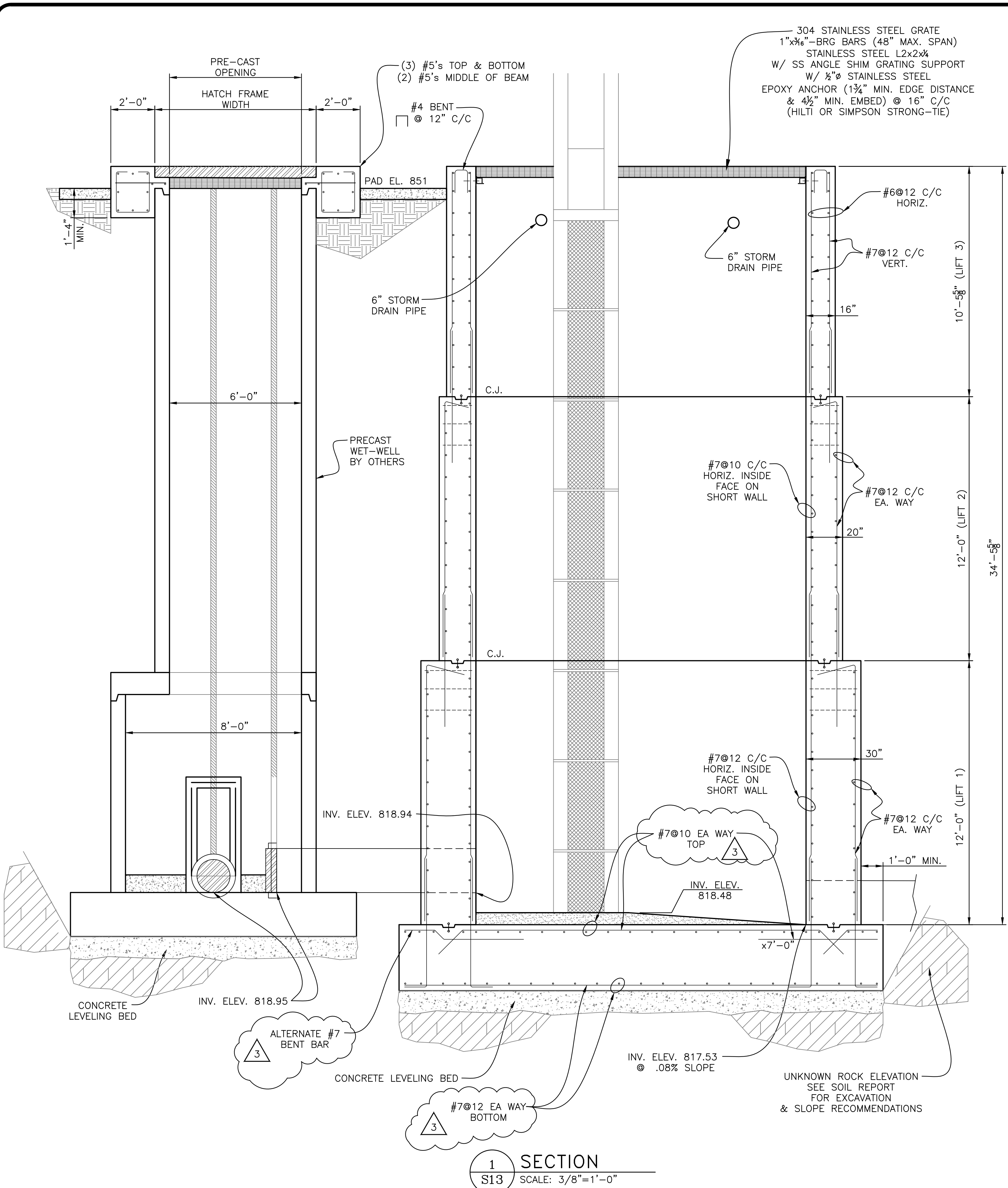
PROJECT NUMBER	SCALE	DATE
21-002	AS SHOWN	2-10-22
REVISION	DATE	
0 ISSUED FOR BID AND PERMITTING	2-22-22	
3 UPDATED WET WELL DEPTH	2-01-23	

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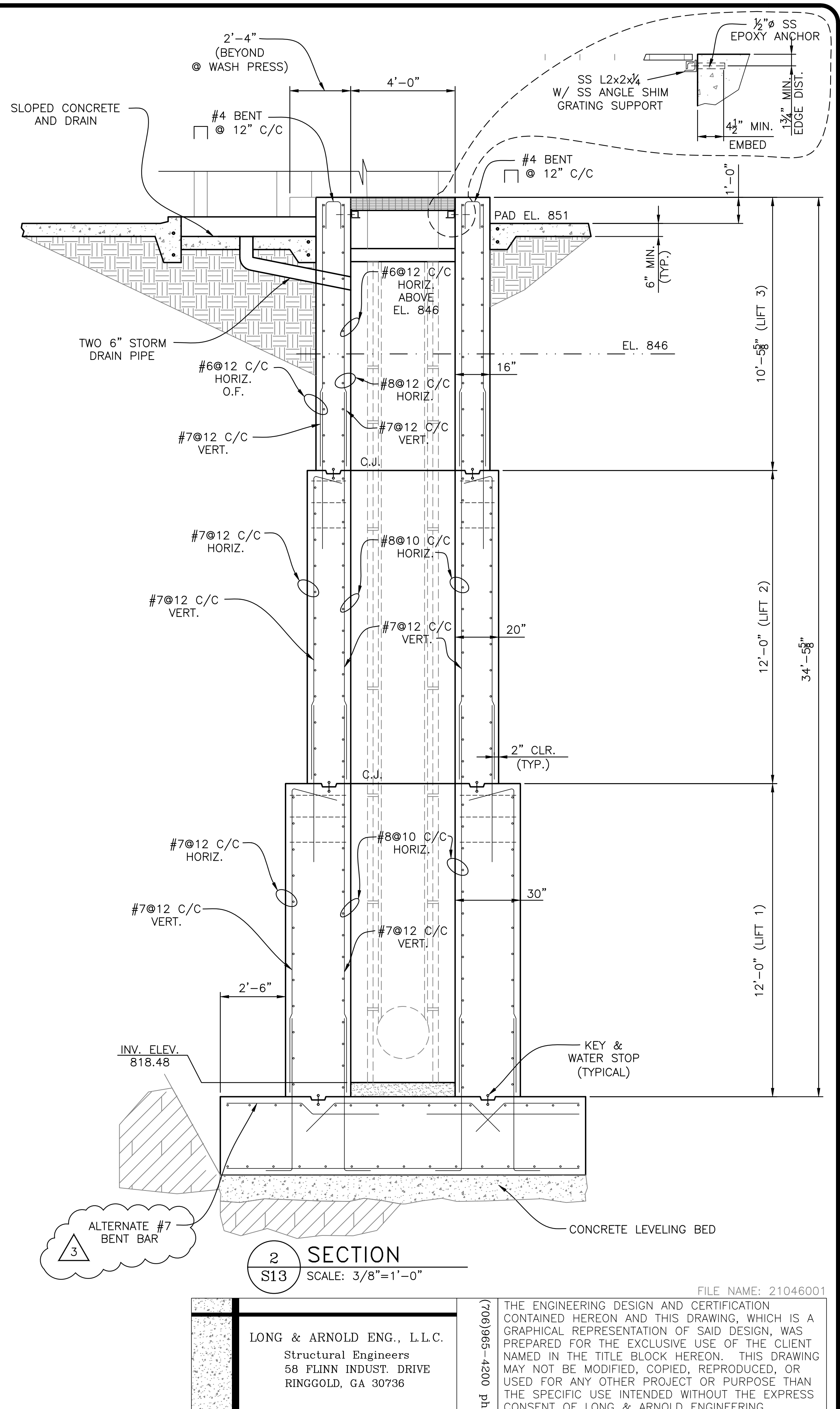
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REGISTERED PROFESSIONAL ENGINEER
 No. 01590
 2/22
 MARVIN E. LONG
 GEORGIA

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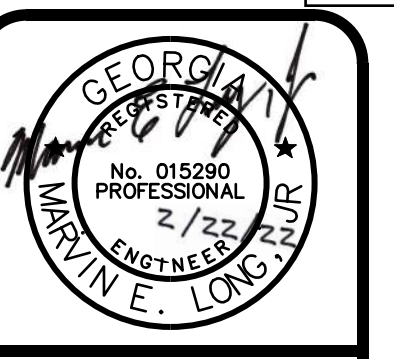
1 SECTION
S13 SCALE: 3/8"=1'-0"



2 SECTION
S13 SCALE: 3/8"=1'-0"

LONG & ARNOLD ENG., L.L.C.
Structural Engineers
58 FLINN INDUST. DRIVE
RINGGOLD, GA 30736

FILE NAME: 21046001
(706)985-4200
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			3 UPDATED WET WELL DEPTH	

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WEST DALLAS COLLECTOR
SEWER EXTENSION - PHASE I
SCREEN FLUME SECTIONS

SHEET NO.
S13



STAFF ACTION ITEM

MEETING DATE: 11/06/2023

TITLE: Bolton Stormwater Repair Project – Bid No. 2023-03; Project Award – Eidson Underground, LLC.

PRESENTED BY: Brandon Rakestraw – Public Works Director

AGENDA ITEM DESCRIPTION (Agenda Content):

Bolton Stormwater Repair Project – Bid No. 2023-03; Project Award – Eidson Underground, LLC.

HISTORY/PAST ACTION:

N/A

FINANCIAL IMPACT:

\$76,480.00

INFORMATION:

Request approval: Award Eidson Underground the Bolton Stormwater Repair Project – Bid No. 2023-03 for the amount of \$76,480.00



City of Dallas, Georgia

Public Works Department

129 E. Memorial Drive, Dallas, Georgia 30132

Item 19.

Bolton Stormwater Repair Project

Bid Number: 2023-03

Bid Date: Oct 4th, 2023

Bid Time: 11:00 am

BIDDER/COMPANY	BID PRICE	BID BOND
SITE ENGINEERING INC.	\$ 218,600.00	✓
CORLEY CONTRACTORS, INC.	\$ 143,576.00	✓
EDGSON UNDERGROUND, LLC.	\$ 76,480.00	✓



STAFF ACTION ITEM

MEETING DATE: November 6, 2023

TITLE: Ordinance Amendment No. OA-2023-15; Chapter 44 – Zoning; Article II – Administration and Enforcement; Division 1 – Generally; Sections 44-23 through 44-33; Division 2; Sections 44-53, 44-56, 44-57; Article III – District Regulations; Division 2 – Residential Districts; Sections 44-138 through 44-141

PRESENTED BY: Preston Kilgore, Community Development

AGENDA ITEM DESCRIPTION (Agenda Content):

Ordinance Amendment No. OA-2023-15; Chapter 44 – Zoning; Article II – Administration and Enforcement; Division 1 – Generally; Sections 44-23 through 44-33; Division 2; Sections 44-53, 44-56, 44-57; Article III – District Regulations; Division 2 – Residential Districts; Sections 44-138 through 44-141

HISTORY/PAST ACTION:

NA

FINANCIAL IMPACT:

NA

INFORMATION:

Ordinance Amendment No. OA-2023-15; Chapter 44 – Zoning; Article II – Administration and Enforcement; Division 1 – Generally; Sections 44-23 through 44-33; Division 2; Sections 44-53, 44-56, 44-57; Article III – District Regulations; Division 2 – Residential Districts; Sections 44-138 through 44-141

**ORDINANCE
AMENDMENT
NO. OA-2023-15**

CHAPTER 44 – Zoning

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

DIVISION 1. – GENERALLY

SECTIONS 44-23 through 44-33

DIVISION 2. – 44-53, 44-56, 44-57

ARTICLE III. – DISTRICT REGULATIONS

DIVISION 2. – RESIDENTIAL DISTRICTS

SECTIONS 44-138 and 44-141

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt Ordinances to provide for rules and regulations concerning zoning and land use within the City of Dallas, Georgia and for the safety, health, and welfare of the citizens of the City of Dallas, Georgia; **AND**

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and the City Council, by ordinance, to regulate zoning in the City of Dallas; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on _____, 2023; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that this amendment is in the best interest of the City’s residences for their safety, health and welfare; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I.

That CHAPTER 44 – Zoning, ARTICLE II. – ADMINISTRATION AND ENFORCEMENT, DIVISION 1. – GENERALLY, SECTIONS 44-23 through 44-33 are amended as follows:

DIVISION 1. – GENERALLY

Sec. 44-23. Zoning enforcement officer.

- (a) The provisions of this chapter shall be administered and enforced by the ~~building official~~ community development director of the city who is hereby given the authority to perform these functions. The community development director shall serve as the zoning enforcement officer. The zoning enforcement officer and/or his designee duties shall include:
- (1) Receiving applications;
 - (2) Inspecting premises; ~~and~~
 - (3) ~~Issuing building permits and certificates of occupancy for uses and structures that meet the requirements of this chapter.~~
- (b) The provisions of the ordinance shall be administered by the zoning enforcement officer and enforced in coordination with the city marshal, with the powers provided in the laws of the State of Georgia and in the chapter and resolutions of the City of Dallas. For the propose of serving citations for violations of this ordinance, such citations may be referred to the City Marshal's Bureau of the City of Dallas for service.

(Ord. No. OA-2023-04 , 7-10-2023)

Sec. 44-24. – Reserved

Sec. 44-25. – Reserved

Sec. 44-26. – Reserved

Sec. 44-27. – Reserved

Sec. 44-28. Denial of certificate of occupancy.

A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this chapter, or unless the building, as finally constructed, complies with the sketch or plan upon which the building permit was issued. The zoning enforcement officer shall state in writing the reasons for denying such certificate of occupancy.

(Ord. No. OA-2023-04 , 7-10-2023)

Sec. 44-29. Records of applications and ~~certificates~~ Plats.

Records of applications ~~for building permits, records of and plats and plans in connection with said permits, and records of all occupancy certificates and denials~~ shall be kept on file in the office of the ~~building inspector~~ community development director and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

(Ord. No. OA-2023-04 , 7-10-2023)

Sec. 44-30. Remedies.

In case any building is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building or land is used in violation to this chapter, the ~~building inspector~~ community development director, or any other appropriate city authority or any person who would be damaged by such violation, in addition to other remedies, may institute injunction mandamus, or other appropriate action in proceeding to prevent the violation in the case of each building or use of land.

(Ord. No. OA-2023-04 , 7-10-2023)

Sec. 44-32. Violations of article.

Any action or inaction which violates the provisions of this article ~~or the requirements of an approved permit~~, may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in sections 44-34 shall not prevent such equitable relief.

(Ord. No. OA-2023-04 , 7-10-2023)

Sec. 44-33. Notice.

If the city determines that an applicant or other responsible person has failed to comply with the terms and conditions of ~~a permit~~ or the provisions of this article, it shall issue a written notice of violation to such applicant or other responsible person.

Where a person is engaged in activity covered by this article without having first secured ~~a permit approval~~ therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance ~~with the permit, the stormwater management plan or~~ of this article and the date for the completion of such remedial action;
- (5) A statement of the penalties that may be assessed against the person to whom the notice of violation is directed; and

- (6) A statement that the determination of violation may be appealed to the city by filing a written notice of appeal within 30 days after the notice of violation; except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient.

(Ord. No. OA-2023-04 , 7-10-2023)

That CHAPTER 44 – Zoning, ARTICLE II. – ADMINISTRATION AND ENFORCEMENT, DIVISION 2. – BOARD OF ZONING APPEALS, SECTIONS 44-53, 44-56 and 44-57 are amended as follows:

Sec. 44-53. Powers and duties.

The board of zoning appeals shall have the following powers and duties:

- (1) Administrative review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the ~~building inspector~~ zoning enforcement officer in the enforcement of this chapter.
- (2) Variances. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the board of zoning appeals that all of the following conditions exist:
- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
 - b. The application of this chapter to this particular piece of property would create an unnecessary hardship.
 - c. Such conditions are peculiar to the particular piece of property involved.
 - d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this chapter.

(Ord. No. OA-2023-04 , 7-10-2023)

Sec. 44-56. Stay of proceedings.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the ~~building inspector~~ community development director certifies to the board of zoning appeals after the notice of appeal shall have been filed with ~~him~~ the community development director, that by reason of facts stated in the certificate a stay would, in their opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of zoning appeals or by a court of record on application, on notice to the ~~building inspector~~ community development director, and on due cause shown.

(Ord. No. OA-2023-04 , 7-10-2023)

Sec. 44-57. Decisions.

In exercising its powers, the board of zoning appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the ~~building inspector~~ community development director ~~and may issue or direct the issuance of a building permit.~~ The concurring vote of two members of the board shall be necessary to reverse any order, requirements, decision or determination of the ~~building inspector~~ community development director, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation of this chapter. On all appeals, applications and other matters brought before the board of zoning appeals, said board shall inform, in writing, all the parties involved of its decisions and the reasons therefor. Recourse from a decision by the board of zoning appeals shall be to a court of competent jurisdiction in such matters.

That CHAPTER 44 – ZONING, ARTICLE III. – DISTRICT REGULATIONS, DIVISION 2. – RESIDENTIAL DISTRICTS, SECTION 44-138 is amended as follows:

Sec. 44-138. R-2C single-family residential district—Conservation.

- (a) Single-family dwellings except for manufactured homes. Total density limitation of three single-family dwellings per acre.
 - (1) Residential developments shall conserve and protect a minimum of 30 percent of the gross tract area as open space.
 - (2) The open space shall be provided in conformance with the requirements of Chapter 34, Article III, Section 34-59 Open Space.

- (b) Churches and similar places of worship and their customary related uses.
- (c) Public and private schools offering general education courses.
- (d) Municipal, county, state, federal and other public uses, including parks and playgrounds.
- (e) Accessory buildings provided such shall be permitted only in a rear yard and shall not be less than ten feet from any property line. No accessory buildings shall contain independent kitchen facilities.
- (f) Nursery schools (day care centers) and kindergartens, provided that they shall have at least 35 square feet of indoor space provided for each child and at least 100 square feet of play area per child in the outdoor play area; and that the outdoor area shall be enclosed by a fence having a minimum height of six feet; and provided that the principal building of such use shall meet all the yard requirements of the R-1 residential district.
- (g) A business, occupation or profession carried on within a single-family residential dwelling by the resident thereof that is designated as a home occupation shall conform to the following criteria:
 - (1) The occupation carried on within the dwelling unit shall be restricted to the heated floor area of the dwelling.
 - (2) No product shall be sold on the premises and all home occupation activities shall be conducted entirely within the dwelling. This shall not prohibit sales by telephone when the delivery of merchandise is to take place elsewhere.
 - (3) The home occupation use carried on within the dwelling unit shall not occupy more than 25 percent of the heated floor area of the dwelling unit, and said home occupation use shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.
 - (4) There shall be no external display of products or storage of equipment or other externally visible evidence whatsoever of the occupation, business or profession.
 - (5) No sign advertising a home occupation exceeding two square feet is permitted, including those mounted inside windows and doors that are visible from a public right-of-way or a neighboring property line. No sign shall be internally or externally illuminated.
 - (6) Any person who conducts a home occupation shall be a member of the family residing on the premises, shall take substantially all of their overnight lodging at the dwelling, shall store substantially all of their personal belongings which are used in normal daily life in the dwelling,

and shall use the address of the subject dwelling as their address for legal purposes such as voting and the payment of personal property taxes.

- (7) No equipment or process shall be used in that creates smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable to the normal senses at the lot line or beyond.
- (8) There shall be no stock of goods or materials on the premises with the exception of literature and brochures appurtenant to the occupation, business or profession. Said literature and brochures shall remain in that part of the residence designated for home occupation purposes.
- (9) There shall be no chemical, mechanical or electrical equipment on the premises other than that normally found in a purely domestic residence.
- (10) Contact with customers and clients shall be made by telephone or mail. No business vehicle larger than a van, or pickup truck shall be permitted to remain on the premises other than a vehicle owned by the resident.
- (11) There shall be no assembly or group instructions in connection with the home occupation with the exception of child care which can be conducted with a maximum of five children at a time. Other individual instruction on a one-on-one basis is permitted.
- (12) The above listed requirements of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided that this exception shall not extend to allow the operation of a commercial greenhouse or nursery or the existence of stands or booths for display of said produce.
- (13) Any business, occupation or profession, the operation of which does not meet the aforementioned requirements of a home occupation shall not be interpreted to be a home occupation despite the fact that it might attempt to operate in a single-family residence.

(Ord. No. OA-2023-04 , 7-10-2023)

That CHAPTER 44 – ZONING, ARTICLE III. – DISTRICT REGULATIONS, DIVISION 2. – RESIDENTIAL DISTRICTS, SECTION 44-141 is struck in its entirety and replaced with:

Sec. 44-141. R-4 mixed use/residential district high-density (new district).

- (a) The R-4 residential district is only appropriate within the Downtown Development District #1. The Downtown Development District #1 shall be any and all properties located within the boundaries of the roadways listed below and also any

parcel with frontage along or property adjacent to the public right-of-way on either side of the roadways listed below and shown on the official zoning map of the city:

- (1) East Memorial Drive from Main Street to Lester Drive.
- (2) Merchants Drive from Lester Drive to Nathan Dean Blvd.
- (3) Nathan Dean Blvd. from Merchants Drive to Henry Y Holland Drive.
- (4) Henry Y Holland Drive from Nathan Dean Blvd. to Hardee Street.
- (5) Hardee Street from Henry Y Holland Drive to West Foster Avenue.
- (6) West Foster Avenue from Hardee Street to Main Street.
- (7) Main Street from West Foster Avenue to South Johnston Street.
- (8) South Johnston Street from Main Street to West Cooper Avenue.
- (9) West Cooper Avenue from South Johnston Street to Hood Street.
- (10) Hood Street from West Cooper Avenue to West Griffin Street.
- (11) West Griffin Street from Hood Street to South Street.
- (12) South Street from West Griffin Street to Victory Drive.
- (13) Victory Drive from South Street to Griffin Street.
- (14) Griffin Street from Victory Drive to West Memorial Drive.
- (15) West Memorial Drive from Griffin Street to Main Street.
- (16) Grove Park Avenue from South Johnston Street to end.

SECTION II. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION IV EFFECTIVE DATE. Following passage and approval of this ordinance by the Mayor and City Council, this ordinance shall be effective on and after _____, 2023.

**SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF DALLAS, GEORGIA, THIS THE _____ DAY OF
_____, 2023.**

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

Tina Clark, City Clerk of the City of Dallas, GA

Date



STAFF ACTION ITEM

MEETING DATE: 11/06/2023

TITLE: Ordinance Amendment NO. OA-2023-09: Chapter 32 – Streets, Sidewalks and Other Public Places; Article IV. – Required Minimum Standards; Sections 32-89 through 32-119 (1st read)

PRESENTED BY: Brandon Rakestraw – Public Works Director

AGENDA ITEM DESCRIPTION (Agenda Content):

Ordinance Amendment NO. OA-2023-09: Chapter 32 – Streets, Sidewalks and Other Public Places; Article IV. – Required Minimum Standards; Sections 32-89 through 32-119 (1st read)

HISTORY/PAST ACTION:

Amended 2016

FINANCIAL IMPACT:

Collection of Street Lighting Fee – Monthly Service Fee

INFORMATION:

Request approval to amend Chapter 32 – Streets, Sidewalks and Other Public Places; Article IV. – Required Minimum Standards; Sections 32-89 through 32-119

This amendment creates: Street Light Special Revenue Fund and declares the cost of service.

This is a 1st read request.

**ORDINANCE
AMENDMENT
NO. __OA-2023-09__**

CHAPTER 32 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE IV. - REQUIRED MINIMUM STANDARDS

SECTIONS 32-89 through 32-119

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that it is necessary for the City to make certain amendments to its ordinances to create new street light districts and provide standards, application processes, regulations and cost determinations for said districts; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on September 11, 2023; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment creating street light districts serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I

That the Code of Ordinances of the City of Dallas, Georgia, CHAPTER 32 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE IV. – REQUIRED MINIMUM STANDARDS, SECTIONS 32-89 through 32-119 are amended as follows:

CHAPTER 32 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE IV. - REQUIRED MINIMUM STANDARDS

Sec. 32-89. Street light districts created.

The city does hereby ratify its action creating street light districts in certain areas of the city as shown by the records in the office of the city clerk to which reference is hereby made for a full and complete description of each and every district hereinbefore created.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2022)

Sec. 32-90. Cost of service for creation.

The city does hereby declare that the cost and service for creation of street light districts or street lighting hereafter created, or as provided for in section 32-89, shall be a service and not a tax, Ga. Const. art. IX, § II, ¶ II (formerly Ga. Const. art. IX, § IV, ¶ II). A street light district special revenue fund shall be created. Revenues from the street light district programs will be deposited into such special revenue fund. Such revenues shall be used exclusively for any direct and indirect costs and expenses related to the city's street light district program or any special projects related to installation of streetlights.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-91. Maintenance.

The cost of providing and maintaining the service in existing street light districts and in street light districts hereafter created shall be borne by those citizens and residents receiving the service, and that the charge therefor shall be the actual cost of the energy plus the pro rata share of the retirement of any construction costs plus ten percent for administrative costs. The city energy cost schedule shall be available for public view in the office of the city clerk. The city may adjust the monthly rate charged to homeowners if the energy rate billed by the electric company changes or if additional maintenance is needed. In those districts now in existence or which may hereafter be retired as per agreement or contract with the public utility or other person to whom the indebtedness is owed and shall be billed accordingly per "lot."

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-92. "Lot" defined.

The term "lot" is hereby defined as a portion or parcel of land devoted to a common use or occupied by a building or group of buildings devoted to a common use together with the customary accessories and open spaces belonging to the same. The term "lot" includes the term "plot" or "parcel."

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Cross reference(s)—Sec. 44-1. - Definitions, § (Comp. Ords. 2005, § 5-1803(j)(2); Ord. No. 92-20, 11-2-1992; Ord. No. 03-11, 7-7-2003; Ord. No. 2008-04, § 5-302, 11-3-2008; Ord. No. OA-2012-04, 3-19-2012).

Sec. 32-93. Payment for service.

The due date for the payment of the service and sums provided for in this article shall be the same date of each month as garbage collection fees are due to city sanitation department and subject to the same penalties for late payment and for failure to pay. Any service provided by the city or the city water and sewer department may be discontinued for late payment or nonpayment as provided for in this article.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-94. Billing, accounting, collecting and receiving of monies.

The billing, accounting, collecting, and receiving of the monies provided for in this article is hereby declared to be the responsibility of the city billing department.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-95. Conformance with standards.

The owner, developer or other person developing a subdivision who is providing street light services shall be required to conform to all of the standards provided for in this article prior to the city accepting any public streets or roads; and the city shall not accept any public streets or roads proposed to be dedicated until such time as the provisions, hereof, have been complied with. A final plat shall not be issued until the developer has submitted to the city manager and/or his designee proof of payment for all materials and installation of the street lights, a copy of the street light layout as proposed by the electric company, and a payment equal to the energy cost of all installed street lights for a period of 12 months plus a ten percent administrative fee. The city has the right to adjust these terms based on economic factors and the best interest of the city, etc.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-96. Districts other than single-family residential.

Street lighting along public and private roads in districts other than single-family residential shall be provided. Costs and monthly billing, per parcel or business, associated for lighting and maintenance within these districts shall be established on a case-by-case basis by the city. The cost will be based on the number of lights required to serve one side of the street serving the property. If the property is bisected by the street, the cost to provide lighting for both sides of the street will apply.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-97. Standard for installation and operation.

In order to ensure adequate illumination of public rights-of-way and promote safety and security, it is hereby ordained that the American Association of State Highway and Transportation Officials (AASHTO) Roadway Lighting Design Guide (2005) as amended, is hereby adopted as the standard for installation and operation of lighting in the areas of the city with the following exception:

- (1) Lighting fixtures installed within the public right-of-way to be operated for the purpose of street illumination shall comply with these standards. The minimum average horizontal footcandle illumination level by roadway classification shall be:

Roadway and Walkway Classifications	Off Roadway Light Sources	Average Maintained Illuminance	Minimum Illuminance	Illuminance Uniformity Ratio
	General Land Use	foot-candles (min)	foot-candles (min)	avg/min (max)
Principal Arterials	Commercial	1.6	As uniformity ratio allows	3:1
	Intermediate	1.2		3:1
	Residential	0.8		3:1
Minor Arterials	Commercial	1.4		4:1
	Intermediate	1.0		4:1
	Residential	0.7		4:1
Collectors	Commercial	1.1		4:1
	Intermediate	0.8		4:1
	Residential	0.6		4:1
Local	Commercial	0.8		6:1
	Intermediate	0.7		6:1
	Residential	0.4		6:1
Sidewalks	Commercial	1.3		3:1
	Intermediate	0.8		4:1
	Residential	0.4		6:1
Pedestrian Ways and Bicycle Ways*	All	2.0		3:1

*Assumes a separate facility. For pedestrian ways and bicycle ways adjacent to a roadway, use roadway design values.

- (2) Any party requesting permission to install or operate lighting fixtures within the public right-of-way shall furnish plans specifications to the city manager and/or his designee for approval. Should the city manager and/or his designee disapprove a request to install or operate lighting fixtures within any public right-of-way, they shall communicate disapproval in writing to the party requesting approval. The written communication shall include specific reasons for disapproval. Any disapproval of a light or lighting system by the city manager and/or his designee may be appealed to the city council. If any party desires to appeal an adverse decision by the city manager

and/or his designee within 30 days from the date following the written notice of disapproval, and it shall be the responsibility of the city manager and/or his designee to transmit, forthwith, to the city council all papers and allied documents constituting the record upon which the action appealed was taken and to ensure that the appeal is promptly placed upon the agenda of the city council for its determination. The city council may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from.

- (3) Roadway or street lighting luminaries or fixtures installed within the public right-of-way as "security lights" for the purpose of lighting areas other than the public streets, shall be mounted on the side of the pole opposite from the street and shall be oriented in such a manner to ensure that the lateral light distribution pattern is parallel to the street and the vertical light distribution, at the initial light source, is perpendicular to the street, so as to protect the users of the street from objectionable glare. The approval of the city manager and/or his designee shall be obtained before installation of these lights.
- (4) Other lighting fixtures to be installed within or outside of public right-of-way for whatever purpose shall be installed and operated in such a manner to prevent glare from being a hazard to or interfering with the normal use of the public right-of-way.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-98. Petition to create district.

Any subdivision now in existence may present a petition to the city manager; the petition shall contain signatures of at least 75 percent of the lot owners, and the city council shall conduct a public hearing for the purpose of determining whether or not to create a street light district. Safety and economic factors shall be the prime consideration in making such a determination. Unless 100 percent of the lot owners have signed such petition, the petition shall be advertised in the official organ of the city one time at least ten days before the public hearing. The owner, developer, or other person developing a subdivision shall be required to provide street lights which conform to all of the standards provided for in this article.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-99. Special street lighting districts.

In areas where special conditions as to safety, security, land topography, economic and other factors may be involved, the city council may create special street lighting districts and provide for special street lighting under such terms and conditions as may be determined by the city council, and other provisions of this article to the contrary, notwithstanding; provided, however, that in such instances, a public hearing shall be held by the city council after advertisement in the official organ of the city one time at least ten days before conducting such public hearing.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-100. Contracting with public utilities.

The city may contract with public utilities for the purpose of carrying out the terms of this article.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-101. Exceptions.

The city council may grant exceptions to the literal terms of this article where a special condition or hardship exists.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-102. Conflicts.

If any provision of this article is in conflict with any state or federal law or with any rule, regulation or order of any state or federal agency, having jurisdiction of the subject matter of this article, it is hereby deemed to be the intention of the city council that the state or federal law or rule, regulation or order, as the case may be, shall prevail so that the remaining portion of this article shall be deemed to be in full force and effect.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-103. Appeal.

Any person or agency dissatisfied with any decision or action of the city manager and/or his designee or of the city shall have the right to appeal from such decision to the city council within 30 days from the date of such decision or action.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-104. Copies of article provided.

A copy of this article shall be spread upon the official minutes of the city council, and the city manager and/or his designee is hereby required to post a copy of this article in the office of the city clerk and to provide copies thereof for persons desiring copies of this article.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-105. Reserved.

Editor's note(s)— (Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-106. Subdivision requirements.

- (a) The installation of street lights shall be mandatory of the developers of all new subdivisions. At the time of and as a requirement of the submission of a final plat, the developer shall:
 - (1) Submit a drawing of the subdivision's layout showing locations of all proposed street lights within each platted phase. This drawing must be approved by the city manager and/or his designee prior to obtaining any building permit within the subdivision. The final plat shall annotate that street lights shall be installed in accordance with the provisions of this article. Fixtures and standard/poles installed or used shall be approved by utility company which will be responsible for the maintenance of the facilities. With the first platted phase, streetlights shall be installed along the local street. The local street will be included in the street light district for the subdivision.
 - (2) Pay all costs for all approved standard/poles, fixtures and any other related items or materials necessary for the installation.
 - (3) Pay a sum equal to the energy cost for a period of 12 months plus a 10% administrative fee to the city.

- (4) Submit proof of payment for complete installation to the city manager and/or his designee.
- (5) Submit a copy of an executed agreement with the utility company for complete maintenance of all installations.
- (6) Street lights in new subdivisions shall be activated upon installation. If the subdivision is divided into units or phases, each unit or phase will be treated independently.
- (b) In subdivisions utilizing underground cable for electrical service, the developers shall be required to accomplish the same items listed in the preceding section hereof.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Sec. 32-107. Decision—Exceptions.

Exceptions to the ordinance may be approved by the Mayor and Council, upon recommendation of the finance director and city manager and/or his designee so long as the streetlight district revenue fund is sufficient to cover expenses. The type of exceptions generally involves providing energy and/or infrastructure for street light service within incomplete or stalled developments or resolve nonconforming or unforeseen situations causing a delay in activation of street light service.

(Adopted Ord. No. OA-2016-03 § 1, 7-11-2016; amended Ord. No. OA-2022-XX, § XX-XX-2023)

Secs. 32-108—32-119. Reserved.

SECTION II. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION IV EFFECTIVE DATE. Following passage and approval of this ordinance by the Mayor and City Council, this ordinance shall be effective on and after _____, 2023.

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE

CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF

_____, 2023.

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

Tina Clark, City Clerk of the City of Dallas, GA

Date

**ORDINANCE
ORD-2023-03**

**AN ORDINANCE
TO AMEND THE CHARTER OF THE CITY OF DALLAS TO AMEND
CHAPTER 2, ARTICLE II SECTIONS 2-37 through 2-70; TO REPEAL
CONFLICTING ORDINANCES AND FOR OTHER PURPOSES**

WHEREAS, Pursuant to O.C.G.A. §36-35-3 the City has been vested by the State of Georgia with legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property and affairs (the “Home Rule” power) including the power to amend its Charter except as provided in O.C.G.A. §36-35-6; **AND**

WHEREAS, Consistent with the powers vested in him by the City Charter, the City Manager has requested authorization and approval from the Mayor and City Council to implement changes to the Charter regarding structure of meetings, meeting times, procedures and rules of decorum for meetings; **AND**

WHEREAS, The implementation of changes to the Charter regarding structure of meetings, meeting times, procedures and rules of decorum for meetings is not a matter preempted by the Georgia General Assembly via enactment of general law; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have, in regular meeting of Council assembled, pursuant to O.C.G.A. §36-35-3, after proper notice and advertisement in accordance therewith, considered said amendment; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I.

That the City Charter of the City of Dallas **CHAPTER 2 – ADMINISTRATION, ARTICLE II. – LEGISLATIVE BODY, SECTIONS 2-37 through 2-70** are struck in their entirety and amended as follows:

CHAPTER 2 – ADMINISTRATION

ARTICLE II. – LEGISLATIVE BODY

Sec. 2-37. Regular Meetings, Executive Sessions.

- a) The regular meetings of the mayor and council of the city shall be held on the first Monday of each month at 5:15 p.m. at the city council chambers unless said meeting must be rescheduled due to conflicts such as holidays.
- b) Executive sessions of the mayor and council may be held for the purpose of conducting business excepted from public access requirements as authorized by O.C.G.A. 50-14-2 and 50-14-3.
 - 1. No executive session shall be held except pursuant to a majority affirmative vote of the mayor and council taken in a public meeting.
 - 2. The minutes of the public meeting shall reflect the names of the councilmembers present, those voting for the executive session and the specific reasons for the executive session. Minutes of the executive session may be maintained by the city clerk at the direction of the mayor. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure; except that disclosures of such portions of minutes identifying real estate to be acquired by the mayor

and council may only be delayed until such time as the acquisition of the real estate has been completed, terminated or abandoned or court proceedings have been initiated.

Sec. 2-38. - Special meetings.

Special meetings of the mayor and council may be held in accordance with the provisions of section 2.19(b) of the city Charter and O.C.G.A. § 50-14-1.

Sec. 2-39. - Order of business.

At each meeting of the mayor and council the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Presentation of the minutes of previous meetings by the city clerk for correction and approval.
- (3) Recognition of visitors.
- (4) Consent agenda.
- (5) Old/unfinished business.
- (6) New business.
- (7) Adjournment.

Sec. 2-40. - General rules of order; quorum.

- a) Except as otherwise provided in the city Charter or this Code, the rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the mayor and council at its meetings in all cases to which they are applicable. The city attorney shall serve as the parliamentarian for the council.
- b) A quorum of the city council must be present for the conducting of meetings. The mayor and three council members shall constitute a quorum and shall be authorized to transact business of the city council. When the mayor pro tem is presiding in the mayor's absence, the mayor pro tem and three council members shall constitute a quorum.

Sec. 2-41. – Decorum

The mayor and councilmembers must conduct themselves in a professional and respectful manner.

- a) All remarks should be directed to the mayor and not to individual councilmembers, staff or citizens in attendance. Personal remarks are inappropriate. A councilmember is not allowed to speak at a meeting until he has been recognized by the mayor. All comments made by a councilmember shall address the motion that is being discussed.
- b) The mayor shall enforce these rules of decorum. If a councilmember believes that a rule has been broken, he can raise a point of order. A second is not required. The mayor can rule on the question or he may allow the council to debate the issue and decide the issue by majority vote.

Sec. 2-42. – Public Participation

Public participation in meetings of the mayor and council shall be permitted in accordance with the provisions of this section.

- a) Public comments. The public will be afforded an opportunity to address the mayor and council at each meeting at the beginning of the meeting. Individuals will be allotted five minutes to make their comments, and their comments must be limited to their chosen topic. These limits can be waived by a majority vote of the mayor and council.
- b) Public participation on agenda items. By a majority vote, the mayor and council may allow public comment on an agenda item at the time the item is

being considered by the mayor and council. These comments must be limited to the subject that is being debated. Members of the public may speak for two minutes and may only speak once. These limits may be waived by a majority vote of the mayor and council. Anyone wishing to speak at any meeting of the council must be recognized by the mayor before addressing the council.

- c) Decorum. Members of the public shall not make inappropriate or offensive comments at a meeting of the mayor and council and are expected to comply with the rules of decorum that are established for councilmembers. Individuals who violate any rules of the mayor and council may be ruled out of order by the mayor or on a point of order made by a councilmember. A majority vote of the mayor and council will rule on the point of order. An individual who violates the rules of decorum may be removed from the meeting at the direction of the mayor.
 - 1. It shall be the duty of the chief of police or his designee to be present and on official duty at all special and regular meetings of the city council.
 - 2. Except during such periods of time at such meetings as the city council shall set aside for public discussion, it shall be unlawful for any person present as a spectator to interrupt or disturb the proceedings in any manner by voice, actions or otherwise.
 - 3. During periods set aside for public discussion of any nature, any person desiring to speak shall secure the permission of the presiding officer by first silently raising his hand and being recognized. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section.
 - 4. It shall be the duty of the chief of police, upon the order of the presiding officer at any such meeting to, forcibly if necessary, evict any person violating the provisions of this section from the council meeting hall. Any such violation shall subject the offender, upon conviction thereof before the municipal court, to a fine and/or imprisonment as prescribed by section 1-11 of the Code of Ordinances.
- d) Public hearings. The mayor and council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the mayor and council. Hearings may be held immediately prior to or following a meeting of the mayor and council or at such other places and times as the mayor and council may determine.

Secs. 2-43 – 2-70. – Reserved.

SECTION II. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION IV. EFFECTIVE DATE. This ordinance shall be effective immediately following passage and approval of this ordinance by the Mayor and City Council.

**SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF
_____, 2023.**

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

Tina Clark, City Clerk of the City of Dallas, GA

Date