



City Council Regular Meeting

Monday, May 06, 2024

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 Brandon Rakestraw at 770.443.8110 ext. 1401 to allow the city to make reasonable accommodations for those persons.

AGENDA

CALL TO ORDER

INVOCATION AND PLEDGE

RECOGNITION OF VISITORS AND COMMENTS

Debbie Parsons - Sewer Issue

MINUTES APPROVAL

- [1.](#) April 1, 2024, Regular Meeting Minutes

CONSENT AGENDA

- [2.](#) Dallas Housing Authority: Reappoint Scott Halter for a term expiring May 4, 2029
- [3.](#) Permission to surplus Theater van
- [4.](#) West Dallas Collector Sewer Extension Project – WK Dickson Contract Amendment #7
- [5.](#) City Water Purchase Agreement with Paulding County
- [6.](#) Resolution: RES 2024-04; Used Cars & Scrap Tires

OLD BUSINESS

- [7.](#) **Second Read:** Ordinance, ORD-2024-01 Defined Benefit Retirement Plan

NEW BUSINESS

- [8.](#) 2023 Stormwater Management Report
- [9.](#) **First Read:** ORD 2024-02 to place a moratorium on all rezoning and annexation applications for a period of six months.

ADDITIONAL/COMMENTS

ADJOURNMENT



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MINUTES

PUBLIC HEARING

Annexation Application A-2024-01 PLG, LLC and Zoning Application Z-2024-01 PLG, LLC were tabled at the Thursday, March 21, 2024, Dallas Planning Commission meeting; therefore, no Public Hearing or action is required at this time.

CALL TO ORDER

PRESENT

Mayor L. James Kelly
Councilmember Leah Alls
Councilmember James Henson
Councilmember Cooper Cochran
Councilmember Candace Callaway

ABSENT

Councilmember Nancy Arnold
Councilmember Christopher Carter

INVOCATION AND PLEDGE

Mayor Kelly led the Invocation and Pledge.

RECOGNITION OF VISITORS AND COMMENTS

1. Proclamation PROC-2024-01: Child Abuse Prevention Month
2. Proclamation PROC-2024-02: Georgia Cities Week
3. Proclamation PROC-2024-03: Safe Digging Month; Georgia 811

MINUTES APPROVAL

4. Motion to adopt March 4, 2024, Regular Meeting Minutes.

Motion made by Councilmember Callaway, Seconded by Councilmember Aalls.

Voting Yea: Councilmember Aalls, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

CONSENT AGENDA

5. Purchase 8 Portable Radios to be purchased out of the 911 fees in the amount of \$37,714.00.

Motion to approve the Consent Agenda.

Motion made by Councilmember Henson, Seconded by Councilmember Cochran.

Voting Yea: Councilmember Aalls, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

OLD BUSINESS

6. Motion to adopt ORD AMD OA-2024-02 Article II Licensing, Occupation Tax Required Chapter 10 Sec. 10-20.

Motion made by Councilmember Aalls, Seconded by Councilmember Cochran.

Voting Yea: Councilmember Aalls, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

NEW BUSINESS

7. First Read; ORD-2024-01 Defined Benefit Retirement Plan.

8. Motion to adopt RES-2024-02 Amendment to Georgia State Minimum Standard Plumbing Code for Water Efficiency; Metro Water District Water Efficiency Code Requirement.

Motion made by Councilmember Cochran, Seconded by Councilmember Henson.

Voting Yea: Councilmember Aalls, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

9. Motion to adopt RES-2024-03 Battlefield Trail Phase III; Engineer & Design Funding FY2025 Budget.

Motion made by Councilmember Henson, Seconded by Councilmember Callaway.

Voting Yea: Councilmember Aalls, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

10. Motion to approve the Park Master Plan update services for Barge Design Solutions in the amount of \$53,200 as recommended by the Recreation Committee.

Motion made by Councilmember Aalls, Seconded by Councilmember Callaway.

Voting Yea: Councilmember Aalls, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

11. Motion to approve the closure of the Sara Babb Pool as recommended by the Recreation Committee.

Motion made by Councilmember Callaway, Seconded by Councilmember Aalls.

Voting Yea: Councilmember Aalls, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

ADDITIONAL/COMMENTS

The following four items were discussed in Executive Session with no action taken and added to the regular meeting for voting.

1. Motion to approve the Downtown Development Area Project.

Motion made by Councilmember Aalls, Seconded by Councilmember Cochran.

Voting Yea: Councilmember Aalls, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

2. Motion to approve the Shiloh Church Project.

Motion made by Councilmember Henson, Seconded by Councilmember Aalls.

Voting Yea: Councilmember Aalls, Councilmember Henson, Councilmember Cochran

Voting Nay: Councilmember Callaway

3. Motion to approve the GAP Project.

Motion made by Councilmember Henson, Seconded by Councilmember Aalls.

Voting Yea: Councilmember Aalls, Councilmember Henson, Mayor Kelly

Voting Nay: Councilmember Cochran, Councilmember Callaway

4. Motion to approve the Remain in Place Project.

Motion made by Councilmember Aalls, Seconded by Councilmember Cochran.

Voting Yea: Councilmember Aalls, Councilmember Henson, Councilmember Cochran

Voting Nay: Councilmember Callaway

5. Motion to appoint Mayor Kelly to the Downtown Development Authority.

Motion made by Councilmember Callaway, Seconded by Councilmember Aalls.

Voting Yea: Councilmember Aalls, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

Councilmember Cochran commended Public Works for their assistance in the trench collapse rescue effort.

ADJOURNMENT

Motion to adjourn.

Motion made by Councilmember Alls, Seconded by Councilmember Cochran.

Voting Yea: Councilmember Alls, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

Mayor, L. James Kelly

Date

City Clerk, Tina Clark

Date

APPOINTMENT OF COMMISSIONER

Pursuant to the Georgia Housing Authorities Law, as amended, and by the virtue of my office as Mayor, I hereby appoint **Scott Halter** to serve as a Commissioner of the Housing Authority of the City of Dallas, Georgia for a period effective May 5th, 2024 and to expire May 4th, 2029.

Mayor, City of Dallas, Georgia

Seal
Attest:

City Clerk

Commissioner's Oath of Office

I, Scott Halter, 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 25th day of April 2024.



Notary Public

Camille D. Smith
NOTARY PUBLIC
Paulding County, GEORGIA
My Commission Expires 07/05/2026

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



Consent Agenda Request

MEETING DATE: 5/6/2024

PRESENTED BY: Emily Shipp, Dallas Theater and Civic Center

AGENDA ITEM DESCRIPTION (Agenda Content) :

Requesting permission to surplus the Theater van

COMMENTS:

Enter Text Here

Consent Request:

- VIN: NM0LS6BN8AT030511
- Make/Model: Ford Transit
- Year: 2010/ 22,748 miles
- Value: \$8,500
- We do not use the van enough to warrant the cost of maintenance, repairs, replacement and insurance. If a vehicle is needed, we can utilize the City vehicles.



STAFF ACTION ITEM

MEETING DATE:05/06/2024

TITLE: West Dallas Collector Sewer Extension Project – WK Dickson Contract Amendment #7

PRESENTED BY: Brandon Rakestraw – Public Works Director

AGENDA ITEM DESCRIPTION (Agenda Content):

West Dallas Collector Sewer Extension Project – WK Dickson Contract Amendment #7

HISTORY/PAST ACTION:

Approval of prior amendments

FINANCIAL IMPACT:

\$19,750.00

INFORMATION:

Request Mayor and Council approval: WK Dickson Contract Amendment #7

Scope of Services:

- 1- Preparation and submission for a Norfolk Southern Pipeline Crossing Application.
- 2- Preparation and submission for a Norfolk Southern Private Crossing Permit Application.

CONTRACT FOR SERVICES AMENDMENT NO. 7

ADDITIONAL SERVICES AUTHORIZATION

The following modifications to the contract ("Contract") for **WEST DALLAS SEWER EXTENSION (21-002)** dated **FEBRUARY 17, 2021** between **CITY OF DALLAS (OWNER)** and **W.K. Dickson & Co., Inc. (CONSULTANT)** are authorized.

1. SCOPE OF SERVICES

The Scope of Services described below contains two tasks. Tasks have been partially completed and the fee amount listed reflects the actual costs expected to complete the work.

Task 1 – Preparation and submission of documents for a Norfolk Southern Pipeline Crossing Application including required exhibits, correspondence with Norfolk Southern, and single revision/resubmission.

Task 2 – Preparation and submission of application documents for a Norfolk Southern Private Crossing Permit Application including required exhibits, correspondence with Norfolk Southern, and single revision/resubmission.

Reimbursables – \$2,500 Norfolk Southern Pipeline Crossing Application fee & \$500 Norfolk Southern Private Crossing Permit Application fee. Additional fees are required by Norfolk Southern for expedited handling, variance requests, or multiple reviews. If additional fees are incurred the CONSULTANT will be reimbursed at costs + 10%.

2. COMPENSATION

Task	Schedule of Fees	Fee Type	Fee Amount
Task 1	Norfolk Southern Pipeline Crossing Application	Lump Sum	\$ 7,250.00
Task 2	Norfolk Southern Private Crossing Permit Application	Lump Sum	\$ 9,200.00
Reim.	Application Fees	Cost + 10%	\$ 3,300.00
TOTAL:			\$ 19,750.00

3. EXCLUSIONS

Norfolk Southern incurred construction costs/fees.

All other terms of the Contract remain unchanged.

OWNER:

CITY OF DALLAS

By: _____

Name: Brandon Rakestraw

Title: Public Works Director

Date: _____

CONSULTANT:

W.K. DICKSON & CO., INC.

By:  _____

Name: Michael L. Jones, PE

Title: Vice President

Date: 4/05/2023



STAFF ACTION ITEM

MEETING DATE:05/06/2024

TITLE: City Water Purchase Agreement

PRESENTED BY: Brandon Rakestraw – Public Works Director

AGENDA ITEM DESCRIPTION (Agenda Content):

City Water Purchase Agreement

HISTORY/PAST ACTION:

N/A

FINANCIAL IMPACT:

Unknown currently

INFORMATION:

Request Mayor and Council approval:

The City of Dallas Utilities & Franchises Committee meet on April 10th 2024.

- 1- The committee voted to recommend approval of a time extension request for the current water purchase contract.
- 2- The committee voted to recommend approval for the city to supply a draft contact agreement to Paulding.

RESOLUTION 2024-04

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 November 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 November 4, 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 **November 4, 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 _____, 2024. MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA

L. James Kelly, Mayor

James R. Henson, Councilmember

Candace Callaway, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Attest: _____
Tina Clark, City Clerk

ORDINANCE
NO. 2024-01

AN ORDINANCE TO AMEND AND RESTATE THE DEFINED
BENEFIT RETIREMENT PLAN FOR THE EMPLOYEES OF THE
CITY OF DALLAS, GEORGIA

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt and amend Ordinances; **AND**

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and the City Council, by ordinance, to establish, implement and amend the Georgia Municipal Benefits System (GMEBS) Defined Benefit Retirement Plan for employees of the City of Dallas, Georgia; **AND**

WHEREAS, That GMEBS filed draft restated Plan documents, updated to reflect recent amendments and comply with changes in federal tax law, with the Internal Revenue Service (IRS) on June 29, 2022. On August 31, 2023, the IRS issued a favorable opinion letter (“IRS opinion letter”) for the restated Plan documents. The IRS opinion letter provides assurance to employers providing retirement benefits for their employees through the GMEBS Plan that GMEBS is maintaining a qualified pension benefit program that allows employees to accrue benefits tax-free until retirement benefits are distributed to them; **AND**

WHEREAS, The IRS required GMEBS to include additional amendments in the restated Plan documents, those amendments having been approved by the Board of Trustees of GMEBS on or about September 22, 2023; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that these amendments are in the best interest of the City’s employees; **NOW**

THEREFORE, BE IT ORDAINED by the Mayor and the City Council of Dallas, Georgia that the Georgia Municipal Employees Benefit System Retirement Plan for the Employees of the City of Dallas, Georgia, as amended and restated, attached hereto as Exhibit A and incorporated herein by reference is **ADOPTED.**

SO SHALL IT BE ORDAINED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF _____, 2024.

L. James Kelly, Mayor

James R. Henson, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Candace Callaway, Councilmember

ATTEST:

Tina Clark, City Clerk

Date



STAFF ACTION ITEM

MEETING DATE:05/06/2024

TITLE: 2023 Stormwater Management Report

PRESENTED BY: Brandon Rakestraw – Public Works Director

AGENDA ITEM DESCRIPTION (Agenda Content):

2023 Stormwater Management Report

HISTORY/PAST ACTION:

N/A

FINANCIAL IMPACT:

N/A

INFORMATION:

Presentation of 2023 Stormwater Management Report



City of Dallas, Georgia

129 E. Memorial Drive, Dallas, GA 30132
Office (770) 443-8110 / Fax (770) 443-8107

Item 8.

Stormwater Department

2023 Stormwater Management Program

- The City continued its' public education and outreach program on litter and illicit discharge this year using fact sheets, brochures and magnets that were designed and produced specifically for the City of Dallas. These items were distributed to the public to help educate.
- The City inspected and maintained Detention Pond #29 in the Seaboard Station subdivision on March 16, 2023.
- The City of Dallas performed and documented 17 business inspections of high visibility pollutant source (HVPS) businesses out of 87 HVPS businesses or 19.5% of the HVPS businesses in the City of Dallas.
- 327 out of 898 or 36.4% of the Catch Basins were inspected by the City of Dallas.
- 102 of 520 or 19.6% of the Storm Water Outfalls were inspected by the City of Dallas.
- The inspections of the Catch Basins and Storm Water Outfalls generated work orders for repairs and maintenance to be performed by the Public Works Department.
- All construction sites are being inspected on a regular basis using EPD approved site inspection checklists and the results are documented weekly. In 2023, 517 Primary site inspections and 196 Tertiary site inspections, for a total of 713 total site inspections, were performed.
- 413.84 miles of City of Dallas streets were swept in the 2023 year and all the public and City owned parking lots were periodically swept. 112 Work Orders for ditch maintenance were completed during the 2023 year. All the debris from ditch maintenance were carried to the local BLD Transfer Station. This is all part of the Debris Removal Program of the City of Dallas.
- The City of Dallas inspected and maintained 100 % of the streets with ditches in the City of Dallas during 2023.
- There were 5 Illicit Discharge cases this year handled by the City of Dallas Marshal's Department. The Marshal's office investigated, resolved, and closed each of the illicit discharge cases. The Marshal's reports will be included in the annual report.
- Work orders are being issued and are being completed for our public facilities. Letters to the owners of private stormwater facilities, such as detention ponds and water quality devices with maintenance agreements in place, are being mailed by certified mail before inspections are due.
- The City continues to implement preventive measures to ensure no polluted stormwater runoffs occur from public or private property.

- 100 % of the City of Dallas facilities (the Dallas Maintenance Barn, the Dallas Maintenance Shop, and the Dallas North Sewer Plant) were all inspected and documented for stormwater compliance as part of our Good Housekeeping Program to prevent water contamination.
- 400 signs were pulled from the City of Dallas right of ways as part of the City's action plan to prevent sign pollution.
- The City of Dallas teamed up with Keep Paulding Beautiful; the local Master Gardener organization; the local UGA 4 H Cooperative Extension Office; and its members to organize and sponsor a Rivers Alive event. held at the White Oak Park in Paulding County on September 15, 2023 at 10:30 am. Volunteers from Paulding Enterprises picked up litter from the streams, lakes, and the park.
- The City of Dallas and Keep Paulding Beautiful participated in the annual event, "Bring One for the Chipper" held on January 8, 2022 from 8:00 am until 12:00 pm. The project recycles Christmas trees and is available to citizens free of charge. 305 Trees went into the chipper.
- Keep Paulding Beautiful with support from the City of Dallas, the City of Hiram, Keep Paulding Beautiful, and Paulding County held 14 Great American Clean Up events with 280 volunteers.
- The City of Dallas, the City of Hiram, Keep Paulding Beautiful, and Paulding County held a Shredding Event on April 29, 2023 at the New Season Church in Hiram. The event was held from 8:00 am – 12:00 pm with 8,800 lbs. or 4.4 tons of paper shredded. There were 14 volunteers at the event with 167 customers served.
- Keep Paulding Beautiful and the City of Dallas, promoted the use of Trash Flash Mobs to pick up trash on many afternoons including 3/24/2023, 4/21/2023, & 10/17/2023. A trash flash mob event was also held at Sara Babb Park.
- The City of Dallas, Keep Paulding Beautiful, and the local Paulding County Extension Office participated in an Earth Day event on Friday, April 21, 2023 at 11:15 am with Georgia Highlands College Paulding Campus.
- The City of Dallas along with the local Paulding County Extension Office and Keep Paulding Beautiful distributed 250 trees to celebrate Arbor Day on February 16, 2023. There were 12 volunteers participating at the event.

***Presented to the Dallas City Council at the 5 pm Work Session**



STAFF ACTION ITEM

MEETING DATE: 05/6/2024

TITLE: Ord 2024-02 *Zoning Moratorium*

PRESENTED BY: Ronald Johnson, AICP, Community Development Director

AGENDA ITEM DESCRIPTION (Agenda Content):

Consideration of ORD. to place a moratorium on all rezoning and annexation applications for a period of six months.

HISTORY/PAST ACTION:

N/A

FINANCIAL IMPACT:

None

INFORMATION:

The city is proposing to place a moratorium on the acceptance of rezoning and annexation applications until October 5, 2024. This moratorium will allow time for revisions to (and subsequent passage of) the city's new 2024 Zoning Ordinance prior to the acceptance of zone requests. The acceptance of rezonings and annexations during this time would be counterproductive for applicants should their zoning be recommended for change as a part of the citywide rezoning effort. By halting individual rezoning and annexation applications, the city can focus on developing a comprehensive, cohesive plan that aligns with its long-term vision and goals for growth and development.

ORDINANCE 2024-02

AN ORDINANCE AUTHORIZING A TEMPORARY MORATORIUM ON ALL ANNEXATION APPLICATIONS, LAND USE PETITIONS AND LAND DEVELOPMENT PERMITS

WHEREAS, the City of Dallas, Georgia, as stated in its City Charter Sec. 1.14(41), is authorized to exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety or general welfare of the city and its inhabitants; and

WHEREAS, the Mayor and the City Council has determined that the City's current zoning ordinance, Chapter 44, which was enacted in 1975 and has been periodically amended since that time, is in need of a complete overhaul in order to best effectuate the City's current and future development; and

WHEREAS, the Georgia Supreme Court has previously found the adoption of a moratorium is authorized under the general police power of the local government. DeKalb County v. Townsend Associates, Inc., 243 Ga. 80, 252 S.E.2d 498 (1979).; and

WHEREAS, the Mayor and City Council find that the best interests, health, morals, aesthetics and general welfare of the citizens of Dallas can be furthered with an adoption of a land use ordinance that provides for development in an orderly, regulated and predictable manner; and,

WHEREAS, the Mayor and Council are, and have continued to be interested in, developing a cohesive and coherent zoning policy regarding redevelopment in the City, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and,

WHEREAS, the City has drafted a complete overhaul of Chapter 44 Zoning to update to a Unified Development Code (UDC) which centralizes, organizes and updates development policy/ordinances in the City of Dallas, and that UDC is currently under public hearing and review and is anticipated to be codified in September, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DALLAS, GEORGIA:

Section I

- a) There is hereby imposed a moratorium on the acceptance by the staff of the City of Dallas of any and all annexation applications, land use petitions and land development permits as described in the Code of Ordinances of the City of Dallas.

- b) The duration of this moratorium shall be until October 5, 2024.
- c) The City Council may, prior to the expiration of this moratorium, and after appropriate notice and public comment, extend its term as the Council may elect to approve.
- d) This moratorium shall be effective as of the date of its adoption.
- e) This moratorium shall have no effect upon annexation applications, land use petitions and land development permits applied for prior to the effective date of this ordinance.
- f) The provisions of this Ordinance shall not affect the issuance of permits or site plan reviews that have received final approval by the City on or before the effective date of this Ordinance.
- g) As of the effective date of this Ordinance, no annexation applications, applications for land use petitions and land development permits as described use be accepted by any agent, employee or officer of the City with respect to any property, and any application so accepted for filing will be deemed in error, null and void and of no effect whatsoever and shall constitute no assurance whatsoever of any right to engage in any act, and any action in reliance on any such permit shall be unreasonable.
- h) The following procedures shall be put in place immediately. Under Cannon v. Clayton County, 255 Ga. 63, 335 S.E.2d 294 (1985); Meeks v. City of Buford, 275 Ga. 585, 571 S.E.2d 369 (2002); City of Duluth v. Riverbroke Props., 233 Ga. App. 46, 502 S.E.2d 806 (1998), the Supreme Court stated, "Where a landowner makes a substantial change in position by expenditures and reliance on the probability of the issuance of a building permit, based upon an existing zoning ordinance and the assurances of zoning officials, he acquires vested rights and is entitled to have the permit issued despite a change in the zoning ordinance which would otherwise preclude the issuance of a permit."
 - 1. Pursuant to this case, the City of Dallas recognizes that, unknown to the City, de facto vesting may have occurred. The following procedures are established to provide exemptions from the moratorium where vesting has occurred:

- i. A written application, including verified supporting data, documents and facts, may be made requesting a review by the Mayor and Council at a scheduled meeting of any facts or circumstances which the applicant feels substantiates a claim for vesting and the grant of an exemption.
- ii. The Mayor and Council, upon a majority vote, shall approve or deny the application for an exemption after consideration of the evidence and consultation with City officials and the City Attorney.

Section II

- a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of

the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section III

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section IV

This Ordinance shall take effect immediately upon passage.

**SO SHALL IT BE RESOLVED, PASSED, ADOPTED AND APPROVED BY
THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA THIS
THE _____ day of _____, 2024.**

L. James Kelly, Mayor

James R. Henson, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Candace Callaway, Councilmember

ATTEST:

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

Date